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SENATE—*Wednesday, June 27, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, remove from our Senators all that is contrary to You. Take away all their doubts; cast off all resistance to Your leading. Instead, mold our lawmakers into Your image, giving them a willingness to sacrifice for others. Deliver them from anxiety. Infuse them with gratitude. Let Your peace guard their hearts and minds. May they always incline to Your will and walk in Your ways, as they dedicate themselves to the advancement of Your glory. Give them wisdom to do what is best for the safety, honor, and welfare of the Nation, that peace and happiness, truth and justice, purpose and piety may be established among us for all generations.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning we will resume consideration of S. 1639, the immigration legislation. As I said yesterday, cloture was filed on the bill. Any germane first-degree amendments need to be filed today by 1 p.m.

Also, another reminder to Members about the briefing by Admiral McConnell which will take place in S–407 and will run until 11:30 this morning. I will say to everyone, we could have votes during that period of time. I announced that last night. That is very possible, that we will have votes on this immigration bill. We are under postcloture rules. We are going to finish this legislation this week. And we very much appreciate the admiral coming down here, but, of course, he did not know what our schedule would be. But others may be inconvenienced because there very well could be votes.

Let me say a couple of things before we get to immigration. I would notify the two managers that I may have to have a short quorum call because there are some changes they are making on procedural matters. I think we need a couple of minutes to get that straightened out.

I sought yesterday to move to S. 1, the ethics and lobbying reform bill. There was a reason the bill came first. From the first day, we knew that all progress would depend on renewing the peoples' faith in the integrity of this institution, the Congress. This legislation which passed here in the Senate does just that: It prohibits lobbyists and those who hire lobbyists from giving gifts to lawmakers and staff; it prevents corporations and lobbyists from paying for questionable travel for Members and staff; it requires Senators to pay fair market value for chartered flights, putting an end to abuses of corporate travel; slows the revolving door by extending the ban on lobbying by former Members of Congress and senior staffers; prevents Senators from even negotiating for a job as a lobbyist until their successor has been elected; puts an end to the pay-to-play schemes that became notorious around here; it shines the light of day on lobbying activities by vastly increasing disclosure requirements; requires the Senate disclose all earmarks—this is the first time ever. We passed the ethics and lobbying reform bill here with overwhelming support from Senators on both sides of the aisle. The House did the same thing.

Yesterday, I asked consent to send our legislation to conference. The Republicans objected. I think it is interesting that on the same day this objection took place preventing us from moving forward to complete this legislation, there was yet another sign of how desperately needed this reform is. Yesterday, Stephen Griles, President Bush's former Interior Deputy Secretary, the No. 2 in charge, was sent to prison and fined for his corruption. This sentence came after Griles admitted to obstructing the investigation of the Senate Committee on Indian Affairs. Now Mr. Griles will face justice for his contribution to disintegrating the peoples' trust in their Government. But now we have a chance to look forward, to stop the Jack Abramoffs, the Safavians, the Neys and others and the Stephen Griles of the future before they have a chance to corrupt our system even more, to deliver to the American people a government as good and as honest as the people it represents.

I will come, before the day is out, and ask once again unanimous consent to appoint conferees in this legislation. The eyes of the country are upon us as to what we are going to do with ethics reform and lobbying reform in this Congress. Are we going to be prevented from completing this legislation? The answer is up to the minority, the Republicans.

Yesterday, I came to the floor to express appreciation to RICHARD LUGAR,

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

the senior Senator from the State of Indiana, former chairman and current ranking member of the Foreign Relations Committee, for his comments on the tragic war in Iraq.

I have said on previous occasions that Democrats are virtually unanimous in our opposition to the war and united in our efforts to change course. But we face an obstinate President who refuses to hear the call of the American people. We face a Republican minority that has largely stood by his side as conditions in Iraq have deteriorated, and we have more than 3,500 dead Americans. I understand those who are wounded are approaching 30,000, a third of them grievously wounded.

Opposing the President of one's own party, especially on a war, is no small thing. And now Senator GEORGE VOINOVICH, another key Republican on the Foreign Relations Committee, has stepped forward along with Senator LUGAR to question what is going on in Iraq. In a letter to President Bush, Senator VOINOVICH urges the President to finally wake up to the truth so many of us already know: This war cannot be won militarily, can only be won politically, diplomatically, and economically. Senator JOHN WARNER said yesterday that he expects more Republicans to join our call for a responsible change of course.

When this war finally ends—and we are in the fifth year of this war, and it will end—this last period of time where we have had LUGAR, VOINOVICH, and WARNER speak out about the present situation in Iraq could be the turning point. This could be the moment when we break down the aisle that separates the two parties on Iraq.

So I say to my Republican colleagues who continue to follow President Bush's lead: Join with us. When I say "us," we now have at least five Republicans that I know of, and I would be happy to run through the names: HAGEL, SMITH, VOINOVICH, LUGAR, and WARNER have already spoken out. Join with us. We can extricate our troops from the firing line of another country's civil war. We can begin to rebuild our battered military so they can focus on the real threats we face around the world.

Remember what the National Council of Mayors did yesterday. They also said, and voted by a majority, the war should end as soon as possible.

The first step has been taken by my Republican colleagues. We need more help. Now we need to put their brave words in action by working together to bring home our brave troops and deliver the responsible end to the war that the American people demand and deserve.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I understand the manager of the bill on the Republican side wishes to make a statement. I ask that it be made as in morning business. I ask unanimous consent that the Senator from Pennsylvania be recognized for 20 minutes and that at the conclusion of that 20 minutes, I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

IMMIGRATION

Mr. SPECTER. I thank the distinguished majority leader. I have sought recognition to comment on two subjects on the pending immigration bill.

First, it is my hope that my colleagues in the Senate will focus very closely on the extraordinary problems the United States faces today by the current status of our immigration laws and weigh very carefully, notwithstanding any objections people may have to the pending bill, the comparison of the bill with the status quo, what is in existence at the present time. The ultimate decision on whether to vote for or against the bill depends upon not what we would like to have, not what would be perfect, maybe not even what would meet the desires of the individual Members, but a comparison between what bill finally emerges and the status quo, what is happening at the present time, because what we really have in our immigration law is chaos and anarchy.

We struggled through legislation in the 109th Congress. It came through the Judiciary Committee, which I chaired in the 109th Congress, passed the Senate, and a different kind of a bill passed the House of Representatives. We could not go to conference, we did not resolve the issue, and it is back again this year. As I have said on a number of occasions on the floor, I think it probably would have been preferable to work through committee. I think at this juncture, you can strike the "probably." It would have been preferable to work through committee in regular order. Whenever we leave regular order, we get into trouble.

So we structured it differently. We structured it with a hard-working group of Senators, up to 12, sometimes a rotating group, and we came up with a bill. We have been struggling with it on the Senate floor. We have found objections on all sides. We have found objections on the right that it is amnesty, and we have found objections on the left that it does not satisfy humanitarian needs and provide for family reunification, but we continue to push ahead. But I think it is plain that if the Senate does not come up with a bill, doing the best we can now, the subject will be cut off for the indefinite future. Certainly it will not come back up this year when we have a very crowded agenda on appropriations bills and patent reform and many other subjects. It is unlikely to come up next year in a Presidential and congressional election year. Then we are looking at 2009, and we have no reason to expect that the issue will be any easier in 2009 than it is today except that we would have lost more time.

We also ought to bear in mind that the Senate bill is not the final product. We will yet have a House bill, we will yet have conference, and we will yet have an opportunity to meet objections which are presently lodged against the bill.

Just a word of explanation. When I tear up, it is a result of chemotherapy; it is not a result of sadness on the current status of the immigration bill.

There is unity of judgment in both the House and the Senate, and I think broadly across America, that we need to reinstate the rule of law. We need to fix our broken borders. We need to have law enforcement against individuals who knowingly hire illegal immigrants. That is a very major part of the pending bill. The current bill provides for an increased Border Patrol from 12,000 to 18,000—6,000 new people.

It provides for additional fencing, although fencing was legislated in the 109th Congress. It provides for drones to fly overhead. It provides for fencing to protect urban areas. While you can't build an impenetrable fence of more than 2,000 miles above the border, we do cover a great deal of border protection. But no matter how secure the border is, as long as there is a magnet so people can get jobs in the United States which are better than other places, immigrants will be attracted, illegal immigrants will be attracted. That is why we have structured provisions in this bill to have foolproof identification so employers will be able to know with certainty whether an individual is a legal or an illegal immigrant. That being the case, if employers hire illegal immigrants knowing they are illegal immigrants because they are in a position to make that determination, it is fair to have sanctions, and for repeat offenders tougher sanctions, and for repeat offenders, confirmed recidivists, to have jail time so we will provide the incentives of law enforcement on white-collar crime, which is very effective as a deterrent. I have seen that from my own experience as a prosecuting attorney.

In this bill we have issues which are agreed upon by everyone to secure our borders, to impose the rule of law, and to control illegal immigration. But that is not the end of the issue on comprehensive legislation. We have a guest worker program. In the midst of many objections which I am receiving about the bill, I am also hearing a great deal from people who say we need to have immigrant workers, that they are a vital part of our workforce. The landscapers have contacted me. The farmers have contacted me. Restauranteurs have contacted me. Hotel associations have contacted me. The agriculture needs in California have been expressed repeatedly on the floor of this body. So we do need the workers. The Chamber of Commerce and the other organizations are very forceful in articulating that need.

We have tried to balance it so we do not take away American jobs and so we are sensitive to the objections which the AFL–CIO has raised. We reduced the number of the guest worker program from 400,000 to 200,000. We tried to take into consideration the H–1B workers so that we bring in people with advanced degrees and technical knowledge to help Silicon Valley and other entities which are seeking more along that line. The bill is structured in a very sensitive way in that direction.

Then we have the 12 million undocumented immigrants. No one knows the exact number, but that is the number which we have utilized, a number which the Pew Foundation says is about right from their surveys. We have a cry that we will be giving amnesty to these 12 million individuals. We have done our best to structure a bill which requires these undocumented immigrants to earn the right to the path of citizenship. We have imposed fines. We have the requirement in the bill now, through amendment, that they have to pay back taxes. We require they learn English. We require the undocumented immigrants hold jobs for a part of our society. We have a so-called touchback provision which I am not enthusiastic about. I have grave reservations about punitive measures which do not have some substantive meaning, but that concession has been made to try to avoid the amnesty claim. We have gone about as far as we can go. Amnesty, like beauty, may be in the eye of the beholder.

One thing is plain: The 12 million undocumented immigrants are going to stay in the United States one way or another. They are going to stay here unless we find a way to identify those who are criminals and who could and should be deported, those who may be problems on terrorism. It is agreed that you can't deport 12 million undocumented immigrants. But if we can find a way to so-called "bring them out of the shadows," we can identify those who ought to be deported in manageable numbers.

Secretary of Homeland Security Michael Chertoff has accurately said that the current situation, with 12 million undocumented immigrants, is silent amnesty. So they are here, one way or another, silent amnesty or amnesty. But one thing we could do if we move ahead with the legislation is to avoid the anarchy which is here at the present time.

I urge my colleagues, in formulating their judgment on the next critical cloture vote and on the issues of the point of order which will be raised, both of which will require 60 votes, to consider very carefully our best efforts at legislation which may be improved upon even more on the pending amendments, may be improved upon even more, contrasting that with the current situation, the status quo, which is totally objectionable.

I want to comment about one other subject, and that is the procedures which we are undertaking on this bill. We have come to an approach which, quite frankly, I would prefer not to have seen adopted. I would have preferred to have proceeded as we did at the start of the consideration of this bill before the majority leader took it off the calendar, where we were entertaining amendments from all sides. When the majority leader moved for cloture, I joined most of my colleagues on this side of the aisle, on the Republican side, in voting against cloture so people could have an opportunity to offer their amendments and the minority would not be stifled. I think on some occasions in the past, there have been efforts to stifle the minority and not allow them to bring up amendments. I stood with my Republican colleagues in voting against cloture.

Then we spent hours on the floor of the Senate where the objectors—really the obstructionists; well, let's call them objectors, I withdraw the comment "obstructionists"—were exercising their rights. It is better to use a more diplomatic language and to accord all colleagues the full panoply of their rights. They were exercising their rights. But we sat around here. As the manager of the bill, I have to sit on the floor because something may happen; unlikely, but something may happen. I sat around for hours again yesterday. I don't mind hard work, but I do mind no work. But we sat around for hours on Thursday afternoon where the objectors wouldn't offer amendments, and they wouldn't allow anybody else to offer amendments. That is unacceptable, just unacceptable.

So I joined my colleagues, seven of us on the Republican side, and voted for cloture to cut off debate, and it failed. Then understandably the majority leader took the bill down. Now we have a very limited period of time, because we are about to embark on the 4th of July recess. When we come back there is a full agenda. As I said earlier, if we don't take the bill up now, it is not going to happen this year and probably won't happen next year. When we look at 2009, the same kind of problems we will face then, we face now, except they will be worse.

So a procedure has been structured now where we have 25 amendments. That is going to be the full extent. Yesterday the distinguished junior Senator from Oklahoma said he wanted an opportunity to offer amendments. I don't disagree with his philosophy, but in order to have had that opportunity, they had to have been done when we first had the bill on the floor. If the bill is to be moved along, we are going to have to proceed as we are now.

Our plan is to seek unanimous consent on these 25 amendments for a limited period of time. We have the proponents of the amendments, and opponents, and they are prepared to take a limited time agreement. Now we are equally divided. If Senators get down to business and get down to issues in an hour, you can debate the salient points. You probably aren't going to change any minds, anyway, around here, but you can have the debate in a pro forma way and get it done. But those time agreements will not proceed if there are objections to the time agreements, and we won't be able to have even limited debate.

The plan has been worked out. I don't like the plan, but it is the best we can do. It is the least of the undesirable alternatives. As a manager, I am going to move to table Democratic amendments, and Senator KENNEDY, as the manager, is going to move to table Republican amendments. So if there is no agreement on this limited time, there won't be any debate at all, and we are going to move right ahead for the disposition of the bill. If someone seeks recognition to speak with the managers controlling the floor, we will ask for unanimous consent that the speaker agree that no amendment will be offered and that there will be discussion only on the bill and for a limited period of time, a very limited period of time.

That is not the way the Senate ordinarily does business. Ordinarily if there is a request for unanimous consent on a time agreement on a pending amendment, if there is an objection, then there is no time limit and people debate it at some length, or they may filibuster it. But that is not going to happen on this bill at this time, because the day for amendments to be offered and regular order to be followed is past.

If we are to have a resolution of this issue, we are going to have to move ahead under this constricted and constrained procedure which, again, I don't like, but we are being forced to by the circumstances which we find ourselves in.

Just as we respect the rights of the objectors to raise the objections they have, we have rights, too. The way we are proceeding is fully within the rules of the Senate. It is going to be a rough ride. We are in trench warfare, and it is going to be tough. But we are going to see the will of the Senate work one way or another. I hope, as I said earlier, my colleagues will, on the merits, take a close look at a comparison between the legislation we will produce with the unacceptable, unsatisfactory anarchy we have in immigration law today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, would the Chair report the bill, please.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1639, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid admendment No. 1934, of a perfecting nature.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I appreciate the cooperation of all Senators, those for the bill, those who have some misgivings about the legislation. I think we are at a process here now where I am going to ask unanimous consent that the time between now and 11:30 be for debate only, equally divided between the two managers, and of the minority time, there be 10 minutes for Senator DEMINT, and that following the use of all this time, at 11:30, I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEMINT. Reserving the right to object, the amendment is not yet ready. I would request that the leader keep us in morning business for the next hour. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, having heard from my friend from South Carolina, I ask unanimous consent that the time between now and 11:30 be for morning business—we can go into morning business—and the time be equally divided between the two managers; and of the minority time there be 10 minutes for Senator DEMINT—recognizing that people can talk about immigration or anything they want during this period of time—and that at 11:30 I be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I want the RECORD spread with this: I have told a number of my colleagues who have some misgivings about this legislation that there are no tricks being done. We are just trying to move this legislation along as quickly as we can. If anyone has a problem—as my friend just had—if we can do that, we can always change the process. I am happy to do that. So we are now in a period of morning business with the time controlled by Senator KENNEDY and Senator SPECTER.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent—if I may have the attention of the distinguished majority leader—that of the time allocated to this side of the aisle, that 15 minutes be allocated to Senator HUTCHISON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that 15 minutes of our time be allocated to the Senator from Virginia, Mr. WEBB.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION

Mr. KENNEDY. Mr. President, the Senate today must make a choice. We can listen to the American people and support comprehensive immigration reform or we can ignore their voice and allow a dysfunctional immigration system to continue, at serious risk to our national security.

If we do not choose reform, we will perpetuate a system that allows 500,000 illegal immigrants to enter the United States each year, forces 12 million illegal immigrants to live in the shadows, and fosters a culture of fear and hatred against immigrants.

America demands change. Our bill provides the change the country needs. Change is not easy. There is much to criticize in this bill, but criticism is much easier than rolling up your sleeves and finding a solution.

The American people are growing impatient for a solution. Yesterday, the Washington Post reported that more than 1,000 bills have been introduced in the last year by State legislators fed up with congressional inaction.

States and cities are starting to step in and solve their immigration problems in their own way, regardless of the national interest. We cannot let that happen.

We are the guardians of the national interest. The national interest demands action on immigration. If you are for a national immigration policy, a policy that is bipartisan in spirit and determined to succeed, then support this bill.

This bill contains the toughest and most comprehensive crackdown on illegal immigration in our Nation's history. It enhances our national security through tougher border protections. It ensures that criminals do not enter this country or receive immigration benefits. It prevents undocumented workers from obtaining jobs, and cracks down on employers who defy the law by hiring them.

This bill tackles the essential problem of providing the workers our economy needs. It will allow businesses to recruit temporary immigrants as workers—workers who will return home—if American workers and legal immigrants are not available to fill needed jobs.

This bill will allow families to plan for the future by tackling the plight of 12 million people hidden in the shadows of this country. We are giving undocumented immigrants a chance to earn legal status. People deserve this chance if they pay stiff fines, work for 8 years, pay their taxes, learning English, and go to the back of the line to wait their turn.

The American dream is a story of immigrants. We now have an opportunity to write a new chapter in the story of the American dream—an opportunity to enact tough but fair measures that protect our national security, restore the rule of law, and uphold our tradition as a nation of immigrants.

I look forward to the coming debate. Let's go forward together and achieve genuine immigration reform.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator has 26 minutes, of which 15 has been dedicated to the Senator from Virginia.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I want the Senator from Virginia to have his full 15 minutes, and then, if it is agreeable, I will have what is left.

Mr. KENNEDY. Mr. President, I ask unanimous consent that following the Senator from Virginia, the Senator from California be recognized, and the remaining time on our side be allocated to her.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Mr. President, I would be happy to yield, at this time, to the Senator from California, and then follow her, if she so desires.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to just take a few minutes this morning—I have spoken about this before—to address the motivations I have behind the amendment I have offered and to express my hopes that our colleagues will support this amendment. I have offered this amendment in the hopes of helping to save the vote on this bill.

I am well aware there are a number of people in this body who would like to see this bill go down the tubes. I do not share that sentiment. There is a lot of good in this bill. We were given a briefing card yesterday, with which the Presiding Officer, I know, is also familiar, which outlines a lot of the positive aspects in this piece of legislation. It will go a long way toward toughening border security. It will, in a measurable way, toughen employer sanctions. It will create a program that, in my view, is a proper way to deal with the guest worker issue.

The difficulty I have with the present legislation, and the reason I have offered my amendment, goes to the issue of legalization and the notion of fairness in terms of how the laws of the United States are applied.

The second problem I have with this bill is the issue of practicality, when you look at what are called the touchback provisions. We do have, by all estimates, between 12 million and 20 million people who are here without papers. We need to be able to say, openly and honestly, the situation these people are in is a result of the fact they are here in contradiction of American law.

The average American believes very strongly in the notion of fairness when it comes to how we enforce our laws. Of those 12 million to 20 million people, as I have said for more than a year, there are a significant number who have—during a period of lax immigration laws—come to this country, become part of their community, put down roots, and deserve a path toward legalizing their status and toward citizenship.

But to draw the line arbitrarily at the end of last year, to include every single person—with a few exceptions—who was here in this country as of the end of last year, I think violates the notion of fairness among a lot of people in this country. It is one of the reasons we have had such a strong surge of resentment toward the legislation as it now exists.

Under my proposal, those who have lived in the United States for at least 4 years prior to the enactment of the bill can apply to legalize their status. I would like to point out that a year ago, people in this body were agreeing to a 5-year residency requirement. This bill is more generous than the legislation a lot of people in this body and also immigrants rights groups were supporting a year ago.

We then would move into objective measurable criteria which would demonstrate that the people who were applying have actually put roots down in their community through a work history, through payments of Federal and State income taxes, the knowledge of English, immediate family members in the United States. These are not all inclusive. They are the sorts of criteria which would help to advance the legalization process.

I believe this is fair. I believe people in this country—who traditionally would be supporting fair immigration policies but who are worried about the legalization process in this bill—would come forward and support this bill. We need that support in this country if we actually are going to solve this problem and move forward.

The second part of this amendment goes to the practicality of the present legislation. It strikes the bill's unrealistic touchback requirement. For those who meet the test of having roots in their community and move forward, it removes the requirement that they have to go back to their country of origin in order to apply for legal status.

We know the difficulty a lot of families would have if their principal breadwinner had to leave his or her employment, go back to Manila, or wherever, file papers, leave their family here, and interrupt their job. That is simply impracticable. In many ways, it is a totally unnecessary obstacle.

So this amendment would reduce the scope of people who were allowed legalization to those who have put down roots in their communities in a very fair way that I think Americans will understand, but also would remove the unnecessary impediment of requiring people to go back to their country of origin.

I have heard loudly and clearly from not only Virginians but from people across this country—when I have talked to people about this issue over the past couple of years—that this Congress should find a fair system that, on the one hand, protects American workers and, also, respects the rule of law. This amendment is the fairest method I know to do so, and to do so realistically in order to truly reform our broken immigration system.

I am hopeful this amendment will get support. If this amendment succeeds, I am happy to support the final legislation. As I said, there are many good provisions in this legislation. But under the present circumstances, I think there are many people in this body who have a very difficult time, on the notions of fairness, with the widely embracing notion of all the people who are involved.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to have an opportunity to speak on the bill. I know then Senator HUTCHISON will offer her amendment, and I will have an opportunity at that time, hopefully, to speak against the amendment.

Mr. President, there has been one inescapable truth in all of this. Year after year——

Mrs. HUTCHISON. Mr. President, will the Senator from California——

Mrs. FEINSTEIN. Mr. President, I say to the Senator, I am sorry, I cannot hear you.

Mrs. HUTCHISON. Mr. President, will the Senator from California yield for a question?

How long does she expect to speak on the bill itself before talking about the amendment?

Mrs. FEINSTEIN. For the remainder of the time we have on this side, which is——

The PRESIDING OFFICER. Eighteen minutes.

Mrs. FEINSTEIN.—18 minutes.

Mrs. HUTCHISON. I thank the Senator.

Mr. KENNEDY. Mr. President, parliamentary inquiry: Isn't some of that time Senator WEBB's time?

Mrs. FEINSTEIN. He just spoke.

The PRESIDING OFFICER. He concluded his remarks and left the remainder of the time he had taken.

Mr. KENNEDY. I thank the Senator.

Mrs. FEINSTEIN. For the 14 years I have served on the Immigration Subcommittee of the Judiciary Committee, I have become more and more convinced that what we have is a broken system. To me, the word "comprehensive" means fixing a broken system. The system is broken in many different directions.

In one direction, every year, year in, year out, 700,000 to 800,000 people cross the border looking for hope, opportunity, work, or to reunite with family. They come into this country in an illegal status, and they disappear. There is a portion of our economy that welcomes immigrant labor. They are able to find work. They are able to hide. They are able to falsify documents.

I have personally gone to Alvarado Street in Los Angeles and seen where, in 20 minutes, you can obtain a green card, a driver's license, a Social Security card. You cannot tell the difference between a real and a fraudulent document. The border is broken in that we cannot protect it.

Secondly, it is estimated that 40 percent of the people here illegally are visa overstays. Some go back after awhile. Some never go back. What does this constitute? It constitutes a silent amnesty because these people exist in America. They are able to work in America. Most are never found by authorities. Those who are found are similar to the Munoz family in San Diego.

A few weeks ago, a mother and a father were deported in the middle of the night. They have three American children, the oldest of which is 16. They own their home. They both work. They own their furniture. In the middle of the night, Immigration Naturalization Service comes in, picks up the parents and deports them. This is an actual case—the house is gone, the furniture is gone, the three children are living with an aunt in San Diego. Why? Because they could be found, or because perhaps somebody reported them, but they could be found. But the dominant number of people here illegally cannot be found.

What this bill tries to do is fix the broken border. We fix it with infrastructure. We say this new infrastructure, whether it is UAVs or vehicle barriers or fencing, has to be in place before anything else is done. The bill mandates $4.4 billion upfront in spending for border enforcement. This money will be used to carry out the enforcement triggers. That is one part of the fix.

A second part of the fix——

Mr. KENNEDY. Mr. President, would the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mr. KENNEDY. From what the Senator said, therefore, what we are doing on the border is the most extensive border security in the history of this country, No. 1; No. 2, with the—am I not correct on that, that this will be the most extensive—extensive paid-for border security in the history of this country? Am I correct?

Mrs. FEINSTEIN. Through the Chair to the Senator from Massachusetts, there is no question about it.

Mr. KENNEDY. Secondly, if this legislation doesn't go through, we are not going to have that provision; is that not correct as well?

Mrs. FEINSTEIN. Through the Chair to the Senator from Massachusetts, that is absolutely true. We will have a continuation of what is, in effect, a silent amnesty.

Mr. KENNEDY. All right. Thirdly, is the Senator saying this is not only an issue on border security, but it is an issue with regard to national security because we don't know who those people are and they disappear into our country, and those who have spoken about national security in this country have urged us to take this action?

Mrs. FEINSTEIN. That is absolutely true. We have no idea who is in this country and who comes into this country illegally. We have no idea who is in this country overstaying their visas.

These are the 12 million people who remain unidentified. This is what we are trying to do: First, fix the border as it has never been fixed before. Second, hire the additional Border Patrol, bringing the total number of agents up to 20,000. Third, fix interior enforcement. Fourth, provide for employer verification documents. No more fraudulent documents. Everybody will have biometric documents to be able to prove they are, in fact, who they are.

One of the big problems is in a category called OTMs, "Other Than Mexicans," coming across the border. Because it is so easy to come in, more and more people from other countries are going to Mexico first and coming up through that border, particularly countries from the Middle East. This represents a serious national security issue.

Mr. KENNEDY. Could the Senator yield for 2 quick questions?

Mrs. FEINSTEIN. I will.

Mr. KENNEDY. So we are talking about not only national security and border security, but the Senator is also talking about worksite security. We don't have any worksite security at the present time. That is the problem with the 1986 act. We hear a lot of talk about it, but that is the problem.

Is the Senator telling us we will have the most extensive not only border security but worksite security; and beyond that we are going to have 1,000 inspectors to make sure the new security is going to work; and beyond that, for the first time, we are going to have a tamperproof card that will finally give us the opportunity to get control of our immigration system?

Mrs. FEINSTEIN. The Senator from Massachusetts is absolutely correct. This bill has three huge chapters called titles that are devoted to enforcement. It is extraordinarily important, and it isn't going to get done if this bill doesn't pass.

Now, in addition to that, it says—because there is no way to find and deport these individuals because they live in the shadows and because an overwhelming number of them live a life of hard work and want to continue to work and want some hope and opportunity for their family—that if they go through an extensive process—not an easy process, not a process of amnesty in any way, shape or form—as a matter of fact, they feel the process may be too tough because they must go through an extensive period of paying fines. For one person, the fines amount to $8,500 over the first 8 years. They must learn English. They must show work documents. They must do this periodically. They must pay taxes. They must show documents that they have paid taxes. This is not a pushover by a long shot.

If they can comply with this, they receive something called a Z visa. That Z visa eventually, between 8 and 13 years into the future, will enable them, after everyone now in the green card line—after that green card line is expunged—to get a green card. It is hard. There are many hoops they will jump through. The fines are heavy. But they say they will do it. The dominant majority say they will do it. That means they will be documented. That means the national security problem will end.

Additionally, we are requiring US-VISIT to track people leaving our country so we will know if somebody who is here on a visa actually leaves the country when their visa expires. There is a penalty. If they come back illegally, they will be held and do some jail time prior to deportation.

The bottom line is this bill also incorporates two other bills. One is a bill that has been negotiated between farmers and growers and organizations representing farm labor, such as the United Farm Workers, over a substantial period of time. The reason for this portion of the bill is because agriculture in America is dominantly—perhaps 90 percent—undocumented illegal workers. The reason it is that way is because American workers will not do the job. I know that in California because we have tried over the years to get American workers to do these jobs.

One day I went out to the Salinas Valley, and I watched row crops being picked. What I saw was the degree to which this is stooped labor in the hot Sun but with a skill. These people bring a skill. Agriculture workers have a skill: the way they pick, the way they sort, the way they pack, the way they prune. If you watch them, you see they go from crop to crop. They are not American citizens. They come from other countries. They are the labor that puts our food on the table in the United States of America.

What this bill does is incorporate a closely negotiated bill called AgJOBS, which would allow these workers to become documented and, at the end of 8 years, if they carry out their requirements to continue their agricultural work for an additional number of years, they are then eligible to be first in this line for a green card.

The final part of the bill is the DREAM Act, which recognizes that children, for example, such as the three Munoz children, or other children who are brought here illegally and go to school and earn a degree in college or serve in our military, can earn a green card.

So the bill is a compromise bill as well. People on the other side of the aisle wanted certain things in this bill. People on our side of the aisle wanted certain things in this bill. It was negotiated and the bill was put together. Is the bill a perfect bill? No. Is it a good bill? I absolutely believe that it is. I absolutely believe this Nation will be better off with this bill. Will the Judiciary Committee have to practice oversight? We have Senator KENNEDY, we have the Presiding Officer, and members of the Judiciary Committee. I believe very strongly what we should do is have bimonthly hearings, oversight hearings into the operation and mechanics of the bill, so that as the bill is carried out, if there are tweaks that need to be made, we can make them.

But to fail, at this point in time, is to continue this situation where 12 million remain unidentified, where they pose a serious risk to national security, where 700,000 to 800,000 people will enter our country illegally or overstay their visas over 10 years, with 7 million to 8 million additional people here in undocumented capacity, where 400 to 500 people die every year trying to cross the Mexican border, and where 4 million people will continue to wait for a green card. We take these problems and we try to solve them in this bill.

Now, people who are opposed to the bill say: I don't like this. I am going to vote against the bill. I don't like that. I am going to vote against the bill. Yes, they can do that. Yes, they are entitled to do it, but know what you are doing when you do it. There will be no $4.4 billion to enforce the border. There will be no additional Border Patrol. There will be no electronic verification. There will be no biometric documents, and the flow and the silent amnesty will, in fact, continue.

This is our chance. We should not squander it.

Mr. KENNEDY. Mr. President, would the Senator yield for a further question?

Mrs. FEINSTEIN. Certainly. I would be happy to.

Mr. KENNEDY. First of all, I thank her for an excellent review of where we are. This is a continuing process.

The Senator mentioned earlier about the fines and the fees that are going to be charged to the population if they are going to be on the track. After all those who have waited in line gain entrance into the United States, they would be at least on the track toward a green card. That amounts to $55 billion, is what it comes to?

Mrs. FEINSTEIN. That is correct.

Mr. KENNEDY. That is going to be used in terms of border security. That will be used for border security, worksite security, the development of the biometric card; and $6 billion of that $55 billion is going to be used to help to assist States to offset any of the burdens they have in terms of health care and education—$6 billion is going into that.

Does the Senator agree with me that if this legislation does not go through, that $55 billion disappears and Americans are still going to want to try and make some progress on that line and it is going to be the taxpayer who is going to pick up the burden? Could the Senator comment on that.

Mrs. FEINSTEIN. I would be happy to. Through the Chair to the Senator from Massachusetts, he is dead right. This is $55 billion where the people affected by the bill pay for the costs. That is a big thing: $55 billion will flow to do what needs to be done, whether it is the biometric cards, whether it is the US-VISIT Program, whether it is the infrastructure at the border, whether it is the 5,000 additional Border Patrol; whatever it is in the bill, the fines are very heavy in this bill. Many people—and a reason why much of the immigrant community has become concerned about the bill—is because of the size of the fines. Nonetheless, we can make the argument that this bill will pay for itself, by and large. The fines are stiff to do that.

Mr. KENNEDY. Mr. President, I thank the Senator. Would the Senator also agree with me that the initial bill, without some of the recent amendments—we actually find out through CBO that immigrants add to the economy, and their conclusion—this is the CBO, which is a governmental agency charged to review it—is actually those immigrants contribute $25 billion more than using over this period of time as well. I am wondering because there has been a lot of talk about whether immigrants add to the country and our society through the payment of taxes. We have the independent Congressional Budget Office which made that judgment which is included in the record.

Does the Senator not agree with me, in representing a State that has both the wonderful opportunities of people who have worked and contributed to that State, that it is an important contribution that these workers provide for our society?

Mrs. FEINSTEIN. Mr. President, there is no question that that is the case, certainly, in California. We have the largest number of undocumented immigrants, people estimated at between 2 million and 3 million. California is an expanding economy. When you get your gas filled in your tank, when you are served a meal in a restaurant, when you look at who is doing the dishes, the person who is changing the beds in the hotel where you stay, who transports patients in the hospital, who does landscaping in the gardens, sweeping the streets, picking the crops, pruning the crops, working in the canning factories that dot our State, you see people who are among those 2 million or 3 million people. No question about it.

Mr. KENNEDY. Mr. President, I see the Senator——

The PRESIDING OFFICER. The time controlled by the majority leader has expired.

Mr. KENNEDY. I understand the other half hour is for the Senator from Pennsylvania. The Senator from Pennsylvania intended to yield to the Senator from Texas. I think I can yield 15 minutes to her on his behalf. I think the Senator can probably get more when Senator SPECTER gets back.

The PRESIDING OFFICER. Fifteen minutes have been allocated to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to use 10 minutes. The Senator from California said she wanted to speak against my amendment. I would like to reserve 5 minutes of my time for after her argument, so I can close the discussion on my amendment. I ask unanimous consent that I be allowed to do that.

The PRESIDING OFFICER. The Senator from California no longer has time.

Mrs. HUTCHISON. Mr. President, in that case, I am going to speak on my amendment——

Mrs. FEINSTEIN. Reserving the right to object, is the Chair saying I will not be able to have time to speak against the amendment?

The PRESIDING OFFICER. The Senator's time between now and 11:30 has expired.

Mrs. FEINSTEIN. I see. After 11:30, I would be able to speak against the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. After Senator REID.

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that at some point between 11:30 and the time we vote, I be allowed to speak for 5 minutes after Senator FEINSTEIN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise to talk about probably the most important bill we are going to address maybe in my time in the Senate, certainly in the last 25 years, and in the next 25 years, from a domestic policy standpoint.

There are some good features of this bill. I think we have run into many problems, one of which is it didn't go through committee, which I think everybody agrees has caused there to be so many conflicts and rewrites, and when you adopt an amendment, it changes something else. That should have been done in committee. Another is that this issue hits so close to so many people. So we see objections from all different types of groups, Democrats and Republicans, business groups and labor groups. So it is something that I think now is on the radar screen of the American people. It is something that I think is good that we are discussing because I do believe it is Congress's responsibility to fix this problem. It is a problem that was made in a 1986 act of Congress when amnesty was granted and the law was not enforced. There was no guest worker program that was going forward, so we had illegal behavior and there was a blind eye turned.

Now it is 20 years later, after 1986, and we find ourselves having to deal with the inability to know who is in our country because we have not enforced the laws and we have not had a workable program to provide the jobs that would grow the economy of our country. So here we are, trying to pass a bill that will fix the problems of the past but also to set a standard that says we are not going to have the going-forward capability for someone to come into our country illegally and stay long enough that they will be able to become legal without applying through the processes from their home country.

There are good parts of the bill. I give those who have worked so hard on this bill credit for significant border security increases, for an effort to end chain migration. In most countries in the world, the guest worker green card equivalent ratio is two-thirds workers, one-third family. It is the opposite in America; it is two-thirds family, one-third worker, which is why we have this crisis of needing more workers but not having the capability to bring them in legally in a process that will work. So that effort was made in this bill, and it is one of the important good points of the bill. So I recognize there are good parts of the bill.

The problems in the bill must be fixed if we are going to do this right and deal with the people who are here illegally in a responsible and rational and pragmatic way but also set the standard that we start now, and will be set through the future, that you must apply from your home country to come into this country to work legally. If we don't set that standard in the bill, we will have another disaster 20 years from now that a future Congress will be trying to fix.

My problem with the bill is the amnesty. Anyone who tries to say it is not amnesty is not being realistic. If you can come to this country, stay, never have to go home and go into the process of legalization and going into our Social Security program, which is allowed in the underlying bill, that is amnesty. So I have an amendment going forward that will try to take the amnesty out of this bill. That is one of the major things I think we can do to make this a bill that could be supported. My amendment would provide that all adult work-eligible illegal people in this country would have the ability to come forward, and they would have 1 year to do it, for a temporary permit while the processing is done on that person's background, and then a temporary card would be given, after which a person would have 2 years to go back to their home country and apply and come in legally to get that Z visa, or that ZA, which is the ag worker visa, legally in our country. It was important.

One of the things we did in my amendment that I think is so important is we treat every work-eligible adult the same way. Whether it is an ag worker, restaurant worker or someone working in a hotel, everyone would be treated the same way if they are in the Z-1 category or ZA category—the workers we are trying to regularize would have the same requirements.

Now, there will be an amendment later that will say just the heads of households would have to go home. That was my original thought. But then how can I say the working spouse of a head of a household could stay here, but the head of household could not? So we set the 2-year timeframe for the people who are adult, work-eligible people illegally in our country—we set 2 years after they have signed up for their temporary permit for them to go home and get regularized, get that final stamp before they come back, and if they do have a homestead here with children, they would have 2 years so that one spouse at a time could go home. To me, that says we are setting the standard today. It will be the standard that we ask people, if they want to have the privilege of working in our country, to do; and we will ask people who want the privilege 10 years from now and 25 years from now to do the same, so that we send the major message, which was the problem we had that created the crisis, that you cannot come to our country and stay illegally and eventually get regularized without ever having to apply, according to the law from your home country. That is what my amendment does.

We do have a modification of the amendment as it applies to agricultural workers because we don't intend to change the sort of different requirements for an ag worker to keep their ag worker visa the same. We have modified our amendment so the basic requirements for agricultural workers, which is somewhat different from the restaurant workers, would stay the same, but the ag workers would have the same requirements that the restaurant worker has, and that is they would have to go home within the 2-year period after they have signed up as illegal and apply from home, or have the ability, if the Secretary designates another consulate as able, to return home to the consulate to take that application that would be done. So we have the SAFE ID, which is going to be the basis of the worker verification system, which will be a tamperproof ID that will have a picture and a biometric signal that can be picked up easily by an employer. It will be an online verification system so the employer can, with ease, determine that the person working is eligible to work.

If we can do this and take the amnesty out of the bill, it is so very important that we set the standard now, so that everybody who wishes to have the privilege to work in this great country will know what the rules are and will know that the rules are going to be enforced. That is the purpose of my amendment.

I believe if we can pass this amendment, it would add a major component to this piece of legislation that would say not only are we going to have border security measures and this effort to end chain migration, have the merit-based system, take care of the H-1Bs and technical workers we want to come in and to attract into our country, that all these things would be done that are good.

But in addition, we are setting the standards today and into the future that if you want to work here, you come in through the system, applying from outside the country.

I hope my amendment will be able to be passed. Having the 2 years after the first year would allow the process to work. Anyone who says we cannot do the processing with all of the consulates that are available in the countries, most of whom are going to be in Mexico or Central or South America—and easily accessible—and also Canada, anyone who says we cannot do that over a 3-year period, I think, is raising a red herring.

I believe it is possible, if we are committed to doing it and committed to the laws of our country that would be adhered to by everyone who comes in.

We must know who is in our country. We must have a guest worker program going forward that will work and accommodate the economy that does need these work jobs that are not being filled.

I hope we can come to an agreement on this bill that we can all support and know that it is right for our country today and it will be right for our country 25 years from now and that future Congresses will not look back and say: What were they thinking? Why didn't they do what was right for our country? I hope we can do that, Mr. President.

I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WEBB). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to clarify where we are right now. It is my understanding in the unanimous consent agreement with respect to morning business that the next 15 minutes belongs to the Republican side; that Senator DEMINT has 10 minutes reserved of that time, and then the remaining 5 minutes of that time can be accorded however the Republican side wishes to do; and that the majority leader is coming back on the floor at 11:30 a.m.

The PRESIDING OFFICER. The Senator is correct, 11:30.

Mrs. FEINSTEIN. I thank the Chair.

Mrs. HUTCHISON. Mr. President, let me add for clarification, however, that after 11:30 a.m., I have 5 minutes following Senator FEINSTEIN to discuss as in morning business my amendment.

Mrs. FEINSTEIN. Mr. President, if I may respond to the Senator, it is my understanding that is correct; that following the majority leader, then I will have 5 minutes to respond to Senator HUTCHISON and then she will have 5 minutes to respond to me.

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, as has been noted, I control 10 minutes of the last 15 minutes.

I ask unanimous consent that Senator VITTER be allowed to control the time of the remaining 5 minutes on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I think it would be a good idea that we create a national warning system to tell Americans when we decide we need to do something, even if it is wrong. A few weeks ago, we decided we needed to do something about immigration. A few of the Senators announced on a Thursday that we had reached this delicate compromise and nothing could be changed from this bill. We all found out a few days later that the bill had not been written yet, but over the weekend one version was written, and by Monday, another version had been written. We were told we needed to vote on that bill by Friday.

This bill has been a moving target since it began. It is hard to tell on any given day what is actually in the bill. We were able to convince our leadership to at least go to a second week. But when many of us came down to offer our amendments, consistently there was objection to bringing up additional amendments. When finally the original bill came to its final day, there were three cloture votes that failed. This bill was put down.

Now we have brought it back. We brought back a bill, just yesterday, a new bill in which we have already found significant flaws the writers didn't know were there. We have problems in the underlying bill, and yesterday we were all waiting down on the floor to get this new amendment, this amendment that is almost as big as the original bill, 373 pages. We were all waiting, and we received it later in the afternoon.

What actually happened was, when we asked that the amendment be read, we had to recess the Senate and go finish writing the bill. But we finally got the bill. It was warm from the copier, 373 pages, after a couple of hours of delay.

When we asked that it be read so we would understand what was in it, we finally got the majority leadership to agree we could have the night to review it, which we greatly appreciate.

Now we have come to the floor, got here at 10 today because we understood the majority leader was going to divide this amendment in this grand clay-pigeon procedure to divide this amendment, only to find out the amendment is being changed, but it hasn't been written. We are waiting on the floor again to get a new version of this amendment, but we don't know what is going to be in it.

It is amazing that something so important that has been talked about on the floor of the Senate, something we have to do, is continuously being revised and rewritten every day. Instead of stopping and getting this amendment in some form we can work with, we continue to press the whole process forward.

Some of us who are critics have been called obstructionists because we don't think this process is fair or that the underlying bill is right for America. We have been called a lot of names, but we can't even get started with a fair process, and we can't start to fix it with amendments if we don't even have it written yet. It is hard to know what the amendments should even be if we don't see what is actually in the bill.

So here we are again. It is going to be offered sight unseen, just as yesterday, when not one Member of the Senate had read it when it was offered. We are going to get a new amendment, probably 400 pages today, that not one Member of the Senate will have read, that we will be expected to bring up and to vote on.

Mr. President, I wish to ask a couple unanimous consent requests. First, we need to stop this moving target and know what we are working with. I ask unanimous consent that it be in order at this time to order the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, then maybe it would be fair to ask unanimous consent that after Senator REID modifies the amendment, that the modification be read.

The PRESIDING OFFICER. Is that a unanimous consent request?

Mr. DEMINT. That is a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

Mr. DEMINT. Mr. President, it is extraordinary that we are using Senate procedures to actually keep a 400-page amendment from being read.

I ask unanimous consent that when the amendment is modified, when it is broken into these clay-pigeon pieces, that I be recognized to request the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. I am asking for votes. Let's not say later on that we are trying to stop votes.

I also ask unanimous consent that when the Senate resumes consideration of the bill, the pending amendment be temporarily set aside and that all the filed amendments be called up en bloc and that the Senate then return to the consideration of the Reid amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, what I have done in these requests is to show that there is no intent to let this body actually see what we are voting on, which is incredible with such a complex bill; that we are going to bring up an amendment we haven't read, and when we ask that it be read, that request is denied. When we ask for a vote on the underlying amendment, that is denied. When we ask for the yeas and nays, which means you can't voice it, that means eventually we are going to get a vote on the amendment that will be offered today, that is denied.

I wish to make it clear that those of us who don't think this process is fair or that this bill is good for this country, that we have not wanted it to be voted on. But the intent is for these to be modified, just as they have been throughout this process. All these 26-some-odd amendments will be modified minute by minute, hour by hour, so when we come to vote on these amendments, nobody is actually going to know what is in them.

I heard Members say, it is like what we were talking about a couple weeks ago, but we found out this morning when we asked questions about the new amendment that it isn't like what we were talking about a few weeks ago. In fact, there were important amendments that were passed that we were told would be in this bill which have been eliminated by the amendments that have been offered.

We can talk more about this as the process goes forward, but right now I wish to reserve the remainder of my time and yield to Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I truly find this process amazing. We have been told by the master crafters of this bill, who have developed this grand compromise in a relatively small group, that this is a delicate compromise and nothing can be allowed to upset it, certainly not allowing our amendments to reach the floor this week to be debated. So it has to stay exactly like it is.

For that reason, our amendments are being blocked en masse. But at the same time, these crafters of the compromise are changing their bill every half hour. It is a constantly moving target. Just a few days ago, we were presented with a brandnew underlying bill that is 761 pages. In addition, yesterday we were given a huge amendment, really 26 amendments put together, that is 373 pages. We had the audacity to ask that we be allowed to read the amendment and understand it.

After making the clerk read the amendment out loud for some period, Senator REID finally acknowledged that, yes, maybe it would be fair to let us read the amendment. So we recessed for the night. Great. The trouble is, that amendment is out the window. They are now working on a brandnew version that they are trying to present soon. We have no idea what changes are being made to yesterday's amendment to make it today's amendment. It is probably going to be over 373 pages. So our study last night is basically for nought.

That process is not fair. It is patently unfair. We have the right to understand what is before the Senate. We have the right to read it. That is exactly what Senator DEMINT's unanimous consent requests all went to. They were all shot down. They were all denied by the majority. I think it is a patently unfair process.

Let me ask this unanimous consent to at least allow us to digest this brandnew mega amendment, and that is, when Senator REID offers his modified version of this amendment, which we expect will contain many changes from yesterday, including serious and substantive changes, that we have 5 hours as in morning business so that we are allowed to digest the contents of this new amendment. That is the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object, Mr. President, but before I do, I wish to respond. This is not a new bill, this so-called 700 pages. These are amendments packaged together which are subsequently divided. These are amendments which have been around for a substantial period of time. It is true some of them have been modified. Senator HUTCHISON is modifying her amendment. However, we have had an opportunity to know that and see it and can speak to it. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Reclaiming the remainder of my time, Mr. President, I think this is amazing. We are going to be presented with a brandnew mega amendment fairly soon. It is going to be at least 373 pages, maybe 400 pages, and we are not going to be allowed to read it before this Senate forges ahead debating and possibly voting on it.

I don't understand why we are not offered the opportunity to digest this brandnew mega amendment. Senator REID stood on this floor yesterday and acknowledged it was only right and only fair to give us an opportunity to digest his mega amendment yesterday. The problem is, come this morning, that is out the window. There is a new mega amendment. We have no idea what line has been changed, what paragraph has been changed, what is new language, what is old language. We need a reasonable opportunity to independently digest that amendment, not simply take other people's summaries and word for it when we are presented with this brandnew 400-page amendment.

I will be happy to yield to the majority leader on this point, reserving the remainder of my time.

Mr. REID. Mr. President, I am sorry, I was in a briefing with Admiral McConnell. It is my understanding the distinguished Senator from Louisiana said that minor changes have been made since he looked at the legislation, which I assume he finished this morning sometime. He wants to take a look and see what changes have been made; is that right?

Mr. VITTER. Mr. President, yes, but to do that we have to read the whole new mega amendment, I suggest to the majority leader. It is in that vein and in that spirit that I offered the unanimous consent request, that once the new mega amendment is presented, once that happens, we be in morning business for 5 hours so we may be allowed to read it.

Mr. REID. Mr. President, I object to that.

I would say to my friend, however, that we would be happy to have our staff—they are relatively simple amendments, some with simple word changes—that we would be happy to have our staff, with his staff, show what those changes are. There would be no need to read the whole bill. If you read the whole bill, few changes have been made, and it would be very apparent. So I am sure we can do that, and we can do that with little trouble.

It is my understanding, Mr. President, that the time for morning business has ended.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

COMPREHENSIVE IMMIGRATION REFORM ACT—Continued

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. FEINSTEIN. Objection.

Mr. DEMINT. Parliamentary inquiry.

The PRESIDING OFFICER. A parliamentary inquiry is not in order during a quorum call.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. VITTER. Mr. President, I renew my unanimous consent request that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object.

Mr. REID. Mr. President, he can either object or not object.

Mr. VITTER. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. VITTER. Mr. President, I remove my objection.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the distinguished Senator from South Carolina thought they had 5 minutes left; is that right?

I would ask unanimous consent that he be allowed to speak, and this would be for debate only. Following the using of 7 minutes, I will take the floor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DEMINT. Mr. President, I would like to yield my time to other Senators. I will give 1 minute to Senator

VITTER and 4 minutes to Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized for 1 minute.

Mr. VITTER. Mr. President, with the majority leader on the floor, I want to use my brief minute to follow up on my inquiries and frustrations.

Very soon, we are going to be presented with a brandnew version of this mega-amendment, 400 pages or whatever it is. I would like to be allowed some reasonable opportunity to independently study that mega-amendment without having to depend on other people's summaries, and it is for that reason I made the unanimous consent request that we be in morning business for 5 hours once that brandnew mega-amendment is presented.

With that explanation and background, given that the distinguished majority leader recognized that right of ours yesterday, when we were allowed to read the old version of the amendment, I would like to make that unanimous consent request.

The PRESIDING OFFICER. The Senator has used his 1 minute.

Mr. REID. Mr. President, I object. I will use my own time in response to him.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. So as not to use the time of the Senator from South Carolina, Mr. President, there have been a few changes made, but they are very minor. As I indicated to my friend, this is not a new mega-amendment. This is the same amendment which was laid down last night, and people on both sides have had ample opportunity to read this. As I indicated, we would be happy to talk with him and/or his staff, with individual Senators and/or their staff to indicate where the changes have been made and what the purposes of those were. If that is not sufficient, I don't know how I can be more fair than that.

So I will now turn it over——

Mr. VITTER. Mr. President, I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No, but I just want to make sure it is still under the same time agreement we had before. We add 30 seconds to the time we had given.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. I would suggest, through the Chair to the distinguished majority leader, that I have a real problem with depending on basically the other side's summary of these changes which are being made as we speak. So I would propound a new unanimous consent request, that if we have to do that, if that summary is lacking or inaccurate in any way, that all subsequent votes and actions of the Senate which are agreed to have no effect because we have depended on the other side's information and it could turn out to have been incomplete or inaccurate.

Mr. REID. Mr. President, again using my time, I object to this, but let me just say that it wasn't a hard piece of reasoning to come up with to object to this.

The reason we are going through this process here is people—mostly on the other side of the aisle because we on this side are satisfied with the bill the way it was written, but mostly on the other side of the aisle and some Democrats—said, OK, if you are going to do this, we will do that. We are doing this to make people happy, so they have an opportunity to talk about this bill some more. This is a process.

I have really tried to be fair. I have not tried to take advantage of anyone. I have tried to be as candid with people who support the bill as those who oppose the bill, not trying to take advantage of them. The process here in the Senate wasn't invented yesterday; it has been going on for 220 years. I am working my way through the rules, making sure we follow every jot and tittle in these complicated rules, but they are not that complicated. We simply want to work on an issue that is important to the American people—immigration.

I acknowledge, as has my friend, that the system of immigration in our country is broken. We need to try to fix it, and this is our way of trying to fix it. Perfect? No. Good? Yes. The American people deserve our attention to this problem we have in our country. We have people of good will, Democrats and Republicans, who are trying to do this.

We have this occasion, for once in recent memory, where we are working with the President on this side trying to get this done. I have said publicly that I appreciate the President's advocacy on this issue. If we are able to pass this bill, and I hope we can, it will be a shot in the arm for the system, the political system which has been so generous to our country for so many years, and I think people will look and say: You know, those people in Washington who are always yelling and screaming at each other were able to get something done.

The American people know that whatever we come up with here is not going to solve every problem with immigration, but they also know it will solve many of the problems. The No. 1 problem it is going to solve that the American people want solved is border security. This amendment has $4.4 billion which will go directly to that border.

I am, by profession, a trial lawyer, and I know people have the ability to be advocates, as my friend from Louisiana who is speaking—and I see on the floor today my friend from Alabama, whom I have told publicly and privately that I appreciate his advocacy. But my friend from Alabama is a lawyer, just as I am, and we should do everything we can to present our case. Then, when the case is over, we walk out of this shaking hands, as advocates, as Senators, and as friends. So I have no resentment or ill-will toward anyone who is trying to move this legislation in a way different than I am, but I think the time has come where we have to fish or cut bait, as they say.

I know we still have some speaking time—5 minutes has been allocated.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 4 minutes.

Mr. SESSIONS. Mr. President, I know Senator REID has assured people of what is in the bill, but he hasn't read what is in this amendment—neither has any Senator in this body, I suggest. Only a few staffers have, and there have been tremendous errors made already in the previous amendment they offered. And just to say there have been nothing but minor changes is not something I think Senators ought to rely on.

My good friend, Senator REID, has always been courteous to me, but we disagree on this issue. He said he wants to make people happy. How about making the American people happy? They oppose this bill overwhelmingly, and yet the leadership here continues to use every parliamentary tactic that we have ever used, and new tactics never before used, to limit debate and move this bill to final passage. I object to that.

I think about our former colleagues, Senator Paul Wellstone and Senator Helms. I wonder how they would feel if it was said: Well, this is unprecedented, we are going to eliminate debate, but I have talked to the leader on the other side, and we two leaders have just decided, since it is bipartisan, we will do that.

Make no mistake about what is being done here, Mr. President. There is no dispute whatsoever. Amendments will not be allowed to be voted on that the majority leader does not personally sign off on. The power to control this process is in the majority leader's hands, and he has met with a group of people who are interested in this legislation and they have agreed to control this process. It has never been done like this before in the history of the Senate to eliminate these amendments. It is not right.

My colleagues, I urge you to understand this is an unprecedented step. It is a step by which the leadership is creating a new tactic that will eliminate the power, the ability of individual Senators to offer amendments and engage in debate.

This is a body of 100. Yes, we have leaders. They have significant authority and we understand that. But that is a limited power and we have always celebrated the great potential of this body that any one Senator can raise an objection, any one Senator can have an amendment voted on.

I tried to offer amendments when the bill was up before. Time and time again they were objected to. Other Senators objected. Why? Because they were able to object to making those amendments pending. Then, when cloture is filed, they are not able to be voted on because they have never been made pending, although they were filed.

This is not a small matter. I do not think our colleagues understand. I see Senator SPECTER here. He will stand by himself on an issue in which he believes. There are other Senators here who share those same independent views. We do not need to go down this path. I think it is a big mistake.

I would say this: The majority leader said the people want one thing, they want border security. What do we know about this legislation? It does not give us border security. The Congressional Budget Office, our own analysis team, has looked at this bill and concluded in the next 20 years we will have another 8.7 million people in our country illegally. It will only reduce illegal immigration by 13 percent. That is what our own staff, under the majority leader's control, has told us.

The PRESIDING OFFICER. Two minutes remain to the Senator from South Carolina.

Mr. DEMINT. I yield the final 2 minutes to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I think that is the fundamental thing. I am flabbergasted and amazed our leaders keep telling us this bill is essential to have security. You have to have this amnesty. You have to give up and we will have amnesty. In exchange for that, we will have a legal system that will work in the future.

But it will not work. That is what they said in 1986. Senator GRASSLEY noted on the floor, people in this body do not even say there will not be another amnesty anymore, as they did in 1986, because they know this bill will not create a legal system. There will be 8.7 million more people in our country illegally and the same group will be here, asking for amnesty again. It is a failed system.

Let me add one thing. One thing I have learned in this debate, we can make this immigration system lawful and we can make it work. We ought not to be having a 13-percent reduction in illegality, as the Congressional Budget Office says. We can get to 90, 95 percent reduction of illegality. We can create a system of immigration that serves our national interests. It is within our power to do so. This bill will not do it. We must not go forward with it because it will not work.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1934, AS MODIFIED

Mr. REID. Mr. President, I modify my amendment with the changes now at the desk.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, the amendment is so modified, I understand.

I now ask the amendment be divided as indicated at the desk.

The PRESIDING OFFICER. The Senator has that right and the amendment is divided.

The amendment, as modified and divided, is as follows:

TITLE __—NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

Subtitle A—Z Nonimmigrants

SEC. _00. REPEAL OF TITLE VI.

Title VI of this Act is repealed and the amendments made by title VI of this Act are null and void.

SEC. _01. Z NONIMMIGRANTS.

(a) IN GENERAL.—Notwithstanding section 244(h) of the Immigration and Nationality Act (8 U.S.C. 1254a(h)), the Secretary may permit an alien, or a dependent of such alien, described in this section, to remain lawfully in the United States under the conditions set forth in this title.

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following:

"(Z) subject to title ___ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

"(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services, or education;

"(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and such alien—

"(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

"(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who is described in clause (i) or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) such spouse has been battered or subjected to extreme cruelty by such alien; or

"(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and was born to or legally adopted by at least one parent who is at the time of application described in clause (i) or (ii).".

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not present in lawful status in the United States on January 1, 2007, under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) CONTINUOUS PRESENCE.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days, or more than 180 days in the aggregate, shall constitute a break in continuous physical presence.

(d) OTHER CRITERIA.—

(1) GROUNDS OF INELIGIBILITY.—

(A) IN GENERAL.—An alien is ineligible for Z nonimmigrant status if the Secretary determines that the alien—

(i) is inadmissible to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), provided that to be deemed inadmissible, nothing in this paragraph shall require the Secretary to have commenced removal proceedings against an alien;

(ii) subject to subparagraph (B), is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(iii) subject to subparagraph (B), is described in or is subject to section 241(a)(5) of such Act (8 U.S.C. 1231(a)(5));

(iv) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(v) is an alien—

(I) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense (as described in section 101(h) of such Act (8 U.S.C. 1101(h))) outside the United States before arriving in the United States; or

(II) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States;

(vi) has been convicted of—

(I) a felony;

(II) an aggravated felony (as defined in section 101(a)(43) of such Act);

(III) 3 or more misdemeanors under Federal or State law; or

(IV) a serious criminal offense (as described in section 101(h) of such Act);

(vii) has entered or attempted to enter the United States illegally on or after January 1, 2007; or

(viii) is an applicant for Z-2 nonimmigrant status, or is under 18 years of age and is an applicant for Z-3 nonimmigrant status, and the principal Z-1 nonimmigrant or Z-1 nonimmigrant status applicant is ineligible.

(B) WAIVER.—The Secretary may, in the Secretary's discretion, waive ineligibility under clause (ii) or (iii) of subparagraph (A) if the alien has not been physically removed from the United States and if the alien demonstrates that the alien's departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child.

(C) CONSTRUCTION.—Nothing in this paragraph shall require the Secretary to commence removal proceedings against an alien.

(2) GROUNDS OF INADMISSIBILITY.—

(A) IN GENERAL.—In determining an alien's admissibility under paragraph (1)(A)(i)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of such Act (relating to criminals);

(II) section 212(a)(3) of such Act (relating to security and related grounds);

(III) with respect to an application for Z nonimmigrant status, section 212(a)(6)(C)(i) of such Act;

(IV) paragraph (6)(A)(i) of section 212(a) of such Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II) of such Act; or

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of such Act (relating to polygamists, child abductors, and unlawful voters); and

(iii) the Secretary may, in the Secretary's discretion, waive the application of any provision of section 212(a) of such Act not listed in clause (ii) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of such Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(1) ELIGIBILITY.—The alien does not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien is not inadmissible as a nonimmigrant to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided in subsection (d)(2) of this section, regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for Z–1 nonimmigrant status, Z–2 nonimmigrant status, or Z–3 nonimmigrant status, the alien shall—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be, on January 1, 2007, and on the date of application for Z nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking Z–1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z–1 nonimmigrant status.

(5) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) IN GENERAL.—An alien making an initial application for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(ii) FEE FOR EXTENSION APPLICATION.—An alien applying for extension of the alien's Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but not more than $1,500 for a single Z nonimmigrant.

(B) PENALTIES.—

(i) IN GENERAL.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) DERIVATIVE STATUS.—An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a $500 penalty for each alien seeking Z–2 nonimmigrant status or Z–3 nonimmigrant status derivative to such applicant for Z–1 nonimmigrant status.

(iii) CHANGE OF Z NONIMMIGRANT CLASSIFICATION.—An alien who is a Z–2 nonimmigrant or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by subsection (w) of such section 286, as added by section 402.

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by subsection (x) of such section 286.

(6) HOME APPLICATION.—

(A) IN GENERAL.—An alien granted probationary status under subsection (h) shall not be eligible for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status until the alien has completed the following home application requirements:

(i) SUBMISSION OF SUPPLEMENTAL CERTIFICATION.—An alien awarded probationary status who seeks Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall, within 2 years of being awarded a secure ID card under subsection (j), perfect the alien's application for such nonimmigrant status at a United States consular office by submitting a supplemental certification in person in accordance with the requirements of this subparagraph.

(ii) CONTENTS OF SUPPLEMENTAL CERTIFICATION.—An alien in probationary status who is seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall certify, in addition to any other certifications specified by the Secretary, that the alien has during the period of the alien's probationary status remained continuously employed in accordance with the requirements of subsection (m) or the requirements in Section _ 31, as applicable, and has paid all tax liabilities owed by the alien pursuant to the procedures set forth in section 602(h). The probationary status of an alien making a false certification under this subparagraph shall be terminated pursuant to subsection (o)(1)(G).

(iii) PRESENTATION OF SECURE ID CARD.—The alien shall present the alien's secure ID card at the time the alien submits the supplemental certification under clause (i) at the United States consular office. The alien's secure ID card shall be marked or embossed with a designation as determined by the Secretary of State and the Secretary of Homeland Security to distinguish the card as satisfying all requirements for Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status.

(iv) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status shall file the supplemental certification described in clause (ii) at a consular office in the alien's country of origin. A consular office in a country that is not the alien's country of origin as a matter of discretion may, or at the direction of the Secretary of State shall, accept a supplemental certification from such an alien.

(B) EFFECT OF FAILURE TO COMPLY.—The probationary status of an alien seeking a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to complete the requirements of this paragraph shall be terminated in accordance with subsection (o)(1)(G).

(C) EXEMPTION.—Subparagraph (A) shall not apply to an alien who, on the date on which the alien is granted a secure ID card under subsection (j), is exempted from the employment requirements under subsection (m)(1)(B)(iii).

(D) FAILURE TO ESTABLISH LAWFUL ADMISSION TO THE UNITED STATES.—Unless exempted under subparagraph (C), an alien in probationary status who is seeking Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant status who fails to depart and reenter the United States in accordance with subparagraph (A) may not be issued a Z–1, Z–2, Z–A, or adult Z–A dependent nonimmigrant visa under this section.

(E) DEPENDENTS.—An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status shall be awarded such status upon satisfaction of the requirements set forth in subparagraph (A) by the principal Z–1 or Z–A nonimmigrant. An alien in probationary status who is seeking Z–3 or minor Z–A dependent nonimmigrant status and whose principal Z–1 or Z–A nonimmigrant fails to satisfy the requirements of subparagraph (A) may not be issued a Z–3 or minor Z–A dependent nonimmigrant visa under this section unless the principal Z–1 alien is exempted under subparagraph (C).

(7) INTERVIEW.—An applicant for Z nonimmigrant status shall appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610, the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary, or such other entities as are authorized by the Secretary to accept applications under the procedures established under

this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning not more than 180 days after the date of the enactment of this Act. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may, in the Secretary's discretion, extend the period for accepting applications by not more than 1 year.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status shall submit biometric data in accordance with procedures established by the Secretary.

(4) HOME APPLICATION.—No alien may be awarded Z nonimmigrant status until the alien has completed the home application requirements set forth in subsection (e)(6).

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary shall create an application form that an alien shall be required to complete as a condition of obtaining probationary status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including—

(i) information concerning the alien's physical and mental health;

(ii) complete criminal history, including all arrests and dispositions;

(iii) gang membership or renunciation of gang affiliation;

(iv) immigration history;

(v) employment history; and

(vi) claims to United States citizenship.

(B) STATUS.—An alien applying for Z nonimmigrant status shall be required to specify on the application whether the alien ultimately seeks to be awarded Z–1, Z–2, or Z–3 nonimmigrant status.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not award Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) shall be granted probationary status in the form of employment authorization pending final adjudication of the alien's application;

(B) may, in the Secretary's discretion, receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY STATUS.—No alien may be granted probationary status until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY CARD.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in that paragraph. The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary status and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire not later than 6 months after the date on which the Secretary begins to issue secure ID cards under subsection (j).

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of the enactment of this Act and the date on which the period for initial registration closes under subsection (f)(2), and the alien is able to establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of a secure ID card, as described in subsection (j), to an applicant for Z nonimmigrant status who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under subsection (x) of section 286 of the Immigration and Nationality Act, as added by section 402, shall within 90 days of the enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of the Internal Revenue Code of 1986, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (A) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center; and

(v) remittance records.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of subparagraph (A), the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(D) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been met; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(4) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(5) DENIAL OF APPLICATION.—

(A) IN GENERAL.—An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have the alien's application denied and may not file additional applications.

(B) FAILURE TO SUBMIT INFORMATION.—An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except if the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have the alien's application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) SECURE ID CARD EVIDENCING STATUS.—

(1) IN GENERAL.—Documentary evidence of status shall be issued to each Z nonimmigrant.

(2) FEATURES OF SECURE ID CARD.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that may be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title III; and

(E) shall be issued to the Z nonimmigrant by the Secretary promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years beginning on the date on which the alien is first issued a secure ID card under subsection (j).

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a). The alien may make up to 3 attempts to demonstrate such understanding and knowledge, but shall satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirements of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to meet the requirements of such subclauses;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z-1 nonimmigrant status or Z-3 nonimmigrant status, an alien shall demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent period of authorized admission as of the date of application.

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but not more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that shall be completed to the satisfaction of the Secretary before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.—

(i) IN GENERAL.—An extension of a period of authorized admission under this paragraph, or a change of status to another Z nonimmigrant status under subsection (l), may not be approved for an applicant who failed to maintain Z nonimmigrant status or if such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized admission expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized admission expired, if it is demonstrated at the time of filing that—

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated the alien's Z nonimmigrant status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z-1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z-1 nonimmigrant, and who is changing to Z-1 nonimmigrant status, may be exempted by the Secretary, in the Secretary's discretion, from the requirements under subsection (m) for a period of up to 180 days; and

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a Z nonimmigrant shall not be eligible to extend such nonimmigrant status if—

(i) the alien has violated any term or condition of the alien's Z nonimmigrant status, including failing to comply with the change of address reporting requirements under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305);

(ii) the period of authorized admission of the Z nonimmigrant has been terminated for any reason; or

(iii) with respect to a Z-2 nonimmigrant or a Z-3 nonimmigrant, the principal alien's Z-1 nonimmigrant status has been terminated.

(l) CHANGE OF STATUS.—

(1) CHANGE FROM Z NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A Z nonimmigrant may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to another nonimmigrant status, except another Z nonimmigrant status or status under subparagraph (U) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(B) CHANGE FROM Z-A STATUS.—A Z-A nonimmigrant may change status to Z nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigration and Nationality Act, as added by section 631.

(C) LIMIT ON CHANGES.—A Z nonimmigrant may not change status more than one time per 365-day period. The Secretary may, in the Secretary's discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO Z NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) to Z nonimmigrant status.

(m) EMPLOYMENT.—

(1) Z-1 AND Z-3 NONIMMIGRANTS.—

(A) IN GENERAL.—Z-1 nonimmigrants and Z-3 nonimmigrants shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this title shall not apply to an alien who is under 16 years or over 65 years of age. A Z-1 nonimmigrant or Z-3 nonimmigrant between 16 and 65 years of age, or an alien in probationary status between 16 and 65 years of age who is seeking to become a Z-1 or Z-3 nonimmigrant, shall remain continuously employed full time in the United States as a condition of such nonimmigrant status, except if—

(i) the alien is pursuing a full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has been temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) Z-2 NONIMMIGRANTS.—Z-2 nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a Z nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—An alien who has been issued a secure ID card under subsection (j) and who is in probationary status or is a Z nonimmigrant—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if—

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of Z nonimmigrant status that satisfies the conditions set out in subsection (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY.—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status shall establish that such alien is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant or an applicant for Z nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of this Act have been exhausted or waived by the alien;

(B)(i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);

(ii) the alien becomes inadmissible under section 212 of such Act (8 U.S.C. 1227) (except as provided in subsection (d)(2)); or

(iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa, in probationary status, or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a Z–1 nonimmigrant or Z–3 nonimmigrant, the employment or study requirements under subsection (m) have been violated;

(F) with respect to an alien in probationary status, the alien's application for Z nonimmigrant status is denied; or

(G) with respect to an alien awarded probationary status who seeks to become a Z nonimmigrant or a Z–A nonimmigrant, the alien fails to complete the home application requirement set forth in subsection (e)(6) within 2 years of receiving a secure ID card.

(2) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.

(3) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's Z–2 nonimmigrant or Z–3 nonimmigrant dependents, shall depart the United States immediately.

(4) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(p) REVOCATION.—If, at any time after an alien has obtained status under this section, but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary of Homeland Security may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under this section, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2-year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z nonimmigrant classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top 5 principal languages, as determined by the Secretary in the Secretary's discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) DEFINITIONS.—In this title:

(1) Z NONIMMIGRANT.—The term "Z nonimmigrant" means an alien admitted to the United States under subparagraph (Z) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), as added by subsection (b). The term does not include aliens granted probationary benefits under subsection (h) or whose applications for nonimmigrant status under such subparagraph (Z) have not yet been adjudicated.

(2) Z–1 NONIMMIGRANT.—The term "Z–1 nonimmigrant" means an alien admitted to the United States under clause (i) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(3) Z–A NONIMMIGRANT.—The term "Z–A nonimmigrant" means an alien admitted to the United States under subparagraph (Z–A) of section 101(a)(15) of the Immigration and Nationality Act, as added by section 631.

(4) Z–2 NONIMMIGRANT.—The term "Z–2 nonimmigrant" means an alien admitted to the United States under clause (ii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

(5) Z–3 NONIMMIGRANT.—The term "Z–3 nonimmigrant" means an alien admitted to the United States under clause (iii) of section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by subsection (b).

SEC. _02. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) Z–1 NONIMMIGRANTS.—

(1) PROHIBITION ON IMMIGRANT VISA.—A Z–1 nonimmigrant may not be issued an immigrant visa pursuant to sections 221 and 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202).

(2) ADJUSTMENT.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–1 nonimmigrant may be adjusted by the Secretary to that of an alien lawfully admitted for permanent residence.

(3) REQUIREMENTS.—A Z–1 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, including the merit requirements set forth in section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502, the following requirements:

(A) STATUS.—The alien must be in valid Z–1 nonimmigrant status.

(B) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(C) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a) of such Act, except for those grounds previously waived under subsection (d)(2) of section 601.

(D) FEES AND PENALTIES.—In addition to the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for adjustment of status, a Z–1 nonimmigrant who is the head of household shall pay a $4,000 penalty at the time of submission of any immigrant petition on the alien's behalf, regardless of whether the alien submits such petition on the alien's own behalf or the alien is the beneficiary of an immigrant petition filed by another party.

(b) Z–2 AND Z–3 NONIMMIGRANTS.—

(1) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—An application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence of a Z–2 nonimmigrant or a Z–3 nonimmigrant who is under 18 years of age may not be approved before the adjustment of status of the alien's principal Z–1 nonimmigrant.

(2) ADJUSTMENT OF STATUS.—

(A) ADJUSTMENT.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the status of any Z–2 nonimmigrant or Z–3 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(B) REQUIREMENTS.—A Z–2 nonimmigrant or Z–3 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, the following requirements:

(i) STATUS.—The alien must be in valid Z–2 nonimmigrant or Z–3 nonimmigrant status.

(ii) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) or have an approved petition that was filed pursuant to the merit-based evaluation system under section 203(b)(1)(A) of such Act, as amended by section 502.

(iii) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), except for those grounds previously waived under subsection (d)(2) of section 601.

(iv) FEES.—The alien must pay the fees payable to the Secretary of Homeland Security and the Secretary of State in connection with the filing of an immigrant petition and application for an immigrant visa.

(c) MAINTENANCE OF WAIVERS OF INADMISSIBILITY.—The grounds of inadmissibility not applicable under subsection (d)(2) of section 601 shall also be considered inapplicable for purposes of admission as an immigrant or adjustment pursuant to this section.

(d) APPLICATION OF OTHER LAW.—In processing applications under this section on behalf of aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply—

(1) the provisions under section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)); and

(2) the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(e) BACK OF THE LINE.—An alien may not adjust status to that of a lawful permanent resident under this section until 30 days after an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153) that were filed before May 1, 2005.

(f) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted under this section shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

(g) MEDICAL EXAMINATION.—An applicant for earned adjustment shall undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

(h) PAYMENT OF INCOME TAXES.—

(1) IN GENERAL.—Not later than the date on which status is adjusted under this section, the applicant shall satisfy any applicable Federal tax liability accrued during the period of Z nonimmigrant status by establishing that—

(A) no such tax liability exists;

(B) all outstanding liabilities have been paid; or

(C) the applicant has entered into, and is in compliance with, an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(2) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to—

(A) the applicant, upon request, to establish the payment of all taxes required under this subsection; or

(B) the Secretary, upon request, regarding the payment of Federal taxes by an alien applying for a benefit under this section.

(i) DEPOSIT OF FEES.—Fees collected under this paragraph shall be deposited into the Immigration Examination Fee Account and shall remain available as provided under subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(j) DEPOSIT OF PENALTIES.—Penalties collected under this paragraph shall be deposited into the Temporary Worker Program Account and shall remain available as provided under subsection (w) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as added by section 402.

SEC. _03. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—

(1) EXCLUSIVE REVIEW.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) ADMINISTRATIVE APPELLATE REVIEW.—Except as provided in subsection (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under this Act.

(3) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) SELF-INITIATED REMOVAL.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection (h) of section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as added by subsection (c), as though the order of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (II) of subsection 601(d)(1)(A)(vi) because the alien has been convicted of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))) may be placed forthwith in proceedings pursuant to section 238(b) of such Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under subclause (I), (III), or (IV) of section 601(d)(1)(A)(vi) may be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION, OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall be final for purposes of subsection (h)(3)(C) of section 242 of the Immigration and Nationality Act, as added by subsection (c), and shall represent the exhaustion of all review procedures for purposes of subsection (h) or (o) of section 601, notwithstanding subsection (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection the alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or Attorney General's decision whether to consider any such motion is committed to the discretion of the Secretary or the Attorney General, as appropriate.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER THE SECURE BORDERS, ECONOMIC OPPORTUNITY AND IMMIGRATION REFORM ACT OF 2007.—

"(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, including, without limitation, a denial, termination, or rescission of such status.

"(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 beyond the period for receipt of such applications established by section _01(f) of that Act. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

"(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS.—A denial, termination, or rescission of status under section _01 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that—

"(A) the venue provision set forth in subsection (b)(2) shall govern;

"(B) the deadline for filing the petition for review in subsection (b)(1) shall control;

"(C) the alien has exhausted all administrative remedies available to the alien as of right, including the timely filing of an administrative appeal pursuant to section _03(a) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

"(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

"(E) notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing a denial, termination, or rescission of status under title

____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

"(F) an alien may file not more than 1 motion to reopen or to reconsider in proceedings brought under this section.

"(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary of Homeland Security's denial, termination, or rescission of status under title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 relating to any alien shall be based solely upon the administrative record before the Secretary when the Secretary enters a final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

"(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

"(A) IN GENERAL.—Any claim that title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement such title, violates the Constitution of the United States or is otherwise in violation of law, is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under such title from asserting that an action taken or decision made by the Secretary with respect to the applicant's status under such title was contrary to law in a proceeding under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and subsection (b)(2) of this section.

"(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph—

"(i) shall, if it asserts a claim that title ____ of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement such title violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the date of the publication or promulgation of the challenged regulation, policy, or directive or, in cases challenging the validity of such Act, not later than 1 year after the date of the enactment of such Act; and

"(ii) shall, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed not later than 1 year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

"(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with the Class Action Fairness Act of 2005 (Public Law 109-2; 119 Stat. 4), the amendments made by that Act, and the Federal Rules of Civil Procedure.

"(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

"(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under section __03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of this Act.".

SEC. __04. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section __01 and __02, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the sworn officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information derived from such furnished information, to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, or component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(3) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section __01 and __02 is denied and all opportunities for administrative appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections __01 and __02, any application to extend such status under section __01(k), or any application to adjust status to that of an alien lawfully admitted for permanent residence under section __02, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section __02, then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections __01 or __02 to make a determination on any petition or application.

(g) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections __01 or __02, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to section __01 or __02 are references to sections __01 and __02 of this Act and the amendments made by those sections.

SEC. __05. EMPLOYER PROTECTIONS.

(a) IN GENERAL.—Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for Z nonimmigrant status shall not be used in a prosecution or investigation (civil or criminal) of that employer under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by title ____, or under the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. __06. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of Social Security, shall implement a system to allow for the prompt enumeration of a social security account number after the Secretary has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. __07. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following:

"(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

"(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).".

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SEC. __08. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) PROCEDURES.—The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in section __01(e)(5)(B) and section __02(a)(3)(D) through an installment payment plan.

(b) USE.—Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) Such penalties shall be credited as offsetting collections to appropriations provided pursuant to section __11 for the fiscal year in which this Act is enacted and the subsequent fiscal year.

(2) Such penalties shall be deposited and remain available as otherwise provided under this title.

SEC. __09. LIMITATIONS ON ELIGIBILITY.

(a) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud, or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) PROSECUTION.—An alien who commits a violation of section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by this Act, during the period beginning on the date of the enactment of this Act and ending on the date on which the alien applies for eligibility for an immigration benefit described in subsection (a) may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. __10. RULEMAKING.

(a) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule within 6 months of the date of the enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset 2 years after issuance unless the Secretary issues a final rule within 2 years of the issuance of the interim final rule.

(b) EXEMPTION.—The exemption provided under this section shall sunset not later than 2 years after the date of the enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. __11. AUTHORIZATION OF APPROPRIATIONS.

(a) The first $4,400,000,000 of such penalties shall be deposited into the general fund of the Treasury as repayment of funds transferred into the Immigration Security Account under section 286(z)(1) of the Immigration and Nationality Act.

(b) Penalties in excess of $4,400,000,000 shall be deposited and remain available as otherwise provided under this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections __01 and __02.

Subtitle B—Dream Act

SEC. __20. SHORT TITLE.

This subtitle may be cited as the "Development, Relief, and Education for Alien Minors Act of 2007" or the "DREAM Act of 2007".

SEC. __21. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. __22. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary of Homeland Security may beginning on the date that is 3 years after the date of the enactment of this Act adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be eligible for or has been granted probationary or Z nonimmigrant status if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of the enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) subject to paragraph (2), the alien has not abandoned the alien's residence in the United States;

(D) the alien has—

(i) acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge;

(E) the alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(F) the alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(2) ABANDONMENT.—The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(b) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has been granted probationary or Z nonimmigrant status and has satisfied the requirements of paragraphs (A) through (F) of subsection (a)(1) shall beginning on the date that is 8 years after the date of the enactment of this Act be considered to have satisfied the requirements of section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1427(a)(1)).

(c) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status.

(d) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. __23. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. __24. HIGHER EDUCATION ASSISTANCE.

(a) INAPPLICABILITY OF OTHER LAWS.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who has been granted probationary or Z nonimmigrant status.

(b) ASSISTANCE.—Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section 622(a)(1), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV, subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV, subject to the requirements of such part.

(3) Services under such title IV, subject to the requirements for such services.

SEC. _25. DELAY OF FINES AND FEES.

(a) IN GENERAL.—Payment of the penalties and fees specified in section _01(e)(5) shall not be required with respect to an alien who meets the eligibility criteria set forth in subparagraphs (A), (B), and (F) of section _22(a)(1) until the date that is 6 years and 6 months after the date of the enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section _22(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section _22(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section _01(e)(5) consistent with the procedures set forth in section _08 within 90 days.

(b) REFUNDS.—With respect to an alien who meets the eligibility criteria set forth in subparagraphs (A) and (F) of section _22(a)(1), but not the eligibility criteria in section _22(a)(1)(B), the individual who pays the penalties specified in section _01(e)(5) shall be entitled to a refund when the alien makes all the demonstrations specified in section _22(a)(1).

SEC. _26. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section _22;

(2) the number of aliens who applied for adjustment of status under section _22; and

(3) the number of aliens who were granted adjustment of status under section _22.

SEC. _27. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary of Homeland Security shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

Subtitle C—Agricultural Workers

SEC. _30. SHORT TITLE.

This subtitle may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2007" or the "AgJOBS Act of 2007".

PART I—ADMISSION

SEC. _31. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z–A NONIMMIGRANT VISA CATEGORY.—

(1) ESTABLISHMENT.—Paragraph (15) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section _01(b), is further amended by adding at the end the following new subparagraph:

"(Z–A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A; or

"(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.".

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following:

"SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

"(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

"(3) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(4) QUALIFIED DESIGNATED ENTITY.—The term 'qualified designated entity' means—

"(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

"(B) any such other person designated by the Secretary if the Secretary determines such person is qualified and has substantial experience, demonstrated competence, and a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by such Act.

"(5) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(6) TEMPORARY.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

"(7) WORK DAY.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

"(8) Z–A DEPENDENT VISA.—The term 'Z–A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(ii).

"(9) Z–A VISA.—The term 'Z–A visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(i).

"(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

"(1) IN GENERAL.—An alien issued a Z–A visa or a Z–A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

"(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is issued a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

"(3) AUTHORIZED TRAVEL.—An alien who is issued a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

"(c) QUALIFICATIONS.—

"(1) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, issued a Z–A visa to an alien if the Secretary determines that the alien—

"(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2006;

"(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of the enactment of this Act;

"(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

"(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; and

"(E) meets the requirements of paragraph (3).

"(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall issue a Z–A dependent visa to an alien who is—

"(A) described in section 101(a)(15)(Z–A)(ii);

"(B) meets the requirements of paragraph (3); and

"(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

"(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

"(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

"(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

"(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

"(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(d) APPLICATION.—

"(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse of child of the alien.

"(2) SUBMISSION.—Applications for a Z–A visa under paragraph (1) may be submitted—

"(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

"(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

"(3) PROOF OF ELIGIBILITY.—

"(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

"(B) DOCUMENTATION OF WORK HISTORY.—

"(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (j) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

"(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

"(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

"(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

"(A) REQUIREMENTS.—Each qualified designated entity shall agree—

"(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

"(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

"(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

"(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

"(5) APPLICATION FEES.—

"(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

"(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

"(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

"(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

"(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order.

"(7) TREATMENT OF APPLICANTS.—

"(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependent visa, on the date described in subparagraph (B)—

"(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

"(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

"(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and

"(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which the alien's application for a Z–A visa is denied.

"(B) TIMING OF PROBATIONARY BENEFITS.—

"(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under this subsection, including any evidence required under this subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

"(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

"(II) the end of the next business day after the date that the Secretary receives the alien's application for a Z–A visa.

"(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

"(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may, by regulation, establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

"(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

"(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(A) BEFORE APPLICATION PERIOD.—Beginning on the date of the enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z–A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

"(i) may not be removed; and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

"(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for Z–A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

"(i) may not be removed; and

"(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

"(e) NUMERICAL LIMITATIONS.—

"(1) Z–A VISA.—The Secretary may not issue more than 1,500,000 Z–A visas

"(2) Z–A DEPENDENT VISA.—The Secretary may not count any Z–A dependent visa issued against the numerical limitation described in paragraph (1).

"(f) EVIDENCE OF NONIMMIGRANT STATUS.—

"(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z–A visa or a Z–A dependent visa.

"(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z–A visa or a Z–A dependent visa—

"(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

"(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

"(C) shall serve as a valid travel and entry document for an alien granted a Z–A visa or a Z–A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

"(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

"(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z–A visa or a Z–A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

"(g) FINE.—An alien granted a Z–A visa shall pay a fine of $100 to the Secretary.

"(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

"(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien issued a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

"(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien issued a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

"(3) TERMS OF EMPLOYMENT.—

"(A) PROHIBITION.—No alien issued a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

"(B) TREATMENT OF COMPLAINTS.—

"(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens issued a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

"(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

"(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

"(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is issued a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

"(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

"(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

"(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

"(4) RECORD OF EMPLOYMENT.—

"(A) IN GENERAL.—Each employer of an alien who is issued a Z–A visa shall annually—

"(i) provide a written record of employment to the alien; and

"(ii) provide a copy of such record to the Secretary.

"(B) CIVIL PENALTIES.—

"(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien issued a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

"(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

"(i) TERMINATION OF A GRANT OF Z–A VISA.—

"(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa issued to an alien only if the Secretary determines that the alien is deportable.

"(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

"(A) the Secretary finds, by a preponderance of the evidence, that the issuance of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

"(B) the alien—

"(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

"(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

"(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

"(iv) in the case of an alien issued a Z–A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

"(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien issued a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5-year work period, which may include submission of an application pursuant to this subsection.

"(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien issued a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

"(A) QUALIFYING EMPLOYMENT.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

"(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of the AgJOBS Act of 2007; or

"(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of enactment.

"(ii) FOUR-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 workdays during 3 years of those 4 years and at least 100 workdays during the remaining year, during the 4-year period beginning on such date of enactment.

"(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

"(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

"(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

"(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

"(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

"(i) the record of employment described in subsection (h)(4); or "(ii) such documentation as may be submitted under subsection (d)(3).

"(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

"(i) apply for adjustment of status; or

"(ii) renew the alien's Z visa status as described in section 601(k)(2).

"(D) FINE.—The alien pays to the Secretary a fine of $400.

"(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z-A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

"(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z-A visa or a Z-A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

"(A) the Secretary finds by a preponderance of the evidence that grant of the Z-A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

"(B) the alien—

"(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

"(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

"(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

"(4) GROUNDS FOR REMOVAL.—Any alien granted Z-A visa status who does not apply for adjustment of status or renewal of Z status under section _01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 prior to the expiration of the application period described in subsection (c)(1)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

"(5) PAYMENT OF TAXES.—

"(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

"(i) no such tax liability exists;

"(ii) all such outstanding tax liabilities have been paid; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

"(6) ENGLISH LANGUAGE.—

"(A) IN GENERAL.—Not later than the date on which a Z-A nonimmigrant's status is adjusted or renewed under section _01(k)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, a Z-A nonimmigrant who is 18 years of age or older shall pass the naturalization test described in paragraph (1) and (2) of section 312(a).

"(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z-A nonimmigrant status—

"(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

"(ii) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

"(iii) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

"(7) PRIORITY OF APPLICATIONS.—

"(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 that were filed before May 1, 2005 (referred to in this paragraph as the 'processing date').

"(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

"(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z-A nonimmigrant status under this section shall be afforded confidentiality as provided under section _04 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

"(l) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—Any person who—

"(A) applies for a Z-A visa or a Z-A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-54) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z-A visa under subsection (b) or an adjustment of status under subsection (j).

"(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z-A visa shall be such as is provided under section _03 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.

"(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z-A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.".

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by this Act, is further amended—

(A) in subparagraph (A), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (N)"; and

(B) by adding at the end the following:

"(N) Aliens issued a Z-A visa or a Z-A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.".

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of such Act (8 U.S.C. 1152) is amended by adding at the end the following:

"(6) SPECIAL RULE FOR Z-A NONIMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z-A visa or a Z-A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.".

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

"Sec. 214A. Admission of agricultural workers.".

SEC. _32. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A.

"(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking nonimmigrant status under section 101(a)(15)(Z-A) or for processing applications made by such an alien who is seeking an adjustment of status.

"(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.".

SEC. _33. REGULATIONS; EFFECTIVE DATE; AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle and the amendments made by this subtitle, including any sums needed for costs associated with the initiation of such implementation.

SEC. _34. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

SEC. ___. ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.

(a) IN GENERAL.—Section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by section 601(b), is amended to read as follows:

"(Z) subject to title VI of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, an alien who—

"(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

"(II) is employed, and seeks to continue performing labor, services, or education; and

"(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

"(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

"(bb) the amount of cumulative time the applicant has lived in the United States;

"(cc) whether the applicant owns property in the United States;

"(dd) whether the applicant owns a business in the United States;

"(ee) the extent to which the applicant knows the English language;

"(ff) the applicant's work history in the United States;

"(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

"(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

"(ii) whether the applicant has been convicted of criminal activity in the United States; and

"(jj) whether the applicant certifies his or her intention to ultimately become a United States citizen;

"(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

"(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

"(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).".

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary shall use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by subsection (a).

(c) ADDITIONAL Z NONIMMIGRANT ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any provision of section 601(e), an alien is not eligible for Z–1 or Z–2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I) of the Immigration and Nationality Act unless—

(A) the alien was physically present in the United States on the date that is 4 years before the date of the enactment of this Act and has maintained physical presence in the United States since that date; and

(B) the alien was, on the date that is 4 years before the date of the enactment of this Act, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) TREATMENT OF APPLICANTS.—Notwithstanding any provision of section 601(h), an alien who files an application for Z nonimmigrant status shall submit sufficient evidence that the alien resided in the United States for not less than 4 years before the date of the enactment of this Act before receiving any benefit under section 601(h).

(3) APPLICATION.—Notwithstanding any provision of section 602(a)(1), a Z–1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

SEC. ___. PROHIBITION ON ADJUSTMENT OF STATUS FOR Z NONIMMIGRANTS.

Notwithstanding any provision of section 602—

(1) a Z nonimmigrant may not be issued an immigrant visa pursuant to section 221 or 222 of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202); and

(2) the status of a Z nonimmigrant may not be adjusted to that of an alien lawfully admitted for permanent residence.

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

(a) PREFERENCE CATEGORIES.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c) of this Act, is further amended to read as follows:

"(a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted immigrant visas as follows:

"(1) PARENTS OF A CITIZEN OF THE UNITED STATES IF THE CITIZEN IS AT LEAST 21 YEARS OF AGE.—Qualified immigrants who are the parents of a citizen of the United States if the citizen at least 21 years of age shall be allocated immigrant visas in a number not to exceed the sum of—

"(A) 90,000; and

"(B) the number of visas not required for the classes specified in paragraph (3).

"(2) SPOUSES OR CHILDREN OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR A NATIONAL.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States (as defined in section 101(a)(22)(B)) who is resident in the United States shall be allocated immigrant visas in a number not to exceed the sum of—

"(A) 87,000; and

"(B) the number of visas not required for the class specified in paragraph (1).

"(3) FAMILY-SPONSORED IMMIGRANTS WHO ARE BENEFICIARIES OF FAMILY-BASED VISA PETITIONS FILED BEFORE MAY 1, 2005.—Immigrant visas totaling 440,000 shall be allotted as follows:

"(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

"(i) 70,400; and

"(ii) the number of visas not required for the class specified in subparagraph (D).

"(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the sum of—

"(i) 110,000; and

"(ii) the number of visas not required for the class specified in subparagraph (A).

"(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the sum of—

"(i) 70,400; and

"(ii) the number of visas not required for the classes specified in subparagraphs (A) and (B).

"(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the sum of—

"(i) 189,200; and

"(ii) the number of visas not required for the classes specified in subparagraphs (A), (B), and (C).".

(b) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b) of this Act, is amended to read as follows:

"(s) PARENT VISITOR VISAS.—

"(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

"(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

"(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

"(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeited if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

"(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

"(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

"(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

"(B) shall, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

"(C) may not be issued employment authorization by the Secretary or be employed.

"(4) PERMANENT BARS FOR OVERSTAYS.—

"(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

"(i) asylum under section 208(a);

"(ii) withholding of removal under section 241(b)(3); or

"(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

"(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

"(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

"(ii) the alien has not otherwise violated his or her nonimmigrant status.

"(5) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y-1 nonimmigrant sponsor of an alien—

"(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

"(B) who remains in the United States beyond his or her authorized period of admission,

shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y-1 nonimmigrant sponsor, shall have his Y-1 nonimmigrant status terminated.

"(6) CONSTRUCTION.—Except as specifically provided in this subsection, nothing in this subsection may be construed to make inapplicable—

"(A) the requirements for admissibility and eligibility; or

"(B) the terms and conditions of admission as a nonimmigrant under section 101(a)(15)(B).".

SEC. ___. REDUCING CHAIN MIGRATION AND PERMITTING PETITIONS BY NATIONALS.

(a) PREFERENCE CATEGORIES.—Section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), as amended by section 503(c), is further amended—

(1) by striking "not to exceed" and inserting "equal to"; and

(2) by adding at the end the following: "If the number of visas issued pursuant to this paragraph is fewer than 87,000, such unused visas may be available for visas issued pursuant to paragraph (1).".

(b) PARENT VISITOR VISAS.—Section 214(s)(4) of the Immigration and Nationality Act, as added by section 506(b), is amended by striking "7 percent" each place it appears and inserting "5 percent".

SEC. ___. EFFECT OF EXTENDED FAMILY ON MERIT-BASED EVALUATION SYSTEM.

Section 203(b)(1)(A) of the Immigration and Nationality Act, as amended by section 502(b)(1), is amended by striking the merit-based evaluation system set forth in all the matter relating to "Extended family" and insert the following:

Extended family	Adult (21 or older) son or daughter of a United States citizen - **10 points**.	15
	Adult (21 or older) son or daughter of a legal permanent resident - **10 points**.	....
	Sibling of a United States citizen or legal permanent resident - **10 points**.	....
	If an alien had applied for a family visa in any of the above categories after May 1, 2005 - **5 points**.	....
Total	....	105

SEC. ___. IDENTIFICATION CARD STANDARDS.

(a) REPEAL.—Section 306 of this Act is repealed.

(b) LIMITATION.—Notwithstanding any other provision of this Act or the amendments made by this Act—

(1) no Federal agency may require that a driver's license or personal identification card meet the standards specified under the REAL ID Act of 2005 (division B of Public Law 109-13) to establish employment authorization or identity in order to be hired by an employer; and

(2) no Federal funds may be provided under this Act to assist States to meet such standards to establish employment authorization or identity in order to be hired by an employer.

TITLE ___—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. _01. REPEAL OF TITLE III.

Title III of this Act is repealed and the amendments made by title III of this Act are null and void.

SEC. _02. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

"SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

"(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for an employer—

"(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard for the fact that, the alien is an unauthorized alien with respect to such employment; or

"(B) to hire, or to recruit or refer for a fee, an individual for employment in the United States, unless such employer meets the requirements of subsections (c) and (d).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing, or with reckless disregard for the fact that, the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) USE OF LABOR THROUGH CONTRACT.—

"(A) IN GENERAL.—It is unlawful for an employer to obtain, or continue to obtain, the labor of an alien through a contract, subcontract, or exchange knowing that the alien is, or has become, an unauthorized alien with respect to such employment

"(B) REBUTTABLE PRESUMPTION.—There shall be a rebuttable presumption that the employer has violated subparagraph (A) if the employer fails to terminate such contract or subcontract upon written or electronic notice from the Secretary that such alien is, or has become, an unauthorized alien with respect to such employment.

"(C) NOTIFICATION.—The Secretary shall establish procedures to permit the notification of employers under subparagraph (B).

"(4) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States, shall verify that the individual is eligible for such employment by meeting the following requirements:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

"(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

"(i) in the case of an individual who is a national of the United States—

"(I) a United States passport, or passport card issued pursuant to the Secretary of State's authority under the first section of the Act of July 3, 1926 (44 Stat. 887, Chapter 772; 22 U.S.C. 211a); or

"(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that—

"(aa) contains a photograph of the individual and other identifying information, including the individual's name, date of birth, gender, and address; and

"(bb) contains security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use;

"(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary that meets the requirements of items (aa) and (bb) of clause (i)(II);

"(iii) in the case of an alien who is authorized to be employed in the United States, an employment authorization card, as specified by the Secretary that meets the requirements of such items (aa) and (bb); or

"(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that meets the requirements of such items (aa) and (bb).

"(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraphs (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 5 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

"(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

"(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

"(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary, the Secretary of State, the Commissioner of Social Security, or the official of a State responsible for issuing drivers' licenses and identity cards; and

"(B) such individual is eligible for employment in the United States.

"(2) REQUIREMENT FOR PARTICIPATION.—

"(A) NEW EMPLOYEES.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is not later than 18 months after the date of enactment of this section.

"(B) OTHER EMPLOYEES.—Not later than 3 years after such date of enactment, the Secretary shall require all employers to verify through the System the identity and employment eligibility of any individual who—

"(i) the Secretary has reason to believe is unlawfully employed based on the information received under section 6103(l)(21) of the Internal Revenue Code of 1986; and

"(ii) has not been previously verified through the System.

"(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

"(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

"(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of this section—

"(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

"(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

"(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (2) or (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(iv).

"(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

"(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

"(A) the attestation requirement in subsection (c); and

"(B) the employment eligibility verification requirements in this subsection.

"(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

"(8) DESIGN AND OPERATION OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

"(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

"(B) INITIAL INQUIRY.—

"(i) INFORMATION REQUIRED.—A registered employer shall with respect to hiring or recruiting or referring for a fee any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

"(I) the individual's name and date of birth;

"(II) the individual's social security account number;

"(III) the identification number contained on the document presented by the individual pursuant to subsection (c)(1)(B); and

"(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

"(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(I) not earlier than the date of hire and no later than the first day of employment, or recruiting or referring for a fee, of the individual (as the case may be); or

"(II) in the case of an employee hired before such employer was required to participate in the system, at such time as the Secretary shall specify.

"(C) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

"(D) CONFIRMATION OR NONCONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under subparagraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

"(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under subparagraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

"(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

"(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(ii) not later than 10 days after receiving the notice from the individual's employer.

"(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii) or a final confirmation notice or final nonconfirmation notice is issued through the System.

"(vi) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

"(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of error or fraud; or

"(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

"(vii) PROHIBITION ON TERMINATION.—An employer may not terminate such employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of such employment for any reason other than such tentative nonconfirmation.

"(viii) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

"(ix) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall immediately terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(E) RESPONSIBILITIES OF THE SECRETARY.—

"(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

"(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

"(II) a determination of whether the individual is authorized to be employed in the United States.

"(ii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

"(iii) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

"(I) information about the reason for such notice;

"(II) the right to contest such notice;

"(III) contact information for the appropriate agency and instructions for initiating such contest; and

"(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

"(iv) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

"(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

"(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(I) and transmit to the Secretary the related photographic image or other identifying information.

"(H) RESPONSIBILITIES OF A STATE.—The official responsible for issuing drivers' licenses and identity cards for a State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(II) and transmit to the Secretary the related photographic image or other identifying information.

"(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(10) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 30 days after the date of such termination, file an appeal of such notice.

"(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

"(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine whether the final nonconfirmation notice issued for the individual was the result of—

"(i) the decision rules, processes, or procedures utilized by the System;

"(ii) a natural disaster, or other event beyond the control of the government;

"(iii) acts or omissions of an employee or official operating or responsible for the System;

"(iv) acts or omissions of the individual's employer;

"(v) acts or omissions of the individual; or

"(vi) any other reason.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was caused by a negligent, reckless, willful, or malicious act of the government, and was not due to an act or omission of the individual, the Secretary, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under this paragraph and ending on the earlier of—

"(I) the date which is 180 days thereafter; or

"(II) the day after the date the individual receives a confirmation described in subparagraph (C).

"(11) JUDICIAL REVIEW.—

"(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 30 days after the date of such decision, or such further time as the Secretary may allow.

"(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

"(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court, subject to the availability of appropriations made in accordance with paragraph (12)(B), shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under paragraph (10) and ending on the earlier of—

"(I) the date which is 180 days thereafter; or

"(II) the day after the date the individual receives a reversal described in clause (i).

"(12) COMPENSATION FOR LOSS OF EMPLOYMENT.—For purposes of paragraphs (10) and (11)—

"(A) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was not present in, or was ineligible for employment in, the United States.

"(B) AUTHORIZATION OF APPROPRIATION OF FUNDS.—There is authorized to be appropriated such sums as may be necessary to provide the compensation or reimbursement provided for under such paragraphs. An appropriation made pursuant to this authorization shall be in addition to any funds otherwise authorized to be appropriated to the Department of Homeland Security.

"(13) LIMITATION ON COLLECTION AND USE OF DATA.—

"(A) LIMITATION ON COLLECTION OF DATA.—

"(i) IN GENERAL.—The Secretary shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

"(I) information necessary to register employers under paragraph (5);

"(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

"(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

"(IV) information necessary to detect and prevent employment-related identity fraud; and

"(V) such other information the Secretary determines is necessary, subject to a 180-day notice and comment period in the Federal Register.

"(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined $1,000 for each violation.

"(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

"(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

"(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

"(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

"(14) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System. The Secretary shall minimize the collection and storage of paper documents and maximize the use of electronic records, including electronic signatures.

"(15) ANNUAL GAO STUDY AND REPORT.—

"(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

"(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

"(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of this section, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

"(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

"(ii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

"(iii) An assessment of the effects of the System on the employment of unauthorized aliens.

"(iv) An assessment of the effects of the System, including the effects of tentative confirmations on unfair immigration-related employment practices, and employment discrimination based on national origin or citizenship status.

"(v) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

"(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

"(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) specify the amount of fines or other penalties to be imposed;

"(iv) disclose the material facts which establish the alleged violation; and

"(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

"(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of $5,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $25,000 for each unauthorized alien with respect to each such violation.

"(iv) If the employer has previously been fined more than 2 times under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $75,000 for each unauthorized alien with respect to each such violation.

"(v) An employer who fails to comply with a written final determination under paragraph (3)(C) shall be fined $75,000 for each violation, in addition to any fines or other penalties imposed by such determination.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of $1,000 for each such violation.

"(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $2,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of $5,000 for each such violation.

"(iv) If the employer has previously been fined more than 2 times under this subparagraph, pay a civil penalty of $15,000 for each such violation.

"(v) An employer who fails to comply with a written final determination under paragraph (3) shall be fined $15,000 for each violation, in addition to any fines or other penalties imposed by such determination.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 30 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 31 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) ADJUSTMENT FOR INFLATION.—All penalties in this section shall be increased every 4 years beginning January 2011 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

"(h) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referral of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referral of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of a Federal contract, grant, or cooperative agreement for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of the debarment.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be subject to debarment from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years.

"(C) WAIVER.—After consideration of the views of all agencies or departments that hold a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of nor more than 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(4) DETERMINATION OF REPEAT VIOLATORS.—Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

"(j) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

"(2) PREEMPTION.—The provisions of this section preempt any State or local law—

"(A) imposing civil or criminal sanctions upon those who hire, or recruit or refer for a fee, unauthorized aliens for employment; or

"(B) requiring the use of the System for any unauthorized purpose, or any authorized purpose prior to the time such use is required or permitted by Federal law.

"(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the general fund of the Treasury.

"(l) DEFINITIONS.—In this section:

"(1) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(2) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary under any other provision of law.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 of the Immigration and Nationality Act (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) DOCUMENT REQUIREMENTS.—Section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(c) and (d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(c)".

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) EEVS DETERMINATIONS.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following:

"(I)(i) The Commissioner of Social Security shall, subject to the provisions of section _01(f)(2) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

"(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner;

"(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

"(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

"(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

"(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

"(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall—

"(i) to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary of Homeland Security;

"(ii) in all cases, record, verify, and maintain an electronic record of the alien identification or authorization number issued by the Secretary and utilized by the Commissioner in assigning such social security account number; and

"(iii) upon the issuance of a social security account number, transmit such number to the Secretary of Homeland Security for inclusion in such alien's record maintained by the Secretary.".

(2) AGREEMENT.—Section 205(c)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(i)) is amended by adding at the end the following: "Any State that utilizes a social security account number for such purpose shall enter into an agreement with the Commissioner to allow the Commissioner to verify the name, date of birth, and the identity number issued by the official the State responsible for issuing drivers' licenses and identity cards. Such agreement shall be under the same terms and conditions as agreements entered into by the Commissioner under paragraph 205(r)(8).".

(3) DISCLOSURE OF DEATH INFORMATION.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

"(9) Notwithstanding this section or any agreement entered into thereunder, the Commissioner of Social Security is authorized to disclose death information to the Secretary of Homeland Security to the extent necessary to carry out the responsibilities required under subsection (c)(2) and section 6103(l)(21) of the Internal Revenue Code of 1986.".

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY THE SOCIAL SECURITY ADMINISTRATION TO THE DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—Upon written request by the Secretary of Homeland Security, the Commissioner of Social Security or the Secretary shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

"(i) DISCLOSURE OF EMPLOYER NO MATCH NOTICES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains—

"(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of section 6051) or any recipient (within the meaning of section 6041(a)) that could not be matched to the records maintained by the Commissioner of Social Security, or

"(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) or recipients (within the meaning of section 6041(a)) with the same taxpayer identifying number,

and the taxpayer identity of each such employee or recipient.

"(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE TAXPAYER IDENTIFYING INFORMATION OF EMPLOYEES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051) or a recipient (within the meaning of section 6041(a))—

"(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

"(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

"(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year,

"(IV) who is not authorized to work in the United States, according to the records so maintained, or

"(V) who is not a national of the United States, according to the records so maintained,

and the taxpayer identity of each such employee or recipient.

"(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) which the Commissioner of Social Security or the Secretary, as the case may be, has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) hired and recipients (within the meaning of section 6041(a)) retained after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) and recipients (within the meaning of section 6041(a)) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—The taxpayer identity of each person participating in the System and the taxpayer identity of all employees (within the meaning of section 6051) of such person hired and all recipients (within the meaning of section 6041(a)) of such person retained during the period beginning with the later of—

"(I) the date such person begins to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

"(B) RESTRICTION ON DISCLOSURE.—The taxpayer identities disclosed under subparagraph (A) may be used by officers, employees, and contractors of the Department of Homeland Security only for purposes of, and to the extent necessary in—

"(i) preventing identity fraud;

"(ii) preventing unauthorized aliens from obtaining employment in the United States;

"(iii) establishing and enforcing employer participation in the System;

"(iv) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act; and

"(v) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security and the Secretary shall prescribe a reasonable fee schedule based on the additional costs directly incurred for furnishing taxpayer identities under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) INFORMATION RETURNS UNDER SECTION 6041.—For purposes of this paragraph, any reference to information returns required by reason of section 6041(a) shall only be a reference to such information returns relating to payments for labor.

"(E) FORM OF DISCLOSURE.—The taxpayer identities to be disclosed under paragraph (A) shall be provided in a form agreed upon by the Commissioner of Social Security, the Secretary, and the Secretary of Homeland Security.

"(F) TERMINATION.—This paragraph shall not apply to any request made after the date which is 5 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—Section 6103(p) of such Code is amended by adding at the end the following:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (midpoint review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary, for the most recent annual period, that such contractor is in compliance with all such requirements, by submitting the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)"; and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent funds are appropriated, in advance, to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. _03. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of United States Immigration and Customs Enforcement personnel during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by United States Immigration and Customs Enforcement personnel is used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

SEC. _04. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. _05. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment"; and

(B) in subparagraph (B), by striking "in the case of a protected individual (as defined in paragraph (3)),"; and

(2) by striking paragraph (3) and inserting the following:

"(3) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(A) IN GENERAL.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(i) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(ii) to use the .verification system for screening of an applicant prior to an offer of employment;

"(iii) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first day of employment, unless a waiver is provided by the Secretary of Homeland Security for good cause, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

"(iv) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).

"(B) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in subparagraph (A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.".

(b) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)) is amended in subparagraph (B)(iv)—

(1) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(2) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(3) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(4) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(c) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2008 through 2010" before the period at the end.

(d) EFFECTIVE· DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SEC. ___. DISTRICT JUDGES FOR THE DISTRICT COURTS IN BORDER STATES.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 4 additional district judges for the district of Arizona;

(2) 4 additional district judges for the central district of California;

(3) 4 additional district judges for the eastern of California;

(4) 2 additional district judges for the northern district of California;

(5) 4 additional district judges for the middle district of Florida;

(6) 2 additional district judges for the southern district of Florida;

(7) 1 additional district judge for the district of Minnesota;

(8) 1 additional district judge for the district of New Mexico;

(9) 3 additional district judges for the eastern district of New York;

(10) 1 additional district judge for the western district of New York;

(11) 1 additional district judge for the eastern district of Texas;

(12) 2 additional district judges for the southern district of Texas;

(13) 1 additional district judge for the western district of Texas; and

(14) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona;

(B) 1 additional district judge for the central district of California;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the middle district of Florida;

(E) 1 additional district judge for the southern district of Florida;

(F) 1 additional district judge for the district of Idaho; and

(G) 1 additional district judge for the district of New Mexico.

(2) VACANCIES.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

(c) EXISTING JUDGESHIPS.—The existing judgeships for the district of Arizona and the district of New Mexico authorized by section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273, 116 Stat. 1758), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(d) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized as a result of subsections (a) and (c), such table is amended to read as follows:

"Districts	Judges
Alabama:	
Northern	7
Middle	3
Southern	3
Alaska	3
Arizona	17
Arkansas:	
Eastern	5
Western	3
California:	
Northern	16
Eastern	10
Central	31
Southern	13
Colorado	7
Connecticut	8
Delaware	4
District of Columbia	15
Florida:	
Northern	4
Middle	19
Southern	19
Georgia:	
Northern	11
Middle	4
Southern	3
Hawaii	3
Idaho	2
Illinois:	
Northern	22
Central	4
Southern	4
Indiana:	
Northern	5
Southern	5
Iowa:	
Northern	2
Southern	3
Kansas	5
Kentucky:	
Eastern	5
Western	4
Eastern and Western	1
Louisiana:	
Eastern	12
Middle	3
Western	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3
Southern	6
Missouri:	
Eastern	6
Western	5
Eastern and Western	2
Montana	3
Nebraska	3
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	6
Pennsylvania:	
Eastern	22
Middle	6
Western	10
Puerto Rico	7
Rhode Island	3
South Carolina	10
South Dakota	3
Tennessee:	
Eastern	5
Middle	4
Western	5
Texas:	
Northern	12
Southern	21
Eastern	8

“Districts	Judges
Western	14
Utah	5
Vermont	2
Virginia:	
Eastern	11
Western	4
Washington:	
Eastern	4
Western	8
West Virginia:	
Northern	3
Southern	5
Wisconsin:	
Eastern	5
Western	2
Wyoming	3.”.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide appropriate space and facilities for the judicial positions created under this section.

(f) FUNDING.—Notwithstanding any other provision of law, the Attorney General shall transfer, for each of the fiscal years 2008 through 2017, $8,000,000 from the Department of Justice Assets Forfeiture Fund to the general fund of the Treasury to carry out this section.

SEC. ___. TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

“(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

“(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President’s intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

“(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

“(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

“(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President’s report shall include the following:

“(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

“(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

“(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

“(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

“(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

“(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

“(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

“(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

“(3) For purposes of this subsection, the term ‘approval resolution’ means a joint resolution, the matter after the resolving clause of which is as follows: ‘That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and ___________ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of ___________, transmitted to Congress by the President on ___________, is hereby approved.’, the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

“(4) Whenever a document setting forth an agreement entered into under this section and the President’s report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

“(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.”.

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

“(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

“(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

“(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

“(B) contains recommendations for adjusting the methods used to make the estimates.

“(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

“(g) GAO EVALUATION AND REPORT.—

“(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

“(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

“(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

“(C) such recommendations as the Comptroller General determines appropriate.

“(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

“(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act that are transmitted to Congress on or after January 1, 2007.

SEC. ___. IMMIGRATION ENFORCEMENT IMPROVEMENTS.

(a) VISA EXIT TRACKING SYSTEM.—In addition to the border security and other measures described in paragraphs (1) through (6) of section 1(a), the certification required under section 1(a) shall include a statement that the Secretary of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act at designated ports of entry or designated United States consulates abroad.

(b) PROMPT REMOVAL PROCEEDINGS.—Subject to the availability of appropriations, the Secretary of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien admitted into the United States under subparagraph (B) (admitted under the terms and conditions of section 214(s)), (H)(ii) (as amended by title IV), or (Y) of section 101(a)(15) of the Immigration and Nationality Act, and who exceeds the alien’s period of authorized admission or otherwise violates any terms of the alien's nonimmigrant status. In conducting such removal proceedings, the Secretary shall give priority to aliens who may pose a threat to the national security, and those convicted of criminal offenses.

(c) REPORT TO GOVERNORS.—

(1) IN GENERAL.—Not later than 90 days before the Secretary of Homeland Security submits a written certification under section 1(a), the Secretary shall submit a report to the governors of the States that share a land border with Mexico that—

(A) describes the progress made in establishing, funding, and implementing the border security and other measures described in subsection (a) and section 1(a); and

(B) indicates the date on which the Secretary intends to submit a written certification under subsection (a) and section 1(a).

(2) GOVERNOR'S RESPONSE.—Not later than 60 days after receiving a report from the Secretary under paragraph (1), a governor may submit a report to Congress that—

(A) analyzes the accuracy of the information received by the Secretary;

(B) indicates whether the governor agrees with the Secretary that the border security and other measures described in subsection (a) and section 1(a) will be established, funded, and operational before the Secretary's certification is submitted; and

(C) makes recommendations regarding new border enforcement policies, strategies, and additional programs needed to secure the border.

(3) CONSULTATION.—The Secretary shall consult with any governor who submits a report under subsection (2) before submitting written certification under section 1(a).

(d) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(1) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—In each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in United States Immigration and Customs Enforcement—

(A) to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States;

(B) to investigate immigration fraud; and

(C) to enforce workplace violations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(3) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458; 118 Stat. 3734) is repealed.

(e) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 of the Immigration and Nationality Act, as amended by section 111(a), is further amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by striking subsection (c), as added by section 111(a)(3), and inserting the following:

"(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—The Secretary of Homeland Security shall require an alien entering and departing the United States to provide biometric data and other information relating to the alien's immigration status.

"(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall require an alien who was admitted to the United States under subparagraph (B) (under the terms and conditions of section 214(s)), (H)(ii), or (Y) of section 101(a)(15) to record the alien's departure at a designated port of entry or at a designated United States consulate abroad.

"(2) FAILURE TO RECORD DEPARTURE.—If an alien does not record the alien's departure as required under paragraph (1), the Secretary, not later than 48 hours after the expiration of the alien's period of authorized admission, shall enter the name of the alien into a database of the Department of Homeland Security as having overstayed the alien's period of authorized admission.

"(3) INFORMATION SHARING WITH LAW ENFORCEMENT AGENCIES.—Consistent with the authority of State and local police to assist the Federal Government in the enforcement of Federal immigration laws, the information in the database described in paragraph (2) shall be made available to State and local law enforcement agencies pursuant to the provisions of section 240D.".

(f) EFFECTIVE DATE OF AGGRAVATED FELONY SECTION.—

(1) IN GENERAL.—Notwithstanding section 203(b), and except as provided under paragraph (2), the amendments made by section 203(a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to any conviction that occurred on or after the date of the enactment of this Act.

(2) APPLICATION WITH RESPECT TO CONVICTIONS FOR SEXUAL ABUSE OF A MINOR.—Notwithstanding paragraph (1), the amendment made by section 203(a)(2) related to the sexual abuse of a minor shall apply to any conviction for sexual abuse of a minor that occurred before, on, or after the date of the enactment of this Act.

(3) APPLICATION OF IIRAIRA AMENDMENTS.—In accordance with section 203(b)(2) of this Act, the amendments to section 101(a)(43) of the Immigration and Nationality Act made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 11 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996.

(g) INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2)(K) of the Immigration and Nationality Act, as added by section 205(a)(1), is amended by inserting "or 2 convictions for driving under the influence under Federal or State law," after "imprisonment,".

(2) DEPORTABILITY.—Section 237(a)(2)(F) of the Immigration and Nationality Act, as added by section 205(a)(2), is amended by inserting "or 2 convictions for driving under the influence under Federal or State law," after "imprisonment,".

(h) DEFINITION OF CRIMINAL GANG.—Section 101(a)(52)(B)(iv) of the Immigration and Nationality Act, as added by section 204(a), is amended by striking "which is punishable by a sentence of imprisonment of 5 years or more,".

(i) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

(1) INADMISSIBILITY.—Section 212(a)(2)(F) of the Immigration and Nationality Act, as added by section 204(b), is amended to read as follows:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

"(i) IN GENERAL.—An alien is inadmissible if—

"(I) a consular officer, the Secretary of Homeland Security, or the Attorney General knows, or has reason to believe, that the alien is a member of a criminal gang; or

"(II) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe that the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

"(ii) WAIVER.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's inadmissibility under clause (i).".

(2) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act, as added by section 204(c), is amended to read as follows:

"(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—

"(i) IN GENERAL.—An alien is deportable if—

"(I) there is a preponderance of the evidence to believe the alien is a member of a criminal gang; or

"(II) there is reasonable ground to believe the alien has participated in the activities of a criminal gang, knowing or having reason to know that such activities would promote, further, aid, or support the illegal activity of the criminal gang.

"(ii) WAIVER.—The Secretary of Homeland Security or the Attorney General may, in the discretion of the Secretary or the Attorney General, as appropriate, waive an alien's deportability under clause (i).".

(j) TEMPORARY PROTECTED STATUS.—Section 244(c)(2)(B) of the Immigration and Nationality Act, as amended by section 204(d), is further amended—

(1) in clause (ii), by striking "or" at the end and inserting a semicolon;

(2) in clause (iii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(iv) the alien is a member of a criminal gang.".

(k) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendments made by subsections (i) and (j) of this section and subsections (b), (c), and (d) of section 204 shall apply to—

(1) all aliens required to establish admissibility on or after such date of enactment; and

(2) all aliens in removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(l) DETENTION PENDING DEPORTATION OF ALIENS WHO OVERSTAY.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226)is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) DETENTION OF ALIENS WHO EXCEED THE ALIEN'S PERIOD OF AUTHORIZED ADMISSION.—

"(1) CUSTODY.—An alien shall be arrested and detained by the Secretary of Homeland Security pending a decision on whether the alien is to be removed from the United States for willfully exceeding, by 60 days or more, the period of the alien's authorized admission or parole into the United States.

"(2) WAIVER.—The Secretary of Homeland Security may waive the application of paragraph (1) if the Secretary determines that the alien exceeded the alien's period of authorized admission or parole as a result of exceptional circumstances beyond the control of the alien or the Secretary determines a waiver is necessary for humanitarian purposes.''.

SEC. ___. WORKSITE ENFORCEMENT.

(a) NOTIFICATION OF EXPIRATION OF ADMISSION.—Notwithstanding any other provision of this Act, an employer or educational institution shall notify an alien in writing of the expiration of the alien's period of authorized admission not later than 14 days before such eligibility expires.

(b) UNLAWFUL EMPLOYMENT OF ALIENS.—

(1) IN GENERAL.—Section 274A(a) of the Immigration and Nationality Act, as amended by section 302(a), is further amended—

(A) in paragraph (3), by striking subparagraphs (B) and (C) and inserting the following:

"(B) The Secretary may establish procedures by which an employer may obtain confirmation from the Secretary that the contractor or subcontractor has registered with the EEVS and is utilizing the EEVS.

"(C) The Secretary may establish such other requirements for employers using contractors or subcontractors as are necessary to prevent knowing violations of this paragraph after rulemaking pursuant to section 553 of title 5, United States Code. The Secretary may issue widely disseminated guidelines to clarify and supplement the regulations issued hereunder and disseminate the guidelines broadly in coordination with the Private Sector Office of the Department of Homeland Security."; and

(B) by striking paragraph (6) and inserting the following:

"(6) A rebuttable presumption is created that an employer has acted with knowledge or reckless disregard if the employer is shown by clear and convincing evidence to have materially failed to comply with written standards, procedures or instructions issued by the Secretary. Standards, procedures or instructions issued by the Secretary shall be objective and verifiable.''.

(2) DEFINITIONS. –Section 274A(b) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by striking paragraph (2) and inserting the following:

"(2) DEFINITION OF EMPLOYER.—In this section, the term 'employer' means any person or entity hiring, recruiting, or referring an individual for a fee for employment in the United States. Franchised businesses that operate independently do not constitute a single employer solely on the basis of sharing a common brand.

"(3) DEFINITION OF CRITICAL INFRASTRUCTURE.—In this section, the term 'critical infrastructure' means agencies and departments of the United States. States, their suppliers or contractors, and any other employer whose employees have access as part of their jobs to a government building, military base, nuclear energy site, weapon site, airport, or seaport.''.

(3) MANAGEMENT OF EEVS.—Section 274A(d)(9)(E)(v) of the Immigration and Nationality Act, as amended by section 302(a), is further amended by adding at the end the following: "The Secretary shall further study the feasibility of providing other alternatives for employers that do not have Internet access.''.

(4) REPEAT VIOLATOR.—Section 274A(h)(1) of the Immigration and Nationality Act, as amended by section 302(a), is amended by adding at the end the following: "The Secretary shall define 'repeat violator', as used in this subsection, in a rulemaking that complies with the requirements of section 553 of title 5, United States Code.''.

(5) PREEMPTION.—Section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a), is amended by striking paragraph (2) and inserting the following:

"(2) PREEMPTION.—The provisions of this section shall preempt any State or local law that requires the use of the EEVS in a fashion that—

"(A) conflicts with Federal policies, procedures or timetables;

"(B) requires employers to verify whether or not an individual is authorized to work in the United States; or

"(C) imposes civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding the matter preceding subparagraph (A) of section 310(a)(1), there are authorized to be appropriated to the Secretary of Homeland Security, in each of the 2 fiscal years beginning after the date of the enactment of this Act, such sums as may be necessary to annually hire not less than 2,500 personnel of the Department of Homeland Security, who are to be assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS. These personnel shall perform the compliance and monitoring activities described in subparagraphs (A) through (O) of section 310(a)(1).

SEC. ___. TEMPORARY WORKER PROGRAM.

(a) H–1B STREAMLINING AND SIMPLIFICATION.—Section 214(g) of the Immigration and Nationality Act, as amended by this Act, is further amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

"(i) 115,000 in fiscal year 2008;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 180,000 for any fiscal year;''; and

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking "The annual numerical limitations described in clause (i) shall not exceed'' and inserting "Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by title IV, is further amended—

(A) by striking paragraph (6), as redesignated by section 409 of this Act, and inserting the following:

"(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

"(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 20,000, has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States;

"(B) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 40,000, has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965); and

"(C) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a fiscal year exceeds 50,000—

"(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965; 20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

"(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization.''; and

(B) by adding at the end the following:

"(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment-authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or greater than 15 percent of the number of such full-time employees, may file not more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1)(A) shall apply to any petition or visa application pending on the date of the enactment of this Act and any petition or visa application filed on or after such date.

(B) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established under section 502(d).

(c) DOCUMENT REQUIREMENT.—Section 212(n)(1) of the Immigration and Nationality Act, as amended by section 420, is further amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking ", and'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and''; and

(C) by adding at the end the following:

"(iii) will provide to the H–1B nonimmigrant—

"(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

"(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(2) by adding at the end the following:

"(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.''.

(d) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall, subject to the availability of appropriations, submit to Congress a fraud risk assessment of the H-1B visa program.

(e) GROUNDS OF INADMISSIBILITY.—Section 218A(f) of the Immigration and Nationality Act, as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) WAIVER.—For a Y nonimmigrant, the Secretary of Homeland Security may waive those provisions of section 212(a) for which the Secretary had discretionary authority to waive before the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007.".

(f) TERMINATION.—Section 218A(j) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) EXCEPTION.—The period of authorized admission of a Y nonimmigrant shall not terminate for unemployment under paragraph (1)(D) if the alien attests under the penalty of perjury and submits documentation to the satisfaction of the Secretary of Homeland Security that establishes that such unemployment was the result of—

"(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

"(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

"(C) any other period of temporary unemployment that is the direct result of a force majeure event.

"(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall immediately depart the United States.".

(g) REGISTRATION OF DEPARTURE.—Section 218A(k) of the Immigration and Nationality Act, as added by section 402(a), is amended by striking the subsection heading and inserting the following:

"(k) LEAVING THE UNITED STATES.—

"(1) REGISTRATION OF DEPARTURE.—

"(A) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure or designated United States consulate abroad in a manner to be prescribed by the Secretary of Homeland Security.

"(B) EFFECT OF FAILURE TO DEPART.—If an alien described in subparagraph (A) fails to depart the United States or to register such departure as required under subsection (j)(3), the Secretary of Homeland Security shall—

"(i) take immediate action to determine the location of the alien; and

"(ii) if the alien is located in the United States, remove the alien from the United States.

"(C) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in subparagraph (A) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates. The Secretary shall ensure that the invalidation of such documentation is recorded in the employment eligibility verification system described in section 274A.

"(2) VISITS OUTSIDE THE UNITED STATES.—".

(h) OVERSTAY.—Section 218A(o) of the Immigration and Nationality Act , as added by section 402(a), is amended by striking paragraph (2) and inserting the following:

"(2) Except as provided in paragraph (3) or (4), any alien, other than a Y nonimmigrant, who, after the date of the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is permanently barred from any future benefits under Federal immigration law.".

SEC. ___. IMMIGRATION BENEFITS.

(a) NUMERICAL LIMITS.—Section 201(d)(1)(A) of the Immigration and Nationality Act, as amended by section 501(b), is further amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking "Section 502(d) of the [Insert title of Act]." and inserting "section 502(d) of the Secure Borders, Economic Opportunity and Immigration Enforcement Act of 2007;"; and

(3) by adding at the end the following:

"(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1) on January 1, 2007; and

"(iv) the remaining visas shall be allocated as follows:

"(I) In fiscal years 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.".

(b) MERIT-BASED IMMIGRANTS.—Section 203(b)(1) of the Immigration and Nationality Act, as amended by section 502(b)(1) of this Act, is further amended by adding at the end the following:

"(G) Any employer desiring and intending to employ within the United States an alien qualified under subparagraph (A) may file a petition with the Secretary of Homeland Security for such classification.

"(H) The Secretary shall collect applications and petitions not later than July 1 of each fiscal year and shall adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit-based threshold is insufficient for the number of visas available that year, the Secretary may continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.".

(c) EFFECTIVE DATE FOR PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Notwithstanding the provisions under section 502(d)(2)—

(1) petitions for an employment-based visa filed for classification under paragraphs (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (as such paragraphs existed on the date before the date of the enactment of this Act) that were filed before the date on which this Act was introduced and were pending or approved on the effective date of this section, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa;

(2) the beneficiary, who has been classified as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255) regardless of whether an immigrant visa is immediately available at the time the application is filed;

(3) the application for adjustment of status filed under paragraph (2) shall not be approved until an immigrant visa becomes available; and

(4) aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(d) PARENT VISITOR VISAS.—Section 214(s) of the Immigration and Nationality Act, as added by section 506(b), is amended—

(1) in paragraph (2)(B), by striking "$1,000, which shall be forfeit" and inserting "$2,500, which shall be forfeited"; and

(2) in paragraph (3), by amending subparagraph (A) to read as follows:

"(A) may not stay in the United States, within any calendar year—

"(i) in the case of a spouse or child sponsored by a nonimmigrant described in section 101(a)(15)(Y)(i), for an aggregate period in excess of 30 days; and

"(ii) in the case of a parent sponsored by a United States citizen child, for an aggregate period in excess of 100 days;".

SEC. ___. Z NONIMMIGRANT STATUS.

(a) APPLICATION AND BACKGROUND CHECKS.—Notwithstanding any provision of section 601(g) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) the application forms created pursuant to section 601(g)(1) of this Act and section 214A(d) of the Immigration and Nationality Act shall request such information as the Secretary determines necessary and appropriate, including information concerning the alien's—

(A) physical and mental health;

(B) complete criminal history, including all arrests and dispositions;

(C) gang membership;

(D) immigration history;

(E) employment history; and

(F) claims to United States citizenship; and

(2) the Secretary shall utilize fingerprints and other biometric data provided by the alien pursuant to section 601(g)(3)(A) and any other appropriate information to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under section 601 of this Act or section 214A of the Immigration and Nationality Act; and

(3) appropriate background checks conducted pursuant to paragraph (2) for applicants determined to be from countries designated as state sponsors of terrorism or for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States shall include—

(A) other appropriate background checks involving databases operated by the Department of State and other national security databases; and

(B) other appropriate procedures used to conduct terrorism and national security background investigations.

(b) PROBATIONARY BENEFITS.—Notwithstanding any provision of section 601(h) or section 214A(d) of the Immigration and Nationality Act, as added by section 622(b)—

(1) no probationary benefits described in section 601(h)(1) of this Act or section 214A(d)(7) of the Immigration and Nationality Act may be granted to any alien unless the alien passes all appropriate background checks under such section;

(2) an alien awaiting adjudication of the alien's application for probationary status under such sections shall be considered authorized to work pending the granting or denial of such status; and

(3) the term unauthorized alien, for purposes of such section, has the meaning set forth in section 274A(b) of the Immigration and Nationality Act, as added by section 302(a) of this Act.

(c) RETURN HOME REQUIREMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of title VI, an alien who is applying for a Z–1 nonimmigrant visa under section 601 shall not be eligible for such status until the alien, in addition to the requirements described in such section, has completed the following requirements:

(A) The alien shall demonstrate that the alien departed from the United States and received a home return certification of such departure from a United States consular office in order to complete the alien's application for Z status. The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop an appropriate certification for such purposes.

(B) The certification provided under subparagraph (A) shall be obtained not later than 3 years after the date on which the alien was granted probationary status. Failure to obtain such certification shall terminate the alien's eligibility for Z status for a Z–1 applicant and the eligibility of the applicant's derivative Z–2 or Z–3 applicants pursuant to section 601.

(C) Unless otherwise authorized, an applicant for a Z–1 nonimmigrant visa shall file a home return supplement to the alien's application for Z status at a consular office in the alien's country of origin. The Secretary of State may direct a consular office in a country that is not a Z nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, if the Z nonimmigrant's country of origin is not contiguous to the United States, to the extent made possible by consular resources.

(2) RULEMAKING.—The Secretary of Homeland Security shall promulgate regulations to ensure a secure means for Z applicants to fulfill the requirements under paragraph (1).

(3) CLARIFICATION.—Notwithstanding any other provision of this Act, The return home requirement described in paragraph (1) shall be the sole return home requirement for Z–1 nonimmigrants.

(d) ELECTRONIC SYSTEM FOR PREREGISTRATION OF APPLICANTS FOR Z AND Z–A NONIMMIGRANT STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security may establish an online registration process allowing applicants for Z and Z–A nonimmigrant status to provide, in advance of submitting the application described in section 601(f), such biographical information and other information as the Secretary shall prescribe—

(A) for the purpose of providing applicants with an appointment to provide fingerprints and other biometric data at a facility of the Department of Homeland Security;

(B) to initiate background checks based on such information; and

(C) for other purposes consistent with this Act.

(2) MANDATORY DISCLOSURE OF INFORMATION.—The provisions of section 604 shall apply to the information provided pursuant to the process established under this section.

(e) PERJURY AND FALSE STATEMENTS.—Notwithstanding any other provision of this Act, all application forms for immigration benefits, relief, or status under this Act (including application forms for Z non-immigrant status) shall bear a warning to the applicant and to any other person involved in the preparation of the application that the making of any false statement or misrepresentation on the application form (or any supporting documentation) will subject the applicant or other person to prosecution for false statement, fraud, or perjury under the applicable laws of the United States, including sections 1001, 1546, and 1621 of title 18, United States Code.

(f) FRAUD PREVENTION PROGRAM.—Notwithstanding any other provision of this Act, the head of each department responsible for the administration of a program or authority to confer an immigration benefit, relief, or status under this Act shall, subject to available appropriations, develop an administrative program to prevent fraud within or upon such program or authority. Such program shall provide for fraud prevention training for the relevant administrative adjudicators within the department and such other measures as the head of the department may provide.

(g) ELIGIBILITY FOR MILITARY SERVICE.—In addition to the benefits described in subparagraphs (A) through (D) of section 601(h)(1), an alien described in such section shall be eligible to serve as a member of the Uniformed Services of the United States.

SEC. ___. GOVERNMENT CONTRACTS.

(a) GOVERNMENT CONTRACTS.—Section 274A(h) of the Immigration and Nationality Act, as amended by section 302 of this Act, is further amended by striking paragraphs (1) and (2) and inserting the following:

"(1) EMPLOYERS.—

"(A) IN GENERAL.—If an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment.

"(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.

"(2) CONTRACTORS AND RECIPIENTS.—

"(A) IN GENERAL.—If an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary of Homeland Security to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.

"(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive the debarment or may limit the duration or scope of the debarment under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.".

(b) LIMIT ON PERCENTAGE OF H–1B AND L EMPLOYEES.—Subparagraph (I) of section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as added by section 420(d), is amended to read as follows:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).".

(c) WAGE DETERMINATION FOR H–1B NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(p)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(p)(3)) is amended by adding at the end the following: "The wage rate required under subsections (n)(1)(A)(i)(II) and (t)(1)(A)(i)(II) shall be determined and issued by the Secretary of Labor, pursuant to a request from an employer filing a labor condition application with the Secretary for purposes of those subsections and as part of the adjudication of such application. The Secretary shall respond to such a request within 14 days. If the wage determination is not issued within 14 days of the request, the employer shall determine the prevailing wage pursuant to section 212(n)(1)(A)(i) and submit this determination to the Secretary. This determination shall be treated as an attestation pursuant to section 212(n)(1).".

(2) LABOR CONDITION APPLICATIONS.—

(A) Section 212(n)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(A)) is amended—

(i) in clause (i), by striking "and" at the end;

(ii) by redesignating clause (ii) as clause (iv); and

(iii) by inserting after clause (i) the following new clauses:

"(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate;

"(iii) is not as its primary business using the nonimmigrant for purposes of entering into a job shop arrangement where the employer outplaces the nonimmigrant to a second employer and receives compensation for the labor service provided, nor as its primary business entering into a virtual job shop arrangement with a second employer, where the nonimmigrant performs work outsourced from the second employer to the first employer, and the first employer receives compensation for the labor provided; and".

(B) Section 212(n) of such Act, as amended by this Act is further amended by adding at the end the following:

"(I) No later than six months after enactment, the Secretary of Labor shall promulgate rules, after notice and a period for comment, to implement Section 212(n)(1)(A)(iii) regarding job shop arrangements and virtual job shop arrangements.".

(3) NONIMMIGRANT PROFESSIONALS; LABOR ATTESTATIONS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended in paragraph (1)(A) of the first subsection (t) (as added by section 402(b)(2) of Public Law 108–77 (117 Stat. 941))—

(A) in clause (i), by striking "and" at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) inserting after clause (i) the following new clause:

"(ii) has filed with the Secretary of Labor, pursuant to section 212(p)(3), a request for the Secretary's determination of the appropriate wage rate; and".

(4) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by section 421, is further amended by adding at the end the following: "During the first calendar year in which an employer pays more than 30 percent of the employer's H–1B nonimmigrant employees wages equivalent to the lowest wage level under section 212(p)(4), the Secretary shall conduct a compliance audit of the employer.".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(d) PROHIBITION ON OUTPLACEMENT OF H–1B NONIMMIGRANTS.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this Act, is further amended—

(A) in paragraph (1), by amending subparagraph (F), as amended by section 420, to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer where there are indicia of an employment relationship between the nonimmigrant and such other employer unless the employer of the alien has been granted a waiver under paragraph (2)(E)."; and

(B) in paragraph (2), by amending subparagraph (E), as amended by section 420, to read as follows:

"(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

"(i) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

"(ii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

"(iii) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.".

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(e) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking "(i) has provided" and inserting the following:

"(ii)(I) has provided"; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

"(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and".

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

"(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

"(B) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

"(C) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.".

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(f) WAGE DETERMINATION FOR L NONIMMIGRANTS.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time greater than one year shall—

"(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(aa) the prevailing wage level for the occupational classification in the area of employment; or

"(bb) the actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question; and

"(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

"(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

"(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

"(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

"(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

"(aa) the opportunity to participate in health, life, disability, and other insurance plans;

"(bb) the opportunity to participate in retirement and savings plans; and

"(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

"(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(3) REGULATIONS.—The Secretary shall promulgate rules, after notice and a period for comment, to implement the requirements of this subsection. In promulgating these rules, the Secretary shall take into consideration any special circumstances relating to intracompany transfers.

(g) PROHIBITION ON OUTPLACEMENT OF L NONIMMIGRANTS.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by this section, is further amended by adding at the end the following:

"(M)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) for a cumulative period of time greater than one year shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer where there are indicia of an employment relationship between the alien and such other employer unless the employer of the alien has been granted a waiver under clause (ii).

"(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The Secretary shall grant or deny a waiver within 14 days after the waiver application is filed. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

"(I) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

"(II) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

"(III) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.".

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required by section 212(c)(2)(M)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

(h) PROHIBITION ON JOB SHOPS.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by this section, is further amended by adding at the end the following:

"(N)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not as its primary business use the nonimmigrant for purposes of entering into a job shop arrangement where the employer outplaces the nonimmigrant to a second employer and receives compensation for the labor service provided, nor as its primary business entering into a virtual job shop arrangement with a second employer, where the nonimmigrant performs work outsourced from the second employer to the first employer, and the first employer receives compensation for the labor services provided.

"(ii) No later than six months after enactment, the Secretary of Labor shall promulgate rules, after notice and a period for comment, to implement this subparagraph."

SEC. ___. H-1B PROVISIONS.

(a) REPEAL OF CERTAIN TEMPORARY WORKER PROVISIONS.—The following amendments are null and void and have no effect:

(1) The amendments to subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) made by subsection (c) of section 418 of this Act.

(2) The amendments to subsection (h) of such section 214 made by subsection (d) of such section 418.

(3) The amendments to subsection (g) of such section 214 made by subsection (a) of section 419 of this Act.

(4) The amendments to paragraph (2) of subsection (i) of such made by subsection (b) such of section 419.

(b) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) by striking "(H)(i)(b) or (c)," and inserting "(F)(iv), (H)(i)(b), (H)(i)(c),"; and

(2) by striking "if the alien had obtained a change of status" and inserting "if the alien had been admitted as, provided status as, or obtained a change of status".

(c) H-1B AMENDMENTS.—Subsection (g) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

"(i) 115,000 in fiscal year 2008;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 180,000 for any fiscal year;";

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking "The annual numerical limitations described in clause (i) shall not exceed" and inserting "Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:"; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(d) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

"(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

"(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 50,000

"(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965) (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

"(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

"(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

"(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.".

(e) EMPLOYER REQUIREMENT.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is further amended to add the following:

"(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to or at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) for aliens under section 101(a)(15)(H)(i)(b) who are counted under subsection (g)(1)(A) in any fiscal year.".

(f) APPLICABILITY.—The amendment made by subsection (d) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date. The amendment made by subsection (e) shall take effect on the first day of the fiscal year following the fiscal year in which the backlog of employment-based immigrant visa petitions existing as of the effective date established in section 502(d) of this Act is fully eliminated.

(g) DOCUMENT REQUIREMENT.—Paragraph (1) of section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as amended by this Act, is further amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting a semicolon and "and"; and

(C) by adding at the end the following:

"(iii) will provide to the H-1B non-immigrant—

"(I) a copy of each application filed on behalf of the n nonimmigrant under this section; and

"(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.";

(2) by adding at the end the following:

"(L) An H-1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service.".

(h) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H-1B visa program.

(i) MERIT-BASED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 11519(d)), as amended by section 501(b) to is amended to read as follows:

"(d) WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—

"(1) IN GENERAL.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection for a fiscal year—

"(A) for the first five fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) of this Act for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which—

"(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y);

"(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of section 502(d) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007;

"(iii) up to 20,000 shall be for aliens who met the specifications set forth in section 203(b)(1)(as of January 1, 2007); and

"(iv) the remaining visas be allocated as follows:

"(I) In fiscal year 2008 and 2009, 115,401 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(II) In fiscal year 2010, 86,934 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(III) In fiscal year 2011, 58,467 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.

"(IV) In fiscal year 2012, 44,234 shall be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section.".

(j) AMENDMENTS TO MERIT-BASED IMMIGRANT PROVISIONS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as amended by section 502(b), is further amended in paragraph (1) by adding at the end the following new subparagraphs:

"(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification.

"(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.".

(k) EFFECTIVE DATE.—

(1) REPEAL.—Paragraph (2) of section 502(d) is null and void and shall have no effect.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Petitions for an employment-based visa filed for classification under section 203(b)(1), (2), or (3) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of section 502) that were pending or approved at the time of the effective date of section 502, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. The beneficiary (as classified for this subparagraph as a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) of such a pending or approved petition, and any dependent accompanying or following to join such beneficiary, may file an application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) regardless of whether an immigrant visa is immediately available at the time the application is filed. Such application for adjustment of status shall not be approved until an immigrant visa becomes available. Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

SEC. ___. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The certification submitted under section 1(a) shall include a statement that the Secretary of Homeland Security has promulgated a regulation stating that no person, agency, or Federal, State, or local government entity may prohibit a law enforcement officer from acquiring information regarding the immigration status of any individual if the officer seeking such information has probable cause to believe that the individual is not lawfully present in the United States.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) may be construed—

(1) to limit the acquisition of information as otherwise provided by law; or

(2) to require a person to disclose information regarding an individual's immigration status prior to the provision of medical or education services.

SEC. ___. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a) of the Immigration and Nationality Act;

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a) of such Act;

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for employment eligibility verification.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SEC. ___. INCLUSION OF PROBATIONARY BENEFITS IN TRIGGER PROVISION.

Notwithstanding section 1(a), no probationary benefit authorized under section 601(h) may be issued to an alien until after section 1 has been implemented.

SEC. ___. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) EFFECT OF MASS LAYOFF.—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) EXEMPTION.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

TITLE _—STRENGTHENING AMERICAN CITIZENSHIP

SEC. _01. SHORT TITLE.

This title may be cited as the "Secure Borders, Economic Opportunity and Immigration Reform Act of 2007".

SEC. _02. DEFINITION.

In this title, the term "Oath of Allegiance" means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in subsection (e) of section 337 of the Immigration and Nationality Act (8 U.S.C. 1448(e)), as added by section _31(a)(2).

Subtitle A—Learning English

SEC. _11. ENGLISH FLUENCY.

(a) EDUCATION GRANTS.—

(1) ESTABLISHMENT.—The Chief of the Office of Citizenship of the Department (referred to in this subsection as the "Chief") shall establish a grant program to provide grants in an amount not to exceed $500 to assist lawful permanent residents of the United States who declare an intent to apply for citizenship in the United States to meet the requirements under section 312 of the Immigration and Nationality Act (8 U.S.C. 1423).

(2) USE OF FUNDS.—Grant funds awarded under this subsection shall be paid directly to an accredited institution of higher education or other qualified educational institution (as determined by the Chief) for tuition, fees, books, and other educational resources required by a course on the English language in which the lawful permanent resident is enrolled.

(3) APPLICATION.—A lawful permanent resident desiring a grant under this subsection shall submit an application to the Chief at such time, in such manner, and accompanied by such information as the Chief may reasonably require.

(4) PRIORITY.—If insufficient funds are available to award grants to all qualified applicants, the Chief shall give priority based on the financial need of the applicants.

(5) NOTICE.—The Secretary, upon relevant registration of a lawful permanent resident with the Department of Homeland Security, shall notify such lawful permanent resident of the availability of grants under this subsection for lawful permanent residents who declare an intent to apply for United States citizenship.

(b) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.".

SEC. _12. SAVINGS PROVISION.

Nothing in this subtitle shall be construed to—

(1) modify the English language requirements for naturalization under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)); or

(2) influence the naturalization test redesign process of the Office of Citizenship of

the United States Citizenship and Immigration Services (except for the requirement under section _31(b)).

Subtitle B—Education About the American Way of Life

SEC. _21. AMERICAN CITIZENSHIP GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(1) efforts by entities (including veterans and patriotic organizations) certified by the Office of Citizenship of the Department to promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance; and

(2) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(A) to promote an understanding of the form of government and history of the United States; and

(B) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(b) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the United States Citizenship Foundation, established under section _22(a), for grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. _22. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) AUTHORIZATION.—The Secretary, acting through the Director of United States Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of the history of the United States and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(b) DEDICATED FUNDING.—

(1) IN GENERAL.—Not less than 1.5 percent of the funds made available to United States Citizenship and Immigration Services (including fees and appropriated funds) shall be dedicated to the functions of the Office of Citizenship, which shall include the patriotic integration of prospective citizens into—

(A) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(B) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that dedicating increased funds to the Office of Citizenship should not result in an increase in fees charged by United States Citizenship and Immigration Services.

(c) GIFTS.—

(1) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including the patriotic integration of prospective citizens into—

(1) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(2) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

SEC. _23. RESTRICTION ON USE OF FUNDS.

Amounts appropriated to carry out a program under this subtitle may not be used to organize individuals for the purpose of political activism or advocacy.

SEC. _24. REPORTING REQUIREMENT.

The Chief of the Office of Citizenship shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on the Judiciary of the House of Representatives, an annual report that contains—

(1) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this subtitle and the amount of funding received by each such entity;

(2) an evaluation of the extent to which grants received under this subtitle and subtitle A successfully promoted an understanding of—

(A) the English language; and

(B) American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an attachment to the principles of the Constitution of the United States; and

(3) information about the number of lawful permanent residents who were able to achieve the knowledge described under paragraph (2) as a result of the grants provided under this subtitle and subtitle A.

Subtitle C—Codifying the Oath of Allegiance

SEC. _31. OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.

(a) REVISION OF OATH.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in subsection (a), by striking "under section 310(b) an oath" and all that follows through "personal moral code." and inserting "under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e)."; and

(2) by adding at the end the following:

"(e)(1) Subject to paragraphs (2) and (3), the oath (or affirmation) of allegiance prescribed in this subsection is as follows: 'I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward are to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States when required by law. This I do solemnly swear, so help me God.'.

"(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—

"(A) with the term 'oath' included, the term 'affirmation' shall be substituted for the term 'oath'; and

"(B) with the phrase 'so help me God' included, the phrase 'so help me God' shall be omitted.

"(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—

"(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words 'bear arms, or' shall be omitted; and

"(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words 'bear arms, or' and 'noncombatant military or' shall be omitted.

"(4) As used in this subsection, the term 'religious training and belief'—

"(A) means a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and

"(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.

"(5) Any reference in this title to 'oath' or 'oath of allegiance' under this section shall be deemed to refer to the oath (or affirmation) of allegiance prescribed under this subsection.".

(b) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

Subtitle D—Celebrating New Citizens

SEC. _41. ESTABLISHMENT OF NEW CITIZENS AWARD PROGRAM.

(a) ESTABLISHMENT.—There is established a new citizens award program to recognize citizens who—

(1) have made an outstanding contribution to the United States; and

(2) are naturalized during the 10-year period ending on the date of such recognition.

(b) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to present a medal, in recognition of outstanding contributions to the United States, to citizens described in subsection (a).

(2) MAXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this section in any calendar year.

(c) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. _42. NATURALIZATION CEREMONIES.

(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(b) VENUES.—In developing the strategy under this section, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(c) REPORTING REQUIREMENT.—The Secretary shall annually submit a report to Congress that contains—

(1) the content of the strategy developed under this section; and

(2) the progress made towards the implementation of such strategy.

SEC. ___. EMPLOYER OBLIGATION TO DOCUMENT COMPARABLE JOB OPPORTUNITIES.

(a) IN GENERAL.—Section 218B(b) of the Immigration and Nationality Act, as added by section 403 of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and insert "; and"; and

(C) by adding at the end the following:

"(E) documenting that for a period of not less than 90 days before the date an application is filed under subsection (a)(1), and for a period of 1 year after the date that such application is filed, every comparable job opportunity (including those in the same occupation for which an application for a Y-1 worker is made, and all other job opportunities for which comparable education, training, or experience are required), that becomes available at the employer is posted to the designated State employment service agency, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, and the designated State agency has been authorized—

"(i) to post all such job opportunities on the Internet website established under section 414 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, with local job banks, and with unemployment agencies and other referral and recruitment sources pertinent to the job involved; and

"(ii) to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1), the following:

"(2) PENALTY FOR FAILURE TO DOCUMENT COMPLIANCE.—The failure of an employer to document compliance with paragraph (1)(E) shall result in the employer's ineligibility to make a subsequent application under subsection (a)(1) during the 1-year period following the initial application. The Secretary of Labor shall routinely publicize the requirement under paragraph (1)(E) in communications with employers, and encourage State agencies to also publicize such requirement, to help employers become aware of and comply with such requirement in a timely manner.".

(b) DEFINITION OF EMPLOYER.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), as amended by subsection (a) of the first section 302 (relating to unlawful employment of aliens), is further amended by striking paragraph (2).

SEC. ___. TREATMENT OF CERTAIN NATIONALS OF IRAQ.

(a) REQUIREMENT FOR REHEARING OF CERTAIN CLAIMS DENIED ON BASIS OF CHANGED COUNTRY CONDITIONS.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended by adding at the end the following:

"(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for rehearing before an immigration judge of an application for asylum or withholding of removal if the alien—

"(A) is a religious minority from Iraq whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

"(B) has remained in the United States as of the date of the enactment of this paragraph.".

(b) CONSIDERATION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that he or she is a member of a religious minority group in Iraq; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SEC. ___. PREEMPTION.

In section 274A(i) of the Immigration and Nationality Act, as amended by section 302(a) of this Act, strike paragraph (2) and insert the following:

"(2) PREEMPTION.—This section preempts any State or local law that—

"(A) requires the use of the EEVS in a manner that—

"(i) conflicts with any Federal policy, procedure, or timetable; or

"(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

"(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

"(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

"(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

"(II) any contractor, customer, or other person over which the business entity has no authority; or

"(ii) shall carry out any other activity to facilitate the employment by others of—

"(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

"(II) any contractor, customer, or other person over which the business entity has no authority.".

SEC. ___. CLARIFYING AMENDMENTS REGARDING THE USE OF SOCIAL SECURITY CARDS.

(a) USE OF SOCIAL SECURITY CARDS TO ESTABLISH IDENTITY AND EMPLOYMENT AUTHORIZATION.—Section 274A of the Immigration and Nationality Act, as amended by section 302, is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(III), by striking "; or" and inserting a semicolon;

(ii) in clause (iii), by striking the end period and inserting "; or"; and

(iii) by adding at the end the following:

"(iv) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 716(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 716(f)(1) of such Act."; and

(B) in subparagraph (D)(i), by striking "may" and inserting "shall, not later than the date on which the report described in section 716(f)(1) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, is submitted,"; and

(2) in subsection (d)(9)(B)(v)(I), by striking "as specified in (D)" and inserting "as specified in subparagraph (D), including photographs and any other biometric information as may be required".

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2)(I)(i) of the Social Security Act, as added by section 308, is further amended by inserting at the end of the flush text at the end the following new sentence: "As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act, the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card."

(c) INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.—Notwithstanding any other provision of this Act, section 305 of this Act is repealed.

(d) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the

authorization of appropriations in subsection (g), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(e) ADDITIONAL DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—In accordance with the responsibilities of the Commissioner of Social Security under section 205(c)(2)(I) of the Social Security Act, as added by section 308, the Commissioner—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) in consultation with the Secretary of Homeland Security, shall issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(f) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(c)(1) of the Immigration and Nationality Act, should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (d)(1), and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended—

(1) by striking subsections (c) and (d), as added by section 607, and inserting the following:

"(c) The criterion specified in this subsection is that the individual, if not a citizen or national of the United States—

"(1) has been assigned a social security account number that was, at the time of assignment, or at any later time, consistent with the requirements under subclause (I) or (III) of section 205(c)(2)(B)(i); or

"(2) at the time any such quarters of coverage are earned—

"(A) is described in subparagraph (B) or (D) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));

"(B) is lawfully admitted temporarily to the United States for business (in the case of an individual described in such subparagraph (B)) or the performance as a crewman (in the case of an individual described in such subparagraph (D)); and

"(C) the business engaged in, or service as a crewman performed, is within the scope of the terms of such individual's admission to the United States.

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) BENEFIT COMPUTATION.—Section 215(e)(3) of such Act, as added by section 607(b)(3), is amended—

(1) by inserting "who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007" after "earnings of an individual";

(2) by striking "for any year"; and

(3) by striking "section 214(c)" and inserting "section 214(d)".

(c) EFFECTIVE DATE.—Notwithstanding section 607(c), the amendments made by this section and by section 607 shall take effect on the date of the enactment of this Act.

SEC. ___. PROTECTION FOR SCHOLARS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) of the Immigration and Nationality Act is amended by striking subparagraph (W), as added by section 401(a)(4), and inserting the following:

"(W) subject to section 214(s), an alien—

"(i) who the Secretary of Homeland Security determines—

"(I) is a scholar; and

"(II) is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity; or

"(ii) who is the spouse or child of an alien described in clause (i) who is accompanying or following to join such alien;".

(b) CONDITIONS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), as amended by this Act, is further amended by adding at the end the following:

"(s) REQUIREMENTS APPLICABLE TO PERSECUTED SCHOLARS.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—An alien is eligible for nonimmigrant status under section 101(a)(15)(W)(i) if the alien demonstrates that the alien is a scholar in any field who is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity.

"(B) CONSULTATION.—In determining eligibility of aliens under subparagraph (A), the Secretary of Homeland Security shall consult with nationally recognized organizations that have not less than 5 years of experience in assisting and funding scholars needing to escape dangerous conditions.

"(2) NUMERICAL MINIMUMS.—The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(W) in any fiscal year may not be less than 2,000, unless the Secretary determines that less than 2,000 aliens who are qualified for such status are seeking such status during the fiscal year.

"(3) CREDIBLE EVIDENCE CONSIDERED.—In acting on any application filed under this subsection, the consular officer or the Secretary of Homeland Security, as appropriate, shall consider any credible evidence relevant to the application, including information received in connection with the consultation required under paragraph (1)(B).

"(4) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of an alien who qualifies for status under section 101(a)(15)(W) to seek any other immigration benefit or status for which the alien may be eligible.

"(5) DURATION OF STATUS.—

"(A) INITIAL PERIOD.—The initial period of admission of an alien granted status as a nonimmigrant under section 101(a)(15)(W) shall be not more than 2 years.

"(B) EXTENSION OF PERIOD.—The period of admission described in subparagraph (A) may be extended for 1 additional 2-year period.".

SEC. ___. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 2 years and 2 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(d) INFORMATION SHARING.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et. seq.) is amended by adding after section 240D, as added by section 223(a) of this Act, the following:

"SEC. 240E. INFORMATION SHARING WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.

"(a) AUTHORITY.—Consistent with the authority of State and local law enforcement agencies and political subdivisions to assist the Federal Government in the enforcement of Federal immigration laws, the Secretary of Homeland Security or the Attorney General may make available information collected and maintained pursuant to any provision of this Act. Nothing in this section may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

"(b) TRANSFER.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States; and

"(B) if the individual is an alien who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

"(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

"(I) the conclusion of the State charging process or dismissal process; or

"(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

"(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

"(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

"(c) REIMBURSEMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (a)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be equal to—

"(A) the product of—

"(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

"(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

"(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (b) and the time of transfer into Federal custody.

"(d) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

"(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

"(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

"(e) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (b), into Federal custody.

"(f) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

"(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary may not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

"(g) PROVISION OF INFORMATION TO NATIONAL CRIME INFORMATION CENTER.—

"(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

"(A) against whom a final order of removal has been issued;

"(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) or (b)(2) of section 240B or who has violated a condition of a voluntary departure agreement under section 240B;

"(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

"(D) whose visa has been revoked.

"(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

"(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—The Secretary, in consultation with the head of the National Crime Information Center of the Department of Justice, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien. Under such procedures, failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous. Notwithstanding the 180-day time period set forth in paragraph (1), the Secretary shall not provide the information required under paragraph (1) until the procedures required by this paragraph are developed and implemented.".

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and for each subsequent fiscal year for the detention and removal of aliens who are not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

(f) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

"(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General, based upon any relevant information or evidence, including classified, sensitive, or national security information;";

(2) in paragraph (8), by striking "(as defined in subsection (a)(43))" and inserting the following: "regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

"(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

"(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or".

(3) in the undesignated matter following paragraph (9), by striking "a finding that for other reasons such person is or was not of good moral character." and inserting "a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited to the period during which good moral character is required.".

(g) PENDING PROCEEDINGS.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by adding at the end the following: "A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.".

(h) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) of such Act (8 U.S.C. 1186b(e)) is amended by inserting "if the alien has had the conditional basis removed pursuant to this section" before the period at the end.

(i) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended—

(1) by inserting ", not later than 120 days after the Secretary of Homeland Security's final determination," after "may"; and

(2) by adding at the end the following: "In any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary's denial of the application was contrary to law.".

(j) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

"(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).".

(k) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended by striking "the Attorney General if" and all that follows and inserting "the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant's inadmissibility or deportability, or to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.".

(l) DISTRICT COURT JURISDICTION.—Section 336(b) of the Immigration and Nationality Act (8 U.S.C. 1447(b)) is amended to read as follows:

"(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary's determination on the application.".

SEC. ___. REPORT ON Y NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall annually report to Congress on the number of Y nonimmigrant visa holders that do not report at a port of departure and return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

(b) TIMING OF REPORTS.—

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 26 months after the date on which the Secretary of Homeland Security makes the certification described in section 1(a).

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

(c) REQUIRED ACTION.—Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas by a number which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence, as required under section 218A(j)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

TITLE ___—MISCELLANEOUS

Subtitle A—Other Matters

SEC. ___. MEDICAL SERVICES IN UNDERSERVED AREAS.

(a) FEDERAL PHYSICIAN WAIVER PROGRAM.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b), is further amended by adding at the end the following:

"(5) In administering the Federal physician waiver program authorized under paragraph (1)(C), the Secretary of Health and Human Services shall accept applications from—

"(A) primary care physicians and physicians practicing specialty medicine; and

"(B) hospitals and health care facilities of any type located in an area that the Secretary has designated as having a shortage of physicians, including—

"(i) a Health Professional Shortage Area (as defined in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)));

"(ii) a Mental Health Professional Shortage Area;

"(iii) a Medically Underserved Area (as defined in section 330I(a)(4) of the Public Health Service Act (42 U.S.C. 254c–14(a)(4)));

"(iv) a Medically Underserved Population (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

"(v) a Physician Scarcity Areas (as identified under section 1833(u)(4) of the Social Security Act (42 U.S.C. 13951(u)(4))).

"(6) Any employer shall be deemed to have met the requirements under paragraph (1)(D)(iii) if the facility of the employer is located in an area listed in paragraph (5)(B).".

(b) RETAINING AMERICAN-TRAINED PHYSICIANS IN PHYSICIAN SHORTAGE COMMUNITIES.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Alien physicians who have completed service requirements under section 214(l).".

SEC. ___. REPORT ON PROCESSING OF VISA APPLICATIONS.

Not later than February 1, 2008, and each year thereafter through 2011, the Secretary of State shall submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the fiscal year preceding the report, the length of time between the submission of a request for a personal interview for a nonimmigrant visa and the date of the personal interview of the applicant exceeded, on average, 30 days:

(1) The number of visa applications submitted in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory Opinion or similar specialized review.

(4) The average length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new procedure or program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of construction or improvement of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives or outreach undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant, and the impact of those factors on the quality of the review of the application.

(11) Specific recommendations as to any additional facilities, personnel, information systems, or other requirements that would allow the personal interview to occur not more than 30 days following the submission of a visa application.

SEC. ___. REPEAL OF SPECIAL RULE FOR ALIENS TO PROVIDE MEDICAL SERVICES.

The amendments made by paragraph (3) of section 425(h) are null and void and shall have no effect.

SEC. ___. TECHNICAL CORRECTION TO QUALIFICATIONS FOR CERTAIN IMMIGRANTS.

(a) REPEAL OF TECHNICAL AMENDMENT.—The amendment made by paragraph (6) of subsection (e) of the first section 502 (relating to increasing American competitiveness through a merit-based evaluation system for immigrants) is null and void and shall have no effect.

(b) REPEAL OF LABOR CERTIFICATION REQUIREMENT.—Paragraph (5) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. ___. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ATHLETES, ARTISTS, ENTERTAINERS, AND OTHER ALIENS OF EXTRAORDINARY ABILITY.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(2) in paragraph (6)(D)—

(A) by striking "Any person" and inserting the following:

"(i) Except as provided in clause (ii), any person"; and

(B) by adding at the end the following:

"(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien described in subparagraph (O) or (P) of section 101(a)(15) not later than 30 days after—

"(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

"(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

"(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.".

SEC. ___. REPORTS ON BACKGROUND AND SECURITY CHECKS.

(a) REPEAL OF REPORT REQUIREMENT.—The requirement set out in subsection (c) of section 216 that the Director of the Federal Bureau of Investigation shall submit the report described in such subsection is null and void and shall have no effect.

(b) REPORTS ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States, in conjunction with the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the background and security checks conducted by the Federal Bureau of Investigation.

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) an analysis of resources devoted to the name check program, including personnel and support;

(C) a statistical analysis of the background and security check delays associated with different types of name check requests, such as those requested by United States Citizenship and Immigration Services or the Office of Personnel Management, including—

(i) the number of background checks conducted on behalf of requesting agencies, by agency and type of requests (such as naturalization or adjustment of status); and

(ii) the average time spent on each type of background check described under subparagraph (A), including the time from the submission of the request to completion of the check and the time from the initiation of check processing to the completion of the check;

(D) a description of the obstacles that impede the timely completion of such background checks;

(E) a discussion of the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days; and

(F) a plan for the automation of all investigative records related to the name check process.

(3) ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.—Not later than the end of each fiscal year, the Attorney General shall submit to the appropriate congressional committees a report containing, with respect to that fiscal year—

(A) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests that have been received but are not yet in process;

(B) the average time taken to complete each type of background check;

(C) a description of efforts made and progress by the Attorney General in addressing any delays in completing such background checks; and

(D) a description of the progress that has been made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Homeland Security of the House of Representatives.

SEC. ___. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH VOLUME PORTS.

Subject to the availability of appropriations, before the end of fiscal year 2008 the Secretary of Homeland Security shall employ not less than an additional 200 Customs and Border Protection officers to address staff shortages at the 20 United States international airports with the highest number of foreign visitors arriving annually, as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of the enactment of this Act.

SEC. ___. REPEAL OF ENGLISH LEARNING PROGRAM.

The requirements of section 711 are null and void and such section shall have no effect.

SEC. ___. REPEAL OF AUTHORIZATION OF ADDITIONAL PORTS OF ENTRY.

The requirements of the first section 104 (relating to ports entry) are null and void and such section shall have no effect.

SEC. ___. LIMITATION ON SECURE COMMUNICATION REQUIREMENT.

Notwithstanding section 123, the Secretary may develop and implement the plan described in such section only subject to the availability of appropriations for such purpose.

SEC. ___. DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.

Notwithstanding clause (ii) of subsection (e)(6)(E) of the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), the fees collected under subparagraph (C) of subsection (e)(6) of such section 601 shall be deposited in the State Impact Assistance Account established under the first subsection (x) (relating to the State Impact Assistance Account) of section 286 of the Immigration and Nationality Act, as added by subsection (b) of the first section 402 (relating to admission of nonimmigrant workers), and used for the purposes described in such section 286(x).

SEC. ___. ADDITIONAL REQUIREMENTS FOR THE BORDER PATROL TRAINING CAPACITY REVIEW.

(a) ADDITIONAL COMPONENT OF REVIEW.—The review conducted under subsection (a) of section 128 shall include an evaluation of the positive and negative impacts of privatizing border patrol training, including an evaluation of the impact of privatization on the quality, morale, and consistency of border patrol agents.

(b) CONSIDERATIONS.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consider—

(1) the report by the Government Accountability Office entitled "Homeland Security: Information on Training New Border Patrol Agents" and dated March 30, 2007;

(2) the ability of Federal providers of border patrol training, as compared to private providers of similar training, to incorporate time-sensitive changes based on the needs of an agency or changes in the law;

(3) the ability of a Federal agency, as compared to a private entity, to defend the Federal agency or private entity, as applicable, from lawsuits involving the nature, quality, and consistency of law enforcement training; and

(4) whether any other Federal training would be more appropriate and cost efficient for privatization than basic border patrol training.

(c) CONSULTATION.—In conducting the review under subsection (a) of section 128, the Comptroller General of the United States shall consult with—

(1) the Secretary of Homeland Security;

(2) the Commissioner of the Bureau of Customs and Border Protection; and

(3) the Director of the Federal Law Enforcement Training Center.

SEC. ___. Y-2B VISA ALLOCATION BETWEEN THE FIRST AND SECOND HALVES OF EACH FISCAL YEAR.

(a) NUMERICAL LIMITATIONS.—Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 409(1), is further amended in subparagraph (D) by striking "101(a)(15)(Y)(ii)(II)" and inserting "101(a)(15)(Y)(ii)".

(b) TECHNICAL CORRECTION.—

(1) REPEAL.—The amendment made by paragraph (3) of section 409 shall be null and void and shall have no effect.

(2) CORRECTION.—Paragraph (10)(A) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by paragraph (2) of section 409, is amended by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.".

(c) ALLOCATION.—Paragraph (11) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409(2), is amended—

(1) by inserting "(A)" before "The"; and

(2) by adding at the end the following:

"(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.".

SEC. ___. H-2A STATUS FOR FISH ROE PROCESSORS AND TECHNICIANS.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting "for employment as a fish roe processor or fish roe technician or" before "to perform agricultural labor or services".

SEC. ___. AUTHORITY FOR ALIENS WITH PROBATIONARY Z NONIMMIGRANT STATUS TO SERVE IN THE ARMED FORCES.

An alien who files an application for Z nonimmigrant status shall under the first section 601 (included in title IV relating to nonimmigrants in the United States previously in unlawful status), upon submission of any evidence required under paragraphs (f) and (g) of such section 601 and after the Secretary of Homeland Security has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible shall be eligible to serve as a member of the Armed Forces of the United States.

SEC. ___. CONSULTATION WITH CONGRESS.

Notwithstanding subsection (a) of the first section 1 (relating to effective date triggers), the certification by the Secretary of Homeland Security under such subsection (a) shall be prepared in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

SEC. ___. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

SEC. ___. PILOT PROGRAM RELATED MEDICAL SERVICES IN UNDERSERVED AREAS.

Clause (iii) of section 214(l)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b)(1), is amended by striking subclause (I) and inserting the following:

"(I) with respect to a State, for the first fiscal year of the pilot program conducted under this paragraph, the greater of—

"(aa) 15; or

"(bb) the number of the waivers received by the State in the previous fiscal year;".

SEC. ___. ESTABLISHMENT OF AN ADDITIONAL UNITED STATES ATTORNEY OFFICE AND AN ADDITIONAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

(a) ESTABLISHMENT OF A SATELLITE UNITED STATES ATTORNEY OFFICE IN ST. GEORGE, UTAH.—The Attorney General, acting through the United States Attorney for the District of Utah, shall establish a satellite office under the jurisdiction of the United States Attorney for the District of Utah in St. George, Utah. The primary function of the satellite office shall be to prosecute and deter criminal activities associated with illegal immigrants.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.—

(1) ESTABLISHMENT.—The Secretary of Homeland Security, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall establish an office under the jurisdiction of the Assistant Secretary within the vicinity of the intersection U.S. Highway 191 and U.S. Highway 491 to reduce the flow of illegal immigrants into the interior of the United States.

(2) STAFFING.—The office established under paragraph (1) shall be staffed by 5 full-time employees, of whom—

(A) 3 shall work for the Office of Investigations; and

(B) 2 shall work for the Office of Detention and Removal Operations.

(3) OTHER RESOURCES.—The Assistant Secretary shall provide the office established under paragraph (1) with the resources necessary to accomplish the purposes of this subsection, including office space, detention beds, and vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $1,100,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

SEC. ___. WORKING CONDITIONS FOR Y NONIMMIGRANTS.

Paragraph (1) of subsection (c) of section 218B of the Immigration and Nationality Act, as added by section 403, is amended—

(1) by redesignating subparagraphs (D) through (L) as subparagraphs (E) through (M), respectively; and

(2) by inserting after subparagraph (C), the following:

"(D) WORKING CONDITIONS.—Y nonimmigrants will be provided the same working conditions and benefits as similarly employed United States workers.".

SEC. ___. MATTERS RELATED TO TRIBES.

(a) BORDER SECURITY ON CERTAIN FEDERAL LANDS.—

(1) REPEAL OF REQUIREMENTS.—Subparagraph (B) of section 122(b)(1) shall be null and void and have no effect.

(2) TRAINING REQUIREMENTS.—In addition to the requirements of subparagraphs (A) and (C) of section 122(b), to gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned (as that term is defined in section 122(a), shall provide Federal land resource, sacred sites, and Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (commonly referred to as NAGPRA) training for U.S. Customs and Border Protection agents dedicated to protected land (as that term is defined in section 122(a)).

(b) BORDER RELIEF GRANT PROGRAM.—

(1) REPEAL OF DEFINITION.—Paragraph (2) of subsection (d) of section 132 shall be null and void and have no effect.

(2) HIGH IMPACT AREA DEFINED.—For the purposes of section 132, the term "High Impact Area" means any county or Indian reservation designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United State border and the rise, if any, of criminal activity in that county or Indian reservation; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(c) NATIONAL LAND BORDER SECURITY PLAN.—Notwithstanding subsection (a) of section 134, the Secretary of Homeland Security shall consult with representatives of Tribal law enforcement prior to submitting to Congress the National Land Border Security Plan required by such subsection.

(d) REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.—Notwithstanding paragraph (2) of subsection (c) of section 219, the report required by such subsection shall not include the material described in such paragraph.

SEC. ___. EB-5 REGIONAL CENTER PROGRAM.

Paragraph (3) of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)), as redesignated and amended by section 502(b)(3) of this Act, is further amended—

(1) by striking "2,800" and inserting "10,000"; and

(2) by striking "1,500" and inserting "7,500".

Subtitle B—Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the "Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act".

SEC. ___2. PURPOSE.

The purpose of this subtitle is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

SEC. ___3. ESTABLISHMENT OF THE COMMISSION.

(a) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this subtitle as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this Act, of whom—

(1) 3 members shall be appointed by the President;

(2) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(3) 3 members shall be appointed by the President pro tempore of the Senate, on the joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the latter of—

(A) 60 days after the date of enactment of this Act; or

(B) 30 days after the date of enactment of legislation making appropriations to carry out this subtitle.

(2) SUBSEQUENT MEETINGS.—Except as provided in paragraph (1), the Commission shall meet at the call of the Chairperson.

(e) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

SEC. ___4. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(A) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(B) in investigating those facts and circumstances, to review directives of the United States armed forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(2) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(b) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to section ___3(d)(1), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under subsection (a)(1) and recommendations described in subsection (a)(2).

SEC. ___5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. ___6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(1) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(2) enter into contracts to procure supplies, services, and property; and

(3) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

SEC. ___7. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under section ___4(b).

SEC. ___8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle C—Amendments Related to the AgJOBS Act of 2007

SEC. ___1. EVIDENCE OF IDENTITY AND WORK AUTHORIZATION.

Clause (iii) of section 274A(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(c)(1)(B)), as amended by section 302, is further amended inserting "or Z-A visa," at the end.

SEC. ___2. TECHNICAL CORRECTION.

Paragraph (1) of section 218C(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking "218E, 218F, and 218G" and inserting "218D and 218E".

SEC. ___3. H-2A EMPLOYMENT REQUIREMENTS.

(a) TECHNICAL CORRECTION TO REQUIREMENTS FOR MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Subsection (b) of section 218D of the Immigration and Nationality Act, as added by section 404, is amended in the matter preceding paragraph (1) by striking "218C(b)(2)" and inserting "218C(a)".

(b) LIMITATION ON REQUIRED WAGES.—Paragraph (3) of such section 218D(b) is further amended by striking subparagraph (B) and inserting the following:

"(B) LIMITATION.—Effective on the date of the enactment of section 404 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.".

(c) RANGE PRODUCTION OF LIVESTOCK.—Section 218D of the Immigration and Nationality Act, as added by section 404, is amended by striking subsection (e) and inserting the following:

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218C, or section 218E shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.".

(d) EVIDENCE OF NONIMMIGRANT STATUS.—Such section 218D is further amended by striking subsection (f).

SEC. ___4. PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H-2A WORKERS.

(a) IDENTIFICATION DOCUMENT.—Paragraph (2) of subsection (g) of section 218E of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) The document shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States;

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses;

"(iii) shall, during the alien's authorized period of admission as an H-2A nonimmigrant, serve as a valid entry document for the purpose of applying for admission to the United States—

"(I) instead of a passport and visa if the alien—

"(aa) is a national of a foreign territory contiguous to the United States; and

"(bb) is applying for admission at a land border port of entry; or

"(II) in conjunction with a valid passport, if the alien is applying for admission at an air or sea port of entry;

"(iv) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

"(v) shall be issued to the H-2A nonimmigrant by the Secretary promptly after such alien's admission to the United States as an H-2A nonimmigrant and reporting to the employer's worksite under or, at the discretion of the Secretary, may be issued by the Secretary of State at a consulate instead of a visa.".

(b) SPECIAL RULES.—Such section 218E is further amended by striking subsection (i) and inserting the following:

"(i) SPECIAL RULE FOR ALIENS EMPLOYED AS SHEEPHERDER OR GOAT HERDERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder or goat herder—

"(1) may be admitted for a period of up to 3 years;

"(2) shall be subject to readmission; and

"(3) shall not be subject to the requirements of subsection (h)(4).".

"(j) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker—

"(1) may be admitted for a period of up to 3 years;

"(2) may not be extended beyond 3 years;

"(3) shall not be subject to the requirements of subsection (h)(4)(A); and

"(4) shall not after such 3 year period has expired be readmitted to the United States as an H-2A or Y-1 worker.".

SEC. ___5. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

Paragraph (7) of section 218F(c) of the Immigration and Nationality Act, as added by section 404, is amended by striking subparagraph (C).

SEC. ___6. DEFINITIONS.

(a) SEASONAL.—Section 218G of the Immigration and Nationality Act, as added by section 404, is amended by striking paragraph (11) and inserting the following:

"(11) SEASONAL.—

"(A) IN GENERAL.—The term 'seasonal', with respect to the performance of labor, means that the labor—

"(i) ordinarily pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(ii) because of the nature of the labor, cannot be continuous or carried on throughout the year.

"(B) EXCEPTION.—Labor performed on a dairy farm or on a horse farm shall be considered to be seasonal labor."

(b) CONFORMING AMENDMENT.—Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), as amended by subsection (c) of section 404, is further amended, by striking "dairy farm," and inserting "dairy farm or horse farm,".

SEC. ___7. ADMISSION OF AGRICULTURAL WORKERS.

(a) LIMITATION ON ACCESS TO INFORMATION.—Subsection (d) of section 214A of the Immigration and Nationality Act, as added by section 622(b), is amended by striking paragraph (6), and insert the following:

"(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to section 604.".

(b) TERMS OF EMPLOYMENT.—Subsection (h)(3)(b) of such section 214A is amended by striking clause (iv) and inserting the following:

"(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z-A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (j)(1)(A).".

(c) RECORD OF EMPLOYMENT.—Subsection (h)(4) of such section 214A is amended by striking subparagraph (B) and inserting the following:

"(B) CIVIL PENALTIES.—

"(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted Z-A nonimmigrant status has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

"(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

"(iii) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations requiring an alien granted Z-A nonimmigrant status to file a report by the conclusion of the 4-year period beginning on the date of enactment showing that the alien is making satisfactory progress toward complying with the requirements of subsection (j)(1)(A).".

(d) TERMINATION OF A GRANT OF Z-A VISA.—Subsection (i) of such section 214A is amended by striking paragraph (3).

(e) ADJUSTMENT TO PERMANENT RESIDENCE.—Paragraph (1) of subsection (j) of such section 214A is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

"(i) apply for adjustment of status; or

"(ii) change status to Z nonimmigrant status pursuant to section 601(l)(1)(B) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, provided that the alien also complies with the requirements for second renewal described in section 601(k)(2) of such Act, except for sections 601(k)(2)(B)(i) and (iii).

"(D) FINE.—The alien pays to the Secretary a fine of $400.".

(f) ENGLISH LANGUAGE.—Paragraph (6) of such subsection (j) is amended by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Not later than the date on which a Z-A nonimmigrant's status is adjusted or is renewed under section 601(l)(1)(B), a Z-A nonimmigrant who is 18 years of age or older must pass the naturalization test described in paragraphs (1) and (2) of section 312(a).".

(g) ELIGIBILITY FOR LEGAL SERVICES.—Such section 214A is amended by striking subsection (m) and inserting the following:

"(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z-A visa under subsection (d) or an adjustment of status under subsection (j).".

SEC. ___8. EFFECTIVE DATE.

Subsection (a) of section 1 in the material preceding paragraph (1) shall be deemed to read as follows:

(a) IN GENERAL.—With the exception of the probationary benefits conferred by section 601(h) of this Act, section 214A(d) of the Immigration and Nationality Act, as added by section 622, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1957 TO DIVISION I OF AMENDMENT NO. 1934, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk to division I.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 1957 to division I to amendment No. 1934, as modified.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mrs. HUTCHISON. Parliamentary inquiry.

Mr. REID. Let me say, very briefly——

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I don't want it to go unanswered. This bill, as I mentioned earlier today, is different than what we did before—$4.4 billion goes to the border for security. It is totally different than the last bill.

Remember, we are at this point because we only got seven Republican votes in the prior vote. Now we have worked together. I was told there were a lot of people on the Republican side, if they had the opportunity to have more amendments, would vote with us. I am confident that will happen. This has worked out extremely well.

I would say, our work on comprehensive immigration reform has been pretty significant. Due to the man to my right, and Senator LEAHY, who is not here, and Senator KENNEDY, we have had 36 hearings on immigration since 9/11. That is a lot of hearings. We have had 6 full days of committee action. We have had 59 committee amendments. We have had 21 days of Senate debate since 2006—21 days, not hours. We have had 92 floor amendments. We have worked this thing hard. This is a bill people should fully understand.

Mr. President, it is my understanding there is now a unanimous consent in effect that there will be 10 minutes of debate on the first amendment, is that true, equally divided?

The PRESIDING OFFICER. The Senator from California is not presently under a time limit. However, the Senator from Texas is guaranteed 5 minutes.

Mr. REID. And the Senator from California also 5 minutes?

Mrs. FEINSTEIN. I ask I be granted 5 minutes, following the Senator from Texas, to speak on the amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I object because the agreement was that Senator FEINSTEIN would speak before me, after which I would have 5 minutes to respond. She would have 5 minutes, I would have 5 minutes to respond.

The PRESIDING OFFICER. Is there objection to that arrangement?

Mr. DEMINT. Reserving the right to object, is it my understanding we will be in morning business or on the amendment?

The PRESIDING OFFICER. We are currently on the measure.

Mr. DEMINT. I ask I be included in the time.

Mr. REID. How much time does the Senator require?

Mr. DEMINT. Five minutes.

Mr. REID. We have no objection.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, I ask for 5 minutes under the same time agreement.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. And for any purposes.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. Mr. President, shall I proceed?

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I worked with the Senator from Texas, now, 10 years up close. I do not like to oppose her amendment, but in this case I believe I must. This is an issue we debated in many conversations during the process of drafting this legislation.

I was opposed to the touchback idea and I am skeptical about it now. However, in the spirit of compromise, we went forward with the touchback that we have in the base bill, specifically in title VI. We included some important safeguards to make sure it is workable.

This amendment from the distinguished Senator from Texas actually does away with this by creating a touchback requirement before people get their full Z visa. What immigrant is going to show up and register for a program if he has to take his chances on leaving the country and coming back in before he gets some kind of immigration status? What immigrant is going to report to deport?

I wager that many, if not most, will simply stay underground and try to keep their heads down for as long as possible. They have built lives here, they have families, they own homes, and they have jobs they want to keep. Very few undocumented immigrants are going to show up for a program that offers no certainty they will actually be able to legalize their status.

What this amendment does is essentially front load the requirement that makes the program unworkable from both an agency and an applicant perspective. Requiring consular officers to steal themselves for a flood of applications, 8 to 10 years down the line, is one thing. Requiring them to gear up for adjudication of this in-person application in the next 2 years following registration is a very different story.

I hope the body will defeat the amendment. Those of us—Senator CRAIG and I and others—who have worked on the AgJOBS program believe that the agriculture jobs program is the way to go. It is negotiated by farmers, by unions, by growers, and it has a specific requirement.

I know the Senator does not touch this specific requirement, but the main problem with the amendment is requiring this touchback so soon, before people have acquired any kind of legal status. They register and then in 2 years, they would have to go and perform this touchback.

We believe it strikes at the heart of the bill and urge a "no" vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I, like my colleague from California, do not remember being on opposite sides on an issue such as this before. But she has brought up a key point that I think it is important for us to address. She says, What immigrant is going to report to deport? What she is asking is, what is the incentive of an illegal immigrant to come forward and say they are illegal and they want to get right with the process to become legal? That is a very important question that many people in our country have asked. Who is going to do that?

Here is the incentive. First, the secure ID that is provided in the amendment allows exit and reentry. It is a tamperproof ID already, and it does allow the exit to finalize the Z, or Z-A status, and it allows the reentry.

The secure card is issued first. It is temporary until it is finalized because the final point that is required is that you return home to apply. That is the standardization we must achieve if we are going to avoid the amnesty that would say: Our laws mean nothing. If you come here illegally, eventually you will be able to be regularized without ever going home.

We want to change that whole impression that anyone might have by saying we are going to start today with a process that will apply to every work-eligible adult, and that is you get your secure ID and you have 1 year to do it. Then you must finalize the process outside the country, as everyone will have to, going into the future.

The question is still there: So why wouldn't they stay here and be illegal? Why wouldn't they keep their families and their homes? Here is why. Because when the 3 years is up and the trigger is pulled, because the border security measures have gone into effect—you have the 1 year for people to come forward, say they are illegal, after which they will get their tamperproof card and they must have the "go home" provision then stamped outside the country and they have 2 years to do it. You have 3 years there.

After that 3 years, there is going to be an employer verification system that is going to work. So these people will not be able to go back to their jobs if they have not completed the process. That is the incentive. That is why they will report. That is why they will become legal in the system, because with the employer verification that is a key part of this bill, they will have to have that tamperproof ID stamped that they have been home to apply from outside the country before they come back in and become regularized and are job eligible.

This is going to be the key. The employer verification system will assure that they will not get jobs in this country without that visa that is tamperproof and shows they have been home to do it. It can be done because there is a 3-year period and there will be a constant process to get the people who are illegal working. They will be able to go to the American consulate in their home country. The Secretary can allow exceptions to that for farm workers, if they cannot go home to a faraway place.

This is the amendment that will take the amnesty out of this bill and say: Today's standards will be enforced and they will be enforced tomorrow. With this amendment, we can take the amnesty out of this bill and we will have an employer verification system that will assure the incentive is there for people to come forward and know that the law will be enforced.

If we do this, you will not be able to hear people say: There is amnesty in this bill. If my amendment is not passed, then the amnesty tag that has been put on this bill will remain. It is the key issue in the bill for the American people. It is the key issue for the regularization of the 12 million people who are here, and then we will have a guest worker program for new people coming in in the future that will also work with the border security that is established in this bill.

In my opinion, my amendment will make this bill a fully operational bill, because we will then have border security, a tamperproof ID, we will deal with the 12 million, without amnesty but with a regularization process, and it will strengthen the bill for the American people.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, because of the various activities here on the floor, the Senator from South Carolina and the Senator from Louisiana did not have an opportunity to speak on this amendment. I would be happy to propound a unanimous consent request that they both be allowed to speak for up to 5 minutes each for debate only.

Mr. DEMINT. Reserving the right to object.

Mr. REID. Either object or don't object.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Parliamentary inquiry: Do I not have the right to reserve the right to object? How many rules are we going to change?

The PRESIDING OFFICER. The reservation of objection occurs only with the suffrage of the Senate. There is no right to reserve the right to object.

Mr. DEMINT. There are not many rights. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. DURBIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—53

Akaka
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Craig
Dodd
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Specter
Stabenow
Warner
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Baucus
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Lott
McCaskill
McConnell
Murkowski
Roberts
Rockefeller
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Tester
Thune
Vitter
Voinovich

NOT VOTING—2

Johnson
McCain

The motion was agreed to.

AMENDMENT NO. 1958 TO DIVISION II OF AMENDMENT NO. 1934, AS MODIFIED

Mr. SPECTER. Mr. President, I sent a second-degree amendment to the desk.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative Clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1958 to division II of amendment No. 1934, as modified.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mr. REID. Mr. President, we are now on division II, which is the amendment offered by Senator WEBB, as I understand it.

Mr. President, I would like to have everyone have the opportunity to debate this amendment to their heart's content. What I would like to do is ask that we have an hour of time on this admendment equally divided between the proponents and opponents of this admendment, and the debate, of course, would be on this amendment. So I ask unanimous consent that there be an hour of debate on this amendment. As I have indicated, Mr. President, it would be for debate only on this amendment. And I ask that because it is his amendment Senator WEBB, even though he has had an opportunity earlier to speak, would be allowed to speak for up to 10 minutes to start this debate of the 1 hour that I have proposed. So I ask unanimous consent that the Senate proceed to debate this amendment—it will be for debate only—that of the half hour on the majority side, 10 minutes of that be for Senator WEBB.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving my right to object, I would like to ask that my full rights as a Senator be protected with a unanimous consent request also.

Mr. REID. Mr. President, is there an objection to my request?

The PRESIDING OFFICER. Regular order is demanded.

Is there objection to the Senator's request?

Mr. VITTER. There is objection. I would like to propose an alternative unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, if the present proposal is inadequate, I would be happy to yield for 1 minute to my friend from Louisiana, and I will get the floor when he completes his statement.

Mr. VITTER. I thank the Majority Leader.

As the majority leader knows, several of us have been continually frustrated about our ability to exercise our rights on the floor of the Senate as duly elected officials. All of our amendments have been shut out. We have not had the opportunity to read this new mega-amendment. The last vote occurred with one copy of that division being at the desk, no copies being on the floor of the Senate.

I would like to protect my rights as an individual Senator and, therefore, I would like to propose a modified UC request incorporating the Senator's suggestions, but offering me 5 minutes within that 1-hour period for any purpose whatsoever.

Mr. REID. Mr. President, I appreciate the good faith of my friend, but we cannot do that. I cannot do that. I would have to object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I would be happy to give him whatever amount of time he wishes to debate this amendment. Of course, as he knows, it would be for debate only. He could talk about anything he cared to, but it would be for debate only—5 minutes, 10 minutes, whatever he feels appropriate, within reason, I would be happy to do that.

Mr. President, I say to everyone here——

Mr. SESSIONS. Mr. President, reserving the right to object—

Mr. REID. As I have said before, I want everyone to have the opportunity to speak. I nor the managers of this legislation are trying to stop people from talking. We have certain rules. They need to be followed, and that is what we are trying to do. So I repeat, I would have no problem with my friend from Louisiana speaking for whatever time he wishes, for debate only, on this amendment. I think that is a reasonable proposal. I would be happy to consider that.

Mr. SESSIONS addressed the Chair.

Mr. REID. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, does my friend from Louisiana—I thought I heard his voice. Oh, Alabama.

Mr. SESSIONS. Is the proposal—

Mr. REID. I may have the State wrong, but I had the voice right.

Mr. President, I would be happy to yield for a question to my friend—for not a long question—a couple minutes, if he needs that.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have a brief question. I thank the majority leader for his courtesy. I had asked, in exchange for agreeing to a process that kept us from working this past weekend, that I would have 2 hours in the debate today set aside. It is in the agreement. But I am hearing that people want to push that into the wee hours of the night, if not into the morning.

I ask that I have a substantial portion of that before the afternoon is over. What is the status of that negotiation and discussion?

The PRESIDING OFFICER (Mr. MENENDEZ). The majority leader is recognized.

Mr. REID. Mr. President, what I would say to my friend—and I know he has a lot to say; he has said a lot of things, and I am anxious to hear more—but we would like to be able to dispose of some of these amendments. I would consider if he would like to talk for an hour now—and then I would get the floor after he completes his statement—and it would be for debate only. He can divide the time any way he wants. That is my proposal.

Mr. DEMINT. Mr. President, will the Senator yield for a request?

The PRESIDING OFFICER. The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, here is what we are going to do. I ask unanimous consent that the Senator from Pennsylvania be recognized to make a motion in relation to the Webb amendment.

Following that, I ask unanimous consent that when the vote is completed, Senator SESSIONS be recognized to speak in morning business until 2:30. He can allocate that time after the vote is concluded until 2:30 any way he sees fit. So I ask unanimous consent. I think it is clear that the time we are spending in morning business be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. The final thing: We understand the desire of the Senator from Alabama to be heard. He has, under the terms of the agreement that is already in effect, 2 hours of time. We ask that the time which is going to be used now be counted against the 2 hours he has under the previous order before the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. The only thing I left out is that at 2:30, when Senator SESSIONS finishes his remarks, that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask my friends, would it be permissible that my friend from Virginia be recognized for 1 minute prior to the Senator from Pennsylvania?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Before he makes his motion to table.

Mr. VITTER. Mr. President, reserving the right to object, I would like to ask if my rights on the Senate floor can also be protected in that unanimous consent.

Mr. REID. Senator SESSIONS can do whatever he wants in relation to you because it is for debate only, anyway.

Mr. VITTER. That is not really responding to my request. Again, reserving the right to object, I ask the distinguished majority leader whether my rights as a Senator can also be protected in that unanimous consent request regarding Senator WEBB's time by allowing me 1 minute on the floor for any purpose.

Mr. REID. It would have to be for debate only, I say to my friend.

Mr. VITTER. Then I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I move to table the Webb amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—79

Akaka
Alexander
Allard
Barrasso
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dodd
Domenici
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Reed
Reid
Roberts
Salazar
Sanders
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thune
Voinovich
Warner
Whitehouse
Wyden

NAYS—18

Baucus
Bayh
Brown
DeMint
Dole
Dorgan
Gregg
Hagel
Lincoln
McCaskill
McConnell
Nelson (NE)

Pryor
Rockefeller
Sessions
Tester
Vitter
Webb

NOT VOTING—3

Clinton
Johnson
McCain

The motion to table was agreed to.

Ms. KLOBUCHAR. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

FIRST HIGHER EDUCATION EXTENSION ACT OF 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1704, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1704) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1704) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Higher Education Extension Act of 2007".

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "June 30, 2007" and inserting "July 31, 2007".

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from Alabama is recognized under the previous unanimous consent agreement until the time of 2:30 p.m. for the purpose of debate only.

IMMIGRATION

Mr. SESSIONS. Mr. President, I say to my colleagues, the process has not been a pretty one to date. It has been particularly ugly in the last few hours in that we had an amendment yesterday of nearly 400 pages. The people who wrote it apparently found that they made numerous errors which even they were not happy with. They filed another amendment which our Senators don't have a copy of, I don't think even to this moment. At least an hour ago, Senator DEMINT was asking for a copy of the amendment so people could see it and actually read what is to be voted on. It is not good, on a matter that almost every American is watching, a matter that is important to our country, to stumble and bumble into this process, and part of the reason, as my good friend and former chairman of the Judiciary Committee, ARLEN SPECTER, said, it would have been better probably had we gone through the committee process. When he was chairman of the committee, it did go through the committee process. It didn't do a lot of good, but at least it was looked at in some of the areas that are inevitably fixed when we go through that kind of process. So I am worried about this process.

The procedure the majority leader has chosen, and he says he has support of some kind from the Republican leadership side—I assume he does—he has chosen to utilize a procedure never before used in this Senate. That procedure will allow the majority leader, Senator REID, to have the power to approve every amendment that will be offered to this legislation. If it is not part of his clay pigeon, you are not in. If some other amendment is offered and accepted, it is because he decided it is appropriate. He could well accept amendments that he knows are going to fail. He could well accept amendments that he doesn't mind passing. But he picks the amendments. That has never happened in the history of the Senate, never happened in this fashion before.

We must not allow that procedure to happen now. There will be opportunities for us, before this process is over, to execute votes that will demonstrate we don't accept this process, and it should be a big part of any Senator's vote as we go forward with this process.

Mr. President, I have to say to my colleagues, as I indicated to the majority leader earlier, what would Paul Wellstone say, that great liberal advocate, a Senator who enjoyed standing alone, or Senator Jesse Helms, that great conservative who enjoyed standing alone, both doing what they believed was right, something we take great pride in as an institution.

We do not have a lot of power here, but if you don't agree to unanimous consent requests and you are consistent in your advocacy of positions you deeply believe in, you can get a vote. Under this procedure you do not get a vote. I offered amendment after amendment before when this bill was before the Senate. As a result, the leadership on the other side objected. I could not get those amendments pending, and that leaves us unable to get a final vote postcloture.

I am not exaggerating. It has never been done before. It allows the majority leader, under the procedure that is being used today, to completely approve or disapprove of whether an amendment gets voted on. So I object to that process. It is not right. We should not be doing it, and we shouldn't be doing it on a bill that is 750 pages with a 300- or 400-page amendment that goes to some issues that are important to America.

Let me share with my colleagues my concerns about this legislation. I will try to summarize it and go right to the point.

Senator REID, the President, the President's Cabinet members, leaders of the coalition, this grand bargain group—I call them affectionately the masters of the universe—they all tell us this bill is going to fix illegality, and if we don't vote for this legislation, somehow legality will not happen. A group of us have written to the President asking him to utilize 13 special powers he already has under law that will dramatically reduce illegality in immigration. We have not heard from him.

We could do additional legislation that would help enforcement. I believe that is so. But the bill will not stop illegal immigration and, in fact, according to the Congressional Budget Office, June 4, they rendered their report and they concluded that instead of 10 million people coming into the country illegally as they project under current law, 8.7 million people would be entering our country illegally.

What kind of legislation is this? We have been promised it is going to stop illegality and it only reduces illegality by 13 percent, a fundamental failure, a fundamental misrepresentation to the American people about what this bill will do. It is shocking.

This chart shows that situation. The blue, according to the CBO score over 20 years, the blue shows that 10 million people would be coming into our country at the current rate over the next 20 years. If we pass the bill, the red will occur, 8.7 million people.

Every Senator ought to know what our own Congressional Budget Office has reported. Every Senator who is aware of that cannot go home to their constituents and say: I voted for comprehensive immigration reform to make sure we create a legal system in the future. How can you do that? This can't be done. It is an important issue.

The legislation would double legal immigration. I don't think that is what the American people want or expect. The blue represents current law. The red represents the new bill—and it could be more—and the number of legal permanent resident statuses, the green cards, will double in the next 20 years under this legislation.

I think most people thought we were going to do something to get control of immigration and reduce illegality and reevaluate the numbers who come. Certainly, they don't think we are doubling legal immigration. We also know there are high costs involved. According to the Congressional Budget Office, our study we got back a couple weeks ago, in 10 years this legislation will cost the taxpayers of America in welfare and social benefits $30 billion—this is their number; I didn't make this up—$30 billion. They have been saying this is going to bring in more tax revenue, we are going to legalize people, and they are going to pay taxes. Wrong. It is not going to happen. It is not so. I wish it were so. I wish I could tell my colleagues that the numbers show when this amnesty occurs, everybody is going to pay a lot of taxes and it will help balance our budget. Wrong. It is not going to happen that way. It will cost $30 billion in the first 10 years, and our own Congressional Budget Office says it will be dramatically greater in the next 10 years and increase as the years go by.

It is going to increase the cost to the Treasury and, in fact, let me share with you what the highly regarded Heritage Foundation study found. Robert Rector, a senior fellow at the Heritage Foundation, the architect of welfare reform for our country, has been alarmed at the cost of this bill. I am not talking about the cost of Border Patrol agents and barriers and those kinds of items. I am talking about the cost of providing all the social benefits we give to American citizens, to people who came into our country illegally, what it will cost in terms of tax credits, Medicaid, welfare, food stamps and the like. If they are all made legal permanent residents, Z card holders, even the temporary visas, they will be entitled to virtually all of these programs.

According to Mr. Rector, over the lifetime retirement years of the 12 million who would be given amnesty under this provision, it will cost the taxpayers of America—hold your hat—$2.6 trillion; over $2 trillion. It is a stunning figure. It is a figure so large that we almost can't comprehend it or think about it. But anybody who tells you that somehow legalizing the people who are here illegally and providing them with every benefit we provide to American citizens is somehow going to add revenue to our Treasury cannot be correct. CBO says no. They say it will be even worse in the outyears. And the Heritage Foundation has calculated the outyears to be over $2 trillion. This is a stunning figure.

I submit that by passing this law, we will provide a path to citizenship for people, for even those people who broke into our country last December 31, running past the National Guard the President called out. If you could get past the National Guard last December, you will be given amnesty under this bill and be placed on a full path to all these benefits and citizenship.

They have been saying we have to help people who have been here for years and have children and deep roots. I am willing to discuss that situation. I don't believe we can ask everybody to leave this country who came here years ago, who have children and roots and are dug in. I am not prepared to ask them to leave—I really am not—and I have said that publicly for some time. But Senator WEBB just had an amendment that said if you came here in the last 4 years after we had been talking about this issue, after we have called out the National Guard and made clear we want to do something about it, you don't get on this path, you haven't been here long enough to entitle you to be given amnesty. It was voted down by a substantial vote a few moments ago. His amendment was tabled. It is no longer on the agenda. It will not become law. The current law, what is in the bill, provides amnesty to people who came in last December.

I have talked about, and we have had hearings that I think demonstrate with absolute clarity, this incredibly large flow of immigration into America today is, in fact, depressing wages of American workers. Oh, yesterday, we had this great union debate that we are going to eliminate the secret ballot so people will be forced into unions. My Democratic colleagues had charts showing wages haven't gone up in the last few years. And I am inclined to agree because that is what the experts told us on the immigration question. They told us that wages have not gone up—not because of some oppressive businessperson but because we have allowed millions of people to come into our country to take jobs at lower wages that Americans ought to be paid to do. Those are just the facts.

Professor Borjas of Harvard, himself a Cuban immigrant, at the Kennedy School—and I suggested Senator KENNEDY perhaps should walk over there to Harvard from his Boston home and talk to Professor Borjas. Professor Borjas concludes that for people in this country without certain education levels, their wages from 1980 to 2000 have been depressed 8.2 percent.

Anecdotally, I would just note that when I left the Chamber here last Friday, there was a gentleman out here on the street—had gray hair and a gray beard, with a little sign about jobs—and I talked to him. He said he was a master carpenter in Florida and he used to make as much as $75,000 a year—which is not too much money for a master carpenter, in my opinion—but he can hardly make a living today because of an incredible influx of cheap labor that has pulled down the value of his labor.

When I raised this with Senator KENNEDY last year in our debate, he said: Well, we are going to raise the minimum wage. Well, how much are we going to raise it? We are going to raise it to $7 an hour. That is not good enough. We want people to make $15 an hour, $20 an hour.

If you want to know why wages haven't gone up for working Americans, ask Professor Borjas at Harvard; Professor Chiswick at the University of Chicago; Alan Tonelson, an expert; and one of the other professors we had actually—I think he was with the Chamber of Commerce group, and he admitted it. The Secretary of Treasury just recently admitted he was concerned about the fact that wage earners were not keeping up with the growth in the economy. That is my opinion. If somebody wants to dispute it, so be it.

I don't think this legislation in any way provides for assimilation to the degree we would like to see it in accordance with our great American heritage of assimilation.

So I think the fundamental issue in this entire debate, the issue that goes to the heart of the question, is whether this Congress and this President really intend to keep the promises they are making. Isn't that the real question? Because in 1986, they spun a beautiful song: one-time amnesty, and we will have law enforcement next.

I ask: Does this bill do what the supporters claim it will? Fundamentally, will it work? Will it secure the border? Senator REID, just a few moments ago, said what the American people want—they want our borders secure. Well, will it do that? Will it enable us to enforce the law in an effective, diligent, and consistent way that breeds respect for law? Will it clearly reward right behavior and firmly penalize bad behavior? Will it encourage immigration by lawful means, a means that serves our national interest and not special interests, or will it continue to encourage illegal immigration? Are we just drifting through, once again, a charade, a predictable cycle where every few decades amnesty is rewarded to lawbreakers and enforcement never follows? Would that not be a tragedy?

This Senator has no intention and will not vote for and will oppose in every way he can—and others share this view—a bill that is going to be like

1986, that will fail again. When this cycle occurs again, as I predict it will if this legislation passes, those who ignore our laws will be rewarded; those who dutifully comply will consider themselves to be chumps for going through that process.

In recent days, I have had three people who have entered our country legally, done it correctly, come to me and tell me: Senator, stand in there; we support you. We did it the right way. We don't appreciate these people doing it differently.

There was a good article in the Montgomery Advertiser about a lady named Singh—I assume she is of Indian ancestry—who spent several years, hired a good lawyer, spent $4,250, and eventually got her citizenship, for which she was most proud. She was absolutely crystal clear that she did not appreciate it that other people came into our country illegally and would get the same privileges she got that she had to work hard for doing it the correct way. I think there is a moral order here that we need to respect. Repeated amnesties erode a moral approach to the law of this country.

In the past 2 months, we have heard other Senators and the President make promises that this is going to work. The political elite have all said to our top magazines and newspapers that they promise real enforcement will begin following the passage of this bill. They promise this bill will decrease illegal immigration, it will secure the border, and reform our legal immigration system to better serve the national interests. That is a great promise. If that is what this bill did, I would be for it. In fact, I was quoted in the paper several times this spring when I heard the masters of the universe, our friends who tried to write this bill, promise those very principles. I said that those are principles that are getting close to something I can support. I am really interested in it. But as I read it and studied it, I became more and more discouraged, and as independent critics and other experts examined it, they indicated the same.

So will the promises be fulfilled? That is a question I would like to discuss today. Remember this: Even in 1986, President Reagan was the President, and he was a law-and-order man, and when the bill passed in 1986, what did he emphasize? Did he emphasize the amnesty they granted? No, because people were dubious about that. He emphasized the future law enforcement—and this is so familiar today—and he said:

> It is high time we regained control of our borders, and Senator Alan Simpson's bill will do this.

Well, President Reagan was wrong. We had 3 million people here illegally then. Now we are talking about providing amnesty to 12 million, maybe 20 million. It didn't work. Nobody had the Congressional Budget Office score at that time, our own Congressional Budget Office which tells us this bill won't work and we are going to have another 8.7 million people enter our country in the next 20 years.

At least we have been warned this time. Why shouldn't that cause us to pause? Why shouldn't that cause us to give a decent respect to the opinions of our own constituents who strongly oppose the bill and have great doubts about it? Why don't we pull back, rethink it, and begin to do what one of the pollsters suggested the American people are saying, which is take some smaller steps incrementally, emphasizing enforcement? That is what I would suggest we should do.

I would like to make this point. Even if President Bush—who has done some things in recent years that are better than we have had done in a number of years but still isn't using all the powers of his office—even if he kept the promises he is making, he is not going to be in the White House after another 18 months. Somebody else is going to be there. There will be a new Congress here. So the test is really going to be when these trigger events are met, and that will be in 2009 when we will have a new President in office.

Now, let's think about this: Some of the Democratic candidates already oppose the core components of the bill, such as the merit-based system, like Canada's. Governor Richardson and Senator OBAMA—if they win the Presidency, are we going to assume they will fulfill the promises made by this administration? It won't be their priority.

Let us talk in a little more detail about this No. 1 issue which is so critical: Will we secure the border, and is this legislation going to help?

The bill proponents all make the same claims—that without this bill, the border cannot be secured. But if we pass the bill, they say, we will secure the border. Essentially, they are claiming that enforcement can't be done unless we get amnesty and enforcement. They also claim to be adding 18,000 Border Patrol officers, increasing the detention bedspace, and expanding fencing. Now, you have heard that said. Of course, I want to remind everyone we passed a law which already requires that last year. In my view, that is not contingent on this bill being passed. And I will go into that in some detail.

In its first articulated principle about the immigration legislation, the White House PowerPoint that was shown to Senators this spring—and that was intriguing to those of us who have been concerned about creating a lawful system of immigration—the PowerPoint promised "to secure U.S. borders" and "not to repeat the 1986 failure."

Senator KENNEDY, at the famous press conference just about a month ago, said this:

> The agreement we have reached is the best possible chance we will have in years to secure our borders.

Best chance in years.

> In this legislation, we are doubling the border patrol, we are increasing detention space.

Senator McCAIN said this:

> This legislation will finally accomplish the extraordinary goal of security at our borders.

Another Senator:

> I am delighted we are going to secure the border.

Another one:

> It will make sure our borders become secure. We have had broken borders in this country for 20 years. It is time to get them fixed. This bill will do that.

Another:

> What happens if we fail? Our borders continue to be broken at a time when we need to secure our country.

That is what they all said. Oh, gosh. Well, let's talk about it. They said: Well, we started out in this legislation with 18,000 additional Border Patrol officers; we will increase detention capacity to 27,500 beds; and another one—this is former Governor Jed Bush and Ken Melman—"It doubles the border patrol and expands the border fence." That is what they said in their May 31 Wall Street Journal Open Borders editorial. It doubles the Border Patrol and expands the border fence.

Maybe these people think this. All right. Let's see if we can get this straight. Before we address whether this bill actually will secure the border, it is important to clarify for the record that the bill does not require a doubling of the Border Patrol, it does not require more bed space than required by current law, and it does not require more fence than current law requires. If anybody doesn't agree with that, come on down and show me that I am wrong. This is a promotion.

What about agents? The bill does not add 18,000 Border Patrol agents, Senators. When these statements were made, the trigger only required that a total of 18,000 Border Patrol agents be hired.

Since then, Senator JUDD GREGG got the number up to 20,000. I think we have that. So we are close to that number now. We are close to 18,000 now and are already on track to have that number hired by the end of 2008, so no more Border Patrol agents are required to be hired under this bill's enforcement trigger than current law requires. Those of you who want to see enforcement are not being given anything on Border Patrol officers.

What the bill does do for agents outside the trigger is add 6,000 to the total authorized level by requiring 2,400 agents to be hired in 2011, and again in 2012, and increasing the numbers that are supposed to be hired in 2008, 2009, 2010, from 2,000 to 2,400 per year. In other words, we are already projected to hire 2,000; they say we will add 2,400 a year.

Current law authorization only went through 2010 at 2,000 a year, so this bill does increase the authorization by about 30 percent. But it certainly does not require an actual doubling of the Border Patrol, and a 30-percent increase is not in the trigger. The reason that is important is, if it is not required as part of the trigger that kicks off the amnesty and the permanent residence, then appropriators in the future are not likely to do it. I can give you a string of examples of us authorizing Border Patrol, authorizing fencing, and never coming up with the money to fund it.

What about bedspace? What is inside the trigger? The claim the bill increases the detention bedspace is factually false. The bill does nothing more than current law. The Intelligence Reform and Terrorism Act of 2004 requires that 43,000 beds be in place by the end of this year. In 2004 we require 43,000 bedspaces by the end of 2007. The enforcement trigger contained in this bill, though it improved a bit after the Gregg amendment, still only requires 31,500 beds. It really weakens the number.

What about bedspace outside the trigger? Even with the bill's latest section on bedspace found outside the trigger, which requires the eventual addition of 20,000 beds, the bill still only gets to 38,000 beds, still below current law. So that is a problem.

Let me mention the fencing. We hear so much about that. The claim that the bill expands the border fence is also not true. The trigger requires only the building of 370 miles of fencing. Listen to me now. The trigger—the thing that was set up to make sure it happened, knowing how in the outyears things never get funded and seldom get funded and are unlikely to get funded, we were trying to mandate that with the trigger—it only requires 370 miles of fencing. Current law since last year's enactment of the Secure Fence Act of 2006 requires the construction of 700 miles of fencing along the southern border.

In a recent column published in the National Review, Deroy Murdock asked:

> Americans who want secure borders wonder why the 700-mile southern frontier fence Congress authorized last year, of which only 12 miles have been built to date, stretches only 370 miles.

All I am saying to my colleagues is, we in the Senate have been around here a long time. We have heard how these things go, and we know a song and dance when we see one. But if you read the bill carefully you will conclude that the promises, though promises that sound so good, are not reality. They were absolutely headed to a failure, just like the Congressional Budget Office said, of almost as much illegality in immigration in the next 20 years as we had in the last 20 years—only a 13-percent reduction. It is just not sufficient.

I see my colleague from Texas, Senator JOHN CORNYN, one of our most able Members, who is exceedingly knowledgeable about this issue. He is a member of the Judiciary Committee. Of course, he was a former attorney general in Texas and a member of the Texas Supreme Court. I value his judgment. Out of the time left to me, I will yield—how much time would the Senator request? First, let me ask how much time is left?

The ACTING PRESIDENT pro tempore. There remains 40 minutes.

Mr. SESSIONS. I yield 20 minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 20 minutes.

Mr. CORNYN. Mr. President, I almost hesitate to talk after those kind comments from my colleague from Alabama. I am afraid anything I might say would be a disappointment. But let me try.

This immigration bill is leaving all of us with a sense of deja vu. That is the sense that we have been here before. Strangely, not much has changed. Once again we see that this process ignores the request, the stated desire of many of us, to have an open and transparent debate, an opportunity to offer amendments and to have votes on those amendments. As a matter of fact, I understand the condition upon which some of us are even being allowed to speak now is that we just debate, and we not even be so presumptuous as to seek to offer a unanimous consent request for amendments. This is a bizarre process.

As we have seen so far, we started off rather inauspiciously, where because of constraints being placed on Senators, denying them the rights they have—Senators, I thought, had—and the responsibility that each of us has on behalf of our constituents to try to improve this legislation, to debate it—because we have been denied those basic rights of a United States Senator, we find ourselves in a strange position now. We have motions to table being offered. I don't know whether all 26 or so of the amendments contained in this so-called clay pigeon device, this arcane procedural device used to usurp the authority and the rights of Senators in order to railroad this bill through the floor—whether we are going to see all of these amendments tabled; in other words, without debate, without an up-or-down vote on the amendments and with the American people scratching their heads and wondering what in the world is going on.

How much more out of touch can people inside the Capitol be than they are now? We continue to see a bizarre process going forward. Last night we received a 373-page, so-called clay pigeon amendment. This is the bundle of the 26 amendments that had been preapproved, screened, cherry-picked by the select few behind closed doors. You know what. We got that, the Members of the United States Senate and our staffs, after a special interest group had already posted it on their Web site. That is right. U.S. Senators and their staffs got a copy of this 373-page monstrosity, which nobody had a chance to read—we got it after a special interest group that had been participating in these closed-door negotiations got it and put it on their Web site.

Today, we are told: No, that is a work in progress. We are not yet through. Today we get a new 400-page version of the same package of amendments. I understand it is at the desk, but so far as I know, we have not yet received a copy of it. We have not had time, obviously, to review it and know what is in it. But that does not deter those proponents of this legislation on the floor who are going to keep charging ahead, regardless of our request to actually read the legislation, to understand what is in it, to offer amendments to improve it and to debate its contents. That is what I thought I was elected to do on behalf of my constituents when I came to the Senate.

I have to tell you, I think this all bodes very poorly for the likelihood that we are going to successfully accomplish true immigration reform and border security as a result of this legislation. I think we are heading toward a cloture vote tomorrow where it is looking increasingly like we are not going to be able to get the job done. I think it is a product, in large part, of secret negotiations.

I have to correct my comments. I just got the 400-page monstrosity known as the revised clay pigeon amendment. I look forward to reading it, hopefully, before the next vote is scheduled on the contents of this monstrosity.

As I was saying, by secretly negotiating this legislation, skipping the committee process, and then pushing it through the Senate without people having an adequate time to read it, we risk passing legislation which clearly is not thought out and which Members have not had sufficient time to review or to study in any detail, particularly because the language keeps changing, it seems, almost daily. This may, in the end—and this is the most important part—it may, in the end, do more harm than good.

For example, written into this legislation are provisions that will directly result in an increased likelihood that dangerous persons will get at least a probationary legal status that confers upon them a variety of rights and privileges that I do not think, on further reflection, we would want these people to have. These problems could be fixed if we had a rational process of debate and offering amendments and an opportunity to vote on those amendments but, without committee review, without ample time to have that kind of debate and vote on amendments, there is really no hope to correct these flawed provisions.

I have spoken before about the type of amendments which I personally believe would improve this legislation. I want to talk about them. I understand I am constrained by an agreement that I not bring up these amendments, so I am not going to do that now. I may do it later and see if attitudes have changed, but I do want to talk about six of the most important amendments which I believe could and should be added. These are only six of the amendments that I personally think would make this bill better. I know my colleagues have other good ideas on how to improve this legislation.

We are going to be living with this legislation for many years to come—decades. We find ourselves now, 20 years later, living with the consequences of unenforceable legislation that was passed in 1986. So I think greater care needs to be taken.

One amendment I would offer would prevent criminal aliens from getting an enforcement holiday by authorizing them to delay, and even possibly avoid, deportation by filing frivolous applications for legal status as well as appeals from the denial. That is right. It would prevent them from getting virtual impunity, even though they filed a frivolous application for legalization, as well as multiple appeals.

Another amendment I would offer would prohibit criminal aliens, including gang members and absconders, people who have defied lawful court orders and either have gone underground or have been deported and entered the country illegally—technically felons under the Immigration and Naturalization Act—my amendment would prohibit them from tying up the process, gumming up the courts by appealing the denying of a request for a waiver of grounds for removal.

The court clogging that would ensue without these two provisions is almost sure to cause extensive delay that will almost certainly increase the costs associated with this bill and frustrate the intent of Congress trying to pass a truly workable system. This is not a hypothetical concern. As we debate this bill there is a lawsuit pending by people who have been deported from this country and therefore were not eligible to receive the 1986 amnesty, but they have been litigating their request that the INS, and now the Department of Homeland Security, grant them a waiver from that part of the 1986 law that said they were ineligible.

This litigation is still going on, 21 years after the 1986 amnesty was passed. Don't you think we would like to learn from our mistakes? Don't you think we would like to try to fix those problems? Under this process, we are not given an opportunity to do that. My amendments would prevent decades-long litigation and frivolous lawsuits from occurring with respect to the provisions of this bill.

Another amendment I would offer if given an opportunity would require judges to consider national security implications before issuing nationwide injunctions against immigration enforcement. That is an essential provision to protecting our Nation, something that this bill claims to do but which it omits.

I would note that that provision passed in last year's immigration bill but yet was consciously omitted from this one. There is no good reason to weaken last year's bill in this regard.

Another amendment I would offer would limit the timeframe of any appeal from a denial of Z status to 2 years, so that any error is promptly corrected and so that court proceedings would not tend to drag on endlessly, wasting tax dollars and logjamming our courts and allowing a person who has been determined not to be eligible for legal status to stay in the country indefinitely, under the guise of appealing their denial.

Another amendment I have would prevent those who have committed terrorists acts or provided material support to terrorism from qualifying for legalization under the "good moral character standard" under this bill, something that seems to be inherently obvious to me. It ought to be included. I am shocked it is not included.

I will give you one example. Last year, Mohammed El Shorbagi pled guilty to providing material support to the terrorist organization Hamas. Hamas, by the way, is identified by our own State Department as a terrorist organization, as well as by the European Union. This individual's conviction did not specifically bar him from becoming a U.S. citizen because, under the law in effect, aiding an organization that routinely fires rockets on innocent civilians, families, and neighborhoods; people who abduct innocent individuals; and those who have most recently staged a violent coup in Gaza, does not in any way affect their good, moral character.

Don't you think the Senate, the world's greatest deliberative body, representative of the 300 million people of the United States of America, would want to fix this glaring omission in the underlying bill? Well, I have been told that, no, we are not interested in that amendment. We have our cherry-picked set of preselected, prescreened, preordained, and no one else is going to be able to offer one. In fact, you cannot even debate them, much less offer them and have a vote on them.

I appreciate that some have finally recognized the significant flaws and security risks that are inherent in the bill as it is currently written. I would note, though, that it was not until late yesterday afternoon that some agreed that such a change was needed to improve enforcement and protect U.S. national security and included a version in the divided amendment.

Now, as I mentioned a moment ago, because the so-called clay pigeon that includes 26 amendments is not yet—well, it was only a moment ago handed to me, hot off the press, I have not yet had time to study that version, I don't know whether the modified version that was sent to the desk today changes it. But at least there appears to be some movement toward closing that loophole.

But what other enforcement loopholes and flaws remain in the bill? I fear that under this expedited process, the train has left the station, and it is going to blow right through the middle of the Senate until we pass something without proper consideration, and we are going to make mistakes. I think that is a bad idea.

During the previous debate, I introduced an amendment that would bar criminals, felons, from ever being able to obtain Z status. While it did not pass during the previous debate, I am still clueless as to why that happened. I think now that people have had time to study it and to think about it, hear from their constituents about it, more members would be supportive of closing that loophole for felons. I have refiled this. This is another amendment I have that I hope we will be able to vote on eventually. I hope the Senate does not consciously allow felons the benefit of a pathway to legalization and American citizenship. I cannot imagine why in the world we would.

As I said, those are only six of the amendments that I think need to be offered and added to this bill. Let me mention one other thing. I see the Senator from Kentucky, who perhaps would like to add his comments. Let me mention one other glaring loophole that I talked about a little yesterday. This was a provision that requires a 24-hour background check for someone who applies for legal status. But failing that, the default position is they get a probationary Z visa. In other words, we put a provision in here that says: If the background check can't be completed in 24 hours—and it can't, I promise you—that the applicant will be automatically granted legal status on a probationary basis.

I am concerned particularly because what that does is not only gives them an ability to obtain a probationary Z visa or legal status, the White House has said: Oh, don't worry about it. If we cannot get the background check done in 24 hours, and we find out they are disqualified because they do not pass a background check, we will send someone out to pick them up. Do you know how many absconders there are in the United States who are under lawful orders of deportation and have simply gone underground and the Department of Homeland Security, Immigration and Customs Enforcement has failed to pick them up and to execute the lawful orders of our courts? There are 623,000 absconders who meet that definition. Are we supposed to believe that people who fail the background check for this probationary Z visa are now going to be picked up, when 623,000 people who have defied lawful court orders, who are on the lam, who have gone underground and whom the Department of Homeland Security has failed to pick up and deport, according to the lawful orders of a court, that now all of a sudden the policy has changed?

Trust us. Trust us. Well, I tell you what, the American people do not trust the Federal Government, particularly in this area. I hesitate to say it, but it is with good cause, based on hard experience, based on overpromising and underdelivering when it comes to our immigration program.

I support increasing legal immigration, looking at how to recruit the best and the brightest and allowing them to come here, particularly if they come to our universities and study at our world-class universities and stay, so we do not have to send them home and so they end up competing with us and taking jobs overseas.

I support comprehensive immigration reform. But I do not support promising the American people that, oh, yeah, trust us this time, we are serious, when there are such obvious flaws in the underlying legislation, that we are being prohibited by this railroad of a process from being able to offer amendments, to get votes on those amendments, to be able to fix the underlying bill.

I can see why the American people would be skeptical, because I am skeptical. I am increasingly skeptical as a result of the way this process and this legislation has been handled.

My hope is that should this cloture vote fail tomorrow, which I think, under the circumstances, looks increasingly likely, we will come back and reassess what we have done, or, moreover, what we have failed to do and try to be more serious, more deliberate, more conscious of trying to actually deliver on our promises rather than continuing to overpromise and underdeliver on this great issue of national concern.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Senator BUNNING from Kentucky is here and desires to speak on this legislation. I thank him for his comments previously and for his clarity of thought on the issue.

How long does the Senator desire to speak?

Mr. BUNNING. About 5 minutes.

Mr. SESSIONS. I yield 6 minutes to the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I said this before, but here we go again. Three weeks ago, a significant majority of the Senate rejected this flawed immigration bill and the flawed process that led to it. But now it is back.

One of the key reasons the bill failed the first time around was the flawed process or the lack of process that led to the bill. In the Senate, an idea normally takes months, if not years, to become a bill and pass. But instead of letting the bill develop through the deliberative process, a few Senators and a few people from the administration wrote the bill in secret.

They held no committee meetings, there were no hearings, there was no committee report. In fact, Senators did not even see the whole bill until several days into the debate. When those of us who were not part of the secret negotiations finally saw the bill, we found all kinds of problems. But we were told the bill had to be finished by a certain date. We were not even allowed an open debate on the floor.

So with a few days looming before the Fourth of July recess, a few negotiators got back together and blessed another list of amendments to get votes. Apparently, they believe that 20 or more votes equals a full debate. What a joke.

As if that were not bad enough, the majority leader is taking an unprecedented step to shut off the right of Senators to debate and amend the bill. That is not the Senate. The process is not the only thing that is flawed around here; the bill itself is flawed.

In 1986—thank God I was not in Congress—Congress passed an amnesty bill that was promised to be the last of the amnesty bills. Here we are 20 years later, and the problem is much worse, much, much worse. The bill is no better. Instead of punishing illegal immigrants and employers who ignore the law, this bill is a get-out-of-jail-free pass. It gives those who broke the law their own VIP line to a green card and citizenship.

For this bill to work as promised, the Government would have to process at least 12 million illegal immigrants in a matter of months. In short, the timeframe the Government would have to conduct these background checks, issue identification cards, and to build a system to check every employee in America to make sure they are legal, that is the timeframe.

The Government would also have to implement new guest worker programs, eliminate the green card backlog, overhaul the green card system, and start issuing new visitor visas. But I do not believe it will work, and the American people certainly do not believe it will work. I am not talking about the far left or the far right; I am talking about middle America—middle America.

I am talking about the people who are stuck in the lines in passport offices, waiting on the Government, waiting for them so they can go on a summer vacation. We are supposed to believe that the same Government that cannot even get passports into the hands of their people is going to complete background checks on from 12 to 20 million illegal immigrants, give them a secure ID card, check every employee in the United States to verify their work status, and secure the borders.

I don't think so. Unfortunately, this bill does not even secure the borders. The $4.4 billion included in the bill does not add any new border security. It only funds the trigger requirements of the bill which do not even require implementation of existing laws such as building the 700 miles of border fence and the 43,000 detention spaces.

There are other problems, too. The bill does not require background checks to be completed of illegal immigrants getting amnesty before they get their visas. The bill gives Social Security credits to illegal aliens for work they did illegally. Illegal aliens with terrorist connections can get amnesty, and they do not have to pay all their back taxes or learn any English at least for 10 years. What a deal. The bottom line is the bill will not work.

It is much worse than the status quo. Any chance of fixing it is being erased by the handful of negotiators and the majority leader. Instead of trying to fix the bill, the majority leader is using unprecedented tactics to ensure only a few blessed amendments are considered. We all have amendments, such as the Senator from Texas. None of them are going to be considered.

I will not support amnesty. I will not repeat the mistakes we made 20 years ago. I will not be responsible for tens of millions more illegal immigrants coming into this country waiting for the next amnesty. I will not support this process or this bill.

I thank the Senator from Alabama for yielding me the time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Kentucky. On this question, this fundamental promise by our friends, whom I refer to affectionately as the masters of the universe, that we would secure the border—what does our expert congressional arm say about it? What does the Congressional Budget Office say about it? They say, no, it will not. Senator CORNYN and Senator BUNNING have pointed out a number of things that are weaknesses with the bill. Will this weakness and other items they talked about in the bill actually secure the border? According to CBO, the new Senate bill will only reduce the annual illegal immigration by 13 percent. Illegal inflow at the border will be reduced by approximately 25 percent, but that will be substantially offset by increased additional visa overstays, almost over a half million in the next 10 years. According to CBO, the net result will be only a 1.3 million reduction in new illegal immigrants over the next 20 years. Because we expect under current law 10 million to come over that period illegally—that is a lot—enactment would reduce that expectation to 8.7 million new additional illegal immigrants by 2027. Out of 10 million, we have 8.7 million. I ask my colleagues, is that securing the border? Is that effecting a legal and lawful and effective immigration system? I suggest it is not. There is no way you can say it otherwise.

One of the key things of an effective immigration system is the US-VISIT exit system. That is not affected in this. I have talked about that some, but I won't go back into that.

I see my colleague from Louisiana here, Senator VITTER. He is an outstanding lawyer who has spent a great deal of his time and energy studying these 700 pages and trying to get the amendment of 370 or so pages so he can study it and help decide what it will do. I see Senator VITTER is here. I am pleased to yield to him 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 5 minutes.

Mr. VITTER. Mr. President, I thank the distinguished Senator from Alabama.

I want to briefly take the floor to lay out how enormously unfair this process is. I am new to the Senate. Coming here, I had always heard, particularly coming from the House, about the fundamental aspect of the Senate being unlimited debate. I walked through the wrong door, because that is not the case, certainly not the case for me in terms of this bill. It has been exactly the opposite from start to finish.

Why do I say that?

First, we are handed an 800-page bill, given very little time to digest it. Then a few days later, in terms of this latest revisiting of immigration reform, we are handed a 373-page mega-amendment and given no time to digest it. Then some of us demanded the time to digest it by not agreeing to waive the reading of that 373-page amendment. Only because we did that, we were finally given the right to look at the amendment overnight last night. Great. So we come back at 10 a.m. this morning, after working with our staffs to wade through 373 pages of the amendment, only to find out that mega-amendment is out the window. We have a new modified version of the mega-amendment, which we have never seen before, which we were only given a copy of in the last hour. Now we are trying to digest a new mega-amendment. Meanwhile, the procedure is rolling along.

Of course, the majority leader, through this unprecedented use of the so-called clay pigeon, has hand chosen the only amendments that apparently will come up during this debate on the Senate floor. It is not an accident that there are no Vitter amendments. I had plenty filed. None of them are on the list. The majority leader could have chosen any list of amendments. He could have tried to make an effort to have a balanced list to include some amendments of folks such as me who have fundamental reservations with the bill. He did not. There are no Vitter amendments. It is not a coincidence there are no Sessions amendments. There are no DeMint amendments. There are no Cornyn amendments, the person who began this process working with the working group, developing the bill. It is not a coincidence there are no Elizabeth Dole amendments. All of us have been completely shut out in terms of the handpicked list of amendments.

Then we try to participate in the process again on the Senate floor. I try to be recognized several times to exercise my rights as a Senator. I am shut down again because the majority leader will only recognize me for purposes that he decides, not me, for purposes that he approved of, not me. Basically, I am allowed to debate and nothing more. I am not allowed to offer a motion. I am not allowed to do any of that. It is coming to the point where I am wondering, even if he allows me to say anything, is he going to hand me a script and I will have to read from that?

This is not an open, fair process. This is not the Senate I heard about, with unlimited debate and amendment. Yes, there are unlimited amendments as long as they are approved, apparently, by the majority leader. None of them are my amendments. Yes, there is unlimited debate as long as you agree not to exercise any of your rights as a Senator. You can talk only. You can't make a motion. You can't try to bring up your amendments. You can't do any of that.

That process is fundamentally unfair. I hope many Senators who are still considering how they will vote on cloture will focus on this process. The American people have said loudly and clearly this is an important issue to them. They have also said loudly and clearly, by any poll out there, that they absolutely disapprove of this bill by enormous numbers. For us to move ahead anyway is one thing. For us to move ahead using this process, railroading me, railroading any strong opponent of the bill, is something else. It is patently disgraceful.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the comments of the Senator from Louisiana.

Let me say what I believe is not in dispute. The procedure Majority Leader REID has chosen to utilize is a procedure never before utilized in the Senate. They say: You are just saying it is unfair. Everybody says things are unfair.

The reason this is more than a question of fairness is because it is a transfer, an arrogation of power to the leadership by which, for the first time in the history of the Senate, the majority leader will be able to approve or disapprove whether a Senator gets a vote on an amendment. If one wanted to do that up until this time, since the founding of our Republic, they stayed down here and didn't agree to unanimous consent requests. They stood their guns. It might not be easy, but one could get a vote. They could talk about what they wanted to talk about. But this process by which the leadership will select a limited number of amendments, place them in this clay-pigeon maneuver and only those amendments get voted on and every other amendment is rejected, is unprecedented in the Senate.

I had a senior Member of the Senate come up to me with some alarm not long ago this morning and say: You need to be able to get amendments.

I don't think we have thought this through. It is dawning on me how significant this is. I said earlier: What would Paul Wellstone say? What would Jesse Helms say? What would other Senators say, individual Senators who are proud of the ability—seldom used, perhaps—they could utilize to raise a point that they believe in, even if everybody else disagrees. That is part of our heritage. It will be eroded if we go through this process.

I know my time is up. I appreciate the personal courtesies of the majority leader. He has always been courteous to me. In this instance, a bad decision has been made. Hopefully it will be rectified in some fashion one way or the other by denying cloture on the legislation.

COMPREHENSIVE IMMIGRATION REFORM ACT—Continued

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, we have this matter before us. We are going to do our very best to work through it. To remind everyone about this legislation: This bill was taken up. We spent considerable days on the Senate floor. Prior to doing that, of course, we had a debate last year that encompassed much of what we have talked about this year. In addition to that, though, during the time we pulled the bill from the floor—this bill was pending here—of course, we brought that back with the amendments that had passed.

In addition to that, with the concurrence of the President—because the No. 1 complaint that folks on the other side had initially was there was nothing that was going to take care of the border—$4.4 billion is now in this matter that is now before the Senate, $4.4 billion to strengthen the border. It does do that. Not only do we spend the money, but we spend it well in this bill. There will be 370 miles of fencing that will be paid for—will not be just talked about—300 miles of vehicle barriers that work extremely well, probably better than the fences. It will now be possible to hire 20,000 new Border Patrol agents. The are 105 ground-based radar and camera towers. There will be a facility with detention beds for people who violate these immigration laws. There will be a place to put them.

It toughens employer sanctions by creating a mandatory employer verification system. It doubles criminal and civil penalties against employers who hire unauthorized workers. Employers can be fined up to $5,000 per worker for the first offense, up to $75,000 per worker for subsequent offenses, or they can serve jail time. Also, as it relates to employer sanctions, it strengthens document integrity by requiring tamper-resistant biometric immigration documents.

And, yes, as the Republican Secretary of Commerce has said, and other administration officials have said, this is not amnesty. In fact, what Secretary Gutierrez has said is that if we do not do something, there is silent amnesty. We are going to move past that.

If someone wants to be on a pathway to legalization, they have a job, they pay taxes, they stay out of trouble, they learn English, they pay penalties and fines. They go to the back of the line, not to the front of the line.

This legislation, very importantly, includes AgJOBS and ends the exploitation of migrant farmworkers and provides them legal status.

The DREAM Act, which a number of individuals worked very hard on—but no one harder than my colleague, the senior Senator from Illinois, Mr. DURBIN—the DREAM Act is to legalize immigrant children brought by their parents to this country through no fault of their own and to allow them to go to college or join the military.

So this is a nice piece of legislation. It is a step in the right direction. We have had 36 hearings since 9/11, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, 92 Senate floor amendments. We have been pretty thorough with this issue.

Mr. President, I yield to my friend for a question, and I would, of course, regain the floor when he completes his question.

Mr. KENNEDY. Mr. President, is it the Senator's understanding with this legislation we will have virtually the strongest border in the history of the United States of America in the Southwest? Is that the Senator's understanding of the effect of this legislation?

Mr. REID. Mr. President, the Senator is absolutely right. He has been on the Judiciary Committee for decades in the Senate. He has been chairman of the Subcommittee on Immigration for decades. He has watched what has gone on. We all recognize what happened in 1986 was not good. It is my understanding the senior Senator from Massachusetts voted against that legislation.

This legislation will correct that. This legislation will put 4.4 billion real dollars—not authorized—in direct funding. We got a signoff from the President to do this. If we did nothing else, zero—for those people who have concerns about this legislation—if we did nothing else other than do this to secure our border, they should vote for this legislation. But there is much more in it. I have given a brief review of the good things in this legislation. It is a good piece of legislation to correct the problem we have.

Mr. President, I would be happy to yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. Does the Senator agree with the Council of Economic Advisers that said passing this legislation will mean there is $55 billion—$55 billion—in fees and in fines that will be paid that will be used to strengthen the border, to enforce worksite enforcement, to make sure we are going to have a tamperproof card, which is essential for any kind of immigration system; and that if this legislation does not pass, that $55 billion is going to be paid for by the American taxpayer? Does the Senator understand that is the implication of these votes?

Mr. REID. Mr. President, the people who are talking about the negativity of this legislation I do not think understand how good it is. I have talked about the $4.4 billion. But to think about that: $55 billion to go toward making our country safer—not our borders—our country safer, and it is not paid for by the taxpayers. It will be paid for by the people who are seeking to change their status.

I think it is a tremendous improvement, a step forward. I think it is so important that the American people not hear all this "some of us have not been on the floor talking about this piece of legislation a lot." It seems the voices we hear are people who are talking about the process being unfair, that they have not had a right to be heard. Some people complain, "I thought the Senate was different than this."

Mr. President, for my friends, some of whom are complaining who served in the House of Representatives, this is a fair process. People in the Senate have a right to speak. We have rules that after so much time, when 60 Senators say you talked enough, debate comes to an end. That is where we are in this matter. We are at a point where tomorrow morning cloture will be invoked on this bill. It would be so important that we do that. It would make our country a better country. We need to do this; otherwise, our borders remain porous, with no end in sight.

Mr. President, what is now before the Senate?

The ACTING PRESIDENT pro tempore. Division III of the amendment is currently before the body.

Mr. REID. I thank the Chair.

Mr. VITTER. Mr. President, will the distinguished majority leader yield for a question?

Mr. REID. I will be happy to in a minute.

Division III is an amendment offered by the senior Senator from the State of Missouri. If anyone wishes to speak on that, what I would like to do is ask—not like to do; I am going to do—I ask unanimous consent that there be an hour of time, for debate only, on this amendment; that following that time being used—it would be divided equally between the two managers—following that time being used, I would have the right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I say to the leader, I am going to make about 5 minutes of remarks on it. I have not heard from many other people. I think we could move things along without taking an hour. I do not know if any of my colleagues on the floor wish to speak, but 20 minutes equally divided would—

Mr. REID. Mr. President, I withdraw my unanimous consent request. I appreciate the suggestion of my friend from Missouri. I think it is a constructive one. I, therefore, ask unanimous consent that on the Bond amendment there be 20 minutes equally divided, that this conversation during this 20 minutes be for debate only, that the time be controlled by Senator SPECTER—I am sure he will give his time to Senator BOND—and Senator KENNEDY on our side; and that following the using up of that 20 minutes, I obtain the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Reserving the right to object, as I consider the unanimous consent request, can I ask permission to pose two questions to the distinguished majority leader?

Mr. REID. Mr. President, it is my understanding I have the floor; is that right?

The ACTING PRESIDENT pro tempore. The majority leader has the floor.

Mr. REID. Mr. President, I would be happy to yield to my friend for a question.

Mr. VITTER. I thank the majority leader. Two questions. One is on the substance of the bill. In particular, on the point you were making regarding funding for enforcement, are you aware of the CRS letter and report which says that $4.4 billion, or at least much of it, can go to the Z visa and the Y visa program, and that it is not clear at all that the trigger provisions have to be met and that certification has to happen before those funds can instead be used for the Z visa program versus enforcement?

Mr. REID. Mr. President, in response to my friend's question, first of all, at least for the next 18 months, President Bush is our President. His Cabinet officers—two of whom have been heavily involved in this legislation, Secretary Chertoff and Secretary Gutierrez—have confirmed that this money—anything the President has power over through his administration—this money will go to border security, the things I have outlined earlier this afternoon: fencing, vehicle barriers, 20,000 Border Patrol agents, 105 ground-based radar and camera towers, detention beds—and a lot of detention beds, specifically 31,000.

One of the problems we have had at the border is that as our valiant Border Patrol agents grab these people coming across the border, they have no place to put them. They will now have 31,500—a pretty good holding facility. It will alleviate many of the problems, many of the complaints that our own Border Patrol agents have.

So in response to my friend from Louisiana, the administration assured all of us this money will be used in a manner to make our border more secure.

Mr. VITTER. Mr. President, I ask unanimous consent to have this June 25, 2007, Congressional Research Service memorandum printed in the RECORD because it certainly states clearly that the trigger does not have to be fully met before these funds can go to the Z visa program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, June 25, 2007.

MEMORANDUM

To: Honorable Jim DeMint

From: Blas Nuñez-Neto, Analyst in Domestic Security, Domestic Social Policy.

Subject: Trigger language in S. 1639.

This memorandum is in response to your request concerning the trigger provisions in S. 1639, the Comprehensive Immigration Reform Act. Specifically, you asked CRS to analyze whether the $4.4 billion that would be authorized by the bill to fund the trigger provisions could be used to fund the processing of Y and Z visas. As such, this memorandum will be restricted to a discussion of Sections 1 and 2 of S. 1639. If you have any questions concerning this memorandum, I can be reached at 7-0622.

Section 1 of S. 1639

Section 1 of S. 1639 would establish certain requirements that must be met by the Department of Homeland Security (DHS) before the programs in Titles IV and VI of the Act "that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence" can be implemented.

The Act would make exceptions to this requirement for: the probationary benefits conferred by Section 601(h); the provisions of Subtitle C of Title IV (relating to non-immigrant visa reform); and the admission of aliens under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (as amended by S. 1639).

Prior to the implementation of the majority of the programs in Titles IV and VI, the Secretary of DHS would be required to certify in writing to Congress and the President that each of the following measures (commonly referred to as "triggers") are "established, funded, and operational:"

DHS has "established and demonstrated operational control of 100 percent" of the land border between the United States and Mexico.

Customs and Border Protection (CBP) has hired, trained, and deployed 20,000 United States Border Patrol (USBP) agents.

CBP has installed 300 miles of vehicle barriers, 370 miles of fencing, 105 ground-based radar and camera towers, and deployed 4 unmanned aerial vehicles to the border.

DHS is detaining all removable aliens apprehended crossing the border illegally, except as specifically mandated by federal or state law or humanitarian circumstances. Additionally, Immigration and Customs Enforcement (ICE) would need to have the resources to maintain this practice, including the ability to detain 31,500 aliens on a daily basis.

DHS has established and is using secure, effective identification tools to verify the identity of workers and prevent unauthorized aliens from obtaining employment in the United States. These tools should include the use of secure documentation that contains photographs and biometric information on the work-authorized aliens and comply with the requirements established by the REAL-ID Act (P.L. 109-13, Div. B). Additionally, DHS would be required to establish an electronic employment eligibility verification system capable of querying federal and state databases in order to provide employers with a digital photograph of the alien's original federal or state issued identity or work-authorization documents.

DHS has received, is processing, and is adjudicating in a timely manner applications for Z non-immigrant status under title VI of this Act.

The Administration would be required to submit a report within 90 days of the enactment of S. 1639, and every 90 days thereafter until the trigger requirements are met, detailing the progress made in funding and satisfying each of the requirements outlined above. The Governmental Accountability Office (GAO) would be required to submit a report within 30 days of DHS' written certification that the trigger provisions have been met concerning the accuracy of that certification.

Section 2 of S. 1639

Section 2 would establish a new account within the DHS appropriation known as the "Immigration Security Account," and would endow this account with a transfer $4.4 billion from the Treasury's general fund. These funds would be available for use by DHS for five years after the enactment of S. 1639 in order to meet the trigger requirements outlined above.

Section 2 further stipulates that, "to the extent funds are not exhausted" in carrying out the trigger requirements, they would be available to be used for any of the following additional activities: fencing and infrastructure; towers; detention beds; the employment eligibility verification system, including funds relating to the State Records Improvement Grant Program outlined in Section 306; implementation of the programs authorized by titles IV and VI; and, other federal border and interior enforcement requirements to ensure the integrity of the programs authorized by titles IV and VI.

This language appears to require DHS to expend the funds in the Immigration Security Account to meet the trigger requirements in Section I prior to funding the additional activities outlined above. DHS would be given the authority to transfer funds from the Immigration Security Account as needed to fund the trigger requirements and the additional purposes outlined above.

DHS would be required to submit an expenditure plan for the Immigration Security Account funds to the Senate Committees on Judiciary and Appropriations within 60 days of enactment, and annually thereafter, identifying: one-time and ongoing costs; the level of funding for each program, project, and activity and whether that funding supplements an appropriated program, project, and activity; the amount of funding obligated in each fiscal year by program, project, and activity; the milestones required for the completion of each identified program, project, and activity; and how these activities will further the goals and objectives of the Act.

Lastly, DHS would be required to notify the Senate Committees on Judiciary and Appropriations 15 days prior to the reprogramming of funds from their original allocation or the transferring of funds out of the Immigration Security Account.

Conclusion

In response to your question concerning whether the $4.4 billion in funding appropriated under the Immigration Security Account could be used to fund the processing of Y or Z visas under Titles IV and VI of S. 1639, S. 1639 appears to require that the trigger mechanisms be funded first. Receiving, processing, and adjudicating applications for the Z visa authorized by Title VI of the Act is one of the trigger mechanisms outlined in Section I; this means that funding from the Immigration Security Account could be used for this purpose. Section 2(C) would allow DHS to expend any funds remaining after the trigger mechanisms have been fully funded on certain activities, including the implementation of the programs authorized in Titles IV and VI of the Act. Thus, it appears the funding for the Y visa (and other programs) authorized by Title IV of the Act could only be made available through the Immigration Security Account once the trigger mechnisms had been met. However, S. 1639 does not explicitly stipulate whether the certification required by Section I would have to take place prior to funding being made available for the additional purposes outlined in Section 2(C).

Mr. REID. Mr. President, does my friend have another question?

Mr. VITTER. Yes. The second question for the majority leader is about procedure. I think he understands my frustrations in terms of the procedure we seem to be adopting. Does the distinguished majority leader see any opportunity between now and tomorrow's key cloture vote for me and like-minded Senators to offer our amendments on the floor versus his handpicked amendments or to be recognized on the floor for reasons of our choosing versus merely being recognized for reasons of his choosing?

The ACTING PRESIDENT pro tempore. The majority leader has the floor.

Mr. REID. Mr. President, we are in the Senate. We have certain procedures and rules. I have tried to make things as family friendly as possible; that is, Senate family friendly. I say to my friend, during the early days of this legislation, amendments were offered by him and others, some of which got votes, some did not. That is the way the Senate operates. We are now in a process to work toward in the morning when we have a cloture vote.

I think the process is very fair. The people who are managing this legislation, directed by Senators SPECTER and KENNEDY—two of the most senior Members of our Senate—have been as fair as possible for our getting where we are. There are amendments in this procedure we are going through by people who have never supported the bill and do not intend to support the bill. The amendments were arrived at in a way to try to improve this bill. Will all amendments improve the bill? I guess that is in the eye of the beholder.

I say to my friend, the procedure has been set here. I am sorry you are concerned about it. I, frankly, though, think we have been very fair. As a result of that, I would ask my friend if he has an objection to Senator BOND's suggestion, that we debate this amendment of his—that is debate only—for 20 minutes equally divided.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. VITTER. Mr. President, reserving, again, my right to object, I ask unanimous consent to speak for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Is this for debate only?

Mr. VITTER. For debate only.

Mr. REID. I would have the floor as soon as the minute is up; is that right?

Mr. VITTER. That is correct.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the Senator is recognized for 1 minute.

Mr. VITTER. Thank you, Mr. President.

Well, again, I take it from the distinguished majority leader that his answer to my last question is no. Under this process, there will be no opportunity for me and like-minded Senators to offer our amendments. We will only consider his 26 handpicked amendments. Again, he put together that list. He could have included some amendments of folks who have serious problems with the bill. But there are no Vitter amendments on the list. There are no Sessions amendments. There are no DeMint amendments, no Cornyn amendments, no Dole amendments, no Bunning amendments, and we could go on and on. Is that a fair process?

I also ask, is it a fair process for me to only be recognized on the floor of the Senate during this momentous debate leading up to a cloture vote only for purposes of the majority leader's choosing and for no purposes of my own choosing?

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. So the record is very clear, HARRY REID, the majority leader, did not pick the Republican amendments. The Republican leadership picked those amendments. Senator MCCONNELL and I worked the process so that we would be back on the floor. It wasn't done by me; it was done by us.

I would further say, these amendments, Republican amendments in this bill, were not picked by me; they were picked by the Republican leadership. I didn't stand over his shoulder. They chose what they decided to do.

So I ask my friend if he has an objection to my request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I yield myself 2 minutes before yielding to the Senator from Missouri. I do so at this time before hearing from the senior Senator from Missouri to comment about what the Senator from Louisiana has had to say.

When he objects to the procedure where he doesn't have an opportunity to offer amendments, I would remind the Senator from Louisiana and everyone else that there was a time when we were searching for amendments. I refer specifically to the Thursday afternoon before the majority leader took the bill down on the cloture vote. We sat around for hours looking for amendments, and the people who objected to the bill would not offer amendments, nor would they let anybody else offer amendments. That is why I supported cloture, first to protect the rights of the minority to offer amendments, but then when they would neither offer amendments nor let anyone else offer amendments, I voted for cloture.

So when someone comes to the floor today and objects that they are not being able to offer amendments, I remind them as to what happened and what precipitated this unusual procedure.

As I said earlier, candidly, I don't like this, but it is the lesser of the evils. We don't have any choice if we are going to exercise the will of the Senate on this bill before the recess, because after the 4th of July recess, the Senate is going to be very heavily engaged in appropriations bills and other matters.

Now I yield to the Senator from Missouri. How much time would the Senator like?

Mr. BOND. To the distinguished ranking member of the committee, I would gratefully appreciate 5 minutes.

Mr. SPECTER. The Senator has it.

Mr. BOND. I thank Senator SPECTER and the majority leader for giving me this time.

Mr. President, my part of the division of this amendment, simply stated, will cut the path to citizenship for illegal aliens.

I think most people will recognize that citizenship is the most precious gift America can provide. There are many of us who believe it should not serve as a reward to those who broke the law to enter or remain in this country. The path to citizenship is at the heart of the amnesty criticism of this bill, which we are hearing very loudly in my State and across the Nation. I believe cutting this path cuts out the most severe complaint against this bill.

I supported the Vitter amendment to strike the entire amnesty proposal for 12 million illegal aliens in the country, and that amendment was rejected. Perhaps it was too broad. So my division of the current amendment targets the most controversial aspect of the proposal: the award of citizenship to those 12 million illegal aliens who essentially will stay here—maybe take a 1-day trip—enjoy the benefits of residence, and then can become citizens without having to go through the process everyone else seeking to become a citizen has to go through, which is applying in their home country, and waiting for their time to arrive. Whatever we end up doing for those 12 million illegal aliens, it does not, in my view, require the further step of granting citizenship.

Those 12 million illegal aliens came to this country to work—to work—without expectation of becoming citizens. We ought to understand that. They came here to work, not to become citizens. Now, more legal aliens will come to this country on a temporary basis to work without the expectation of citizenship. There is no need to grant these people the gift of citizenship when they came here to meet their economic needs. The bill, as we know, puts the 12 million illegal immigrants who comply with its terms on the path to citizenship. Illegal immigrants who pay a fine and pass a security check, learn English, touch back to their home country, and show employment can become legalized under the new Z visa program.

After 8 years, formerly illegal immigrants, now legalized with Z visas, may apply for legalized permanent residence, otherwise known as a green card. As most of us already know, under existing law, once you have had a green card for a certain number of years, you can apply for and receive citizenship.

My division simply will cut off that path, automatically invoked once a green card is bestowed, by preventing those formerly illegal immigrants with Z visas from obtaining green card status and therefore citizenship.

Specifically, my portion of the amendment would strike the contents of section 602 on earned adjustment for Z status aliens, replacing it with a prohibition on issuing an immigrant visa to Z nonimmigrants, which is currently in the bill, and a prohibition on adjusting a Z nonimmigrant to legalized permanent residency, or so-called green card holders.

This proposal of mine would not change any of the bill's requirements to obtain and keep a Z visa, such as a clean criminal record, progressively better English competency, or continued employment. Nor does my proposal change any of the rights afforded to Z visa holders, including work, residency, and travel. Z visa holders would remain in that status as long as they chose. Alternatively—and this is an alternative—Z visa holders could abandon their status, return to their home country and, if they choose, pursue legalized permanent residency and citizenship from outside the country, as any other foreign citizen could.

As I discussed above, I do personally support granting the rights I enumerated for Z visa holders. I supported the Vitter amendment to strip all the Z program provisions. But the Senate had its vote on all of those provisions and we lost. This amendment is the next best thing.

Our immigration system is broken and must be fixed. I support a strong emphasis on border security and enforcing the immigration laws, but we should not hold border security hostage to amnesty. I voted before and will continue to vote to appropriate more money for funding for border fencing, detention facilities, and border agents. I urge my fellow Senators to support those ways to strengthen and protect our country and our security, but reject rewarding illegal immigrants with undeserved citizenship.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. How much time remains on this side?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes remaining.

Mr. SPECTER. In light of the comments which have been made as to the cost of this program, I think it is important to focus on the fact that the nonpartisan Congressional Budget Office has made a finding that new Federal revenue from taxes, penalties, and fees under the bipartisan immigration bill will more than offset the costs of setting up any immigration system and the costs of any Federal benefits temporary workers, Z visa holders, and future legal immigrants under the bill would receive. CBO estimates that increased revenue from taxes, penalties, and fines under the bill will offset any estimated increases of mandatory spending, such as emergency Medicaid, and produce a net fiscal surplus of $25.6 billion over 10 years. The surplus will be used to cover costs, including implementing the new program, and a significant portion of the costs of better securing our borders and improving interior enforcement through additional Border Patrol and ICE agents.

I ask unanimous consent that this fact sheet be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMMIGRATION FACT CHECK: CBO REPORT—THE REST OF THE STORY

The non-partisan Congressional Budget Office (CBO) finds that new Federal revenue from taxes, penalties, and fees under the bipartisan immigration bill will more than offset the costs of setting up the new immigration system and the costs of any Federal benefits temporry workers, Z visa holders, and future legal immigrants under the bill would receive.

CBO estimates increased revenue from taxes, penalties, and fines under the bill will offset any estimated increases in mandatory spending, such as emergency Medicaid, and produce a net fiscal surplus of $25.6 billion over 10 years. This surplus will be used to cover costs including: the costs of implementing the new program; a significant portion of the costs of better securing our borders and improving interior enforcement through additional Border Patrol and ICE agents.

CBO concludes temporary workers, Z visa holders, and future legal immigrants under the Senate bill will have a positive financial impact on Social Security and Medicare.

The temporary worker and Z visa programs will be funded by fees charged to participants, and will not be subsidized by taxpayer dollars.

Z visa holders and temporary workers under the Senate bill must pay income taxes and are not entitled to welfare, food stamps, SSI, or non-emergency Medicaid.

CBO concludes that with border and interior enforcement provisions, this immigration bill will have "a relatively small net effect on the federal budget balance over the next two decades."

The bill authorizes more than $40 billion in spending. Assuming all of this spending is appropriated, the bill would produce a net fiscal deficit. However, more than three-quarters of this spending is for enhancements to border security and interior enforcement. These enhancements will benefit the country as a whole and reflect costs that taxpayers currently bear. In addition, revenues generated by new workers under the bill will still cover about half of these enforcement costs.

The bill is an improvement over last year's Senate bill (S. 2611), which CBO estimated would have required a taxpayer contribution of twice the magnitude estimated for this year's bill.

CBO estimates the bill "would reduce the net annual flow of unauthorized immigrants by one-quarter" but admits "the potential impact of the border security, employment verification, and other enforcement measures on the flow of unauthorized migrants is uncertain but could be large."

For the first time, CBO has found that the enforcement provisions of an immigration bill are robust enough to reduce significantly illegal immigration.

CBO notes that, while previous attempts to cut illegal immigration have been relatively unsuccessful, the bill "would authorize significant additional resources as well as a comprehensive employment verification system to deter the hiring of unauthorized workers."

The report also notes that "the implementation of the new guest worker program and the provision of visas to the currently unauthorized population could occur only if the Secretary of DHS certifies" that certain enforcement measures are in place.

BACKGROUND ON THE BIPARTISAN IMMIGRATION REFORM BILL

The bill commits the most resources to border safety and security in U.S. history.

Temporary worker and Z visas will not be issued until meaningful benchmarks for border security and worksite enforcement are met. These triggers include: increasing border fencing, increasing vehicle barriers at the Southern border, increasing the size of the Border Patrol, installing ground-based radar and camera towers along the Southern border, ensuring resources are available to maintain the effective end of "Catch and Release" for every non-Mexican apprehended at our border, establishing and putting in use a reliable employment eligibility verification system.

The bill recognizes that enforcement alone will not work to secure our border and meet the needs of the U.S. economy. The temporary worker program will help immigration enforcement officers control the border by creating a lawful and orderly channel for foreign workers to fill jobs that Americans are not doing.

Mr. SPECTER. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. We have, as I understand, 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. I yield 5 minutes of that to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 5 minutes.

Mr. SALAZAR. Mr. President, I thank my colleague from Massachusetts, Senator KENNEDY, and I thank the Chair.

First, let me make a comment about the process here. On the other side of the aisle we have heard people stand up and try to use every procedural obstacle they can to kill the bill. They want to kill the bill. What this Chamber ought to be about is trying to find solutions to those huge problems that face our country, whatever those problems may be, including the issue of immigration.

They have said this process is somehow unfair. Well, when I look at how much time this Chamber has spent dealing with the issue of immigration, I think there has been ample time for people to talk about and debate this issue over the last 2 years. Since 9/11—since 9/11—the Senate has had 36 hearings on the issue of immigration—36 hearings. Since 9/11, there have been 6 days of committee action with respect to immigration. Since then, there have been 59 committee amendments on immigration. Since then, there have been 21 days of Senate debate—21 days of Senate debate on immigration, and 92 Senate floor amendments—92 Senate floor amendments.

So for those who want to use procedure to kill this bill, they are wrong in making the case that they have not been heard. There has been ample time and opportunity to hear their arguments, and that has gone on time and time again. It is time we in the Senate get down to business and fix the problem of immigration for our country.

Secondly, this is a good bill. It may not be a perfect bill, but we can't let the perfect be the enemy of the good. This bill toughens border security. It does it by making sure that the $4.4 billion is there for border security, 370 miles of fencing, 300 miles of vehicle barriers, 20,000 Border Patrol agents, and it goes on. It doubles employer sanctions to make sure we can enforce our laws here in our country through a variety of different means, and it also makes sure that we develop a realistic and tough solution to the 12 million undocumented workers who are here in America. Those who are part of a "round them up and deport them" crowd are being unrealistic because of the costs involved and the difficulty in ultimately fixing the problem we have. So we have come up with the right kind of solution that punishes them, fines them, puts them to the back of the line, and allows them to come out of the shadows of this society and into the sunlight.

Finally, we can't forget the human values at stake in this debate on immigration. In this picture we see Army SPC Alex Jimenez. He was deployed for a second tour in Iraq. He has been missing in Iraq since May 12. We have found some other of his personal belongings. But as he is in Iraq missing in action, his wife was being questioned by ICE in our country, in America, because her immigration status was undocumented. Now, is that the American way? Is that the American way, to have one of our soldiers missing in action in Iraq, with his wife concerned about her immigration status here in the United States of America?

What this demonstrates to me is we have a system of chaos and disorder here in America. We need to fix the problem. This Chamber can fix the problem. I hope we will stand behind the solution we are bringing to the floor today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. KENNEDY. If the Chair would let me know when I have 1 minute.

Mr. President, maybe we could take a moment and look at those words that are written in stone right above the Vice President's chair there: e pluribus unum, meaning one out of many. One out of many. That is the desire, that is the hope, that is the dream of this country: one out of many.

Many come from different traditions, backgrounds, and experience, but we all are one country with one history and one destiny—not with the Bond amendment, not with the Bond amendment.

The lines written at the Statue of Liberty are:

> Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door!

That is right, as long as those individuals are working and who will never become citizens, who will never have that right to become a part of the American dream, and once you stop working, out of the country you go. Better gather up all of your belongings, because you are going to be out of status, and out of status means you can be subject to deportation.

You can imagine what that individual is going to say to their employer when the employer says: Sure, you have worked 40 hours. You work 50 hours, 60 hours, and bring your wife in and make sure she works overtime this week as well; otherwise, you are out of status. You are out of here.

That is what the Bond amendment would do to Americans. One America that has rights and privileges, and to a second group in America they say: Once we wring out of you the last bit of sweat that you can give to some employer, you are finished, you are out of status, you are deportable.

That isn't what this country is about. Maybe we don't like the fact that people are not satisfied with the regime we have given or recommended in this legislation that says: You go to the back of the line. You came here because you wanted to work, because you wanted to provide for your family; you came here, and you are at church on the weekends; and you came here and your son or daughter is serving in Iraq or Afghanistan. But we say: OK, you go to the end of the line, pay a fee, learn English, and you have to demonstrate that you are working and you are going to become a good American. That isn't good enough for some.

Well, Mr. President, this creates the two Americas, which I think all of us understand is not what this Nation is about. That is the result of the Bond amendment, and I think it would be a major step backward. We can imagine the resentment and hostility that will seethe and grow with generations that come with their families when they see them exploited. Talk about a danger and social dynamite in our society, this amendment will breed that. We don't need that or want it, Mr. President. We should not have it. I hope the amendment is not accepted.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, how much time remains on my side.

The ACTING PRESIDENT pro tempore. There is 1½ minutes remaining.

Mr. SPECTER. I yield that time to the Senator from Missouri.

Mr. BOND. Mr. President, my colleague from Massachusetts made a very powerful statement on behalf of those who came here, but he kind of forgot an important distinction. There are those who come here legally and those who come here illegally. We are talking about the illegals. With the argument so forcefully and persuasively made by my colleague from Massachusetts, if you took that argument to its end result, then there should not be immigration laws. We should not have a process for going for citizenship because anybody who wanted to come in could.

We have changed those laws. We have provided laws, and the people we are talking about have come here illegally to work. If they wanted to become citizens, there is a process. If they join the military, I strongly believe they should become citizens.

But if they come illegally just to work, then they have not earned citizenship like all of the others do, like my ancestors and the ancestors of almost every Member of this body. We are all immigrants, but we did not come here illegally and expect to get citizenship. Therefore, Mr. President, I strongly urge my colleagues, if you believe there is a difference between people who come legally and people who come illegally, to support the Bond division or proposal, vote against the motion to table.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have broken borders. The 1986 act had no enforcement mechanism, and that was under a Republican administration. We are not bringing that up. We have 12½ million immigrants. You can say we are going to ship them back, and it will take $250 billion and 25 years to be able to do it. Buses will stretch from Los Angeles to New York and back again. Are we going to do that? No, we are going to take another route and just exploit them and not do what is in this legislation, which makes them pay a fine and demonstrate that they are going to work hard and learn English and provide for their family and give something back to America, like they do when their sons and daughters serve in Iraq and Afghanistan. You will be able to stay here under the Bond amendment, but you are going to work for an employer. When you get tired of working, we are going to report to the INS that you are out of status, and out you are going to go, lock, stock, and barrel. It will be just sweat labor here.

We are going to have two Americas. You may not like our solution, but it is preferable to this alternative, which will create a permanent underclass. I think it would be a mistake.

The PRESIDING OFFICER (Mr. SANDERS). The majority leader is recognized.

Mr. REID. Is all time expired?

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. All time is expired.

Mr. REID. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—56

Akaka
Bayh
Bennett
Bingaman
Boxer
Brown
Brownback
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Craig
Crapo
Dodd
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—41

Alexander
Allard
Barrasso
Baucus
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Landrieu
Lott
Lugar
McCaskill
McConnell
Nelson (NE)
Roberts
Rockefeller
Sessions
Shelby
Stevens
Sununu
Tester
Thune
Vitter

NOT VOTING—3

Biden
Johnson
McCain

The motion was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, my friends, Senators VITTER and DEMINT and SESSIONS, have asked a number of questions during the day, and they are valid questions, but I feel it is appropriate to respond. The way I will respond now is with a letter I wrote in response to the letter they wrote to me a few days ago. This letter is dated June 25:

> DEAR SENATORS CORNYN, VITTER, DOLE, SESSIONS and DEMINT: Thank you for writing to me earlier today about my effort to bring the comprehensive immigration reform bill back to the Senate floor.
>
> As you know, the Senate was unable to complete action on the immigration bill earlier this month because a handful of Senators, including several of you, objected to my repeated efforts to call up further amendments to the bill. Following the unsuccessful cloture vote on June 7, a group of Senators, including Minority Leader McConnell, Republican Conference Chairman Kyl and Judiciary Committee Ranking Member Specter, came to see me with a request that I bring the immigration bill back before the Senate under a procedure under which a large number of additional amendments could become pending to the bill.
>
> The so-called "clay pigeon" procedure is unusual, and I would not have considered employing it in this instance without the full support of Senator McConnell. It seems to me appropriate for the two leaders to work together to overcome the tactics of a small number of Senators in order to allow the full Senate to debate an important national issue like immigration. The White House made clear that it also favors such a procedure, since the immigration bill is one of the President's top priorities.
>
> I respectfully disagree with your assertion that I intend to "shut off the debate" and that the procedure in question will "silence amendments instead of facilitate their debate." On the contrary, I am working to facilitate debate on more than twenty additional amendments to the bill. In contrast, several of you objected when I tried to call up as few as five amendments during the earlier debate. The American people can see clearly who wants to debate immigration reform and who wants to shut off that debate.
>
> Moreover, your claim that the Senate will only debate amendments which I "hand select" is plainly untrue. The dozen or so Republican amendments that will become pending to the bill have been selected by the Republican leadership, not by me.
>
> In sum, I appreciate the concerns expressed in your letter but consider them misplaced. Senator McConnell and I have worked together in good faith to ensure a full, open and productive debate on a bill of overriding national importance that is supported by many Republicans and endorsed by President Bush.

I signed it, Senator REID.

Mr. President, what is the matter now before this body?

The PRESIDING OFFICER. Division IV is now pending.

Mr. REID. What I would like to do, Mr. President—this is the Dodd amendment—I would like to ask, as I did with the prior amendments that have come up today, I ask unanimous consent for debate only; that we start with 1 hour, equally divided, to debate this amendment, and then following that, I would be recognized to do whatever I felt appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection. And I would like to ask the majority leader's——

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. REID. The Senator from Louisiana is not recognized. I have not given up the floor.

Mr. President, it is my understanding——

The PRESIDING OFFICER. The majority leader, please.

Mr. REID. It is my understanding the Senator from Louisiana objected; is that true?

The PRESIDING OFFICER. Did the Senator from Louisiana object?

Mr. VITTER. I am reserving my right to object, and I was trying to gain recognition, and I believe I did gain recognition.

The PRESIDING OFFICER. The Senator is acknowledged but not recognized.

Mr. VITTER. Then I ask that the record be read with regard to whether I was recognized or not.

The PRESIDING OFFICER. It is a misstatement that the Senator was recognized. There is a unanimous consent request pending.

The majority leader.

Mr. REID. Mr. President, I would ask my friend to object, if he cares to, and then I would be happy to enter into a dialog with the distinguished Senator from Louisiana.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection. I would like to enter into that dialog on two points.

Mr. REID. Mr. President, first of all, I would be happy at this time to yield to my friend from Louisiana for 2 minutes for the purpose of a question, and then I, of course, would have the floor following the termination of those 2 minutes.

Mr. VITTER. I thank the majority leader, and simply two points, quickly.

First, with regard to the statement the majority leader just made and the letter he read, let me end the debate. Let me stipulate for the record that Senator McCONNELL is not being railroaded and President Bush is not being railroaded. I am being railroaded and my allies on the floor of the Senate are being railroaded. So we will end that debate and stipulate that for the record.

Second, with regard to your last unanimous consent request, I would love to agree to it if it can be modified so that my rights on the floor of the Senate are also preserved—specifically so that I can be recognized for 2 minutes for any purpose.

Mr. REID. I could not agree to that, Mr. President, so I would certainly object to that.

Now, we had in the last amendment that was laid down, I thought, a very sensible debate. People were able to offer their opinions as to the merits. In fact, it was a good debate. Senator BOND was advocating his position, and Senator KENNEDY and others were advocating against that. My question to the Senate now is, Could we have the same procedure? I have suggested 1 hour equally divided, which would be for debate only, and following that period of time, I would be recognized.

I ask, Mr. President, unanimous consent that request be back before the Senate at this time.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Will the leader yield for a question?

Mr. REID. I am sorry. Oh, there you are. I would be happy to yield for a question from my friend from South Carolina for up to 2 minutes, and then I would get the floor back.

Mr. DEMINT. I thank the leader. I would just ask that I have the opportunity, as you did, to read the letter that I wrote, along with a number of other Members, in response to your response to us. It is just a few paragraphs. I ask unanimous consent that we be allowed to put in the RECORD our particular response to what you read.

Mr. REID. Go ahead.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Thank you.

DEAR SENATOR REID:

Thank you for your response to our letter regarding your unprecedented efforts to bring the immigration bill back to the Senate floor after it was rejected three times by the full Senate. We are writing to address several of the issues you raised.

First, you said the Senate was not allowed to complete its earlier debate on this bill because some of us objected to your calling up further amendments. This is untrue. You repeatedly objected to Republican amendments being offered and insisted on selecting our amendments for us and for the entire Senate. Consequently, we objected to all amendments until we could get a full and fair debate. We did not believe you had the right to hand-pick amendments then, and we do not believe you have that right now.

Second, you said the abuse of Senate rules during this debate is justified because it allows you to "overcome the tactics of a small number of Senators." This is also untrue. We hope you realize that over 60 Senators voted against cutting off debate because they opposed the substance of the bill and the process you used to debate it. This is not a small group.

In addition, your unprecedented abuse of the rules and precedents of the Senate will negatively impact every Senator by fundamentally reducing their rights to debate and to offer amendments in the future. We believe you understand our concern because just two years ago you said, "the Senate should not become like the House of Representatives, where the majority manipulates the rules to accommodate its momentary needs." If you go forward with this plan, history will show that your decision not only impacted the ever-growing number of Senators who oppose this immigration bill, but hundreds of Senators in the years to come who wish to make their voices heard.

Third, you repeatedly defended this process for debate by blaming the Senate Republican leadership and the President himself. While their cooperation may give you comfort, it does not justify your actions. As Senate Majority Leader, only you can execute this abusive practice. Only you can set up a process that guarantees consideration of a hand-selected group of amendments to buy support for a bill while at the same time blocking all other amendments. You may want Americans to believe this is a Republican bill, but your willingness to use your office to force it through the Senate shows precisely how much you support it and the extent you are willing to go to pass it.

We respectfully ask you to reconsider your plan to force this bill through the Senate. The American people do not support this legislation and they do not support the heavy-handed tactics being used to pass it.

That is signed by Senators VITTER, DEMINT, SESSIONS, ELIZABETH DOLE, and I think several others on another page.

I thank the majority leader for allowing us to read the letter.

Mr. REID. Mr. President, I would ask unanimous consent to have printed in the RECORD the letter I wrote, along with Senator DEMINT's—that both appear in the RECORD, Senator DEMINT's first, with mine following that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 25. 2007.

Re: Unprecedented floor procedure will harm the United States Senate as an institution, and will diminish the senatorial powers of each individual member.

Majority Leader HARRY REID,
U.S. Senate,
Washington, DC.

MAJORITY LEADER REID: We write to express serious concern regarding the potential use of an unprecedented procedure to place the Senate immigration bill's floor amendment process under your sole control. Our understanding is that you are considering the introduction of a specially crafted amendment with 20 or more carefully selected parts, known as a "clay-pigeon" amendment. By exercising your priority right of recognition, you can divide the amendment into its parts and fill all available amendment slots with issues that you hand select. All Senators who have amendments to the bill that were not selected will be completely shut out of the floor amendment process.

Because you have priority right of recognition over all other Senators, you are the only member that can use a "clay-pigeon" amendment to limit the rights of the other 99 members in this body. To our knowledge, all previous uses of a "clay-pigeon" amendment have been to preserve the rights of minority members who sought votes on amendments the majority wanted to block.

Your use of the "clay pigeon" to shut of the debate and amendment process will be the first time in history this procedure has been used to silence amendments instead of facilitate their debate. Undoubtedly, such a procedure would significantly undermine the U.S. Senate's reputation as the greatest deliberative body on earth. We ask you to announce publicly that you will not allow such a procedure to be invoked on this critically important legislation.

This immigration legislation is critically important to the American people. The public is becoming increasingly aware of a number of serious problems with the bill, and, like all legislation, this bill would only benefit from the sunlight of a free, open, and transparent amendment process. Without a fair, open, and robust debate to improve this bill, the public's confidence in Congress will continue to erode.

Sincerely,

JOHN CORNYN.
DAVID VITTER.
ELIZABETH DOLE.
JEFF SESSIONS.
JIM DEMINT.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, June 25, 2007.

Hon. JOHN CORNYN,
Hon. DAVID VITTER,
Hon. ELIZABETH DOLE,
Hon. JEFF SESSIONS,
Hon. JIM DEMINT,
U.S. Senate,
Washington, DC.

DEAR SENATORS CORNYN, VITTER, DOLE, SESSIONS AND DEMINT: Thank you for writing to me earlier today about my efforts to bring the comprehensive immigration reform bill back to the Senate floor.

As you know, the Senate was unable to complete action on the immigration bill earlier this month because a handful of Senators, including several of you, objected to my repeated efforts to call up further amendments to the bill. Following the unsuccessful cloture vote on June 7, a group of Senators including Minority Leader McCONNELL, Republican Conference Chairman KYL and Judiciary Committee Ranking Member SPECTER, came to see me with a request that I bring the immigration bill back before the Senate under a procedure under which a large number of additional amendments could become pending to the bill.

The so-called "clay pigeon" procedure is unusual, and I would not have considered employing it in this instance without the full support of Senator MCCONNELL. It seems to me appropriate for the two leaders to work together to overcome the tactics of a small number of Senators in order to allow the full Senate to debate an important national issue like immigration. The White House made clear that it also favors such a procedure, since the immigration bill is one of President Bush's top priorities.

I respectfully disagree with your assertion that I intend to "shut off the debate" and that the procedure in question will "silence amendments instead of facilitate their debate." On the contrary, I am working to facilitate debate on more than twenty additional amendments to the bill. In contrast, several of you objected when I tried to call up as few as five amendments during the earlier debate. The American people can see clearly who wants to debate immigration reform and who wants to shut off that debate.

Moreover, your claim that the Senate will only debate amendments which I "hand select" is plainly untrue. The dozen or so Republican amendments that will become pending to the bill have been selected by the Republican leadership, not by me.

In sum, I appreciate the concerns expressed in your letter but consider them misplaced. Senator MCCONNELL and I have worked together in good faith to ensure a full, open and productive debate on a bill of overriding national importance that is supported by many Republicans and endorsed by President Bush.

Sincerely,

HARRY REID.

U.S. SENATE,
SENATE STEERING COMMITTEE,
Washington, DC, June 26, 2007.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Thank you for your response to our letter regarding your unprecedented efforts to bring the immigration bill back to the Senate floor after it was rejected three times by the full Senate. We are writing to address several of the issues you raised.

First, you said the Senate was not allowed to complete its earlier debate on this bill because some of us objected to your calling up further amendments. This is untrue. You repeatedly objected to Republican amendments being offered and insisted on selecting our amendments for us and for the entire Senate. Consequently, we objected to all amendments until we could get a full and fair debate. We did not believe you had the right to hand-pick amendments then, and we do not believe you have that right now.

Second, you said the abuse of Senate rules during this debate is justified because it allows you to "overcome the tactics of a small number of Senators." This is also untrue. We hope you realize that over 60 Senators voted against cutting off debate because they opposed the substance of the bill and the process you used to debate it. This is not a small group.

In addition, your unprecedented abuse of the rules and precedents of the Senate will negatively impact every senator by fundamentally reducing their rights to debate and to offer amendments in the future. We believe you understand our concern because just two years ago you said, "the Senate should not become like the House of Representatives, where the majority manipulates the rules to accommodate its momentary needs." If you go forward with this plan, history will show that your decision not only impacted the ever-growing number of senators who oppose this immigration bill, but hundreds of senators in the years to come who wish to make their voices heard.

Third, you repeatedly defended this process for debate by blaming the Senate Republican Leadership and the President himself. While their cooperation may give you comfort, it does not justify your actions. As Senate Majority Leader, only you can execute this abusive practice. Only you can set up a process that guarantees consideration of a hand-selected group of amendments to buy support for a bill while at the same time blocking all other amendments. You may want Americans to believe this is a Republican bill, but your willingness to use your office to force it through the Senate, shows precisely how much you support it and the extent you are willing to go to pass it.

We respectfully ask you to reconsider your plan to force this bill through the Senate. The American people do not support this legislation and they do not support the heavy-handed tactics being used to pass it.

Sincerely,

JIM DEMINT.
JEFF SESSIONS.
DAVID VITTER.
ELIZABETH DOLE.

Mr. REID. Mr. President, I will say that his letter makes our argument. Of course there were more than 60 who voted against proceeding on that legislation. That is precisely why we are back on this legislation, because a significant number of those 60 came to me and Senator MCCONNELL and said that we need to bring this bill back and we need to have amendments heard. So I think the letters speak for themselves.

Finally, let me say this. Would the Senator from Louisiana or South Carolina—I asked for 1 hour—would they agree to 30 minutes equally divided on this amendment, for debate only?

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, if I can inquire of the distinguished majority leader and explain to him, through the Chair, that my objection does not rest on the time period; it rests on my rights on the Senate floor being shut down.

So I would again ask if the unanimous consent request can be modified to allow me to exercise my rights on the Senate floor—specifically, to have a mere 5 minutes on the Senate floor to be recognized for purposes of my choosing, not merely for purposes of the majority leader's choosing?

Mr. REID. So is there objection?

The PRESIDING OFFICER. Does the leader so modify his request?

Mr. REID. No, I would not do that.

Mr. VITTER. Regrettably, I must continue my objection.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Thank you very much.

Mr. President, my objection to the request comes from the fact that we are here as a result of the Republican leadership coming to me. And I am glad to be here, but we are here because, as everyone will recall in the first go-round, we had seven votes from the minority. We needed more than that. Everyone realized that. And in an effort to do that, we have these amendments which have been brought before this body. It is a fair process.

I just think my friends from South Carolina and Alabama and Louisiana have made their point, and I think we have made our point, also. This is a process which we are trying to move. Why are we trying to move it? Because immigration is in need of fixing.

Mr. President, it is my understanding the Senator from Arizona wishes to ask me a question, and I will be happy to yield to my friend for a question.

Mr. KYL. Mr. President, I have a question for the majority leader. Do I understand that currently the pending business before the Senate—or will be pending—is a motion to table the Dodd amendment; is that correct?

Mr. REID. I say to my friend that we have really no alternative. That is the process we are in. So the answer is, I would think there would be a motion to table made if we can't resolve this debate issue.

Mr. KYL. Also, just for the purpose of propounding a unanimous consent request, Mr. President, my thought would be, given the fact we are about to vote on an amendment, it would help the body, obviously, to have a brief explanation of that amendment. I wonder if the body would agree to give the Senator from Connecticut 5 minutes to explain his amendment, for 5 minutes on this side, for me or——

The PRESIDING OFFICER. The Senator from Arizona does not have the floor and cannot make that request.

Mr. REID. I would be happy, Mr. President, because of the suggestion of my friend from Arizona, to make a unanimous consent request, so that people better understand this amendment, that the Senator from Connecticut be recognized for 5 minutes, the Senator from Arizona be recognized for 5 minutes, and then following that, the Senator from Pennsylvania would be recognized for purposes of making a motion.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, may I ask if that can be amended to allow the Senator from Louisiana 30 seconds—30 seconds—to gain the floor for purposes of my own choosing rather than the majority leader's choosing?

The PRESIDING OFFICER. There is objection.

Mr. REID. Is there an objection to the request I made?

Mr. VITTER. Regrettably, because I am being shut down, I will continue my objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

VOTE ON DIVISION IV OF AMENDMENT NO. 1934, AS MODIFIED

Mr. SPECTER. Mr. President, I move to table the Dodd amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—56

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner

NAYS—41

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Durbin
Feingold
Harkin
Inouye
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sanders
Schumer
Stabenow
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Johnson
McCain

The motion was agreed to.

The PRESIDING OFFICER (Mrs. MCCASKILL). The majority leader.

DIVISION V, WITHDRAWN

Mr. REID. The next amendment up is the Kyl amendment. Is that true?

The PRESIDING OFFICER. Division V.

Mr. REID. Is that Kyl? I withdraw it.

The PRESIDING OFFICER. The division is withdrawn.

Mr. REID. What is the next amendment pending?

The PRESIDING OFFICER. Division VI.

DIVISION VI OF AMENDMENT NO. 1934, AS MODIFIED

Mr. REID. Madam President, we have been moving through these. We have a number more to go. What I have tried to do——

Mr. VITTER. Parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. REID. No, I do not. I yield to my friend for a question, if it is short. Does my friend have a question?

Mr. VITTER. Yes. I would like to ask the leader if what happened, where apparently we withdrew one of the subamendments, takes unanimous consent or any consent?

Mr. REID. No, it does not take consent.

Mr. VITTER. I would like to ask for clarification from the Parliamentarian and what the effect is on that amendment?

Mr. REID. I would direct a question to the Chair. It is my understanding that I have the right to withdraw that amendment.

The PRESIDING OFFICER. The Senator does have a right to withdraw division V.

Mr. VITTER. Thank you for the opportunity to ask the question.

Mr. REID. Madam President, during the time that we were in the well during the last amendment, I was told by my friend from New Jersey that he had a question he wanted to ask me. We want to move on. I certainly will try to get a time agreement on it. We haven't been too successful on that in the past. I would be happy to yield to my friend from New Jersey for a question if, in fact, he still has one.

Mr. MENENDEZ. I appreciate the majority leader yielding for a question. My question to the majority leader is——

Mr. KENNEDY. Madam President, can we have order? These amendments are important and the Members deserve to hear the Senator.

Mr. MENENDEZ. My question to the majority leader is: Is it his understanding that the next amendment that is up in the divisions is the Menendez-Obama-Feingold amendment that would, in essence, give the right to U.S. citizens and U.S. permanent residents the ability to be able to claim their family under the new point system that is envisioned under the bill, where that point system would, in fact, allow for up to 10 points, out of a 100-point score, to be subscribed on the basis of——

Mr. VITTER. Madam President, I have a parliamentary inquiry: Regular order.

Mr. MENENDEZ.—with an understanding that in doing so it does not guarantee a family member ultimately being able to achieve a visa but would, in fact, give them a fighting chance under the 100-point system to at least have the ability——

Mr. VITTER. Regular order. The Senator is not asking a question.

Mr. MENENDEZ. And would also give them the wherewithal at least to have a fighting chance to come in under our visa system.

The PRESIDING OFFICER. The Senator from New Jersey must ask a question.

Mr. MENENDEZ. I was asking a question, Madam President. I am asking the majority leader for his understanding.

Mr. REID. I understand the question. I will respond to it right now. He started it, if you read the RECORD, he asked me if I understand what his amendment does. I do understand what it does.

A brief summary, Madam President. This legislation comes up with a point system. The point system——

Mr. VITTER. Madam President, regular order. The Senator is not responding to a question, he is making a statement; he is engaging in debate.

Mr. REID. Madam President——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. REID. I have a right to make a statement. Back to where I was before I was so rudely interrupted.

Madam President, I understand the question. In this legislation which has been worked on, as I have indicated, 36 hearings, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, 92 floor amendments, one of the questions a number of us had and have is: What does it do for family reunification? And no one has spoken out more on that issue than the Senator from New Jersey, Mr. MENENDEZ.

The question he asked me is about the amendment. Now a point system has been set up where the process has been used over these many months coming up with this legislation to give various points to different parts of the immigration process.

Now, what my friend from New Jersey and others feel would be appropriate is that out of a 100-point system, 10 points would be allocated to someone for family reunification. I understand the amendment. There is more to it than that, but that is a synopsis. That is what the amendment does. It recognizes the importance in America of family. It recognizes the importance in immigration of family.

Madam President, I move to table the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—55

Alexander
Allard
Barrasso
Baucus
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner

NAYS—40

Akaka
Bayh
Bingaman
Boxer
Brown
Cantwell
Cardin
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Harkin
Inouye
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Schumer
Stabenow
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Hagel
Johnson
McCain
Sanders

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, under the order that is before the body, there is time that has been allocated to the distinguished junior Senator from Alabama. I would ask the Chair how much time he has under the order?

The PRESIDING OFFICER. Forty-seven minutes.

Mr. REID. Madam President, I had a conversation during the vote with the Senator from Alabama. I ask him at this time, would this be an appropriate time for him to use the 47 minutes or any part thereof?

Mr. SESSIONS. Madam President, I will be pleased to use 30 minutes now, and will reserve the remainder of my time, if I could.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Alabama be allowed to speak, for debate purposes only, for the next 30 minutes, and that following that, I be recognized to obtain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, we are in the process of dealing with a very important issue. A number of our colleagues—in some ways dismissive, I think, of the concerns of the American public—refer it to as an emotional issue. I think it is more than an emotional issue. I think it is a serious issue that requires our serious concern. It requires that this great Senate, on a matter of tremendous importance to our Nation and to our constituents, do it correctly.

I love my colleagues who met to try to write this bill. I believe their hearts were correct. But they are not law enforcement officers. They have not investigated and prosecuted cases. They apparently were inundated with information and ideas, and so forth, from special interest groups and others.

I have said I wish the American people had been in the room. I wish the head of our Border Patrol association had been in the room or perhaps the chief of Border Patrol during President Reagan's tenure or the chief of Border Patrol during former President Bush's tenure. All of those people, including the current chairman of the association of retired Border Patrol officers, have criticized this bill in the most severe manner, saying it is a slap in the face to people who followed the law, saying it will not work, saying the 24-hour name check is not going to work at all, and will not provide security to our country, that it will actually be a benefit to terrorists. I am not saying this; they said this. It would be a benefit to terrorists. One called it the "Terrorist Relief Act," or something to that effect.

What I want to tell my colleagues is, the professionals who deal with these issues absolutely oppose this legislation. Now, we can dismiss that. Maybe you talk to somebody from some news outlet or talk to somebody from some business group or some activist organization, and maybe you have a different view. But the people who enforce the laws every day oppose this legislation. They do not believe it will work. I suggest it will be demoralizing to them.

Our own Congressional Budget Office has analyzed the legislation. We have them for our use. We rely on that organization. It operates under the Speaker of the House, NANCY PELOSI, and the majority leader here, and all of us. It is a bipartisan group. But the Congressional Budget Office has analyzed our current law and concluded that if current law is not changed, we will have 10 million more illegal immigrants in our country in the next 20 years. We have 12 million now, maybe 20 million. But we would have 10 million more under current law. They say if this legislation were to be passed, we would have some reduction of illegality at the border—not much—but we would have an increase in visa overstays because we have so many temporary guest worker programs going on, and the net result would be that this Nation would only have a reduction of 13 percent in the illegal flow of immigrants into our country. Indeed, there would be 8.9 million more persons illegally in our country 20 years from now than today.

Now, what does that say about my good and well-intentioned colleagues who are trying to tell us all that the thing is going to work, that if you do not pass this amnesty, if you do not give these benefits to people who came here illegally, then you will not get enforcement?

Well, we are not getting enforcement, everyone. The bill does not provide enforcement—not in any significant way that would allow us to proceed effectively.

We had hearings in our committees that dealt with the question of the impact of large numbers of foreign workers on the wages of American workers. It is not, I think, subject to dispute. At the current rate we are going, at the current rate of immigration, legal and illegal, wages of lower income Americans are being adversely affected. Professor Borjas at Harvard, who has written a most authoritative technical book on immigration at the Kennedy School, has said it has brought down the wage of low-income workers 8 percent. That is a lot. That is a lot, an 8-percent decline in wages. In many areas, it could be even greater than that, I suspect. It is pretty understandable that it would happen. If you bring in more cotton in this country, if you bring in more cotton, you will have a lower price for cotton. If you bring in corn, you will have a lower price for corn. If you bring in large amounts of labor, it will pull down the value of a working man's hourly wage. So I am concerned about that.

My colleagues have said a number of times that by getting this—Madam President, there is a little bit of a buzz.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SESSIONS. So we have a number of questions that cause us concern. I talked about wages. Let me mention the rule of law.

Our Nation is founded on law. Edmund Burke, when he talked about reconciliation between the Colonies and the King, asked that there not be a war against the Colonies. He said: They follow us in law. He even said: I understand the Colonies have more copies of Blackstone's Commentaries on the law than they have in England.

We have always been a nation of laws. It is our strength. We should not create a system that will not restore that law, even at our borders; otherwise, we are going to have a difficult situation.

Under this bill, we carefully looked at the number. I don't think anyone will dispute it. The level of legal immigration will double—double the amount of legal immigration. That is a number I don't think most Americans understand. I think they are worried about the current level, which is at about the highest this Nation has ever had—highest by far in real numbers we have ever had—and it is going to double, without any reduction in illegal immigration. So this is a bargain, a grand bargain we should not take. If we do, I think we will regret it because the American people are not going to be happy with us.

By the way, the polls continue to show that our constituents overwhelmingly oppose this legislation. A decent respect for our own constituents, even if we might think them wrong, on an issue of this importance where they are so decidedly hostile to this legislation suggests we ought to slow down and listen to them and talk with them about what their concerns are and make sure when we go back home and campaign and seek reelection, we can look them in the eye and say: I heard your concern, and I fixed that concern, or I believe the legislation answers your concern.

But here we have a completely new bill that has been plopped down on the Senate floor, first with over 700 pages, and then I guess last night there was a 370-page amendment, and that had so many errors in it that even the sponsors themselves have plopped down another amendment of 403 pages. They want to vote that through right away. I don't think that is what we owe our constituents.

They say: Well, we have had 2 years of debate, and all that. We had a bill last year that was quite different from this one. It had some things in it better than this one. I thought this year's bill was going to be better, and said it was better several times, but it actually—as I have studied it, I am not sure it is any better. It is weaker in a number of different areas. For sure, it is weaker in a number of different areas. So that is a matter we should consider as we go forward with this legislation. I think we ought to give careful attention to what we are doing.

I want to address one more very important matter that very fine Senators have raised. They have suggested one of the best things that is going to be happening with this legislation is everybody will be given an identification, and the Nation will be safer for that. Therefore, even if the bill is not perfect and has lots of problems, let's vote for it anyway because it has that in it. Let me share some thoughts with my colleagues on that issue.

Michael Cutler, who is a retired INS—Immigration and Naturalization Service—senior agent, participated in a press conference last Thursday at the National Press Club. It focused on the grave threat to national security the immigration bill represents. He also authored an op-ed in the Washington Times last Friday entitled "Immigration Bill a No Go." This is an experienced INS agent. He focused on the security question in the bill: Does it make us safer? This is what he said. I doubt our good friends who met in secret and wrote this bill asked his opinion, but this is what he says after reading it:

> If a person—

Let me quote:

> If a person lies about his or her identity and has never been fingerprinted in our country, what will enable the bureaucrats at the USCIS—

That is who will be checking his 24-hour background——

> the bureaucrats at USCIS to know that person's true identity? If the adjudicators simply make a fictitious identity through a computerized database, they will simply find the name has no known connection to any criminal or terrorist watch list.
>
> What is the value of that? Remember, we are talking about a false name. There is absolutely no way this program would have even a shred of integrity and the identity documents that would be given these millions of illegal aliens would enable every one of them to receive a driver's license, Social Security card, and other such official identity documents in a false name. Undoubtedly, terrorists would be among those applying to participate in this ill-conceived program. They would then be able to open bank accounts and obtain credit cards in that false name. Finally, these cards would enable these aliens to board airlines and trains even if their true names appear on all of the various terrorist watch lists and no-fly lists. That is why I have come to refer to this legislation as the "Terrorist Assistance and Facilitation Act of 2007."

Do you get it? Unless you already happen to be fingerprinted and you come here and you are a known terrorist and you give a false name with some false electric bill, they will give you this temporary visa and you get an ID then. Before, if you are illegal, you would have a hard time getting a bank account or a Social Security card or a driver's license. Now, you are given one. You can travel all over the country with no problems. That is what he is saying. So in many ways, it is going to facilitate a dangerous situation.

How about this gentleman, Mr. Kris Kobach, a former Department of Justice attorney under Attorney General Ashcroft, who specialized in the Department of Justice in terrorism and immigration issues and who has spoken out often and is a college professor now. He agrees with Mr. Cutler. He posted an article on the Heritage Foundation Web site titled "The Senate Immigration Bill: A National Security Nightmare." He says:

> The bill will make it easier for alien terrorists who operate in the United States by allowing them to create fraudulent identities with ease. Supporters of the Senate's comprehensive immigration reform bill have revived it under the guise of national security. However, the new public relations campaign is a farce. The bill offers alien terrorists new pathways to obtain legal status, which will make it easier for them to carry out deadly attacks against American citizens. The top priority in this bill is extending amnesty as quickly and as easily as possible to as many illegal aliens as possible. The cost of doing so is to jeopardize national security.

That is Mr. Kris Kobach who has testified before Congress a number of times, former Assistant Attorney General specializing in immigration and national security issues.

So I urge my colleagues to look at this bill because we don't need to pass a piece of legislation that we can't defend to our constituents, that we cannot tell our constituents with confidence it will make them safer. It will reduce illegality dramatically at the border 13 percent; 80, 90, 95 percent is the goal we should have to reduce illegality, and that should be the beginning point. We can get there. We don't need to pass a piece of legislation that is going to double the legal flow, not reduce the illegal flow, and end up having the wages of Americans further diminished by this incredibly large flow of low-skilled, low-wage workers. We don't need to further erode the morale of our Border Patrol officers and erode American confidence in the rule of law.

Those are my thoughts. I hope we will give this serious consideration as we make our judgment tomorrow about whether we should proceed. If we don't proceed tomorrow, that is not the end. Of course, we are going to consider this bill and this issue—continue to consider it. Polling data suggests the American people, what they want us to do, is to take incremental steps focusing on enforcement.

Why don't we just do that? We might could get that done. That would be what I suggest.

Also, one more time, I urge my colleagues to give the most serious consideration to the procedure by which we are moving forward with this legislation. People have said it is unfair. I think it is unfair, but it is more than unfair. It is a historic departure from the traditions of the Senate. The leader of this Senate is arrogating to himself the ability to approve every single amendment that is voted on. No amendment can be voted on the leader does not approve. That is the way this clay pigeon has been set up. That has never been done before. Any Senators willing to come down here and battle and hold out and not give up can get his amendments up and voted on. I think it is a matter that most of us haven't fully comprehended yet. I think Senators who are proud of the great ability of individual Senators, when they feel strongly about an issue—it doesn't happen often—but they can stand up and make sure their amendments get voted on, and they have an opportunity to speak.

Madam President, I reserve the remainder of my time and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding that the distinguished Senator from Alabama has about 27 minutes in the time that has been ordered; is that true?

The PRESIDING OFFICER. He has 28 minutes.

Mr. REID. I am also of the understanding, having spoken to the ranking member of the Finance Committee, Senator GRASSLEY, that Senator SESSIONS is at this time willing to give him part of the time he has been allocated for debate only on this matter.

I ask unanimous consent that the Senator from Iowa be recognized for up to 10 minutes.

Mr. SESSIONS. Madam President, I will yield up to 10 minutes to the Senator from Iowa.

Mr. REID. Yes, Madam President.

Mr. SESSIONS. I understand this would be time allotted to me. The Senator does still have his entitlement to speak on his amendment when that appropriate time comes.

Mr. REID. It is my understanding that the Senator from Iowa is going to take 10 minutes of the time of the Senator from Alabama for debate, and if we have an opportunity to debate his amendment, of course, he can speak on it.

Mr. KYL. Reserving the right to object, if this is a unanimous consent request, I have comments to make in opposition to the amendment of the Senator from Iowa and would like to be afforded an opportunity to do so. So if the agreement is to afford time to one side, but the other side won't get an opportunity to speak, then I will object to that. I hope we can work something out where I would get at least 5 minutes. The Senator from Iowa should have time to debate his amendment, but I want time to respond.

Mr. REID. Madam President, I can handle the issue dealing with the Senator from Iowa because that is simply time the Senator from Alabama is giving him. As to the amendment itself, I know how strongly the Senator from Arizona feels on this amendment. He has explained that to me. He knows what we have been going through trying to get people the opportunity to speak. The only thing I can do now is ask unanimous consent that the time of the Senator from Alabama, which is 10 minutes, be allocated to the Senator from Iowa for debate only, leaving the Senator from Alabama, at a subsequent time, 17 or 18 minutes.

Mr. SESSIONS. Reserving the right to object, under the circumstances and the nature of the amendment, I am prepared to yield 5 minutes to the Senator from Iowa from the balance of my time.

Mr. REID. I think that is very fair. I thank the Senator from Alabama.

I propound a unanimous consent request that the Senator from Iowa be recognized for 5 minutes from the time given to the Senator from Alabama and 5 minutes to the Senator from Arizona for debate only.

Mr. SESSIONS. No, I object, Madam President. If the Senator is going to be speaking on his amendment, it is not mine. I don't like his amendment. I am going to give him 5 minutes out of courtesy. I am disappointed that the Senator from Arizona would not be able to respond.

Mr. GRASSLEY. I don't care if I speak. Let's forget all this. I can speak some other time. I would like to say why I ought to have debate on my amendment. If I don't talk about the substance of the amendment, can I talk about why I ought to be able to bring up the amendment?

Mr. SESSIONS. The Senator from Iowa looks at me. The majority leader won't allow you to speak. I was trying to give you 5 minutes.

Mr. GRASSLEY. Would you mind if I said why I ought to be able to bring my amendment up?

Mr. REID. I say to my friend from Iowa, I have been trying all day to allow people to speak to their heart's content. I have had objections. At this time, I have no objection to you speaking for a reasonable period of time and the Senator from Arizona speaking for a reasonable period of time. You can talk about your amendment, and he can talk about why he doesn't like your amendment. Forget about the Senator from Alabama. He reserved his 28 minutes.

I ask unanimous consent that the Senator from Iowa be recognized for up to 10 minutes for debate only, and following his remarks, I ask that the Senator from Arizona be recognized for up to 10 minutes for debate only and following their remarks, that I be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized for 10 minutes and then the Senator from Arizona for up to 10 minutes.

Mr. GRASSLEY. Thank you. I am not going to talk about the substance of my amendment. I want to remind people before the amendment comes up that, No. 1, I was promised by the Senator from Pennsylvania and, in turn, his talking to the Senator from Massachusetts, that I would have an opportunity to offer an amendment. Now I have that opportunity to offer the amendment, so that promise has been kept. I have tried to clear it with my Republican colleagues who have been objecting all afternoon so that they would not object to my efforts to offer and debate my amendment. So I hope you realize it doesn't do much good to make a promise for me to offer my amendment if I don't have an opportunity to debate the amendment. That is the first point.

The second point is that I should not even be here having to offer this amendment. If you go back to that Thursday afternoon in April when there were rump sessions in S. 219, I was invited by some of the people to the rump session who were working on this compromise—to come in and offer a compromise on Social Security identification, employer identification, or verification. I went to that meeting and sat there for a long time and explained a compromise. I had no objections to the compromise at that particular time, but 3 weeks later, the document comes out and it is not the compromise I had presented, which I assumed was agreed to. That doesn't surprise me because going back to January or February, Senator KYL had met with me and some other people, because this is in the jurisdiction of the Finance Committee—we have jurisdiction over IRS and over the Social Security system—saying that they were very strongly in favor of having something that went way beyond protecting the privacy of Internal Revenue tax records and Social Security information and were hellbent on going down a route of giving the Department of Homeland Security any sort of information they want, not within the tradition of protecting the privacy of income tax records.

So that is why my amendment is being offered, because I am going back to that compromise which I presented to the committee in the rump session back in April which I thought was OK. I find out now that it is not. That is why I am going to offer my amendment.

How much time do I have?

The PRESIDING OFFICER (Mr. OBAMA). Seven minutes 50 seconds.

Mr. GRASSLEY. Mr. President, I am going to speak generally about the legislation before us.

There is some concern that I have expressed—not so much on the floor but in other public comments I made—that I am one of about 22 or 23 Members of the Senate who were here in 1986 when we passed amnesty, as is in this bill as well. I was one of those Senators who voted for amnesty at that particular time. At that particular time, we had maybe 1 million to 3 million people cross the border illegally and who were here illegally. We all thought—and there have been plenty of references to statements made in the CONGRESSIONAL RECORD 20 years ago—that if we were to adopt amnesty, it would settle this problem once and for all, do it once and for all. You know, I believed that. But do you know what I found out maybe 5 or 10 years ago? When you reward illegality, you get more of it. Now the guesstimate is that we have 12 million people here illegally. They are not illegal people, but they came here illegally.

I think I have an obligation to consider the votes I made before and, if they are wrong, not make that mistake again. You know, it is a little like the chaos you would have if you didn't respect and enforce red lights and stop signs. You would have chaos at intersections and accidents. Wherever you don't enforce the rule of law, those are the things that happen. You need social cohesion, and social cohesion comes from respect for the rule of law in our country.

So it seems to me that, as we go down this road, what we ought to do is concentrate on legal immigration, the reforms we are bringing to the H-1B program, the reforms we are bringing in the way of a temporary worker program. People would rather come here legally rather than illegally, I believe. I know it is not very satisfying to people to hear that we have 12 million people in the underground. The point is that if people could come here legally to work, they would soon, one by one, by attrition, replace people who are here illegally, I believe.

I am not one who wants to make that mistake again. That is why I am weighing very heavily the issue of what we do with amnesty or what other people who don't like the word "amnesty" would say is earned citizenship, guest worker program, those sorts of things that are covering up really what we are doing.

I say if it walks like a duck and it quacks like a duck, it is a duck. If it looks like amnesty, it is amnesty. That is the bottom line. We ought to learn the lesson that in 1986 it didn't work. I don't think it will work now. I am 73 years old, so obviously I am not going to be here 20 years from now when we have another immigration bill. But I should not make that problem so that a successor of mine has to deal with 25 million people being here illegally as opposed to the 12 million now or the 1 to 3 million before.

I yield the floor and whatever time I didn't use I will retain or whatever is done with the surplus.

Mr. REID. Why don't you just yield it back?

Mr. GRASSLEY. I reserve my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is to be recognized at this point for 10 minutes.

Mr. KYL. Mr. President, may I be notified after 5 minutes so I might yield time to Senator KENNEDY?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Iowa. He was absolutely assured by people on our side that he would be allowed to bring up an amendment, and I am glad we have been able to do that. He certainly should be afforded that right.

With that said, however, I can't match his opposition to the bill with his amendment. If you want to assure that the bill will not work, then adopt the Grassley amendment. It substitutes the existing title III in the bill, which is a very good title to ensure employee verification, with a potpourri of provisions that, frankly, look a lot like the status quo and will not ensure that employees are adequately checked to ensure they are entitled to be employed.

For example, the Grassley amendment provides that none of the current employees are checked. In other words, the only people who have to be checked are future employees, so all the people working today, including all the illegal immigrants working today, don't have to be checked under the Grassley amendment.

Secondly, amazingly, the only way to physically verify that the person seeking the job is, in fact, the person with the identity entitled to be employed is with a photograph. Nobody is proposing that we fingerprint people to get jobs, and that leaves the photograph as the best identity document. The bill provides that either a passport with a photograph or a driver's license with a photograph be the document. You have to verify that the person standing in front of you is the person to whom the document has been issued and the rightful owner of the Social Security number he has given you.

The Grassley amendment does not require that a photograph be used in the identification process. This is one of the first things that was recommended by the 9/11 Commission, to have a secure document with a photograph with which you can confirm identity.

Third, and this is amazing, and I honestly don't understand why this would be in the Senator's amendment, but it gives foreign temporary workers the right to file legal complaints against employers who hire American workers instead—basically, to file a discrimination complaint based upon the fact that they were not hired.

Current law does not permit temporary workers to file these complaints. The basic bill would not allow workers to file these complaints. But the amendment does this by eliminating current laws that prohibit temporary workers from filing a discrimination claim based on immigration status.

Next, one of the key things we did after 9/11 was to ensure that Government agencies could share information with each other. When we determined the best way to ensure people are legally eligible to work, we quickly understood that we had to have sharing of information from the Social Security Administration, from the Department of Homeland Security, even, in some cases, from the Internal Revenue Service. Unless these agencies are able to share the information with each other when we access the databases, we are not going to know for sure whether the individual is entitled to be employed. What the amendment provides is that after 5 years, the information-sharing provisions are sunsetted.

None of these are really calculated to ensure that we can have a good employee verification system. They undercut that system and, as a result, they would weaken our ability to ensure employee eligibility to work.

Finally, in some cases, we have employers who are violating IRS rules because they don't report income. The underlying bill allows the IRS to identify those employers and go after them. This is one of the things the American people are upset with today, that we are not going after employers who are violating the law, who commit tax violations in hiring unlawful workers. The underlying bill allows us to do that. The amendment doesn't allow us to do that, and I don't understand why.

The bottom line is that title III of the underlying bill is a very good, strong provision supported on a bipartisan basis to ensure that we can verify the eligibility of workers to be employed.

Title III, unfortunately, is weakened dramatically by this Grassley amendment which would in all the five ways I indicated undercut our ability to verify employment.

Mr. President, I reserve the remainder of my time and yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from Arizona has explained the technical provisions of this legislation very well, but I want to underscore a very important difference. And that is how each system will treat their workers.

If there is some glitch in the system, under the legislation before us, under the existing law, the worker should be able to continue to work and can continue to work until ultimately there is a determination by a court that the worker should not be confirmed. The decision being appealed is called a nonconfirmation. If there is a glitch in the system—and we understand there are going to be a number of glitches in the system, but this was a provision that we took a considerable amount of time to make sure that workers who are going to be caught up in the system, if there is a glitch in the system, they will still be able to continue to work until there is a real indication of trouble. They will continue to work, unlike the proposal of the Senator from Iowa.

The amendment of the Senator from Iowa says that if there is found to be some glitch in the system, they will have a legal case, but they will have to demonstrate—this is the test: that the government's conduct has either been negligent, reckless, willful, or malicious. The employee will have to demonstrate one of those qualities, which means they have to go out and get a lawyer. They will be let go, and they will have to go out and get a lawyer and go through the whole legal process in order to recover some damages. There is a large difference.

I believe the underlying provisions which have been included—this is it, and I agree this is one of the most important provisions in the legislation. We want employer enforcement. That has to be a part of it. Tough borders that are going to be enforced and legality in the workplace, and the only way we are going to have legality in the workplace and also protection for the workers is the underlying bill.

The bill requires SSA to begin issuing only fraud-resistant, tamper-resistant, wear-resistant Social Security cards within 2 years. This will help prevent counterfeiting and identity theft by undocumented workers. The Grassley amendment has no comparable provision. It only requires that the worker give an employer a Social Security number rather than presenting an actual card.

If we are serious, and I think all of us in this body are serious, about dealing with the undocumented, we have to have tough worksite enforcement, and we are also going to have to have tamper-proof cards. I think this moves us in that direction in a very positive and important way.

As I say, most importantly, at a time that we are going to go into this transition, how are the workers going to be treated, and really there is a dramatic difference between how those workers are going to be treated under the proposal we put forward under the existing bill and under the Grassley amendment.

For these reasons, I hope his amendment will not be accepted.

The PRESIDING OFFICER. The Senator from Iowa retains 3 minutes.

Mr. GRASSLEY. Mr. President, I have 3 minutes left, I have been told. First of all, I think the Senator from Massachusetts was doing a good job reading from a letter Secretary Chertoff sent to me. I sent back a rebuttal letter, and I would like to provide the letter for the Senator from Massachusetts to read. It is a point-by-point rebuttal of what is wrong with Secretary Chertoff's analysis of my amendment.

One of the criticisms that Senator KYL gave against my amendment is we are not going to force employers to look through 160 million workers to find illegal workers. Let's look at the basic legislation. The legislation legalizes people who are here already illegally. So if they are illegally working, and this bill legalizes them, don't you see how ridiculous it is that we are going to tell people to go out and find people who are here illegally when the bill has already legalized them?

The second point is that we eliminate the requirement of a photograph for identification. My amendment requires every U.S. citizen to present a passport or driver's license and every noncitizen to present a legal permanent resident card or work authorization card. Each of these documents is required to contain an individual's photograph.

Moreover, my amendment requires workers to submit their passport number, driver's license number, or employment authorization number in addition to their Social Security number through the employment verification system. Without that information, there is no guarantee that Homeland Security will be able to contact the issuing agencies or determine which document was issued. This is the very same problem that has prevented Homeland Security from utilizing Social Security Administration data in the past.

My amendment further requires the Social Security Administration, the State Department, and the State departments of motor vehicles to establish a reliable and secure method to allow the Department of Homeland Security to verify the identity document of each issuing agency.

On another point Senator KYL made saying it eliminates after 5 years the information sharing among Government departments, which is critical to making this work, a sunset is standard practice when we compromise the protection for the individual taxpayer, that the taxpayer's income tax information will be private so that, like President Johnson and President Nixon, it cannot be used to violate your privacy for political reasons. That is why that law was passed.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters regarding this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 22, 2007.

Hon. MICHAEL CHERTOFF,
U.S. Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: We are again disappointed that you have written another erroneous and misleading letter regarding our amendment to Title III of the immigration bill. However, we appreciate the opportunity to explain why our amendment provides a more cost effective and administratively feasible employment verification system.

(1) Your letter states that "employers have no independent obligation to resolve no-match problems . . . (DHS) could only ask employers to resolve no-match problems." This statement reflects a fundamental misunderstanding of our amendment. Our amendment establishes criteria to determine mandatory participation in the employment verification system with respect to current workers. Current workers identified by DHS would be verified through the employment verification system in exactly the same manner as newly hired workers.

The purpose of an employment verification system is to prevent unauthorized workers from using fraudulent Social Security numbers (SSN) or misusing legitimate SSNs to obtain employment in the United States. This goal is accomplished by comparing the name and SSN submitted by the worker to the records maintained by the Social Security Administration. Regardless of whether this comparison occurs when a worker is hired, or when a worker's W-2 is processed, the result is the same.

Our amendment requires every employer to verify every newly hired worker through the employment verification system. According to Bureau of Labor Statistics data, more than 60 million workers would be verified each year through this process. In addition, under current tax law, every employer must submit an annual W-2 for every worker. According to Social Security Administration data, more than 160 million workers will be verified each year through this process.

Requiring every employer to verify every worker through the employment verification system would merely duplicate the results of verifying every worker through the W-2 process. If the names and SSNs match in one case, there is no reason to believe they won't match in the other case. In order to avoid needless duplication, our amendment allows DHS to obtain data through the W-2 process and thereby identify every worker using a fraudulent SSN, or misusing a legitimate SSN. The employers of these workers would be required to utilize the employment verification system to verify each of these workers.

(2) Your letter states that under the version of Title III supported by DHS "we will be relying on electronic verification . . . [to prevent] . . . illegal employment. Your amendment does not require equivalent security measures." This statement reflects a fundamental misunderstanding of our amendment. Our amendment requires workers to submit their Passport number, driver's license number, or employment authorization number (as applicable based on citizenship status) in addition to their Social Security number through the employment verification system. It further requires SSA, the State Department, and state DMV agencies to establish a reliable and secure method to allow DHS to verify the identity documents issued by each agency. Thus, DHS will be able to determine when identity documents are fraudulent or when more than one person is using the same legitimate document.

Our amendment differs from the approach envisioned in the version of Title III being supported by DHS. The approach being advocated by DHS would require employers to verify the photo on every identity document presented by every employee at the time of hiring. This represents an unnecessary and overly burdensome requirement for workers and employers. Our amendment would allow DHS to generate a tentative nonconfirmation whenever the identification number does not match agency records, or when the same number appears multiple times. In such cases, the employee would be required to resolve the tentative non-confirmation with the issuing agency.

(3) Your letter states "The need for no-match information . . . will not disappear in five years." Our amendment provides DHS with the ability to independently verify SSNs, state driver's license numbers, and U.S. Passport numbers. There is no reason to believe continued access to SSA no-match data will be necessary once DHS has fully implemented the employment verification system. However, should continued access be

needed, we would fully support an extension of the 5-year limitation, provided DHS meets its obligation to protect and properly use this confidential taxpayer data.

(4) Your letter states that we ". . . misunderstand the current bill . . ." There is no misunderstanding on our part. The current version of Title III supported by DHS states "An employer may not terminate an individual's employment solely because that individual has been issued a further action notice . . . [or] . . . reduce salary, bonuses, or other compensation . . ." The comments in our previous letter referred to individuals who are issued a "final nonconfirmation," not a further action notice. Moreover, your letter states ". . . the current bill allows workers to earn a living while they appeal what they believe to be erroneous eligibility determinations." This statement is true only with respect to a further action notice. The current version of Title III supported by DHS does not require employers to pay workers who appeal a final nonconfirmation. In contrast, our amendment protects workers throughout the entire appeals process.

(5) Your letter states we oppose the requirement that employers resolve no match letters ". . . because the letters are not sent to every single employer." That is not correct. We oppose the no-match requirement because it is ineffective and unenforceable. DHS would have no knowledge of who received a no-match letter. Moreover, employers could continue to rely on the current flawed I-9 process to "resolve" their no-match letters. Our amendment would allow DHS to readily identify every single employer with a no-match, and target those with the biggest problem for worksite enforcement or accelerated participation in the employment verification system.

Thank you for providing us with the opportunity to explain our amendment. We stand ready to work with you to create a more effective and feasible verification system.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.
BARACK OBAMA.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, June 21, 2007.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I received your June 20, 2007 letter regarding my concerns that your amendment to the immigration reform legislation represents a serious step backward in our worksite enforcement effort. I must respectfully disagree with your statement that your amendment "would improve Title III." On the contrary, reading your response to my letter underscores my initial concerns, for the following reasons:

(1) Your letter acknowledges that under the Grassley-Baucus-Obama amendment, employers need not use the Electronic Employment Verification System (EEVS) to find out whether their existing employees are working legally except "when there is evidence to suspect unlawful employment." Under your amendment, employers have no independent obligation to resolve no match problems, and the Department of Homeland Security (DHS) could only ask employers to resolve no-match problems if DHS already had enough information to begin an investigation. But if DHS has enough information to begin an investigation, it should not ask employers for their help, The value of verification is that it generates evidence of unlawful behavior. It is odd to say that DHS must have evidence of potential wrongdoing before utilizing the best means of uncovering this wrongdoing in the first place.

DHS has no intention of asking employers to act as police. The EEVS is a convenient nondiscriminatory but powerful tool that will bring violations to DHS's attention without imposing heavy burdens on employers. We should not impose arbitrary limits on its use.

(2) As you observe, the current bill requires that only secure licenses and identification cards be accepted after 2013. In the meantime, we will be relying on electronic verification as the principal means of identifying identity fraud and preventing illegal employment. Your amendment does not require equivalent security measures. In view of the widespread industry specializing in production of fake documents, I believe that your amendment keeps us and innocent employers vulnerable to such documents and weakens the protections against identity theft.

(3) We all agree that DHS should have access to the "no-match" information that both the current bill and your amendment allow. Our difference arises from the fact that the Grassley-Baucus-Obama amendment arbitrarily cuts off that access after five years. As you will recall, our recent enforcement efforts have shown that fake IDs and made-up Social Security numbers are rampant in many industries. The need for "no-match" information to combat such fraud will not disappear in five years.

We should not exempt employers from enforcement of immigration laws because we fear that they may refuse to comply with tax law. I am confident that the vast majority of employers want to follow the law. Indeed, our enforcement system rests on the expectation that individuals—employers and employees alike—will obey the law. For those few who may flout the law, however, the tight response is more enforcement, not less.

(4) I believe your letter misunderstands the current bill in one important respect. The current Title III would not allow employers to cut off pay to workers who seek administrative review of their further action notices. In fact, Title III expressly prohibits businesses from doing so, or from taking other adverse actions against an employee who received such a notice.

I am pleased to correct this misunderstanding.

I am also surprised that you appear to prefer a system requiring that a worker who receives a nonconfirmation notice be fired first, and that he pursue his administrative and judicial appeal while unemployed, with the distant prospect of getting back lost wages. By contrast, the current bill allows workers to earn a living while they appeal what they believe to be erroneous eligibility determinations.

(5) We agree that the Grassley-Baucus-Obama amendment does not require employers to act on the no-match notices they receive. You argue that the law should not require employers to resolve no-match letters because the letters are not sent to every single employer. But the letters are sent to the employers with the biggest no-match problems. And your alternative proposed solution is far less effective. Your amendment proposes that all of the no-match data be sent to DHS, which would then have to repeat everything that the Social Security Administration has already done to locate and send notices to employers whose employees may be violating the law.

In sum, I committed to inform the bill managers if I became concerned about an amendment that would threaten the enforceability and/or workability of the underlying bill A good enforcement program benefits the vast majority of law abiding employers by ensuring that they are not competitively disadvantaged by the unscrupulous few. Unfortunately, I continue to believe that your amendment will perpetuate the kinds of obstacles that have burdened effective enforcement of immigration law at the worksite since 1986.

I appreciate your genuine concern about this matter and please know that I am always glad to meet and discuss these concerns.

Sincerely,

MICHAEL CHERTOFF.

U.S. SENATE,
Washington, DC.

Hon. MICHAEL CHERTOFF,
Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: We are extremely disappointed that your June 19th letter to Senators Kennedy and Specter contained a number of erroneous and misleading allegations regarding our amendment to Title III.

Letter to Senators Kennedy and Specter:

"(1) Job Security for Criminal Aliens . . . existing workers are never checked out . . ."

Grassley/Baucus/Obama Amendment:

The pending immigration bill requires all employers to run all existing workers through the verification system within three years. This is an onerous and unnecessary requirement given the fact that these workers are already subject to the annual wage reporting (no-match) process. Our amendment would require employers to run existing workers through the system only when there is evidence to suspect unlawful employment. To accomplish this goal, DHS would be given access to Social Security and IRS data to identify all mismatched, duplicate, deceased, minor children, or non-work SSNs.

Letter to Senators Kennedy and Specter:

"(2) Loophole for Fake Documents . . . present any driver's license . . . not required to . . . provide a second document . . . eliminate grant program . . ."

Grassley/Baucus/Obama Amendment:

The pending immigration bill says state driver's licenses and ID cards that are not REAL ID compliant will no longer be accepted beginning in 2013. The language also gives the Secretary of DHS the authority to modify state driver's licenses and ID cards prior to the implementation of REAL ID. Finally, it authorizes—but does not fund—grants to States for REAL ID. Congress can only fund REAL ID though the appropriations process. Our amendment avoids imposing an arbitrary deadline and allows the continued use of state driver's licenses and ID cards (subject to new verification procedures with the state DMVs) in recognition of the fact that final implementation of REAL ID remains in doubt.

Letter to Senators Kennedy and Specter:

"(3) Arbitrary End to Information Sharing . . . cuts off all information sharing after five years . . ."

Grassley/Baucus/Obama Amendment:

The pending immigration bill provides DHS with access to Social Security and IRS data. Our amendment would sunset these provisions after five years, subject to a future extension, as is standard practice when allowing access to private taxpayer data for the first time for a new purpose. Moreover, the long-term value of SSA and IRS data for immigration enforcement is highly suspect. Once employers realize their W-2s will be used against them, they may simply stop filing suspect W-2s.

Letter to Senators Kennedy and Specter:

"(4) Punishing the Enforcers Instead of the Violators . . . individuals . . . can seek compensation . . . even if the initial error was caused by the individual and not the government . . ."

Grassley/Baucus/Obama Amendment:

The pending immigration bill prohibits employers from firing workers for as long as DHS wants to review a worker's appeal of a final nonconfirmation notice. This would force employers to keep workers on their books, but allow them not to be paid, while the government attempts to find and correct the mistakes in its databases. This will put legal workers in a financial bind while providing no incentive for DHS to improve the system. Under our amendment, illegal workers who receive a final nonconfirmation notice would be immediately fired. But, legal workers who are erroneously fired could recover lost wages, if they did not cause the error, and the government was at fault.

Letter to Senators Kennedy and Specter:

"(5) Ignoring the Government's Best Evidence of Illegal Workers . . . Grassley-Baucus-Obama . . . would not . . . require employers to resolve no-match letters"

Grassley/Baucus/Obama Amendment:

The pending immigration bill requires employers to retain SSA no-match letters and document steps taken to resolve them. But, SSA sends no-match letters only when there are more than 10 employees whose names and numbers do not match, and the total number of no-matches exceeds 0.5 percent of total employees. Thus, an employer with 11 no-matches and 2,199 employees would get a letter, but an employer with 11 no-matches and 2,200 employees would not. No-match letters are completely at the discretion of SSA. SSA does not inform DSH which employers receive a no-match letter. Under our amendment, DHS is granted access to all no-match data. They can use this data to identify employers for worksite enforcement or to require early participation in the verification system with respect to new or existing employees.

Letter to Senators Kennedy and Specter:

"(6) No Improvement to IRS Authority... Grassley-Baucus-Obama drops all of these important provisions ..."

Grassley/Baucus/Obama Amendment:

The pending immigration bill would increase IRS penalties for filing incorrect information returns and authorizes—but does not fund—additional IRS personnel to investigate incorrect returns. This is a poorly concealed effort to recruit IRS personnel to do the job DHS is supposed to do: enforce our immigration laws.

We strongly support creating an effective, mandatory employment verification system for all employers to verify the legal status of their workers. But the design, implementation, and oversight of the system as proposed in the pending immigration bill are flawed in several respects.

Our amendment would improve Title III by (1) protecting U.S. citizens and legal workers from errors in the system; (2) protecting the states from excessive federal intrusion; (3) protecting the rights of all legal workers; (4) protecting the privacy of all Americans; and (5) improving our ability to prevent unauthorized employment while minimizing the burden on workers and employers.

We hope that your future correspondence to the Hill will acknowledge these much needed improvements and avoid the erroneous and misleading allegations contained in your previous letter.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.
BARACK OBAMA.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, June 19, 2007.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I promised at the start of this process that I would tell you if the bill you were shepherding became so unworkable or unenforceable that it threatened to worsen our current illegal worker problem. In general, the Senate has avoided workability and enforceability pitfalls, but for the first time I must write to you to express concern about a proposed amendment that would be a serious step backwards in our enforcement effort.

Enforcing the law means more than border enforcement. We have to shut off the job magnet that pulls illegal aliens into our country. The current bill's Title III will do just that. It creates a much stronger, more effective worksite enforcement system than the one that exists today. This system will stop illegal aliens from getting hired, and it will punish employers who make illegal workers part of their business model. By contrast, the Grassley-Baucus-Obama Amendment will significantly weaken the current Title III, with the result that illegal workers will still be drawn across our borders by the lure of easy employment.

These are just some of the specific examples of deficiencies in the Grassley-Baucus-Obama Amendment that will lead to a lack of enforceable worksite enforcement:

(1) Job Security for Criminal Aliens—Current Title III requires mandatory verification of all existing workers. Under the Grassley-Baucus-Obama Amendment, existing workers are never checked. So serious criminals, and other aliens who are not eligible for legal status, would be able to hide in their existing jobs indefinitely, without ever having to prove that they are authorized to work in this country.

(2) Loophole for Fake Documents—Current Title III requires that new hires show a secure identification card to keep their jobs. Under the Grassley-Baucus-Obama Amendment, in contrast, most new hires will be able to present any driver's license, whether or not it meets federal standards for secure documents. And unlike the current Title III, individuals presenting a non-secure license will not be required by the Amendment to provide a second document to establish that they are authorized to work in the United States. Finally, the Grassley-Baucus-Obama Amendment eliminates a grant program to reimburse States for the costs of improving license security. The result will be to continue a flourishing market for fake documents and identity theft.

(3) Arbitrary End to Information Sharing—The best way to catch unscrupulous employers who do not verify their employees is to compare Social Security records to the records of the EEVS. Current Title III allows DHS to do so. But the Grassley-Baucus-Obama Amendment cuts off all information sharing after five years. Grassley-Baucus-Obama tells unscrupulous employers that, after five years, when the government agencies stop talking to each other, they can return to "business as usual," employing unauthorized workers.

(4) Punishing the Enforcers Instead of the Violators—Many Americans want tough financial sanctions and strict liability on employers who hire illegal workers. So far as I am aware, none of them want to impose sanctions and no-fault liability on immigration enforcers. But that is precisely what the Grassley-Baucus-Obama Amendment would do. Under the Grassley-Baucus-Obama Amendment, any individual who wins his judicial appeal against the government's determination of his employment eligibility can seek compensation for lost wages—even if the initial error was caused by the individual and not the government. Moreover, in a poorly concealed effort to make DHS avoid tough enforcement, the Grassley-Baucus-Obama Amendment actually proposes that any award come from DHS's enforcement budget. This would actually make the enforcement climate worse than it was after the 1986 law.

(5) Ignoring the Government's Best Evidence of Illegal Workers—Every year, SSA sends out millions of "no-match letters", indicating that an individual's name and social security number do not match. These letters are a powerful indicator that the individual may not be work-authorized. The current bill gives DHS authority to require that employers take action to resolve "no-match letters." Grassley-Baucus-Obama would not. It would encourage employers to continue to turn a blind eye to evidence that their workers may be illegal.

(6) No Improvement in IRS Authority—Nothing worries an unscrupulous businessman more than the prospect of a tax audit. The IRS has great investigative skills; it also has authority to punish immigration violators who file incorrect information about their employees, but this authority does not have the deterrent effect it should because the current fines are so low. Title III fixes this problem by raising the fines and creating a dedicated Criminal Investigation Office to investigate tax violations related to immigration violations. Grassley-Baucus-Obama drops all of these important provisions.

Title III is the foundation of comprehensive reform. We will not reform our immigration system. nor will we shut off the stream of illegal immigrants pouring across our border, without addressing the force that draws them here in the first place. We need better documents and stronger tools to uncover identity fraud. The current version of Title III gives us these tools; by contrast the Grassley-Baucus-Obama Amendment eliminates needed tools and allows unscrupulous businesses to continue to freely hire illegal workers.

Finally, weak enforcement is bad for business. Legitimate businesses that comply with the law will be undercut by competitors who disobey that law if enforcement is lacking. I ask that you help to defeat the Grassley-Baucus-Obama Amendment, not just to help our enforcers but to give a fair shake to those who want to obey the law.

In the end, the Grassley-Baucus-Obama Amendment unfortunately fuels public skepticism about whether enforcement will work or political forces will frustrate serious efforts to bring employers into compliance with the law. I reject that view. We must enforce the law, and with your help we will. I urge you to join with me in opposing the Grassley-Baucus-Obama Amendment.

Sincerely,

MICHAEL CHERTOFF.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. KENNEDY. Isn't it true that the Finance Committee estimated that under these systems, there were going to be a certain number of mistakes that were going to be made?

Mr. GRASSLEY. Yes, we presented that to you that day in April——

Mr. KENNEDY. That is exactly right. It is significant numbers, in the hundreds of thousands, as I remember. It is in the hundreds of thousands of mistakes that are going to be made as they set this up. I am just wondering about the protection of those workers. In our bill, we provide that those individuals should be protected because they can keep their jobs while they appeal a nonconfirmation. I am wondering if the Senator will relate to us how he thinks——

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. KENNEDY. Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute yielded by the Senator from Arizona. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the Senator from Iowa have an additional minute to respond, and then I will take my last minute.

Mr. REID. For debate only.

Mr. KYL. Yes, for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the only response I can give to the Senator from Massachusetts is that we have worked very hard in the Finance Committee to make sure that private income tax information and private Social Security information is protected. It seems to me that is basic to a system of taxation that is voluntary compliance.

We have made some compromises of that, some use of that under very strict guidelines in the past. We presented it to the Senator's committee on this bill the same as we have in the past. The 5-year sunset is one example. Certain penalties for misuse of the information is another one.

It seems to me that is very basic if we are going to have confidence in our tax system and protect the privacy of the individual taxpayer.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

Three quick things. The amendment of the Senator from Iowa eliminates both the requirement of an employee to show an official identification card with a photo in State or Federal databases and the DHS-run photo match system that is the ultimate protection against document fraud in the workplace. You have to be able to do that match.

Second, the Senator from Iowa says why would we want to check workers after we have made them legal? Well, the whole point is to be sure we don't have anyone continuing to work here illegally.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that oppose the Grassley amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The following organizations publicly opposing the amendments are listed below.

GRASSLEY

American Farm Bureau Federation
Compete America
Information Technology Industry Council
TechNet
Essential Worker Immigration Coalition
Alabama Employers for Immigration Reform
Arizona Employers for Immigration Reform
Colorado Employers for Immigration Reform
Federation of Employers and Workers of America
Florida Employers for Immigration and Visa Reform
Nevada Employers for Immigration Reform
New York Employers for Immigration Reform
Oklahoma Employers for Immigration Reform
Texans for Sensible Immigration Policy
Texas Employers for Immigration Reform
Tennessee Employers for Immigration Reform
American Health Care Association
American Hotel & Lodging Association
American Nursery & Landscape Association
American Subcontractors Association
Associated General Contractors
California Landscape Contractors Association
Federation of Employers & Workers of America
Florida Transportation Builders Association
Golf Course Superintendents Association of America
International Franchise Association
National Chicken Council
National Club Association
National Restaurant Association
Outdoor Amusement Business Association, Inc,
PLANET
Society of American Florists
US Chamber of Commerce

BAUCUS

American Farm Bureau Federation
Coalition for a Secure Drivers License
Essential Worker Immigration Coalition
Alabama Employers for Immigration Reform
American Health Care Association
American Hotel & Lodging Association
American Nursery & Landscape Association
American Subcontractors Association
Associated General Contractors
California Landscape Contractors Association
Federation of Employers & Workers of America
Florida Employers for Visa and Immigration Reform
Florida Transportation Builders Association
Georgia Employers for Immigration Reform
Golf Course Superintendents Association of America
International Franchise Association
National Chicken Council
National Club Association
National Restaurant Association
Outdoor Amusement Business Association, Inc.
PLANET

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as one of the managers of the bill, I will speak very briefly, and then I will move to table the Baucus amendment; and after conferring with the majority leader, it is my understanding that we are going to proceed without further debate to move to table two additional amendments this evening. All efforts to reach some reasonable time agreements have proven to be of no avail.

I think it is worth stating again that when those object that they are not able to offer their amendments, we had time before the bill was taken down a week ago Thursday for people to offer amendments and the objectors did not offer amendments or even allow others to offer amendments. So they have had their opportunity, which has fomented the current situation.

I wish to respond briefly to the distinguished Senator from Iowa, who made a comment that the Senator from Pennsylvania had not kept a promise.

Mr. GRASSLEY. I said you would have to have debate in order to keep your promise or it doesn't mean anything.

Mr. SPECTER. Well, I am not going to ask the record be read back. If the Senator from Iowa said I did not keep a promise, I am glad to hear that. I don't make promises, I follow procedures. The Senator from Iowa wanted an amendment and he got an amendment, but I didn't make any promises. And if I made a promise, I certainly don't break promises.

When an amendment is offered and you seek a time agreement around here, you have to have unanimous consent to get a time agreement. If you don't have unanimous consent, somebody gets the floor and can filibuster and can talk forever and the majority leader was not going to put this body in a position to have someone get the floor and talk forever. So that the Senator from Pennsylvania doesn't control unanimous consent agreements.

The Senator from Iowa and I have worked together now for 27 years plus. We came to the Senate on the same day. Regrettably, he had an edge in seniority because he had been in the House. They didn't base it on State size. We have had no disagreements up till now, and I am glad to see we don't have a disagreement now.

Mr. GRASSLEY. We don't.

Mr. SPECTER. I would add one addendum, Mr. President, and that is that I have to differ with him when he says he will not be around here 20 years from now. He is only 73 and Strom said he is a young fella.

VOTE ON DIVISION VII OF AMENDMENT NO. 1934, AS MODIFIED

Mr. President, I move to table the Baucus amendment, and I ask for the yeas and nays.

Mr. VITTER. Will the Senator yield for a clarification?

The PRESIDING OFFICER. Will the Senator yield?

The majority leader.

Mr. REID. Mr. President, I know this is not debatable, I understand that, but we are going to move to table Baucus, Grassley, and Domenici. I ask unanimous consent that the first vote be the standard time; the next two votes be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving my right to object, if I could simply make a clarification about a statement that has been made.

Mr. REID. Mr. President, I ask for the yeas and nays on the motion to table.

Well, first, we have a unanimous consent request.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. VITTER. I object.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table has been made. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDIENT OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—45

Allard
Bennett
Bond
Boxer
Brownback
Burr
Byrd
Carper
Chambliss
Clinton
Cochran
Coleman
Corker
Cornyn
Dodd
Domenici
Durbin
Ensign
Feinstein
Graham
Gregg
Hutchison
Inouye
Isakson
Kennedy
Klobuchar
Kohl
Kyl
Lieberman
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (FL)
Reid
Roberts
Salazar
Schumer
Smith
Specter
Stevens
Thune
Voinovich
Warner

NAYS—52

Akaka
Alexander
Barrasso
Baucus
Bayh
Bingaman
Brown
Bunning
Cantwell
Cardin
Casey
Coburn
Collins
Conrad
Craig
Crapo
DeMint
Dole
Dorgan
Enzi
Feingold
Grassley
Hagel
Harkin
Hatch
Inhofe
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reed
Rockefeller
Sanders
Sessions
Shelby
Snowe
Stabenow
Sununu
Tester
Vitter
Webb
Whitehouse
Wyden

NOT VOTING—3

Biden
Johnson
McCain

The motion was rejected.

Mr. REID. Madam President, as I indicated earlier, I am going to move to table the—oh, we can't do that. We are stuck on this amendment. Why don't we agree to the amendment now and move on to something else?

Mr. VITTER. I object.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the distinguished junior Senator from Oklahoma has indicated he wants to speak for up to 10 minutes as in morning business. I ask unanimous consent that he be so recognized and that I be recognized following his 10 minutes. I have explained to the Senator from Oklahoma, and he understands, this is for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Madam President, I appreciate the distinguished Senator from Nevada allowing me the time. I think it is really important for us to ask ourselves what the test is before us today in the Senate.

As many of you know, I spent the last 2 weeks recuperating from a surgical illness, and I got to see—from a perspective of watching television on all the different channels, reading all the different papers—there was a recurring theme that I noticed that came through from all across this country. It did not matter what part of the country. It did not matter who was saying it, no matter whether they tend to lean liberal or they tend to lean conservative. That theme is this: We have failed to instill the confidence in the American people in the Congress that we are about doing what is in the best long-term interest of our country.

It is not about being against immigration or for immigration. It is not about being against an ethnic group or for an ethnic group. It is not about being liberal. It is not about being conservative. It is about the worry that the American people have for this concept called liberty. They are worried about that concept right now. They are worried about whether we have the mettle to stand up to the test, to put us back on a road that will give them the confidence that what we do will be done in the best interests of them and their children. There is worry that the thing that gives us liberty, which is the rule of law, is somehow now being tinkered with in a way that undermines their confidence and security in what this American dream is all about.

So we have had a very interesting experience today, but it is really not about the immigration bill. It is about something much greater that we should be paying attention to. It is about the right to govern with the confidence the people of this country give us and the responsibility that comes with us to have the integrity to do that in a way which builds that confidence, which rebuilds the strength, rebuilds the positive attitude, rebuilds the "I can do" America has been known for.

I asked for this time to speak not as a Republican but as a citizen of this country with children and grandchildren, like everybody else out there who wants the best for our country. We can debate about the details.

I had this wonderful experience about a year ago traveling with members of the opposite party to China. We met with students at Chinese Harvard. What we found was 95 percent of the things we agree on, we were solid in our bond.

The very thing that makes this country great is what Democrats and Republicans agree on: The idea of the rule of law; the idea of freedom; the idea that we have a Constitution that has to be supported, nurtured, and maintained. The only way that happens is if we rebuild the confidence of the American people in our abilities to do that.

We are in the midst of a debate on immigration that is a very wildly moving, emotional issue for all sides. But it should be a signal to us that when it is this wildly emotional and wildly divided, it should temper our thoughts to say the most important thing is not to finish the bill, the most important thing is to reestablish credibility in what we do for the American people.

I happen to believe if we do the right things that the American people in their gut know are right, ultimately, we will go from the 17-percent approval rating the country has of this body today back to where we should be—a healthy, vibrant confidence that the people who are elected to represent them in the Senate will, in fact, have the confidence of the American people to do and carry out this wonderful, creative experiment our Founders started over 200 years ago.

My question for the body and my challenge to the body is that we have a greater problem than immigration. The problem is the test: Do we meet the test that is before us of regaining the confidence of the American people? I think that is the biggest test we have today. I think all 100 of us need to redouble our efforts to assure that No. 1, we listen; No. 2, the Constitution is our guide; that the oath we took said nothing about Republican, said nothing about Democrat, said nothing about an individual State, but said we have an oath to uphold the Constitution of these United States without regard to party, without regard to locale.

So I would beg my fellow Senators, over the next few weeks, as we go on break in a week and we come back here, that the No. 1 goal that ought to be in front of us is, how do we change that approval rating? How do we restore the fact that we are listening, that we are hearing, that our action is based on what we know to be right, what we know to be good, and what we know is in the best interests long term for our country?

With that, I yield the floor.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, are we in morning business?

The PRESIDING OFFICER. The Senate is on the legislation.

AMENDMENT NO. 1978 TO DIVISION VII OF AMENDMENT NO. 1934, AS MODIFIED

Mr. KENNEDY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1978 to division VII of amendment No. 1934, as modified.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

Mr. KENNEDY. Madam President, I think all of us understand we have had a very full day today of voting on this legislation, the Comprehensive Immigration Reform Act. After more than 30 days of hearings since 9/11, after the 6 days of markup in our Judiciary Committee on the legislation that we addressed last year; which is very similar to the underlying legislation that is before us; after now some 23 days of debate on the legislation, both last year and now; after the consideration of more than 70 different amendments—70 different amendments—there is an awareness and understanding by the Members of this body about the substance of this legislation and, hopefully, a recognition of its importance.

We are sent here to legislate—not just to make speeches and to submit amendments but to legislate in our national interests, and we have a national challenge. We have a national challenge. I think everyone as Members of this body understands it. Certainly we receive the phone calls, the wires, the e-mails, and the rest. After it is all said and done, I think the people in our respective States and the people of this country are expecting us to exercise the best judgment about this legislation. They are not asking us to put our finger to the wind and say, from which way is the wind blowing the strongest and from what direction, but to try and take some initial steps—and they are initial but very important and fundamental steps—that can make a difference in terms of our national and border security.

(Mr. CASEY assumed the Chair.)

Mr. KENNEDY. The American people are expecting action in this body. Tomorrow, in the morning, it will certainly be an extremely important and perhaps decisive vote about whether we are going to complete our responsibility, or whether we are not. I have respect for those who have expressed reservations and observations. But my commitment and view is stronger than when we first started this legislation. The importance of this legislation, I think,—I find it more persuasive than the day it was initially introduced, developed, and shaped over the period of the last years.

We all have been faced with this legislation more closely over this debate and the debates we have had in recent days. We know, as we have heard frequently, and as I have said and many others have said, we have a national security issue and a problem. We can, as a nation, no longer afford to have, effectively, almost an open border in the Southwest. We also know, because in our committee we have listened to those who understand this issue, when they say we need to have secure borders, they also understand that with the strong kind of magnet attraction the American economy has, there is going to be leakage on that border. No matter how high we build walls or how many radars or air drones we have there or how many border guards we have, there is going to be leakage, unless we provide at least some opportunities for those who have some skills that in the United States we find we are unable to get filled in terms of the American workforce.

There has to be at least some opportunity for those individuals to come to the United States. Those of us who support this legislation believe in legality. We believe in national security, but we believe in legality. What we have today is lawlessness. We have lawlessness on the border, approaching the border, after the border, and in too many shops, plants, and factories around our country, including in my own State, in which we find the undocumented exploited, and they continue to be exploited. That is happening today.

We have to ask: Do we have something that is going to be basically serious about the border? Are we going to have a way for us to be able to say, OK, there are certain skills that we need here in terms of the American economy—those may be high skills, but in many circumstances it is going to be low skills, according to the Department of Labor. This legislation approaches that issue. We may say we would like to have it skewed this way or that, to some degree, but the fundamentals are essential in terms of the legality on our borders, in terms of national security, and also with regard to worksite enforcement.

As one who has, along with others, been involved in these debates about immigration reform, unless you are going to have a tamperproof card, you might as well forget it. We have learned that lesson in the 1986 act and in the 1992 act and earlier periods of time. The idea that somehow tomorrow we are not going to be willing to continue this process and end this process without the assurances that we are going to end up with a tamperproof card is going to mean that the challenges we are facing on this issue at this time are going to be multiplied many times over, many times over. That is a fact.

Some people are troubled by the way that has been fashioned in this legislation. I think there is a strong and persuasive case we can make. We will have an additional opportunity with the Schumer amendment and, hopefully, with passage of cloture tomorrow. So we have those elements that are law enforcement at the border, respectful law, by coming into the United States and respecting our laws and our immigration laws, law enforcement at the worksite, and respect for the laws in that period of time. To say to those individuals who have come that—their motivations for coming here, by and large, are the values which Americans respect and admire, such as hard work. Sure, there may be some individuals who have gamed the system out there. But there can be no denial when any of us look at this situation and examine it and when you look at particularly the faces and meet the individuals, as we all have, and we have had the issue spoken to so well by many of our colleagues, this is a population that is interested in hard work. That is a value Americans admire. They also admire the fact that these are families who work hard and care about the members of their family.

Mr. President, $40 billion a year is sent back to Central and South America by the primarily undocumented workers in the United States. This is where individuals are making $10,000 to $12,000 a year. So they care about their families. They are not coming in on their own to try to game the system. The statistics are there. I think those figures speak for themselves in terms of their willingness to work hard, care about their families and, as we all know, this community, this constituency—they are men and women of faith and belief, strong individuals of faith and belief.

On another occasion, we would say those are American values that we admire, and so many of them want to be part of the American dream and make America better. They reflect it by urging their sons and daughters to go into the service—thousands of them being in the service of our country in Afghanistan and Iraq. Many of them have lost their lives in the service of this country. So many of these families—as I listened to the mayor of Los Angeles today talk about a number of mothers he had met who lost their children in Iraq—the particular one he referred to had been undocumented and their son had been lost. In any event, that is the general sense of their desire and willingness, similar to other immigrants who came at other times.

So what is their great violation? The violation is that they have violated our immigration laws. That is serious. What is on the other side of those barriers? The magnet of the American economy. The magnet of the American economy has drawn these individuals like moths to a flame. Sure, it is all there because they have violated our laws, but they work hard and they care for their families. They are men and women of faith, with an extraordinary record of looking after their grandparents, and they have a great desire to be part of the American dream. They have violated laws and they should have a penalty. We looked around and looked around, those of us, Republicans and Democrats, at what should be the penalty. Should they get a penalty? The $5,000 processing fee can vary. We can put a requirement in about learning English. In Boston, MA, it is not that the undocumented don't want to learn English; it is a 3-year wait. Courses in English cost from $2,000 to $3,000 in my part of the world. I look forward to the Alexander amendment—the Senator from Tennessee. He wants to at least provide greater access to individuals to learn English. We are for that. There are requirements that they have to learn English. They have to demonstrate they have worked here and that they paid their taxes and they have to demonstrate that they are good Americans and that they are learning English. We have those requirements. Before they can even think about moving on the pathway to a green card, they have to wait in line for the 8 years to clear up.

Then, according to a merit system, over the next 5 years, they will be able to hopefully get on the path for a green card and then wait another 5 years to become a citizen—8 years, 5 years, and 5 more years. That is 18 years for some of those individuals, plus the penalties and fines—for people who want to be a part of the American dream.

This has, as others have spoken to, very important provisions in here about the ag jobs. I remember going through the Southwest in the early 1960s when I arrived in the Senate. Americans were involved in the Bracero Program, which, outside of slavery, was the greatest exploitation of humanity. Perhaps we could talk about some of the incidents in terms of the Native Americans certainly. But this was a sanctioned program that continued for years and years with the exploitation and abuse of people.

That was the beginning of the rise of the farmworker movement and the extraordinary tensions that existed between the farmworkers and the agricultural interests. It took a long period of time. Finally, they got together to try to have a program which both of them agreed with, which is the AgJOBS bill, to make a difference to 800,000 or 900,000 people who are some of the hardest working people in America. Then there's the DREAM Act. There is some responsibility in the areas of education. We know of the difficulty so many have in completing high school. It is true in the Latino community. This kind of opportunity—if they are the sons of people who came here undocumented, these children didn't know about it, but if they work hard and complete school, they have the opportunity to serve this country and they can get on a pathway for citizenship, or if they are otherwise eligible and the State approves, they can also continue in education.

So there are, I know, strong views about these different provisions; but, quite frankly, I think it is a compelling story that demands and requires action. If we fail this opportunity, we know we are going to miss this opportunity for some time. It is getting late into the season now, July and August we will be out and in September is the appropriations time. We will move into a highly politicized period of time, and we will move into a Presidential campaign. So we will miss an incredible opportunity.

I hope the Senate is going to be responsible tomorrow. We know if we fail, those individuals are all going to be out there; the numbers are going to increase, exploitation will increase, and we are going to have the silent amnesty that others have referred to. That is the real alternative. I don't say that because I believe the failure to act is bad, and it is going to get worse, although I believe it will. It is that if we can take this action and make this downpayment, we can continue to work on this issue as the House does. That will take time. We can obviously work with those who are interested in it and try to make adjustments and changes and try to strengthen and improve it. That is the way the legislative process works. Hopefully, we will be able to come to the period where we can all feel the final product is the best judgment we have had on this bill. That is the optimum, and it seems to me this is an exceedingly important opportunity we should not miss.

Finally, I again thank our leaders for giving us a chance to come back to this issue. We know it has been a complicated and difficult one. As I have said repeatedly, immigration and civil rights are the hot-button issues. We have had complex issues in our HELP Committee dealing with biologics, an enormously complex and difficult issue. We came together and passed that legislation. We had issues dealing with information technology, privacy, grants, and we came together and took action. Our committee has been dealing with the general cost of education and loan programs, and we were able to, Republicans and Democrats, cut some $18 billion from the lenders and return $17 billion to the students. We came together, Republicans and Democrats, and have been able to get reauthorization of the Food and Drug Administration. We look forward to continuing with mental health parity and other issues. But it is the issues of immigration and civil rights that are the hot-button issues, and they get the juices flowing.

I hope tonight people will stand back and think through the significance of this vote tomorrow. It is going to be a matter of enormous importance to our country. It is going to have enormous importance in terms of quality of life for millions of people. We are going to make the decision whether they are going to continue to live in fear or whether they are going to be able to come out of that darkness into the sunshine and be part of this country. If we don't act, we all know what is going to be happening in local communities all across the country and the increasing backwash that is going to arise that is going to make other matters much more difficult for us to continue to make progress on.

I look forward to tomorrow, and I hope all our Members will exercise their best judgment. We will have an opportunity to move ahead and complete this legislation and then hopefully we will continue the progress we made in the Senate so we can work with those who have differing views in the House and in the Senate and ultimately get legislation that is worthy of the Senate.

Mr. LEAHY. Mr. President, I am pleased to offer my support for the Baucus-Tester-Collins-Leahy amendment to strip the references to the problematic REAL ID program from the underlying immigration bill. We may agree or disagree about the merits of the actual REAL ID program, but as hearings in the Judiciary Committee and the Homeland Security and Governmental Affairs Committee have shown, REAL ID is far from being ready for prime time.

While the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation, REAL ID licenses are rapidly becoming a de facto national ID card, since you will need one to enter courthouses, airports, Federal buildings, and—if this bill passes—workplaces all across the country. With roughly 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID and this immigration bill up and running by the 2013 deadline set in this bill. Moreover, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years.

In addition to numerous privacy and civil liberties concerns, REAL ID is a massive drivers' tax that could cost Americans taxpayers more than $23 billion. Opposition spans the political spectrum, from the right to the left, and a large number of States have expressed concerns about the mandates of the REAL ID Act by enacting bills and resolutions that oppose REAL ID. Georgia, Washington, Oklahoma, Montana, South Carolina, Maine, and New Hampshire have gone so far as to pass binding legislation that says they intend to refuse to comply with REAL ID. The National Conference of State Legislatures and the National Governors Association have expressed serious reservations about the costs imposed on the States—and the structure of the poorly drafted grant program in the underlying bill. The Center for Democracy and Technology and the ACLU have expressed serious concerns about the lack of privacy and civil liberties protections within the REAL ID program. The reaction to the unfunded mandates and lack of privacy standards in the REAL ID Act is a good example of what happens when the Federal Government imposes a unilaterally devised and ill-considered mandate rather than working to meet goals through cooperation, bipartisanship, and partnership.

For any new immigration measures to be effective, they must be well designed. Forcing employers, employees, and the States to use this troublesome national ID card will slow down the hiring process, stifle commerce, and not serve as an effective strategy. In addition, the States have already told us that they will not all have their new license programs up and running by the 2013 deadline called for in this bill. On top of that, I have gone through this bill several times, and I have found money for border fences, money for surveillance technologies, money for border patrol agents, and money for detention facilities, but I cannot find any hard money that actually goes into REAL ID implementation. So doing away with this poorly drafted grant program will not take $1 away from the $4.4 billion in enforcement money contained in this bill.

As a result, I do not believe that we should jeopardize the future success of the immigration reforms sought in this bill by tying REAL ID too closely to it. Instead of mandating REAL ID licenses for employment verification, I think we should support the Baucus-Tester-Collins-Leahy amendment to strip REAL ID from this bill and put together a workable employment verification system that does not needlessly burden every legal job seeker in this country with the onerous and problematic requirements of REAL ID.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I know my friend from South Dakota wishes to speak. I have a unanimous consent request I wish to make that will put us into a situation where he can speak. I understand he wants to speak for 5 minutes. This will only take a minute, and then I will be recognized to do some other business we have to do tonight. It is nothing in relation to immigration. No one need worry about that.

ORDERS FOR THURSDAY, JUNE 28, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes business today, it stand adjourned until 9:30 a.m., Thursday June 28; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1639, the immigration bill, with an hour for debate only prior to a cloture vote on S. 1639, with the time equally divided and controlled between Senators KENNEDY and SPECTER or their designees; that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments; and that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding the Senator from South Dakota, Mr. THUNE, wishes to be recognized. Is the Senator going to use the full 10 minutes? He is entitled to it.

Mr. THUNE. Mr. President, I shouldn't take that long. I guess maybe 7 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

IMMIGRATION

Mr. THUNE. Mr. President, I thank the majority leader for his indulgence. I appreciate very much the opportunity to speak to the issue before the Senate today.

The debate over immigration has been a contentious one. Soon we are going to come to that moment of truth when we all have the opportunity to cast a vote either for or against the so-called "grand bargain" that is before the Senate. Most of us are going to make that vote formed by our own experiences, formed by our conscience, formed by our constituents, and like so many others in this Chamber, those are all factors that come into play and influence the way that I view this very important and serious issue.

In fact, to speak to some of the experiences I have had, it was not too long ago I was in a supermarket in my home State of South Dakota in Sioux Falls. I was approached by someone who was working there who had asked me to help with a problem. It turns out he was in this country, and his wife had been here illegally. They had a child here. The child, therefore, is a citizen. His wife determined that she wanted to be legal. So she left this country and went back home and decided to come here through a legal mechanism. That was a year ago. For the past year, she has been trying to come back to this country legally. I have been working with her. They have to first get an immigrant waiver and then ultimately go through the process where she can come into this country and come legally.

I make that point because I believe it is very relevant to the debate we are having on the floor of the Senate. If this woman who wanted to do the right thing and decided to go back because she wanted to come into the United States of America legally—she didn't want to be here illegally—had just stayed here, under this bill, she could become legalized. What does that say to all the people such as her who are trying to follow the laws, who are trying to play by the rules we have created?

That is one episode, one example, as I look at this debate and think about the consequences for those who have played by the rules, those who follow our laws, those who observe the rule of law in America, how it forms the way I view this issue.

We have been told throughout this debate that this is the best compromise that can be achieved and, after all, isn't compromise the essence of what the Senate is all about, is coming to a consensus after a long debate? The difference with this grand bargain is that the die was cast long before the debate began. The process whereby this bill came to the floor bypassed the regular order, and its outcome has been ordained by the grand bargainers to prevent amendments that might actually improve the bill from becoming part of the solution to America's broken immigration system.

Opposing the underlying bill or proposing amendments to improve it has led to labels such as anti-immigrant or nativist or xenophobic. I am none of the above. It is not anti-immigrant to be for the rule of law. It is not nativist to be for enforcing America's laws. And it is not xenophobic to believe that those who come to America should come here legally.

America has a long tradition as a welcoming nation. I am a product of that tradition. In 1906, two Norwegian brothers named Nicolai and Matthew Gjelsvik came to America from Norway. The only English they knew were the words "apple pie" and "coffee," which evidently they learned on the way over.

When they arrived at Ellis Island, the immigration officials determined that their given name would be too difficult to spell and pronounce for people in this country so they asked them to change it. G-j-e-l-s-v-i-k was how they spelled it. They picked the name of the farm where they worked near Bergin, Norway, which was called the Thune Farm. So Nicolai Gjelsvik became Nick Thune, my grandfather.

Then, as now, there was a great demand in America's economy for workers. They went to work on the transcontinental railroad doing hard manual labor. they learned English and made enough to start a small merchandising company which subsequently became a hardware store that to this day bears their name. They came here for the opportunity that America offered—the opportunity to succeed and the opportunity to fail.

Their story has been duplicated millions and millions of times over and continues today. Millions and millions of Americans came here from other places, but they came here legally. I support them and the millions more who are still to come. You see, you can be pro-immigration and pro rule of law. The two are not mutually exclusive. Unfortunately, the bill before the Senate violates that bedrock American distinction of the rule of law. Under this bill, somewhere between 12 and 20 million illegal immigrants will be immediately legalized.

Ironically, it is that very rule of law that serves as a magnet that attracts people to America. The reason America's economy is the most prosperous in the world is its foundation is in the rule of law. Concepts such as legal certainty, private property rights, and an independent judiciary provide the framework for the most successful economy in the history of civilization. It doesn't happen by happenstance. It happens because the rule of law is an inviolable principle of American democracy.

The solution to America's broken immigration system is really quite simple: Enforce the laws in the workplace and enforce the laws at the border. Sacrificing America's most basic foundational principle in the interest of a short-term fix betrays the belief of the millions who are here legally and the millions more to come that America is different because here the rule of law matters.

President Ronald Reagan once said that a nation that "can't control its own borders can't control its destiny." We are a country, we are a nation. We need the strong border security measures in this bill, and we need the strong workplace verification measures in this bill, but the immediate legalization of 12 million people is a bridge too far.

It contradicts one of the great ideals of our democracy and sends wrong and conflicting signals to those who are here currently and those who will come in the future. The demand for workers in America can be met when those here illegally go back and return through legal channels or when they are replaced by those who wait to come legally. This bill is the wrong solution, and I believe and I hope that the Senate will reject it.

We can get a good immigration bill, a solid immigration bill that secures the border, that deals with the issue of workplace verification, and it sends the right message to those who are waiting to come to America that America is a nation, a welcoming nation, a nation that is pro-immigration, but a nation that fundamentally respects its great tradition as a nation that is based upon the rule of law.

I hope my colleagues, as they consider how they will vote tomorrow on these important votes, will think about the importance of that tradition of the rule of law, the importance of the message we send to those who have observed our laws, such as the lady I mentioned whose husband is in Sioux Falls, SD, and she hopes to come back to our great country and to our State. She made a fundamental decision that she was going to play by the rules, she was going to follow the laws. There are so many like her. What we want to do is send a message that people like her are welcome here, people who follow our laws. We don't want to reward those who come here illegally. I believe on a most basic level that is what the legislation before the Senate does.

I urge my colleagues to vote "no" on these important votes tomorrow.

Mr. President, I yield back the remainder of my time.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 1

Mr. REID. Mr. President, despite the fact that we are fast approaching the 6-year anniversary since the terrorist attacks of September 11, it is painfully clear that we have a lot of work to do to protect this Nation from further terrorist attacks. The threats are real, they are growing, and when Democrats took control of the Congress at the start of this year, we said we would implement the unanimous recommendation of the bipartisan 9/11 Commission. That matter passed this body by a big vote. That is where we said we should implement into law the 9/11 Commission recommendations. Democrats voted for that, and Republicans voted for it. It was one of the first bills we passed at the start of this session of Congress. The House passed its version of the bill on January 9. The Senate passed our bill on March 13. The House bill was 299 to 128; ours was 60 to 38.

As my colleagues know, Democrats and Republicans who serve on the House and Senate committees with jurisdiction over this bill have worked tirelessly to resolve the differences on these two bills. I myself have spoken to Chairman LIEBERMAN, I don't think it is an exaggeration to say a dozen times. The American people expect us to finish this work quickly, and that is why we believe we need to take the next procedural step as part of our regular order, which is to appoint conferees to finish these negotiations.

When this bill is signed into law, it will make America more secure. It will improve the screening of maritime cargo so that Americans can be assured we are doing all we can to prevent the smuggling of weapons into this country, including nuclear weapons. It will improve the congressional oversight of intelligence to ensure we are building the best capabilities possible to stop terrorist attacks. It will improve information sharing and communications interoperability among first responders so that they can work swiftly to prevent terrorist attacks. It will ensure that transportation and mass-transit structures are hardened against terrorist attacks.

This legislation wasn't something a couple of Senators dreamed up. It was the recommendations of the bipartisan

9/11 Commission, chaired by Governor Kean and cochaired by Congressman Hamilton, a Republican and a Democrat. This is what we are doing. We are long past when we should have done this. We need to do this.

I make the following request, Mr. President: I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1 and that the Senate then proceed to its consideration; that all after the enacting clause be stricken and the text of S.4, as passed by the Senate on March 13, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, the leadership has been continuing to consult with our colleagues who are working on this legislation, and I have the impression, from talking to Members who are involved, that they have done a lot of good work and perhaps have made some progress that will lead to being able to get a conference and act on it. They have been discussing some very significant issues.

One of the problems that I recall is that this legislation went well beyond what was just in the 9/11 Commission recommendations, and that is a major part of the problem. There was some other language that was of great concern and could lead this bill to be vetoed by the President, but he does not want to veto it, and we want to get a bill that we can agree on that can become law. We all want to strengthen our homeland security, but, as quite often is the case in the Congress—the House or the Senate or the both of us—we put language in these bills that is problematic and, in my opinion and others, counterproductive. So we don't want to get to a point where we can't get an agreement or get a bill signed into law and have to start back at square one.

I wish to emphasize that the impression of the leadership—and that is whom I am speaking for here—is that they are working and making progress, and we hope they will continue to do that and get a good, productive, and bipartisan agreement.

At this point, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I, of course, am very disappointed my Republican colleague has chosen to object to this request on moving forward on the 9/11 Commission recommendations bill. The minority stated yesterday that they had a problem with the bill. We agreed to take that out of the bill. I don't know how much more we can do.

It appears to me there are forces within the Republican Senate that simply don't want this bill enacted. This is really too bad. As my friend—and we have worked together on this Senate floor, my friend, the junior Senator from Mississippi, we have worked on this floor together for many years. When he was the majority leader, we worked together in detail on so many different issues, so this is not directed toward him. But I do say that there have been procedural roadblocks thrown up in front of virtually everything we have tried to do in the Senate this year. I was hoping we could reconsider this obstructionism when it comes to moving legislation that would make America more secure. Every day we wait on this is another day for the terrorists. For example, I talked about cargo screening. Other countries do it, but we don't.

These phantom issues which are blocking this bill do not exist. This is a bill which the managers, Senator LIEBERMAN and others, have worked out. We could go to conference and do this bill in one-half hour, an hour. And this is a real conference where conferees would sit down, there would be open debate, public debate, there is nothing to jam this through. This is the way we should do things.

The 9/11 victims' families have organizations, and these family representatives are calling for all parties to move this forward, and we are listening to them. This bill needs to pass. We are willing to be flexible. We have shown that. I would hope my Republican colleagues and the administration will demonstrate what they do not like about this bill, and what they do not like about it, tell us. This bill is important. It is important for me and my family, every Senator here and their families, everybody in this country, and every day we don't do something is a day lost.

I can assure my Republican colleague that Senator LIEBERMAN, our lead conferee, as well as the rest of our conferees will continue to work in a bipartisan manner, as they have to date. So I am very disappointed the Republicans are still objecting to moving the process forward on this bill. I say to my colleagues and to all Americans that I will be back on the floor again and again until our Republican friends allow us to move forward.

I do say, Mr. President, that it is a real shame we can't get this done before the Fourth of July recess. I am not exaggerating when I say this bill needs to be done. I think, without going into any confidential information, this bill should pass. We should do it as soon as we can. I urge my friend to speak to whomever needs to be spoken to on the other side to reconsider their objection.

Tomorrow, let us move this bill. It is Thursday. We could complete this before we go home, and it would be a day of celebration for all America that we are implementing the 9/11 Commission recommendations.

UNANIMOUS-CONSENT REQUEST—H.R. 1585

Mr. REID. Mr. President, I have a unanimous consent request that I would like to make, and I will do that right now.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 189, H.R. 1585, the Department of Defense Authorization Act, on Monday, July 9, following the period of morning business.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, it is my understanding the Senate bill is not yet available. I think the bill will be filed at some point soon so that Members can review it, but at this time, until Members see the legislation, I will object, and maybe we can revisit this when the bill is reported. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. If I could ask the indulgence of the majority leader briefly.

With regard to the effort on the homeland security, 9/11 Commission recommendations, I think the concerns we have on this legislation were made very clear, laid out in the CONGRESSIONAL RECORD when the legislation was being considered. We want homeland security in America, but we also want to make sure the money we provide and what we authorize is done in a responsible and appropriate way. There is the possibility of gorging the system without getting a lot of results.

I have flown to the different ports in this country and looked at port security and all the intermodal activities and the security that goes on there. More is being done than maybe some people realize. But also there were some labor provisions in this legislation that clearly needed to be worked out in order for this legislation to make it through the process.

But I agree, hopefully we can get something worked out here where this legislation could perhaps get into conference and get it done before we leave for the Fourth of July. The conferees know where the problems are; if they would meet and get those problems worked out, then I think probably this legislation could be cleared.

I just wanted to respond to the majority leader's concern. I understand how he feels and what he is trying to do, but I did want to put those comments and those thoughts on the record.

Mr. REID. Mr. President, I would say this: The labor provisions about which the distinguished Senator talked, we have agreed to take care of those. Everybody knows that. Maybe my friend doesn't, but we certainly have conveyed this to the minority in great detail. I would simply say, if it is not this, then what is it? We have agreed to handle the labor situation in this bill. The Speaker and I have agreed, and I don't know what other assurance anyone could give.

This is really stunning to me, that on the Defense authorization bill I am going to have to file cloture—Defense authorization bill—a motion to proceed to it. We have already filed—I don't know the exact number, I lose track of it, but 12 to 14 motions, clotures on motions to proceed, far more than were done in the last Congress just in this little period of time we have been here. Why? Because everything we move to, there is an objection.

Keep in mind what this is. It is the Defense authorization bill, a bill we have to pass to take care of our troops in Iraq, in Afghanistan, in Korea, in Germany, and troops here at home. It is for training. It has a pay raise in it. It is a good piece of legislation worked on by Senator WARNER and Senator LEVIN. It is a bipartisan bill, and I just think everyone who is listening to these proceedings, wherever they might be, should understand the Republicans are objecting to going to the bill to fund our troops.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 189, H.R. 1585, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will now report the motion to invoke cloture on the motion to proceed to H.R. 1585.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 189, H.R. 1585, Department of Defense Authorization, 2008.

Harry Reid, Richard J. Durbin, Daniel K. Inouye, Byron L. Dorgan, Ted Kennedy, Joe Biden, Patty Murray, Bill Nelson, Jack Reed, Debbie Stabenow, Jim Webb, Ben Nelson, Ron Wyden, Pat Leahy, H.R. Clinton, Claire McCaskill, Carl Levin.

Mr. REID. Mr. President, I now withdraw the motion to proceed and ask the mandatory quorum call with respect to the motion required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 320(c) of S. Con. Res. 21, the 2008 Budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that extends the Transitional Medical Assistance program, so long as that legislation does not worsen the deficit over the period of fiscal years 2007 through 2012 or fiscal years 2007 through 2017.

I find that S. 1701, introduced today by Senator BAUCUS, satisfies the conditions of the deficit-neutral reserve fund for Transitional Medical Assistance. Therefore, pursuant to section 320(c), I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 320(c) DEFICIT-NEUTRAL RESERVE FUND FOR TRANSITIONAL MEDICAL ASSISTANCE

[In billions of dollars]

Section 101:	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,376.360
FY 2008	2,496.053
FY 2009	2,517.001
FY 2010	2,569.530
FY 2011	2,684.693
FY 2012	2,718.954
(3) Budget Outlays:	
FY 2007	2,299.752
FY 2008	2,468.314
FY 2009	2,565.585
FY 2010	2,599.174
FY 2011	2,691.658
FY 2012	2,703.160

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 320(c) DEFICIT-NEUTRAL RESERVE FUND FOR TRANSITIONAL MEDICAL ASSISTANCE

[In millions of dollars]

Current Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,515
FY 2007 Outlays	1,017,805
FY 2008 Budget Authority	1,078,809
FY 2008 Outlays	1,079,815
FY 2008–2012 Budget Authority	6,017,388
FY 2008–2012 Outlays	6,021,713
Adjustments:	
FY 2007 Budget Authority	12
FY 2007 Outlays	3
FY 2008 Budget Authority	96
FY 2008 Outlays	99
FY 2008–2012 Budget Authority	−9
FY 2008–2012 Outlays	−3
Revised Allocation to Senate Finance Committee:	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on June 11, I was unable to vote on the motion to invoke cloture on the motion to proceed to the consideration of S.J. Res. 14, a joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzalez no longer holds the confidence of the Senate and of the American people. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 207, I would not have voted in favor of the motion to invoke cloture on the motion to proceed to the consideration of S.J. Res. 14. My vote would not have altered the result of this motion.

OPEN GOVERNMENT ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 41st anniversary of the Freedom of Information Act, FOIA, landmark legislation that has guaranteed the public's "right to know" for generations of Americans. Regrettably, the Senate will mark this very important anniversary without having passed the Openness Promotes Effectiveness in Our National Government Act, the OPEN Government Act, S. 849, comprehensive legislation that Senator CORNYN and I introduced earlier this year to strengthen and reinvigorate FOIA for all Americans.

Responsive government and transparent decisionmaking are bedrock American values. FOIA honors and helps translate those values into practice, and the OPEN Government Act will help FOIA work better in serving the public's interest.

The Judiciary Committee favorably reported this bipartisan legislation in April. But a Republican hold is delaying consideration of this important FOIA reform bill. The Senate Republican leadership has also ignored requests to debate this bill on the Senate floor, needlessly stalling these long-overdue, bipartisan reforms to strengthen FOIA.

For more than four decades, FOIA's timeless values of openness and transparency in government have ensured access to Government information. Just this week, we witnessed the great value of FOIA in shedding light on a controversial policy within the Office of the Vice President regarding the handling of classified information, with news reports that a FOIA request to the Justice Department first revealed that the Attorney General may have delayed a review into the legality of this troubling policy.

Although FOIA remains an indispensable tool in shedding light on bad policies and Government abuses, this open Government law is being hampered by excessive delays and lax FOIA compliance. Today, Americans who seek information under FOIA remain less likely to obtain it than during any other time in FOIA's 40-plus year history. According to the National Security Archive, an independent research institute, the oldest outstanding FOIA requests date back to 1989, before the collapse of the Soviet Union.

Moreover, more than a year after the President's FOIA Executive order to improve agency FOIA performance, FOIA backlogs are at an alltime high. According to a recent report by the Government Accountability Office, Federal agencies had 43 percent more FOIA requests pending and outstanding in 2006 than in 2002. In addition, the percentage of FOIA requestors who obtained at least some of the information that they requested from the Government declined by 31 percent in 2006, according to a study by the Coalition of Journalists for Open Government.

As the first major reform to FOIA in more than a decade, the OPEN Government Act would help to reverse these troubling trends and to restore the public's trust in their Government. In so doing, this bill is a fitting tribute to FOIA and a wise investment in our American democracy.

The OPEN Government Act promotes and enhances public disclosure of Government information under FOIA by helping Americans to obtain timely responses to their FOIA requests. This bill also improves transparency in the Federal Government's FOIA process by restoring meaningful deadlines for agency action under FOIA; imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to Government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

Let me also be clear about what this bill does not do. This bill does not harm or impede in any way the Government's ability to withhold or protect classified information. Classified, national security and homeland security-related information are all expressly exempt from FOIA's disclosure mandate, and this bill does nothing to alter these important exemptions. Senator CORNYN and I have also offered an amendment to this bill that would preserve the right of Federal agencies to assert these and other FOIA exemptions, even if agencies miss the 20-day statutory deadline under FOIA.

The OPEN Government Act is cosponsored by a bipartisan group of 13 Senators, including the bill's lead Republican cosponsor, Senator CORNYN. This bill is also endorsed by more than 115 business, public interest, and news organizations from across the political and ideological spectrum, including the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative, and the Vermont Press Association. I thank all of the cosponsors of this bill for their commitment to open government. I also thank the many organizations that have endorsed the OPEN Government Act for their support of this legislation.

The OPEN Government Act is a good-government bill that Democrats and Republicans alike can and should work together to enact. If there are legitimate concerns with this bill, those concerns should be openly debated and the Senate should promptly pass this legislation.

Senator CORNYN and I both know that open government is not a Democratic issue or a Republican issue. It is an American issue. It is in this bipartisan spirit that I urge the Senate to promptly consider the OPEN Government Act and that I encourage all Senators to support this important FOIA reform legislation.

I ask unanimous consent to have printed in the RECORD a list of the bill's supporters following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF SUPPORTERS OF THE LEAHY-CORNYN OPEN GOVERNMENT ACT, S. 849

Alliance for Justice
America Association of Law Libraries
American Association of Small Property Owners
American Booksellers Foundation for Free Expression
American Civil Liberties Union (ACLU)
The American Conservative Union
American Families United
American Library Association
American Society of Newspaper Editors, Member of Sunshine in Government Initiative
Animal Welfare Institute
ASPCA
Assassination Archives and Research Center
Associated Press, Member of Sunshine in Government Initiative
Association of Alternative Newsweeklies, Member of Sunshine in Government Initiative
Association of American Publishers
Bill of Rights Defense Committee
Biodiversity Conservation Alliance
Blancett Ranches, Aztec, NM
Californians Aware
Californians for Western Wilderness
Center for Democracy and Technology
Center for Energy Research
Center for National Security Studies
Citizen Action New Mexico
Citizens for Responsibility and Ethics in Washington (CREW)
Chamber of Commerce of the United States
Coalition of Journalists for Open Government, Member of Sunshine in Government Initiative
Common Cause
Community Recovery Services
Conservation Congress
Doctors for Open Government
DownsizeDC.org, Inc.
The E-Accountability
FoundationlParentadvocates.org
Electronic Frontier Foundation
Environmental Defense Institute
Environmental Integrity Project
Ethics in Government Group
Fernald Residents for Environmental Safety & Health, Inc.
Florida First Amendment Foundation
Forest Guardians
Friends Committee on National Legislation
Friends of Animals
Friends of the Wild Swan
Georgia Forest Watch
Georgians for Open Government
Government Accountability Project
Great Basin Mine Watch
Gun Owners of America
HALT,Inc
The Health Integrity Project
HEAL Utah
The Humane Society of the United States
Idaho Sporting Congress, Inc.
Indiana Coalition for Open Government
The James Madison Project
Law Librarian Association of Greater New York
Law Librarians Association of Wisconsin
League of Women Voters of the U.S.
Liberty Coalition
Los Alamos Study Group
Maine Association of Broadcasters
Mine Safety and Health News
The Multiracial Activist
National Association of Broadcasters, Member of Sunshine in Government Initiative
National Association of Manufacturers
National Coalition Against Censorship
National Freedom of Information Coalition
National Newspaper Association, Member of Sunshine in Government Initiative
National Press Club
National Security Archive
National Taxpayers Union
National Treasury Employees Union
National Whistleblower Center
Natural Resources Defense Council
The New Grady Coalition
Newspaper Association of America, Member of Sunshine in Government Initiative
No FEAR Coalition
Northern California Association of Law Libraries
Northwest Environmental Advocates
Nuclear Watch New Mexico
Okanogan Highlands Bottling Company
OMB Watch
Open Society Policy Center
OpenTheGovernment.org
Oregon Natural Desert Association

Oregon Peace Works
Owner-Operator Independent Drivers Association, Inc.
People For the American Way
Project On Government Oversight
Public Citizen
Radio-Television News Directors Association, Member of Sunshine in Government Initiative
ReadtheBill.org Education Fund
Reporters Committee for Freedom of the Press, Member of Sunshine in Government Initiative
Republican Liberty Caucus
Reynolds, Motl & Sherwood, PLLP
The Rutherford Institute
Sagebrush Sea Campaign
Semmelweis Society International
Snake River Alliance
Society of American Archivists
Society of Professional Journalists, Member of Sunshine in Government Initiative
Southern California Association of Law Libraries
Southwest Research and Information Center
The Student Health Integrity Project
Tax Analysts
Tri-Valley CAREs (Communities Against a Radioactive Environment)
Union of Concerned Scientists
VA Whistleblowers Coalition
Vermont Coalition for Open Government
Vermont Press Association
Western Environmental Law Center
Western Lands Project
Western Resource Advocates
The Wilderness Society
Wild Wilderness
Wilderness Workshop

REMEMBERING SENATOR CRAIG THOMAS

Ms. COLLINS. Mr. President, it has been said that we all have a birth date and a death date, with a dash in between. It is what we do with our dash that counts.

Senator Craig Thomas made his count. He was a dedicated public servant, a vigorous advocate, a compassionate leader, a marine, a proud patriot. To the citizens of his beloved Wyoming and to his colleagues in the Senate, he was a cherished friend.

Although my State and his are miles apart, with vastly different geography and history, I am struck by the similarities in the character of our people. Both the rugged Maine Yankee and the tough Wyoming cowboy are steadfast and modest. Both are determined, committed to doing what is right rather than what is easy. An old cowboy proverb says, "The best way out of a tight spot is to go straight through it," and Craig Thomas always faced challenges head-on. I have no doubt that he would have been just as at home on the deck of a lobster boat as he was on horseback, riding the range.

As a Senator representing a large rural State, I deeply appreciate Craig's devotion to preserving and enhancing a way of life that is such a vital part of the American spirit. His tireless work on such issues as agriculture, Indian affairs, natural resources, rural health care, and educational opportunity will help ensure a better future for people in small communities throughout our nation.

The courage and integrity with which he led his life were evident until the very end. Although stricken with a terrible disease, Craig always put his Nation and his State first. There was no time for self-pity or regret while there was still work to be done. He stayed in the saddle.

Craig was a public man, but, first and foremost, he was a loving husband, a devoted father, and a proud grandfather. In this time of sorrow, I know that his wonderful family finds strength in his honorable legacy. Senator Craig Thomas filled his dash with service, courage, and commitment, with life and love. May his memory inspire us all to do the same.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On April 12, 2007, in Crothersville, IN, Coleman King and Garrett Gray beat a man to death for allegedly making a sexual proposition to one of them. As the two young men were returning to Gray's house from an errand that day, they picked up 35-year-old Aaron Hall. The two men told police that Hall had propositioned King; in retaliation, King and Gray began to beat Hall. The two men allegedly struck Hall until his eyes were swollen shut and he was spitting blood. They then carted him off to a ditch, continued to beat him and left him for dead. The two men drove back to the ditch with a shotgun later that day in order to make sure Hall was dead, but found him instead several days later dead in a nearby field, where he had apparently crawled.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM BOWMAN

• Mr. ALLARD. Mr. President, I pay tribute today to a legend of the U.S. Air Force Academy's athletic department, Mr. Jim Bowman. After dedicating 49 years of service over six decades to the Air Force Academy, Mr. Bowman, the associate athletics director for recruiting and support, will retire at the end of July 2007.

Mr. Bowman excelled on the football field at Michigan's Charlevoix High School. Following graduation, Mr. Bowman brought his on-the-field tenacity to the University of Michigan, where he played 3 years for the Wolverines, lettering at center his senior year. After graduation in 1956, Bowman joined the Air Force and completed pilot training in 1957 and also attended B-47 transition school.

In 1958, Lieutenant Bowman arrived at the Air Force Academy as junior varsity football coach. He led the junior varsity team for a total of 5 years and the freshman team for 11 years. In addition to his coaching duties, Mr. Bowman also began serving as the Academy's associate athletic director for admissions. However, after the 1975 season, when the Academy added 10 Varsity women's teams in addition to the 17 existing men's teams, Bowman stepped down from coaching to devote his full-time duties to recruiting support.

At the Air Force Academy, Bowman served on a coaching staff that led the Falcons to 17 postseason bowl games and 16 Commander-in-Chief's Trophies, as the top service academy football team. Since arriving at the Academy, Bowman has seen every class graduate, totaling 38,797 cadets to date, has overseen the appointment of an estimated 14,000 recruited athletes, and administered 49 admission cycles. Through this period, Mr. Bowman worked with 16 superintendents, 22 commandants of cadets, 8 deans of faculty, 8 athletic directors, 10 directors of admissions, and 120 assistant football coaches. His extensive experience in all phases of intercollegiate athletics has contributed immensely to the development of the Air Force Academy's athletic programs. Mr. Bowman is an honorary member of the Academy Association of Graduates and a lifetime member of the American Football Coaches Association. In 2001, Bowman was inducted into the Colorado Springs Sports Hall of Fame as part of the 1958 Cotton Bowl team.

Jim Bowman's retirement from the Academy marks the end of an era in Air Force Academy athletics. His 49 years of dedication to Falcon athletes, our future Air Force officers, and the Academy is simply unparalleled. Although his service at the Academy will be missed, I know Mr. Bowman will continue to serve his country in whatever future endeavors he chooses to pursue.

I ask my colleagues to join me in recognizing Mr. Jim Bowman's hard work and commitment to the U.S. Air Force Academy, the Air Force, and our country. While Mr. Bowman described his service to the Academy as "a privilege and an honor," it is our Nation that is indebted to Jim Bowman for his positive influence in helping to shape the characters of so many of our future military leaders.●

CONGRATULATING CHARLES J. MARTINEZ

● Mr. BUNNING. Mr. President, today I pay tribute to Charles J. Martinez of Bowling Green, KY, on being recognized as a winner of the Library of Congress's 2007 Letters About Literature competition.

Letters About Literature is a reading and writing program sponsored by the Library's Center for the Book. Throughout the country more than 56,000 young readers in grades 4 through 12 participated in the program, which encourages young kids to read and write a letter to their favorite author, of any era, whose books inspired them.

Charles chose to write about author J.K. Rowling's "Harry Potter" series. He was one of two winners chosen this year in the Commonwealth of Kentucky.

I now ask my fellow colleagues to join me in congratulating Charles for his dedication and commitment to reading and writing. In order for our society to continue to advance in the right direction, we must encourage more young people like Charles to read and write as often as possible. He represents Kentucky at its finest.●

CONGRATULATING CARLEY SMITH

● Mr. BUNNING. Mr. President, today I also pay tribute to Carley Smith of Harrodsburg, KY, on being recognized as a winner of the Library of Congress's 2007 Letters About Literature competition.

Letters About Literature is a reading and writing program sponsored by the Library's Center for the Book. Throughout the country more than 56,000 young readers in grades 4 through 12 participated in the program, which encourages young kids to read and write a letter to their favorite author, of any era, whose books inspired them.

Carley chose to write about author Judith Guest's "Ordinary People." She was one of two winners chosen this year in the Commonwealth of Kentucky.

I now ask my fellow colleagues to join me in congratulating Carley for her dedication and commitment to reading and writing. In order for our society to continue to advance in the right direction, we must encourage more young people like Carley to read and write as often as possible. She represents Kentucky at its finest.●

HONORING NEW ENGLAND OUTDOORS CENTER

● Ms. SNOWE. Mr President, today I honor an exceptional small business from my home State of Maine that is striving to employ more Mainers and revive tourism in one of Maine's hidden natural treasures. The New England Outdoors Center of Millinocket is a multifaceted ecotourism and recreational sports business and a wonderful example of entrepreneurial spirit in Maine. Local residents of the Millinocket region and tourists, who come from far and wide to see Maine's splendor and beauty, enjoy the Outdoors Center's diversity of services. In addition, the Center's owner, Matt Polstein, is working to add a resort to his business which would bring additional jobs to the Katahdin region.

The New England Outdoors Center is an all-season facility that consists of a snowmobile business, the River Drivers restaurant, and a white water rafting enterprise. The Outdoors Center provides a gateway to Baxter State Park and the spectacular Mount Katahdin, the Appalachian Trail's northern terminus. The Center has won numerous commendations throughout its decades of operation, including a Maine Tourism award. It is a member of the Katahdin Area Chamber of Commerce, the Maine Tourism Association, the Maine Snowmobile Association, and many other groups. Matt Polstein and the New England Outdoors Center's endeavors greatly benefit the local economy, which has recently been suffering due to a slump in visitors to Baxter State Park.

In light of this decline in tourism, Matt Polstein's vision of building the new Ktaadn Resorts on Hammond Ridge is particularly critical in bringing people back to the Katahdin region and to all of Maine. Mr. Polstein's $65 million proposal evidences his commitment and determination to create new jobs for Mainers and to contribute to the growth of Millinocket's regional economy. The plan has garnered the support of the Millinocket community and its leaders, as well as the unanimous endorsement of Maine's Land Use Regulation Commission, which oversees the state's planning and zoning for plantations, townships, and unorganized areas without local governance. This forward-thinking proposal for a new resort is one of the largest resort proposals in Maine's Unorganized Territory history—a true victory for all involved. Conscious of the environment, Mr. Polstein is seeking to grow crops and livestock for use at the resort and in the community. The new Ktaadn Resorts will be an extraordinary feat when finished, complete with a state-of-the-art conference center, a lodge, rental cabins, and restaurants. The Resort is expected to create at least 100 new jobs and to shed light on Millinocket as a hub of tourism in Maine and New England.

It is vital that we respect our natural surroundings, and Matt Polstein's proposal does just that. It is a bright example of the kind of intelligent planning that benefits Maine's economy while protecting the State's natural environment. Mount Katahdin is a shining example of what makes Maine beautiful, and Mr. Polstein's dedication to the improvement of his community exemplifies what makes Maine people so special. I commend Matt Polstein for his public service as a city councillor in Millinocket, his current business ventures that provide accommodations and services to tourists year-round, and for his smart and bright entrepreneurial savvy with the future Ktaadn Resorts. I wish Mr. Polstein and everyone at the New England Outdoors Center continued prosperity, and a successful completion to the Ktaadn Resorts.●

KEAN UNIVERSITY CHAMPIONS

● Mr. LAUTENBERG. Mr. President, I wish to pay tribute to the Kean University Cougars baseball team's dramatic victory in the 2007 NCAA Division III National Championships. Bringing joy to the more than 13,000 Kean University students and all of the Cougar fans in Union, NJ, Kean University capped off their impressive season with a thrilling 5-to-4 victory in the 10th inning of the championship game. The victory ushered in the Cougars' first baseball championship title and was the culmination of an inspiring undefeated run through the postseason.

Throughout the season the team played with courage and determination. Boasting a roster with 28 New Jerseyans, the Cougars finished in first place in the New Jersey Athletic Conference, NJAC, with an impressive record of 15 wins and only 3 losses, best in the conference. Although the Cougars fell to the College of New Jersey in the conference championships, the team recovered quickly and finished the season with an overall record of 43 wins and 8 losses and the national championship.

Championship baseball requires strong leadership, and under coach Neil Ioviero, the Cougars played team baseball that allowed them to realize their full potential. With the help of assistant coaches Jamie Ioviero, Lewis France, Jack Nagy, Francisco Romero, and Frank Beckhorn, the coaching staff created a winning environment and offered the guidance that allowed the Cougars to excel on the field.

The entire Cougars squad played with heart and the championship was truly a team effort. I would like to congratulate and commend all of the players on the Kean University 2007 Division III Championship Team: Maikel De La Rosa, Ryan Clark, Joseph Augustine, Mike Shymanski, Keith Kwiatek, Aaron Richard, Joseph D'Andrea, Eric

Ammirata, Perry Schatzow, Chris Carrano, Thomas Paglione, Brandon Aich, Mike Manganiello, Kevin O'Neill, Kyle Murphy, Andrew Cupido, Colin Feneis, Matt Donaghue, Derek Gianakas, Mark Blevins, Dan Mattonelli, Matt Grinkevich, Joe Rizzo, Tim Lowe, Daniel Zeffiro, Joe Bartlinski, Matt Merrigan, Nick Nolan and Nick Cesare.

Mr. President, on behalf of the State of New Jersey I am honored to congratulate the Cougars for their NCAA Division III Championship season. They played hard and displayed an admirable commitment to competition and sportsmanship that instills a sense of pride in the students of Kean University, the team's fans, and the people of my State.•

TRIBUTE TO VIC ATIYEH

• Mr. SMITH. Mr. President, there is a word Senators traditionally use when referring to one of our male colleagues on the floor of the Senate. That word is "gentleman." It is a word that you don't hear often in today's society, as many consider it too old-fashioned. I disagree. Calling someone a gentleman is one of the highest compliments one can give.

I pay tribute to the career and accomplishments of a truly outstanding gentleman—the former Governor of Oregon Vic Atiyeh. Anyone involved in the Oregon political arena over the past several decades, Republican or Democrat, will tell you about Vic Atiyeh's kind and courteous nature, his personal integrity, and his civility in a business that is all too often uncivil.

On Wednesday, July 18, 2007, Oregonians will gather at the Portland International Airport to officially dedicate the international concourse as the "Governor Victor G. Atiyeh International Concourse." This is an outstanding and truly fitting honor. During his eight years as Oregon's Governor, Vic Atiyeh implemented policies that transformed Oregon into a hub for international commerce. Long before the term "global economy" was part of our lexicon, Vic understood the importance of opening Oregon's doors to international commerce, tourism, and cultural exchange programs.

Vic Atiyeh's leadership in transforming Oregon's economy was critical as his swearing-in came just as Oregon entered an economic nosedive the likes of which unseen since the Great Depression.

How bad was the situation? His first year in office, Governor Atiyeh called a special legislative session to deal with a $242 million budgetary shortfall. Just as he and the legislature agreed on a package of budget cuts, they were presented with new estimates increasing the shortfall by nearly $100 million. Several months later, the deficit jumped again by another $100 million.

Tough and unpleasant decisions had to be made. Vic Atiyeh rolled up his sleeves and made them. One of Oregon's most respected journalists, Brent Walth, wrote:

> Quietly, diligently, without whining or badgering or a single "I told you so," Atiyeh demonstrated how to manage a state through a crisis.

As a tribute to Vic's leadership, and the wisdom of Oregonians, in the darkest days of the recession he was reelected Governor by one of the largest margins in our State's history.

I can't help but think that at the naming of the international concourse, Vic Atiyeh will be thinking of his parents. Both Vic's father and mother were immigrants from the Middle East. They made their way first to Ellis Island, and then on to Oregon where in 1900 they started a family-owned carpet business—a business that continues to thrive today. I also know that Vic will be thinking about his wonderful wife Delores, who from the beginning has helped Vic to remember his priorities as a public servant, dedicated father, and husband.

A few years ago I invited a small contingent of Oregon leaders to join me for a breakfast to discuss issues important to our State. Vic called to say he would like to attend, but had a prior engagement: attending his granddaughter's soccer game. I assured Vic that I agreed, he was making exactly the right decision.

Mr. President, I am proud to call Vic Atiyeh my friend, and I am delighted the International Concourse at Portland International Airport will soon bear his name. While I will be here in Washington at the Senate on July 18, my thoughts and best wishes will be with one of Oregon's truly great gentlemen—Governor Vic Atiyeh.•

ANNIVERSARY OF HURRICANE AUDREY

• Ms. LANDRIEU. Mr. President, June 27, 2007, marks the 50th anniversary of Hurricane Audrey, which ravaged Cameron Parish in southwest Louisiana. It was the deadliest storm our Nation had ever experienced until Hurricane Katrina came ashore in 2005.

Hurricane Audrey was a hurricane like no one had ever seen before in south Louisiana. Some residents rode out the fierce category 4 storm in the Cameron Parish Courthouse, where a memorial service was held today. More than 400 lives were lost—men, women and children.

Don Kingery describes the wrath of Hurricane Audrey in today's Lake Charles American Press:

> Cameron Parish residents swam, clung, gasped and prayed. Those who reached cheniers—ridges slightly higher than the surrounding marshes found fear-crazed water moccasins and wild marsh animals snapping and striking at each other and at humans.

But the people of Cameron Parish and southwest Louisiana are resilient. We rebuilt our homes, our schools, our churches, our communities.

In September 2005, Hurricane Rita, the third worst hurricane our nation has ever seen, struck this same coast. Once again, the people of Cameron have shown unbelievable resilience—again, returning to their homes and rebuilding, literally, from the ground up. The Cameron Courthouse again managed to survive a devastating hurricane and truly became a symbol of strength and hope for the Parish. Every Cameron resident who suffered through Rita is linked by family and community to Audrey's survivors and victims.

Today is an opportunity to look back and remember Audrey and the lives lost, but also to look forward to a better, more vibrant community in the years ahead. At the Cameron Courthouse today, survivors shared with the younger generation their many vivid stories. We will take these stories and lessons from Audrey, learn from them and grow from them.

Today, I want the Senate to recognize the National Guard, Civil Air Patrol and American Red Cross, all of which worked so bravely 50 years ago in the wake of Hurricane Audrey, helping to bring Cameron Parish back to its feet.

I would also like to recognize BG Robert LeBlanc, who spoke at the memorial service in Cameron today. He formed the first Louisiana National Guard unit in Abbeville. In the aftermath of Audrey, he helped command the evacuation. He is now the Vermillion Parish director of homeland security and emergency preparedness and was recently inducted into the Louisiana National Guard Hall of Fame.

For the record, I want to honor Cameron Parish President Darryl Farque and Sheriff Theos Duhon as well as their 1957 counterparts: Parish President Eraste Hebert and Sheriff O.B. Carter.

Nola Mae Ross and Cathy Post also deserve recognition today, as their books on Hurricane Audrey will ensure future generations will never forget that fateful June day in 1957.•

HONORING FRANCIS CREE

• Mr. CONRAD. Mr. President, I want to pay tribute to a friend and distinguished North Dakotan, Francis Cree, who passed away on June 15 at the age of 86.

Francis Cree was a highly respected Ojibwe elder of the Turtle Mountain Band of Chippewa of North Dakota. He was the official pipe carrier for the tribe, a position of honor and leadership. He led the tribe as chairman in the 1960s and served several terms on tribal council. Francis spent countless hours teaching young people about

Ojibwe culture and traditions. He was also a singer, a crafter and artist, a spiritual leader, a carver of pipes, and a keeper of the ceremonial drum for the Dunseith community. On November 8, 2001, we had the honor here in the Senate of being led in opening prayer by Francis. It was indeed a proud day for Francis and his family.

Francis was married to Rose Cree, herself a well-known artist who made beautiful willow baskets, several of which were featured at the Smithsonian's Festival of American Folk Life on The Mall here in our Nation's Capital. The Crees collaborated on these baskets. Both collected the materials, while Francis made the frames from ash, and Rose wove the willows. In 2002, Francis and Rose received the National Endowment for the Arts National Heritage Fellowship, which recognizes the significant contributions of American folk artists.

Francis was a kind, humble, and generous man. He gave selflessly and never expected or wanted anything in return. Francis and Rose raised 14 children and opened their hearts and home to many more. They were also proud grandparents to more than 100 grandchildren and great-grandchildren and many, many great-great grandchildren. Each and every one of them is a reflection of Francis's caring and endearing spirit.

Mr. President, this is a tremendous loss for the Cree family, but it is also an incredible loss to North Dakota and the Nation. Francis's life and the legacy he leaves behind is truly an inspiration to us all.●

HONORING J. CLEVELAND CADY

● Mr. CONRAD. Mr. President, today I wish to recognize the contributions of a New Yorker with North Dakota ties—J. Cleveland Cady.

A few weeks ago while reading the New York Times, I happened across an article that referenced Mr. Cady's contributions to Manhattan's architecture. Mr. Cady was a prominent architect in New York during the late 1800s. He designed the American Museum of Natural History as well as the original Metropolitan Opera House. He also designed a significant portion of a fairly notable institution we know today as Yale University.

This article caught my eye because of a special connection between Mr. Cady and the State of North Dakota.

Early in the last century, a young North Dakotan named William Langer was attending a concert during his time at Columbia University when he noticed a beautiful woman sitting below him on the orchestra level. According to the William Langer Papers collected at the University of North Dakota, Mr. Langer was fond of recalling how he managed to have the woman's date called away on a phantom phone call. Seizing his opportunity, Mr. Langer approached the young lady and struck up a conversation. They began a long courtship shortly thereafter before marrying in 1918.

That woman was Lydia Cady, the daughter of J. Cleveland Cady.

Sadly, Mr. Cady died just 1 year after his daughter's wedding.

However, as the New York Times piece indicates, Mr. Cady's momentous architectural contributions continue to shape the landscape of New York City today.

In much the same way, his son-in-law's achievements played a key role in shaping the North Dakota of today. "Wild Bill" Langer was a larger-than-life figure in North Dakota politics for nearly half a century. Mr. Langer was elected attorney general of North Dakota in 1916. He went on to be elected Governor of North Dakota in 1932 and again in 1936. He then represented North Dakota in the U.S. Senate from 1941 to 1959, holding the seat I am now privileged to hold. In the Senate, Bill Langer was a champion for a range of issues that remain important to North Dakota today, including rural electrification, agriculture, and health care.

Mr. President, I ask unanimous consent that the New York Times article on Mr. Cady's architecture be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 18, 2007]

J. CLEVELAND CADY

On a morning in March when pedestrians were sliding around on the ice in front of the American Museum of Natural History, hard hats were walking along wooden planks 120 feet overhead installing blue metal scaffolds around a tiled tower that resembled an upside-down ice cream cone with one scoop on top. A vast scrim was stretched tightly down to the ground; behind it a three-year restoration of the building's facade would take place—dentistry on a grand scale. The goal? To preserve the robust and magnificent neo-Romanesque building designed by J. Cleveland Cady of Cady, Berg & See in the 1890s.

EAGLES

Fernando Fuentes, a foreman for the restoration company, stood on the sidewalk in his green hard hat. A former accountant, he began working high up on the sides of New York buildings 30 years ago. "I didn't want to wear a tie anymore," he said. "I wanted to get outdoors. The first time I looked down from the 60th floor of a building I went 'uh-oh' but I got used to it. Now I love it. You see for miles. Sometimes eagles have flown around us while we worked. We restored the tallest and most beautiful buildings in New York—the Chrysler Building, Rockefeller Center."

CADY

Cady, who was influenced by the great H.H. Richardson, designed the original Metropolitan Opera House in 1883. He built hospitals, churches, houses and college buildings (15 at Yale alone) but today he is pretty much forgotten. Even in the natural history museum where everything from limpet to triceratops is labeled, the name of J. Cleveland Cady is nowhere to be seen.

MEMORY

The Church of the Covenant, a modest building, stands at 310 East 42nd Street. Inside the church, a graceful Romanesque arch curves above the altar, and cast-iron columns support screens of white flowers. In a hall by the front door is a photograph of Cady, framed in dark wood. Cady, who died in 1919, taught Sunday school in the church for 58 years. Across from the portrait that is—finally—a plaque devoted to Cady, even though it is turning black with age. "In loving memory of J. Cleveland Cady," it says.

OUTSIDE THE MUSEUM—APRIL

Mr. Fuentes pokes his finger into a crack between two large blocks of pink granite: "we're going to point up all the stone." Men in yellow hard hats are loading chunks of stone into blue wheelbarrows and dumping them into an open truck the color of ketchup. "This place is beautiful," says Mr. Fuentes. "One day years from now I'll drive by and I'll say, 'I worked there.' "●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 1710. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–107).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2007" (Rept. No. 110–108).

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 966. A bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes (Rept. No. 110–109).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Reuben Jeffery III, of the District of Columbia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

*James R. Kunder, of Virginia, to be Deputy Administrator of the United States Agency for International Development.

*June Carter Perry, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Nominee: June Carter Perry.

Post: Sierra Leone.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Chad and Martha Perry, none; André Perry, none.
4. Parents: Bishop and Louise Carter, deceased.
5. Grandparents: Andrew and Martha Carter, deceased; Grover and Sadie Pendleton, deceased.
6. Brothers and spouses, no siblings.
7. Sisters and spouses, no siblings.

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*Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote D'Ivoire.

Nominee: Wanda L. Nesbitt.

Post: Abidjan, Cote d'Ivoire.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Jim Stejskal, none.
3. Children and spouses, not applicable.
4. Parents, deceased since 1992.
5. Grandparents, deceased since 1964.
6. Brothers and spouses: James W. Nesbitt, Jr., none.
7. Sisters and Spouses: Cheryl Diane Nesbitt, none; Gloria Lynn Nesbitt, none; Natalie Ann Nesbitt, none.

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*Frederick B. Cook of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Frederick B. Cook.

Post: Ambassador, Central African Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Heather L. O'Donnel, none; Michael O'Donnell, none, Trevor C. Cook, none.
4. Parents: Frederick B. Cook deceased; Myrtle C. Cook, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, not applicable.
7. Sisters and spouses, not applicable.

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*Robert B. Nolan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Robert B. Nolan.

Post: Lesotho.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Meghan and Steve Killiany (daughter and son-in-law) $100, 2004, Kerry Campaign;
4. Parents, none.
5. Grandparents, none.
6. Brothers and spouses: Judy F. Nolan (sister-in-law) $25, 2004, Kerry Campaign;
7. Sisters and spouses, none.

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*Maurice S. Parker, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Nominee: Maurice S. Parker.

Post: Mbabane, Swaziland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse, $100, 2004, Democratic National Committee.
3. Children and spouses: Jeremy Parker, None; Karen Parker, daughter-in-law, none; Benjamin Parker (deceased).
4. Parents: Robert Parker, deceased; Gertrude Parker, deceased.
5. Grandparents: Alcide and Maude Heard, deceased; Philip and Victoria Parker, deceased.
6. Brothers and spouses: Robert Parker, none; Francis and Mary Parker, none; Bernard Parker, none; Barry and Kerry Parker, None.
7. Sisters and spouses: Madeline Smith, none; Patrice Parker, none.

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*William John Garvelink, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Nominee: William John Garvelink.

Post: U.S. Ambassador to the Democratic Republic of the Congo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $200, September 17, 2006, American Foreign Service Assoc. PAC. $200, September 24, 2005, American Foreign Service Assoc. PAC; $200, August 23, 2004, American Foreign Service Assoc. PAC; $200, August 17, 2003, American Foreign Service Assoc. PAC.
2. Spouse, $100, January 9, 2006, Democratic Congressional Committee; $100, March 26, 2006, Harris Miller for U.S. Senate; $100, May 15, 2006, Democratic Senatorial Committee; $500, September 3, 2006, Granholm for Governor; $250, September 12, 2006, Klobuchar for Senate; $500, May 16, 2005, DNC; $365, September 29, 2005, Emily's List; $200, December 31, 2005, DNC; $150, April 24, 2004, League of Women Voters; $1000, June 3, 2004, Gephardt Fundraiser; $1000, June 9, 2004, Kerry/Edwards; $100, August 20, 2004, Keever for Congress; $100, August 20, 2004, Moore for Congress; $100, August 20, 2004, Schwartz for Congress; $300, September 13, 2004, DNC; $500, November 5, 2004, DNC; $365, February 21, 2003, Emily's List; $100, June 22, 2003, Friends of Barbara Boxer; $150, August 17, 2003, Friends of Hillary; $500, November 12, 2003, Gephardt for President; $200, November 14, 2003, DNC.
3. Children and spouses, no children.
4. Parents: William Garvelink, deceased; Florence Garvelink, deceased.
5. Grandparents: Henry Garvelink, deceased; Gertrude Garvelink, deceased; Jacob DePree, deceased; Hannah DePree, deceased.
6. Brothers and spouses, None.
7. Sisters and spouses: Beverley Ruth Lubbers and Gerald Lubbers, none; Marjorie Lou Gras and Howard J. Gras, none; Susan Elaine Heinlein and Paul Heinlein, none.

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*William R. Brownfield, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Nominee: William R. Brownfield.

Post: Colombia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Kristie Ann Kenney, none.
3. Children and Spouses, none.
4. Parents: Albert R. Brownfield $100, 2002, RNC; $100, 2002, Republican Party of Texas; $100, 2002, Governor of Texas; $100, 2003, RNC; $100, 2003, Republican Party of Texas; $100, 2003, Governor of Texas; $100, 2004, RNC; $100, 2004, Republican Party of Texas; $100, 2004, George W. Bush; $100, 2005, RNC; $100, 2005, Republican Party of Texas; $100, 2006, RNC; $100, 2006, Republican Party of Texas; Virginia E. Brownfield, deceased.
5. Grandparents: all deceased for more than 30 years.
6. Brothers and Spouses: Albert R. Brownfield III $100, 2002, Democratic Party of Virginia; $100, 2003, Democratic Party of Virginia; $100, 2004, Democratic Party of Shenandoah County, VA; $100, 2004, Democratic Party of VA; $100, 2005, Democratic Party of VA; $100, 2006, Democratic Party of VA.
7. Sisters and Spouses: Barbara B. Rushing, none; Francis W. Rushing, $200, 2005, Brian Lehman, Mayor, Madison GA; $550, 2006, Bruce Gilbert, State Senate GA; $300, 2006,

John Barrow, U.S. Congress; Anne Elizabeth Fay, none; Christopher W. Fay, none.

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*Peter Michael McKinley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Peter Michael McKinley.

Post: Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Claire (16), Peter (15), and Sarah (12), none.

4. Parents: Peter M. McKinley, $100-150, 2004 (o/a), RNC Committee; Enriqueta I. McKinley, deceased, 2001.

5. Grandparents: all deceased before 1990, Marjorie and Lindsey Parker McKinley, Vicenta Perez and Francisco Llano.

6. Brothers and Spouses: Brian Matthew McKinley, Rocio Comas McKinley, none.

7. Sisters and Spouses: Margaret McKinley Clarke, Hyde Clarke, $75-$100, 2006, DNC Committee.

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*Patrick Dennis Duddy, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

Nominee: Patrick Dennis Duddy

Post: Venezuela.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses, none.

4. Parents, none.

5. Grandparents, deceased.

6. Brothers and Spouses: Robert Terrance Duddy, Kathleen Duddy, $1,000, 2006, John Baldacci, Governor, Democratic Leadership PAC; Michael Andrew Duddy, Jennifer Duddy, $1,000, 2006, Darlene Curley, U.S. Congress; $100, 2006, Chandler Woodcock, Governor; $50, 2006, Jennifer Duddy, State Representative; $100, 2006, Cumberland County, Republicans.

7. Sisters and Spouses: Christina Duddy, none.

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*Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Nominee: Anne W. Patterson.

Post: Pakistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Edward, 25, Andrew, 20, none.

4. Parents: Carol and John Woods, none.

5. Grandparents: deceased.

6. Brothers and Spouses: John D. Woods, Jr., Jean Byers Woods, none.

7. Sisters and Spouses, none.

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*Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal.

Nominee: Nancy J. Powell.

Post: Kathmandu, Nepal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, N/A.

3. Children and Spouses: N/A.

4. Parents: Joseph W. Powell, deceased, J. Maxine Powell, none.

5. Grandparents: Boyd and Emma Crandall, deceased, Omar and Christina Little, deceased.

6. Brothers and Spouses: William C. Powell, none.

7. Sisters and Spouses, N/A.

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*Joseph Adam Ereli, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain.

Nominee: Joseph Adam Ereli.

Post: Bahrain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Sonia Pastuhov Pastein, none; Masha Pastuhov Purdie, none; Roy Purdie, none.

4. Parents: Eli Ereli, none; Ruth Ereli, none.

5. Grandparents: deceased over 40 years ago.

6. Brothers and Spouses: Michael Ereli, none; Maria Ereli, none.

7. Sisters and Spouses, none.

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*Richard Boyce Norland, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Nominee: Richard Norland.

Post: Uzbekistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, Mary Hartnett: $100, 12/10/03, Clark for Pres.

3. Children and Spouses: Daniel Norland and Jennifer Barkley: $50, 2004, Kerry for Pres.

Kate Norland: none.

4. Parents: Patricia Norland: None.

Donald Norland (Deceased 12/30/06): $250, 12/4/2003, Wesley Clark for Pres.; $300, 7/18/2006, Dem. Natl. Committee; $200, 6/7/2004, John Kerry for Pres.; $200, 7/23/2004, John Kerry for Pres.; $200, 8/16/2004, John Kerry for Pres.

5. Grandparents: E. Norman Norland, deceased: none.

Aletta Norland, deceased: none.

Emily Bamman, deceased: none.

August Bamman, deceased: none.

6. Brothers and Spouses: David Norland: $250, 2/6/2004, Goldman Sachs PAC; $250, 4/7/2005, Goldman Sachs PAC; $250, 5/9/2006, Goldman Sachs PAC; $400, 7/8/2004, George W. Bush, via Bush-Cheney 04 Inc.; $150, 7/8/2005, Republican Nat. Com.; $110, 2/24/2006, Republican Nat. Com.; $150, 9/21/06, Friends of George Allen.

Susan Norland: none.

7. Sisters and Spouses: Patricia Norland: none.

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*Stephen A. Seche, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Nominee: Stephen Seche.

Post: Chief of Mission, U.S. Embassy Sana'a.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: n/a.

2. Spouse: n/a.

3. Children and Spouses: Katherine Seche: n/a.

Lucy Seche: n/a.

Ariel Seche: n/a.

4. Parents: deceased.

5. Grandparents: deceased.

6. Brothers and Spouses: Thomas and Virginia Seche: $100 to the Kerry for President Campaign, 2004.

Wesley Seche: n/a.

Chris and Tinsy Seche: n/a.

7. Sisters and Spouses: Claudia Seche: n/a.

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*John L. Withers II, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Nominee: John L. Withers II.

Post: Ambassador to Albania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: Maryruth Coleman: none.

3. Children and Spouses: no children

4. Parents: John L. Withers (father); Daisy P. Withers (mother): none.

5. Grandparents: Robert and Florence Withers (deceased); Mervin and Lily Portee (deceased): none.

6. Brothers and Spouses: Gregory P. Withers and Carol Jones: $100, 2004, Democratic Party.

6. Sisters and Spouses: No sisters.

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*Charles Lewis English, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Nominee: Charles Lewis English.

Post: Ambassador to Bosnia-Herzegovina.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $100.00, 7/27/2004, Democratic Natl Cmte.

2. Spouse: $100.00, 2004, Kerry for President.

3. Children and Spouses: Cathryn L. English: none.

Matthew C. English: none.

4. Parents: Loretta S. English: none.

Frederick A. English Jr. (deceased 1999).

5. Grandparents: Helen English (deceased 1999).

Frederick A. English (deceased 1955).

Veronica Sullivan (deceased 1957).

Daniel Sullivan (deceased 1949).

6. Brothers and Spouses: Kenneth English: none.

Carolyn Kelly: none.

Kevin English: none.

Marianne P. English (deceased 2004): none.

Frederick A. English III (deceased 2006): none.

Donna Lee P. English: none.

7. Sisters and Spouses: Veronica English Moore: $50.00, 2004, Democratic Natl Cmte.

Gregory Moore: $110.00, 2005, Democratic Natl Cmte.

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*Cameron Munter, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

Nominee: Cameron Munter.

Post: Ambassador to Serbia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 0 N/A N/A

2. Spouse: Marilyn Wyatt: $250 2004 Democratic National Committee

3. Children and Spouses: Daniel Munter: none.

No spouse.

Anna Munter: none.

No spouse.

4. Parents: Leonard Munter: none.

Helen-Jeanne Munter: none.

5. Grandparents: Benno Munter (deceased).

Mary Muriel Munter (deceased).

Phelps Dodge Jewett (deceased).

Florence Bitner Jewett (deceased).

6. Brothers and Spouses: Seth Daniel Munter: none.

No spouse.

7. Sisters and Spouses: Mary Munter: $50, 2006, Hodes for Congress (NH).

Paul Argenti, spouse: none.

Lindsay Rahmun: none.

Richard Rahmun, spouse: none.

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*Roderick W. Moore, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Montenegro.

Nominee: Roderick W. Moore.

Post: Ambassador to Montenegro.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: n/a

3. Children and Spouses: none.

4. Parents: David N. Moore: (none—no contributions).

Winifred W. Moore: (none—no contributions).

5. Grandparents: Archibald C. Wemple: (deceased).

Sallie C. Wemple: (deceased).

Paul J. Moore: (deceased).

Audrey H. Moore: (deceased).

6. Brothers and Spouses: Geoffrey W. Moore: (none—no contributions).

Gillian P. Moore: (none—no contributions).

Dwight D. Moore: (none—no contributions).

Francesca Moore (none—no contributions).

7. Sisters and Spouses: no sisters.

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*J. Christian Kennedy, of Indiana, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

*Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with John E. Peters and ending with Andrew P. Wylegala, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2007.

Foreign Service nominations beginning with Daniel K. Berman and ending with Scott S. Sindelar, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2007.

Foreign Service nominations beginning with Linda Thompson Topping Gonzalez and ending with Karen Sliter, which nominations were received by the Senate and appeared in the Congressional Record on May 22, 2007.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Richard Allan Hill, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009.

*Stan Z. Soloway, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011.

*James Palmer, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 1701. A bill to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes; considered and passed.

By Mr. ROBERTS (for himself, Mr. KENNEDY, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1702. A bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Mr. COBURN):

S. 1703. A bill to prevent and reduce trafficking in persons; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. ENZI):

S. 1704. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; considered and passed.

By Mrs. CLINTON:

S. 1705. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1706. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to consider variations in the national average market price for different classes of wheat when determining the eligibility of wheat producers for counter-cyclical payments for the 2007 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1707. A bill to reduce the duty on certain golf club components; to the Committee on Finance.

By Mr. DODD (for himself, Mr. HAGEL, and Mr. SCHUMER):

S. 1708. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. ALEXANDER, Mr. CARPER, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, and Mr. OBAMA):

S. 1709. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1710. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BIDEN:

S. 1711. A bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 1712. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. BAYH, Mr. COLEMAN, Mr. BIDEN, Mr. LUGAR, Mr. BINGAMAN, Mr. VOINOVICH, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Ms. STABENOW, and Mr. REID):

S. 1713. A bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 1714. A bill to establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, Mr. BIDEN, Ms. COLLINS, and Mr. REED):

S. 1715. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program; to the Committee on Finance.

By Mr. THUNE:

S. 1716. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. OBAMA, Mr. BROWN, Mr. CARDIN, Mr. LEVIN, and Ms. STABENOW):

S. 1717. A bill to require the Secretary of Agriculture, acting through the Deputy Chief of State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself and Mr. SALAZAR):

S. 1718. A bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of student loans and reduced interest rates for servicemembers during periods of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 1719. A bill to amend title 38, United States Code, to provide additional educational assistance under the Montgomery GI Bill to veterans pursuing a degree in science, technology, engineering, or math; to the Committee on Veterans' Affairs.

By Mr. BROWN (for himself and Mr. SANDERS):

S. 1720. A bill to amend title IV of the Higher Education Act of 1965 to establish a Federal Supplemental Loan Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1721. A bill to amend the Farm Security and Rural Investment Act of 2002 to promote growth and opportunity for the dairy industry in the United States, and for other purposes; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1722. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 258. A resolution recognizing the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad, and expressing the sense of the Senate that preserving the legacy of the Amistad story is important in promoting multicultural dialogue, education, and cooperation; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. SMITH):

S. Res. 259. A resolution commending the Oregon State University baseball team for winning the 2007 College World Series; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 39

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 39, a bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes.

S. 163

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 163, a bill to improve the disaster loan program of the Small Business Administration, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 234

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 234, a bill to require the FCC to issue a final order regarding television white spaces.

S. 399

At the request of Mr. BUNNING, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 543, supra.

S. 582

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 713

At the request of Mr. OBAMA, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 713, a bill to ensure dignity in care for members of the Armed Forces recovering from injuries.

S. 771

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 793

At the request of Mr. HATCH, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 793, supra.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 963

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 966

At the request of Mr. SCHUMER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 966, a bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 979

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 979, a bill to establish a Vote by Mail grant program.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1138

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1138, a bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities.

S. 1154

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1154, a bill to promote biogas production, and for other purposes.

S. 1204

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1246

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1246, a bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1322

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1322, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1338

At the request of Mr. VITTER, his name was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1353

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1353, a bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes.

S. 1372

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1372, a bill to provide for a Center for Nanotechnology Research and Engineering.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1406

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1416

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1481

At the request of Mr. VITTER, his name was added as a cosponsor of S. 1481, a bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes.

S. 1487

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1487, a bill to amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record under title III of such Act, and for other purposes.

S. 1500

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1500, a bill to support democracy and human rights in Zimbabwe, and for other purposes.

S. 1529

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1545

At the request of Mr. ALEXANDER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1565

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1565, a bill to provide for the transfer of naval vessels to certain foreign recipients.

S. 1588

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1650

At the request of Mr. KERRY, the names of the Senator from California (Mrs. BOXER), the Senator from Mississippi (Mr. LOTT) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1650, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 1668

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1668, a bill to assist in providing affordable housing to those affected by the 2005 hurricanes.

S. 1695

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1695, a bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, to promote innovation in the life sciences, and for other purposes.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 231

At the request of Mr. DURBIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 231, a resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of the Senate that history should be regarded as a means for understanding the past and solving the challenges of the future.

S. RES. 253

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 253, a resolution expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor.

AMENDMENT NO. 1930

At the request of Mr. COBURN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Wyoming (Mr. ENZI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 1930 intended to be proposed to S. 1639, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS (for himself, Mr. KENNEDY, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1702. A bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. ROBERTS. Mr. President, today I rise for the purpose of introducing important legislation for the moral and fiscal posture of our great Nation: the Employer Work Incentive Act for Individuals with Severe Disabilities of 2007.

While there are obvious differences of opinion on the state of the U.S. economy, the U.S. workforce is experiencing relatively low unemployment rates. The average hourly wage and payroll employment levels are at an all-time high. As our economy has experienced a slow and steady rise, there is one sector of the population who has been left behind.

The unemployment rate for the severely disabled is higher than it has ever been. Despite previous efforts to increase employment opportunities for this population, the rate of unemployment has risen to 70 percent, that means increasing the amount of citizens relying on Social Security disability insurance.

In 1982, the amount of payments distributed through Social Security disability insurance was $15.8 billion. In 2004, that number climbed to $80.6 billion. According to a forecast by the Social Security trustees, the old age and survivors insurance trust fund will last until 2044, while the disability trust fund will be exhausted in 2029.

The Americans with Disabilities Act was enacted in 1990 as a means of leveling the playing field for citizens with disabilities. And while it has provided necessary reforms in employment practices, this legislation has had little to no effect on the rate of unemployment experienced by individuals with severe disabilities.

Even government-run programs such as the Javits-Wagner-O'Day Act or Randolph Shepard Act, have done little to improve this high unemployment rate. As our brave men and women serving in uniform in Iraq and Afghanistan return, this problem will be compounded. Many of our troops have been disabled in the cause of protecting this country, and it is incumbent upon us to ensure that there are opportunities for them in the workforce so that they can regain a semblance of their lives back.

It is time for a change in the way we think about employing individuals with severe disabilities. The goal should be to create job opportunities for the severely disabled in the national workforce, not just in government operated programs.

The Employer Work Incentive Act for Individuals with Severe Disabilities, a bipartisan bill authored by Senator KENNEDY and myself, creates these opportunities while reducing dependence on Social Security disability insurance. This legislation gives government contract procurement advantages to those companies who employ significant percentages of individuals with disabilities in their workforce.

Our goal is to employ at least 1 percent of individuals with severe disabilities, or 94,000 people. In doing this, we have the opportunity to save approximately $45 billion in Social Security disability insurance over the next 10 years.

I know firsthand how important individuals with severe disabilities are to our workforce. In my home State of Kansas, persons like my good friend, Pat Terick, play an important role in local business. His agency, the Cerebral Palsy Research Foundation of Kansas, has long advocated the importance of creating job opportunities for the severely disabled. This advocacy group, located in Wichita, is dedicated to showing companies the advantages of hiring individuals with disabilities. Our bill will be a powerful incentive for businesses to enhance their workforce.

I would like to thank Senator KENNEDY for his leadership in helping to craft this bipartisan legislation. Special thanks to my longtime friend and to a great Kansan and American, Senator Bob Dole, cochair of the One Percent Coalition. With Bob's remarkable devotion to disability advocacy, it comes as no surprise that he is leading the effort to increase job opportunities for those individuals with severe disabilities.

It is time for a change in the way we think about employing individuals with severe disabilities. We must create job opportunities for the severely disabled in the national workforce, not just in government-operated programs. With the support of my colleagues, this legislation will do just that.

Mr. KENNEDY. Mr. President, today we take one more giant step to open the workplace doors wider for people with disabilities. The joining of businesses, consumers, and the Congress is powerful—and we will pass this bill. I thank Senator ROBERTS for his vision and leadership on this legislation.

In the winter of 1999, President Clinton signed the last bill of the millennium into law at the FDR Memorial—it was the "Ticket to Work" Act.

Hundreds of disabled people managed through the snow to get to the memorial that day, in hopes of finally being of part of our Nation's great economy.

That law has made a big difference in giving disabled workers access to health care by allowing them to work and buy Medicaid—but securing actual employment has been a much harder challenge.

Many of the nation's "return to work" programs are outdated and do not engage employers to hire disabled workers to the fullest extent possible.

This legislation will expand opportunities for disabled workers and reward employers who are willing to do the right thing: by paying disabled workers a decent salary; by providing and contributing to the cost of their health care insurance; and by placing workers in an environment where they can work alongside their non-disabled friends and neighbors.

ADA has led to enormous societal change. It has fundamentally altered how our society views disability, and that change will be its most lasting and significant contribution.

But the ADA was also intended to address the very real barriers to people with disabilities looking for a job, a house, an education, and even a bus ride—and we still have a lot of work to do to meet that promise.

This legislation is one positive step forward as we continue to fight for more opportunities for disabled people to go to work and contribute to their communities.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. ALEXANDER, Mr. CARPER, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, and Mr. OBAMA):

S. 1709. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BIDEN. Mr. President, I rise today to introduce, with my good friend and colleague from Pennsylvania, Senator SPECTER, the Underground Railroad Network Reauthorization Act of 2007. The original act, signed into law in 1998, has increased public awareness of the Underground Railroad, a cornerstone in African-American heritage and history, with sites and programs in 28 States and the District of Columbia. This is the only national program dedicated to the preservation, interpretation and dissemination of underground railroad history. I am pleased that we are joined in this effort by Senators ALEXANDER, CARPER, CARDIN, COCHRAN, KENNEDY, KERRY, LEVIN and OBAMA.

Throughout this Nation there are sites in the underground railroad network that, while still standing, have suffered structural damage. There are also many sites that no longer house a physical structure, but still are important to recognize. A good example is the Thomas Garrett House, located in Wilmington in my home State of Delaware. The Garrett House was the last station on the Underground Railroad before the slaves reached freedom in Pennsylvania. It has been estimated that Garrett, a well known Quaker, helped more than 2,000 runaway slaves escape from the Southern States. The legislation being introduced today will not only help pay to repair damaged structures, but also to educate the general public about those sites that are no longer in existence, like the Thomas Garrett House.

The underground railroad network is a special part of American history that we cannot afford to let slip away. This legislation will preserve these invaluable memorials and educational resources by raising the authorization level from $500,000 to $2.5 million. We must move now to ensure that the brave acts of these individuals are preserved for future generations to observe and honor.

A companion bill has already been introduced in the House by Representatives, H.R. 1239, by Representative ALCEE L. HASTINGS and my friend and colleague from Delaware, Representative MIKE CASTLE. I hope both Chambers move quickly to preserve this precious history.

It is my honor to ask my colleagues here in the Senate to join me today in supporting this bill so that this part of our Nation's past will not be forgotten.

By Mr. BIDEN:

S. 1711. A bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, 20 years ago, I helped write the law that established the current Federal cocaine sentencing scheme. Under this law, it takes 100 times more powder cocaine than crack cocaine to trigger the 5- and 10-year mandatory minimum sentences. And mere possession of five grams of crack, the weight of about two sugar cubes, gets you the same 5-year mandatory minimum penalty as trafficking 500 grams of the powder form of cocaine, which is equivalent to about a 1 pound bag of sugar.

The facts that informed our decision at the time have proved to be wrong, making the underlying cocaine sentencing structure we created unfounded and unfair. It is time to change the law to reflect this new understanding. That is why, today, I am introducing the Drug Sentencing Reform & Cocaine Kingpin Trafficking Act of 2007, which eliminates this unjustified disparity in Federal cocaine sentencing policy. .

Back in 1986, when we wrote the law that established the current sentencing structure, crack was hitting our streets and communities like a storm. I remember one headline that I think summed it up. It read "New York City Being Swamped by 'Crack'; Authorities

Say They Are Almost Powerless to Halt Cocaine." That summer was called "the summer of crack," and we were inundated with horror stories about how this new form of smokeable cocaine was ravaging communities. We were told that crack was instantly addictive, prompting the expression, "Once on crack, you never go back." We heard that it caused users to go on violent rampages, was more harmful to babies than powder cocaine when used by mothers during pregnancy, and would lead to the disintegration of inner-city communities.

And in Congress, there was a feeling of desperation that summer, a sense that we had to give law enforcement the power they needed to save neighborhoods being ravaged by this drug.

More than a dozen bills were introduced to increase the penalties for this form of cocaine, but because we knew so little about it, the proposals were all over the map. They ranged from the Reagan administration's proposal of a 20-to-1 sentencing disparity between crack and powder cocaine to a 1000-to-1 disparity proposed by Senator Lawton Chiles. I joined Senators BYRD and Dole in leading the effort to enact the Anti-Drug Abuse Act of 1986, which established the current 100-to-1 disparity.

Our intentions were good, but as further scientific and sociological study has shown, we got it wrong.

We now know that these initial assumptions about crack and powder cocaine, which are just two forms of the same drug, simply were not true. Scientific evidence shows that crack does not have unique, inherent properties that make it instantly addictive. According to the Journal of the American Medical Association, "cocaine in any form produces the same physiological and subjective effects." We also have learned that the dire predictions about a generation of "crack babies" whose mothers used crack during pregnancy have not proven true. The negative effects of prenatal exposure to crack cocaine and powder cocaine are identical. Furthermore, data that the U.S. Sentencing Commission has collected show that crack users rarely commit acts of violence. Almost all crack-related violence is associated with trafficking, not with someone on a so-called crack-induced rampage.

Looking back over more than 20 years, it is also clear that the harsh crack penalties have had a disproportionate impact on the African American community. Eighty-two percent of those convicted of crack offenses at the Federal level are African American, fueling the notion that the Federal cocaine sentencing scheme is unfair.

There is widespread recognition that the current cocaine sentencing scheme is out of date and out of touch with reality. There are others here in the Senate, on both sides of the aisle, who feel the current cocaine sentencing policy is unfounded. Like me, Senators SESSIONS and HATCH have introduced legislation to reduce the disparity and I want to congratulate them for their hard work and dedication to this issue.

As a matter of fact, when President Bush was asked about the longer sentences for crack cocaine, he said that the disparity, and I am quoting the President here, "ought to be addressed by making sure the powder cocaine and crack cocaine penalties are the same. I don't believe we ought to be discriminatory."

A slew of commentators, Federal judges, Federal prosecutors, doctors, academics, social scientists, civil rights leaders, clergy, and others have spoken out about the unwarranted disparity between crack and powder cocaine sentences.

And just last month, the U.S. Sentencing Commission, a bipartisan panel comprised in large part of Federal judges who preside over cocaine cases, issued a report stating that the current Federal cocaine sentencing scheme "continues to come under almost universal criticism from representatives of the Judiciary, criminal justice practitioners, academics, and community interest groups."

This is not the first time the Sentencing Commission has urged reform. In 1995, the Commission recommended eliminating the crack/powder sentencing disparity. Congress rejected this proposal. As scientific understanding of cocaine evolved, the Commisson urged Congress three more times to address this problem. Yet Congress did not act. We are long overdue in heeding the call for reform.

The Sentencing Cmission has provided us with a roadmap. In its most recent report, the Commission "unanimously and strongly urge[d]" Congress to: 1. Act swiftly to increase the threshold quantities of crack necessary to trigger the 5- and 10-year mandatory minimum sentences, so that Federal resources are focused on major drug traffickers as intended in the original 1986 legislation; and 2. repeal the mandatory minimum penalty sentence for simple possession of crack, the only controlled substance for which there is a mandatory minimum for a first time offense of simple possession. The Sentencing Commission also unanimously rejected any effort to increase the penalties for powder since there is no evidence to justify any such upward adjustment.

My bill implements all of these recommendations.

Specifically, my bill will eliminate the current 100-to-1 disparity by increasing the 5-year mandatory minimum threshold quantity for crack cocaine to 500 grams, from 5 grams, and the 10-year threshold quantity to 5,000 grams, from 50 grams, while maintaining the current statutory mandatory minimum threshold quantities for powder cocaine. It will also eliminate the current 5-year mandatory minimum penalty for simple possession of crack cocaine, the only mandatory minimum sentence for simple possession of a drug by a first time offender.

It also increases penalties for major drug traffickers and provides additional resources for the Federal agencies that investigate and prosecute drug offenses. Furthermore, because I have always believed that the best approach to fighting crime is a holistic one that incorporates enforcement, prevention, and treatment, my bill authorizes funds for prison- and jail-based drug treatment programs.

My bill both remedies the historic injustice in the current cocaine sentencing laws and focuses Federal resources on, and increases penalties for, the big fish, the major drug traffickers and kingpins who drive the drug trade. Unlike Federal powder cocaine offenders, over half of Federal crack offenders are low-level street dealers who could and should be prosecuted at the State level. States are better equipped to handle these small-time dealers and users, and under my bill, these offenders would still be punished, without expending precious Federal resources.

Drug use is a serious problem, and I have long supported strong antidrug legislation. But in addition to being tough, our drug laws should be rational and fair. My bill achieves the right balance. We have talked about the need to address this cocaine sentencing disparity for long enough. It is time to act. I hope that my colleagues will join with me to support this legislation.

By Mrs. CLINTON:

S. 1712. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today I am pleased to introduce the Screening for Health of Infants and Newborns Act, also known as the SHINE Act. This legislation is critical for the health of newborns and children because we know that public education and early detection are two of the greatest weapons we have in the battle against early childhood disorders.

Each year in our Nation, at least 4 million newborns are screened for severe disorders, with 5,000 newborns diagnosed as a result. Although these numbers may seem small, these disorders are often life threatening and can cause serious mental and physical disabilities if left untreated. Early detection by newborn screening can lessen these illnesses, or completely prevent progression of many of these disorders if medical intervention can be started early enough.

I am proud to say that New York has been a leader in newborn screening since 1960 when Dr. Robert Guthrie developed the first newborn screening test. Since then, more than 10 million babies have been tested. In 2004, New York expanded their newborn screening program from 11 conditions to encompass 44 conditions. These improvements were the result of a concerted effort by State officials and parent advocacy groups like the Save Babies through Screening Foundation and Hunter's Hope Foundation. They share a common goal, that every child born with a treatable disease should receive early diagnosis and lifesaving treatment so that they can grow up as healthy as possible. Today, we want to ensure that the great strides made by New York can be a model for all States and that New York can continue to make advancements that will benefit the children of New York and around the Nation.

Newborn screening experts suggest States should test for minimum of 29 treatable core conditions. However, as of today, some States only screen for seven conditions. Every child should have access to tests that may prevent them from a life threatening disease. This bill establishes grant programs so that States can increase their capacity to screen for all the core conditions. Grant funds are also available for States like New York to expand newborn screening panels above and beyond the core conditions by developing additional newborn screening tests.

We should expect equity within newborn screening so that it does not matter where your baby is born. This legislation will establish recommended guidelines for States for newborn screening tests, reporting, and data standards. By tracking the prevalence of diseases identified by newborn screening within States, we will be able to meet these goals and improve the long-term health of our children.

I hear from many parents how frightening it is to have a sick child and to not have a diagnosis. Many parents spend years trying to find out what is wrong with their child and feel helpless. This legislation will insure that current information on newborn screening is available and accessible to health providers and parents. The SHINE Act will provide interactive formats through the Maternal Child Health Bureau of the Health Services and Resources Administration so that parents and providers can ask questions and receive answers about newborn screening test, diagnosis, followup and treatment.

Early treatment can prevent negative and irreversible health outcomes for affected newborns. We should be doing all we can to give every child born in our country the opportunity for a happy and healthy life.

I ask unanimous consent to have printed in the RECORD letters of support.

There being no objection, the material was ordered to be printed in the RECORD as follows:

HUNTER'S HOPE,
Orchard Park, NY, June 25, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Hunter's Hope Foundation, I respectively submit this letter as our full and complete support for the bill titled "Screening for the Health of Infants and Newborns (SHINE Act)".

The Hunter's Hope Foundation was established in 1997 by Pro Football Hall of Fame member and former Buffalo Bills Quarterback, Jim Kelly, and his wife, Jill, after their infant son, Hunter, was diagnosed with Krabbe (Crab ā) Leukodystrophy, an inherited, fatal, nervous system disease.

The Foundation's mission is to: increase public awareness of Krabbe disease and other leukodystrophies, support those afflicted and their families, identify new treatments, and ultimately find a cure.

Since 1997, Cord Blood Transplant (CBT) has become a viable treatment for Krabbe disease as well as a few other leukodystrophies. But, CBT is only effective if the child is treated before the disease inflicts irreversible damage to the brain and nervous system. There are many other treatable diseases that if not treated early will cause irreversible damage. And, the number of such diseases continues to increase with advancements in science and technology. We must establish an infrastructure in our country that not only addresses the immediate need, but also creates a system for expansion. The SHINE Act will accomplish this.

Hunter passed away August 5, 2005. Like thousands of other children, if he had been screened at birth, he may be living a healthy life today. Please help these children and their families and pass this bill. We implore you to expedite the passing and implementing of this bill. With each day that passes, children are suffering and dying needlessly.

Thank you from the bottom of our hearts.

Sincerely,

JACQUE WAGGONER,
Board of Directors, Chair.

SAVE BABIES THROUGH SCREENING,
FOUNDATION, INC.,
Scarsdale, NY, June 25, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing on behalf of the Save Babies Through Screening Foundation to show our support for the Screening for Health of Infants and NEwborns (SHINE Act). As you know, our organization's mission is to improve the lives of babies by working to prevent disabilities and early death resulting from disorders detectable through newborn screening. Our organization was founded in 1998 and is the only organization solely dedicated to raising awareness in regard to newborn screening.

We believe that this bill will greatly enhance the expansion of newborn screening throughout the United States and will save the lives of thousands of babies—our tiniest citizens. Additionally, this will spare Parents the agonizing pain of watching their children suffer as I can attest to firsthand. With the great expansion of newborn screening, children will be able to live healthy and productive lives.

We thank you for your vision and hard work. Nobody should suffer the loss or impairment of a child when there are tests and treatment available and this bill will put an end to future suffering. Please feel free to contact me if we can be of any assistance.

Regards,

JILL LEVY-FISCH,
President.

FOD FAMILY SUPPORT GROUP,
Okemos, MI, June 26, 2007.

TO WHOM IT MAY CONCERN: As Founder and Director of an international Family Support Group for rare metabolic disorders called Fatty Oxidation Disorders (many of which can be screened for at birth, as well as many other metabolic disorders), I strongly endorse the Screening for Health of Infants and Newborns Act (SHINE Act of 2007) that Senator Clinton originally introduced on February 15, 2007. It would greatly enhance the lives of many families in our country.

My family, and many others in our Group, has experienced the tragedy of not having the awareness/education of, screening for, and short- and long-term followup treatment for an FOD. Our daughter, Kristen, died suddenly at the age of 21 months. Fortunately, by the time our 2nd child was born, we had become aware of these rare disorders and had Kevin tested at birth—he is now a healthy, active, and soon-to-be college graduate. If it wasn't for the newborn screening and follow-up treatment for MCAD, Kevin would have died when he had his 1st illness at 6 months of age.

I wholeheartedly endorse all parts of the bill that will help educate and create awareness of these many disorders (and more in the future) for families and professionals across our country. Many aspects of the bill mirror our Group's foundation and mission—to create awareness about FODs, to educate the public, to network and support FOD families and professionals around the world, to provide ongoing education and information about metabolic disorders, to inform families and the public of new developments in screening, diagnosis, research and treatment (I also endorse assisting in covering formulas, drugs, supplements etc), and to advocate expanded universal and comprehensive newborn screening and long-term follow-up treatment for FODs and other related metabolic disorders.

Please pass this bill for the benefit of many infants and families!

Take Care,

DEB LEE GOULD,
Director.

JUNE 25, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: We are pleased to write this letter of support for the Screening for Health of Infants and Newborns Act of 2007. We commend you for your leadership in calling for a uniform and comprehensive national approach to screening newborns for the full panel of core conditions recommended by the American College of Medical Genetics and endorsed by the American Academy of Pediatrics. If diagnosed early, these disorders, including metabolic and hearing deficiency, can be managed or treated to prevent severe consequences.

As a hospital which provides a wide array of services to children with special health care needs, we know how important early detection and treatment of conditions can be. We were particularly pleased to see the provisions of this legislation which provide for a

Central Clearinghouse of current educational and family support information, critical to assuring a national standard of care.

According to the latest March of Dimes Newborn Screening Report Card, nearly two-thirds of all babies born in the United States this year will be screened for more than 20 life-threatening disorders. However, disparities in state newborn screening programs mean some babies will die or develop brain damage or other severe complications from these disorders because they are not identified in time for effective treatment.

At present, the United States lacks consistent national guidelines for newborn screening, and each state decides how many and which screening tests are required for every baby. As a result, only 9 percent of all babies are screened for all of the 29 recommended conditions. Clearly it is a wise investment to take full advantage of the information available to detect treatable conditions in children.

We commend you for your leadership on this most important issue and look forward to working with you and your colleagues to secure passage of this legislation.

Sincerely,

LARRY LEVINE,
President.
JUDITH WIENER GOODHUE,
Vice Chair, Board of Trustees, Chair, Government Relations Committee.

MARCH OF DIMES,
Washington, DC, March 5, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of more than 3 million volunteers and 1400 staff members of the March of Dimes, I am writing to thank you for introducing the "Screening for Health of Infants and Newborns Act" or the "SHINE Act." We understand the purpose of this legislation would be to authorize grant programs to support state efforts to expand the number of conditions for which newborns are screened and to improve dissemination of educational resources to healthcare professionals and the public.

As you may know, the March of Dimes president served on the steering committee that developed the American College of Medical Genetics recommendation that every baby born in the United States be screened for a 'core' set of twenty-nine treatable disorders, including certain metabolic conditions and hearing deficiency. The March of Dimes has endorsed this recommendation because early detection and treatment of these disorders can avert lifelong disabilities (including mental retardation), other serious illnesses and even death. Parents are often unaware that the number and quality of newborn screening varies from state to state and while newborns are regularly screened and treated for debilitating conditions in some states, in others, screening may not be required and conditions may go undiagnosed and untreated.

Federal guidance and incentives for states to improve their newborn screening programs are sorely needed and the "SHINE Act" will go a long way to enhancing the capacity of states to expand their programs and to provide much needed educational materials to families via the internet.

We at the March of Dimes are sincerely grateful for your leadership on this issue and we look forward to working with you and others Members of Congress to expand federal support for newborn screening.

Sincerely,

MARINA L. WEISS,
Senior Vice President, Public Policy & Government Affairs.

AMERICAN COLLEGE OF
MEDICAL GENETICS,
Bethesda, MD, June 27, 2007.

Re Screening for Health of Infants and Newborns (SHINE) Act.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: I am writing in reference to the SHINE Act, a bill that your office will introduce into the Senate imminently to ensure the health and quality of life of all newborns in the United States by providing resources to further improve the capacity and quality of newborn screening programs. The American College of Medical Genetics (ACMG), which represents approximately 1400 medical geneticists who comprise the workforce that cares for these patients and their families, as well as houses the National Coordinating Center for the Regional Genetic and Newborn Screening Services Collaboratives, appreciates that you have acknowledged our ongoing roles in the development of newborn screening programs in the United States. ACMG is fully supportive of the bill and recognizes the importance of each of the areas it addresses. Newborn screening programs have always represented a unique partnership between public health and private healthcare and as such, they require a high degree of coordination, collaboration and communication, as recognized by this bill. Likewise, surveillance and data collection are pivotal to harnessing new developments in the areas of diagnostics and therapeutics.

We are pleased that you have recognized this important public health program and have sought positive activities to improve it. If there is anything we can do to further the goals of this legislation, please feel free to contact us.

Sincerely,

MICHAEL S. WATSON,
Executive Director.
JUDITH L. BENKENDORF,
Project Manager.

Mr. KERRY (for himself and Ms. SNOWE):

S. 1714. A bill to establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, in the coming weeks, the Finance Committee will meet to consider legislation to reauthorize the vitally important State Children's Health Insurance Program, S-CHIP. The legislation that comes through committee will represent this Congress's first opportunity to make a loud and clear statement regarding the importance of children's health as a national priority.

As a member of the Finance Committee, I am focused on one goal: to insure each and everyone of the 11 million kids under the age of 21 who are uninsured today, while making sure that no other kids slip through the cracks. The first bill I introduced in this Congress, S. 95, the Kids Come First Act, would accomplish just that.

Because the Bush administration and previous Republican Congresses have played fast and loose with our Nation's finances, today we face an enormous budget deficit. The unfortunate reality is that we may not be able to accomplish all of the goals set forth in Kids Come First. But the Democratic Congress is committed to doing everything in our power to expand health coverage to children this year.

Much of our efforts will be focused on S-CHIP reauthorization. But there are additional steps we can take to begin to address this problem. The Small Business Children's Health Education Act, which I am introducing today with Senator SNOWE, represents one of those steps.

In February of 2007, the Urban Institute reported that among those eligible for the State Children's Health Insurance Program, children whose families are self-employed or who work for small business concerns are far less likely to be enrolled. Specifically, one out of every four eligible children with parents who work for a small business or who are self-employed are not enrolled. This statistic compares with just 1 out of every 10 eligible children whose parents work for a large firm.

We need to do a better job of informing and educating America's small business owners and employees of the options that may be available for covering uninsured children. To that effect, the Small Business Children's Health Education Act creates an intergovernmental task force, consisting of the Administrator of the Small Business Administration, the Secretary of Health and Human Services, the Secretary of Labor and the Secretary of Treasury, to conduct a campaign to enroll kids of small business employees who are eligible for S-CHIP and Medicaid but are not currently enrolled. To educate America's small businesses on the availability of S-CHIP and Medicaid, the task force is authorized to make use of the Small Business Administration's business partners, including the Service Corps of Retired Executives, the Small Business Development Centers, Certified Development Companies, and Women's Business Centers, and is authorized to enter into memoranda of understanding with chambers of commerce across the country.

Additionally, the Small Business Administration is directed to post S-CHIP and Medicaid eligibility criteria and enrollment information on its website, and to report back to the Senate and House Committees on Small Business regarding the status and successes of the task force's efforts to enroll eligible kids.

If you believe that we should be doing everything in our power to get every kid in this country insured, then this proposal is a no-brainer. It is estimated that 6 million of the 9 million uninsured children living in the United States are currently eligible for S-CHIP and Medicaid. These are kids who already meet the criteria for coverage, we just need to get the word to their parents and to their parents' employers that they are eligible. Ultimately, this is about priorities. I believe that the richest country on earth should not rest until all of our children are as safe and as healthy as they can possibly be. I thank Senator SNOWE for our longstanding partnership on issues critical to America's small business owners, and for her work on this legislation. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Children's Health Education Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) nearly 2,000,000 of the 9,000,000 uninsured children in the United States are currently eligible for the State Children's Health Insurance Program based on their family income, but are not enrolled;

(2) nearly 4,000,000 uninsured children appear to be eligible for Medicaid, but remain uninsured;

(3) the State Children's Health Insurance Program appears to reach only 69 percent of its target population;

(4) according to a study conducted by the Urban Institute in February, 2007, among those eligible for the State Children's Health Insurance Program, children whose families are self-employed or who work for small business concerns are far less likely to be enrolled in that program, specifically that 1 out of every 4 eligible children with parents who work for a small business concern or are self employed are not enrolled, compared with 1 out of 10 eligible children whose parents work for a large firm who are not enrolled; and

(5) the Federal Government can improve the lives of uninsured families eligible for the State Children's Health Insurance Program through increasing awareness of the availability, eligibility, and enrollment process for the State Children's Health Insurance Program (and other private options for health insurance) among owners of small business concerns.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "certified development company" means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term "State" has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term "State Children's Health Insurance Program" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term "task force" means the task force established under section 4(a); and

(10) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

SEC. 4. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(b) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(c) RESPONSIBILITIES.—The campaign conducted under this section shall include—

(1) efforts to educate the owners of small business concerns about the value of health coverage for children;

(2) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(3) efforts to educate the owners of small business concerns about assistance available through public programs; and

(4) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(d) IMPLEMENTATION.—In carrying out this section, the task force may—

(1) use any business partner of the Administration, including—

(A) a small business development center;

(B) a certified development company;

(C) a women's business center; and

(D) the Service Corps of Retired Executives;

(2) enter into—

(A) a memorandum of understanding with a chamber of commerce; and

(B) a partnership with any appropriate small business concern or health advocacy group; and

(3) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(e) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(f) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. SMITH, Mr. BIDEN, Ms. COLLINS, and Mr. REED):

S. 1715. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce the Medicare Mental Health Copayment Equity Act of 2007. I am pleased to be joined again this year by my colleague from Massachusetts, Senator KERRY. Since the 107th Congress, Senator KERRY has worked tirelessly with me to address the problem of mental health care parity. Today, we unite yet again to achieve equality between mental and physical health services under Medicare.

Mental illness ranks as the second leading reason that Americans lose healthy years of life to premature death or disability. The occurrence of mental illness among older adults is widespread, with nearly one in five Americans aged 55 and older experiencing specific disorders that are not a part of normal aging. In fact, older Americans have the highest rate of suicide in the country, and their risk increases with age, and is further exacerbated by impediments to treatment.

It is critical to note that while Medicare is often viewed as health insurance for people over age 65, it also provides care for those with severe disabilities. In fact, mental disorders are the single most frequent cause of disability, affecting more than one out of four Medicare beneficiaries. So the problem of access to mental health treatment is a pressing one for Medicare.

The good news is that, today, there are increasingly effective treatments for mental illness. The majority of people with mental disorders who receive proper treatment can lead productive lives.

Yet Medicare pays far less for critical mental health services needed by these beneficiaries than it does for medical treatment for physical disabilities.

Medicare beneficiaries typically pay 20 percent of the cost of covered outpatient services, including doctor's visits, and Medicare pays the remaining 80 percent. However, this does not apply to outpatient mental health services; here Medicare law imposes a special limitation, which requires patients to pay a much higher copayment of 50 percent.

Let me give an example of the current disparity in copayments. If a Medicare patient sees a doctor in an office for treatment of cancer, heart disease, or the flu, the patient must pay 20 percent of the fee for the visit. Yet if a Medicare patient sees a psychiatrist, psychologist, social worker, or other professional in an office for treatment of depression, schizophrenia, or any other type of mental illness, the patient must pay 50 percent of the fee. That impedes critically-needed treatment, creating disability and resulting in lives needlessly lost.

Our bill will eliminate the barrier to access which the present discriminatory copayment imposes, by phasing out the disparate payment policy over a 6-year period. This will lower the copayment rate for mental health services from the current 50 percent to the standard 20 percent. This means that, in 2013, patients seeking outpatient treatment for mental illness will pay the same 20 percent copayment that is required of Medicare patients today who receive outpatient treatment for other illnesses. Our bill creates "copayment equity" for Medicare mental health services. It is time to end the distinction between physical and mental disorders under Medicare.

I urge my colleagues to join with Senator KERRY and myself in supporting the Medicare Mental Health Copayment Equity Act of 2007 for equal treatment of mental health services under Medicare.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator SNOWE in once again introducing the Medicare Mental Health Copayment Equity Act of 2007. This legislation will establish mental health care parity in the Medicare Program.

Medicare currently requires patients to pay a 20 percent copayment for all Part B services except mental health care services, for which patients are assessed a 50 percent copayment. Thus, under the current system, if a Medicare patient sees an endocrinologist for diabetes treatment, an oncologist for cancer treatment, a cardiologist for heart disease treatment or an internist for treatment of the flu, the copayment is 20 percent of the cost of the visit. If, however, a Medicare patient visits a psychiatrist for treatment of mental illness, the copayment is 50 percent of the cost of the visit. This disparity in outpatient copayment represents blatant discrimination against Medicare beneficiaries with mental illness.

The prevalence of mental illness in older adults is considerable. According to the U.S. Surgeon General, 20 percent of older adults in the community and 40 percent of older adults in primary care settings experience symptoms of depression, while as many as one out of every two residents in nursing homes are at risk of depression. The elderly have the highest rate of suicide in the U.S., and there is a clear correlation between major depression and suicide: 60 to 75 percent of suicides among patients 75 and older have diagnosable depression. In addition to our seniors, hundreds of thousands of nonelderly disabled Medicare beneficiaries become Medicare-eligible by virtue of severe and persistent mental disorders. To subject the mentally disabled to discriminatory costs in coverage for the very conditions for which they became Medicare eligible is illogical and unfair.

There is ample evidence that mental illness can be treated. Unfortunately, among the general population, those in need for treatment often do not seek it because they are ashamed of their condition. Among our Medicare population, the mentally ill face a double burden: not only must they overcome the stigma about their illness, but once they seek treatment they must pay one-half of the cost of care out of their own pocket. The Medicare Mental Health Copayment Equity Act will provide for the reduction of the coinsurance rate for outpatient mental health services over a 6-year period. By applying the same 20 percent copayment rate to mental health services to which all other outpatient services are subjected, the Medicare Mental Health Copayment Equity Act will bring parity to the Medicare Program and improve access to care for our senior and disabled beneficiaries who are living with mental illness.

By Mr. THUNE:

S. 1716. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. THUNE. Mr. President, I rise today to introduce a bill that seeks to fix a potentially devastating mistake in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, Public Law No. 110–28.

In May 2007, Congress passed H.R. 2206, which included much-needed disaster assistance for our Nation's farmers and ranchers. After much delay, it is critical that those producers impacted by natural disasters receive the assistance they need and deserve.

Over the past few years, drought conditions and other natural disasters have financially strained tens of thousands of agriculture producers across the country. Congress has responded to the needs of America's producers by enacting emergency disaster assistance for our farm and ranch families.

However, it has been brought to my attention that many livestock producers will likely be ineligible for assistance due to an unintended technicality. Congress clearly intended disaster assistance to be available to those producers most impacted by years of devastating weather conditions. This assistance includes livestock producer eligibility for Livestock Indemnity Payments and Livestock Compensation Program without participation in the Non-Insured Crop Disaster Assistance program, NAP, or Federal crop insurance pilot program as a prerequisite.

However, it is my understanding that the Department of Agriculture will interpret section 9012 of Public Law 110–28 as Congress intending that all livestock producers must have NAP or pilot crop insurance coverage in order to be eligible for disaster payments. If disaster benefits are limited to only those livestock producers with NAP or crop insurance coverage, the vast majority of livestock producers in drought-stricken regions will be ineligible for disaster assistance.

Only a small percentage of producers participated in the NAP program, which only paid $1 to $2 per acre. As a result, few grazing producers bought policies. It is not good policy to exclude producers from disaster assistance who chose not to participate in what many consider an ineffective program.

My legislation would strike section 9012 of Public Law 110–28, and ensure that those producers in need of assistance receive assistance in a timely manner.

It is my belief that both the Senate and the House of Representatives should pass my bill to ensure that livestock producers are able to qualify for the disaster assistance that President Bush signed into law earlier this year.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. OBAMA, Mr. BROWN, Mr. CARDIN, Mr. LEVIN, and Ms. STABENOW):

S. 1717. A bill to reqire the Secretary of Agriculture, acting through the Deputy Chief of State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I rise today to introduce the bipartisan Emerald Ash Borer Municipality Assistance Act of 2007, a bill designed to help local units of government manage the costs of combating this pernicious invasive pest species.

Although some of my colleagues in the Senate may not have heard of the Emerald Ash Borer, it is a destructive pest that poses a significant threat to our forests and urban and residential landscapes.

Some of my colleagues are all too familiar with the destructive power of EAB because of the speed with which it can move from State to State and the extensive damage it can cause to a State's ash tree population. Before this species was discovered in Illinois, I had been following its deadly march across the Midwest and had discussed the dangers of EAB with my colleagues from Michigan and Indiana.

The emerald-green beetle was most likely brought to North America in solid wood packing material from Asia about 10 years ago. Our new flat world means that in addition to improved global communications and more foreign trade and foreign travel, we are also witnessing the international movement of bugs like this beetle.

The beetle was first discovered in Michigan in 2002. Since then, the beetle has killed 20 million of the State's more than 700 million ash trees. Since then, the beetle has been found in Indiana, Ohio, and Maryland. The tiny beetle kills with astonishing speed. During the mating season, the ash borer lays its larva under the bark of the ash trees. When they hatch, hundreds of these beetles feed on the inner bark of the ash tree, disrupting the tree's ability to transport water and nutrients through the tree.

Within 2 to 3 years of introduction, the beetles will destroy a host ash tree and spread. Each beetle has a half mile flying range, widening the beetle's infestation every year in expanding concentric circles. The beetle is also spread artificially and often unknowingly by campers and others who transport ash firewood and thus introduce the beetle to new environments.

Managing this deadly beetle is a significant challenge. At an average cost of $500 per tree removal and a couple of hundred dollars to replant a tree to maintain forest and urban canopies, this bug presents a serious economic impact on our communities. Additional costs are incurred for equipment, marshalling yards, and survey activities.

While the Federal Government administers a national EAB program through USDA-APHIS, many of the costs of managing EAB are borne by municipalities and homeowners. For example, the city of Woodridge, IL, a town of 30,000, is home to 8,000 public trees, 25 percent of which are ash. If the Emerald Ash Borer were to infest the public-owned ash trees of Woodridge, the cost of removing and replanting Woodridge's trees would be about $1.8 million.

One of the missing pieces in the Federal Emerald Ash Borer, EAB, Program is a mechanism to help municipalities defray the costs of performing EAB prevention duties normally performed by the Federal Government. These costs include managing the EAB population by surveying trees, removing infested trees, and replacing removed trees. The expenses associated with these activities include purchasing bucket trucks, tub grinders, and replacement trees and renting or leasing space for marshalling yards.

The legislation would create a low-interest revolving loan fund for communities for the purchase of capital equipment and replacement trees within quarantine areas. Communities would have a 20-year window to repay the loan. In addition, the bill would allow states to contract with local units of government to perform EAB duties.

Ash trees are among the most commonly found trees in our forests and urban canopies. Wisconsin is home to more than 700 million of them. They make up 20 percent of the tree population of beautiful Madison, WI. The beetle threatens billions of ash trees in North America. Losing our ash trees would incur costs that are difficult to measure. Homeowners deeply love their trees and value the shade and aesthetic beauty they add. Ash trees are a part of our wildlife habitat and diverse environment.

In my State of Illinois, the beetle has been found in multiple locations, in several parts of both Kane County and Cook County. Experts say that unchecked, this beetle could threaten ash trees nationwide on a scale equal to the Dutch Elm Disease, which destroyed more than half of the elm trees in the northern United States.

It is a problem of significant magnitude and I hope my colleagues will join me in this effort to control and eradicate the Emerald Ash Borer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emerald Ash Borer Municipality Assistance Act of 2007".

SEC. 2. EMERALD ASH BORER REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term "authorized equipment" means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term "authorized equipment" includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term "Fund" means the Emerald Ash Borer Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the "Emerald Ash Borer Revolving Loan Fund", consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by the emerald ash borer.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(I) on land under the jurisdiction of the eligible unit of local government; and

(II) within the borders of a quarantine area infested by the emerald ash borer; or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 3. COOPERATIVE AGREEMENTS RELATING TO EMERALD ASH BORER PREVENTION ACTIVITIES.

Any cooperative agreement entered into after the date of enactment of this Act between the Secretary of Agriculture and a State relating to the prevention of emerald ash borer infestation shall allow the State to provide any cost-sharing assistance or financing mechanism provided to the State under the cooperative agreement to a unit of local government of the State that—

(1) is engaged in any activity relating to the prevention of emerald ash borer infestation; and

(2) is capable of documenting each emerald ash borer infestation prevention activity generally carried out by—

(A) the Department of Agriculture; or

(B) the State department of agriculture that has jurisdiction over the unit of local government.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1722. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, agriculture is Pennsylvania's No. 1 industry. According to 2004 U.S. Department of Agriculture, USDA, statistics, the market value of all agriculture production in PA was approximately $7,026,739,000. Further, dairy is the number one sector of our agriculture industry. In 2005, Pennsylvania dairy farmers produced 10.5 billion pounds of milk from 558,000 cows on approximately 9,000 dairy farms. In 2004, milk production in PA contributed about $1,770,912,000 to the economy.

I have consistently fought for Pennsylvania's dairy producers since taking office in 1981. Last year, I fought to ensure the viability of the dairy industry by ensuring that the Senate Budget Committee opposed the administration's fiscal year 2007 proposals that would have been detrimental to our Nation's dairy farmers. I, along with 16 other Senators, wrote a letter on March 8, 2006, to the Senate Budget Committee urging rejection of the proposed budget cuts and tax increases on America's dairy farmers that included: 1. reducing the value of the price support program; 2. cutting Milk Income Loss Contract, MILC, payments by 5 percent; and 3. taxing every dairy farmer in America 3 cents per hundredweight, cwt., on all production. We were successful in this fight to protect Pennsylvania's, and the Nation's, dairy producers.

Also, I, along with five other Senators, requested that the Government Accountability Office, GAO, review the Chicago Mercantile Exchange, CME, cash cheese market because the price of cheese is strongly correlated to the price of milk. The GAO is expected to have a final report in the near future. This report will help us set legislative priorities by giving us a better understanding of the CME cheese market and its relation to the price of milk.

Even though milk production in Pennsylvania had a market value of $1,770,912,000 in 2004, dairy farmers across PA and the Nation experienced decreased prices of milk from November of 2005 until early this year. Our dairy producers should not be receiving decreased milk prices, especially with the increased costs of production, such as fuel, feed, and fertilizer.

These unpredictable fluctuations in the price of milk paid to our dairy farmers place an undue financial burden on our producers, which in turn negatively impact our rural communities. As a result, I worked hard with Senators SANTORUM, CHAMBLISS, KOHL, and LEAHY to extend the Milk Income Loss Contract, MILC, program until September of 2007. The MILC program was created as part of the 2002 farm bill to provide supplemental payments to dairy farmers when the market price falls below a statutory trigger. This program has provided timely and crucial payments to producers, particularly when prices were low in 2002, 2003, and 2006. Although milk prices are expected to be above the statutory trigger price of $16.94 through 2007, we need to ensure a more stable milk pricing system.

The 2007 farm bill creates an opportunity to address the current volatile milk pricing system. While many legislative measures have been proposed, it is essential that any program address costs of production, ensure market and price transparency, and provide a safety-net for our producers. Additionally, we need to provide dairy producers with tools to help them should milk prices fall below sustainable levels, such as a voluntary revenue insurance program.

I, along with Senator BOB CASEY, have worked with our constituents to propose two dairy legislative proposals to ensure that we continue to discuss America's milk pricing system and the need for change in the 2007 farm bill. I have met with dairy producers from across the Commonwealth and there is a broad consensus that the unpredictable milk pricing system needs to be addressed. The hard part is coming to a consensus on how to reform the system. Although these two legislative proposals may not be perfect, they provide ideas on assuring an equitable milk price for our dairy producers.

The first bill that we are introducing is the Federal Milk Marketing Improvement Act of 2007. This legislation would reduce the number of classes of milk from four to two with the intent of simplifying the pricing of milk. The bill would require the Secretary of Agriculture to determine the price of all milk used for manufacturing purposes, which will be classified as Class II milk, by using the national average cost of production. This price would then be the basis formula for calculating the price of Class I milk, which is fluid milk. Although costs of production can vary drastically farm by farm, this legislation would ensure that dairy farmers receive a fair price for their milk based on a national average cost of production figure.

Costs of production for dairy farmers all across America have increased, not just in one region. Fuel, feed, and fertilizer costs have more than doubled. Only recently has the price of milk paid to farmers reached higher than the MILC program trigger price of $16.94 per cwt. With the price of milk above this target price, no payments to farmers will be made, even though input costs have more than doubled. Addressing costs of production is necessary to ensure that our family dairy farmers survive.

The second bill that we have introduced aims to promote growth and opportunity for the dairy industry. This bill would change the current MILC program to a Milk Target Price Program and would link payments to dairy farmers on Class III milk. The program would pay farmers when the price of Class III falls below $12.00 per hundredweight. This trigger price would be adjusted by a feed adjustment factor to reflect the feed cost of producing 100 pounds of milk. The USDA would determine this factor based on a feed price index using a baseline period of calendar years 2001 through 2005.

Further, the second bill would require the mandatory reporting of dairy commodities by requiring that dairy prices be reported on a daily and weekly basis. The current system is not mandatory and it is estimated that dairy farmers lost $6.4 million due to a Federal reporting error by the USDA over the past nine months. Along with 10 other Senators, I sent a letter to USDA Secretary Mike Johanns on May 9, 2007, requesting an explanation on how this misreporting occurred. This bill aims to close any loops in current law and assure proper auditing, data verification, and enforcement of reporting in order to ensure a transparent dairy market.

Finally, the second bill would provide authorization for a Federal dairy education loan forgiveness program. This would allow students at higher education institutions across America who focus on agriculture for a 2- or 4-year degree and become a full-time owner of a farm to become eligible to have their Federal student loans forgiven. This is aimed to ensure that there is a younger generation of farmers to work the lands across the fields in America.

Both of these bills aim to help our family dairy farms who deserve a fair price for their milk. I am committed to Pennsylvania's dairy farmers and will continue to work with my Pennsylvania colleague, Senator CASEY, and all my colleagues in the U.S. Senate to ensure our dairy farmers are not left behind. As more ideas and solutions are proposed, I will consider each and every one. Debate is important to finding a solution to any problem.

Farmers and rural America are the backbone of our great country. Every day, they work the fields, milk the cows, herd the cattle, and pick the produce. I myself grew up in rural Kansas and at the age of 14, I worked for Clyde Mills, father of my close friend and high school classmate Steve, driving a tractor in the wheat fields, providing lessons on the difficulties of working on a farm.

Agriculture is crucial to Pennsylvania and to the entire nation. We need to ensure that the next farm bill provides all our fanners with the assistance they need to overcome hardships, as well as providing our rural communities the financial and technical assistance they need to assure a vibrant and stable rural economy. Even though I voted against final passage of the 2002 farm bill because it disproportionately provided more Federal funds to other states and regions in the U.S., I look forward to working with the Senate Committee on Agriculture and my colleagues in the full Senate to ensure farmers across America are equitably treated when it comes to Federal agricultural programs and assistance.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 258—RECOGNIZING THE HISTORICAL AND EDUCATIONAL SIGNIFICANCE OF THE ATLANTIC FREEDOM TOUR OF THE FREEDOM SCHOONER AMISTAD, AND EXPRESSING THE SENSE OF THE SENATE THAT PRESERVING THE LEGACY OF THE AMISTAD STORY IS IMPORTANT IN PROMOTING MULTICULTURAL DIALOGUE, EDUCATION AND COOPERATION

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 258

Whereas the Slave Trade Act of the British Parliament in 1807 was the first major legislation to abolish the slave trade and began the march to end slavery;

Whereas, in 1839, 53 Africans were illegally kidnapped from Sierra Leone and sold into the transatlantic slave trade;

Whereas the captives were brought to Havana, Cuba, aboard the Portuguese vessel Tecora, where they were fraudulently classified as native-born Cuban slaves;

Whereas the captives were sold to José Ruiz and Pedro Montez of Spain, who transferred them onto the coastal cargo schooner La Amistad;

Whereas, on the evening of the rebellion, La Amistad was secretly directed to return west up the coast of North America, where after two months the Africans were seized and arrested in New London, Connecticut;

Whereas the captives were jailed and awaited trial in New Haven, Connecticut;

Whereas the trial of the captives became historic when former President John Quincy Adams argued on behalf of the enslaved before the United States Supreme Court and won their freedom;

Whereas, in 2007, the Freedom Schooner Amistad will embark on its first transatlantic voyage to celebrate the 200th anniversary of the abolition of the transatlantic slave trade; and

Whereas the Amistad case represents an opportunity to call to public attention the evils of slavery and the struggle for freedom and the restoration of human dignity: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes the historical and educational significance of the Atlantic Freedom Tour of the Freedom Schooner Amistad;

(2) the Senate encourages the people of the United States to learn about the history of the United States and better understand the experiences that have shaped this Nation; and

(3) it is the sense of the Senate that preserving the legacy of the Amistad should be regarded as a means in fostering multicultural dialogue, education, and cooperation.

SENATE RESOLUTION 259—COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM FOR WINNING THE 2007 COLLEGE WORLD SERIES

Mr. WYDEN (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 259

Whereas on June 24, 2007, the Oregon State University baseball team won the 2007 College World Series in Omaha, Nebraska after defeating California State University, Fullerton by a score of 3 to 2; Arizona State University by a score of 12 to 6; University of California, Irvine by a score of 7 to 1; and the University of North Carolina at Chapel Hill in the championship by scores of 11 to 4 and 9 to 3;

Whereas this is the second consecutive College World Series championship Oregon State University has won, making the University the first repeat College World Series champion in a decade;

Whereas the success of the team was a direct result of the skill, intensity, and resolve of every player on the Oregon State University baseball team, including Erik Ammon, Darwin Barney, Hunter Beaty, Scotty Berke, Reed Brown, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Jackson Evans, Kyle Foster, Drew George, Mark Grbavac, Chad Hegdahl, Chris Hopkins, Koa Kahalehoe, Greg Keim, Blake Keitzman, Josh Keller, Eddie Kunz, Joey Lakowske, Lonnie Lechelt, Jordan Lennerton, Mike Lissman, Anton Maxwell, Jake McCormick, Chad Nading, Jason Ogata, Ryan Ortiz, Joe Paterson, Tyrell Poggemeyer, Joe Pratt, Jorge Reyes, Scott Santschi, Kraig Sitton, Alex Sogard, Dale Solomon, Michael Stutes, Daniel Turpen, John Wallace, Braden Wells, and Joey Wong;

Whereas freshman pitcher Jorge Reyes was recognized as the Most Outstanding Player of the 2007 College World Series tournament;

Whereas Darwin Barney, Mitch Canham, Mike Lissman, Jorge Reyes, Scott Santschi, and Joey Wong were named to the 2007 All-College World Series tournament team; and

Whereas the 2007 College World Series victory of the Oregon State University baseball team ended a terrific season in which the team compiled a record of 49 wins to 18 losses: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and Oregon State University President Edward John Ray on their tremendous accomplishment in defending their 2007 College World Series championship title; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1948. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1949. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1950. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1951. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1952. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1953. Mr. SCHUMER (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1954. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1955. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1957. Mrs. FEINSTEIN proposed an amendment to amendment SA 1934 (Division I) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

SA 1958. Mr. SPECTER proposed an amendment to amendment SA 1934 (Division II) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

SA 1959. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1960. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1961. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1962. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1963. Mr. COLEMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1964. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1965. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1966. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1967. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1968. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1969. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1970. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1971. Mr. NELSON of Florida (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1972. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1973. Mr. DODD (for himself, Mr. MENENDEZ, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1974. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1975. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1976. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1906 submitted by Mr. CHAMBLISS and intended to be proposed to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1977. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1934 (Division XI) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1978. Mr. KENNEDY proposed an amendment to amendment SA 1934 (Division VII) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra.

TEXT OF AMENDMENTS

SA 1948. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 452, strike line 11 and all that follows through page 454, line 16, and insert the following:

"(D) under section 101(a)(15)(Y)(ii), may not exceed—

"(i) 100,000 for the first fiscal year in which the program is implemented;

"(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 300,000 for any fiscal year.";

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

"(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii) and (D)(ii) of paragraph (1)—

"(A) if the total number of visas allocated for that fiscal year are issued during the first 6 months that fiscal year, an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

"(B) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

"(C) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.";

(4) in paragraph (10), as redesignated by paragraph (2) of this section, by amending subparagraph (A) to read as follows:

"(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(D) during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker."; and

(5) in paragraph (11), as redesignated by paragraph (2) of this section—

(A) by inserting "(A)" after "(11)"; and

(B) by adding at the end the following:

"(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.".

SA 1949. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 601(f)(2), strike "12 months" and insert "2 years".

SA 1950. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 11 and 12, insert the following:

(e) AGREEMENT OF BORDER GOVERNORS.—The programs described in subsection (a) shall not become effective until at least 3 of the 4 governors of the States that share a land border with Mexico agree that the border security and other measures described in subsection (a) are established, funded, and operational.

(f) DEFINED TERM.—In this section, the term "operational control" means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SA 1951. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 580 between lines 7 and 8, insert the following:

(6) ENGLISH AND CIVICS.—An alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

SA 1952. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 582, strike line 11 and all that follows through page 584, line 4, and insert the following:

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(II) EXCEPTION.—The requirement under subclause (I) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable to comply because of physical or developmental disability or mental impairment to comply with such requirement; or

(bb) is older than 65 years of age and has been living in the United States for periods totaling not less than 20 years.

SA 1953. Mr. SCHUMER (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, after line 17, insert the following:

SEC. 716. CLARIFYING AMENDMENTS REGARDING THE USE OF SOCIAL SECURITY CARDS.

(a) USE OF SOCIAL SECURITY CARDS TO ESTABLISH IDENTITY AND EMPLOYMENT AUTHORIZATION.—Section 274A of the Immigration and Nationality Act, as amended by section 302, is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in clause (ii)(III), by striking "; or" and inserting a semicolon;

(ii) in clause (iii), by striking the end period and inserting "; or"; and

(iii) by adding at the end the following:

"(iv) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 716(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 716(f)(1) of such Act."; and

(B) in subparagraph (D)(i), by striking "may" and inserting "shall, not later than the date on which the report described in section 716(f)(1) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, is submitted,"; and

(2) in subsection (d)(9)(B)(v)(I), by striking "as specified in (D)" and inserting "as specified in subparagraph (D), including photographs and any other biometric information as may be required".

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—Section 205(c)(2)(I)(i) of the Social Security Act, as added by section 308, is further amended by inserting at the end of the flush text at the end the following new sentence: "As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act, the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card."

(c) INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.—Notwithstanding any other provision of this Act, section 305 of this Act is repealed.

(d) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(e) ADDITIONAL DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—In accordance with the responsibilities of the Commissioner of Social Security under section 205(c)(2)(I) of the Social Security Act, as added by section 308, the Commissioner—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) in consultation with the Secretary of Homeland Security, shall issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(f) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (g), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(c)(1) of the Immigration and Nationality Act, should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (d)(1), and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SA 1954. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PEACE GARDEN PASS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the "Peace Garden Pass") to allow citizens of the United States described in subsection (b) to travel to the International Peace Garden on the borders of the State of North Dakota and Manitoba, Canada (and to be readmitted into the United States).

(2) MAINTAINING BORDER SECURITY.—The Secretary shall take any appropriate measures to ensure that the Peace Garden Pass does not weaken border security or otherwise pose a threat to national security, including—

(A) including biographic data on the Peace Garden Pass; and

(B) using databases to verify the identity and other relevant information of holders of the Peace Garden Pass upon re-entry into the United States.

(b) ADMITTANCE.—The Peace Garden Pass shall be issued for the sole purpose of traveling to the International Peace Garden from the United States and returning from the International Peace Garden to the United States without having been granted entry into Canada.

(c) CHARACTERISTICS OF THE PEACE GARDEN PASS.—The Peace Garden Pass shall be—

(1) machine-readable;

(2) tamper-proof; and

(3) not valid for certification of citizenship for any other purpose other than admission into the United States from the Peace Garden.

(d) IDENTIFICATION.—The Secretary shall—

(1) determine what form of identification (other than a passport or passport card) will be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(e) LIMITATION.—The Peace Garden Pass shall not grant entry into Canada.

(f) DURATION.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(g) COST.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 1955. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 529, strike line 13 and all that follows through line 22, and insert the following:

"(2) redesignating paragraph (4) as paragraph (2);

"(3) redesignating paragraph (5) as paragraph (3);

"(4) redesignating paragraph (6) as paragraph (4).

SA 1956. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 595, strike lines 19 through 23 and insert the following:

(B) ADJUSTMENT OF STATUS; PREFERENTIAL TREATMENT PROHIBITED.—The status of any Z-1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence if the Z-1 nonimmigrant meets the requirements under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255). Nothing in this Act may be construed to provide aliens who were unlawfully present in the United States before the date of the enactment of this Act with any preferential treatment over other aliens who are seeking to obtain legal permanent residence or United States citizenship.

SA 1958. Mrs. FEINSTEIN proposed an amendment to amendment SA 1934 (Division I) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1958. Mr. SPECTER proposed an amendment to amendment SA 1934 (Division II) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1959. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 5, between lines 11 and 12, insert the following:

(7) US-VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 1960. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 617, strike line 1 and all that follows through page 618, line 22, and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsections:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1961. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title VI, insert the following:

(a) ELIGIBILITY TO ENLIST IN THE UNITED STATES ARMED FORCES.—Notwithstanding section 504(b) of title 10, United States Code, an alien who receives Z nonimmigrant status shall be eligible to enlist in the United States Armed Forces.

SA 1962. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 268, line 13, strike ".", and insert "and"

"requires, as a condition of conducting, continuing, or expanding a business, that, a business entity—

"(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

"(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

"(II) any contractor, customer, or other person over which the business entity has no authority; or

"(ii) shall carry out any other activity to facilitate the employment by others of—

"(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

"(II) any contractor, customer, or other person over which the business entity has no authority.".

SA 1963. Mr. COLEMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LANGUAGE TRAINING PROGRAMS.

(a) ACCREDITATION REQUIREMENT.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i) is amended by striking "a language" and inserting "an accredited language".

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations that—

(1) except as provided under paragraphs (3) and (4), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), be accredited by the Commission on English Language Program Accreditation, the Accrediting Council for Continuing Education and Training, or under the governance of an institution accredited by 1 of the 6 regional accrediting agencies;

(2) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary of Education with documentation regarding the specific subject matter for which the program is accredited;

(3) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program, during the 3-year period beginning on the date of the enactment of this Act, if such program is not accredited under paragraph (1); and

(4) permit a language training program established after the date of the enactment of this Act, which is not accredited under paragraph (1), to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 3-year period beginning on the date on which such program is established.

SA 1964. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 711. WESTERN HEMISPHERE TRAVEL INITIATIVE IMPROVEMENT.

(a) CERTIFICATIONS.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (v)—

(i) by striking "process" and inserting "read"; and

(ii) inserting "at all ports of entry" after "installed";

(B) in clause (vi), by striking "and" at the end;

(C) in clause (vii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(viii) a pilot program in which not fewer than 1 State has been initiated and evaluated to determine if an enhanced driver's license, which is machine-readable and tamper-proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada, and issued by such State to an individual, may permit the individual to use the individual's driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada at the land and sea ports of entry;

"(ix) the report described in subparagraph (C) has been submitted to the appropriate congressional committees;

"(x) a study has been conducted to determine the number of passports and passport cards that will be issued as a consequence of the documentation requirements under subparagraph (A); and

"(xi) sufficient passport adjudication personnel have been hired or contracted—

"(I) to accommodate—

"(aa) increased demand for passports as a consequence of the documentation requirements under subparagraph (A); and

"(bb) a surge in such demand during seasonal peak travel times; and

"(II) to ensure that the time required to issue a passport or passport card is not anticipated to exceed 8 weeks."; and

(2) by adding at the end the following:

"(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report, which includes—

"(i) an analysis of the impact of the pilot program on national security;

"(ii) recommendations on how to expand the pilot program to other States;

"(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

"(iv) a plan to scan individuals participating in the pilot program against United States terrorist watch lists;

"(v) an evaluation of and recommendations for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses;

"(vi) recommendations for improving the pilot program; and

"(vii) an analysis of any cost savings for a citizen of the United States participating in an enhanced driver's license program as compared with participating in an alternative program.".

(b) SPECIAL RULE FOR MINORS.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR MINORS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall permit an individual to enter the United States without providing any evidence of citizenship if the individual—

"(A)(i) is less than 16 years old;

"(ii) is accompanied by the individual's legal guardian;

"(iii) is entering the United States from Canada or Mexico;

"(iv) is a citizen of the United States or Canada; and

"(v) provides a birth certificate; or

"(B)(i) is less than 18 years old;

"(ii) is traveling under adult supervision with a public or private school group, religious group, social or cultural organization, or team associated with a youth athletics organization; and

"(iii) provides a birth certificate.".

(c) TRAVEL FACILITATION INITIATIVES.—Section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended by adding at the end the following new subsections:

"(e) STATE DRIVER'S LICENSE AND IDENTIFICATION CARD ENROLLMENT PROGRAM.—

"(1) IN GENERAL.—Notwithstanding any other provision of law and not later than 180 days after the submission of the report described in subsection (b)(1)(C), the Secretary of State and the Secretary of Homeland Security shall issue regulations to establish a State Driver's License and Identity Card Enrollment Program as described in this subsection (hereinafter in this subsection referred to as the 'Program') and which allows the Secretary of Homeland Security to enter into a memorandum of understanding with an appropriate official of each State that elects to participate in the Program.

"(2) PURPOSE.—The purpose of the Program is to permit a citizen of the United States who produces a driver's license or identity card that meets the requirements of paragraph (3) or a citizen of Canada who produces a document described in paragraph (4) to enter the United States from Canada by land or sea without providing any other documentation or evidence of citizenship.

"(3) ADMISSION OF CITIZENS OF THE UNITED STATES.—A driver's license or identity card meets the requirements of this paragraph if—

"(A) the license or card—

"(i) was issued by a State that is participating in the Program; and

"(ii) is tamper-proof and machine readable; and

"(B) the State that issued the license or card—

"(i) has a mechanism to verify the United States citizenship status of an applicant for such a license or card;

"(ii) does not require an individual to include the individual's citizenship status on such a license or card; and

"(iii) manages all information regarding an applicant's United States citizenship status in the same manner as such information collected through the United States passport application process and prohibits any other use or distribution of such information.

"(4) ADMISSION OF CITIZENS OF CANADA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security determine that an identity document issued by the Government of Canada or by the Government of a Province or Territory of Canada meets security and information requirements comparable to the requirements for a driver's license or identity card described in paragraph (3), the Secretary of Homeland Security shall permit a citizen of Canada to enter the United States from Canada using such a document without providing any other documentation or evidence of Canadian citizenship.

"(B) TECHNOLOGY STANDARDS.—The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that an identification document issued by Canada that permits entry into the United States under subparagraph (A) utilizes technology similar to the technology utilized by identification documents issued by the United States or any State.

"(5) AUTHORITY TO EXPAND.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security may expand the Program to permit an individual to enter the United States—

"(A) from a country other than Canada; or

"(B) using evidence of citizenship other than a driver's license or identity card described in paragraph (3) or a document described in paragraph (4).

"(6) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall have the effect of creating a national identity card or a certification of citizenship for any purpose other than admission into the United States as described in this subsection.

"(7) STATE DEFINED.—In this subsection, the term 'State' means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the

United States, or any other territory or possession of the United States.

"(f) WAIVER FOR INTRASTATE TRAVEL.—The Secretary of Homeland Security shall accept a birth certificate as proof of citizenship for any United States citizen who is traveling directly from one part of a State to a noncontiguous part of that State through Canada, if such citizen cannot travel by land to such part of the State without traveling through Canada, and such travel in Canada is limited to no more than 2 hours.

"(g) WAIVER OF PASS CARD AND PASSPORT EXECUTION FEES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, during the 2-year period beginning on the date on which the Secretary of Homeland Security publishes a final rule in the Federal Register to carry out subsection (b), the Secretary of State shall—

"(A) designate 1 facility in each city or port of entry designated under paragraph (2), including a State Department of Motor Vehicles facility located in such city or port of entry if the Secretary determines appropriate, in which a passport or passport card may be procured without an execution fee during such period; and

"(B) develop not fewer than 6 mobile enrollment teams that—

"(i) are able to issue passports or other identity documents issued by the Secretary of State without an execution fee during such period;

"(ii) are operated along the northern and southern borders of the United States; and

"(iii) focus on providing passports and other such documents to citizens of the United States who live in areas of the United States that are near such an international border and that have relatively low population density.

"(2) DESIGNATION OF CITIES AND PORTS OF ENTRY.—The Secretary of State shall designate cities and ports of entry for purposes of paragraph (1)(A) as follows:

"(A) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the northern border of the United States.

"(B) The Secretary shall designate not fewer than 3 cities or ports of entry that are 100 miles or less from the southern border of the United States.

"(h) COST-BENEFIT ANALYSIS.—Prior to publishing a final rule in the Federal Register to carry out subsection (b), the Secretary of Homeland Security shall conduct a complete cost-benefit analysis of carrying out this section. Such analysis shall include analysis of—

"(1) any potential costs of carrying out this section on trade, travel, and the tourism industry; and

"(2) any potential savings that would result from the implementation of the State Driver's License and Identity Card Enrollment Program established under subsection (e) as an alternative tc passports and passport cards.

"(i) REPORT.—During the 2-year period beginning on the date that is the 3 months after the date on which the Secretary of Homeland Security begins implementation of subsection (b)(1)—

"(1) the Secretary of Homeland Security shall submit to the appropriate congressional committees a report not less than once every 3 months on—

"(A) the average delay at border crossings; and

"(B) the average processing time for a NEXUS card, FAST card, or SENTRI card; and

"(2) the Secretary of State shall submit to the appropriate congressional committees a report not less than once every 3 months on the average processing time for a passport or passport card.

"(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

"(2) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.".

(d) SENSE OF CONGRESS REGARDING IMPLEMENTATION OF THE WESTERN HEMISPHERE TRAVEL INITIATIVE.—The intent of Congress in enacting section 546 of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 120 Stat. 1386) was to prevent the Secretary of Homeland Security from implementing the plan described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) before the earlier of June 1, 2009, or the date on which the Secretary certifies to Congress that an alternative travel document, known as a passport card, has been developed and widely distributed to eligible citizens of the United States.

(e) PASSPORT PROCESSING STAFF AUTHORITIES.—

(1) REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.—Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

(A) in paragraph (1), by striking "To facilitate" and all that follows through ", the Secretary" and inserting "The Secretary"; and

(B) in paragraph (2), by striking "2008" and inserting "2010".

(2) REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(A) in paragraph (1)(B), by striking "to facilitate" and all that follows through "Afghanistan,"; and

(B) in paragraph (2), by striking "2008" and inserting "2010".

(f) REPORT ON BORDER INFRASTRUCTURE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report on the adequacy of the infrastructure of the United States to manage cross-border travel associated with the NEXUS, FAST, and SENTRI programs. Such report shall include consideration of—

(A) the ability of frequent travelers to access dedicated lanes for such travel;

(B) the total time required for border crossing, including time spent prior to ports of entry;

(C) the frequency, adequacy of facilities and any additional delays associated with secondary inspections; and

(D) the adequacy of readers to rapidly read identity documents of such individuals.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

SA 1965. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of this Act, the Secretary shall permit an employee of United States Customs and Border Protection or United States Immigration and Customs Enforcement who carries out a function of such agencies in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area before the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SA 1966. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal such sums as may be necessary to carry out this section.

SA 1967. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, between lines 17 and 18, insert the following:

SEC. 716. H-1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15) of the Immigration and Nationality Act, as added by section 715 of this Act, is amended—

(1) in subparagraph (A), by striking "In each instance where" and inserting "Except as provided under subparagraph (D), if";

(2) by amending subparagraph (C) to read as follows:

"(C) Of the amounts collected under this paragraph—

"(i) 85.72 percent shall be deposited in the Treasury in accordance with section 286(aa); and

"(ii) 14.28 percent shall be deposited in the Treasury in accordance with section 286(bb)."; and

(3) by adding at the end the following:

"(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.".

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 714 of this Act, as subsection (aa) and moving the redesignated subsection to the end of section 286; and

(2) by inserting after subsection (aa), as redesignated by paragraph (1), the following:

"(bb) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".

SA 1968. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 685, between lines 17 and 18, insert the following:

SEC. 716. H-1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15) of the Immigration and Nationality Act, as added by section 715 of this Act, is amended—

(1) in subparagraph (A), by striking "In each instance where" and inserting "Except as provided under subparagraph (D), if an employer seeks to hire a merit-based, employer-sponsored immigrant described in section 203(b)(5), or if";

(2) by amending subparagraph (C) to read as follows:

"(C) Of the amounts collected under this paragraph—

"(i) 85.72 percent shall be deposited in the Treasury in accordance with section 286(aa); and

"(ii) 14.28 percent shall be deposited in the Treasury in accordance with section 286(bb)."; and

(3) by adding at the end the following:

"(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.".

(b) USE OF ADDITIONAL FEE.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 714 of this Act, as subsection (aa) and moving the redesignated subsection to the end of section 286; and

(2) by inserting after subsection (aa), as redesignated by paragraph (1), the following:

"(bb) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

"(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).".

SA 1969. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. _____. DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING [NELSON].

Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

"(i) VISA APPLICATION INTERVIEWS.—

"(1) VIDEOCONFERENCING.—For purposes of subsection (h), the term 'in person interview' includes an interview conducted by videoconference or similar technology after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies to the appropriate committees of Congress that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview using videoconference or similar technology are those of the visa applicant.

"(2) MOBILE VISA INTERVIEWS.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews using mobile teams of consular officials after the date on which the Secretary of State, in consultation with Secretary of Homeland Security, certifies to the appropriate committees of Congress that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process or the safety and security of consular officers.

"(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection the term 'appropriate committees of Congress' means—

"(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

"(B) the Committee on Foreign Affairs, Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.".

SA 1970. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 602, add the following:

(b) SPECIAL RULE FOR HAITIAN CHILDREN.—

(1) ADJUSTMENT OF STATUS.—The status of an alien described in paragraph (2) shall be adjusted by the Secretary of Homeland Security under this subsection, if the alien—

(A) applies for such adjustment prior to the date that is the later of—

(i) 2 years after the date of the enactment of this Act; or

(ii) 1 year after the date on which final regulations implementing this section are promulgated; and

(B) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (6)(C)(i), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4), (5), (6)(A), (6)(C)(i), (7)(A), and (9)(B)) shall not apply.

(2) ELIGIBLE ALIENS.—An alien described in this paragraph is an alien—

(A) who is a national of Haiti;

(B) who—

(i) was on October 21, 1998 the child of an alien who—

(I) was a national of Haiti;

(II) was present in the United States on December 31, 1995;

(III) filed for asylum before December 31, 1995; and

(IV) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest; or

(ii) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(I) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival;

(II) became orphaned subsequent to arrival in the United States; or

(III) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(IV) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days; and

(C) applies for such adjustment and is physically present in the United States on the date the application is filed.

(3) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraphs (1) and (2), an application under such paragraph filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.

SA 1971. Mr. NELSON of Florida (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the table on page 526, after line 5, strike "Employment" and all that follows through "Worker's age: 25–39—3 pts" and insert the following:

Employment		**47**
Occupation	U.S. employment in Specialty Occupation (DoL definition) or professional nurse—**20 pts** U.S. employment in High Demand Occupation (BLS largest 10-yr job growth, top 30)	

National interest/ critical infrastructure	**16 pts.**
	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary)
Employer endorsement	A U.S. employer willing to pay 50% of LPR application fee either 1) offers a job, or 2) attests for a current employee—**6 pts**
Experience	Years of work for U.S. firm or as a licensed professional nurse for any employer—**2 pts/year (max 10 points)**
Age of worker	Worker's age: 25–39—**3 pts**

SA 1972. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 3 and 4, insert the following new subsection:

(f) ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.—

(1) SPECIFIED TERRORIST ACTIVITY.—In this subsection, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(2) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of any alien described in paragraph (3) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary establishes procedures to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (3) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver of the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or granted voluntary departure from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order or grant of voluntary departure, apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants an application under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(3) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to paragraph (7), the benefits under paragraph (2) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien under the immigration laws of the United States on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant under the immigration laws of the United States on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(4) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (2).

(B) DURING CERTAIN PROCEEDINGS.—The Attorney General may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (2), unless the Secretary or Attorney General has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for adjustment of status under paragraph (2) to engage in employment in the United States during the pendency of such application.

(5) AVAILABILITY OF ADMINISTRATIVE REVIEW.—Applicants for adjustment of status under paragraph (2) shall have the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(6) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(A) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and paragraph (7) of this subsection, the Attorney General shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subparagraph (B), if the alien applies for such relief.

(B) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subparagraph (A) shall apply to any alien who—

(i) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(ii) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(C) STAY OF REMOVAL; WORK AUTHORIZATION.—

(i) IN GENERAL.—The Secretary shall establish a process to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subparagraph (A).

(ii) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for cancellation of removal under subparagraph (A) to engage in employment in the United States during the pendency of such application.

(D) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(i) IN GENERAL.—On motions to reopen removal proceedings, any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(ii) FILING PERIOD.—The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this Act and shall extend for a period not to exceed 240 days.

(7) EXCEPTIONS.—Notwithstanding any other provision of this subsection, an alien may not be provided relief under this subsection if the alien is—

(A) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(B) a family member of an alien described in subparagraph (A).

(8) EVIDENCE OF DEATH.—For purposes of this subsection, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

(9) PROCESS FOR IMPLEMENTATION.—The Secretary and the Attorney General—

(A) shall carry out this subsection as expeditiously as possible;

(B) are not required to promulgate regulations before implementing this subsection; and

(C) shall promulgate procedures to implement this subsection not later than 180 days after the date of the enactment of this Act.

(10) IMPLEMENTATION.—No provision of this subsection shall be subject to section 1 of this Act.

SA 1973. Mr. DODD (for himself, Mr. MENENDEZ, and Mr. REID) submitted an

amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 537, lines 23 and 24, strike "not to exceed 40,000" and all that follows through "terminated." on page 555, line 21, and insert the following: "not to exceed 90,000, plus any visas not required for the classes specified in paragraph (3), or".

(2) By striking paragraph (2) and inserting the following:

"(2) Spouses or children of an alien lawfully admitted for permanent residence or a national. Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen national of the United States as defined in section 101(a)(22)(B) of this Act who is resident in the United States shall be allocated visas in a number not to exceed 87,000, plus any visas not required for the class specified in paragraph (1)"

(3) By striking paragraph (3) and inserting the following:

"(3) FAMILY-BASED VISA PETITIONS FILED BEFORE JANUARY 1, 2007, FOR WHICH VISAS WILL BE AVAILABLE BEFORE JANUARY 1, 2027.—

"(A) IN GENERAL.—The allocation of immigrant visas described in paragraph (4) shall apply to an alien for whom—

"(i) a family-based visa petition was filed on or before January 1, 2007; and

"(ii) as of January 1, 2007, the Secretary of Homeland Security calculates under subparagraph (B) that a visa can reasonably be expected to become available before January 1, 2027.

"(B) REASONABLE EXPECTATION OF AVAILABILITY OF VISAS.—In calculating the date on which a family-based visa can reasonably be expected to become available for an alien described in subparagraph (A), the Secretary of Homeland Security shall take into account—

"(i) the number of visas allocated annually for the family preference class under which the alien's petition was filed;

"(ii) the effect of any per country ceilings applicable to the alien's petition;

"(iii) the number of petitions filed before the alien's petition was filed that were filed under the same family preference class; and

"(iv) the rate at which visas made available in the family preference class under which the alien's petition was filed were unclaimed in previous years.

"(4) ALLOCATION OF FAMILY-BASED IMMIGRANT VISAS.—Immigrant visas totaling 440,000 shall be allotted visas as follows:

"(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (D).

"(B) Qualified immigrants who are the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, shall be allocated visas totaling 110,000 immigrant visas, plus any visas not required for the class specified in (A).

"(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (A) and (B).

"(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas totaling 189,200 immigrant visas, plus any visas not required for the class specified in (A), (B), and (C).".

(4) By striking paragraph (4).

(d) PETITION.—Section 204(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(i)) is amended by striking ", (3), or (4)" after "paragraph (1)".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

(2) PENDING AND APPROVED PETITIONS.—Petitions for a family-sponsored visa filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) which were filed before May 1, 2005, regardless of whether the petitions have been approved before May 1, 2005, shall be treated as if such provision remained in effect, and an approved petition may be the basis of an immigrant visa pursuant to section 203(a)(3).

(f) DETERMINATIONS OF NUMBER OF INTENDING LAWFUL PERMANENT RESIDENTS.—

(1) SURVEY OF PENDING AND APPROVED FAMILY-BASED PETITIONS.—The Secretary of Homeland Security may require a submission from petitioners with approved or pending family-based petitions filed for classification under section 203(a)(1), (2)(B), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) filed on or before May 1, 2005 to determine that the petitioner and the beneficiary have a continuing commitment to the petition for the alien relative under the classification. In the event the Secretary requires a submission pursuant to this section, the Secretary shall take reasonable steps to provide notice of such a requirement. In the event that the petitioner or beneficiary is no longer committed to the beneficiary obtaining an immigrant visa under this classification or if the petitioner does not respond to the request for a submission, the Secretary of Homeland Security may deny the petition if the petition has not been adjudicated or revoke the petition without additional notice pursuant to section 205 if it has been approved.

(2) FIRST SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—The Secretary shall establish procedures by which nonimmigrants described in section 101(a)(15)(Z) who seek to become aliens lawfully admitted for permanent residence under the merit-based immigrant system shall establish their eligibility, pay any applicable fees and penalties, and file their petitions. No later than the conclusion of the eighth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be 20 percent of the total number of qualified applicants. The Secretary will calculate the number of visas needed per year.

(3) SECOND SURVEY OF Z NONIMMIGRANTS INTENDING TO ADJUST STATUS.—No later than the conclusion of the thirteenth fiscal year after the effective date of section 218D of the Immigration and Nationality Act, the Secretary will determine the total number of qualified applicants not described in paragraph (2) who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be the lesser of:

(A) the number of qualified applicants, as determined by the Secretary pursuant to this paragraph; and

(B) the number calculated pursuant to paragraph (2).

(g) CONFORMING AMENDMENTS.—

(1) Section 212(d)(12)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(12)(B)) is amended by striking "201(b)(2)(A)" and inserting "201(b)(2)";

(2) Section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)(2)";

(3) Section 204(a) of the Immigration and Nationality Act (8 U.S.C. 1154(a)) is amended by striking "201(b)(2)(A)(i)" each place it appears and inserting "201(b)(2)";

(4) Section 214(r)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(r)(3)(A)) is amended by striking "201(b)(2)(A)(i)" and inserting "201(b)(2)".

SEC. 504. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding a new section 203A reading:

"SEC. 203A. IMMIGRANT VISAS FOR HARDSHIP CASES.

"(a) IN GENERAL.—Immigrant visas under this section may not exceed 5,000 per fiscal year.

"(b) DETERMINATION OF ELIGIBILITY.—The Secretary of Homeland Security may grant an immigrant visa to an applicant who satisfies the following qualifications:

"(1) FAMILY RELATIONSHIP.—Visas under this section will be given to aliens who are:

"(A) the unmarried sons or daughters of citizens of the United States;

"(B) the unmarried sons or the unmarried daughters of aliens lawfully admitted for permanent residence;

"(C) the married sons or married daughters of citizens of the United States; or

"(D) the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age,

"(2) NECESSARY HARDSHIP.—The petitioner must demonstrate to the satisfaction of the Secretary of Homeland Security that the lack of an immigrant visa under this clause would result in extreme hardship to the petitioner or the beneficiary that cannot be relieved by temporary visits as a nonimmigrant.

"(3) INELIGIBILITY TO IMMIGRATE THROUGH OTHER MEANS.—The alien described in clause (1) must be ineligible to immigrate or adjust status through other means, including but not limited to obtaining an immigrant visa filed for classification under section 201(b)(2)(A) or section 203(a) or (b) of this Act, and obtaining cancellation of removal under section 240A(b) of this Act. A determination under this section that an alien is eligible to immigrate through other means does not foreclose or restrict any later determination on the question of eligibility by the Secretary of Homeland Security or the Attorney General.

"(c) PROCESSING OF APPLICATIONS.—

"(1) An alien selected for an immigrant visa pursuant to this section shall remain eligible to receive such visa only if the alien files an application for an immigrant visa or an application for adjustment of status within the fiscal year in which the visa becomes available, or at such reasonable time as the Secretary may specify after the end of the fiscal year for petitions approved in the last quarter of the fiscal year.

"(2) All petitions for an immigrant visa under this section shall automatically terminate if not granted within the fiscal year in which they were filed. The Secretary may in his discretion establish such reasonable application period or other procedures for filing petitions as he may deem necessary in order to ensure their orderly processing within the fiscal year of filing.

"(3) The secretary may reserve up to 2,500 of the immigrant visas under this section for approval in the period between March 31 and September 30 of a fiscal year.

"(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the unreviewable discretion of the Secretary.".

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking "; and" at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking "(a), (b), or (c)," and inserting "(a) or (b),";

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking "(a), (b), or (c)" and inserting "(a) or (b)"; and

(5) in subsection (g), by striking "(a), (b), and (c)" and inserting "(a) and (b)".

(c) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I);

(2) by redesignating subparagraphs (J), (K), and (L) of subsection (a)(1) as subparagraphs (I), (J), and (K), respectively; and

(3) in subsection (e), by striking "(a), (b), or (c)" and inserting "(a) or (b)".

(d) REPEAL OF TEMPORARY REDUCTION IN VISAS FOR OTHER WORKERS.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105–100; 8 U.S.C. 1153 note), is repealed.

(e) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on October 1, 2008;

(2) No alien may receive lawful permanent resident status based on the diversity visa program on or after the effective date of this section.

(f) CONFORMING AMENDMENTS.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and (g), respectively.

SEC. 506. FAMILY VISITOR VISAS.

(a) Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

"(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he or she has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure. The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;".

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(s) PARENT VISITOR VISAS.—

"(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days in any one year period under section 101(a)(15)(B) as a temporary visitor for pleasure.

"(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulations prescribe, that—

"(A) the alien's United States citizen son or daughter who is at least 21 years of age or the alien's spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), is sponsoring the alien's visit to the United States;

"(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeit if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B)) or otherwise violates the terms and conditions of his or her nonimmigrant status; and

"(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), possesses the ability and financial means to return the alien to his or her country of residence.

"(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

"(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

"(B) must, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

"(C) may not be issued employment authorization by the Secretary or be employed.

"(4) CERTIFICATION.—No later than January 1 of each year, the Secretary of Homeland Security shall submit a written report to Congress estimating the percentage of aliens admitted to the United States during the preceding fiscal year as visitors for pleasure under the terms and conditions of this subsection who have remained in the United States beyond their authorized period of admission (except as provided in subparagraph (5)(B)). When preparing this report, the Secretary shall determine which countries, if any, have a disproportionately high rate of nationals overstaying their period of authorized admission under this subsection.

"(5) PERMANENT BARS FOR OVERSTAYS.—

"(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from any future immigration benefits under the immigration laws, except—

"(i) asylum under section 208(a);

"(ii) withholding of removal under section 241(b)(3); or

"(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

"(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that—

"(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

"(ii) the alien has not otherwise violated his or her nonimmigrant status.

"(6) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or Y–1 nonimmigrant sponsor of an alien—

"(A) admitted as a visitor for pleasure under the terms and conditions of this subsection, and

"(B) who remains in the United States beyond his or her authorized period of admission,

shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y–1 nonimmigrant sponsor, shall have his Y–1 nonimmigrant status terminated.

SA 1974. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 574, line 10, strike "All documentary evidence" and all that follows through line 13.

SA 1975. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SOUTHWEST BORDER EASEMENT FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Commissioner of the United States Section, International Boundary and Water Commission, shall conduct a study of the desirability of, and need for, border enforcement easements between the ports of entry along the international border between the United States and Mexico to facilitate the patrolling of such border to deter and detect illegal entry into the United States.

(b) IDENTIFICATION OF SPECIFIC LOCATIONS.—The study conducted under this section shall identify—

(1) the specific locations where agents of the United States Border Patrol lack immediate access to or control of the border, including any location where authorization by a third party is required to patrol the border or carry out the activities described in subsection (c); and

(2) for each such location—

(A) the actions required to create a border enforcement easement;

(B) the optimal distance from the border to which such easement should extend and the geographic size of the easement;

(C) the estimated costs of acquiring the easement and making the improvements described in subsection (c); and

(D) the changes to existing law that would be required to carry out such acquisitions and improvements.

(c) SCOPE AND USE OF EASEMENT.—Easements studied under this section shall be considered to provide the United States Border Patrol with access to and control of land immediately adjacent to the border described in subsection (a) for—

(1) installing detection equipment;

(2) constructing or improving roads;

(3) controlling vegetation;

(4) installing fences or other obstacles; and

(5) carrying out such other activities as may be required to patrol the border and deter or detect illegal entry.

(d) REPORT.—Not later than December 1, 2008, the Secretary shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

SEC. ___. REGISTRATION OF ALIENS; NOTICES OF CHANGE OF ADDRESS.

(a) REGISTRATION REQUIRED FOR WORK AUTHORIZATION.—Section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) is amended by adding at the end the following:

"(d) The Secretary of Homeland Security shall verify that each alien applying for work authorization under this Act has registered under this section and has complied with the requirements under subsections (a)(1), (a)(2), and (b) of section 265 before approving such application.".

(b) ANNUAL NOTIFICATION.—Section 265(a) of such Act (8 U.S.C. 1305(a)) is amended by striking "(a) Each alien" and inserting the following:

"(a) IN GENERAL.—

"(1) ANNUAL NOTIFICATION.—Each alien required to be registered under this title who is within the United States on the first day of January of any year shall, not later than 30 days following such date, notify the Secretary of Homeland Security in writing of the current address of the alien and furnish such additional information as the Secretary may prescribe by regulation. Failure to comply with this paragraph shall disqualify an alien from being approved for work authorization under this Act.

"(2) NOTIFICATION IF ABSENT ON JANUARY 1.—Each alien required to be registered under this title who is temporarily absent from the United States on the first day of January of any year shall, not later than 10 days after date on which the alien returns to the United States, provide the Secretary of Homeland Security with the information described in paragraph (1).

"(3) NEW ADDRESS.—Each alien".

(c) TREATMENT OF CHANGE OF ADDRESS FORM AS REGISTRATION DOCUMENT.—Section 265 of such Act (8 U.S.C. 1305), as amended by subsection (b), is further amended by adding at the end the following:

"(d) TREATMENT AS REGISTRATION DOCUMENT.—For purposes of this chapter, any notice of change of address submitted by an alien under this section shall be treated as a registration document under section 262.".

(d) TECHNICAL AMENDMENTS.—Section 266 of such Act (8 U.S.C. 1306) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) and (d) as subsections (b) and (c), respectively.

SEC. ___. ADDITIONAL TECHNOLOGICAL ASSETS.

There are authorized to be appropriated such sums as may be necessary to lease 6 additional aircraft and 12 busses for the purpose of achieving operational control of the borders of the United States.

SA 1973. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 1906 submitted by Mr. CHAMBLISS and intended to be proposed to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of amendment No. 1906, insert the following:

SEC. 711. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

"(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

"(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the international registered traveler program. Amounts so credited shall remain available until expended.

"(C) RULEMAKING.—Within 365 days after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

"(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

"(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

"(i) establishing a reasonable cost of enrollment;

"(ii) making program enrollment convenient and easily accessible; and

"(iii) providing applicants with clear and consistent eligibility guidelines.

SA 1977. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1934 (Division XI) proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division 11, add the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.".

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1978. Mr. KENNEDY proposed an amendment to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

NOTICES OF INTENT

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1865, as follows:

At the end of section 1, insert the following:

(e) SECURE FENCE ACT OF 2007.—Notwithstanding subsection (a) or any other provision of law, this Act and the amendments made by this Act shall not take effect until the President certifies to the Congress that the Secretary of Homeland Security has taken all actions necessary to comply with the provisions of, and the amendments made by, the Secure Fence Act of 2006 (Public Law 109-367; 120 Stat. 2638), including completing the installation of all fencing and barriers required by such provisions and amendments.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1886, as follows:

On page 595, between lines 12 and 13, insert the following:

(s) DEFINITION OF AGGRAVATED FELONY AND ADDITIONAL GROUNDS FOR INELIGIBILITY FOR Z NONIMMIGRANT STATUS.—

(1) AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) by striking "and" at the end of subparagraph (T);

(B) by striking the period at the end of subparagraph (U) and inserting "; and" and

(C) by adding at the end the following:

"(V) a second conviction for driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.".

(2) GROUNDS FOR INELIGIBILITY.—In addition to the grounds of ineligibility described in subsection (d)(1)(F), an alien shall be ineligible for Z nonimmigrant status if the alien has been convicted of driving while under the influence of alcohol or drugs, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under the law of that State.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1890, as follows:

Strike section 603, and insert the following:

SEC. 603. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE.—Notwithstanding any other provision of this Act, any amendment made by this Act, or any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a denial, termination, or recession of benefits or status under this title may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a denial, termination, or recession.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary shall be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under section 601(d)(1)(F)(ii) because the alien has been convicted of an aggravated felony, as defined in paragraph 101(a)(43) of the Immigration and Nationality Act, shall be placed immediately in removal proceedings pursuant to section 238(b) of such Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (i), (iii), or (iv) of section 601(d)(1)(F) shall be placed immediately in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION, OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall be final for purposes of section 242(h)(3)(C) of the Immigration and Nationality Act and shall represent the exhaustion of all review procedures for purposes of sections 601(h) and 601(o).

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection, an alien may file not more than 1 motion to reopen or to reconsider. The Secretary's or the Attorney General's decision whether to consider any such motion is in the discretion of the Secretary or the Attorney General.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1891, as follows:

On page 184, line 12, strike "(b)" and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and".

(d)

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1892, as follows:

On page 559, strike line 17 and all that follows through "January 1, 2007" on page 561, line 9, and insert the following:

"(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

"(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, is employed, and seeks to continue performing labor, services or education;

"(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and such alien—

"(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

"(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

"(aa) the termination of the relationship with such spouse was connected to domestic violence; and

"(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent, who is a Z nonimmigrant; or

"(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and was born to or legally adopted by at least 1 parent who is at the time of application described in clause (i) or (ii).".

(c) Presence in the United States.—

(1) In general.—The alien shall establish that the alien was not lawfully present in the United States on January 7, 2004

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1904, as follows:

At the appropriate place, insert the following:

SEC. ____. CUSTOMS AND BORDER PATROL MANAGEMENT FLEXIBILITY.

Notwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Patrol may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Commissioner determines to be necessary to carry out the functions of the U.S. Customs and Border Patrol. The Commissioner shall establish levels of compensation and other benefits for individuals so employed.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1927, as follows:

On page 117, line 4, insert ", even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements," after "15 years".

On Page 117, line 14, strike lines 14 beginning at and through page 118, line 8, and insert:

(4) in subparagraph (O), by striking "section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph" and inserting "section 275 or 276 for which the term of imprisonment is at least 1 year";

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting ",(c)," after "924(b)" and by striking "or" at the end, and

(B) by adding at the end the following new clauses:

"(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

"(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);"; and

(7) by amending subparagraph (F) to read as follows:

"(F) either—

"(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), or

"(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law,

for which the term of imprisonment is at least one year;".

(b) Effective Date.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

In title II, insert after section 203 the following:

SEC. 203A. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) Definition of Good Moral Character.—Section 101(f) (8 U.S.C. 1101(f)) is amended by inserting after paragraph (1) the following:

"(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

"(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act, and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after the date of enactment of this Act.

SEC. 203B. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) Inadmissibility On Criminal and Related Grounds; Waivers.—Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new subparagraphs:

"(J) Certain Firearm Offenses.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

"(K) Aggravated Felons.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.

"(L) Crimes of Domestic Violence, Stalking, or Violation of Protection Orders; Crimes Against Children.—

"(i) Domestic Violence, Stalking, and Child Abuse.—Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

"(ii) Violators of Protection Orders.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding."; and

(2) in subsection (h)—

(A) by striking "The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)" and inserting "The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), and (L) of subsection (a)(2)";

(B) by striking "if either since the date of such admission the alien has been convicted of an aggravated felony or the alien" in the next to last sentence and inserting "if since the date of such admission the alien"; and

(C) by inserting "or Secretary of Homeland Security" after "the Attorney General" each place it appears.

(b) Deportability for Criminal Offenses Involving Identification.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after subparagraph (E) the following new subparagraph:

"(F) Criminal offenses involving identification.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification).".

(c) Effective Date.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) Construction.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 119, lines 21 and 22, strike ", which is punishable by a sentence of imprisonment of five years or more".

On page 121, beginning with line 15, through page 17, strike "Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any" and insert "Any".

On page 121, strike beginning line 8 then page 122. line 13.

On page 122, lines 10 through 13, strike "The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.".

On page 123, strike all text beginning at line 23 through page 128 line 25.

On page 562, strike lines 1 through 6, and insert:

(A) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2);

On page 563, strike lines 22 through page 564, line 3, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(iii), (iv) or (v) of the Act (8 U.S.C. 1227(a)(2)(A)(iii), (iv) or (v)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, as provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi);

(J) is an alien who is described in or subject to section 237(a)(4) of the Act (8 U.S.C. 1227(a)(4); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)), except if the alien is approved for a waiver as authorized under section 237 (a)(3)(C)(ii) of the Act (8 U.S.C. 1227(a)(3)(C)(ii)).

On page 564, line 14, strike "(9)(C)(i)(I),".

On page 565, line 11, strike "section 212(a)(9)(C)(i)(II)" and insert "section 212(a)(9)(C)".

On page 565, between lines 15 and 16, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 212(d)(11) of the Act (8 U.S.C. 1182(d)(11)); or

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 565, strike lines 16 through 22.

On page 567, between lines 13 and 14, insert:

(5) Good Moral Character.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

On page 567, line 14 strike "(5)" and insert "(6)".

On page 569, line 22 strike "(6)" and insert "(7)".

On page 569, line 24 strike "(7)" and insert "(8)".

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1929, as follows:

On page 7, line 21, strike "(v) Implementation of programs authorized in titles IV and VI".

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1930, as follows:

On page 1, strike line 3 and all that follows through page 6, line 11 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

(a) In General.—With the exception of the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that subsections (e) through (i) have been fulfilled and after the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) Operational Control of the International Border with Mexico.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) Staff Enhancements for Border Patrol.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) Strong Border Barriers.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) Catch and Return.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) Workplace Enforcement Tools.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109–13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) Processing Applications of Aliens.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act, including conducting all necessary background and security checks required under that title.

(b) Sense of Congress.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) Presidential Progress Report.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the

President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as directed by Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109-367)

(B) The total miles of fence required under such Act, and as further amended by this Act, have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US-VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting "sanctuary" policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, the programs described in the matter preceding paragraph (1) of subsection (a) shall not be implemented unless, during the first 90-calendar day period of continuous session of Congress after the receipt of notice of Presidential Certification of Immigration Enforcement, Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of such resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business.

A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term "Presidential Certification of Immigration Enforcement" means the certification required under this section, which is signed by the President, and reads as follows:

"Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.".

(2) CERTIFICATION.—The term "certification" means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term "immigration enforcement measure" means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term "Resolution of Presidential Certification of Immigration Enforcement" means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

"That Congress approves the certification of the President of the United States submitted to Congress on _______ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007.",

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 2 of Rule XXII for the purpose of proposing to the bill (S. 1639), Amendment No. 1959, as follows:

On page 5, between lines 11 and 12, insert the following:

(7) US-VISIT SYSTEM.—The integrated entry and exit data system required under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), which was required to be implemented not later than December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, June 27, 2007, at 2 p.m. in SR-328A, Russell Senate Office Building. This hearing will consider the nominations of Mr. Bartholomew H. Chilton, of Delaware, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2008, and Ms. Jill E. Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Wednesday, June 27, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following bills: S. 950, S. 704, S. 1650, S. 1661, and to consider nominations for promotion in the United States Coast Guard (PN 581 and PN 582).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, June 27,2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1171, a bill to amend the Colorado River Storage Project Act and Public Law 87-483; to authorize the construction and rehabilitation of water infrastructure in Northwestern New Mexico; to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund; to authorize the conveyance of certain Reclamation land and infrastructure; to authorize the Commissioner of Reclamation to provide for the delivery of water; and to resolve the Navajo Nation's water rights claims in the San Juan River basin in New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 27, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The Stealth Tax that's no longer a Wealth Tax: How to stop the AMT from Sneaking up on unsuspecting taxpayers."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 27, 2007, at 11:15 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 27, 2007 at 10 a.m. in SD-628. We will be considering the following:

Agenda

1. S. 1695, Biologics Price Competition and Innovation Act.

2. S. 1693, Wired for Health Care Quality Act.

3. S. 793, The Reauthorization of the Traumatic Brain Injury Act.

4. S. 1011, Recognizing Addiction as a Disease Act of 2007.

11. Any nominations ready for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 27, 2007, at 11:30 a.m. in order to conduct a hearing entitled "Violent Islamist Extremism: The European Experience."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on the Constitution be authorized to meet to conduct a hearing on "Oversight of the Federal Death Penalty" on Wednesday, June 27, 2007, at 9:30 a.m. in Dirksen Senate Office Building, room 226.

Witness List

Panel I: Barry Sabin, Deputy Assistant Attorney General, U.S. Department of Justice, Washington, DC; David I. Bruck, Esq., Federal Death Penalty, Lexington, VA; The Honorable Roberto J. Sanchez Ramos, Secretary of Justice, Commonwealth of Puerto Rico, San Juan, Puerto Rico; David B. Mulhausen, Ph.D., Senior Policy Analyst, Center for Data Analysis, The Heritage Foundation, Washington, DC; and William G. Otis, Falls Church, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 27, 2007 in order to conduct a mark up on pending legislation before the Committee. The markup will begin at 9:30 a.m. in room 562 of the Dirksen Building.

Immediately after the conclusion of our mark up, the Committee will hold a hearing on the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. SPECTER. I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, "Investing in Young Children Pays Dividends: The Economic Case for Early Care and Education", in room 216 of the Hart Senate Office Building, on Wednesday, June 27, 2007, from 11 a.m. to 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, June 27, 2007 from 10:30 a.m.-12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing on the relationship between doctors and the drug industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality be authorized to meet during the session of the Senate on Wednesday, June 27, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Protecting Water Quality at America's Beaches."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that two members of my staff, Jared Najvar and Crystal Y'Barbo, be given the privilege of the floor through July 1, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent that my staffers, Neal Higgins and Matt Nosanchuk, be allowed to stay on the floor of the Senate throughout the duration of the debate over S. 1639, the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING TRANSITIONAL MEDICAL ASSISTANCE AND THE ABSTINENCE EDUCATION PROGRAM

Mr. REID. I ask unanimous consent the Senate proceed to S. 1701.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1701) to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1701) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM THROUGH THE END OF FISCAL YEAR 2007.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432) is amended—

(1) by striking "June 30" and inserting "September 30"; and

(2) by striking "third quarter" each place it appears and inserting "fourth quarter".

SEC. 2. SUNSET OF THE LIMITED CONTINUOUS ENROLLMENT PROVISION FOR CERTAIN BENEFICIARIES UNDER THE MEDICARE ADVANTAGE PROGRAM.

Section 1851(e)(2)(E) of the Social Security Act (42 U.S.C. 1395w-21(e)(2)(E)), as added by section 206(a) of division B of the Tax Relief and Health Care Act of 2006, is amended—

(1) in clause (i), by striking "2007 or 2008" and inserting "the period beginning on January 1, 2007, and ending on July 31, 2007,"; and

(2) in clause (iii)—

(A) in the heading, by striking "YEAR" and inserting "THE APPLICABLE PERIOD"; and

(B) by striking "the year" and inserting "the period described in such clause".

SEC. 3. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by 301 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking "the Fund during the period" and all that follows and inserting "the Fund—

"(I) during 2012, $1,600,000,000; and

"(II) during 2013, $1,790,000,000.".

Mr. REID. I compliment Senators BAUCUS and GRASSLEY for getting this done. We were running out of time.

COMMENDING THE OREGON STATE UNIVERSITY BASEBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 259, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 259) commending the Oregon State University baseball team for winning the 2007 College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WYDEN. Mr. President, just about a year ago, Senator SMITH and I came down to the floor of the Senate to take a few moments to talk about the Oregon State University baseball team, which had just won its first College World Series national championship out in Omaha, NE.

I can't tell you how happy I am to be standing here on the floor of the Senate 1 year later to applaud the team's defense of that title.

This is a tough, determined baseball team. When most folks counted them out, they didn't give up. After finishing 6th in the Pac-10, they squeaked their way into the post-season and never looked back.

On the road and at home, the Oregon State squad was virtually unstoppable, winning their last 10 games. In fact, the team trailed in just one of the 45 innings it played in Omaha and it was the first team to ever win 4 College World Series games by 6 or more runs.

The Beavers are the first back-to-back champions since Louisiana State University accomplished the feat back in 1996–97 and the first "cold-weather" state repeat champions ever.

It is a proud day for the players and coaches on the Oregon State team. It is a proud day for the University. And it is a proud day for all Oregonians.

Today, with Senator SMITH as my cosponsor, I have therefore submitted a resolution commending the Oregon State University baseball team for winning the 2007 College World Series.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 259) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 259

Whereas on June 24, 2007, the Oregon State University baseball team won the 2007 College World Series in Omaha, Nebraska after defeating California State University, Fullerton by a score of 3 to 2; Arizona State University by a score of 12 to 6; University of California, Irvine by a score of 7 to 1; and the University of North Carolina at Chapel Hill in the championship by scores of 11 to 4 and 9 to 3;

Whereas this is the second consecutive College World Series championship Oregon State University has won, making the University the first repeat College World Series champion in a decade;

Whereas the success of the team was a direct result of the skill, intensity, and resolve of every player on the Oregon State University baseball team, including Erik Ammon, Darwin Barney, Hunter Beaty, Scotty Berke, Reed Brown, Brian Budrow, Mitch Canham, Bryn Card, Brett Casey, Jackson Evans, Kyle Foster, Drew George, Mark Grbavac, Chad Hegdahl, Chris Hopkins, Koa Kahalehoe, Greg Keim, Blake Keitzman, Josh Keller, Eddie Kunz, Joey Lakowske, Lonnie Lechelt, Jordan Lennerton, Mike Lissman, Anton Maxwell, Jake McCormick, Chad Nading, Jason Ogata, Ryan Ortiz, Joe Paterson, Tyrell Poggemeyer, Joe Pratt, Jorge Reyes, Scott Santschi, Kraig Sitton, Alex Sogard, Dale Solomon, Michael Stutes, Daniel Turpen, John Wallace, Braden Wells, and Joey Wong;

Whereas freshman pitcher Jorge Reyes was recognized as the Most Outstanding Player of the 2007 College World Series tournament;

Whereas Darwin Barney, Mitch Canham, Mike Lissman, Jorge Reyes, Scott Santschi, and Joey Wong were named to the 2007 All-College World Series tournament team; and

Whereas the 2007 College World Series victory of the Oregon State University baseball team ended a terrific season in which the team compiled a record of 49 wins to 18 losses: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Oregon State University baseball team, Head Coach Pat Casey and his coaching staff, Athletic Director Bob DeCarolis, and Oregon State University President Edward John Ray on their tremendous accomplishment in defending their 2007 College World Series championship title; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the President of Oregon State University.

REQUEST FOR THE RETURN OF PAPERS—S. 1612

Mr. REID. Mr. President, I ask unanimous consent the Senate request the return of papers on the bill S. 1612 from the House of Representatives. I further ask consent that upon compliance with this request, the Secretary of the Senate be authorized to make corrections in the engrossment of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate stand adjourned following the remarks, for 28 minutes or thereabouts, or however much time the distinguished Senator from Alabama has left under the order before this body. When he finishes, we would adjourn.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, reserving the right to object, what is the plan for debate time in the morning prior to the cloture vote? I have been involved in the debate and would like to be involved in having some opportunity to speak in the morning prior to the vote, if that would be appropriate.

Mr. REID. I would say through the Chair, the time is equally divided between Senator KENNEDY and Senator SPECTER. Whatever time the Senator would request, I am sure one of those Senators might yield him time.

Mr. SESSIONS. How does that happen when they both agree on this bill?

Mr. REID. As I understand it, it is automatic, an hour before cloture.

Mr. SESSIONS. They both agreed. That is the problem. Is there any time set aside for the opposition?

Mr. REID. I think the Senator raises a valid point there. It is for the proponents of the resolution.

Mr. SESSIONS. I ask for 10 minutes.

Mr. REID. I ask unanimous consent out of Senator SPECTER's time and Senator KENNEDY's time, you have 10 minutes. How is that?

Mr. SESSIONS. That will be fine.

Mr. REID. Mr. President, if we wait, we are going to check to see if time has been allocated yet.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what I had requested is that the Senator from Alabama would be recognized for 10 minutes; five minutes would come from the time of Senator KENNEDY, 5 minutes from that of Senator SPECTER, and I would further say the last 20 minutes of the debate wouldn't count against any of this time. The first 10 minutes would be for Senator MCCONNELL, if he so chooses and, if I so choose, I would have the last 10 minutes, right before the vote. That is additional time. That doesn't count against the time we have allocated here earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, is it now appropriate that I utilize a few of the minutes I have remaining—I am not going to use them all—before we adjourn? Is that what we agreed to?

The PRESIDING OFFICER. The Senator has 28 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 28 minutes.

Mr. SESSIONS. Mr. President, this has been a very important day, a day that was pretty contentious. The procedural mechanism that the Majority Leader had invoked to control the debate in the Senate had its wheels come off today. The plan by the group, the grand bargainers and the leadership, was to push through a controlled series of 27 or so amendments today. The plan was to vote on this controlled group of hand picked amendments, mostly by motions to table, today. Had they voted on all of these amendments today we would have heard claims about the full and fair amendment process that had taken place this week—even though it was all just a show—no amendment would have gotten a vote unless the Majority Leader had approved it. My amendments, Senator CORNYN's amendments, and amendments by Senators DOLE, VITTER, COBURN, and DEMINT would not have gotten votes.

Well, the Baucus amendment was part of their plan but a surprise happened, it was not tabled. As a result, that amendment remained alive and the majority leader had the plan that had been so carefully constructed, almost to the degree of the Normandy invasion, come to a halt. So we are now no longer voting and debating tonight. But we will be getting ready for a key vote in the morning. So I would say to anyone who might be listening, tomorrow morning is a very important vote. I believe a number of Senators who voted yesterday to move forward on this bill, some of the 64 who did, may not be for the legislation tomorrow.

I firmly believe that as the legislation and debate has gone along this week, more people have seen the fatal flaws that are in the legislation. I think we are going to see an erosion of the support tomorrow. I would say to my colleagues, let's end this tomorrow. Let's have this bill come down tomorrow. Let's not invoke cloture. Let's not continue to move forward on this bill because the legislation cannot be fixed in its present form.

I have had some people ask me, JEFF, why can't you compromise on this legislation? Why can't a compromise be reached? Well, I would just say that if you are trying to fix a leaky bucket, you can't compromise to fix the bucket by fixing four holes in the bucket and leaving six more holes in the bucket. Under that compromise, all of the water is still going to leak out.

The problem with the immigration bill currently before the Senate, and I have seen this problem repeatedly in the immigration realm, is that when we come up with provisions and concepts that would actually work, ones that would restore lawfulness to the immigration system, we pull back, we compromise too much. In my own mind, it has been like trying to jump across a 10-foot cavern, but only jumping 9 feet. You still fall to the bottom. You do not get across, you do not achieve your goal.

Until we complete some of the currently inadequate enforcement provisions, until we draft a bill that will create a legal system that will actually work, compromising about this or that matter is not going to amount to much.

The bill, I do believe, as I have indicated before, is only going to reduce illegal immigration by a net 13 percent over the next 20 years. That number comes straight from the Congressional Budget Office Cost Estimate on this bill, which they released June 4th, I did not make it up. Our own Congressional Budget Office, has told the Senate that we can expect to have an additional 8.7 million people illegally in our country after this bill becomes law.

That is not what we had been promised by the grand bargainers that brought this bill back to the floor. That is not what they are claiming will happen. They have promised us that this bill will secure the border. I assume that they mean they believe this bill will end illegal immigration. Well, it just simply will not secure the border and end or even substantially reduce illegal immigration. The Congressional Budget Office has told us it will not. In the beginning, I analyzed the bill and my staff worked on it, and we did not believe it would be an effective enforcement mechanism. The Congressional Budget Office has now also concluded that the bill will not fulfil the enforcement promises being made on the floor of this Senate.

I will note again that the Association of Retired Border Patrol Agents roundly criticized the legislation. Two former chiefs of the Border Patrol of the United States, one of them under President Bush, one under President Reagan, have strongly and totally condemned the legislation.

The current Association of Border Patrol Officers opposes the legislation. The former Assistant Attorney General, Kris Kobach, who served in the as counsel to Attorney General Ashcroft on issues dealing with immigration and national security says this bill will not make us safer but will make us less safe. So does Mr. Cutler, a former INS agent of many years of experience. He is worried that we will be issuing U.S. government identities to people who we have no idea who they really are.

So, bottom line, the bill is not going to do what supporters are promising it will do. Those of us who were not in the little group of grand bargainers certainly have no responsibility to affirm the deal they may have reached, especially if we know that it is not going to work.

If the bill before us was a good piece of legislation and it solved the problems it claims to solve, then maybe we would just have to hold our noses and live with this sort of secret pressure that our good friends, the masters of the universe, have put on us by meeting and writing up a bill and telling us we have to take it or leave it. They tell us they will only allow a few little amendments, but anything that goes to the core of the legislation we will not allow you to change. They tell us they are all going to stick together and vote against it amendments that offer any real changes to the deal.

I have had members of the group say to me, and I find this very disturbing: Well, JEFF, that is a pretty good amendment you have, but it changes what we agreed on. I might agree with your amendment, but I cannot support your amendment. That is a rather unusual way to do business on the floor of the Senate, it is not a way of doing business that should make us proud, not one that is worthy of a matter of this importance.

Constituents all across the country are opposed to this legislation. I think I earlier said 20 percent support it. I think more accurately it is 22 percent that support this legislation. According to the latest Rasmussen poll, there has been a continual drop in support for the last 3 consecutive weeks in the tracking they have been doing.

Twice as many said they prefer no legislation at all to the bill that is before us today. We have been told by our colleagues promoting this legislation, that the only way to get the enforcement we want, is to vote for this legislation. Well, I don't think that all enforcement items should be held hostage to amnesty, and I have just explained why the enforcement they promise is not going to work.

The bill does have some concepts that are fairly significant. For example, the idea that people get legal status in the form of the probationary benefits visa a mere 24 hours after filing an amnesty application is very significant. These are legal documents we will be giving them, a certification that a person is in our country legally. It can then be utilized to get a state driver's license, a Social Security card, and those kind of things.

So the only thing that is going to be done before people are given this document just 24 hours after filing an application is a cursory background check. I submit to my colleagues that a full background check can not possibly be performed within 24 hours. The only way an amnesty application will not get legal status in 24 hours is if they had been arrested and fingerprinted somewhere in the country, and their fingerprints have been put into the national fingerprint index. That is really the only thing that will disqualify them within that 24 hour period.

But I wish my colleagues would think back to 9/11. Several of the 9/11 hijackers were stopped by state and local police at various times prior to 9/11 for speeding or such and each time they were let go by local law enforcement. Local law enforcement was now aware that some of them were here illegally. In the future, all of these 12 million would be given an identification document that would give them legal status, so, in fact, their position would be enhanced to an even greater status than the 9/11 hijackers. They would have U.S. government issued identification and a driver's license. They could travel the whole country with freedom under these documents.

So Mr. Kris Kobach and Mr. Mike Cutler and others have written op-eds and editorials that point out that this could be a tremendous advantage for terrorists, not a disadvantage.

These are complex issues. I think it would be better if our wise colleagues had invited somebody like Mr. Kobach, who is a professor of law now, a former Assistant Attorney General, to speak on these issues. Maybe they should have sought his opinion instead of the special interests they were listening to when they cobbled together this political deal.

Maybe they would have been better off if they asked some of experts, such as the former chairmen of the Border Patrol, what they thought, or the present head of the Border Patrol Association.

So, the question is, what do we need to do now? The first thing we need to do is take this bill off the agenda tomorrow by defeating the cloture motion. Let's just end this agony, please. Let's not continue down this path. Let's say: No, it is time to pay a decent respect to the opinions of our constituents. They do not like this. Let's respect them. Let's acknowledge that independent experts say this bill will not work. This is not just the opinions of some radio talk show hosts, as I have heard my colleagues talking about this week, but we have independent experts saying it will not work. I will just observe that the radio talk show hosts know more about the bill than most of the Senators do, if you want to know the truth.

But at any rate, this is where we are. I think we ought to come down with it. We should probably follow what the people have suggested in the polling data that I saw. The American people would favor incremental steps emphasizing enforcement. There are some things that we could do to achieve what the American people want. I suggest that if we can come up with a credible enforcement mechanism—and we can—then we need to enact it. Then we can begin to talk about the future flow in immigration levels. I don't think most people know—I am not sure most Senators have fully understood—this bill over the next 20 years will double the number of people given green cards, legal permanent residence in America. It will double the current numbers. It has only a 13-percent reduction in the 500,000 or so who come illegally every year. Remember, it was last year when we arrested 1 million people coming into our country illegally. What kind of system is this when our Border Patrol agents are out there working their hearts out and risking their lives to arrest a million people and we want to give immigration benefits for those that snuck past our agents?

That type of immigration system does not work. The way to make it work is for this Nation to state with crystal clarity that our border is not open anymore. Don't bother to try to illegally cross our border. People are coming from all over the world, not just Mexico, to sneak across the Mexican border, because it is wide open in their thoughts and it has been easier to get into the United States that way. It is not that difficult to create the reality that it is not open, and people will not spend their money trying to go through deserts and so forth to get into this country if the word gets out that it is no longer possible to be successful at it. That is what we need to do, reach that tipping point. We could see a big drop in the flow of illegal immigrants into our country. Then we could focus on a compassionate solution to those who have been here for a long time, who have children and families and have jobs and solid ties to our country. But the legislation before us today moved the date by which you could make claim for legal status from January of 2004 to January of 2007. Basically, no illegal alien is left behind; everybody is going to be a participant in this deal. I was stunned at that. Senator WEBB offered an excellent amendment today on that point to say it ought to go back 4 years. Why would we do that? The reason that is important is because we made an announcement that we were going to close the border down. The President said so. He looked the American people in the eye and said we were going to do this. He called out the National Guard last year, and the National Guard has been at the border, I guess, now over a year.

This bill would say, if you got past the National Guard before last December 31, then you are in the pot. And the argument that I have heard is that we need to do something about the people who have been here for a long time. They have children. They are deeply embedded in the communities. We can't ask them to leave. But what about a person who ran past the National Guard last December? How can that person be deeply embedded in our society after sneaking in after we have said that the border is no longer open? What do you tell our Border Patrol officers when they are out there trying to enforce the law and somebody just got past them last November and now they are free and on the path to receiving some type of permanent status? Congress just says: Forget it, those who snuck past the border six months ago are going to be given a legal status and a path to citizenship.

These concerns should not be lightly dealt with. Politicians can meet and plot and think, but you have to remember what we are doing here. This is a great nation. A great nation creates laws. That nation should see that those laws are enforced and followed through effectively. If the laws are not enforced then that nation loses respect. Its law officers lose respect. Instead, people who are inclined to violate laws are encouraged. Clearly, the nation will have more violations if that nation doesn't enforce the laws it passed. The bottom line is that this bill evidences a lack of commitment to make sure that the system that is getting established will work any better than the old one. So if we are not able to establish with confidence and clarity and conviction a new system of immigration that we intend to enforce, what is the point of legislating another immigration bill that won't achieve those goals?

But the American people aren't ready to quit. If any Senator doubts that, I suggest they sit at their front desk a while and answer the phone. That is the deal. We need as a nation to make a decision, are we going to create a lawful system of immigration or not? That is the question. This bill answers it in the negative. This bill is not going to create a legal system. To pass it is one more indication of our lack of will and commitment. It will breed cynicism and unhappiness among our constituents.

I thank the Chair for its patience allowing me to wrap up. I do believe the last vote on the Baucus amendment that did not table the amendment sent a signal that Senators are frustrated and uneasy about this process. I do believe more and more Senators, some of whom voted for cloture just yesterday, may not vote for cloture tomorrow.

I urge my colleagues not to worry. The issue is not going away. We have had it going since 1986. Just because this grand compromise by the grand compromisers didn't work does not mean we don't have a problem that needs to be fixed. But next time let's make sure we do it right for our country.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:10 p.m., adjourned until Thursday, June 28, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 27, 2007:

DEPARTMENT OF STATE

GEORGE A. KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

FEDERAL EMERGENCY MANAGEMENT AGENCY

W. ROSS ASHLEY, III, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

EXECUTIVE OFFICE OF THE PRESIDENT

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE MARY ANN SOLBERG, RESIGNED.

THE JUDICIARY

REED CHARLES O'CONNOR, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE A. JOE FISH, RETIRING.

HOUSE OF REPRESENTATIVES—*Wednesday, June 27, 2007*

The House met at 10 a.m.

The Reverend Wade A. Hyslop, Jr., Trinity Missionary Baptist Church, New London, Connecticut, offered the following prayer:

Our God, the ruler of this Nation, who has given us this good land for our heritage, we humbly beseech You that we may always prove ourselves a people mindful of Your favor.

We ask that You lead and guide Speaker PELOSI and send down Your spirit of wisdom and justice on these Representatives, that they may serve with a steadfast purpose and devotion to their office to promote the well-being of all people.

We ask You to bless the men and women of our Armed Forces who are defending our country at home and on foreign soil, protecting our liberties.

Unite us in these turbulent times. Give us peace, love and understanding. We place all things in Your hands. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut (Mr. COURTNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. COURTNEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. WADE A. HYSLOP, JR.

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Madam Speaker, it's an honor to welcome today Reverend Wade A. Hyslop, Jr., from New London, Connecticut, to lead the House in prayer this morning.

If he looked comfortable in the podium today, there is a reason for that. For 10 years he served in Connecticut as the deputy speaker of the House of Representatives, someone with whom I served as a colleague on the Human Services Committee and have seen up close the work and impact that he has had in the City of New London and across the State of Connecticut.

He is joined today by his family, who is here, his wife, Jessie; his three children; his son, Bertram, who is a sergeant major in the U.S. Army, serving today in Washington, DC, but also served our country in two deployments in Iraq and Afghanistan.

Again, Wade leads a congregation, the Trinity Missionary Baptist Church in New London, Connecticut, which I have had the opportunity to visit a number of times. It is an energetic, warm congregation, which is clearly being led by a wonderful person whose impact has been felt, not only in that congregation, but the City of New London and the State of Connecticut.

Again, it's a pleasure to welcome him here today and get us off to a good start.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 one-minute requests on each side.

SUPPORT INTERIOR APPROPRIATIONS BILL TODAY

(Mr. ISRAEL asked and was given permission to address the House for 1 minute.)

Mr. ISRAEL. Madam Speaker, I rise to urge my colleagues to support the Interior appropriations bill today.

As a member of the Appropriations Committee, I was able to add $10 million for the Long Island Sound. That's $8.6 million more than last year's budget. It's more than $9.5 million of the administration's request of $500,000.

This is not a local issue, this is a national imperative. Twenty million Americans live within 50 miles of the shores of the Long Island Sound. The Sound contributes $5 billion to our regional economy. The Sound is an essential part of our history.

The chairman of the Armed Services Committee is with us this morning. He knows that Nathan Hale crossed the Long Island Sound to infiltrate the British. Generations of commercial fishing families have plied its waters.

Sadly, the Long Island Sound has fallen on hard times as a result of development pressures, nitrogen loading and run-off. This $10 million literally helps turn the tides of the Long Island Sound.

I urge my colleagues to support it, and I urge the other body to match that $10 million figure.

THE CASE OF THE MISSING PANTS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, a new inductee in the Judges Hall of Shame is Judge Roy Pearson of Washington, DC.

It seems that Judge Pearson suffers from the arrogant ailment known as "black robe disease." But instead of issuing a bad ruling, Pearson filed an absurd lawsuit.

Claiming his dry cleaners did not live up to their claim of "satisfaction guaranteed" when a pair of his pants were lost, Pearson decided to sue them for $54 million. The part of the story that makes Pearson even more despicable is that the dry cleaners did find his pants two days later and gave him $150 for his trouble. Pearson took the money all right, but he didn't want his pants back.

At the trial, the judge admonished Pearson, who represented himself, for being completely unprepared in his own case. On Monday, Judge Pearson got a taste of his own medicine when the trial judge not only dismissed the case against the cleaners, but is also making Pearson pay the court costs and $100,000 attorney fees to the immigrant owners.

The cleaners lost his pants, but now he is losing his shirt, as it ought to be. Shame on Judge Roy Pearson for his abuse of our legal system. Courts work to right actual wrongs, not award money to people who are just too big for their britches.

And that's just the way it is.

NEW DIRECTION IN CONGRESS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, for years the Republican Congress sat idly by while we spent billions of dollars in Iraq and lost thousands of lives, no questions asked.

Now Republicans are starting to get nervous with the lack of results. On Monday, Senator LUGAR said President Bush's plan to escalate the war in Iraq has very limited prospects for success and called on President Bush to begin to reduce U.S. forces. It's exactly what Democrats have been saying all along.

From day one, the new Democratic Congress said that once we have accountability, benchmarks and reporting requirements, we begin to see the beginning of the end. I can now say that the end is in sight. Instead of rubber stamping a failed Iraq policy,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Democrats demanded that Republicans and the country measure the progress or the lack thereof of the President's plan for more troops, more money, more time and more of the same.

Starting in July, we will put the administration of the Republicans to the test, a new direction in Iraq, or more of the same of the present course, vote after vote.

We said last May that we would begin to see the beginning of the end. Just this week, we begin to see that light at the end of the tunnel on this failed policy.

DEMOCRAT BROKEN PROMISES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, some on the other side of the aisle made it a habit to refer to the last session of Congress as a do-nothing Congress. But it seems our friends on the other side are trying to outdo the do-nothingness they complained about all last year.

First they clamped down on the House rules to expedite their so-called 6 for '06 agenda. Almost none of that became law. Then they delayed an emergency troop funding bill for more than 100 days while our troops in harm's way waited for the resources they needed to do their job. Now they seem intent on playing another round of chicken with the President over this year's appropriations bills.

When you throw in hidden earmarks, slush funds, budget gimmicks and the largest tax increase in American history, it's no wonder the Democrat Congress is currently enjoying its lowest approval ratings ever. Do-nothing Congress? Perhaps now we should say do-less-than-nothing Congress.

LARGEST HUMANITARIAN CRISIS IN THE WORLD

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, the largest refugee crisis in the world, other than the Darfur, is unfolding in Iraq. Four million Iraqis have fled their homes. Two million have fled the country, and an estimated 20- to 50,000 a month or more are added to that toll.

Yet the United States has been able, with all our resources, to only allow 70 Iraqis refugee status in the United States since October, only one in April, only one in May.

It's time for us to accept responsibility to aid the people in this desperate plight. If there are any, any of my colleagues who have any doubt that we need to change the policy and reach out to them, I would urge that they seek out the soldiers who have returned home, who are fighting to try to save their interpreters and their guides.

The heart-wrenching stories of people via cell phone trying to guide them to safety will, I hope, inspire you to action and encourage you to support bipartisan legislation, H.R. 2265, for Congress to do its job for these refugees.

NOTHING FAIR ABOUT THE FAIRNESS DOCTRINE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Beginning in 1949, the Federal Communications Commission enforced the so-called fairness doctrine that required broadcasters to present controversial issues in a fair and balanced manner.

It sounds reasonable enough, but there is nothing fair about the fairness doctrine. Thankfully, the FCC overturned its own ruling in 1985. Since the demise of the fairness doctrine, talk radio has emerged as a dynamic forum for public debate and an asset to the Nation.

Unfortunately, in the name of fairness, there has been much talk recent days about bringing back the fairness doctrine. Liberal think tanks and elected officials in both political parties in Congress are contemplating it. Bringing back the fairness doctrine would amount to nothing more than government control over political views expressed on public airwaves, and it must not be allowed to occur.

This week I will be introducing the Broadcaster Freedom Act that will prevent the FCC or any future president from reinstating the fairness doctrine. President Kennedy said, "A nation judge that is afraid to let its people judge the truth and falsehood in an open market is a Nation that's afraid of its people."

I urge my colleagues to join me as original cosponsors of the Broadcaster Freedom Act and support every effort on the floor this week to leave this unfair fairness doctrine on the ash heap of broadcast history.

LUGAR AND VOINOVICH COMMENTS ON IRAQ ARE THE LATEST EXAMPLE THAT WE ARE OVERDUE FOR A NEW DIRECTION

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, every day now, it's becoming more and more apparent that the President's troop escalation plan is not stemming the civil war in Iraq.

In fact, since the plan took effect earlier this year, violence in Iraq is up, and our soldiers are paying a heavy price on the battlefield. For months now, Democrats have stood united in our commitment to forge a new direction in Iraq, but our efforts have received very little support from congressional Republicans.

It appears that is beginning to change. Earlier this week, one of the most respected Members of the Republican party on international affairs, Senator RICHARD LUGAR, said that we must recalibrate our strategy in Iraq to fit our domestic political conditions and broader needs of national security. Then yesterday, Senator VOINOVICH said that he doesn't believe the Iraqis are going to get it until they know we are leaving.

Both Senator LUGAR and Senator VOINOVICH's comments are a blow to the White House and serve as yet another example of long-time supporters of the President's Iraq policy believing we are long overdue for a new direction. It's time for the congressional Republicans to face the reality and join us in dramatically changing course in Iraq.

□ 1015

VISIT WITH NAVY LEAGUE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this past weekend I had the opportunity to meet with council president Jim Smith and vice president Ted Brice, as well as other members of the Hilton Head Island Council of the Navy League.

The Navy League was formed in 1902 with the objective and purpose of educating and motivating the American people to support our maritime capabilities, services and personnel. One of their main focuses is on maintaining a strong maritime component to our national defense.

As a member of the Subcommittee on Sea Power and Expeditionary Forces and a member of the Congressional Shipbuilding Caucus, I have seen firsthand that the decline in our Naval ships is a threat to our national security. In the past 20 years, the U.S. Naval fleet has been cut in half to its lowest numbers since World War I. We need to push to increase our Nation's shipbuilding capability from our current average of six ships a year to a minimum of 10 so that we can be able to meet America's global security needs.

In conclusion, God bless our troops, and we will never forget September 11th.

VOTE "NO" ON THE ANDEAN TRADE AGREEMENT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, today I urge my colleagues to vote "no" on the Andean Trade Agreement, H.R. 1830, which, strangely, will be brought up under suspension, which means no debate and no amendment. I thought voters put new Democratic leadership in charge of this House to stop deals such as this being done in this way.

H.R. 1830 would extend special duty treatment to certain imports from Bolivia, Colombia, Ecuador and Peru until September 30 of 2009. The Andean Accord was originally intended to promote economic growth and replace production of illegal drugs in the Andean region. But in 2006, the United States had already racked up $10 billion more in deficit with these countries, and the last time I looked, that cocaine was still coming over our borders from Colombia.

Mr. Speaker, this deal made on the NAFTA model is a failed model. Not a single other trade deal under the NAFTA model has created good or better jobs. Because it is based on the NAFTA model, the specific provisions are just tinkering at the edges.

This bill will cost more American jobs, period. How many copies of the NAFTA deal must enter this Congress before we finally say no?

We don't need more Bill Thomas and Tom DeLay-type trade agreements being rushed through this House. I urge my colleagues to vote "no" on 1830.

Let's have a full debate on trade. The American people demand it of us.

EXPANDING HEALTH CARE OPTIONS FOR FAMILIES

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, a recent article in The Washington Post highlights the importance of expanding health savings accounts for America's families. The article mentioned a woman who switched to an HSA with a high deductible health plan after her insurance premiums increased by 42 percent in 1 year. As a result, the monthly cost of her asthma medication consumed all the money in her HSA.

Patients with chronic conditions shouldn't have to pay a high deductible before their coverage begins. Giving patients with HSAs the freedom to choose plans that offer up-front coverage will avoid hospitalizations and reduce the costs that are borne by all Americans.

Recently, I introduced H.R. 2639, the Promoting Health for Future Generations Act of 2007. The bill permits HSA owners to receive prescription drugs before paying a deductible. It also permits working families to accumulate more money in these accounts, resolving the situations like the one pointed out in The Washington Post article.

I urge my colleagues to expand coverage and empower patients by cosponsoring. H.R. 2639. Doing so will give Americans greater flexibility and independence when managing their families' health care needs.

THE AMERICAN PEOPLE ARE TIRED OF THIS WAR

(Mr. HARE asked and was given permission to address the House for 1 minute.)

Mr. HARE. Mr. Speaker, I rise to bring attention to recent reports that the United States commanders in Iraq are rejecting the recommendations from Army mental health experts.

To address the rising number of returning war heroes with mental health problems, Army psychologists have said that troops need a 1-month reprieve for every 3 months in combat, a suggestion that's been brushed aside by these commanders.

Denying troops the rest they need is another irresponsible move in a long line of policies that show a complete disregard for the well-being of our troops, such as being sent to war without adequate armor, being forced to complete multiple deployments, and when wounded, being subjected to a bureaucratic mess such as Walter Reed.

Mr. Speaker, I've only been in Congress since January, yet, this week, I made my sixth call to the spouse of a wounded or killed soldier in this war.

I'm tired of this war. My constituents are tired of this war. The American people are tired of this war. It's time to put the health and well-being of our troops first. It's time to bring them home.

THE AMERICAN PEOPLE EXPECT THEIR LEADERS TO STAND BY THEM

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, I think the Chicago Tribune said it nicely when they said last week, "Democrats promised way more than they delivered." Because of the lack of follow-through in failure to govern by the Democratic majority, the approval numbers of Congress have sunk to the lowest levels of all times according to the recently released Gallup poll.

Making promises will gain your support in the short-term, but failing to fulfill those promises will quickly be discovered, and I'm afraid that's where the majority party has found itself. After a campaign of promises, little action has occurred on the pledges that so many were elected to withhold.

The 100-hour agenda has seen only one bill receive the support of the President, and that was attached to an emergency supplemental. Republicans have fought hard to reel in spending, yet Democrats are recklessly increasing spending and moving forward with a plan to increase taxes.

Republicans heard the American people and are fighting hard to restore trust and fiscal responsibility within the Congress. We're recommitted to continuing the fight because the American people expect their leaders to stand by them.

GOP DEFECTIONS ON IRAQ SHOULD SERVE AS A WAKE-UP CALL TO THE PRESIDENT

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, over a 2-day period this week, two influential Republican Senators came forward urging that we begin to pull our troops out of Iraq.

Rather than seriously listening to these opinions, however, the White House, through its spokesman, Tony Snow, said yesterday that he hoped Members of Congress would give their Baghdad security plan "a chance to unfold."

Is Tony Snow serious? How long does he expect congressional Republicans to continue to blindly support the administration's failed policy? After all, it was the President who said earlier this year that we should see significant improvements by September. But now, General Petraeus says that simply is not going to be possible, ladies and gentlemen.

Mr. Speaker, Democrats and the American people knew that this latest administration plan would not bring stability to Iraq. We also concluded long ago that we needed to start bringing our troops home. But with an administration that still refuses to face reality, we need help from our congressional Republicans.

Let us hope that the statements made by Senators LUGAR and VOINOVICH will serve as a wake-up call to House Republicans to finally join us in changing course in Iraq.

IMMIGRATION: THE UNACKNOWLEDGED THREAT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, illegal immigration poses an immediate threat to our national security. Proponents of the new Senate proposal claim it would encourage illegal aliens in the United States to reveal their true identity and all affiliations they may have. My colleagues, this flies in the face of all reason, particularly when this legislation provides potential terrorists in the United States the simple option to create new identities with the help of our own government.

Within 180 days after the President signs the legislation, the Department of Homeland Security would start handing out probationary Z visas. Because the bill doesn't require the alien to produce a foreign passport proving his identity, these terrorists will have little trouble getting by the system with forged documents like a fake pay stub or utility bills. A potential terrorist could walk into a Customs office and offer a false, clean name, and then go about their business. This is wrong, Mr. Speaker. That is why we should reject the Senate immigration bill.

RECOGNIZING THE DISTINGUISHED SERVICE OF CONGRESSMAN MARTY MEEHAN

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, I rise today to recognize my good friend and colleague, MARTY MEEHAN, the chairman of the House Armed Services Subcommittee on Oversight and Investigations. I would like to thank him on behalf of the committee for his distinguished service to our country and to the men and women who wear the uniform.

MARTY came to the House of Representatives in 1993 to represent the Fifth District of Massachusetts. He's worked tirelessly to encourage economic development in the area, to redevelop and maintain the military presence at Fort Devens, and to preserve over 10,000 acres of open space in Massachusetts.

Additionally, MARTY was the lead Democrat sponsor of the Shays-Meehan-McCain-Feingold Bipartisan Campaign Finance Reform Act of 2002.

MARTY has served on the Armed Services Committee since coming to the House of Representatives in the early 1990s. MARTY was the ranking member of the Terrorism and Unconventional Threats and Capabilities Subcommittee and has been an active member of the Military Personnel Subcommittee, where MARTY has had a strong interest in helping Reservists and Guardsmen in their transition from military to civilian life.

As chairman of the Subcommittee on Oversight and Investigations, MARTY has led a bipartisan investigation into the development of the Iraqi Security Forces. The product of this investigation, a report on subcommittee's findings and recommendations, was unanimously agreed upon and signed by every member of that subcommittee. The report seeks to present information for the public debate and recommends increased transparency into the training of the Iraqi Security Forces.

Mr. Speaker, I would like to wish MARTY MEEHAN the best of luck as he leaves this institution to serve as the next chancellor of the University of Massachusetts at Lowell.

IMMIGRATION REFORM MUST NOT INCLUDE AMNESTY FOR LAWBREAKERS

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, like the majority of my constituents, I believe that any and all attempts to enact immigration reform must not include amnesty for lawbreakers.

My constituents are tired of empty promises from Washington, DC, and we must address our Nation's immigration problems in a way that produces real results.

Many Americans are divided on what immigration reform should entail, but on one point almost all Americans agree. We must secure our borders. With a secured border, we can build on solutions to strengthen our country and maintain our heritage of embracing legal immigrants.

We need to create a work permit program that meets the evolving needs of today's agriculture industry. Serious reform is also needed to bring an end to the massive amount of bureaucratic red tape in our immigration system.

The crafters of the immigration bill currently being debated in the Senate are misguided on how to fix America's immigration problem. And on behalf of the American people, I urge my colleagues to secure our borders and enact commonsense immigration reforms.

WE MUST END THE WAR IN IRAQ NOW

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to add my voice to others who are calling for an end to the war in Iraq. We must end this war, and we must end it now. We cannot wait and we must not wait.

Every month, every week, every hour, every minute, every second, every moment another young man is killed, another young woman is killed, another young American is killed, their innocent blood is on all of our hands. We have a moral obligation to bring this madness to an end.

Nothing, but nothing good can come out of this war. It is destroying Iraq, and it is destroying the very soul of our Nation.

As Members of Congress, we must find a way to stop it and stop it now.

☐ 1030

THE DEMOCRATS' NEW ENERGY POLICY

(Mr. CONAWAY asked and was given permission to address the House for 1 minute.)

Mr. CONAWAY. Mr. Speaker, I represent West Texas, which is the home of significant energy production.

Tomorrow the Democrats will roll out their new energy policy. As we evaluate these proposals, it is our job to challenge them. If these new proposals cost more American jobs than they create, let's challenge them. If these new proposals unnecessarily increase costs to American consumers, let's challenge those. If these new proposals make us more dependent on foreign sources of natural gas and crude oil than we currently are, let's challenge those. If these proposals really result in less energy for America, let's challenge those.

America's bright energy future lies not in new taxes and mandates, but in commonsense solutions.

HONORING JIM SHOULDERS

(Mr. BOREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOREN. Mr. Speaker, I rise today to celebrate the life of Jim Shoulders, a favorite son of Oklahoma who called my district home. He passed away on June 20 at the age of 79.

Mr. Shoulders rode his way to legendary status as a cowboy on the backs of bucking broncos and snorting bulls. Known as the "Babe Ruth of rodeo," Mr. Shoulders dominated the professional rodeo circuit during the 1940s and 1950s, rounding up seven world titles in bull-riding, four world crowns in bareback-riding, five all-round world championships, and three consecutive rodeo triple-crowns.

As great as he was during his prime, his humility always shown through. He liked to downplay his skills by saying that "all there is to bull-riding is to put one leg on each side of the bull and make an ugly face for 8 seconds."

Mr. Shoulders burst into the rodeo world in the 1940s, at the age of 14. While working the wheat harvest, he decided to take a break to watch a minor league rodeo nearby. He resolved to try it for himself and won the event as well as $18. Between that $18 start in the minor league rodeo and his elections to the Oklahoma Hall of Fame, the Oklahoma Sports Hall of Fame, and the Pro-Rodeo Hall of Fame, he won an unprecedented 16 world championships. He is also the only professional cowboy to be honored in the Madison Square Garden Hall of Fame.

But the tough old cowboy was not only known for his exploits in the rodeo, he was also loved for his candid sense of humor, humbleness, loyalty, and toughness, everything Oklahomans are proud to be known for.

I stand today to honor and celebrate the life of Jim Shoulders, a great cowboy, a great Oklahoman, and a great man.

REPUBLICANS WILL CONTINUE TO OPPOSE THE MAJORITY PARTY'S EXCESSIVE SPENDING

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, the American public asked Congress to change their spending habits and to be more responsible with the people's money. Last fall, the majority party promised Americans greater fiscal responsibility and more spending restraint. I believe Congress needs to deliver a responsible Federal budget worthy of approval of the American public.

Unfortunately, the majority has only introduced legislation that has promised the largest tax increase in history, runaway entitlement spending, and an out-of-control appropriations process.

If Congress as a whole does not pledge to change, the American public will continue to be let down by the actions of the majority party.

The Republicans are not going to let them down, Mr. Speaker. I understand the immediate need for spending restraint and the Republicans will continue to oppose excessive spending by the majority party. Therefore, I will vote against H.R. 2643, the Interior and Environment appropriations bill, later today.

A SERIOUS COURSE CORRECTION NEEDED FOR IRAQ

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, on Monday, Senator LUGAR, the former chairman and current ranking Republican on the Senate Foreign Relations Committee, went to the Senate floor and said that the President's troop escalation is not working. Then yesterday Republican Senator VOINOVICH said the U.S. should begin pulling troops out of Iraq so that people know we are indeed disengaging. But the President and his spokesman said, no, we need more troops and more time.

It has been clear for at least a year that a serious course correction is needed in Iraq. But, unfortunately, Republicans in this House of Representatives continue to rubber stamp the Bush administration's war policies. Democrats are changing the course of this misguided war, but with a stubborn President unwilling to face reality, congressional Republicans must break ranks with the President to do what is best for our Nation and for Iraq.

It is my hope that the congressional Republicans will seriously listen to their colleagues' comments and conclude, as Democrats already have, that we need to dramatically change our policy in Iraq.

RECOGNIZING FLOYD OLESEN OF ELK RIVER, MINNESOTA

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, there are so many great Americans in this country, especially unsung heroes and Americans who rise up to be a part of the solution of the greatness of this country. In Minnesota, we have so many people like that, and it is such an honor, Mr. Speaker, to be able to talk about one unsung hero. He is a wonderful man from the center part of the Sixth District of Minnesota. His name is Mr. Floyd Olesen, from an unassuming town named Elk River, Minnesota.

Floyd and his wife, Dilly, have done so much for the people of our Nation and for the people of our State. They started a program called "Operation Minnesota Nice," Mr. Speaker, where they send care packages to area troops from Minnesota who are currently serving both in Iraq and in Afghanistan.

Recently Floyd stepped down from that position so that he and Dilly could focus on a few other service-related activities. One is "Operation Help Support Our Troops & Families." Another is "Operation Military Kids." This provides educational opportunities for the children of active service personnel.

Recently Mr. Olesen received the American Legion 6th District Service Officer of the Year award. He is a wonderful American.

And, Mr. Speaker, it is so important that we encourage all Americans to do what they can, where they can, when they can, while they can to serve their fellow man. Mr. Olesen has done that and more.

Thank you, Floyd Olesen and Dilly, for what you do for American servicemen and women.

VICE PRESIDENT CHENEY

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I rise today to voice my concern about a dangerous precedent and irresponsible wrongdoing in this administration.

Recent media reports have revealed that the Office of the Vice President exempted itself from a presidential Executive Order created to protect national security information. Since 2003, the Vice President's office has refused to properly report whether they possess certain classified information and went so far as to block inspection of their office to find out. The Vice President justified the step by saying that his office was not part of the executive branch of government.

I would point out, Mr. Speaker, that the rest of the executive branch complied with the order and properly reported their handling of critical classified information.

Mr. Speaker, I raise two serious objections to this practice. First, mishandling of classified data poses a grave and serious risk to our country and one should not take that lightly. And, second, as a former district attorney, I believe that no one is above the law. Rule of law must apply to everyone equally. How do we expect to enforce the law in localities when it is broken and held in ill regard at the highest levels of government? We must hold this administration, like all other Americans, accountable for their actions.

ANOTHER ENERGY BILL THAT DOESN'T PRODUCE AN OUNCE OF ENERGY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, as a member of the Energy and Commerce Committee, I have been watching as we are pulling together this year's energy bill for the House; who is doing the cobbling; what they are including in the package, or, curiously, what they are leaving out.

This is the current House leadership's second attempt this session to produce an energy bill that would address our energy dependence on unstable parts of the world, our strategic vulnerabilities that arise from that dependence, and the disastrous effects that high energy prices have on our ability to retain and produce American jobs.

You would think that the Energy Committee would be a pretty good place to start on this. But last week, provisions in our committee's bill promoting additional energy production, especially production focussed on the clean and efficient use of American coal, were stripped. And unless my colleagues in committee are successful in putting them back in this week, then the Democrats will deliver another energy bill that does not produce an ounce of energy.

It is time for us to address this issue.

THE ACTIONS OF THE VICE PRESIDENT REGARDING THE WAR IN IRAQ

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, my colleagues are saying we must have an end to the war, as have two Republican Senators. It is time for us to look at the actions of the Vice President of the United States.

You remember when George Bush sent DICK CHENEY out to find a Vice President and he found himself? Well, if you read the last 4 days of The Washington Post, you read a chilling picture of the actions of the Vice President as he manipulated the intelligence leading us into the war. He has been the driving force to keep us in that war and still is today.

Then when questioned about what he does over there, he says, I am not a member of the executive. I don't know exactly. I have an office here, but I am not covered by the things the President says.

This man has been evading an Executive Order from 2003 by the President of the United States that everyone tell how they are covering classified material. But the Vice President is above that.

The Vice President is not above investigation by the House of Representatives for his actions in taking us into war and keeping us there.

ELECTION OF MEMBER TO COMMITTEE ON ENERGY AND COMMERCE

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 520) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 520

Resolved, That the following member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE—Mr. Sullivan, to rank after Mrs. Myrick.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CLEAN BEACHES WEEK

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the resolution (H. Res. 186) supporting the goals and ideals of National Clean Beaches Week and recognizing the considerable value of American beaches and their role in American culture, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. COHEN). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 186

Whereas coastal areas produce 85 percent of all United States tourism dollars and are the leading tourism destination in America;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties;

Whereas according to the National Oceanic and Atmospheric Administration, the beaches in these coastal counties provide recreational opportunities for numerous Americans and their families who, together with international tourists, make almost 2 billion trips to the beach each year to fish, sunbathe, boat, swim, surf, and bird-watch;

Whereas according to the Army Corps of Engineers, United States beaches are a critical driver of the American economy and its competitiveness in the global economy;

Whereas beaches represent a critical part of our natural heritage and a beautiful part of the American landscape;

Whereas beaches are sensitive ecosystems, susceptible to degradation and alteration from pollution, sea level rise, natural forces, untreated sewage, and improper use;

Whereas members of the government, the private sector, and nongovernmental organizations, along with citizen volunteers, have worked diligently to clean up and protect our beaches over the years;

Whereas according to the United States Geological Survey, great strides have been made in understanding the science of watersheds and the connections between inland areas and coastal waters, and science-based policy should be developed that is commensurate with this knowledge; and

Whereas a 7-day week commencing in June, and including July 5, will be observed each year as National Clean Beaches Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Clean Beaches Week;

(2) recognizes the value of beaches to the American way of life and the important contributions of beaches to the economy, recreation, and natural environment of the United States;

(3) encourages all Americans to work to keep beaches, which are a critical part of the natural heritage of the United States, safe and clean for the continued enjoyment of the public;

(4) expresses a renewed appreciation for the beaches of the United States and an invigorated effort to protect them with updated, integrated policy; and

(5) encourages individuals to engage in activities during National Clean Beaches Week to encourage stewardship and volunteerism along our coastlines.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GRAND TETON NATIONAL PARK EXTENSION ACT OF 2007

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the Senate bill (S. 277) to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Extension Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term "Park" means the Grand Teton National Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SUBDIVISION.—The term "Subdivision" means the GT Park Subdivision, with an area of approximately 49.67 acres, as generally depicted on—

(A) the plat recorded in the Office of the Teton County Clerk and Recorder on December 16, 1997, numbered 918, entitled "Final Plat GT Park Subdivision", and dated June 18, 1997; and

(B) the map entitled "2006 Proposed Grand Teton Boundary Adjustment", numbered 136/80,198, and dated March 21, 2006, which shall be on file and available for inspection in appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may accept from any willing donor the donation of any land or interest in land of the Subdivision.

(b) ADMINISTRATION.—On acquisition of land or an interest in land under subsection (a), the Secretary shall—

(1) include the land or interest in the boundaries of the Park; and

(2) administer the land or interest as part of the Park, in accordance with all applicable laws (including regulations).

(c) DEADLINE FOR ACQUISITION.—It is the intent of Congress that the acquisition of land or an interest in land under subsection (a) be completed not later than 1 year after the date of enactment of this Act.

(d) RESTRICTION ON TRANSFER.—The Secretary shall not donate, sell, exchange, or otherwise transfer any land acquired under this section without express authorization from Congress.

SEC. 4. CRAIG THOMAS DISCOVERY AND VISITOR CENTER.

(a) FINDINGS.—Congress finds that—

(1) Craig Thomas was raised on a ranch just outside of Cody, Wyoming, near Yellowstone National Park and Grand Teton National Park, where he—

(A) began a lifelong association with those parks; and

(B) developed a deep and abiding dedication to the values of the public land of the United States;

(2) during his 18-year tenure in Congress, including service in both the Senate and the House of Representatives, Craig Thomas forged a distinguished legislative record on

issues as diverse as public land management, agriculture, fiscal responsibility, and rural health care;

(3) as Chairman and Ranking Member of the National Parks Subcommittee of the Committee on Energy and Natural Resources of the Senate and a frequent visitor to many units of the National Park System, including Yellowstone National Park and Grand Teton National Park, Craig Thomas was a strong proponent for ensuring that people of all ages and abilities had a wide range of opportunities to learn more about the natural and cultural heritage of the United States;

(4) Craig Thomas authored legislation to provide critical funding and management reforms to protect units of the National Park System into the 21st century, ensuring quality visits to units of the National Park System and the protection of natural and cultural resources;

(5) Craig Thomas strongly supported public-private partnerships and collaboration between the National Park Service and other organizations that foster new opportunities for providing visitor services while encouraging greater citizen involvement in the stewardship of units of the National Park System;

(6) Craig Thomas was instrumental in obtaining the Federal share for a public-private partnership with the Grand Teton National Park Foundation and the Grand Teton Natural History Association to construct a new discovery and visitor center at Grand Teton National Park;

(7) on June 4, 2007, Craig Thomas passed away after battling cancer for 7 months;

(8) Craig Thomas is survived by his wife, Susan, and children, Patrick, Greg, Peter, and Lexie; and

(9) in memory of the distinguished career of service of Craig Thomas to the people of the United States, the dedication of Craig Thomas to units of the National Park System, generally, and to Grand Teton National Park, specifically, and the critical role of Craig Thomas in the new discovery and visitor center at Grand Teton National Park, the Grand Teton Discovery and Visitor Center should be designated as the "Craig Thomas Discovery and Visitor Center".

(b) THE CRAIG THOMAS DISCOVERY AND VISITOR CENTER.—

(1) DESIGNATION.—The Grand Teton Discovery and Visitor Center located in Moose, Wyoming, and scheduled for completion in August 2007 shall be known and designated as the "Craig Thomas Discovery and Visitor Center".

(2) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Grand Teton Discovery and Visitor Center referred to in paragraph (1) shall be deemed to be a reference to the "Craig Thomas Discovery and Visitor Center".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2643.

□ 1044

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2008, with Mr. WATT (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 26, 2007, the amendment by the gentleman from New Jersey (Mr. ANDREWS) had been disposed of and the bill had been read through page 111, line 17.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used for W.A. Young & Sons Foundry, Greene County Pennsylvania.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair for recognition.

This amendment says, "None of the funds made available in this Act may be used for W.A. Young & Sons Foundry, Greene County, Pennsylvania."

The three-sentence certification letter for this project states that the purpose for this funding is to restore the machine shop at the foundry to its original likeness.

Once again, it's important to note that the certification letters that we get from the Appropriations Committee are not the request letters that Members give to the Appropriations Committee to request their earmark. So we really don't know all that much about what the earmarks are for, other than a three-sentence or a four-sentence certification letter. So I would have hoped to have had more information, but we were unable to get from the Appropriations Committee the actual request letters. So we are at a bit of a loss to find out what the earmark is really for, but we did our best to do a little research.

The W.A. Foundry is a factory that opened in 1900 and closed in 1965. The Web site that we found claimed that the W.A. Young & Sons Foundry is a prime example of America's industrial heritage. My question for the sponsor of the earmark would be: What factory in the United States would not be a prime example of America's industrial heritage? That's the problem that I think we have with a lot of these earmarks, particularly those that are to promote tourism or industry. How do you choose winners and losers in this game? How do we say, well, hey, this old factory is deserving of renovation, is deserving to draw tourists and is deserving of taxpayer dollars, while that one down the road is not? It seems to me a rather arbitrary decision based on one, perhaps, powerful Member of Congress who is able to slip in a provision to get an earmark. It doesn't seem to be very fair to other Members or to the taxpayers as a whole.

Furthermore, if any of our constituents who may want to take their families on a tour of America's industrial heritage, for any of them, for wanting to, they may have a hard time getting to see the W.A. Young & Sons Foundry. It's only open for the public 2 days a year, just 2 days a year. $150,000 to the taxpayer for 2 days a year open to the public. Other than that, you will have to get a private tour.

I simply don't understand why we are spending taxpayer money to promote tourism, why we choose one group over another, why we are picking winners and losers here. That's what I would ask the sponsor of the earmark if the sponsor of the earmark is here. I don't believe that he is, but I would be glad to hear some answers to these questions.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. I rise in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. The W.A. Young & Sons Foundry and Machine Shop is truly an American treasure. This remarkably well-preserved shop is an example of the once-common, shaft-driven job shop which played an important role in maintaining and repairing the machines that built early industrial America.

This rare industrial facility contains machining and foundry equipment dating back to the mid-to-late 1800s. When the shop doors were shuttered more than four decades ago, everything, the tools, drills, nails, presses, lathes, wooden molds and patterns were left behind, creating a priceless time capsule from the turn of the century.

The machine shop and foundry are still able to operate, but the structure of the facility has severely deteriorated and is in desperate need of repair and restoration in order to preserve the facility and the historic equipment within. And I would assume that's why it hasn't been open; they're waiting to do the repairs.

The W.A. Young & Sons Foundry and Machine Shop is documented by the National Park Service Historic American Engineering Record and listed on the National Register of Historic Places.

I would also point out to my colleagues that in approaching this task, the gentleman from Kansas (Mr. TIAHRT) and I, and our staffs collectively, reviewed all of these projects. There were 10 requests for every project that was put in the bill. And when we added it up, at the end of the day, it is four-tenths of 1 percent. Now, that is still significant, but I think it's important for us to realize that we are dramatically reducing the number of overall earmarks in this bill, a much greater reduction than when the other party was in charge. From 1994 to 2006, it went from approximately 1,000 earmarks up to 13,000 earmarks; 13,000 earmarks. We have cut this back dramatically. I think we've done a good job.

I was hoping that the gentleman would be here today to praise us, saying you have met the standard that the administration said. You cut the 50 percent that PELOSI said you were going to cut. I was hoping the gentleman would be here saying, "Well done," and yet we have another amendment.

So, I'm in opposition to this. I think we should keep moving. We have other legislation to do. I know a lot of people in this body want to get home on Friday, so I hope we can move expeditiously.

I appreciate the gentleman's evenhandedness in making selections, though I didn't notice that he had a reduction of the President's request.

And again, I want to point out to the gentleman, you know, remember, the power of the purse is one of Congress' most important powers. And I think we should be very careful when we start undermining that important legislative tool that separates us from the executive branch.

So, this is Mr. MURTHA's project from Pennsylvania, a very senior member of the Appropriations Committee. I urge all of my Members to support Mr. MURTHA's project and to oppose the Flake amendment.

Mr. Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Mr. Chairman, is it possible for a gentleman who has an amendment before the Committee of the Whole under the current unanimous consent to reserve part of their time?

The Acting CHAIRMAN. Yes, it is. Under the order of the House, time for debate is controlled.

Mr. TIAHRT. The gentleman from Arizona wasn't aware of that. So for the purposes of debate, I will move to strike the last word.

The Acting CHAIRMAN. Under the order of the House a manager may do that.

The gentleman is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, I yield to the gentleman from Arizona.

Mr. FLAKE. I thank the gentleman for yielding. I'm glad to learn that. That will make it much better. It's much better to have more of a colloquy.

I would have liked to have had a colloquy with the sponsor of the earmark, but the sponsor of the earmark is not here. It makes it difficult to know exactly what this is for.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. Yes, I would.

Mr. DICKS. I can get you his phone number.

Mr. FLAKE. Maybe that's safer.

What I would like to ask, for example, I mention that this foundry is only open 2 days a year. It has been open for private tours for quite a while for a number of years. There is no indication with this earmark, certainly because we don't get the request letter, we only get the certification letter, that it will be open for any more than that.

And I don't know about you, but it's a tough sell. I can tell you, I have five kids. It would be tough to say, Do you want to go to Disneyland or W.A. Young & Sons Foundry?

I can see why anybody would want an earmark to renovate something or to promote tourism in a particular area, but virtually every district in the country would like that as well. How do we decide this one is worthy and this one is not? Just because we have a Member who is a powerful member of the Appropriations Committee or not. We shouldn't be doing it this way.

The gentleman made a good point, that the President has his own earmarks. The administration does earmark funds, but it's typically with accounts that we've given them. We say, here's an amount of money and for this program. For example, there is the Save America's Treasures account that the President, or the administration through a competitive grant process, decides this site is worthy of historic preservation or worthy of receiving funds. What we're doing with earmarking frequently is circumventing that process and saying, I don't think they're going to do it right, so I'm just going to earmark my own project and get that funding for my own project. That's no way to do business. If we don't like the way the administration is doing something, that's what the oversight process is about, and we should go back in and stipulate and mandate.

I have mentioned many times, particularly with Homeland Security grants, there are projects in my own district that I think are a waste of Federal taxpayer dollars or not an appropriate use of Federal taxpayer dollars, and I would like to go in. And I will, through this process, if I can, seek to strike some of the President's own requests. We should be doing that. But we shouldn't say because they do it and because they misuse Federal taxpayer dollars that we should as well. That's not what our power of the purse should be about.

So that's why we're here today, to say what is an appropriate use of Federal taxpayer dollars. Is it appropriate, in this case, and we can talk about what the Republicans did versus what the Democrats did. You won't find me defending what Republicans did in terms of ramping up earmarks. We went from some 1,400 to 14,000 over a decade, and it's a pox on our House. It's part of the reason I think we lost in November. I hope the minority, now majority learn a lesson from us.

I am glad to see the number of earmarks and the whole dollar value come down, but it should come down much lower. We not only need to change the level of spending, but the type of spending as well. And with earmarking, it was way out of control. It's still out of control with this legislation, in my view.

Mr. TIAHRT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken, and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available for this Act may be used for the Columbus Fire Fighters Union in Columbus, Ohio.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chairman.

This amendment would prohibit funding from going to the Columbus Firefighters Union, which is an AFL–CIO-affiliated union.

The certification letter for this project is quite vague. Remember that these are not request letters, so we don't know a lot about these earmarks. These are only certifications that are made, usually three or four sentences long. The certification letter says that the earmark money is for the Columbus Firefighters Hall. The letter also states that the entity to receive this funding is the Columbus Firefighters Union. The earmark list accompanying the bill calls the project "Firefighters Hall."

According to the certification, the funding would be used to renovate and expand the Toledo & Ohio Railway Depot. Suffice to say, this information wasn't much to go on to learn about the earmark, so I had my staff e-mail the Appropriations Committee for further details, which they did provide.

The committee informed us that the Toledo and Ohio Central Railway station at 379 West Broad Street in Columbus, Ohio is the largest remaining 19th century railroad palace in central Ohio. Today it serves as local headquarters for the Volunteers of America, a national organization with a variety of charitable and service programs.

The committee also stated that the depot has been adapted to serve the modern needs of the Volunteers of America, while also preserving much of the 100-year-old architecture. The decorative "grand lobby" may be rented for parties, receptions and meetings.

It's a little unclear whether this is to renovate an old building. It seems to me there are already tenants in the building. And one of the tenants in the building I believe will be, or the entity that is receiving the earmark to renovate is the AFL–CIO-affiliated Firefighters Union Local 67.

Again, this is a question of there are a lot of firefighters halls around the country, there are a lot of buildings that need to be renovated. We give the administration money under programs to allocate on a competitive basis to do historic preservation. This, seems to me, is circumventing that process again. And again, why is it proper to say that this one is worthy of funding and this one isn't?

With that, Mr. Chairman, I reserve the balance of my time.

□ 1100

Ms. PRYCE of Ohio. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIRMAN. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. PRYCE of Ohio. Mr. Chairman, I rise in opposition to the amendment and in support of the provision in question.

Let me first say that I admire the gentleman from Arizona's dedication to ensure that waste, fraud and abuse is rooted out of the Federal Government.

Additionally, Mr. Chairman, I believe that all earmarks in appropriations bills should be able to be publicly defended. That is why I welcome this opportunity to explain this project and assure this body that it is absolutely appropriate.

To begin with, let me talk about the Save America's Treasures account in which this earmark has been designated for funding. Save America's Treasures is a public-private partnership between the National Park Service and the National Trust For Historic Preservation. The program has preserved for future generations such important historical treasures as Montpelier, the home of President James Madison; Fort Ticonderoga; and the USS Constitution Museum.

So for anyone who has been to Independence Hall in Philadelphia, or the Old North Church in Boston, or Monticello, or anywhere of historical significance to this country, we should be able to understand the importance of experiencing history firsthand at the sites that history was indeed made. We can also imagine the tragic loss we would feel if these sites were not preserved.

Therefore, I can say that it is, without a doubt, that the Federal Government should take an interest in preserving sites, artifacts and monuments that carry special historic significance in American history. In order to be considered for funding under this account, Mr. Chairman, a building must be listed on the National Register of Historic Places. This is not a simple designation to acquire. It is very difficult. After extensive State scrutiny and nomination, there also is a stringent criteria applied by the National Parks Service.

Specifically, this project will preserve the Toledo and Ohio Central Railway Depot in my hometown of Columbus and specifically in the community of Franklinton. Constructed in 1896, the T&OC depot was listed on the National Register of Historic Places in 1973. It is a very unique, pagoda-style building, designed by noted architect Frank Packard. Its location is in the very historic Franklinton neighborhood of Columbus. That is also significant, as this was the site of the first settlement of all in Central Ohio. In recent years, this building became abandoned and risked being demolished. To protect this important structure, the City sought proposals to renovate and preserve it.

Mr. Chairman, the Columbus Firefighters came to the rescue. They proposed renovation of the historic structure in order to preserve it and to include a public exhibit honoring the history and contribution of firefighting in our country.

While the total cost of this entire project is $2.7 million, the small $100,000 Federal investment through this earmark will only be used to renovate the historic sections of this building to its original glory and preserve for future generations. I can think of no better use of such a significant historic building than by those who maintain the time-honored American tradition of service and sacrifice to one's neighbors and one's community.

In conclusion, Mr. Chairman, this amendment deserves to be opposed by all Members of the House who value the history of our country, the preservation of historic sites and the contribution of firefighters to our communities.

Save America's Treasures is a valuable program and it is a worthwhile project that should be preserved. The combination of preserving the tradition of our Nation's rail history and honoring our Nation's brave firefighters is worthy of this body's support.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. If the gentlewoman will respond, I have a question. The earmark states that it is for Firefighter's Hall in Columbus, but the certification letter says the money is to go to the firefighters' union. Why does the union get the money?

Ms. PRYCE of Ohio. The union provided the contract to do the renovation. The money proposed in this earmark is only for the historical renovation. The firefighters are the ones who took on the task of coming to the rescue of this very historic site and had the best bid.

Mr. FLAKE. Is there another firefighters' museum in Columbus?

Ms. PRYCE of Ohio. Not that I know of.

Mr. FLAKE. Let me just say, again, the gentlewoman mentioned that we have this program for historic preservation, the Saving America's Treasures, and that it is tough to get on the list for that. As I understand it, grants are given out and those grants are announced in late summer. If you receive one of those grants, then you are named an historic site or an official recipient. You can also make a contribution. If you are a local entity looking to have your own facility designated, you can make a contribution to Save America's Treasures and earmark that for the project that you want it to go to. There are other ways to receive recognition.

It just seems to me that it would be more appropriate for the local entities to bear responsibility for this and not the Federal Government.

Ms. PRYCE of Ohio. If the gentleman will yield, this is a $2.7 million project.

The Federal Government's contribution is $100,000. It is truly a public-private partnership in which the firefighters and the local government and the State government are participating fully.

Mr. FLAKE. That is understood. There are a lot of State and local governments everywhere, I would submit, that would like to have this kind of participation. But we simply can't do it. We simply cannot fund every project out there. So it seems to me that if we are going to have a project, or we are going to have an account that we set up with the Federal agency, we allow that to take its course.

If we don't like the way it is run, it is our obligation as Members of Congress to stipulate that it should be done differently. But we shouldn't go in and circumvent that process and say, all right, I am going to earmark these projects because I fear that they might not receive designation or they might not be chosen by this Federal agency. If we don't like how that is set up, let's change that process. But let's not move in, as Members of Congress, and designate specific funds.

I have a lot of respect for the gentlewoman from Ohio and count her as a friend. I am not questioning anything here but the wisdom of using Federal taxpayer money to do this type of thing.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words. I would be glad to yield to the ranking member.

Mr. TIAHRT. Mr. Chairman, I want to thank the chairman for this. I want to point out that we did a joint review process of each of these earmarks to make sure that they were within the guidelines of what we have done in past precedence in the House. This particular earmark, like the other earmarks, passed this process. This is part of the Save America's Treasures program, authorized by the Save America's Treasures Act. It is a 50/50 match on a small portion of a larger project. It is also on the National Registry of Historic Places.

I think the fundamental question that we have is, do we think it is proper for Federal dollars to be part of this effort? I think that is what Members should base their vote on, whether we think that this should be a part of the Federal effort to save a historic place like this.

The gentleman from Arizona brought up a very good point. He said that we can't fund every request. That is true. I think that some requests we have had were culled from this because they didn't meet the past precedent or the standards that we had left in place before. Just by sheer limits on the number of amendments and the dollar amounts available, we have also created limits for this process of selecting these treasures that are part of our history and to save them.

Mr. Chairman, I thank the gentleman from Washington for yielding time.

Mr. DICKS. Mr. Chairman, I reclaim my time.

Mr. Chairman, I would also point out to the gentleman that the precedent on this Save America's Treasures has been to split the money 50/50; 50 percent would go to the administration and they would then make decisions on a competitive basis. The other 50 percent would be earmarked by the Members of Congress.

I think that process works well. Congress has the right to do this under the power of the purse. This is one of our most important constitutional rights. There is nothing wrong with it. The Supreme Court has never questioned it. It is part of our constitutional history.

I just want to also join my friend from Kansas and say that I support this project. I urge that the Flake amendment be rejected and that we support this project. It has been carefully vetted. I think we could have straightened out the name of the title here and helped ourselves, but that is a lesson learned for next year.

Mr. Chairman, I yield back my time.

Ms. PRYCE of Ohio. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

□ 1115

Mr. DICKS. Mr. Chairman, I move to strike the last word, and I yield to my good friend from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I would like to thank the subcommittee, the chairman, and the ranking member for their support of the existing program to eradicate nutria. It is Public Law 108-16. It is called the Nutria Eradication and Control Act. I also want to thank the chairman and ranking member for the amount of money that they have put into the National Wildlife Refuge System.

This particular program, the Nutria Eradication and Control Act, has spent over the last 10 years over $1 million to eradicate this invasive species on a National Wildlife Refuge in the State of Maryland which involves 27,000 acres. It also has been helped by the USDA APHIS program.

This program to eradicate nutria on 27,000 acres in the State of Maryland and surrounding private lands has been one of the best invasive species eradication programs in the United States. There are 16 other States where nutria pose a problem. So the precedent where we have eradicated this nutria on 27,000 acres at the Blackwater National Wildlife Refuge and surrounding areas shows that the project is a success.

The Interior appropriation bills we are considering today includes generous increases in the National Wildlife Refuge System, and I support all of this money. But, Mr. Chairman, I would like to have some type of dialogue and colloquy now that, as we move this process through the House and through the Senate, there is a recognition that this program has been successful, that it needs to continue in other areas around the Blackwater Refuge so that other States, 16 more, understand how this program, how it works in difficult terrain, in marshland, in swampland, can be successful in their areas.

So I would ask that the chairman, I know there are difficult choices, there are budget problems, but as we move this process through, that the nominal funding, this small amount of funding that we will need to continue this program in the State of Maryland, be considered.

Mr. DICKS. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments and his interest in addressing the threat posed by invasive species to our natural resources. I will certainly work with the gentleman to help address this pressing need as we go through this process.

I know how important this invasive species issue is. Out in my area we have a major problem with Spartina, and we have had to fight it in the Willapa Bay area and Grays Harbor area. So I am very sympathetic to this. Also with the Fish and Wildlife Service, I guess there is an interagency group that is working on invasive species. So let's look at existing programs, and we will try our best to find a way to help the gentleman.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman, and look forward to working with him.

Mr. DICKS. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be for the Philadelphia Art

Museum Exterior Façade in Philadelphia, PA.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prevent any funding in the bill from going to the Philadelphia Art Museum for their exterior facade work. The Philadelphia Art Museum is receiving $100,000 in taxpayer funds in this bill.

The certification letter submitted to the Appropriations Committee in this project is a little vague again. It simply states that the money is to be used for a comprehensive exterior renovation and preservation project of the main building historic facade. I should note again the certification letters that we get as Members tell us a lot less than the actual request letters do. That certainly is the case here.

When my staff looked at the museum Web site, it is clear that the museum has plans for expansion by creating a "skylit galleria, a spacious gallery extending along Pennsylvania Avenue in Philadelphia."

The skylit galleria would be some 35 feet high, 200 feet long, and join the lobby and new cafe. The Web site says that with its terrazzo floor and tilted corbelled wall, this new space connects the old building to the new extension along the length of the preexisting north exterior facade.

I understand the main building is historic. But the question is, if the certification letter says it is for the historic facade and you are talking about flooring and other things, it seems to me that the money is going to the new extension.

Again, I would simply make the same point here that I have made before. There are a lot of worthy projects. Certainly renovation and historic preservation is a good thing and a lot of good people contribute their own money to it, as they should. But the question is, should Federal taxpayer dollars be used in this way, particularly given the financial situation we are in as a Federal Government.

Mr. Chairman, I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Philadelphia Art Museum is an historic location, well-known throughout the world, with over 1 million visitors a year, 78 years in existence.

The project for the modernization and renovation of the museum is one of note. It is important this year over $130 million will be spent. This $100,000 will be less than 1 percent of that. But it is an important effort for the Federal Government to participate and support the renovation of the exterior.

This multiyear program of over half a billion dollars to renovate and modernize the Philadelphia Art Museum is an important linchpin to an expansion along the parkway in Philadelphia's role in the world in terms of a world-class art collection. The Barnes Museum will be built and the Rodin Museum.

The collection will bring more visitors, twice as many visitors, to Philadelphia, as if we would have the Super Bowl in Philadelphia, and these visitors will spend three times as much money. Many of them are international travelers and art collectors and people who appreciate art.

I know that the House, notwithstanding the views of one Member who has offered this amendment, I am certain that a majority of the Members of this House will speak clearly that when we are talking about America's treasures, that the very well known but very old and in need of repair Philadelphia Art Museum deserves support under the program, the Saving America's Treasures program, which was designed exactly for this purpose and in which it has been the practice that the Congress would select about half of the projects.

So I ask that we oppose this amendment, and I ask that we support the Philadelphia Art Museum in this effort in this city and Philadelphia region. Many of our Members and families have visited, and we encourage all to visit, including the gentleman who is the sponsor of the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise in strong support of the gentleman's project. We have looked at this carefully. As we understand it, it deals with the historic facade, and this is an important project. I think it is a very modest amount of money, which has to be matched by the locals. They are putting up a huge amount of additional money so there won't be any problem with that.

I congratulate the gentleman on his project and urge a "no" vote on this amendment.

Mr. FATTAH. Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. If the gentleman would explain, I am still a little confused. The earmark states it is for Philadelphia Art Museum exterior facade, but then we are talking about an extension or expansion as well. Is this for the historic facade or for an expansion?

Mr. FATTAH. If the gentleman would yield, this grant would be to assist in the project related to repair of the historic facade of the existing museum.

Mr. FLAKE. So not to the new expansion.

Mr. FATTAH. I think you would say "asked and answered" at this moment, right?

Mr. FLAKE. I thank the gentleman.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used for Payne Gallery, Moravian College in Pennsylvania.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit any of the funds in the bill from going to the Payne Art Gallery at Moravian College at Bethlehem, Pennsylvania. The certification letter submitted by the Member sponsoring the project stated the money would go to the restoration and preservation of the Payne Art Gallery at the college. The funding would be used for exterior restoration, rehabilitation, and conservation of Payne Gallery.

Payne Art Gallery is a small art gallery at a college. The college underwent a renovation in 2001 to achieve Smithsonian exhibit standards. It currently hosts about five to six exhibits a year. This small art gallery is to receive $150,000 in Federal funding from the U.S. taxpayer.

Again, I would simply ask, there are a lot of small colleges around the country, hundreds of them, thousands of them. Many have art galleries. Where do we say this is worthy and this is not? Why are we using U.S. Federal taxpayer dollars for this purpose when we are in the fix that we are in financially?

Mr. Chairman, I reserve the balance of my time.

Mr. DENT. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. Thank you, Mr. Chairman.

I also do want to thank my friend from Arizona (Mr. FLAKE), and he is indeed a friend, but I also want to thank him for giving me this opportunity to fully vet and disclose this particular project on the campus of Moravian College in Bethlehem, Pennsylvania, specifically on the Priscilla Payne Hurd campus, and we are speaking today about the Payne Gallery. I think it is very important that we have this kind of discourse in a very open and transparent manner.

But let's first understand and explain the purpose of the Saving America's Treasures program. The purpose is to preserve nationally significant, historic properties that are threatened or endangered. The projects must mitigate the threat, have a clear public benefit, and there has to be a non-Federal match. That is certainly the case here.

I should let everybody know too the historic significance of Moravian College. It is America's sixth oldest college, sixth oldest. It is located within the City of Bethlehem, which is really the site, and it is perhaps arguable, but we claim where I live in the Lehigh Valley of Pennsylvania, it is really the birthplace of the America Industrial Revolution, and the Moravians were a key driver in that industrialization process in the 18th century.

There is a very strong industrial and cultural heritage. The Moravians were not only industrialists; they were people of faith. They came from Germany and other parts of Central Europe.

The Priscilla Payne Hurd campus is significant to the story of the City of Bethlehem and to the college. The Payne Gallery is nationally significant. It exhibits collections from the Smithsonian National Museum of American History and the Smithsonian Institute of Libraries.

This historic property is certainly threatened. This funding will mitigate the threat. There is a clear public benefit. This gallery will be used and enjoyed by countless visitors to Bethlehem, the Christmas City. We enjoy numerous visitors from around the world every year to be in Bethlehem during Christmas to participate in the Moravian tradition, culture and heritage of the community.

There is certainly a non-Federal match. It will be $205,000. The total project cost is $350,000. The amount of funding in the bill is $150,000 of Federal money.

Just coincidentally, there was an article today in one of the local newspapers back home: "Moravian College gets $130,000 historic grant. The Getty Foundation cash focuses on preserving classic architecture."

I am just going to restate and read briefly a few things said in the local paper today about this campus about which I am speaking. Moravian College again is the sixth oldest college in the country. It has 11 buildings in the National Register of Historic Places, all of the them in the Priscilla Payne Hurd campus downtown. They include the Brethren House, built in 1748, which the Getty Foundation called "one of the best examples of colonial German architecture in the country."

That is what a group of philanthropists in California said about this particular campus in the City of Bethlehem. This is historically significant, and this grant will support a comprehensive evaluation of the college's buildings and form the basis of an historic preservation plan.

One of the stated goals of the project is to "develop strategies for using, preserving, and enhancing historic structures."

The president of the college just said today that he is proud of the continuous use of its oldest structures: "Our students study music and practice Bach in the very rooms in which so many remarkable young students did nearly two centuries ago. Moravian's historic structures are alive and vital, the past in the continuous present."

That is what the president of the college said.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to rise in strong support of the gentleman's projects and congratulate him on the hard work that he has demonstrated and his very comprehensive knowledge of this project. I urge a "no" vote on the Flake amendment.

Mr. DENT. Mr. Chairman, reclaiming my time, I thank the gentleman.

I did want to say that, again, this campus, this gallery, and by the way, Priscilla Payne Hurd is alive and well, she is in her eighties, a wonderful matriarch of the community, philanthropist, has contributed so much to this community in preserving the culture and the heritage of America. This is not simply about my hometown. This is about American history and culture and, frankly, faith. Faith. The Moravians were people of great faith.

Again, every year people come to Bethlehem in great numbers to hear Bach. They come here to hear Bach. Moravian is such a integral part of that. You really can't separate the Moravians from the City of Bethlehem, again, the Christmas City. We are very proud of what they do there.

I believe this project fits precisely into the definition of the Saving America's Treasures program. You couldn't find a better fit.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, I will simply make the point, this sounds like a great gallery, a lot of history, certainly something that tourism and other things can pay for, that can carry its own load locally. Why do we need the Federal Government to be involved, that is my question.

Given the priorities and the situation we are in with the Federal Government, the last time I checked we were some $8 trillion in debt, why are we doing this? Where does it end? When do we say enough is enough?

We can't afford to fund projects like this around the country that have a local program that can support it. We simply can't go on doing this. That is the point that I would like to make.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

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Mr. TIAHRT. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I would like to mention an amendment I was going to offer but did not for fear it would not garner the appropriate number of votes, and that was to dam up Yosemite Valley. It is about time that we dam up that valley, let it flood now because Los Angeles and southern California is in dire need of water. We are talking about global warming and we are talking about the need for water for our people.

Now that would be a ridiculous amendment; but yet we didn't even get a chance to have $7 million as requested by the administration to look at the possibility of restoring Yosemite Valley's twin, the Hetch Hetchy.

Eighty-four years ago the Hetch Hetchy Valley, the smaller twin to Yosemite Valley that is completely contained within the boundaries of Yosemite National Park, the only instance in which we dammed up a river to cover up a valley inside a national park took place.

What did John Muir say about it? He said: "Dam Hetch Hetchy! As well dam for water-tanks the people's cathedrals and churches, for no holier temple has ever been consecrated by the heart of man."

This is one of the beautiful natural resources in this country, and the administration said give us $7 million to study whether we could get rid of O'Shaughnessy Dam that has been there for 84 years, restore this valley and show that we can provide that water supply to the city of San Francisco so we can give our children and grandchildren this great natural resource.

Now I will admit I am biased. I met my wife in Yosemite on the banks of the Merced River in the beautiful Yosemite Valley. But let me just ask you, we talk about all these things, preserve this museum and preserve this art gallery and so forth. Can you imagine if we can give back to the American people another Yosemite Valley? And yet we cannot even get the committee $7 million to study the possibilities. Why are people afraid of this?

We talk about preserving nature and concern for our national parks. This is a desecration of one of the most beautiful natural parks in the history of this Nation, Yosemite Valley. Most people don't know that there is a twin valley just north of it called the Hetch Hetchy because it is underwater. The city of San Francisco pays $50,000 a year to cover up one of the great, beautiful natural wonders of this Nation. And yet we couldn't even get $7 million to study, not to do it, to study if it is feasible.

The governor has just completed a study in which he said it was feasible, and said we need the Federal Government, since it is Federal land, to look at it and it will cost about $7 million. And this committee said no, we can't. The Speaker doesn't want it. Senators who happen to be in and around San Francisco don't want it.

I don't know what is more environmentally important than saving one of the great wonders of the world that is underwater.

John Muir said this is the greatest desecration, the greatest desecration of natural resources in this Nation. John Muir, not usually noted as a Republican, but one of the great conservationists in the history of the United States. And we couldn't even get $7 million. I am very disappointed. I am extremely disappointed.

If anybody wants to look at this, go to Yosemite Valley, go to that national park and say you want to look at the Hetch Hetchy which John Muir said is one of the great cathedrals of nature in this country. It is kind of tough to see it because it is underwater.

Now I'm not saying stop the water from going to San Francisco, I am saying there are alternatives that would restore this beautiful, fantastic, feature of nature; and yet in this bill, we can't even allow $7 million.

Mr. DICKS. Would the gentleman yield?

Mr. TIAHRT. I yield to the chairman of the committee.

Mr. DICKS. I thank the ranking member for yielding, and I just would like to ask the gentleman from California, does he have an estimate of what the cost of doing this would be?

Mr. DANIEL E. LUNGREN of California. That is the whole purpose of having a study for $7 million to estimate the cost and to make sure that the city of San Francisco and the other water districts receive that money.

Mr. DICKS. It may have been in the governor's study or one of the other studies that have been done.

The Acting CHAIRMAN. The gentleman from Kansas' time has expired.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

As I understand it, some of the cost estimates that have come in, this would be up to $10 billion. I think one of the reasons why the committee took the action it did take was because of this great big $10 billion bill and not having any kind of a plan for how that would be financed.

But I am sensitive to what the gentleman has said in terms of the importance of this. We will take this very seriously, and we will look and see what the Senate does and we will continue to work with our friend from California who is a valued Member of the House.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. As you may recall, this first came up during the Reagan administration when then-Secretary Don Hodel was surprised when a staff member came into his office and said, Mr. Secretary, how would you like to give us another Yosemite Valley?

He said, What are you talking about?

The staff member said there is a twin to Yosemite Valley sitting under, I forget how many feet of water. He said, Well, that water goes to San Francisco, doesn't it?

And he said, Yes, but we think there are alternatives that would allow San Francisco to still get that water, that pristine water, as it has for 80-some years, and yet restore the Hetch Hetchy. The estimates I have seen, it may cost upwards of $2 billion. Now that is a lot of money, but I would ask you: How much would it cost us to build a Yosemite Valley if we could possibly build it? It is priceless, as they say in the commercial.

Mr. DICKS. Reclaiming my time, I appreciate the gentleman's obvious sincerity and passion, and we will continue to look at this.

Mr. DANIEL E. LUNGREN of California. I thank the chairman of the committee.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Indiana for a statement.

Mr. ELLSWORTH. Mr. Chairman, I had planned to introduce an amendment and I chose not to do that, and I will explain why.

But my amendment would have sought to reduce by $2.6 million the salaries and expense account of the Smithsonian Institute, an account in which there is a history of well-documented, wasteful spending of taxpayer dollars.

Though I called for a freeze in the funding for the Smithsonian's administrative account, this amendment should not be mistaken for opposition to this important institution. For more than 150 years, the Smithsonian has made significant contributions to the cultural enrichment of the United States. Through its 18 museums, 144 affiliate museums, the National Zoo, and nine research centers around the world, the Smithsonian has contributed to the education of millions of people.

In fact, officials estimate that 24 million people visited the Smithsonian in 2006 and almost 21 million visited affiliate museums across the world. There is no doubt that the Smithsonian reaches across America and the world to offer a rich experience for both children and adults alike.

I think I speak for most of my colleagues in expressing a deep appreciation for the excellent work the Smithsonian does, but I also agree with the Appropriations Committee that the institution has recently exhibited a "crisis of leadership, governance and principle."

As was well-documented in the press and here in Congress, some of the Smithsonian's top officials received exorbitant salaries and housing allowances, traveled lavishly, and made otherwise egregious expenditures on the taxpayers' dime.

My constituents, like many of yours, sent me to Washington to ensure that their tax dollars were spent wisely. They believe, as I do, that Congress should not reward waste, fraud or abuse with more taxpayer dollars. This amendment would have called for the Smithsonian to enact steps to get its spending practices under control. It was meant to send the message that until the Smithsonian can demonstrate it can responsibly spend taxpayer dollars, it should not receive increased funding.

I would like to thank Chairman DICKS for allowing me to talk about this amendment that I believe would have taken a real step in addressing waste, fraud and abuse in the Smithsonian. However, after discussion with several of my colleagues who serve on the Smithsonian Board of Regents, I have been assured that this institute has begun to enact measures that will lead to real reform in the institute. We should all continue to observe this, as well as all institutions under our control.

Mr. DICKS. I would like to say to the gentleman that I believe the committee has, in essence, enacted the spirit of your amendment. We have reduced the Smithsonian's budget by $35 million. The salaries and expenses level has come down to where it was in 2007. And we didn't do this as a punitive measure, we did this to send a very strong message, as the gentleman has in his very eloquent floor statement, and that message is we want the Smithsonian Board of Regents to reform the Smithsonian.

We all respect and admire and love the institution ourselves. We want to, and I personally hope we can in conference restore funding after they have made the appropriate changes that the committee has talked to them about. I think that is happening as we speak.

I have had a chance to talk to a number of the regents and Members of the House who serve as regents, and I am confident that they are on the right track. We hope by the time we get to conference, we will all be satisfied that they have reached the goal of reforming and changing so that the House and the other body can feel confident in funding them at the appropriate level.

Mr. ELLSWORTH. Thank you, Mr. Chairman. That is why I did not offer the amendment because I am confident that we will watch this.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Kansas.

Mr. TIAHRT. First, I would like to thank the gentleman from Indiana for bringing up this important issue. There were problems that were occurring at the Smithsonian, and it was evident in the press and it was evident in the dialogue we had here on the Hill and in committee. I want to commend the chairman for his leadership in trying to focus our resources on the problem.

When the studies are complete, I think we will all be satisfied that we can move forward. The Smithsonian is a great institution and it needs powerful leadership, and we need to have strong checks and balances in place. I believe those are being put in place.

So thank you for bringing the issue to the floor of the House. And I thank the chairman for helping us get a strong institution in the Smithsonian that will last for years.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used for the Southwestern Pennsylvania Heritage Preservation Commission in Hollidaysburg, Pennsylvania; the Westsylvania Heritage Corporation in Hollidaysburg, Pennsylvania; and the Progress Fund in Greensburg, Pennsylvania.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prevent funding from going to the Southwestern Pennsylvania Heritage Preservation Commission in Hollidaysburg, Pennsylvania. This is one of the most expensive earmarks in the bill. The commission is to receive an earmark of $1.2 million. The Web site for this commission states that the southwestern region of Pennsylvania was hard hit when a lot of manufacturing jobs left the region. The Web site also states that it was a "tough transition for hundreds of steelworkers, coal miners, railroaders and other workers who now find themselves without a job." I certainly, and any Member in this body, can sympathize with in their own district.

But the Web site goes on to say that "An idea emerged that the very industries that were struggling in the 1980's had transformed America once before. Could the proud history of southwestern Pennsylvania once again lead America through the next economic transition? With that, the Southwestern Pennsylvania Heritage Preservation Commission was born."

A bill creating the Southwestern Pennsylvania Industrial Heritage Route, or Path to Progress National Heritage Area, was approved in Congress in 1988. The heritage area is managed by the Southwestern Pennsylvania Heritage Preservation Commission. If this is confusing to listeners, it is to all of us.

The Commission's Web site states that the law created the new heritage area to "make it possible for millions of Federal dollars to flow into southwestern Pennsylvania." No doubt.

All of these funds are to be managed by the Commission.

The Commission's Web site states the Commission has "created organizations, corporations, alliances, confederations, authorities, commissions, councils, and new businesses." No doubt.

The site goes on to explain that the committee "spent money, borrowed money, loaned money, earned money, granted money, and accepted money." Nobody doubts that either.

The Web site explains that the Commission legislative mandate was renewed by Congress and it was to begin transferring its responsibilities to a public foundation.

I quote, "several entities were created by the commission to achieve this—the Allegheny Heritage Development Corporation which then evolved in the Westsylvania Heritage Corporation and the Progress Fund, which would serve as a Community Development Financial Institution, providing gap and equity financing to an increasing number of tourism-oriented businesses."

I should note that I have added language in this amendment to prevent Federal funding from going to the other two nonprofit entities that were created by the Southwestern Pennsylvania Heritage Commission.

My point in offering this amendment is to highlight the concept of earmark incubators, or entities created by Members of Congress through the legislative process that exist for the sole purpose of receiving more earmarks.

In this case, the Southwestern Pennsylvania Heritage Preservation Commission seems to be just that, an earmark incubator. It has spawned at least two other nonprofit entities, each with the sole purpose of fostering economic growth and tourism development in southwestern Pennsylvania with Federal taxpayer dollars.

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It is no surprise that the CEO of the Westsylvania Heritage Corporation is also the executive director of the Southwestern Pennsylvania Heritage Preservation Commission. He is also a former Interior Department employee of 32 years.

Keeping track of all these entities that have been created based on this one national heritage area almost boggles the mind. The point of this amendment is to prevent funding from going to one entity, you have to go after all three.

Mr. Chairman, I reserve the balance of my time.

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. I thank the chairman.

One of the benefits of reviewing these publicly is to help get some facts on the table with regard to what these projects are. This project of the Southwestern Pennsylvania Heritage Preservation program is one of 37 heritage sites around the Nation. It includes such other projects as the Tennessee Civil War Heritage Area, the Shenandoah Valley Battlefields Area, Mississippi Gulf Coast Area, the National Aviation Area and, of course, the Yuma Crossing National Heritage Area in Arizona.

This one in Pennsylvania involves nine counties in four congressional districts. It was something that started in 1988 at that time, signed into law by President Reagan. The purpose of this was to help promote some of the heritage of the industries of iron, steel, coal and transportation that were an important part of Pennsylvania's history and our Nation's history. Thus, designation as one of these national historic areas.

It has had an impact that goes far beyond the money that has been invested in it, and, that is, a construction boom has come out of this. Also, it has spawned other projects such as dealing with acid mine drainage remediation projects, river conservation projects, county heritage plans, the creation of growth of trail development groups.

More than 65 local preservation, conservation, and community organizations have significantly expanded their missions in recognition of their role in developing a heritage resource for the region. All in all it has helped leverage some $90 million of grants from other sources to help promote these programs with this.

We recognize that as we look at these projects around the Nation, those of us who are in Pennsylvania may understand best those projects in Pennsylvania as those in some of these other areas. Mississippi, I may not know as much about those or the ones in Virginia or Arizona or Georgia, wherever these other projects are. But this is important to Pennsylvanians and it's important to our Nation, to a large extent because Pennsylvania and the region was the area that built the world literally with steel, with our coal. We are a State that has lost manufacturing jobs. In fact, tourism and agriculture are our two highest sources of income in Pennsylvania, and it is important that we understand that tourism is a source of jobs in Pennsylvania like many other States. It draws visitors in not only from our Nation but from around the world and it is worthy of working on ways to continue these jobs with some growth.

The vast majority of funding for these programs has come from other sources. But what it has done, also, is help preserve some of that heritage. Understanding the history of our Nation is important to understanding the future of our Nation. Thus, we need to learn the lessons from history to fund these things to understand how it is important and how to promote this.

This is not just something for my district, but it is important to several districts; and it is important to our Nation and the start-up tourism-related businesses that are otherwise unable to secure loans from other programs.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TIM MURPHY of Pennsylvania. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his very thorough and comprehensive statement, and I want to join him in support of this project.

As the gentleman said, this project was authorized, signed by President Reagan, a very conservative President. This is historic activity that has been very productive. And so I urge that the project be supported and that the amendment by the gentleman from Arizona be defeated.

Mr. TIM MURPHY of Pennsylvania. Reclaiming my time, I would like to add a couple of other things that relate to some Federal overlap with this particular project. This whole area of the heritage preservation group for southwestern Pennsylvania also overlaps with 218 nationally registered properties, 16 national historic landmarks, two national park units and one other national landmark all recognized by the Federal Government as a way of linking these things together. It is a way of helping to promote these things for jobs and for understanding the heritage of our Nation.

Someone once said that those who fail to learn the lessons of history are doomed to repeat them. Indeed, where we stand now with an importance of understanding what our economic heritage was, our industrial and manufacturing heritage, are important to the people of southwestern Pennsylvania and are important to the people of the Nation.

Mr. Chairman, I urge my colleagues to vote "no" on this so that we can preserve that heritage.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. How much time is remaining?

The Acting CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. FLAKE. I thank the chairman.

If the gentleman will indulge me, I am still confused, maybe even further now. Looking at the list, it says here, Southwestern Pennsylvania Heritage Preservation Commission, $1.2 million, and the sponsor is Mr. MURTHA of Pennsylvania. Who is the sponsor?

Mr. DICKS. Mr. MURTHA of Pennsylvania. But as was mentioned by the gentleman from Pennsylvania, there are four congressional districts involved in this. I don't know if people from the other districts, I guess they didn't request it or else it would be listed because we've tried to list it where there were multiple names involved.

Mr. MURTHA is a former member of this subcommittee and this project has been funded for many years. When your party was in the majority, there were a number of years in which this project was funded. The previous chairman, Mr. TAYLOR, and others have been supportive of this project.

Mr. FLAKE. Thank you.

Reclaiming my time, I don't doubt that it was funded in the previous Congress. The question is with economic development. It is said that this helps promote tourism. It helps development. No doubt. You cannot spend money without creating economic activity by its very nature. But if we take economic development as the criteria, what project anywhere in the country is not worthy of that? And why is this project and all of these entities created, and I quote again from their own Web site. The commission Web site says: "This organization created organizations, corporations, alliances, confederations, authorities, commissions, councils, new businesses," many of which are also eligible for earmark funding.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. I'll be very brief.

The point I would make is that we only funded one out of 10 requests. So there was a lot of judgment made by both sides of the aisle working together to pick those projects that had a history, that were authorized in many cases. So I think there was a very careful vetting of this process. There are a lot of Members who are mad at me because they didn't get their project. This one met the test and was funded.

I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act for the Division of Criminal Investigation of the Environmental Protection Agency may be used in contravention of the criminal investigator requirements of the Pollution Prevention Act of 1990 (P.L. 101-593).

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. I thank the Chairman.

Mr. Chairman, my amendment would require the Environmental Protection Agency to hire the appropriate number and amount of criminal investigators as required by law. EPA's criminal investigators play a critical role in protecting public health and the environment from the most serious offenders. That is why the Pollution Prosecution Act of 1990 (P.L. 101-593) specifically requires that not less than 200 special agents be assigned to environmental criminal enforcement. This requirement helps ensure that EPA has the number of investigators and adequate resources necessary to enforce the criminal provisions of our environmental law.

EPA's criminal investigation division, CID, is currently at less than 200 special agents. Already understaffed, seven agents from CID are permanently assigned to the EPA's administrator's personal security and do not conduct any investigation work. Additional agents are assigned to provide security when the administrator travels outside Washington, DC, requiring them to abandon any investigation work during that period.

The assignment of the EPA's criminal investigators to provide personal security to the EPA administrator diverts resources from the investigation of environmental crimes. While I understand the desire to protect a member of the President's Cabinet, criminal investigators at EPA are doing so at the cost of protecting public health. Because of the additional strain that using CID criminal investigator agents for security has on EPA's ability to investigate criminal violations, it is extremely important that CID be properly staffed.

The underlying bill, the bill before us today, provides an increase of $11.8 million for enforcement compared to fiscal year '07. The EPA should have no difficulty in meeting the requirement of 200 criminal investigative agents, which is the standard that was set in 1990. My amendment would not reduce the security provided by the EPA administrator. It would only make certain that the EPA uses this funding provided in the bill to meet their requirements under the Pollution Prosecution Act and their responsibility to the American people.

I want to thank Chairman DICKS for consideration of this amendment along with Ranking Member TIAHRT. I urge Members to vote "yes" on my amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for his amendment. The gentleman has discussed this amendment with all of us. The bill includes an increase of $11.8 million, as you have mentioned, above the President's request for EPA enforcement. That is enough money to bring the EPA's enforcement level back to levels that we saw earlier in this decade. The majority has no objection and accepts the amendment.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Kansas.

Mr. TIAHRT. I think the gentleman from Michigan has done his research and prepared this well. I think this is a part of the EPA that needs attention and needs a little reinforcement. I congratulate him on his amendment and I have no objection to it.

Mr. STUPAK. I thank Mr. TIAHRT and Mr. DICKS for their words.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. JORDAN of Ohio:

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 4.3 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Ohio (Mr. JORDAN) and the gentleman from Washington (Mr. DICKS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. I thank the Chair and the Members who are present here.

This is the fourth time I've offered this amendment to an appropriations bill. I don't do it to be a pain in the neck. In fact, I appreciate the work of the chairman, I appreciate the work of the ranking member, and I appreciate the work of the committee and staff. I know they look at these line items, look at these programs, go through and do the hard work that all committees do. I appreciate all that work. I simply bring the amendment forward because I believe government is too big and that government spends too much.

This amendment doesn't cut spending. This amendment, like the previous ones I have offered, simply says we're going to hold the line. We're going to spend the same amount we spent in the last fiscal year. Nothing more than that. That's all the amendment does. It allows the committee who understands these programs, who does the work and puts this bill together, to go back and look and figure out where those cuts should happen using their expertise that they've developed in this committee to do that. It simply says, it's not too much to ask government to do what millions of families have to do across this country, live on last year's spending levels, live on last year's budget.

It is important we do this, in my judgment, for two reasons. Again I have articulated these each time I've brought this amendment forward for the body to consider. The first is there are financial problems, financial concerns, some would even say crisis looming for America if we don't get a handle on the spending. $3 trillion budget. This bill increases spending by over a billion dollars in this one area. The more we run up deficits, the more that leads to debt, the more that leads to less saving, the more that leads to less economic growth, the tougher it makes it in the future to deal with the economic crisis that is in fact coming.

Again, you don't have to take my word for it. All kinds of experts have talked about this, whether it's entitlement programs, discretionary spending, it's government spending and there are problems looming if we don't begin to get a handle on the spending levels that we appropriate. There is no better place to start than right now, saying, let's just do what we did last year. Let's just hold the line on spending.

The second reason that this is so important: whenever you start to spend and spend and spend and have these kinds of things take place, it inevitably leads to greater taxes. I've often heard the phrase tax-and-spend politicians. It's actually more appropriate to say spend and tax. Spending drives the equation. The more you spend, that leads to taxes in the future. If you went out and asked the American people, Mr. Chairman, is government too big or too small, my guess is the vast majority of Americans would say it's too big.

Think about this: government spends on average $23,000 per household. We've got a $3 trillion annual budget that we spend on. Many of those things are appropriate, but overall if you ask the American people is government too big or too small, they would say it's too big. If you asked them the same question, are Americans overtaxed or undertaxed, my guess is the vast majority of Americans would say we're overtaxed. In fact, a typical family, 50 cents of every dollar they spend goes to some level of government in the form of taxes. It's not too much to ask government to hold the line on spending, to live on what we did last year, to live on the same amount.

□ 1200

That's what this amendment does. I bring it forward, not to be a pain to the committee, I appreciate their work, but simply to point out it's time we get a handle on spending if we are going to be able to let or help America have the economic growth that we need to see happen in this country in the future.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman from Washington State is recognized for up to 20 minutes.

Mr. DICKS. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, I rise in opposition to this amendment.

Am going to be brief here. This would be a devastating cut on this bill. I want to say something to the gentleman. These bills do have consequences.

Over the last 7 years, since this administration took power, the Interior Department's budget has been cut in real terms by 16 percent. The EPA's budget has been cut in real terms by 29 percent, and the Forest Service budget has been cut in real terms, taking fire out, by 35 percent. This is one of the few bills that has been devastated by this administration, and it's a regrettable fact.

All our bill does is stop this downward trend in our national parks, our downward trend in our national wildlife refuges, and our downward trend in enforcement and clean water and clean air in the environmental protection area, and the reduction in personnel, not covering fixed costs until Mr. Kempthorne came in, and he is only covering the fixed costs for the Interior Department. This is a devastating cut that would reverse all the good work in this bill.

I just think it's totally irresponsible, and I urge a "no" vote on this. We need the money for the firefighters, there is a huge fire out there in Lake Tahoe right now. We need to get this bill passed.

This kind of across-the-board meat-ax approach will not be successful, I predict. I just tell the gentleman that his amendment goes way too far and would have devastating consequences. It would undermine the President's Centennial Challenge that Mr. Kempthorne has worked so hard to create.

Mr. Chairman, I yield back the balance of my time and urge a "no" vote on the gentleman's amendment.

Mr. JORDAN of Ohio. Mr. Chairman, before recognizing the gentlelady from Tennessee, I would just point out this, we always hear this, devastating cut. This not a cut. This is simply saying we are going to spend what we spent last year.

In fact, last week we had this big debate on the legislative branch bill and on other appropriations bills, and the majority party was pointing to the President's request. What we spent last year is actually more than what the President requested in this budget.

Devastating cut, I mean, we always hear, it's interesting, politicians who spend the tax dollars of families and individual taxpayers across this country, always say the sky is going to fall if we can't get more of your money and spend it on things we think are important.

All we're saying is you know what, it's not too much to ask that government do what families do all the time, and that is spend on last year's level.

Mr. Chairman, I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank Mr. JORDAN for the good work that he is doing right here. He is exactly right in the amendment that he is bringing forward, hold constant, hold it level.

Mr. Chairman, we hear this from our constituents every single day. We all know that the American people are certainly frustrated with the way they see Washington spend money, and the amount of money that they spend.

What our amendments are doing is just to say, just pare it down a little bit. Let's require the bureaucracy to institute some efficiencies. Let's require them to get their House in order.

Now, quite frankly, I don't think it's a bad thing. I think that it is a very positive step to look forward and say let's hold the bureaucracy accountable. Should they be able to move forward and not put best practices in place? Should they be able to just every year get an increase when we have men and women who go to work every single day? They may work for a period of 2 or 3 or 4 years and not see an increase in their salary.

We may have families that look at their budget and say that they are not seeing an increase. To say, you know, to not increase spending puts us on a downward trend.

I truly take exception with that. It is our constituents who are saying you need to start putting some accountability measures in place, you need to reduce what this Federal Government is going to spend because they tax too much and certainly, in order to pay for all of this increase in spending, and this is an increase, it exceeds the President's request by $1.9 billion, which is a 7.6 percent increase. In order to pay for this, they are willing to push forward the single largest tax increase in history because they spend too much money.

Mr. JORDAN of Ohio. Mr. Chairman, may I inquire, the majority party has yielded all their time back?

The Acting CHAIRMAN. Yes, the other side has yielded back.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 3 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman for yielding time to me.

I haven't been on the floor to hear much of the debate on this bill, but a couple of things have caught my attention. One is that the chairman said we don't want across-the-board cuts.

Well, as I understand, they don't want cuts to individual programs or specific programs either, so I guess that means we don't want cuts, period. I remember hearing the debate on this floor about raising the minimum wage, and that has resonated in my memory in relationship to the debate on not making any cuts for this bill also.

There were raving comments made about how people who were living on the minimum wage hadn't received an increase for years and years and years, and yet Members of Congress had received pay raises.

Well, it seems to me that if we're concerned about people who are getting minimum wage, we definitely should be concerned about increasing spending for this bill or any other government program, for that matter. We are raising spending by billions of dollars, and where is that money coming from? That money is coming from the very people that were supposed to be helping those people making the minimum wage.

In just 6 months, the new Democrat majority has passed or paved the way for $103.4 billion in increased spending.

Now, what that means is, again, that we are taking that money away from the American citizens. By doing that, they have raised the national debt limit by $850 billion, which they said they would never do, or $2,812 for every single man, woman and child alive in the United States today, the second largest increase in the national debt in American history, and the largest single tax increase in American history they have passed.

So we don't need to be doing this. We need to be helping average working Americans, by letting them keep more of the money. The government doesn't know how to spend your money better than you know how to spend it.

Mr. JORDAN of Ohio. Mr. Chairman, may I inquire of the time remaining on the Republican side?

The Acting CHAIRMAN. The gentleman has 10½ minutes remaining.

Mr. JORDAN of Ohio. I yield as much time he may consume to the distinguished chairman of the Republican Study Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding. I want to thank him for his leadership. He is one of the outstanding freshmen Members that we have on this side of the aisle. His leadership in helping protect the family budget from the Federal budget is noted. It is noted in this body, and certainly noted in his district and increasingly being noted nationwide. So I thank him for his leadership in bringing this amendment to the floor.

Mr. Chairman, I think this is a very, very important amendment, and I listened carefully to chairman of the committee and his words. I think again, as I said yesterday on this House floor, that much good work has been done on this legislation.

But I do take exception when he uses the term that this amendment amounts to a devastating cut. Again, people are entitled to their own opinions, but they are not entitled to their own facts. This amendment simply says this appropriations bill will be funded at last year's level.

Now, last I looked at Webster's, and looked up the definition of cut, it means to reduce an amount. We are simply asking, in extraordinary times, that government somehow not increase its budget. We are not talking about a decrease here. We are simply saying try to live on the same budget that you lived on last year.

Now, I do believe there is a place where the phrase "devastating cut" is applicable.

As the gentleman from Ohio aptly pointed out, more spending fueled more taxes. Again, that is a very simple nexus, but more spending will fuel more taxes. It's one of the reasons that we have seen within the Democrat budget the single largest tax increase in American history.

Now, that tax increase, when fully implemented over 5 years, is going to amount to roughly $3,000 for every American family. That is a devastating cut. That is a devastating cut to the family budget.

I hear from these families. I hear from families in my district, the Fifth District of Texas, that I have the honor and pleasure of representing. I hear from people like Bruce in Garland who writes, "Congressman, in my particular case, additional taxes would cut into the finances I used to pay for my son's college education. I really believe that given more money, Congress will simply spend more money. That is not the answer."

I hear from Joy in Dallas, "Congressman, I could not pay for a semester of college for my daughter if I had to send $2,200 more to the government."

I hear from Linda, also, in the City of Garland that I represent, "If we had to pay an additional $2,200 each year, it would make us have to decide between food or medicine."

The list goes on and on and on. That is a devastating cut, the largest tax increase in American history fueled by more spending, some of which is contained in this bill, those are devastating cuts. Those are devastating cuts to hard-working American families. It's cutting their education program, it's cutting their health care program, it's cutting their American dream.

I certainly commend the chairman. Relative to some of these bills, this is a more reasonable approach.

But when we look at the largest tax increase in history, when we look at the looming entitlement crisis, and I was very grateful to hear the chairman acknowledge its existence in debate yesterday, but given all of those facts, can't we somehow raise the bar on how much we are going to spend on this Federal legislation and protect the family budget from the onslaught of the Federal budget?

There are two paths we can go down. One path leads us to an extra $3,000 of tax increases on the American family. The other path tells the Federal budget, live with as much as you have lived with last year, and we will protect the American family from devastating cuts in their budget.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 1 minute to the Republican leader, the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from Ohio for yielding, and let me thank him for bringing this amendment to the floor.

All this amendment says is that we are going to reduce the level of spending in this bill to last year's level. It's overdoing. We are not whacking away at everything, and I think that the gentleman has a very good point. I do that because excessive spending makes it more difficult for us to balance the Federal budget.

□ 1215

It takes money away from our children and our grandchildren. An across-the-board cut is another way of being fair and simple, but it gets us back to last year's level.

Now, the spending in these appropriations bills is one issue. But let's make sure we review the bidding on what's happened here thus far this year. In February, when the supplemental spending bill came through, the CR to fund the government for this year came through here, it had $6 billion of spending over and above the President's level.

And then we had the budget come through with an additional $20 billion worth of domestic discretionary spending included in it.

And then just last month we had the supplemental spending bill for Iraq and Katrina that had an additional $17 billion over and above what the President has asked for.

If you look at all of that, $1.1 billion in the Energy and Water Appropriations Bill that's already passed, another $1.9 billion in this bill, you begin to add all this up, and it's real money. And at some point, somebody has to pay for it. And that's the real crux of the issue here.

Most of us came here to make sure that we had a government that was affordable, so that we could keep the American Dream alive for our kids and theirs. And the more that we spend and the more that we mortgage their future, the harder it is for them to have the same chances in life that many of us have had.

And if the spending that we've talked about isn't bad enough, if you look at the budget that my friends across the aisle passed last spring, there's no entitlement reform. My colleague, the chairman of the Appropriations Committee, Mr. OBEY, will soon rise and talk about the $4 billion or $4 trillion worth of debt that's accumulated over the last 6 years.

We know that we have to deal with entitlements. I'm trying to help you give your speech, Mr. OBEY. We have to deal with entitlements. Over the course of the 12 years that Republicans ran the House, we dealt with entitlements some three times, not as often as we should have, not as aggressively as we should have.

But we have made promises to ourselves, those of us who are baby boomers, promises that our kids and our grandkids can't afford. And at some point we, as responsible stewards of our government, need to grab a hold of these entitlements and begin to change them.

Several years ago we made a modest effort, some $40 billion in entitlement reductions over 5 years, a step in the right direction. But to bring a budget out here that says we're not going to deal with entitlements for the next 5 years, I think, is totally irresponsible. And so if we're serious about making sure that our kids and their kids have a real chance at the American Dream, we've got to say no.

The American people sent us here to make decisions about how to best spend their money. And if we just keep adding more money, guess what? We never have to make a decision. That's not what the American people expect of us. They expect of us to have a government that's affordable, that's accountable, and something that they can afford in their family budget.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, Members of this House have often heard me refer to my old friend, Archie the Cockroach, who is the philosopher I rely upon. And one of the things Archie said once is that "an old stomach reforms more whiskey drinkers than does a new resolve." And I think we have a perfect example of that in this case.

We have seen the minority party, for the past 6 years, zealously and delightedly borrow over $1.2 trillion to pay for tax cuts on the cuff. We've seen them support this year providing $57 billion in tax cuts for people who make a million bucks or more a year. We've seen them blindly and blithely support a misguided war, 600 billion bucks, all borrowed. And now, coming in from a 3-day or 6-year jag, all of a sudden people are sobering up. So they're saying, "Good gravy, look at the record we've built."

Mr. Chairman, they have destroyed their credibility with their own conservative base with their profligate borrowing to pay for their pet projects. And then they say, "Well, how can we cover up that and cover our tracks and pretend that we are taking up the old time religion again of fiscal responsibility?

And so what they do is they say, "Well why don't we attack the appropriations bills and try to create the impression that they are runaway spending."

Well, let me give you some facts. By the time this House finishes passing each of the appropriation bills that we're bringing to the floor, this House will have cut over 250 programs, saving almost $6 billion.

I would also point out that if you take a look at the President's budget, if you take a look at the domestic appropriation bills which he's recommended under his budget, you would see these domestic appropriations shrink from 39 percent of the budget to 36 percent. Under the bills that we're bringing to the floor, they will still shrink from 39 percent to 38 percent.

Bob Greenstein, who is probably the most objective budget analyst in this town, respected former OMB official, points out that these domestic appropriations bills, when adjusted for inflation, represent a 1.4 percent increase. I invite you to compare that to the 8, 9, 10 percent increases that we have in the war budgets which the President has asked us to pass.

This bill commits the cardinal sin of trying to restore two-thirds of the cuts that have taken place since fiscal year 2001 in crucial programs that defend the cleanliness of our air, that defend the cleanliness of our water, that protect the public health and protect the publicly owned natural resources of this country.

And they try to divert attention from their miserable record of fiscal irresponsibility the last 6 years by suggesting that somehow these actions have anything to do with the deficits that they've presented the country, turning a surplus when Bill Clinton left office into the largest deficits in the history of man.

Now, you know, I generally prefer to read nonfiction. But I am so used to hearing fiction on this House floor that I guess the next time I want to read a fiction novel I'm not going to go to The Washington Post Book Review or the New York Book Review. I'm simply going to ask my friends on the other side of the aisle, "What's the best piece of fiction that you've been reading and been peddling this week, because I sure would like to take some lessons from you when it comes to peddling fiction."

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. JORDAN of Ohio. Mr. Chairman, can I inquire the amount of time we have left.

The Acting CHAIRMAN. The gentleman has 4½ minutes.

Mr. JORDAN of Ohio. Before yielding to the gentleman from Georgia, I would just point out, I love the majority party's logic: because the Republicans spent too much, we're going to spend more. How does that help the American family? It just makes no sense to me.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I just heard some great news down here. We have cut 250 programs. I'm excited because, you know, I used to be in the construction business, and one time we had a superintendent that was not getting his job done, not performing, not getting the houses built on time. And the gentleman we worked for went in one day and he said, Jerry, I want you to go out there and I want you to fire somebody. And Jerry said, Who do you want me to fire? And he said, I don't care. Just fire somebody so they will know who's in charge.

We need to fire somebody. We need to cut something somewhere. And I am excited to hear that we have cut 250 programs at a savings to the taxpayers of $6 billion because, what that means to the taxpayers, Mr. Chairman, is that now we've only spent $80 billion more than we did in 2007. So we took the first step in a long, long journey to get down to where we get back to the level of 2007.

I hope that the chairman, Mr. Chairman, of appropriations, the full Appropriations Committee, will supply every Member in this body a list of the 250 programs that have been cut, because I want to see that. I want to be able to take that back home to my constituents and say, You know what? We are cutting the size of government. And here are the 250 programs that we've cut.

Now, what I would also like for him to bring me when he brings me the 250 programs that we have cut, I hope that he will bring me a list of the other programs in the other expansion of government that we have done to spend another $80 billion.

Now, Mr. Chairman, a lot of people may not understand how much a billion dollars is. If you spent a dollar a day, no, if you spent a dollar a second, a dollar a second, it would take you 31½ years to spend a billion dollars; 31½ years to spend a billion dollars if you spent a dollar a second.

Mr. Chairman, I hope the people of America know that we have spent $80 billion more than we did last year. That scares me. That scares me not only for me. It scares me for my children. It scares me for my grandchildren. And it scares me for my great grandchildren.

And so I hope that somewhere we'll fire somebody, just one person, one cut that we can make and let the people of America see it.

Mr. JORDAN of Ohio. Mr. Chairman, I yield the remainder of our time to the gentleman from Georgia (Mr. PRICE).

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 1½ minutes.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from Ohio for his leadership on this issue and for bringing important distinctions to the floor.

Mr. Chairman, I want to ask a question, though, of the body, and it's curious what's going on here. The chairman of the subcommittee yielded back his time, didn't even want to engage.

Can you hear it, Mr. Chairman? That's silence. That's silence on the part of the majority party because they aren't even interested in defending the spending that is in their bill.

Before I came to Congress, I was a physician. I knew that I needed to listen to patients in order to make the right diagnosis.

Well, the right diagnosis, Mr. Chairman, here, is that Washington doesn't have a revenue problem; it's got a spending problem. And the ways that the Democrats are moving forward with their spending spree of 2007 are very frightening, as the gentleman before me spoke.

There are a couple of ways to pay for it. One, you can charge it. And so they've increased the debt ceiling. They've increased the debt ceiling to over $9 trillion for the first time ever in the history of this Nation.

The other way you can pay for it is to tax folks. Mandatory withholding, tax increases. And already we've seen the largest tax increase in the history of our Nation adopted by this majority party.

Mr. Chairman, if that were my record, I wouldn't want to talk about it either. I wouldn't want to talk about it either.

So I want to commend my friend from Ohio who is standing tall for fiscal responsibility. It's clear that there's a distinction between the majority party and the minority party. And the minority party says, the Republicans say, we believe in fiscal responsibility. We believe that we can hold the line on spending to holding it to where it was last year.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. And I will say to the gentleman from Georgia (Mr. WESTMORELAND) we are, I have already explained, Mr. OBEY's already explained why this amendment is not going to be passed by the House today, because it's too big a cut. And I would just say, again, and I want to say this to every Member: This administration has cut the Interior Department budget over the last 6 to 7 years by 16 percent.

□ 1230

It has cut EPA by 29 percent. It has cut the Forest Service by 35 percent. It is devastating these agencies, and this amendment would add to that devastation.

What we are doing is adding 4.3 percent to try to turn the corner, to try to bring these agencies back. And we are not laying back here. We are just waiting to move on to more important business.

Mr. Chairman, I yield to my colleague on the committee, a distinguished member from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Ohio has offered an amendment which is a 4.3 percent across-the-board cut, across all of the agencies here in this bill. And that is about the final desperate or thoughtless way of balancing a budget or of approaching the process of budgeting. After all, the amendments that we have been debating for the last day have been defeated, to throw up your hands, but I suppose that is really progress. At least it is better than trying to reduce the budget down to the level of the President's request in the first place, which was hundreds of millions of dollars even below what the last year's budget was.

But I think you need to look at the core programs. The core programs here are the Department of the Interior, the Environmental Protection Agency, the Forest Service. Those are the major programs in this budget. The budget for 2007 was a very small increase but not as much as an increase up to the inflationary amount from the previous year's budget, the 2006 budget. So we would have had at least 3 years of budgeting below the inflationary level.

The gentleman's amendment would force all those agencies that cover Park Service and Fish and Wildlife Service, which are the places where our Park Service and Fish and Wildlife Service serve most of the public, the millions of people of this country who use those facilities, and it would force them to eat the inflation of that, as of now, over a 2-year period, 2006, 2007, and 2008.

What really is happening is that we are having to try to cover for the enormous reductions in the budget from fiscal 2004 to 2005 and from fiscal 2005 to 2006. That is where the major budget cuts have occurred over the last several years. And this budget only partially, partially, replaces for that enormous cut that occurred in those 2 years, way below inflation, serious, real cuts in dollars way below inflation.

Now, I just want to look at a couple of other things not just 3 or 4 years back but a little bit farther. When President Carter left office, the debt of this country was $1 trillion. Twelve years later, after the presidencies of Ronald Reagan and George Bush, the debt of the country was $4.3 trillion, $3.3 trillion more. When President Clinton left office 8 years later, it was $1.2 trillion above that.

Now, in only 6 years, with you folks on the other side having been in the majority throughout those 6 years, the debt is now up to $8.8 trillion, another $3.5 trillion. Think of it. Under 8 years of President Clinton, the total debt increase was $1.2 trillion, about one-third of the debt increase in just 6 years under the present President and all of that coming under your leadership. The debt increased to that time is all under your majority's leadership.

So I just want to say in the final analysis when you take into account inflation, with this bill, the Department of Interior would still be 11 percent below what the budget was in 2001, when President Bush took office. For the EPA, it would be 16 percent, still below the 2001 budget. And for the Forest Service, it would still be 19 percent below. Those key core programs would still be 19 percent below the budget in 2001.

I oppose this amendment and hope it will not be adopted.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

I just want to know which is it? We just heard from the distinguished chairman from Washington that Republicans spent too much; so we are going to spend more. We heard about the spending by the Republicans. And we just heard from the other gentleman that we cut, cut, cut. I want to know which is it?

All I know is this, what is in the bill, and in the bill it says this: The Commission on Climate Change, $50 million of taxpayer money for this new Commission. National Park Service, a $199 million increase, 10.8 percent above last year. The National Endowment for the Arts, a 29 percent increase. We heard a debate about this yesterday, an agency that many Americans find offensive using their tax dollars: $160 million, a 29 percent increase. National Endowment for the Humanities, $19 million, an increase of 13 percent.

Which is it? Did we cut all the time or did we spend too much? I want to know which it is.

What I do know is that in the bill, there are all kinds of excessive spending. That is why we just want to say hold the line, let's keep it where it is right now.

And I thank the gentleman for yielding.

The Acting CHAIRMAN (Mr. MCGOVERN). The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 29 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. Appropriations made in this Act are hereby reduced in the amount of $276,330,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to offer this amendment. This amendment is what became affectionately known as the Hefley amendment. Mr. Hefley was a former Member of the House and offered a 1 percent decrease in the reduction of the increase on appropriations bills routinely. And he no longer serves with us; so many of us believe that it is an appropriate way to try to bring about some kind of fiscal restraint and fiscal responsibility here in the United States Congress.

I think it is important to look at the big picture, and the big picture is that we always have to remind ourselves whose money this is. And there is a sense in this Chamber and in Washington that this money is the government's money, that the government somehow makes it and discovers it and that it ought to just spend it willy-nilly.

Well, Mr. Chairman, as you know, this isn't the government's money; it is the people's money. This money comes to Washington through the hard work of the American taxpayer. And it is imperative that we remember that because only when we remember that will we have that touchstone to make certain we spend it responsibly.

What are the big numbers here that we are talking about in the Interior, Environment Appropriations bill? Last year, fiscal year 2007, this bill appropriated $26.4 billion. This year the proposal is to spend $27.6 billion. That is an increase of $1.2 billion, an increase of 9.5 percent, an increase three times the rate of inflation.

This amendment would decrease that increase by 1 percent. It would decrease that increase by $276 million. It would trim one penny out of every dollar spent in this appropriations bill. It is the kind of thing that American families all across our Nation do when they find themselves in times when they are spending more than they are taking in, which is what the Federal Government is doing, spending more than we are taking in.

This is a responsible amendment. It starts us down that road of being fiscally responsible. It tells the American people that we care about their budget and in caring about their budget, we will be responsible with the Federal budget. It will begin to restore some of that trust that the American people have lost in Washington's ability to restrain spending.

So I offer this amendment in good faith. I believe it is an appropriate way to begin the process of gaining back fiscal responsibility here in Washington. I encourage my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 20 minutes.

Mr. DICKS. Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire of my good friend from Washington if he has any speakers on this amendment?

Mr. DICKS. Yes, we have speakers. How many speakers do you have?

Mr. PRICE of Georgia. I have got more than my 20 minutes will be able to fill.

Mr. DICKS. I am not going to yield you any time; so you might go ahead and start.

Mr. PRICE of Georgia. Mr. Chairman, the silence persists. The silence persists on the majority side because they are loathe to defend the spending that is going on here in Washington. Mr. Chairman, I find that particularly offensive to the American people. This is not government's money. It is the American taxpayers' money. It is incumbent upon the party that is proposing to spend billions and billions of dollars to increase the debt ceiling in this Nation over $9 trillion for the first time, to ignore the entitlement spending, to ignore $50 trillion in liability. This is the majority party that is silent, silent when it comes to this kind of spending.

So I would urge my colleagues to reconsider their desire not to defend their spending.

Mr. Chairman, I am pleased to yield 5 minutes to my good friend from California (Mr. CAMPBELL), who is a leader on fiscal responsibility here in the House.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman from Georgia for yielding.

As I listened to the arguments, what arguments that are presented, from the majority Democrats, I hear some things that don't quite ring true. They talk a lot about their pay-as-you-go rules and that their great fiscal accomplishment of this Congress is that they are going to pay for spending as you go. Yet this bill increases spending by $1.2 billion, and it is not paid for. There is no $1.2 billion cut somewhere else. They are simply going to increase the deficit by $1.2 billion more because they have decided they want to spend it.

They say that they are not raising taxes. But yet their budget increases spending every single year for 5 years and then miraculously says they are going to balance the budget. How do they do that? Because they did have in their budget the largest tax increase in American history.

You just heard them recently just decry the former deficits. Oh, my gosh, Republicans drove up these deficits. And, in fact, we did. And we agree that that was not the right thing to do. So what is their response? Make the deficits bigger. Take the spending that we had while we were in charge and increase it by more.

☐ 1245

And then they have one other thing they continue to do which is to call something like this bill a "cut." You heard the gentleman from Washington on the last proposal say that it was a devastating cut, when in fact all this does, as the gentleman from Georgia pointed out, is take what's already a 4.5 percent increase and reduce it.

Now, what I want to do is, since they're having a hard time understanding this, I want to put this up graphically so that maybe they will understand better.

Now, Mr. Chairman, here are 100 donkeys. I figured that donkeys were something that Democrats would be able to relate to. So we have 100 donkeys here. Imagine that this is 100 donkeys of spending. Here's what this bill will do. There, Mr. Chairman, are 99 donkeys; 100 donkeys here, 99 donkeys there. Probably having a hard time, I would imagine, Mr. Chairman, people in the gallery are probably having a hard time telling the difference. That's because there isn't much difference. That's because it isn't a big cut, it isn't a big reduction. If you have a million-dollar program, all we're asking is for that program to get by on $90,000. If it's $100 million, we're asking them to get by on a mere $99 million. If it's a billion-dollar program, do you think that some government agencies can squeak by on $990 million rather than a billion?

But here's the big point: It doesn't look like a lot of difference in donkeys, but if we do that, if we spend the 99 instead of 100 on every single government program, we save $30 billion. That is real money. And this is how you save it: a little bit at a time. Ask a million-dollar program to get by on $990,000, ask a billion-dollar program to get by on 1 percent less. And when you do that with every single program in government, you save $30 billion a year. That, Mr. Chairman, is how we can get to a balanced budget without not only the largest tax increase in American history, without raising taxes on the hardworking people in America at all simply by asking government day by day, get by on 1 percent less. I think we can do it. I think we should vote for this amendment.

Mr. DICKS. Mr. Chairman, again, the former ranking member of the Appropriations Committee, Mr. Conte, when he was here in the House of Representatives, used to say that this is the "meat-ax approach." An across-the-board amendment doesn't make any selectivity between the national parks and other issues. It's just an across-the-board cut.

Again, I must say that the reason we object on this particular bill is because over the last 7 years the administration has cut the Interior Department by 16 percent in real terms. And the cut for EPA is 29 percent and that cuts the Clean Air Act and the Clean Water Act. I mean, it's hard to believe that this administration wanted to cut the Clean Water Revolving Fund by $670 million. How do you do that and go to bed at night and actually get sleep? I mean, it's shocking to me, these cuts.

The Forest Service funds all the programs for taking care of our multiple-use Forest Service land. More recreation is provided by the Forest Service than actually the Park Service, and they cut that by 35 percent since 2001.

This is a crisis. These agencies are headed down a devastating path, not having enough staff to do their work. The refuges didn't have enough staff. The Park Service didn't have enough staff. Every one of these agencies were losing people year after year because their fixed costs weren't covered. So this was a crisis situation.

I think everything we've done in this budget is totally responsible. And I reject the idea of any across-the-board meat-ax approach, using the language of the former ranking member, Mr. Conte from Massachusetts. And I just hope that we can move on here and get to the rest of these amendments.

There are a lot of people on the other side who told me they would like to go home on Friday morning, they would like to see us get done on Thursday night. So I don't want anybody to think that we're not in opposition to all these things. I just want them to know that we're trying to work on a bipartisan basis to get the job of this committee done as quickly as possible.

Mr. Chairman, I yield 2 minutes to the gentleman from New York, a member of the committee (Mr. ISRAEL).

Mr. ISRAEL. I thank the distinguished chairman.

I took note of the gentleman's $30 billion in donkeys. I would like to commend to the gentleman's attention $3 trillion in elephants, which is $3 trillion in debt that the other side built up while they were in control of this Congress; $3 trillion elephants rampaging through the Federal Treasury, crushing our future, strangling them with debt.

Now, the other side has said that they want to cut and we want to spend. Absolutely not true. We've cut these programs. We're being stewards with the people's money. We have eliminated over 200 programs in this project. The real issue is not cutting versus spending; it's priorities. Mr. Chairman, the American people understand priorities.

The other side had no problem finding the money to give Halliburton, in no-bid contracts, unlimited amounts of money to big corporations like Halliburton in no-bid contracts. What we're saying is let's instead invest that money in the Clean Air Act.

The other side had no problem bulldozing to passage billions and billions of dollars in tax cuts for the richest oil company executives on the face of the planet who have made more profits than any company has ever made in the course of human history. What we're saying is let's prioritize differently. Instead of using that money for tax cuts to oil company executives, let's invest it in the Clean Water Act. Let's invest it in the Environmental Protection Agency.

So this isn't just about cutting and spending. This is about priorities that the American people want us to pursue. The same choices that they make at their kitchen tables, in their living rooms, in their dining rooms, in their small businesses are the choices that we're suggesting. Instead of the wasteful spending on the special interests, the pharmaceutical companies, the big oil companies, we're saying let's return some of that money in investments on clean air and clean water.

Mr. DICKS. And I would just add, if the gentlemen are so confident of their position, why don't we just have a vote on this and move along and get the committee's work done.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. I appreciate the attempt at defending the remarkable increased spending on the part of the majority party. To describe this amendment as a devastating cut is curious. Only in Washington is a decrease in the increase a cut.

It's important that the American people appreciate that the proposal of the majority party is to spend in this bill $27.6 billion. This amendment, if enacted would provide for the spending of $27.4 billion, hardly, Mr. Chairman, a devastating cut.

I would also ask my good friend from Washington to simply read the amendment. It talks about an across-the-board cut. The amendment states that "appropriations made by this Act are hereby reduced in the amount of $276 million." That's not an across-the-board cut. That's a 1 percent reduction in the total allocation in this bill. So it is disingenuous of my good friend to make those kinds of comments.

I would also say that he says that we need to move quickly. I would say, Mr. Chairman, that any time we spend defending the American taxpayer is time well spent.

And then they talk about priorities. Mr. Chairman, the correct priority we have is defending the American taxpayer.

I am pleased to yield 1 minute to my good friend from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank the distinguished gentleman from Georgia for yielding 1 minute.

The distinguished colleague who just spoke from New York made a good point about the deficit being too large. I agree with him 100 percent on that. But now is the chance to step up to the plate. Now is the chance we can do something about adding to the deficit.

The bill in front of us goes $1.9 billion more than what the President has requested and $1.2 billion more than last year's amount. So we have a chance now to do something about building up the deficit. So if we're sincere about being concerned about it, now is the chance to actually do something.

A 1 percent cut allows the committee to do the work of prioritizing and making sure that the money goes to the most critical programs and has the chance to reprioritize and take away some of the fat. And I would suggest that we do not need for the National Endowment of the Arts an increase of $35 million, or 29 percent; 29 percent more than last year. We have a lot of room to cut this bill.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to the time remaining on each side.

The Acting CHAIRMAN. The gentleman has 9 minutes remaining and the gentleman from Washington has 15 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 2 minutes to my good friend and colleague from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank my colleague for yielding.

I was listening to my good friend and colleague from New York who just spoke about the debt that we built up under the Republican leadership; I think he mentioned the number $3 trillion. And I don't think that's admirable on our part.

I want to say that I think most Members know that I'm a big fan of country music and one of my favorite singers is Randy Travis, and one of my favorite songs is "Diggin Up Bones." The American people don't want us to be digging up bones and saying, well, you did this, or he hit me back first. I think what our colleagues on the other side of the aisle need to remember, the fact that we are now in the minority is not so much about the miscreant action of a couple of Members on our side who violated the public trust or the difficult slog in Iraq. That slog has been difficult. But more importantly, it's this debt that has been built up, this fiscal irresponsibility.

This Republican Study Committee, the majority of the minority, and I'm proud of my Members on this side of the aisle that said enough is enough, the American people want us to stop spending their money.

I support this amendment, a 1 percent cut across the board. It's not specifically so much about this particular appropriations bill, but it's about all of them. We have got to stop this nonsense spending once and for all. This is the time to draw the line in the sand, just like our colleague from Colorado, the esteemed Representative Mr. Hefley, did every year, 1 percent across-the-board cut. I'm embarrassed that I didn't vote for all those amendments, but I strongly support my colleague from Georgia in this amendment.

And as my other colleague from Georgia said, to spend just $1 billion, you could spend $1 a second for the next 31 years to get to this expenditure of $1 billion.

Support the amendment.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts, a member of the subcommittee (Mr. OLVER).

Mr. OLVER. I thank the gentleman from the subcommittee for yielding me the time.

I'm interested by the amendment. Now, as the gentleman from Georgia has explained it, I, of course, had thought that without instruction the amendment would end up being an across-the-board amendment. But what in fact has happened here is that the gentleman's amendment, without instruction, allows the executive to decide exactly where those $276 million would be cut.

Now, I would consider that a total abrogation of our responsibility for budgeting in article I of the Constitution, where we have taken an oath of office to the Constitution, and where our responsibility is to define where the budgeting for the country will go.

So I think that's, in fact, a far worse thing than it would be if it were a strictly across-the-board kind of budget, senseless as though that would be.

I often find it necessary to be a little bit repetitious. I just want to go back to something that I had pointed out, and that is, that at the end of the Carter administration, when President Carter left office in January of 1981, the debt of this country was $1 trillion. Twelve years later, after 8 years of President Reagan and four of President Bush, father, the debt of the country was $4.3 trillion, more than four times as large in 12 years, but $3.3 trillion increase. In 8 years of President Clinton, the debt was increased by an additional $1.2 trillion to $5.5 trillion.

□ 1300

After now 6 years of Bush, the son, as President, the debt, at present, is at $8.8 trillion, an additional $3½ trillion in just 6 years

Now, I don't know, the gentlemen and women on the other side of the aisle were in the majority through all of those 6 years in this House of Representatives which starts all the budgets. They can't claim that they were out to lunch at all because, in fact, they were here voting for those budgets that increased the debt by $3½ trillion over the last 6 years. So if there is fiscal responsibility, it certainly cannot be claimed either then or now for what is now the minority in this House of Representatives.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 3 minutes to my good friend, the gentleman from Texas (Mr. HENSARLING), the Chair of the Republican Study Committee and the champion of fiscal responsibility.

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding and I thank him for his leadership in the Republican Study Committee and his leadership for fiscal sanity in this country.

Mr. Chairman, I regret that the chairman of the full Appropriations Committee is no longer on the floor. I have listened to his comments carefully. He alluded to some of the debate being part fiction. Well, I must admit, when I have my Democrat colleagues come to the floor and lecture on the subject of fiscal responsibility, I do feel like we are in the midst of a chapter in "Alice in Wonderland." We hear our friends from this side of the aisle lecture us, well, it was you Republicans who voted for these budgets that increased spending.

Well, Mr. Chairman, again, you are entitled to your own opinions. You are not entitled to your own facts. Look at the record. Every time that the Republicans offered a budget that spent more money, Democrats offered a budget that spent even more. It spent even more. Look at the record. You have Democrats come to the floor, Mr. Chairman, and say, well, the Republicans are responsible for this very expensive prescription drug benefit program.

Well, they are right. But guess what? Their program cost even more. It cost even more. Then they say, well, under your watch, the national debt went up by $3 trillion. Well, the unfunded obligations, the debt that will be imposed on our children and grandchildren for their refusal to do anything about out-of-control entitlement spending, is $50 trillion. $50 trillion.

So, Mr. Chairman, I would be more than happy to take responsibility for $3 trillion when my friends from the other side of the aisle will take responsibility for the $50 trillion. They had nothing, absolutely nothing, stone-cold silence on entitlement spending in their budget, something that the Comptroller General says we are on the verge of being the first generation of American history to leave the next generation with a lower standard of living. When will the madness stop?

Then I hear about these devastating cuts. How about the devastating cuts to the American family when their largest tax increase in American history is imposed? How about those devastating cuts? Then we hear about this meat-cleaver approach of an across-the-board cut. Well, my friends from the other side of the aisle didn't have any problem with a meat-cleaver cut of the American family budget of $3,000 per American family. How about that meat-cleaver cut?

What I am essentially hearing here, and I know much good work has been done on this bill, but I am hearing "NIMBY." Sure, maybe there is a big entitlement crisis here, but "not in my backyard." It needs to begin today.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first of all, I think people should understand that the views that are being enunciated here are not the views of the bipartisan appropriations subcommittee that I serve on. Mr. TIAHRT and Mr. DICKS have worked very hard to produce a bill that I think is an excellent product. It really answers the question these gentlemen have raised earlier: What is this bill about? Because what they are talking about cutting, folks, is cutting to the heart of what the American people love.

Let's talk a little bit about that. They want to talk about 1 percent, 4 percent and all of that. But they don't want to talk about what they are really cutting.

Now, the National Wildlife Refuges, the American people love. This administration is talking about closing down 200 National Wildlife Refuges because we don't have any personnel in them. So you want to continue that. The speakers here today want to continue those cuts and close down National Wildlife Refuges.

If you ask the American people, do they love their American parks and do they want rangers to be there to service them? The American people are going to say, yes, of course, they do. Well, these gentlemen want to cut them. That is what is going on here. They want to cut the parks and cut park personnel. There is a huge backlog in the parks. They don't want to do anything about it. They want to cut further.

The other part of this bill which is very, very important, is we are always hearing about local communities needing water and sewer. Your side always talks about mandates. Well, this bill is about giving local communities water and sewer grants through the EPA so that they can clean up so that cities don't have to be polluters.

So, we ought to get a little question in reality here when it comes to the fringe element that is coming out here, not the bipartisan subcommittee that put this together.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to the time available on each side?

The Acting CHAIRMAN. The gentleman from Georgia has 4 minutes remaining and the gentleman from Massachusetts has 10 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, given the discrepancy in the times, to equalize the time, I will reserve my time.

Mr. OLVER. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to reiterate a couple of points, because we seem to be having this debate every week. It seems to be on the same issues we have always been talking about. But I find it not necessarily enjoyable, but an obligation, to get up and communicate to the American taxpayer and the citizens of this country that over the last 6 years, the Republican House, Republican Senate, Republican White House, borrowed $3 trillion. They asked the Treasury Department to raise the debt limit five or six times to allow them to go out and borrow more money.

You borrowed it from China. You borrowed it from Japan. You borrowed it from OPEC countries. On and on and on and on. All of a sudden, 5 or 6 months into this year, before we have even passed a budget, you are lecturing us on fiscal responsibility.

I want the taxpayers, Mr. Chairman, to keep their forms from this year and compare them to their tax forms next year. They will see absolutely no increase in their taxes whatsoever. None. Zero. So, there is not a tax increase in this 2008 budget.

Now, let's talk about what you are proposing to cut with this amendment.

Superfund sites. Okay, you want to cut the Superfund site program that is going to clean up the most toxic sites. In many of the old industrial areas like mine, the gentleman knows very well, they were polluted in the 1930s, 1940s, and 1950s. We can't develop the local economy because where we have water lines and where we have sewer lines, they are contaminated.

Quite frankly, the city of Youngstown and the city of Warren do not have millions of dollars to put into this because their tax base has eroded. If you want us to contribute to the tax base like we did in the 1930s, 1940s and 1950s when, quite frankly, a lot of that money that was taken out of Youngstown, Ohio, was used to develop the West and to develop new water lines and sewer lines in the South in many of your districts, all we are asking is for a little bit of help.

□ 1315

Help us clean up the brownfield sites.

How about your cutting the methamphetamine prevention and treatment program? I am sure you can't wait to get back to your districts and tell that to your constituents. How about those of you in the West fighting wildfires? You are going to cut that program.

Mr. Chairman, many will say there are not any cuts in this bill. There are cuts in this bill: $193 million cut from construction account, it eliminates $31 million for landowner incentives; $39 million cut for the EPA Mexican border program; $24 million cut from the EPA Alaska Village setaside; $24 million cut from the Indiana land consolidation. There are cuts in here. We are not raising taxes. We are making investments into our community.

Just because, Mr. Chairman, the minority party raised the debt $3 trillion, just because the minority party is ashamed, quite frankly, of their behavior over the past 6 years doesn't mean that they can displace all of their shamefulness on the new Democratic majority. I wouldn't want to admit that I borrowed $3 trillion from Japan and China either. I would run from it as fast as I could. But that doesn't change the facts.

So I think we should vote down this amendment. There are great investments for local communities all over the country in this bill, and I think we should keep it.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 2 minutes to my good friend, the gentleman from Arizona (Mr. FLAKE), a champion for fiscal responsibility and fiscal reform in Washington.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think this is a real test here. We all campaign every 2 years, and we put out campaign literature. We go speak at town halls and other events. And I would venture to guess that not one person in this body said, Reelect me because we need to spend more on Interior appropriations. We need to spend more. We need to spend 4 percent more than we did last year. I am going to go back to Washington and spend $1.2 billion more than we did last year.

I venture that nobody said that. Virtually everybody said we need to rein in spending. We need to promote fiscal responsibility.

I am the first to concede we didn't do a good job of it over here. For the past several years we have grown government far too big. That is part of the reason we are now in the minority. But the majority comes now and says, don't lecture us, we are going to increase that spending.

This bill spends $1.2 billion more than last year. Last year spent too much. This year spends too much too much again.

So, please, we know we did wrong. That is why we are in the minority. But when you are in the majority now, let's exercise some fiscal discipline. There are plenty of areas that can receive cuts. We have outlined several of them over the past several hours with amendments.

Museum funding, part of the reason the gentleman from New Mexico mentioned that we have a backlog at the National Parks, he is right. But yet in the authorizing committee, we have created several more National Heritage Areas and earmarked a lot more money for them. There are earmarks in this bill for National Heritage Areas. That is money that will come out of the National Parks budget. They will tell you if you spend money here on this new area, this National Heritage Area, you can't spend money maintaining the parks that we already have. Many of us have fought to stop that. We have said don't keep creating these National Heritage Areas. Yet with the new majority, we are creating them at a faster rate than we ever have.

I would say, let's promote fiscal discipline. Let's pass this amendment.

Mr. OLVER. Mr. Chairman, I would just like to speak to the gentleman who has just spoken. I commend the gentleman who has just spoken. I think he has taken a very responsible, very serious approach to budgeting over the last several sessions, and I appreciate that sort of thing very much.

But I would say that here we are in this instance with an amendment that takes an approach not quite across-the-board, but gives the total responsibility off to the President of the United States to decide where to make any cuts he wishes to make, which, I repeat, is an abrogation of our responsibility under the Constitution that we take an oath to.

I would say that also this is a bad approach because after 40 amendments, each of which has been defeated, and 40 amendments which have had so little merit to them that they have been defeated, many of them by roll call votes, by roll call votes, and the sum total of all those amendments was considerably more than the $276 million, to now throw up your hands and try to do it in a different way, in that kind of a meat-ax approach, to use those words, is not a good thing to do. It is not an appropriate budgeting thing to do.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I also want to commend my friend, not only for his athletic ability and his talents on the basketball court, but also for his focus and discipline in regards to this issue,

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I would just say, I have three amendments that have not been voted on yet, so I invite the gentleman to support them.

Mr. RYAN of Ohio. Mr. Chairman, reclaiming my time, in the city of Akron, which I represent a part of, their obligation for the EPA is $400 million in the city of Akron. Our friends on the other side are saying that there is no role for the Federal Government to play.

You have communities like Akron, you have communities like Youngstown that have lost significant industry over the past 20 or 30 years; and if we want to bring industry back, if we want to grow industry, we can't have brownfields all over our cities.

This is an investment. This is going to clean the site up. This is an opportunity for us to redevelop sites in our communities.

Now, 30 years ago when the steel mills were pumping, when the rubber industry was pumping, a lot of our tax dollars were going to many of your communities to help lay down roads, build the interstate, rail lines, water infrastructure, all of these things. What this bill does is it tries to reinvest back into some of these communities. We want to be self-sufficient, but we don't have the local tax base. There is a role here for the Federal Government.

Mr. Chairman, I ask my friends, why would you want to prevent us from cleaning up brownfield sites in the old industrial areas? We don't need it forever. We just need to clean them up, and then we will have a tax base there and have more taxpayers to pay taxes and keep the tax rates low for everybody, because we will have more. But if we can't develop these sites, it becomes very, very difficult for us to grow our local economy.

We need the Federal Government to make these investments, and that is exactly what this bill does.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains on each side, if I may?

The Acting CHAIRMAN. The gentleman from Georgia has 2 minutes remaining and the gentleman from Massachusetts has 3 minutes remaining.

Mr. PRICE of Georgia. I thank the Chair.

I just would point out to my good friend from Ohio that no specific programs are identified in this decrease in the increase. So to identify specific programs is a spurious argument, truly.

I would also say that this points out fundamentally the difference between the two parties. We believe fundamentally that individuals spend their money more wisely than the government. It is clear that the majority party does not believe that. They believe that they spend the taxpayer money much more wisely. We just think that is a fundamental difference.

Mr. Chairman, I am pleased to yield the balance of my time to my good friend, the gentleman from New Jersey (Mr. GARRETT), on this appropriate amendment of fiscal responsibility.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 1½ minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I just walked in a moment ago. I was on the streets of Washington, D.C. where the heat is truly on this Nation's Capital in the high nineties and the humidity is also in the high nineties, and here we come to the inside of Chambers, where the heat is being put on, on the American taxpayer and the American family; but this time it is being placed on them by the Democrats and majority party.

Six months into control by the Democrats, and what have they wrought for this Nation? The largest tax increase in U.S. history; an attempt to change the rules on the American public going back to 1820; and last week, of course, we saw as well the idea by the Democrats that they should have some sort of slush fund where your tax dollars go unequated for.

When you look at the basic math I was trying to do here, look at the equation, what they give us is this: a tax increase plus a spending increase leads to an answer of an increased burden on the American taxpayer.

I have had the opportunity now to serve on the Budget Committee for 4 years; and during that time the Democrats, when they were in the minority, railed against us time after time saying we were spending too much. I thought that railing would stop once they were in the majority and they had the opportunity to go in the other direction. But as we have seen here, the railing has not stopped. They continue to point to the past about increased spending, but they then at the same token, out of their same mouths, what do they do? They increase spending on the American public again.

If the problem in the past was that the U.S. Government was spending too much, you would think that the simple solution to that, the simple answer to that math equation, would be spend less. But this budget does not do that. This spending bill does not do that. That is why I support the gentleman from Georgia's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Washington resumes control of the time.

There was no objection.

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I just want to respond to the gentleman from Georgia who said the individual taxpayers can spend their money better than government. The taxpayers in my district can't clean a brownfield, go out with 50 bucks and clean a brownfield. This is something we need to do collectively as a community and as a country, to clean that up. Individuals can't do that.

Individuals couldn't build the interstate highways and the railroads and the Panama Canal and all the great infrastructure projects that we have had. We need help to do this in some communities so we can be self-sufficient, and individuals can't do that.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I want to say to my colleagues, the reason we have to make this increase in the Interior appropriations budget is because over the last 6 or 7 years the budgets for these agencies have been reduced dramatically. The Interior Department has been cut by 16 percent. We have lost rangers at every national park in the Nation. The summer workers have been cut back. The services there are not as good as they used to be.

This was a crisis. The National Parks Conservation Association had a pamphlet, "The Endangered Ranger." Here it was, our national parks, our national treasure, in decline.

I am no extremist. I am a moderate in this House, and I always have been. But this was a true crisis. And what we had to do was stop this decline, this downward trend of our national wildlife refuges, our national parks, and we put a little extra money in to get it turned up, so we could hire a few more people, so we could cover the fixed costs of the rangers and the people running these wildlife refuges.

That is why we had to do this. It was a crisis. And it is going to take us a number of years to get back. We only increased this budget by 4.3 percent. With a 16-percent cut, it would take 4 years to get back to where we were in 2001. With EPA, it would take about 7 years to get back to where we were. And with a 35-percent cut in the Forest Service, it would take about 8 years to get back. So we have a long ways to go, and I don't want to have any downward direction here.

I do say to the gentleman from Georgia that he is right, the 1 percent could be taken anywhere, and that might mean that all of the projects of interest to the Members would be eliminated by the administration. Now, I hope they wouldn't do that. I hope they wouldn't fall into that trap. But that is one possibility.

So, again, I resent the gentleman from Georgia even suggesting that we aren't over here fighting against your amendments. We just looked at the RECORD last night and how the votes went, and we thought maybe some of the Members would like to get home on Thursday.

Mr. Chairman, I yield back the balance of my time, and I can guarantee I think that this amendment will be treated properly by the membership.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 27 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mrs. MUSGRAVE:

Page 110, after line 18, insert the following new section:

SEC. 417. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from Washington (Mr. DICKS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, my amendment would reduce the overall funding of this bill by .5 percent, one-half of 1 percent. We already know that the increased funding in this bill over the last year's appropriations is an additional $1.2 billion, 4.5 percent. So my amendment would take a 4.5 percent increase to a 4 percent increase. That is not a cut. If you look up the word "cut" in the dictionary, this is still an increase in spending of 4 percent.

We have a national debt that is at an all-time high, $8.8 trillion. I walk around in the Longworth House Office Building where my office is and I see these charts on easels out in front of Members' offices and they are decrying the national debt. I look at my children and my grandchildren and I am very concerned about this $8.8 trillion. I think we are leaving a terrible legacy to our children and our grandchildren.

I hear my friends on the other side of the aisle, and I want to say that you are right when you decry the spending levels that the Republicans reached while we were in the majority.

But I want to take it back to a time when I was a teacher, and someone in the class would do something and you would try to correct this student and they would say, But he is doing it too. And you would say, It is still wrong. You are doing it. You stop it. And then you deal with this person over here.

Republicans spent too much. Democrats want to spend even more, Mr. Chairman. But as we are standing here today debating these amendments, and some people think we need to hurry up and go home, I think the American people need to hear this debate.

I heard the distinguished chairman talking about a meat-ax approach that a Republican chairman had alluded to before years ago. I would say that the Musgrave amendment is just a shave, Mr. Chairman. It is a shave that won't even give you a rash. It is 50 cents on $100. That is very appropriate.

When we look at this bill, we hear things that are very worthy of taxpayer spending in this bill. But we also hear other things.

This bill contains $204 million for land acquisition. If you take a map of the United States, Mr. Chairman, and you look and see how much land the government already owns west of the Mississippi, if you look at that map, it is staggering. I am very concerned about how the Federal Government already owns too much land.

Again, in this bill there is $204 million for land acquisition. I have friends in the Western Caucus, and I am a member of it, and we talk about what happens to communities when this property is owned by the Federal Government, what happens to the revenue stream.

This bill also has something else that is especially egregious to me, $160 million in funding for the National Endowment for the Arts, a 29 percent increase over the amount that was appropriated last year. I love the arts and I know that these things are noble. But, do you know what? When I talk to a family in Sterling, Colorado, a farming community out there in northeastern Colorado, I would have a very hard time convincing them that they need to be taxed at a higher rate, to send their hard-earned dollars to Washington, D.C. so that money can be handed out for theater productions in Sitka, Alaska. I don't think the family in Sterling, Colorado, would get that.

□ 1330

So I think when we talk about the good things in this bill, we also have to look at these egregious things and talk about choices we should make.

So again, I want to trim this. I want to give this a shave of one-half of 1 percent, which, by the way, in dollar amounts, ends up being $138 million, just a shave off of this bill, to exercise discipline in our spending just like the families back home have to do to meet their budgets.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I thank the gentlewoman for yielding.

I just want to say a couple of things. I know, Mr. Chairman, people watching this on TV probably think they are in the Twilight Zone or caught up in the middle of Alice in Wonderland because you don't know which side to believe.

The chairman of the subcommittee said people couldn't sleep or wouldn't be able to sleep worrying about these cuts. Nobody in Grantville, Georgia, will be staying up worrying about the government cutting its own size.

We are talking about saving time. We have been debating for about 14 hours $28 billion. I don't know about anybody on the other side of the aisle, but I know that when me and my family sit down and discuss a budget, it took a lot longer for us to discuss our little pittance of a budget than 14 hours to discuss $27 billion.

The other thing, we are hearing all of this whining about we borrowed $3 trillion in the last 6 years. We ran up the deficit. And then we hear about we cut the budget $16 billion. Now listen, where I come from, you can't have your cake and eat it, too. We were either wrong in borrowing the money, or we were wrong in not spending the money, but you can't be wrong in both of them. Somebody has to make up their mind.

We talked the other night that you can fool some of the people some of the time, but you can't fool all of the people all of the time.

I would like to say that I think the majority is running out of time, because pretty soon, the gig is going to be up. We tried pinpointing, Mr. HENSARLING, Mr. FLAKE, we tried pinpointing, doing some accurate bombing or cutting on this bill; but that didn't work.

Now it's being talked about using the meat-cleaver approach. When I get those 250 programs that have been cut and the $6 billion that has been saved, and the list of the $80 billion that we are spending more, could you send me maybe a method to do some cutting? Because if we can't pinpoint, we can't use a scalpel, and we can't use a meat cleaver, how can we do it? I think that is what the taxpayers want to know. Who is going to stand up for them?

We call each other "my good friend" and "my good buddy" and "my colleague" and this and that. What we need to be doing is being a good friend to the taxpayer. We are not being a good friend to the taxpayer.

We talk about national parks being closed down, and yet we spend another $7 million expanding the Carl Sandburg property.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

This amendment would cut a total of $138 million from environmental conservation and Native American programs. It makes no choice based on need or merit of the program, but it cuts 0.5 percent in this bill. This is not merely an accounting change on a table. Cutting $138 million from the bill will have very serious consequences.

All of us have been listening on television about the big wild fire at Lake Tahoe. This bill would reduce overall funding for firefighting by $14 million at a time when we are facing what is potentially one of the worst fire seasons in history. It cuts 125 firefighters, shuts down firefighter stations, and significantly reduces air tanker support. It would decimate preparedness efforts by failing to provide critical support for initial attacks, and could allow as many as 80 more wildfires to escalate. This would lead to larger, more damaging and much more expensive fires, costing in excess of $20 million to extinguish.

This amendment halts hazardous fuel reduction projects without which there is little hope for reducing long-term fire costs and harmful impacts.

In our national parks, it cuts overall National Park Service funding by $13 million, includes a $6 million reduction below the President's request for the basic operational cost of the 391 units of the national park system.

It drastically impacts the President's proposal to hire 3,000 seasonal and 600 full-time park ranger positions.

For Native American programs, it rejects $29 million for programs that have received bipartisan support. By cutting $16 million out of Indian health care programs, this proposal would deny service to thousands of Native Americans.

It takes 4 percent out of the already struggling Indian education programs leaving even more Indian children without adequate education programs.

For the Environmental Protection Agency, it reduces a total of $40 million for EPA. Funding for efforts to help local communities with repairs to their aging water and wastewater infrastructure, would be reduced by almost $10 million from fiscal year 2007 enacted levels. This would mean that many communities would not receive the financial assistance they need to repair and improve water and sewer infrastructure.

Despite the fact that 76 million Americans live within 4 miles of a toxic waste site, the amendment cuts almost $8 million from programs to clean up the Nation's most toxic and hazardous waste sites. It reduces the amount for restoration and protection of America's great water bodies, including the Chesapeake Bay, Great Lakes, Puget Sound, and others. It would especially jeopardize the cleanup of toxic sediments in the lakes, and community efforts across this Nation to protect 28 estuaries.

For the U.S. Fish and Wildlife Service the cuts here would be $7 million for an agency which has already lost 600 staff positions since 2004. And means that many of our wildlife refuges today have no staff whatsoever because of the devastating cuts that have been imposed over the last 7 years.

It would perpetuate staffing shortfall trends and reduce public service by taking funding out of the National Wildlife Refuge System.

Forest Service. This amendment reduces funding for the non-fire portion of the Forest Service by $13 million. Forces up to 100 employee layoffs and closures of more than 10 campgrounds while reducing fire improvement activities on several thousand acres.

It diminishes cooperative land conservation and forestry actions which serve thousands of nonindustrial private forest landowners.

It freezes research efforts and compels the closure of at least four labs.

So these are, I think, very substantial and important reductions that would adversely affect this bill. I have a great regard for the gentlelady. As much as I enjoy and appreciate her, I can't accept this amendment. I want her to know it is nothing personal, it is just that we have to do the job.

We are in a recovery mode here. That is what I tried to explain. The gentleman who talked about the $16 billion, it wasn't $16 billion, it was a 16 percent reduction in the funding for the Department of the Interior. This has had a devastating impact. We also had a 29 percent reduction in EPA and a 35 percent reduction in the Forest Service budget. All of these budgets have been hit hard. Only the Department of Labor has been hit worse.

What we are trying to do is stop this downward trend in the personnel in these agencies. The Park Service budget, 80 to 90 percent of the budget are for people. That is why we are so concerned about this. Without the people, the American people when they go to the parks are not going to have the kind of experience that they should have. That's why we have tried to stop this.

The Secretary of the Interior, he got it. I told him, I said you cannot succeed, Mr. Secretary, unless you get 100 percent of fixed costs covered in your budget for the Park Service, for the Fish and Wildlife Service, for the Bureau of Land Management, the Mineral Management Agency, and he did that. But we have to recover over a period of time.

Unfortunately, to make further reductions will take us longer before we can restore the services at our national parks, and restore service at our national wildlife refuges. This is a very well put-together bill. I just regret that these cuts are being offered. I think this bill should be accepted as it is. We have to go to conference, obviously we know that. So I rise in very strong opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. Mr. Chairman, I thank the gentlelady for yielding me this time, and for bringing this fine amendment forward and for her work on fiscal responsibility in her time here in the United States Congress.

I want to make a couple of quick points here. First, the list that the chairman just went through, he kept using the term "cut." Let's be clear to the American people in particular that the gentlelady's amendment is not a cut, it is an increase of 4 percent. What the gentleman was referring to was the spending levels at 4.5 percent which the bill contains within it. All she is saying is let's increase 4 percent instead of 4.5 percent. Again, only in government-speak, only in Washington can that be termed a cut. She is not cutting at all. She is just saying let's not increase it quite as much.

A couple of other things we have heard in the course of the debate this afternoon which I think has been healthy. The chairman indicated that he wants to move on, we need to limit debate and get out of here. Look, 40 minutes on three amendments, 2 hours total on debate, on the most fundamental question, the most fundamental issue the United States Congress deals with: How we spend the taxpayers' money. So 2 hours debate on what level that should be is not too much debate. Frankly, we should have more on this fundamental question.

The other point that the majority party makes is, and again, I find this logic fascinating. Republicans spent too much, so we are going to spend even more. It is amazing that is the logic that the other size entails and brings forward in each of these appropriations bills.

Talking about the spending contained within this bill, let me just cite a couple of things.

The Commission on Climate Change, a brand new commission, $50 million on the Commission on Climate Change, adaptation and mitigation, a new, additional study on global warming, as if we haven't had enough studies on that already. So $50 million on that.

The National Park Service, $199 million increase, 10.8 percent above last year.

National Endowment for the Humanities, $19 million increase, 13 percent above last year.

Environmental Protection Agency, the Agency that the gentleman said that if it didn't get the right amount of funding, people would lose sleep over, $361 million, or a 4.7 percent increase above last year.

And of course, my favorite, and I am sure the favorite of the American taxpayer, National Endowment for the Arts, a $35 million increase, 29 percent above last year.

There is all kinds of additional government contained in this legislation. I am reminded of the old statement by our third President, Thomas Jefferson. He said: "When government fears the people, there is liberty. When people fear the government, there is tyranny." Now keep that statement in mind and ask yourself the question: If next week when we are back home on break and you are at some friend's business and someone walks up to the door and knocks on the door and the individual identifies himself, I'm Mr. Smith and I am from the EPA, the Agency that gets a 4.7-percent increase in this bill. If you are that individual who owns that business, is your first response, oh, joy, one of my government's servants is about here to help me today.

That is what this debate is about, and 2 hours debate on the most fundamental question that the United States Congress deals with, how we spend taxpayer dollars, is not too much debate.

We should debate this long and hard and we should support the amendment of the gentlewoman from Colorado. It simply slows down the rate of government growth, slows down that government that Jefferson warned us about in his statement. I certainly support the gentlelady's amendment, and thank her for bringing it forward.

Mr. DICKS. Mr. Chairman, I reserve the balance of my time.

□ 1345

Mrs. MUSGRAVE. Mr. Chairman, I would like to give my friend from New Jersey (Mr. GARRETT) 2 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, as a Member of Congress who supports the protection of our national parks and as an individual from the very crowded State of New Jersey who is seeking to make sure that we preserve the open space of this country as best we can, I rise in support of the gentlelady from Colorado's amendment which would increase spending on these worthwhile causes by 4 percent.

You know, the American public who watches this debate right now might wonder sometimes, do we have a schizophrenic state of mind by the majority party in control today? Out of their mouths come one thing now and something else later on. What is white is black, what is day is night. One moment we are railing against and saying spending, spending, spending is the problem and it's been the problem of the Republican Party for years and years and it still is their problem. Just a moment later, we hear that spending is not the problem from the other side. The problem all these years has been cuts, cuts, cuts. The problem that we have now is that we've been cutting too much in the past. Which is it?

The American public must do as I do sometimes when they hear the debate from the other side of the aisle and scratch their head. Which are the facts that they want to go by today? Is it the problem that we've been spending too much, as the other side of the aisle says? Or is the problem, as the gentleman just recently said, that we were cutting too much?

I would argue that the problem has been that we've been spending too much of the taxpayers' dollars in an unaccountable manner. And the budget that has come before us would give the American taxpayer the largest tax increase in U.S. history.

The amendment from the gentlelady from Colorado would try to do things on an even and moderate manner. It would still increase spending by 4 percent so that all the worthwhile programs in the bill that's before us would be able to be continued to be fully funded at the necessary levels. But at the same time, the gentlelady from Colorado takes in mind the efforts of the American taxpayers to make sure that we will not have the largest tax increase in American history on that family.

Mr. DICKS. Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I would ask the committee chairman if he has any more speakers.

Mr. DICKS. I may have one more speaker. I think I have the right to close, don't I?

The Acting CHAIRMAN (Mr. MCGOVERN). The gentleman from Washington has the right to close.

Mrs. MUSGRAVE. Mr. Chairman, may I inquire as to how much time is remaining for both sides.

The Acting CHAIRMAN. The gentlewoman has 6½ minutes remaining and the gentleman from Washington has 13 minutes remaining.

Mrs. MUSGRAVE. Mr. Chairman, I would like to yield 3½ minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentlelady from Colorado.

You know, we have heard a lot today from the majority party whenever we talk about this amendment, this bill, this spending, they want to bring up last year's bills, last year's spending. We acknowledge, last year's spending was too much. Last year's bills were too much. That's not what we're talking about. It's like the baseball team wanting to play last year's season again. Look what we did last year. Look what happened last year. No, we're in the middle of this year. We're in the middle of this season. It doesn't matter who won the World Series last year. It matters who's in first place this year. What matters is this year. How much are we going to spend this year? That's what we're voting on. How much are we going to increase the deficit this year? How much further are we going to raid the Social Security surplus this year? That's the question before us. And we think we ought to have the deficit increase a little less and that we should raid the Social Security surplus a little less and that we shouldn't set up a situation where you're going to raise taxes on all of the American people.

The previous amendment, I showed a couple of charts. The previous amendment was to reduce spending by 1 percent. I tried to point out to the majority that it's like this. Here are 100 donkeys, something they can understand. If we reduce that by 1 percent, we have 99 donkeys. Not that big a difference in donkeys. And so we proposed an amendment last time, which the majority party defeated on voice vote, will undoubtedly defeat later, that said, let's just get by on 99 donkeys, money, instead of 100 donkeys, money. Well, they said they couldn't do it.

So the gentlelady from Colorado offers an alternative, which is get by on 99½ donkeys. If I had a half donkey, I would stick it up there. You can pick whichever end of the donkey you want, but put another half a donkey on that chart. And so we're saying rather than 100 donkeys, get by with 99½. It's just saying if you have a million-dollar program, we said, well, get by on 999,000. They're saying, no. Okay. How about $999,500? If you have a $100 million program, we're saying can you get by on $99 million. They said, no. We're saying, okay, how about $99½ million.

That's what this argument is about. Just asking for a half a percent, each government agency, each government program to deal with a half a percent less. People at home make these kinds of decisions with way bigger percentages than that all the time, Mr. Chairman. And if we do it, if we reduce it by 1 percent, we would save $30 billion if we did every program every year. If it's a half a percent, it's still $15 billion. That is real money, Mr. Chairman. Real money no matter how you cut it. And that is the way we can balance this budget without raising taxes.

There, Mr. Chairman, is the big difference between the majority Democratic Party and the Republican Party. We're saying, get by on 99 donkeys or 99½ donkeys instead of 100. Tell government bureaucrats that we can balance this budget without raising taxes. They, however, want to give the bureaucrats 100 donkeys of spending every time and raise taxes on the American people to make up the difference. That's what we're talking about here. That's the difference in this debate. That's the difference between these parties.

Mr. Chairman, I would urge all Members to vote to make government bureaucrats deal with a tiny bit less and let people save and keep their own money.

Mr. DICKS. Mr. Chairman, I reserve the balance of my time.

Mr. TIAHRT. Mr. Chairman, how much time is left?

The Acting CHAIRMAN. The gentlewoman from Colorado has 3 minutes remaining and the gentleman from Washington State has 13 minutes remaining.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

I come in support of my friend from Colorado's amendment that would reduce this by one-half of 1 percent below the spending levels of last year.

Over the last 6 months, the new majority has passed or paved the way for $103.5 billion of increased spending. I guess actually, to be technically correct, it's $103.4 billion. While $0.1 billion may not matter here, it sure matters in America. $103.4 billion in new spending.

We have already enacted over a $6 billion increase in the continuing resolution for this year. We added $17 billion in unrequested funding to spend in the supplemental for this year. And now we're beginning this process of moving toward the additional $80.3 billion added to spending on this year's budget.

$100 billion is a huge amount of money. Today we're considering the Interior and Environment appropriations bill that really makes a good portion of that increase happen right here. This bill increases spending by almost 5 percent over last year's level, $1.2 billion of new spending.

And here, if you look at this spending thermometer, we're halfway up to what may be the taxpayer's boiling point. Somebody has to pay the bill. Somebody has to produce the revenue. Some American family is going to have to have a little less take-home pay because government wanted just a little bit more here, a little bit more there, a little bit more everywhere else.

And all my good friend from Colorado's amendment does is say, let's reduce spending here by one-half of 1 percent. Let's reduce spending by $138 million and still see if we can't do the things that need to be done in this appropriations bill in the right way. If you add this increase to the increases already proposed and passed over the past 2 weeks, we're spending $23.8 billion more than last year.

I rise in strong support of this amendment. I respect both the chairman and the ranking member of the committee and believe that they've done a good job with this bill, but I believe you could do that same job, I think you could do the same job, produce the same results with asking the American taxpayers not to have to carry a burden of 4½ percent new spending in this part of the budget. And so I strongly recommend that we take this, what may seem like a slight reduction here, but when families have to start paying that $138 million in additional taxes, it's a big deal for American families. It should be a big deal for us.

Mr. TIAHRT. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. I would like to make a few comments on the remarks of my friend from Missouri. We've just heard an expression of deep concern about the so-called runaway spending in this bill and other appropriation bills. And we've heard deep concern expressed about how this is going to hurt the average taxpayer.

Well, I would like to compare priorities. They've talked about our budget. I would like to talk about theirs, although I must admit that in 3 of the last 6 years, they couldn't even pass one. We passed a budget. In 3 out of the last 6 years, they couldn't even pass their own budget because of internal squabbles between themselves. But I want to talk about the budget that they attempted to pass. The budget that we're operating under was signed by the President, passed by a Republican Congress, and this year will give over $50 billion in tax cuts to people who make over a million bucks a year. That seems to be the top priority of folks on the other side of the aisle, to preserve that high-roller tax cut above all else.

Well, let me tell you what we think should be higher priorities. They've attacked us because of what we did in the continuing resolution last year and they attack us for what we're trying to do in this bill today. I plead fully guilty of trying to add, in fact we did add almost $4 billion of additional funding for veterans health care. I see no sense of shared sacrifice in this country when it comes to the war. Only military families are being asked to pay a price. We decided that we ought to at least see to it that veterans are taken care of when they come home. So we added $4 billion.

Then you bet! We added some more so-called "runaway spending," so that middle-class kids could get more help to go to college by raising the Pell Grants. Now, I've never had anybody in my district say, "Why don't you guys get your act together and cut cancer research?" But that's exactly what the Republican-controlled Congress did in the last 2 years. They cut health grants, research grants at the NIH, over 500 grants. So we put $610 million back into that continuing resolution to wipe out those cuts, because we think it's more important to save people's lives from cancer and Parkinson's and heart disease than it is to wear a green eye shade that says "Mr. Perfect" on it.

Then we added additional funding for community health care. 1.2 million additional Americans are going to be able to access community health centers and get health care without begging.

□ 1400

I do not apologize for that. Nobody does on this side of the aisle. When it comes to this bill, we make no apology of the fact that we are trying to restore funds which were cut out of this Interior budget for the last 3 years, cut out of the EPA budget, for the clean water revolving fund. There isn't a bigger need in rural America than clean water and decent sewer systems.

I represent all kinds of communities of less than 2,000 people. At least half of the families are headed either by women or people over 65. They do not have the tax-paying capacity on the property tax to meet the standards required of them to clean up their water and their sewer problems. Mr. DICKS has tried to deal with that. We do not apologize for that one iota.

We've got some other priorities too. We're going to try to provide additional funding for energy. We have added, in the three bills that have passed this House so far, and including this bill, we will have added more than $1 billion in an effort to increase and strengthen our energy research so that we aren't the prisoners of gas and oil companies and so that we aren't the prisoners of Middle East oil. We make no apologies for that.

Admittedly, there are some people in this House who know the cost of everything and the value of nothing. I'm looking at a few of them right now.

But the fact is that we recognize that it is important to make long-term investments so that 10 years from now, we can have the kind of country we want it to be, rather than having the kind of country we don't want it to be.

I would suggest I will compare our priorities to yours any time. You can defend those $57 billion in tax cuts for millionaires until the cows come home. I would rather defend increased service at our national parks, increased educational opportunity, increased health care, increased clean water and clean air opportunities. I think the public will take those priorities any time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 1½ minutes to my colleague from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I think this has been a healthy debate.

I appreciate my good friend from Colorado for yielding. I want to commend as well my friend from Washington, the subcommittee chairman, for the work that he has done and the ranking member for work that they have done. The subcommittee chairman said that there was nothing personal in his opposition to this amendment, and that's true. There is absolutely nothing personal here in this Chamber.

But this discussion is personal to the American taxpayer, and it's all about priorities. We have offered today a series of amendments. One amendment said we ought to spend exactly what we spent last year, tens of billions of dollars in this area of the government. The majority party declined to accept that amendment.

Then we offered an amendment that said instead of increasing spending by 9.5 percent, we ought to increase spending by 8.5 percent, and they said, no, they weren't interested in that.

So the gentlelady from Colorado says, well, if you can't save $1 out of every $100, how about 50 cents? How about 50 cents out of every $100?

What Congress is spending in this appropriations bill and in every appropriations bill, because of the increase in spending, is money that we don't have. It's money that the Congress doesn't have. This money represents the debt that Congress is burdening on future generations, our children, and our grandchildren. It is simply time, it's time for Washington to stop finding ways to spend more money.

I commend the gentlelady from Colorado for her amendment. I urge my colleagues to support her amendment by decreasing by one half of 1 percent the increase in this appropriations bill.

Mr. DICKS. Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, as I think about this amendment again, I have heard from the distinguished chairman, and I do applaud his work and the work of the ranking member on this appropriations bill, but I heard, I believe it was Representative Contee talk about a meat-ax approach to reducing spending.

I would just like to say again that this .5 percent is just a gentle shave. We need to look at the trajectory when we look at appropriations bills and see where they are going. We need to ask the American family, are you guaranteed a 4.5 percent increase in your income every year?

I think we need to think of that American family, particularly moms and dads with children that are trying to figure out how long they are going to have to work in the year before they reach tax freedom day. How many days do they have to work before they have earned enough money to pay the government to spend like this with increases every year?

I am hoping we can look out for the American taxpayer, we can look out for hard-working Americans and say we are going to exercise fiscal responsibility, and we are going to start out with a very small step, reducing spending in this Interior appropriations bill by .5 percent.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to the amendment. I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Is the gentleman from Pennsylvania the designee for Mr. DOOLITTLE?

Mr. PETERSON of Pennsylvania. Yes.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETERSON of Pennsylvania:

At the end of the bill (before the short title), add the following new title:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. The amounts otherwise provided in this Act are revised by reducing the amounts under the following headings "BUREAU OF LAND MANAGEMENT—MANAGEMENT OF LANDS AND RESOURCES" by $34,341,000, "BUREAU OF LAND MANAGEMENT—LAND ACQUISITION" by $17,015,000, "UNITED STATES FISH AND WILDLIFE SERVICE—LAND ACQUISITION" by $25,035,000, "UNITED STATES FISH AND WILDLIFE SERVICE—MULTINATIONAL SPECIES CONSERVATION FUNDS" by $4,655,000, "UNITED STATES FISH AND WILDLIFE SERVICE—STATE AND TRIBAL WILDLIFE GRANTS" by $17,508,000, "NATIONAL PARK SERVICE—LAND ACQUISITION" by $76,873,000, "NATIONAL PARK SERVICE—CENTENNIAL CHALLENGE" by $22,721,000, "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT" by $37,660,000, "NATIONAL PARK SERVICE—OFFICE OF INSPECTOR GENERAL" by $6,328,000, "FOREST SERVICE—FOREST AND RANGELAND RESEARCH" by $7,500,000, "FOREST SERVICE—STATE AND PRIVATE FORESTRY" by $13,476,000, "FOREST SERVICE—NATIONAL FOREST SYSTEM" by $53,773,000, "FOREST SERVICE—CAPITAL IMPROVEMENT AND MAINTENANCE" by $25,000,000, "FOREST SERVICE—LAND ACQUISITION" by $28,782,000, "NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION" by $35,438,000, and "NATIONAL ENDOWMENT FOR THE HUMANITIES—GRANTS AND ADMINISTRATION" by $18,895,000, and $425,000,000 shall be available for payments during fiscal year 2008 under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), as reauthorized by section 2201 of Public Law 110-28.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from Washington (Mr. DICKS) each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. I rise to support the Secure Rural Schools Act. My district in Pennsylvania is affected by this and many districts in the west are affected by this Act.

Over the years, timber harvesting and other mineral resources harvesting provided a huge resource for local governments, and, specifically, schools.

When those who chose not to continue the wise management of our forest by allowing the mature trees to be harvested, America's most renewable resource, we had school districts and governments in tremendous financial crisis. Several years ago, Congress had the wisdom to pass the Secure Rural Schools Act that helped stabilize the ability to educate our young people and give them the chances of an adequate, good education, because these rural communities did not have the infrastructure, because most of the property and land and resources was owned by the Federal Government. This Act has helped in immense ways, and this chance, this amendment, will continue that funding.

Mr. Chairman, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, the most critical crisis in rural America, where there are large tracts of public forest land, is to deal with this issue of funding for the Secure Rural Schools.

The funding did finally come this year, but it came too late, at least for my district, and I think for many. Our State law requires that if you are going to give layoff notices to teachers, they have to go out in the month of March. All the layoff notices already went out. Most of the teachers already left the schools to find other employment. The funding for this finally came through in late May, as I recall, in the supplemental, but by that time the damage had been done.

We have to find a solution. This amendment that Mr. PETERSON and I are offering is an approach. I know there is a point of order that has been reserved, but we have to have timely funding for our rural schools. If we put it in this bill, it doesn't actually increase the deficit as it would if it went as a new mandatory program, or if it went in the supplemental. By the way, this is important enough, I would certainly support either of those other approaches.

But the fact of the matter is, we need to assure timely funding so that we don't have the situation where the funding comes in, but it comes in too late in order to really matter for the schools and the students.

Plumas County, for example, one county in my district, issued layoff notices to 55 personnel earlier this year, and most of them are gone, even though the funding ultimately came through. So this is timely funding. It does it in a way that's least detrimental to the whole budget picture. I have worked, I have tried to work on every possible solution that I could think of. This is really a critical situation for all of rural America, where there are tracts of public forest land, and I really strongly hope that the Members will support us on this, help us to get a resolution to this crisis so that we can meet the needs of the people that we represent.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, with deep regret, I insist on my point of order.

I make a point of order against the amendment because it provides an appropriation for an unauthorized program, and, therefore, violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part, "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

The amendment proposes to appropriate funds for the rural school program that has not been reauthorized. The amendment, therefore, violates clause 2 of rule XXI, and I am sorry that I have to raise a point of order, but the payments for the Secure Rural Schools Act of 2000 are not authorized.

This is a reachback appropriation for an unauthorized program and, therefore, I am sorry I must insist on my point of order. I will also point out that it would be irresponsible to cut this budget bill by $425 million.

Public Law 110-28 did not reauthorize the Secure Rural Schools Act.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. TIAHRT. Mr. Chairman, I would like to be heard.

The Acting CHAIRMAN. The gentleman from Kansas is recognized.

Mr. TIAHRT. I appreciate the chairman and his accuracy on what he is reserving a point of order on.

However, I would like to point out that we have other issues pending that are also subject to a point of order. It seems arbitrary to me that we do not let the House work its will on Mr. DOOLITTLE's efforts, and yet we move forward on other areas which are under the same point of order, and we expect some comity.

Mr. DICKS. Mr. Chairman, I don't think the gentleman is addressing the point of order.

The Acting CHAIRMAN. The Chair will hear any Member on the point of order.

Mr. TIAHRT. Mr. Chairman, I think that this is an arbitrary reservation on a point of order, and because other similar issues are pending, that it should be withdrawn so that we can move on and let the House work its will.

Mr. DICKS. I insist on my point of order.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. A point of order is pending. The gentleman may not strike the last word.

Does any other Member wish to be heard on the point of order?

The proponent of an item of appropriation carries the burden of persuasion on the question whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation contained in the amendment is authorized in law.

Under the precedents of July 12, 1995, as recorded in House Practice at page 145, and July 16, 1997, an amendment adding matter at the pending portion of the bill to effect an indirect increase in an unauthorized amount permitted to remain in a portion of the bill already passed in the reading is not "merely perfecting" for purposes of clause 2(a) of rule XXI.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. I want to say how badly I feel about this because this Secure Rural Schools program is a very important program in the northwest, as well as in California. But I just could not allow this amendment to come for a vote because it would have cut $425 million out of this bill.

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Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, we have an issue pending which is going to come up, I think, rather quickly, from the gentleman from Oregon who is worried about the very same issue, and he's coming at it from a slightly different angle.

And, yes, the gentleman from California was having offsets for his cuts, but I see no ill will in allowing the House to work its will on Mr. DOOLITTLE's amendment, which affects Western States deeply. It's very similar to what the gentleman from Oregon is also trying to do, so why don't we just let both of them go, let the House work its will?

Mr. DICKS. I regret that I can't take that chance. If this amendment were enacted, it would have a devastating consequence on this bill. And it was subject to a point of order, and I had to insist on it. I regret that we have this controversy, but that's the reality of the situation we're in.

Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. I'd like to yield to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I'd just like to express my deep disappointment that we're not able to move forward on the gentleman's amendment from California, and the peril that it may put the next amendment in.

If you want to talk about cuts in crisis, you come out to rural Oregon, rural Washington, rural Northern California, the areas that my friend and colleague from Washington knows all too well.

The largest county in my district had 15 or 16 libraries, all of which are now shuttered and closed because this Congress and the last failed to reauthorize the Secure County Roads and Schools legislation that the Congress before, in 2000, put into law.

The effect of all that, and the effect of this not going forward is those counties have a 1-year stay of execution because in the emergency supplemental there was legislation that funded them for one more year.

But as the good gentleman from Washington State knows, with the decline in the timber industry, the decline in harvest on Federal lands, these rural counties have been devastated. They have no tax base in some cases, or very little; 70, 80 percent of land mass is Federal lands. There's been a commitment for 100 years by this Congress to share revenues, and then those revenues went away. Law enforcement is going away. Basic services. You all would throw a fit if they went away in Washington, D.C. or any other urban area.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Washington.

Mr. DICKS. The point I'd like to make, this is an authorization problem. This isn't supposed to be handled on the appropriations bill. We had an agreement that we would help you do this for 1 year, but then you would go back to the Natural Resources Committee and find the mandatory spending to offset this. This is not an appropriations matter.

Mr. WALDEN of Oregon. Reclaiming my time, I understand, and I appreciate what the gentleman has done to assist us in the past. My frustration is the one I have to share, because when I go home, people don't understand why we can keep funding all these other things and can't take care of sort of an organic funding issue that affects them deeply.

The first bill I cosponsored in this Congress with my colleague from Oregon, Mr. DEFAZIO, and many others was to reauthorize this program. I believe the first letter I sent was to the new chairman of the Resources Committee begging for a hearing to reauthorize this program.

The folks at home don't understand this process, and sometimes neither do I. But if we have to bring down the House to try and get help to people who deserve it, then that's what we'll have to do.

It's really unfortunate that we would abrogate this commitment to these people in rural areas and not allow us at least to move forward, and certainly with the next amendment, which merely fixes a technical correction, allows the Resource advisory committees to go forward, but spends no money.

Mr. TIAHRT. Reclaiming my time, I just want to point out to the chairman that we're now picking winners and losers, and it's an arbitrary decision. And if we allowed the House to work its will, I think the gentleman would be successful and his worries would be abated.

But right now we've gone into this selection process of who's going to win and who's going to lose. The gentleman from California loses, the other gentleman from Oregon wins. And I don't think that's right. I think we ought to have a consistent manner to move forward.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Washington.

Mr. DICKS. The only thing I would say here is that you can raise a point of order against the gentleman from Oregon's amendment, but that is going to hurt the other gentleman from Oregon. I mean, this is a partial help as a place holder in this bill.

And the distinguished chairman and I were just talking about we put $425 million in the supplemental to take care of this problem. Now, you've got to go get this done in the authorization committee. And I'm not going to risk this bill, which we fought so hard to create, on a chance that we might pass this amendment and cut all this other spending that's important in the bill to my constituents.

Mr. TIAHRT. Well, reclaiming my time, Mr. Chairman, I believe that we're being inconsistent here. And I would hope for some consistency in the way we administer these areas where we have a point of order that can be reserved or can't be reserved. I think you should let the House work its will.

And when we make some winners that are chosen on your side, and then we arbitrarily choose not to allow Republicans to have the same opportunity, I think it's unfair. I would like some consistency in all the appropriations bills and not just this one.

And here we have a very critical need that affects both Republicans and Democrats. It's a critical need in these areas. And as the gentleman from Oregon (Mr. DEFAZIO) can tell you, it's going to be a big problem for him as well. So I just want some consistency here and allow the gentleman from California to have the House work its will.

The Acting CHAIRMAN. The gentleman from Kansas' time has expired.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I wonder if somebody could call the Attending Physician's office. I'm getting a bad case of whiplash here just listening to these arguments that run in opposite directions.

I just heard the gentleman say a minute ago, and I must say, I'm sympathetic to his problem, but I just heard him say a minute ago that he's frustrated. Well, I'm frustrated too because, what I'd like to point out, as the President of the United States pointed out just a few weeks ago, is that the gentleman's knocking on the wrong door.

And with all due respect, when Mr. LEWIS was chairman of the Appropriations Committee last year, it wasn't his job to reauthorize this program. And as chairman of the committee this year, it isn't my job to reauthorize this program. You need to go to the authorizing committee.

We have gotten dozens of lectures through the last month from Members on your side of the aisle who fuss and fume about individual earmarks that they say are not "authorized."

Well, this is a case where we on the committee are saying the following: you came to us last year. You said you couldn't get the authorizing committee off its duff, and so you wanted some help to sustain this program until you could get them to reauthorize it. So even against the strong objection of the President of the United States, and the last time I looked, he was a Republican, even in the light of his objection, we put in over $400 million to create a bridge for you until you could get this problem resolved.

Now, I'm sorry that this has not been reauthorized. You need to take that up with another committee. All I can tell you is that we're taking time on this bill, on this amendment because you think somebody else, in some other committee, didn't do their job.

Well, you can't have it both ways, and neither can we. So I would simply ask the gentleman to please go to the right committee. And I'd be happy to send them a letter. The fact is you're taking up this committee's time, and we're getting squawks from Members on both sides of the aisle saying, "Why are you appropriators taking so blessed much time."

Well, with all due respect, it's not the appropriators trying to take the time. It's people who are not on the Appropriations Committee who are aiming at the wrong committee in their search of solution to a problem.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I would be happy to yield to my tire-changing friend from Kansas.

Mr. TIAHRT. Mr. Chairman, we have, I think, a real crisis in the rural areas, and I do not blame the Members for using every means available to them to try to solve the problems in their districts. And I know it's not your responsibility to do it, but we've come through for these folks in the past, and I would just ask consideration in the future.

Mr. OBEY. I understand. All I can say is, we did respond. We've just heard umpteen speakers on your side of the aisle kick the blazes out of us because they're saying we're spending too much money. And now you're telling us that you're unhappy because we're not spending enough money on this program, and we're not even authorized to spend it. I have a difficult time following that logic.

Mr. TIAHRT. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. TIAHRT. I understand the difficulty in it, but it was off-set. And the chairman of the Interior Committee did not like the offsets, and that's why he pushed the point of order. But it's just a different priority. And I have to say that is a pretty high priority.

I yield back.

Mr. OBEY. I understand. And I'm more than willing to cooperate because, unlike some people in this Congress, I recognize this is all one country. And we've got an obligation to recognize different needs and different demands in different districts. I wish we had the same courtesy extended to us by certain other Members of the body.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. I thank the chairman, and I've commended him before for his work in our behalf in this very difficult problem we face in the rural areas. And you've been terrific to work with. You've been most generous, not only with your time, but with your assistance. And I supported you and that bill when it came before, in opposition to my own President, and would continue to do so, because I know who sent me here, and I know what they want. And you may have missed my earlier comments.

Mr. OBEY. No, I have been watching them on television.

Mr. WALDEN of Oregon. I'm sorry you've had to put up with me there. The point is, I've done everything I can to try and get the committee that I served on for 8 years to even hold a hearing to reauthorize this bill. When I was on that committee in 2005 and chaired the Forestry Subcommittee, we marked up a reauthorization in 2005 by March, and we passed it out of the committee by June.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. Is the gentleman the designee of Mr. LEWIS?

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. I do so to yield to those who would like to continue this conversation. I'm glad to yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. I very much appreciate that. I'd like to ask Chairman OBEY a question, if I may.

Mr. LEWIS of California. By way of me, certainly.

Mr. DOOLITTLE. Actually, I want to ask you one too, so I'm glad you're both up here.

Mr. Chairman, you have worked with us and tried to help us, and I would agree with Mr. WALDEN on that.

You were kind enough to offer something a minute ago that I'd just like to, if I may, accept that offer. You said you would write a letter to the chairman of the authorizing, the respective authorizing committees, which I think are both Resources and Agriculture in this case.

Could we, and with our ranking member, could I invite both you gentlemen to maybe submit such a letter to the relevant authorizing committee chairmen? I think that would be a step in the right direction here.

Mr. OBEY. If the gentleman will yield.

Mr. LEWIS of California. I yield, certainly.

Mr. OBEY. I will be happy to try to assist the gentleman in any way that makes clear that the authorizing committees need to act, because this is not a matter under the jurisdiction of the Appropriations Committee. I've only been around here 38 years; and on occasions, believe it or not, I've seen an authorizing committee object when the Appropriations Committee invades its jurisdiction.

Mr. DOOLITTLE. And I appreciate that.

Mr. LEWIS of California. I continue to yield.

Mr. DOOLITTLE. Thank you, sir. The problem we have had is, frankly, the authorizing committees, for whatever reason, have chosen not to act. And in that vacuum we've been faced with a crisis of what do we do with the teacher being laid off or in Oregon's case with people being let out of the county jails because they're lacking this funding. We've had to come up with some extraordinary ways to respond to it.

Mr. OBEY. Would the gentleman yield?

Mr. LEWIS of California. Certainly. Happy to yield.

Mr. OBEY. Let me simply say, I would not say that it's fair to characterize the authorizing committees as refusing to move. We have only been in charge of this Congress for the last 6 months, and there have been a few other basic priorities, including reauthorization of the basic farm bill that I'm sure have occupied the authorizers. I thank the gentleman for the time.

Mr. LEWIS of California. I'll be happy to continue to yield, but I'd like to take some time as well.

Mr. DOOLITTLE. I didn't mean to imply, Mr. Chairman, that this was just this Congress' authorizing committees. I'm reaching back in time to include the previous Congress as well.

☐ 1430

It did pass out of the Resources Committee. And I think the bill passed out handily. But it never cleared the other committee.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I find this conversation to be very interesting, and I noted that there is a tendency not to accept authorizing language in this instance because of a very specific problem, and because the authorizing committee has not acted. I, frankly, think there are a number of circumstances, including the next amendment that is even more significantly an authorizing problem that probably ought to be stricken as well. But if we are going to be consistent here, let's be consistent. And, indeed, I would be more than willing to join my colleague in communicating with the authorizing chairman in connection with this. But perhaps the time to draw a line is now and say we are not going to authorize in this bill and then see how they respond to us.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of bill (before the short title), insert the following:

The amount otherwise provided in this Act for "The Historic Preservation Fund" is hereby decreased by $1,000,000 and increased by $1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Just a few minutes ago, the full committee Chair mentioned the value of this bill, and I salute the appropriators, the chairman and ranking member of the subcommittee, for the valiant effort that they have made, whether it is about hazardous toxic cleanup; Superfund sites; national parks; historic preservation, where $102 million is appropriated, $30 million over the budget of the President, $30 million over the 2007 mark and $20 million above the President's request. This is a very good effort, and I want to thank Mr. TIAHRT and I want to thank the chairman of the subcommittee and both the chairman and ranking member of the full committee.

The chairman of the subcommittee just a moment ago mentioned the words "downward trend" in the budget process as another amendment was being debated. I want to bring to the attention of my colleagues the downward trend of historic preservation around America.

My amendment is simple. It is to encourage through reprogramming the National Historic Preservation Fund and the Advisory Council on Historic Preservation to redouble their efforts to assist State and local governments and community groups in identifying and working to preserve nationally significant sites, structures, and artifacts, particularly those relating to communities founded by newly emancipated slaves such as Freedmen's Town in Houston, Texas, or Tulsa in Oklahoma or the work that was done to serve the pre-Civil War and post-Civil War mansions in Savannah, Georgia, or the meat packing area in New York. We have to be able to stand for preservation in the face of urban renewal, in the face of urban infrastructure that has to be done.

I am hoping the reprogramming of $1 million will help communities like Freedmen's Town, help the city of Houston to realize that we mean business and the acknowledgment of the importance of historic preservation. This is the historic Fourth Ward. These are the cobblestone streets that have been laid by the hands of slaves. And just a few days ago, we commemorated emancipation. These are the remaining churches where pastors have dedicated their congregations and their moneys and themselves to historic preservation. These are the streets that have been disrupted.

And what we are hoping by this amendment is that the present project of infrastructure work for clean water, which is crucially important, can be done by the work or the analysis of an engineer that says you can do this on a sidewalk and preserve these cobblestone bricks that were laid by hand by 34 freed slaves who were bricklayers at that time. We know that the repetition of disrupting these bricks will destroy them forever, and there is a community that desires to have this preserved. This amendment, which is a reprogramming, emphasizes the importance of this.

Let us not have a downward trend, if you will, of historic preservation. Many Members have come to the floor with issues of value around Interior and Environment. We want the environment to be safe, but we want the historic environment to be preserved for those who are a valuable part of the historical story of America.

So I would ask my colleagues to support this amendment. It is crucial to the Freedmen's Town community in Houston, but it is crucial to the Tulsa story in Oklahoma. It is crucial to the story of Chicago, crucial to Savannah, crucial to New York, and many other States where we have systematically ignored the historic preservation of our Nation. Who will tell our children the story? I am fighting in Houston. Others are fighting elsewhere. This amendment is to create the historical record, the legislative record, that we are committed to.

Let me thank the committee for its commitment. We know the fund is sizable, but this is an important step. And the funding that was given is an important affirmation of historic preservation, particularly when engineers recognize that you can construct infrastructure work and preserve the historic identity of this community.

Thank you for this opportunity to speak in support of my amendment to H.R. 2643, the Interior and Environment Appropriations Act of 2008, and to commend Chairman DICKS and Ranking Member TIAHRT for their leadership in shepherding this bill through the legislative process. Among other agencies, this legislation funds the U.S. Forest Service, the National Park System, and the Smithsonian Institution, which operates our national museums, including the National Zoo. Most Americans do not know that this bill also funds a very special agency, the National Trust for Historic Preservation, and its adjunct, the Advisory Council on Historic Preservation.

Mr. Chairman, my amendment is simple but it sends a very important message from the Congress of the United States. The purpose of my amendment is to encourage the National Historic Preservation Fund and the Advisory Council on Historic Preservation to redouble their efforts to assist state and local governments and community groups in identifying and working to preserve nationally significant sites, structures, and artifacts, particularly those relating to communities founded by newly emancipated slaves, such as Freedmen's Town in Houston, Texas.

Mr. Chairman, just west of downtown Houston lies the Fourth Ward. It is the city's oldest Black community. But before it was the Fourth Ward, this community was known by its original name, Freedmen's Town, given by freed slaves who settled it shortly after receiving the news of their emancipation on Juneteenth.

Initially located where Allen Parkway Village now stands, Freedmen's Town was established immediately after the Civil War, when many farmers gave or sold their truck farms and property to freed slaves. Freedmen's Town prospered during the turn of the century.

Economic, community, and social development were at a peak until local government became threatened by the prosperity of this area and its residents. In the 1920s, Freedmen's Town was the "Harlem of the Southwest." The area was filled with many restaurants, jazz spots, and night clubs. These establishments were frequently visited by Houston's white citizens as well. West Dallas was the community's main commercial strip.

As the years passed and with the coming of integration, many Freedmen's Town residents began to move toward Texas Southern University, in the Third Ward, and other areas of the city, such as Studewood, South Park, Riverside Terrace, Kashmere Gardens, and Acres Homes. And the size and population of Freedmen's Town began to shrink. Much of this was due to construction in the late 1930s against the wishes of Blacks here, which continued to sever the historical neighborhood, divided nearly at midpoint by the addition of the Gulf Freeway.

The struggle for justice by community residents and leadership is only one facet of Freedmen's Town's rich and colorful past, which is still home to many significant historical landmarks and features. Hand-laid brick streets, constructed by Rev. Jeremiah and his congregation over half a century ago, still run through the area. Houston's first cemetery, Founder's Cemetery at Valentine and West Dallas, contains the graves of military men who fought in the Civil War, as well as the historical remains of John and Augustus Allen, the founders of Houston.

Immediately adjacent to Founder's Cemetery stands the "Hanging Tree" where several Blacks were hanged. During World War I, Camp Logan, located just west of Freedmen's Town, was the site of the worst race war in the city's history—the "Camp Logan War" in August of 1917.

Behind Founder's Cemetery lies Congregation Beth Israel, the oldest Jewish cemetery in Houston, which is beautifully maintained to this day. Among other historical churches in the area, Antioch Missionary Baptist Church built in 1866 continues to be a major focal point of Freedmen's Town, though it has been relocated from its original site on "Baptist Hill" where the Music Hall and Coliseum now stand.

Reverend John Jack Yates, the first Black pastor of Antioch, was a dynamic and influential leader known for his deep commitment to the education of Black youngsters. He often used his personal finances to send Freedmen's Town children to school. Today, Jack Yates High School in the Third Ward stands in his honor.

Of the houses that Reverend Yates built, only the one he built for his brother remains at 1314 Andrews. Yates' historical homestead at 1318 Andrews, believed to be the oldest two-story home built by an African American owner, was moved to Sam Houston Park (ironically, a park commemorating a slave-owner), while the house at 1204 Wilson was demolished by the City of Houston in 1986. Further plans promoted under the name of "Founders Park" so threatened the historical preservation of Freedmen's Town that outraged residents and leadership organized opposition through the Freedmen's Town Neighborhood Association to defeat the plans of outside private interests. However, the constant encroachment on Freedmen's Town and Fourth Ward continues to date with the plans of the Houston Renaissance and private developers.

Although Freedmen's Town is a nationally registered historical site, and the largest intact freed slave settlement left in the entire Nation, its official designation protects only 40 of the 80 blocks or more of the remaining Freedmen's Town area.

To preserve what remains of Freedmen's Town will require the combined efforts of community groups working with local, State, and Federal Government to reach a consensus of projects worthy of preservation.

One such project for Freedmen's Town is the "Bricks Street Project," which is intended to preserve the original brick pavers of Freedmen's Town along Andrews Street and Wilson Street. These streets have been found to contain brick pavers patterns which may be unique to the Freedmen's Town area, and are consistent with brick patterns seen on architectural features located in the Historic District. Oral histories indicate the possibility that portions of the iron rails which once carried a Freedmen's Town trolley car may still remain in situ in the rail track ways.

Three of these community groups include the Rutherford BH Yates Museum, Inc., which has played a leading part in promoting the Bricks Street Project; the Resident Council of Allen Parkway Village, which works to educate the public on issues of Federal housing and historical preservation laws; and the Freedmen's Town Association, founded for the purpose of assuring the active and effective participation of current residents in planning the preservation, restoration, and development of the area, especially in the area of business and private home ownership.

Mr. Chairman, hearts break when irreplaceable structures are destroyed or damaged beyond repair, instead of preserved and protected as they deserve. A plaque pointing out "on this site a great building once stood" simply cannot tell the story in whole or in full. Equally tragic is the loss of traditions: a way of living or crafting wood or farming, of celebrating holidays or worshiping or feasting on "Juneteenth" cuisine. The preservation and perpetuation of artifacts as well as traditions is important to telling the story of the people who settled a community. By protecting the buildings, landscape or special places and qualities that attract visitors, we preserve our history for future generations.

For all these reasons, Mr. Chairman, I urge adoption of my amendment and thank Chairman DICKS and Ranking Member TIAHRT for their courtesies, consideration, and very fine work in putting together this excellent legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. UDALL of New Mexico. Mr. Chairman, I would say that on behalf of the majority, we would accept the gentlewoman's amendment and would be willing to work with her closely on it.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I was just curious as to which line this amount was coming from and where it is going to because the amendment I have just says it decreases $1 million and it increases $1 million.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it goes right into the same appropriations, historic State offices, but it doesn't take any money out without putting it right back in.

Mr. TIAHRT. Okay. I have no problem with that.

Mr. UDALL of New Mexico. Mr. Chairman, the amendment is agreed to.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the gentleman for accepting the amendment, and I look forward to working with committee and working with the chairman on this important historical statement and language as we move forward to conference.

Mr. UDALL of New Mexico. Mr. Chairman, if the gentlewoman will yield, the chairman and ranking member look forward to working with the gentlewoman on this very important issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman and ask my colleagues to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. INSLEE:

TITLE ___—ADDITIONAL GENERAL PROVISIONS

SEC. ___. None of the funds made available in this Act may be used to issue any permit for, or otherwise approve or allow, importation of any polar bear or polar bear part under section 104(c)(5)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)(A)).

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Washington (Mr. INSLEE) and the gentleman from Kansas (Mr. TIAHRT) each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, behold the polar bear Ursus maritimus, one of the most magnificent creatures on earth, legendary in its strength and to date its survival.

But today its survival is at great risk. It deserves the protection of the Marine Mammal Protection Act, and it does not have it.

Today we seek to close the loophole that alone amongst marine mammals allows the importation of bear heads, bearskins, bear claws in opposition to the basic concept of the Marine Mammal Protection Act. And we do so because this animal certainly is at risk. It is at risk because where there is no ice, there are no polar bears. This creature is dependent on the ice, and the ice is disappearing. That is what has led the Bush administration's Secretary of Interior to propose to list it as a threatened species.

But it gets worse. If you look at what the future is going to bring this bear, by 2040 the recent studies indicate that there will be no meaningful sea ice in the Arctic ocean by 2040 upon which these bears depend for their survival.

Now, we have folks who do enjoy trophy hunting in the United States, and there is nothing wrong with hunting or any suggestion of that in this amendment. But the truth is this: At this moment of risk to these bears, polar bear cubs need their parents in their dens more than we need polar bearskins in our dens. And this will simply close that loophole to remove that lack of protection from these animals.

Now, these animals are not threatened just in the United States. The ongoing trophy hunt is going on in Canada, where the International Polar Bear Community has found that at least half of the specific populations of polar bears are at great risk for extinction. And we know that hunters can be a force for conservation. We know they help provide habitat for ducks with Ducks Unlimited.

But the fact of the matter is, is that with a bullet to a bear, you cannot conserve it. And the fact of the matter is that the $750 permits that go to this bear hunt cannot solve the problem of global warming. And we stand here today to say that we ought to have the same level of American national commitment to the polar bears' continued survival as we have had for the bald eagle. And if we demonstrate that commitment, our grandchildren will enjoy these polar bears. And if we do not, they will not.

Mr. Chairman, I would like to yield 1 minute to the gentleman from New Jersey (Mr. LoBIONDO).

Mr. LoBIONDO. Mr. Chairman, I rise in strong support of the Inslee amendment.

This amendment would restore a ban on taking polar bear parts and importing them into the United States, a ban that was in place for 22 years. As Mr. INSLEE indicated, it was right around the end of last year when the Secretary of Interior and U.S. Fish and Wildlife service surprised many of us by proposing to list the polar bears as threatened under the Endangered Species Act. They have now taken public comments and must issue a final decision by December, 2008. At the very least, stemming the tide of polar bear imports, imports, I stress, until this decision is made makes sense.

Those who oppose the amendment would like to use the argument that this is all about restricting the right to hunt. It is not. If it were, I would not be standing here in support of it. I remember fondly, with my dad, my cousins, my uncles, hunting as a young man, and I don't believe this restricts the right of hunting.

So I would ask my colleagues to think seriously about the importance of this amendment and to give it their utmost consideration and strong support.

Mr. INSLEE. Mr. Chairman, I yield to the gentleman from Utah (Mr. BISHOP) for a brief question.

Mr. BISHOP of Utah. Mr. Chairman, the simple question I have is the picture of the polar bear that is down there, that is not, by any chance, new, is it?

Mr. INSLEE. Mr. Chairman, this is an old polar bear species that has been around here for centuries, and the ice is melting under its feet.

Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, I want to thank the gentleman for offering this amendment.

It is illegal to hunt polar bears in America today except for subsistence. You cannot do trophy hunting of polar bears today. So what happened is you have wealthy American hunters that go to Canada. They pay $30,000 to kill a polar bear for one reason, and that reason is to cut its head off, send it back to America, and put it above their fireplace.

There are only 20,000 to 25,000 polar bears left in America. This amendment simply prohibits funds from being used to permit these wealthy hunters from sending polar bear parts back to the U.S.

We should protect polar bears. This amendment is the right approach to take.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to this amendment.

Under the current law, the U.S. Fish and Wildlife Service permits, under very stringent rules, the importation of bear parts for trophies. But this is only allowed from an approved management area in Canada.

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Importation from other countries is prohibited because they are covered by the CITES, or Convention on International Trade and Endangered Species.

Also allowed under current law, other exemptions are permitted, but limited to Native American purposes, for medicines, for religious reasons and for certain scientific purposes. All of these require a permit from the Fish and Wildlife Service. And as far as the committee knows, the Fish and Wildlife Service is doing a very good job.

I also have a letter from the Canadian embassy. The Canadian Government is opposed to banning the polar bear trophy imports. Canada has strong opposition to this amendment, where two-thirds of the world's polar bear population exists. Now they're studying this through their endangered species group. We are studying this, as far as America is concerned, under our Endangered Species Act. And these two reviews are just about to be done. So this amendment is actually premature. And knowing that these two studies are pending, the Canadian Government has decided to oppose this. So I think this is premature. It should probably wait until next year, or they should just wait until the governments of the United States and Canada come to a conclusion.

Also, I want to note for the record that there are groups that are opposed to this amendment. These groups, besides the Canadian Government, include the U.S. Sportsmen's Alliance, the Association of Fish and Wildlife Agencies, the National Rifle Association, Boone & Crockett Club, Congressional Sportsmen Foundation, the Conservation Force, the North American Bear Foundation and the Wildlife Management Institute, among others.

So I think it is very important that we allow top scientists in both the United States Geological Survey and the Fish and Wildlife Service do their polar bear population studies and see what problems exist before we start to limit what's going on under the current situation. So I think it's premature.

Mr. Chairman, I would like to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Kansas for yielding.

I have listened to the opening of this debate, and I think sometimes we get a little bit confused about what it is about. But there is plenty of evidence out here and plenty of support out here that the polar bear population is not threatened. There is a healthy population of 25,000 worldwide, I think. And contrary to the gentleman's remarks about it being in America, it's globally, that population; and that it has been carefully studied, and that the permits that are issued generate funds for Native North Americans as well as funds to help sustain the polar bear population.

I think what this debate is about, and I can't question, certainly, anybody's motives, but I can tell you what I got here. I got an announcement that said: "This recorded vote will be scored on the 2007 Humane Society scorecard."

So I look at the information that I see, and much of it is source from that Web page, which I happened to have printed as well.

But I think the debate is a broader debate than the debate of the welfare of the polar bear. I think this debate is about, and I am going to broaden this, "the incremental implementation of global vegetarianism." That's the big picture. And the second picture is, ban sport hunting. And the third picture is, ban livestock production and feeding. And the fourth picture is, ban the consumption of meat. All that stuff fits within this big umbrella. This is one component of the much broader picture.

But if you take it back down to the issue that was raised, and another one is using the canard of global warming being the issue, well, it actually works against you, gentlemen. If you're worried about global warming and if you're worried about the habitat for polar bears being diminished by global warming, then humane hunting would be the thing to do as the habitat diminishes to make sure they had a healthy habitat for them to roam on. That's not the case. It's a canard, not a reason. And it's not an environmental reason. It's a broader agenda, through which the environmental and global warming agenda fits.

So this is sound science that holds this up on this side. And sports hunting is a good way to manage population.

I would urge the defeat of this amendment.

Mr. TIAHRT. Mr. Chairman, may I inquire how much time is remaining.

The Acting CHAIRMAN. The gentleman has 1 minute remaining, and the gentleman from Washington has 15 seconds.

Mr. TIAHRT. Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I want to thank my friend from Washington for yielding me this time. And, unfortunately, I rise in opposition to the amendment.

I have had numerous conversations with Mr. INSLEE, who I consider one of my closest friends and colleagues in the House, and I certainly understand the appreciation that he has in light of the challenges we face with global warming and the potential impact it's going to have on polar bears. But as one of the cochairs of the Congressional Sportsmen's Caucus in the House, we think this amendment is unnecessary and, in fact, counterproductive.

I contacted the Canadian embassy and the Canadian Government, who opposes the amendment. They say it would risk crucial conservation funding streams and habitat protections for the very polar bears that we're all interested in protecting. Also, our own U.S. Fish and Wildlife Service opposes this, again because of the cooperative alliance that we've established not only with Canadian officials in the proper wildlife management of this special species, but the fees collected from hunting that go right back into a conservation program that the U.S. and Russia have partnered with in order to enhance the protection and the growth of this population.

Now, I've got a letter from the Canadian Government, as well as from the Association of Fish and Wildlife Agencies, that I will submit for the RECORD that states forth more fully the science behind their calculation and the limited number of permits that they're allowing in Canada.

ASSOCIATION OF FISH
& WILDLIFE AGENCIES,
Washington, DC, June 22, 2007.

DEAR MEMBER OF CONGRESS: The Association of Fish and Wildlife Agencies strongly opposes H.R. 2327, the so-called "Polar Bear Protection Act", both as a stand-alone bill and as an amendment to any other legislation. This bill, which would ban the importation of trophies of polar bears legally taken from polar bear populations in Canada, will further complicate polar bear management and not contribute to polar bear sustainability.

The Association was founded in 1902 as an inter-governmental organization of public agencies charged with the protection and management of North America's fish and wildlife resources. The Association's members include the fish and wildlife agencies of the states, provinces, as well as federal government agencies in the United States and Canada. The Association provides a forum for hundreds of senior level fish and wildlife public agency biologists across North America to develop positions on public policy issues involving wildlife conservation. The Association has been instrumental in promoting sound resource management and strengthening federal, state, and private cooperation in protecting and managing fish and wildlife and their habitats in the public interest.

This legislation would diminish the bear's value to the local communities which depend on hunts by United States hunters for income. We know from long experience that most successful wildlife conservation programs have, at their core, value to local people and communities. We are advised by our Canadian colleagues that many native communities earnestly engage Canada's polar bear management programs because these animals have value—funding schools, community centers, etc. in those northern communities. This legislation, if passed and enacted, would just add to the list of other factors already complicating polar bear management—melting ice pack, warming seas and loss of snow cover.

The Marine Mammal Protection Act prerequisite that imports come from certified stocks is an important tool for those biologists working with these local communities to regulate the harvest of the various polar bear populations. These carefully set and intensely monitored harvests are critical for the local community and are an important negotiating tool for the biologists. Science-informed regulated hunting ensures sustainability of polar bear populations.

Passage of this bill would not result in the taking of fewer polar bears; it will just complicate the work of those trying to conserve them. We urge that you not favorably consider H.R. 2327 either as a stand-alone bill or as an amendment to other legislation. Thank you for your sincere consideration of our perspectives.

Sincerely,

MATT HOGAN,
Executive Director.

CANADIAN EMBASSY,
Washington, DC, June 25, 2007.

Hon. JAY INSLEE,
House of Representatives,
Washington, DC.
Hon. FRANK A. LOBIONDO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES INSLEE AND LOBIONDO: I am writing regarding your amendment to ban the importation of polar bear trophies from Canada, which I understand may be offered to the Department of the Interior, Environment and Related Agencies Appropriations Act 2008, when the spending bill is considered on the floor of the House this week. I would like to express Canada's strong opposition to such an amendment for the reasons outlined below.

Canada is home to two thirds of the world's polar bear population. There is broad consensus among scientists that climate warming is negatively impacting Arctic sea ice, however, these impacts occur at different rates and times in different Arctic regions. The Committee on the Status of Endangered Wildlife in Canada, an independent scientific body, is currently assessing the status of polar bears and will submit its conclusions to the Government of Canada in 2008. Based on that assessment, consideration will be given whether to list polar bears under the federal Species at Risk Act.

I understand that the United States is also reviewing the status of polar bears under the U.S. Endangered Species Act (ESA). Canada has made a submission in the U.S. review and is working with other polar bear range nations on issues related to polar bear research and management. Any action, such as that proposed in the amendment is premature and should at least await the outcome of the two reviews.

I would also like to take this opportunity to clarify that the annual harvesting of polar bears in Canada is strictly regulated within scientifically determined sustainable levels. Northern Communities receiving a share of the annual quota allocate their share between subsistence hunting and sports hunting. Removal of the sports hunting exemption from the Marine Mammal Protection Act will have no impact on the numbers harvested but will cause economic hardship to Canadian Northern indigenous communities. Finally, I would point out that the export of polar bears from Canada is governed by the provisions of the Convention on International Trade in Endangered Species (CITES), of which Canada and the United States are both signatories.

The Government of Canada takes seriously its international obligations with respcct to the conservation of polar bears and their habitat, including under the International Agreement on the Conservation of Polar Bears which was signed by all five polar bear nations, including Canada and the United States.

The Embassy staff remains available to meet with your staff to discuss these issues further.

Yours sincerely,

MICHAEL WILSON,
Ambassador.

But this would also, I believe, not reduce the number of polar bears harvested. There is a certain number, again based on scientific studies in Canada, that go to native tribes in northern Canada for their management and use. If it's not hunters using it, the natives will use it. So this will not in any way diminish the number of polar bears being legally hunted right now in Canada.

I would ask my colleagues, take a look at the "Dear Colleagues" that we've submitted as part of the Sportsmen's Caucus setting forth more fully an explanation of why we oppose the amendment. And I would encourage our colleagues to oppose this amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. BOREN).

The Acting CHAIRMAN. The Chair will notify Members that debate on a pro forma amendment is not controlled.

Mr. DICKS. Okay. So I just yield?

The Acting CHAIRMAN. Yes.

Mr. DICKS. Can you let me know when 1 minute is gone?

The Acting CHAIRMAN. The Chair will let the gentleman know.

Mr. BOREN. Mr. Chairman, I rise in opposition to the Inslee amendment. This amendment would ban the importation of trophies taken legally from healthy polar bear populations in Canada.

Removing incentives for U.S. hunters to hunt polar bear in Canada would do nothing to reduce the number of polar bear harvested in Canada. It would just lessen the resources that can be used for conservation and management of these species.

Similar to all wildlife conservation funding, U.S. hunters support polar bear conservation through fees that they pay. Permit fees directly support polar bear research and conservation in the United States and Russia.

Mr. Chairman, this management practice that has occurred in places like Canada has contributed to the rebound of the population of the polar bear for numbers somewhere around 6,000 to 20,000 today. Mr. Chairman, this amendment would do nothing for conservation of polar bears. It is simply one step further in the campaign to ban hunting.

Mr. DICKS. Mr. Chairman, I now will yield my remaining time to Mr. INSLEE, and I rise in strong support of his amendment.

The Acting CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield 30 seconds to Mr. FERGUSON.

Mr. FERGUSON. I want to thank my friend from Washington and my friend from New Jersey, and others, for supporting this amendment.

I also rise in strong support of this amendment today. We can see here a picture of a beautiful polar bear. Recently, the polar bear was listed as threatened under our Endangered Species Act. I don't believe that allowing hunters to obtain permits to hunt these animals and bring them into our country is a responsible environmental policy, with the loss of habitat that these animals are enduring. And with a 30 percent population decline predicted in the next 35 to 50 years, we ought to be doing everything in our power to preserve this species, and this amendment seeks to do just that.

It is our responsibility to create responsible environmental policies to protect our planet for future generations, and I think this amendment does exactly that.

Mr. INSLEE. I would like to address this canard that this is an anti-hunting amendment.

In fact, Americans enjoy passing down the tradition of hunting to their kids, their sons and daughters; and that tradition should be able to continue. But if the prey is gone, there is no hunting. And if we don't get serious about recovering polar bears, we will not be able to hunt anything because they will not exist. And if we don't stop this loophole which allows importing polar bear heads, contrary to the Marine Mammal Protection Act, we cannot tell our children we are serious about recovering this species.

Listen to the science. In 40 years will there will be no polar ice cap. And shooting polar bears and putting them in our dens in Texas or any other great State in this country is not consistent with what we did for the American bald eagle. And if we work together, hunters, nonhunters, left and right, east and west, we can accomplish this goal. But I'm suggesting this is a commonsense measure to close this loophole and listen to the science.

These species are going to have a 30 percent decline in the next 30 years. Three of the six Canadian groups that are already hunted are deemed at risk by the international scientific community.

I don't know what the Canadians are thinking. It's a great country; they're the greatest ice hockey teams in the world. But maybe they haven't got the best polar bear policy like we do in the good old USA.

Enforce the Marine Mammal Protection Act. Bring some common sense. Tell our kids we're going to keep these species available to them and pass this amendment.

The Acting CHAIRMAN. The Chair will remind the gentleman from Washington that he has 15 seconds remaining in his previous time which he may wish to reserve to close.

Mr. INSLEE. I will reserve to close.

Mr. TIAHRT. I just want to remind the gentleman from Washington, it's not a loophole, it's the law today.

Mr. Chairman, I would like to yield 30 seconds to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Let me just say I appreciate the gentleman representing this picture of a polar bear. It's not Knut. Knut, of course, is the infamous polar bear cub the animal rights groups who support this amendment wanted the Berlin Zoo to kill as opposed to allow it to live in captivity. I'm glad it's not the same one.

This amendment does nothing to preserve polar bears. It's not about preservation, especially when it cuts conservation funds in the process.

Mr. TIAHRT. Mr. Chairman, I yield the balance of my time to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I am thankful for the comments of the previous speaker, and of course the ranking member. I'm disappointed in those that are offering this amendment.

The supporters of this amendment and the proposer of this amendment like to believe that Chicken Little threats have been thrown about. Instead of the sky falling, it's the Earth warming, and bears are in extreme danger of extinction and we must act now. I just heard that speaker from Washington say that.

Let's take care. Polar bears are not threatened; they're not endangered. The worldwide population of polar bears is around 30,000. While there may be polar bear populations feeling the effects of a warming climate, and I say "may," we need to remember these species have survived past warming cycles.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. This species is not at the end of its rope, contrary to those who proposed this amendment. Thirteen of the 19 polar bear populations are under the jurisdiction of Canada. Canada has one of the best management programs, using state-of-art scientific practices to manage these populations. While that should be enough, it's not the end of the oversight or management of polar bears in Canada.

The United States Marine Mammal Protection Act requires the Fish and Wildlife Service to review the status of polar bear populations in Canada. After conducting their review of the service-approved, stable and healthy populations, hunters can only import trophies from those approved populations.

Supporters of the amendment like to refer to the 1994 amendments of the Marine Protection Act that allowed an importation of polar bear trophies as a loophole. It was the law. These statements are far from the truth. In fact, we worked on it with a Democrat-controlled Congress. We worked on it together to improve the species in Canada because Canada asked us to do so.

In 1970, many marine mammal populations faced numerous threats. The Marine Protection Act was very effective in restoring many marine mammal populations to healthy or historic levels. Unfortunately, the act does not discriminate between healthy marine mammal populations and those still in need of rebuilding. Robust populations of marine mammals are treated like they are on the verge of extinction.

While the 1994 amendments did not address this issue, the Democrat-controlled Congress, specifically those enlightened members of the Merchant Marines Fisheries Committee, had the foresight to understand that the sustainable use of resources and conservation activities are not mutually exclusive. The committee developed strict requirements to ensure the protection of polar bear populations in Canada, while allowing for the importation of sport-hunted polar bear trophies.

The idea of incentives to give value to natural resources was very new at the time. A similar program was developed for African communities to protect big game resources in Africa using the same incentive structure. These programs have proven their worth and are very successful.

There will always be a sector of the population that believes we should not kill anything or eat anything and, in fact, we should eat grass. However, we need to keep in mind there are still areas in the world that rely on the natural resources around them and still subsist on these resources.

The argument is not that polar bears need to be protected due to the effects of a warming climate. The argument is that certain groups do not like hunting, regardless of what those are saying promoted, and want it stopped.

The Canadian polar bear populations are healthy and well managed. Sport-hunting activities provide important incentives and support remote Native villages and important conservation programs in Canada, the U.S., and Russia.

Mr. Chairman, I suggest, respectfully, go back to the history. This saves the polar bear as is in place. This amendment will extinguish the polar bear.

For those who don't know anything about the polar bear, and I suggest, respectfully, those two gentlemen that introduced this have never seen a polar bear in the wild, don't know anything about it, read it in a book.

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I suggest respectfully that before this was in place, in 1994, what was happening was that the Canadian natives, bless their hearts, would hunt polar bears. They would kill the sows and the cubs but not the boars. The boars would kill the cubs so they can breed the sows. Our polar bear population was going down. Because of our actions, in fact, the polar bear population increased. That is what we were trying to do. It was a true conservation method, a method of science, a method that works.

Mr. Speaker, if this amendment is adopted, you can forget your polar bears in the wild. They will be extinguished. This is a bad amendment.

Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Chairman, I thank my friend for yielding.

Just to reiterate, Mr. Chairman, numerous agencies that have looked at the science of polar bear management in Canada and other places feel that the limited permits that are issued for this hunting purpose is conducive to conservation efforts and habitat protection up in Canada, especially through the indigenous tribes there that are issued these permits every year.

The Canadian letter that I just referenced earlier stated, "Removal of the sports hunting exemption from the Marine Mammal Protection Act would have no impact," no impact, "on the numbers harvested, but would cause economic hardship to the Canadian northern indigenous communities."

Again quoting from the letter from Canada, "Any action such as that proposed in the amendment is premature and should at least await the outcome of the two reviews." The two reviews they are referring to is our own Fish and Wildlife review and also a Canadian review in regards to the status of polar bear populations, those reports are going to be coming due some time early next year.

Also, the National Wildlife Federation, I want to clarify, the National Wildlife Federation has not endorsed nor opposed Mr. INSLEE's amendment, but they stated in a letter submitted to Members of Congress yesterday, "We understand that there may be a debate about managing polar bear populations, which we believe is a distraction from the real issue of global warming." They go on to state that the only thing that could adequately protect the polar bear population is prompt action taken on global warming.

Mr. Speaker, I would agree with the gentleman from Washington (Mr. INSLEE) on the importance of that issue.

The Acting CHAIRMAN. The gentleman from Washington (Mr. INSLEE) is recognized for 15 seconds.

Mr. INSLEE. Mr. Chairman, I would just like to submit that the day we yield to Canadian judgment, we would replace baseball with ice hockey. It is not the American principle. We have a strong Marine Mammal Protection Act. It has a clear loophole. We do not want the last polar bears to be head and skins in dens. We want this species to continue. This will do that. Pass this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. UDALL of Colorado

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act shall be used to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to section 369(d) of the Energy Policy Act of 2005 (Public Law 109-58) or to conduct an oil shale lease sale pursuant to subsection 369(e) of such Act.

The Acting CHAIRMAN (Mr. SNYDER). Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Colorado (Mr. UDALL) and the gentleman from Colorado (Mr. LAMBORN) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, this amendment would bar the Interior Department's Bureau of Land Management from issuing any final regulations for commercial-scale leasing of oil shale and from offering any commercial oil shale leases during fiscal year 2008.

Current law requires BLM to issue those regulations, and to move to a full-scale commercial leasing program, on a crash basis and under a tight deadline.

I think that is a mistake, so I want to make it clear I support Chairman RAHALL's bill, H.R. 2337, that would change that and other parts of the 2005 Energy Act. The Natural Resources Committee has favorably reported the chairman's bill and it is headed toward this very floor.

The purpose of this amendment is to slow the administration down in the meantime, in order to give Congress time to complete action on that legislation.

Mr. Chairman, oil shale has great potential as an energy source, and therefore it is an important part of our energy policy. But it is also important to American taxpayers, because they own most of it. But it is particularly important for Colorado.

Our State has some of the most large-scale deposits of oil shale, and Coloradans, particularly those on our Western Slope, will be directly affected by its development.

Back in 2005, the RAND Corporation reported that the potential benefits of developing oil shale were significant. But they also made it clear that development will affect not only our land but our air and the quality and quantity of our very limited supplies of water. It was noted that large oil shale development will bring significant population growth and is likely to put stress on the ability of local communities to provide the needed services.

In short, the report reminded us how much Colorado and our neighbors had at stake when Congress debated the oil shale provisions of the 2005 Energy Policy Act.

As I said, that law now calls for a crash program. I have been concerned, as many people have in Colorado, that that would bring a rush to commercial development before the Interior Department knows enough to do it right and before Colorado's communities have had a chance to prepare for what it will bring.

My concerns grew this year, when a witness from RAND told our committee that the economic, technical and environmental feasibility of oil shale development is not adequate to support the formulation of a commercial leasing program on the time scale mandated and the fundamental approach the Department of the Interior is currently taking may be counterproductive if the goal is to keep open the option for a sustainable domestic oil shale industry. Chairman RAHALL's bill would correct some of those problems.

I want to be clear, I strongly support oil shale provisions, because I think they will help assure that any commercial development is done in an orderly way that takes full advantage of the important research and development work underway.

The bill would also relax the unrealistic deadline for the BLM to finish the Programmatic Environmental Impact Statement now underway, and then the bill would allow a year, not just 6 months more, for the BLM to prepare a draft, not a final, but a draft commercial leasing regulation, after which the people in Colorado and elsewhere would have 180 days to comment.

I also support the bill and its mandate for developing a strategy for sustainable and publicly acceptable large-scale development of oil shale in Colorado, Utah and Wyoming, and its continued requirement that we consult with the governors of those States.

Mr. Chairman, I am glad that the Natural Resources Committee on a bipartisan basis adopted my amendment to set aside part of the money that the Federal Government will get from oil shale leases to help affected counties pay for construction, operation and maintenance of public facilities and for the provision of public services. This addition reflects my concern about what large-scale oil shale development can mean for Colorado's Western Slope.

Mr. Chairman, I hope that the full House will follow our committee's lead and approve these changes in the current law. I certainly will do all I can to help Chairman RAHALL be successful in this effort. But there is a risk that these efforts could be frustrated unless Congress first acts to relieve the pressure current law puts on the BLM to move ahead on a crash basis.

Mr. Chairman, that is the purpose of the amendment, and I urge the adoption of the amendment.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to tell the gentleman that I think he has got a good amendment here. Our side is prepared to accept your amendment.

Mr. UDALL of Colorado. I thank the chairman for his support.

Mr. Chairman, I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I hate to have to disagree with my colleague from Colorado on this issue, but I definitely do so. Oil shale resources in the United States, as was just stated, are tremendous. The potential is that there could be 2 trillion, not billion, 2 trillion barrels of oil in place in the oil shale bands of Colorado, Utah and Wyoming. It is, therefore, a strategically important domestic resource that should be developed on an accelerated basis to reduce our growing dependence on politically and economically unstable sources of foreign oil imports.

The Department of Interior has issued the Programmatic Environmental Impact Statement and is now working on regulations for a commercial leasing program. Stopping them now in their tracks would be a waste of taxpayer dollars. I should point out, Mr. Chairman, that the research and development of this important resource have been paid for by the private sector at no cost to the taxpayer.

The Udall amendment is unnecessary, because oil shale provisions in the Energy Policy Act of 2005 require approval of the governor before commercial leasing can go forward. So it is not yet entirely even in place. Therefore, this amendment would delay development of this important domestic resource.

If we commercialize oil shale, that would provide significant public benefits, including increased fuels available, reduced risk of supply disruption, reduced imports, improved balance of payments, new Federal and State royalty and tax revenues, increased domestic employment and increased economic growth. Tremendous benefits will come from this.

Further, oil from shale will place appreciable downward pressure on the world prices of crude oil, which would improve America's, and, indeed, the entire world's economies.

□ 1515

Oil shale is highly concentrated and gives the greatest yield of oil per acre disturbed of any of the Nation's energy resources. The oil shale resources of the Nation, besides totaling 2 trillion barrels, would yield 750 billion barrels with a richness of 25 gallons per ton or greater with near-term adaptations of existing technology. It is possible that an oil shale industry could be initiated by 2011, with an aggressive goal of 2 million barrels a day by 2020, which would create 100,000 new jobs directly and indirectly, and ultimately the capacity could reach 10 million barrels a day, which is comparable to the oil sands up in Canada.

So apart from the energy independence problems that this amendment would cause, that production of oil shale is close to starting, and, therefore, it is not right to pull the rug out from under the private sector companies that have been working on and investing in this resource.

In summary, there is no proven need to delay the use of this exciting new source of domestic energy. The environmental concerns have been addressed in a responsible and careful way. Billions of gallons of oil will make our country freer from foreign pressure and our economy stronger, with more energy available, gasoline prices lower at the pump, and more jobs for our working families.

Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the first chart that will eventually come up here, and I am sorry about this, indicates the States in the United States that have the hardest time increasing their education funding. This is where the funding is growing the slowest.

You notice the common denominator with these is not an attitude towards education, it is that most of these are land-based States. The land has been taken away from us to develop a property tax base. Fortunately, God has given us resources underneath that to compensate for that. But any program that would retard the leases or the royalties that will come from those will harm education in Western States.

My kids in Utah will be put at a disadvantage because of this particular amendment. There is collateral damage that takes place with amendments, and one of those deals with education.

If you can look at this chart in the proper way, this chart shows the salaries that are given for first-year teachers in Wyoming versus the salaries on average for fourth-year teachers in Montana. Now, this should not be that way, because Montana has the fewest amount of public lands of any of the Western States. They have more of a property tax base. The difference is Wyoming has the resources that they have developed, which allows them simply to put more money into their education system.

My colleagues who are still teachers deserve a decent salary, they deserve a decent retirement, we deserve the right to build our public schools. When you ask anything that shackles them from a brighter future, either by postponing or forcing to replow the data that the professional land managers have already established, it harms them.

You have taken away our land for property tax benefits. Allow us to develop the resources so that we can have a future for education in the Western States that is on par with those in the Eastern States. It is important that we move forward. And I'm sorry, but there is collateral damage with this amendment that harms educators and education in the West.

Mr. LAMBORN. Mr. Chairman, I yield 30 seconds to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, my friend and colleague from Colorado (Mr. LAMBORN) has mentioned that there are 2 trillion barrels of oil. That is a conservative estimate. Estimates go way, way, way beyond that. The only way we are going to know how much oil there is is if we actually have the opportunity to unleash the creativity of the American genius to go after that oil and develop it.

Mr. LAMBORN also said that we expect to have a large production by 2011, 4 or 5 years from now. The fact is, we could have big production out of shale much sooner than that if we continue on the path that we are on. If we delay, we will not have that opportunity.

I have an amendment that I am going to offer in a few minutes, and I will continue to talk about this point.

Mr. UDALL of Colorado. Mr. Chairman, the question here is not whether to develop oil shale, but how and when. The amendment would not stop it in its tracks, as my good friend from Colorado suggests, but it would direct those tracks on to a gentler and a more sustainable route.

We have always heard, Mr. Chairman, about oil shale being the fuel of the future. But as the Rand Report mentioned, I remind us, so are the potential problems. My amendment says, as we work to realize this promise, we are not closing our eyes to the problems in front of us.

I urge adoption of this amendment. It is a smart amendment. It is a wise amendment. It keeps faith with the people of western Colorado.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe strongly in a balanced energy policy. We need to invest in alternative energy sources and we need to tap the resources that we have in a responsible manner.

The Department of the Interior is now completing a programmatic environmental impact study on the commercial leasing program that is authorized under the Energy Policy Act of 2005. This study is focused on evaluating the potential impacts associated with the development of commercial leasing programs for oil shale and tar sand resources on public lands in Colorado, Utah and Wyoming.

The scope of this environmental impact study will include an assessment for the positive and negative environmental, social and economic impacts of leasing oil shale and tar sand resources, both the positive and the negative impacts. I think that is important.

This will also include a discussion of the relevant mitigation measures to address any potential impacts on the Bureau of Land Management's administered lands in Colorado, as well as in Utah and Wyoming. The Bureau of Land Management anticipates that the draft Oil Shale and Tar Sands Leasing Programmatic Environmental Impact Study will be issued just this summer. But this amendment would stop that from occurring.

The draft environmental impact study will be followed by an extensive public comment period, and a second revised programmatic environmental impact study will be issued prior to the final record of decision.

I believe we must pursue environmentally responsible means of developing domestic energy sources, and this amendment delays the responsible planning process already in place.

The gentleman from Colorado said this is important to our energy policy, and I agree. He also said that this was important to our taxpayers. I also agree. But the leases that were expected to come in under the Energy Act of 2005 have been taken into consideration in the budget we already passed this year. By stopping this, you will stop the income from those leases in fiscal year 2008. So this will cause us to exceed the budget authority.

I would suggest the gentleman from Colorado withdraw this amendment because it is subject to a point of order because your budget authority is going to be exceeded by this amendment.

Mr. Chairman, I would yield to the gentleman from Colorado, but I would request that he withdraw this amendment.

Mr. UDALL of Colorado. Mr. Chairman, with all due respect to my great friend from the Midwest, I will not withdraw the amendment. I would make a point there, I don't believe a point of order is in order, because there is no revenue anticipated from the leases that are anticipated.

Mr. TIAHRT. Mr Chairman, reclaiming my time to explain the reason the revenue would be depleted, there was planned income from fiscal year 2008 from the leases on the oil shale. So I believe, in my estimation, I am waiting for confirmation from the Congressional Budget Office, that it will be out of order.

Mr. UDALL of Colorado. Mr. Chairman, if the gentleman would yield further, and I thank you again for yielding, I am very certain that that is not the case, and I would just again remind all of my colleagues that the intent here is to do this right. Not to stop this from happening, but to do it right, given our history of oil shale development or the lack thereof in western Colorado.

Mr. TIAHRT. Mr. Chairman, reclaiming my time, I thank the gentleman. I would say it is important that we let this process continue, and therefore I think we should vote down the Udall amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from Kansas is referring to the other Udall amendment, not this amendment. I don't think there is a point of order here. There is another Udall amendment that did have an issue with it. There are a lot of them, so I can see how he could get confused.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, I thank the chairman for trying to continue to hold the ranking Member in accuracy, but I believe it applies to both Udall amendments.

Mr. DICKS. Well, we will wait and see. But I didn't note the gentleman making the point of order.

Mr. TIAHRT. If the gentleman will continue to yield, I understand that I have missed my window of opportunity at this point in time to raise a point of order, but I will reserve that opportunity in the future, if such an opportunity will present itself.

Mr. DICKS. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. CANNON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. UDALL of Colorado:

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act may be used to implement Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) with respect to a claimed Revised Statue (R.S.) 2477 right-of-way or to issue a non-binding determination pursuant to the Secretary of the Interior's Memorandum to Assistant Secretaries dated March 22, 2006, revoking the Department of the Interior's previous Interim Departmental Policy on Revised Statute 2477 Grant of Right-of-Way for Public Highways.

Mr. TIAHRT. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Colorado (Mr. UDALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a moment I am going to ask to withdraw the amendment, but I want to engage Chairman DICKS in a brief colloquy. But first let me provide a little bit of background here.

Mr. Chairman, as you know, the amendment deals with claims under an 1866 law known as R.S. 2477 that granted rights-of-way to build highways over Federal lands. This act was repealed in 1976, but because Congress did not set a deadline for people claiming these rights-of-way to come forward, we still do not know what valid rights-of-way may exist.

There are pending claims that affect military lands and lands once owned by the Federal Government that are now private property. Other claims involve national parks, national forests and other conservation areas.

When the Clinton administration tried to resolve this problem administratively, Congress blocked that by passing a law barring issuance of final regulations on this subject until Congress authorized them. That law is still on the books. The Bush administration has not asked Congress to change the law. Instead, they want to do an end run around Congress and to deal with these claims through an administrative process.

My amendment would have blocked them from doing that because I think we should deal with that problem through new legislation. Toward that end, I have worked for a number of years with counties in my State and introduced a bill based on the results of that work.

My goal has been and still remains to establish a fair and neutral process that will result in setting a time certain for claims to be brought forward so valid claims can be recognized and any invalid ones will be resolved and so to bring an end to litigation and controversy. I do plan to continue to work on that approach in this Congress.

If I might, at this time, I would turn to the chairman and ask him, does the chairman agree with me that it would be better for the administration to work with Congress to resolve this issue, rather than trying to follow a course that will lead straight to more litigation?

Mr. DICKS. Mr. Chairman, if the gentleman will yield, yes, I agree. In our report on this bill, the Appropriations Committee warns the Interior Department that we are concerned about the Department's interpretation and actions that would disclaim Federal interests in lands subject to an R.S. 2477 claim or issue any nonbinding determination that would have a similar effect. That is why we tell them to provide advanced notice to the Congress if the Interior Department plans to approve any R.S. 2477 claims. We also require them to provide quarterly reports on activities concerning claims under the R.S. 2477 statute. But it would be even better for the administration to work with the gentleman and the Natural Resources Committee to develop a legislative solution for this serious problem, and I urge them to do so.

Mr. Chairman, I commend the gentleman for his leadership on this issue.

Mr. UDALL of Colorado. Mr Chairman, reclaiming my time, I want to thank Chairman DICKS for his thoughts.

Mr. Chairman, I am not going to impose on the time of the House by calling for a vote on the amendment today, although the problem has not gone away and it will not go away unless Congress acts.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. DEFAZIO:

At the end of the bill (before the short title), add the following new title:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. In implementing the amendments made by section 5401(c) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393), in addition to the duties assigned to the committee by subsection (b) of such section, shall—

(1) monitor projects submitted by that committee that have been approved by the Secretary of the Interior or the Secretary of Agriculture;

(2) advise the designated Federal official on the progress of monitoring efforts under paragraph (1); and

(3) make recommendations to the Secretary of the Interior or the Secretary of Agriculture regarding any changes or adjustments to the projects being monitored by the committee.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I realize that the other side is reserving a point of order on this because of a previous objection to an amendment which would have allocated $425 million into the Safe and Secure Rural Schools program, a program which I very much support. I am on the authorizing committee and I can assure them that the authorizing committee is determined to move forward on, one of the authorizing committees at least, in the near future. In the last Congress, the Resources Committee did act and the Agriculture Committee did not on reauthorizing this program.

So we are engaging in that process in good faith and hope to be working with our friends on the Appropriations Committee in the not-too-distant future to extend this program for a number of years as we phase it down.

But in the interim, the Appropriations Committee and this Congress did, in the emergency supplemental, approve 1 year of temporary funding, which was excellent. It staved off disasters in county after county in terms of closed jails, loss of rural sheriffs patrols and many, many other vital services.

But, unfortunately, in doing that there was an oversight, and it is a simple oversight, easily rectified if there is not an objection. One of the most beneficial parts for the Federal taxpayers generally beyond the services that are provided within the counties and school districts across America is the Resource Advisory Committees, committees made up of a broad cross-section of communities across the Western United States, both environmental, timber interests, general community members, who have come forward, worked collaboratively, and have put 15 percent of the funds under the program, reinvested it back into the Federal lands, providing tremendous benefits ecologically to those lands, economically, in terms of thinning projects and other things, things that were not within the budget of the United States Forest Service or the Department of the Interior in the case of the O&C lands.

Unfortunately, since these committees, which are widely applauded in a bipartisan way across the Western United States, were not reauthorized, this language simply would give them authorization to monitor the ongoing activities.

It is extraordinarily noncontroversial, and it would be extraordinarily regrettable if in some sort of a misplaced tit for tat there was an objection to this bipartisan amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I want to thank my colleague Mr. DEFAZIO for his work on this amendment with me.

I would like to point out that on page 182 of the committee report there is listed 30 different laws that have not been reauthorized and are being funded. Some of these laws were last reauthorized 28 years ago. So the fact that we have something before you that has just gone out of operation here in less than a year, and we are trying to do a technical correction here to reauthorize it, I don't think is deserving of a point of order.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I am prepared to accept the gentleman's amendment. I think this is a very positive amendment. It has nothing to do with what we were discussing earlier, and I am prepared to accept your amendment.

□ 1530

Mr. WALDEN of Oregon. Well, I'm not sure everyone is, so if I may continue. There are over 4,500 projects that these resource advisory committees have worked on. They have leveraged $292 million to improve watersheds and wildlife habitats, and reduce the risk of catastrophic fire. No resource advisory committee has been disbanded or melted down. There are 70 of them in 13 States. No RAC-approved project has been appealed or litigated. No other active land management initiative in either the Departments of Agriculture or Interior can equal such a track record.

This has brought disparate individuals together to do good things for the land, habitat and watersheds in a comprehensive way that leverages local funds and support.

Today, as we debate this issue on the floor of this House, fires are raging at Lake Tahoe, destroying homes and habitats and watershed. Those sorts of efforts, where they tried to get in and thin in this watershed and protect it and reduce the threat of fire, might have been allowed to occur had there been a resource advisory committee like these, and I don't know what they have got there, but certainly they were not able to get the job done before the fire hit.

We are trying to do good things for our national forests, and I know others are trying to as well. I just hope we can approve this.

Mr. DEFAZIO. Mr. Chairman, I reserve my remaining minute.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are few Members of Congress who have more open territory than I do in my district. There is enough space there to put four eastern States easily and have room left over. I have rural schools and problems that very much reflect the concerns that have been expressed here.

But at the same time, I must say to the chairman and to the House, I was sitting in my office observing the discussion early when the Doolittle amendment was up. I was about to come to the floor because the chairman of the full committee was beginning a discussion regarding who taxes too much or too little, and who spends too much and too little, and we will have that conversation as we go forward. But that is what caused me to want to come to the floor.

In the meantime, Mr. DOOLITTLE had a very specific problem that was going to be taken care of, and it was objected to because it was legislating on an appropriations bill. Because of that, I am going to be pretty tough on this. The reason I reserved in this case, even though it affects my own district, it is my intention to ask that the amendment be stricken.

Mr. DICKS. Will the gentleman yield?

Mr. LEWIS of California. I yield to the chairman.

Mr. DICKS. The only thing I would say here is that this amendment is much different than the Doolittle amendment. This would help the gentleman from Oregon and Mr. DOOLITTLE in having a placeholder in the bill.

As the gentleman knows, we agreed to $425 million in the supplemental to help these gentlemen on the rural schools. My concern here is that this is not an appropriations problem, this is supposed to be an authorization problem. I even helped them way back in 1992 or 1993 when the timber harvest went way down—Congresswoman Dunn and I got the first program through Congress to keep this going for 10 years.

I have been a friend of this rural schools program. I don't quite understand why this very small amendment that doesn't have any negative impact on anyone would be stricken.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, if I could.

I understand the point that the chairman is making, and I am very appreciative of it.

The bill, as you know, was slushed with an awful lot of money above and beyond what we anticipated. Before we got the last $3 billion we had a fine bill. It strikes me that as we were slushing, we might have put some money in this category if we were so concerned about it.

But in the meantime, there is little doubt that because of the need for consistency here, if we are going to be striking language in the fashion that I saw as I was sitting in my office, selectively, then it seems to me we ought to try to at least raise the flag of consistency, and it is my intention to do that here.

POINT OF ORDER

Mr. LEWIS of California. At your will, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment in this case imparts direction, so I insist upon my point of order.

The Acting CHAIRMAN. Does any Member wish to speak on the point of order?

Mr. DEFAZIO. Mr. Chairman, to the point of order, again, the gentleman is technically correct. But again, unlike the previous amendment, this amendment not only does not cost money, it actually benefits the Federal Government and the Federal taxpayers.

I wish the gentleman would reconsider that point and not target this because of an earlier debate on a different issue having to do with spending levels. This actually would save the taxpayers money. I would ask that the gentleman reconsider his objection.

The Acting CHAIRMAN. Seeing no further speakers on the point of order, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LAMBORN:

At the end of the bill (before the short title) insert the following:

None of the funds in this Act may be used for the National Endowment for the Arts.

The Acting CHAIRMAN. Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Colorado (Mr. LAMBORN) and the gentleman from Washington (Mr. DICKS) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. LAMBORN. Mr. Chairman, I rise today to offer an amendment that recognizes the difficult fiscal situation facing our government.

The Interior Appropriations bill has the largest increase over the President's request of any of the spending bills, and I will support efforts to bring the costs down as these opportunities arise. At a time when our budget needs balancing, we must reprioritize our spending. That is why the amendment I am proposing now would eliminate funding for the National Endowment for the Arts.

I am disappointed that my earlier amendment yesterday was not accepted as it would have directed some of the funding toward the PLT program, or payment in lieu of taxes by the Federal Government to compensate for lost revenues to local governments.

But I still maintain that particularly in this budget environment, taxpayers should not be asked to fund the National Endowment for the Arts. Now opposition to the NEA should not be perceived as opposition to the arts. My wife is an artist, and I support the arts wholeheartedly. But I do feel strongly that it is something that the private sector can fully, and has in the past fully and wholeheartedly supported.

True art can and does survive without Federal handouts. Artists have every right to be creative without forcing the taxpayer to fund it. The private sector is the appropriate venue to fund such projects. I know artists who refuse to take money from any level of government because they want to be independent. They don't want to have any strings attached. They don't want to be beholden to anybody, and they will refuse government funding.

While there are certainly projects that the NEA does that are worthwhile, some are objectionable and have been over recent history. And at a time when fiscal restraint is crucial, we must examine closely how and where we are spending taxpayer money. It is not only appropriate but necessary to question some of the funding in this bill and see if it can be either reduced or directed to more worthwhile programs.

My amendment would save taxpayers an immediate $150 million in budget authority spending in fiscal year 2008, and allows the remaining $10 million to be spent on shutdown costs. This still reduces the overall cost of this spending bill and sends a message that in this budget environment we are willing to tighten our belts here in Washington just as any American family or business would have to.

It is disheartening to think there is an assumption of continued taxpayer support for every single discretionary program. Yet that is exactly what we are hearing today in this debate on funding for the NEA. There are arguments for why we must continue to spend money on an art program when we face budget constraints in trying to adequately provide necessary treatment for our returning veterans and all of the many priorities in our almost $3 trillion budget.

I come from a commonsense perceptive that says when my bank account is low, I make tough decisions on where my money must be spent. None of my colleagues supporting this funding seem to fully appreciate this approach, and it is disappointing and it is in large part why we face the budget situation that we are in.

I would note that the budget for this appropriations bill is I believe $1.9 billion over what the President has requested. I hear talk about how our deficit is going up every week, every day, every month. This is a great opportunity that we have to stop the hemorrhaging. We can stop the spending. I am disappointed that my colleagues on the other side of the aisle are contemplating not extending the Bush temporary tax cuts. They want to end that in their budget plan. That would amount to the largest tax increase in American history. We have this opportunity now to take $160 million and save it for the taxpayer. So I just think this would be a well-considered thing.

The arts are valuable in American life and culture. For anyone to say let's do this through the private sector as opposed to the taxpayers does not make them a member of the Flat Earth Society. The arts are valuable, but they are well supported in our society and culture. We just have so many other priorities.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. We have heard speaker after speaker on the Republican side say how concerned they are about spending. The minority whip stood in the well and castigated the Democrats for spending. He has $950,000 of earmarks in the bill.

The woman from Colorado has $150,000 of earmarks in the bill.

If the gentleman is so sincere, let's entertain a unanimous-consent request.

Mr. Chairman, is it in order to make a unanimous-consent request?

The Acting CHAIRMAN. It depends on the nature of the request.

Mr. DEFAZIO. Mr. Chairman, I ask unanimous consent that the Republicans be allowed to voluntarily strip their $45 million of earmarks from this bill, which would save one-quarter of the amount of money that the gentleman is trying to save by cutting all the funding for the National Endowment for the Arts.

The Acting CHAIRMAN. The order of the House allowing only certain amendments may not be varied by the Committee of the Whole.

Mr. DEFAZIO. In conclusion then, we have a bit of hypocrisy here. They want to complain at the same time as they put the projects in their pocket and they go home and brag about it. They brag about how they want to cut spending in Washington, and they brag about the money they bring home.

I believe in investment in America in many ways, and this bill is making many crucial investments in America.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

It is important for Members to realize as they consider the committee action that the $160 million recommended only partially restores cuts made to this agency a decade ago. In fact, the amount in this bill is still $16 million below the level provided in 1993. After adjusting for inflation, the amount recommended is $100 million below the level in 1993, as displayed on a chart that I showed Members earlier.

As we debate this amendment, Members should also note that the National Endowment for the Arts has been transformed since the arts funding debate of the 1990s. Two gifted chairmen have reinvigorated the NEA into an agency with broad support. Chairman Bill Ivey, appointed by Bill Clinton, negotiated and implemented bipartisan reforms in NEA's grant structure to ensure that funds go to activities for which public funding is appropriate.

Dana Gioia, the current chairman, then energized the agency with many new programs and a commitment to reach beyond the cultural centers of our major cities.

Last year, every single congressional district received NEA support through innovative programs such as the American Masterpieces, Operation Homecoming and the Big Read.

Today, NEA is a truly national program with outreach efforts to every corner of America and every segment of her society. Each of us have different reasons to support the arts. Some will describe their support in terms of the inherent joy of the arts as a personally enriching experience. Others support the arts as engines of job development and economic growth.

☐ 1545

It is equally important to emphasize that most Members of the House in recent years have been supporting funding for the arts and for the humanities. I believe the cultural wars should be over. For each of the last 7 years with the help of many Members in this Chamber, a bipartisan majority in the House has voted to increase funding for the NEA. During the last 2 years, Ms. SLAUGHTER's and my amendments to add funds were adopted by voice vote, without opposition from Mr. TAYLOR.

Mr. Chairman, I do not normally include quotes in my floor remarks, but I was struck in preparing for this year's art debate by a quote attributed to actor Richard Dreyfus at the Grammy awards ceremony:

"Perhaps we've all misunderstood the reason we learn music and all the arts in the first place. It is that for hundreds of years, it has been known that teaching the arts helps to create the well-rounded mind that western civilization, and America, have been grounded on. America's greatest achievements in science, in business, in popular culture, would simply not be attainable without an education that encourages achievement in all fields. It is from that creativity and imagination that the solutions to our political and social problems will come. We need that well-rounded mind now. Without it, we simply make more difficult the problems we face."

I believe Mr. Dreyfus is right, and the committee has acted to provide the funding so arts can reach even more broadly into American communities with a richer variety of programs.

I urge defeat of the gentleman's amendment and support for the committee position.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman from Colorado is recognized for his remaining 30 seconds.

Mr. LAMBORN. Thank you, Mr. Chairman.

My wife, Jeanie, is an artist. I support, she supports, the arts. I agree with what you said about the importance of arts in our culture. The only question is who should pay for it. Should the taxpayer pay for it or the private sector? The $160 million budget in this bill is $35 million, or 29 percent, higher than last year's budget. Do we need a 29 percent tax increase? I think the arts are great, but let's support it in the private sector.

I would urge adoption of this amendment, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Washington is recognized for his remaining 30 seconds.

Mr. DICKS. I just will wrap this up.

I would say, you know, it's very unusual to say you support a program or support the arts when you offer an amendment to eliminate the entire program. It's like saying I'm for the B-2 bomber but I want to vote against it. You can't have it both ways. Either you're for the arts or you're not. When you're here, you have to demonstrate that support by supporting the program.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. LAMBORN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. CANNON

Mr. CANNON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CANNON:

At end of bill add:

SEC. _____. None of the funds in this Act may be used to implement section of this bill (relating to oil-shale leasing) in the States of Utah or Wyoming.

Mr. DICKS. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of Tuesday, June 26, 2007, the gentleman from Utah (Mr. CANNON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I rise today to offer an amendment that would limit the effects of the amendment by my colleagues from Colorado to Colorado.

I am deeply troubled by my colleagues' zeal to stop oil shale leasing and development in the West. Oil shale is not a new idea. In fact, the lands in question were once part of a strategic reserve. Rather than limiting our energy resources, I am offering this amendment in an attempt to make sure that Americans have the opportunity to be energy independent and to create more American jobs.

Utah, Colorado, and Wyoming hold a conservative estimate of 2 trillion barrels of recoverable oil in the Green River Formation. We have one or two times the total crude oil reserves of the whole world and triple the amount of oil reserves in Saudi Arabia. Two trillion barrels of oil is enough to meet current U.S. demands for hundreds of years.

At a time when the price of consumer goods and services are soaring in large part because of the cost of energy resources, why would we intentionally hinder our ability to develop our most promising resource? It is no secret that the environmental community does not want shale development to succeed in this Nation, but we have environmental laws that are designed to protect our Federal lands. If those laws are not sufficient, let's talk about those issues as opposed to simply putting up roadblocks to this promising resource. Increased global demands, skyrocketing energy prices, geopolitical instability, concerns about peak oil production and supplies are all economic factors that we believe make oil shale an attractive natural resource to help solve our country's dependency problems.

The U.S. and world demand for oil is increasing, and we will not be able to conserve our way out of this dilemma. We must as a country look to other sources of energy. Many experts agree that oil shale in Utah can be a major part of the solution. Issues regarding environmental and community impact will need to be addressed at a local, State and Federal level and also by private industry. I believe Utah and the region can look to Canada's oil sands to see what other countries have done to develop their resources and the benefits that come with such development. Canada has invested vastly in oil sands and has seen a huge return in royalties. Oil sands are now a $20 billion-per-year industry in a remote area of Canada.

We cannot leave our constituents holding the bag on higher energy prices. Development of oil shale as well as oil, gas and renewable energy technologies will lighten the load of our constituents. Successful development of oil shale can help solve the Nation's energy dilemma and also bring millions and eventually billions of dollars to the Federal Treasury, Utah, Colorado, and Wyoming through royalties and mineral lease moneys.

We have heard that we need to be energy independent. How, then, can we criticize the BLM for moving forward in helping us achieve this goal? We should be encouraging the responsible development of oil shale so that we can in part fulfill our desire to keep from relying on foreign and often unstable nations for our energy resources. These are nations that hate us and who use our American dollars to hurt our interests.

I would encourage my colleagues to support the amendment and resist the urge to destroy the potential of oil shale before it is developed. I would encourage my colleagues to support my amendment to allow States that want to develop oil shale, that they be allowed to develop that oil shale.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. This amendment is a mistake. There are plenty of reasons to delay the oil shale leasing which the BLM is doing. The Governor of Colorado and several other local Members of Congress have also asked for an appropriate delay so the public can fully understand the ramifications of massive oil shale leasing. Furthermore, the large-scale demonstration projects have begun and it is far too soon for large-scale commercial leasing.

To give the companies time to learn from the demonstrations, I think we should defeat this amendment and stay with the Udall amendment. What this does is basically overturn the Udall amendment, which is pending at this time.

I urge opposition to the Cannon amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does the gentleman from Washington withdraw his point of order?

Mr. DICKS. I withdraw my point of order.

Mr. CANNON. I thank the gentleman for withdrawing his point of order and would point out, I understand that the Governor of Colorado, a Democrat, has decided that he doesn't want oil shale development in Colorado and my Democratic colleagues have opposed oil shale development in Colorado. It is true that in Colorado there are major projects that are underway and that have begun with some small-scale demonstration projects. That is fine for Colorado. It does not make sense for America to impose on Utah and Wyoming the same concerns that the Democratic leadership of Colorado wants to have in Colorado. And so I would urge my colleagues to support this amendment. The fact is I think, having looked at the industry, the likelihood of significant oil shale development, oil coming out of shale, is more likely to be from entrepreneurial sources that are not dependent upon these vast, vast projects that are being done in Colorado.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Washington.

Mr. DICKS. Do you want us to all vote for the Udall amendment so that your amendment can repeal it?

Mr. CANNON. No, no. If the Udall amendment passes, then my amendment would become irrelevant. But I think under the rules of the body today, we were not able to do a second-degree amendment which is what I would have preferred. That being the case, the fact is Colorado has expressed itself I think pretty clearly here today that they don't want this development and, in fact, the case is different in Colorado than it is in Utah. I think that the opportunity for entrepreneurial development of oil shale should not be inhibited by frivolous government regulations. We have laws in place. In Utah, we are not going to do things that don't make sense environmentally.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. For purposes of discussion, I would like to ask the gentleman from Utah if it is correct, and my understanding of what you're trying to do is offset what Mr. UDALL is doing because he is stopping the permitting process not only in Colorado but also in Utah, your home State.

Is it also true he would stop the permitting in Wyoming as well?

Mr. CANNON. That is true. This would delay the development of oil shale. The Udall amendment would delay it in Colorado, Utah and Wyoming. My amendment would limit that effect to just Colorado and allow Wyoming and Utah to develop their shale as they wish.

Mr. TIAHRT. So, Mr. Chairman, as I understand this, what the gentleman from Utah is doing is his very best to represent the interests of his State. And what the gentleman from Colorado is doing was try to represent the best interests of his State. So I think in fairness to the Members of Colorado, Utah and Wyoming, it would be proper for us to adopt Mr. CANNON's amendment. That way it would satisfy Mr. UDALL by restricting and limiting the permitting process in Colorado but allowing the gentleman from Utah to represent his district by letting the permitting process move forward.

So I would encourage the Members of the House to support Mr. UDALL via Mr. CANNON's amendment and vote to accept the Cannon amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CANNON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Ms. GINNY BROWN-WAITE of Florida.

Amendment No. 51 by Mr. CAMPBELL of California.

An amendment by Mr. CAMPBELL of California.

An amendment by Mr. FLAKE of Arizona on Greene County, Pennsylvania.

An amendment by Mr. FLAKE of Arizona on Columbus, Ohio.

An amendment by Mr. FLAKE of Arizona on Greensburg, Pennsylvania.

Amendment No. 22 by Mr. JORDAN of Ohio.

Amendment No. 29 by Mr. PRICE of Georgia.

Amendment No. 27 by Mrs. MUSGRAVE of Colorado.

Amendment No. 17 by Mr. INSLEE of Washington.

Amendment No. 2 by Mr. UDALL of Colorado.

An amendment by Mr. LAMBORN of Colorado.

An amendment by Mr. CANNON of Utah.

The Acting CHAIRMAN. The Chair will reduce to 2 minutes the time for any electronic vote after the first in this series.

AMENDMENT OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment Offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. The amount otherwise provided by this Act for "NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES—NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION" is reduced by $32,000,000.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 285, not voting 15, as follows:

[Roll No. 564]

AYES—137

Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuster
Skelton
Smith (NE)
Souder
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—285

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Bishop (UT)
Braley (IA)
Costa
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Giffords
Johnson (GA)
Jones (OH)
Meek (FL)
Olver
Ortiz
Pearce
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 1621

Mrs. CAPPS, Mr. SHIMKUS, Ms. HIRONO, Mr. LUCAS and Mr. MOLLOHAN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GIFFORDS. Mr. Chairman, on rollcall No. 564, I was at the White House. Had I been present, I would have voted "no."

AMENDMENT NO. 51 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 51 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for Wetzel County Courthouse, New Martinsville, West Virginia.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 104, noes 323, not voting 10, as follows:

[Roll No. 565]

AYES—104

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Bono
Brady (TX)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Cubin
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Graves
Hastert
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—323

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin

Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Blackburn
Boehner
Braley (IA)
Davis (KY)
Davis, Jo Ann
Giffords
Jones (OH)
Meek (FL)
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining on this vote.

□ 1626

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GIFFORDS. Mr. Chairman, on rollcall No. 565, I was at the White House. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Conte Anadromous Fish Laboratory.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 97, noes 330, not voting 10, as follows:

[Roll No. 566]

AYES—97

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goodlatte
Graves
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lofgren, Zoe
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Radanovich
Ramstad
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—330

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Brady (TX)
Davis (KY)
Davis, Jo Ann
Hirono
Jones (OH)
Levin
McDermott
Moore (WI)
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining on the vote.

☐ 1630

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. HIRONO. Mr. Chairman, on rollcall No. 566, I was on the floor, but in a discussion with collegues, and missed the vote. Had I been present, I would have voted "no."

(By unanimous consent, Mr. LEWIS of Georgia was allowed to speak out of order.)

MOURNING THE PASSING OF THE HONORABLE JOHN J. FLYNT, JR.

Mr. LEWIS of Georgia. Mr. Speaker, I am sorry to announce to the body that a former Member of this body, John J. Flynt, Jr., better known as Jack Flynt, of Georgia, passed on Sunday at his home in Griffin, Georgia.

Congressman Jack Flynt was 92 years old. He served in the Congress from 1954 until his retirement in 1979, and he was a member of the Armed Services and Appropriations Committees, and at one time, he was also the Chair of the Ethics Committee.

Congressman Flynt had many varied professional experiences. He was a prosecutor and the founder of a bank. During World War II, he joined the Army Reserve and was aide-de-camp to Brigadier General Robert W. Grow in France. For his service he was awarded the Bronze Star.

Now, Mr. Chairman, I would like to yield to my colleague from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I want to thank my colleague for yielding.

Congressman Jack Flynt was a lifelong resident of Spalding County in my district. After gaining a bachelor's degree at the University of Georgia and a law degree at George Washington University, a young Jack Flynt enlisted in the Army Reserves. He fought the war in France, won a Bronze Star, and retired as a colonel in the Reserves.

After serving his Nation at war and in the Congress, Congressman Flynt came home to Griffin for the last 20 years of his life and he continued working in his hometown community.

On behalf of the people of my district, the Third District of Georgia, and the great State of Georgia, I thank Congressman Flynt for his lifetime of service, and our thoughts and prayers are with his wife and family.

Mr. LEWIS of Georgia. Mr. Chairman, I would like to yield now to my colleague from Georgia, Congressman PHIL GINGREY.

Mr. GINGREY. Mr. Chairman, I thank my colleague Mr. LEWIS for yielding.

Former Member Jack Flynt served in this body for 24 years. It has been mentioned that he served on the Appropriations Committee. Some could say that he is neither a Democrat nor a Republican but an appropriator. But Jack Flynt was a boll weevil Democrat. If he were here today, he would be a staunch member of the Blue Dogs, I feel confident.

When I was running in this district originally, that area was in my district and many people said to me, You need to know Jack Flynt. I am disappointed, Mr. Chairman, that I never did get to know him. But in every instance the word about Jack Flynt was he was a gentleman.

And he and his wife of 65 years, Patricia of Griffin, Georgia, they have three children: Susan Flynt Stirn of Arlington County; John J. Flynt III of Augusta, Georgia, my hometown; and Crisp B. Flynt of Griffin; four grandchildren and two great grandchildren.

I am humbled to have an opportunity to just say a few words about a great Member of this body and to pay respect to him and offer our condolences to his entire family.

Mr. LEWIS of Georgia. Mr. Chairman, I ask that the House now join in a moment of silence in memory of John J. Flynt.

The Acting CHAIRMAN. Members will rise and the House will observe a moment of silence.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on Greene County, Pennsylvania, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 104, noes 328, not voting 5, as follows:

[Roll No. 567]

AYES—104

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Bono
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Dreier
Duncan
Ehlers
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Graves
Hastings (WA)
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—328

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)

McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—5

Davis (KY)
Davis, Jo Ann
Jones (OH)
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

☐ 1639

Mr. BUYER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on Columbus, Ohio, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 66, noes 364, not voting 7, as follows:

[Roll No. 568]

AYES—66

Akin
Bachmann
Barrett (SC)
Biggert
Bilbray
Blackburn
Brady (TX)
Campbell (CA)
Cannon
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Fortenberry
Franks (AZ)
Gallegly
Garrett (NJ)
Graves
Heller
Hensarling
Inglis (SC)
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Marchant
McCarthy (CA)
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Petri
Pitts
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Smith (NE)
Souder
Sullivan
Tancredo
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOES—364

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Davis (KY)
Davis, Jo Ann
Jones (OH)
Kirk
Ortiz
Pence
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

☐ 1643

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on Greensburg, Pennsylvania, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 86, noes 343, not voting 8, as follows:

[Roll No. 569]

AYES—86

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Blackburn
Blunt
Bono
Burgess
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Fortenberry
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Graves
Heller
Hensarling
Herger
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Stearns
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOES—343

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Davis (KY)
Davis, Jo Ann
Hunter
Jones (OH)
Nunes
Ortiz
Sessions
Sullivan

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining on this vote.

☐ 1647

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 281, not voting 6, as follows:

[Roll No. 570]

AYES—150

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)

NOES—281

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers.
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah

Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Hunter
Ortiz
Pickering
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining on the vote.

☐ 1651

Mr. COLE of Oklahoma changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote. There are five 2-minute votes after this vote.

The vote was taken by electronic device, and there were—ayes 178, noes 254, not voting 5, as follows:

[Roll No. 571]

AYES—178

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—254

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—5

Davis (KY)
Davis, Jo Ann
Marchant
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are less than 30 seconds remaining on the vote.

☐ 1654

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 27 OFFERED BY MRS. MUSGRAVE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 238, not voting 6, as follows:

[Roll No. 572]

AYES—193

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—238

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Nunes
Ortiz
Pascrell
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining on the vote.

☐ 1658

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. INSLEE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote.

There are three more 2-minute votes continuing after this vote.

The vote was taken by electronic device, and there were—ayes 188, noes 242, not voting 7, as follows:

[Roll No. 573]

AYES—188

Ackerman
Allen
Andrews
Arcuri
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Bono
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Campbell (CA)
Capps
Capuano
Carnahan
Carson
Castle
Castor
Chabot
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doyle
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frelinghuysen
Giffords
Gillmor
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pastor
Payne
Platts
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sutton
Tauscher
Thompson (MS)
Tierney
Towns

Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—242

Abercrombie
Aderholt
Akin
Alexander
Altmire
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Chandler
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kagen
Kanjorski
Keller
Kind
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Obey
Pascrell
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—7

Burgess
Davis (KY)
Davis, Jo Ann
Herger
Norton
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining on the vote.

☐ 1702

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. UDALL OF COLORADO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 215, not voting 4, as follows:

[Roll No. 574]

AYES—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gordon
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—215

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan

Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—4

Davis (KY)
Davis, Jo Ann
Ortiz
Sessions

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1709

Messrs. SNYDER, RANGEL, BOYD of Florida, LEVIN and BACA changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. WESTMORELAND. Mr. Chairman, I have a point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. WESTMORELAND. Mr. Chairman, rule XX, clause 2(a) says that no vote will be held open to change the outcome.

The Acting CHAIRMAN. The gentleman states a fair question. The vote was kept open to do the numerical calculation to see if the votes of the Delegates would change the outcome.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. WESTMORELAND. Mr. Chairman, I understand that you hold the vote open for people not having voted, but this was a specific case of people changing their vote after the limit.

The Acting CHAIRMAN. The vote was not kept open for the purpose of allowing Members to vote. There had to be numerical calculations on the votes of the Delegates to see if they changed the outcome of the vote. That was the purpose of the delay. It was not for any other reason.

Mr. WESTMORELAND. Mr. Chairman, if I understand it correctly, the rule XX, clause 2(a) was put into effect to keep votes open and keep people from lobbying to change their votes. That is exactly what happened on this vote, and it is against the rules.

AMENDMENT OFFERED BY MR. LAMBORN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. LAMBORN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 97, noes 335, not voting 5, as follows:

[Roll No. 575]

AYES—97

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Brady (TX)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Crenshaw
Cubin
Culberson
Davis, David
Doolittle
Dreier
Duncan
Everett
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hunter
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Lamborn
Lewis (KY)
Linder
Manzullo
Marchant
Matheson
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Radanovich
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shuster
Skelton
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOES—335

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—5

Abercrombie
Davis (KY)
Davis, Jo Ann
Ortiz
Sessions

☐ 1715

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CANNON

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CANNON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 223, not voting 10, as follows:

[Roll No. 576]

AYES—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Cubin
Cuellar
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gordon
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—10

Conyers
Crenshaw
Davis (KY)
Davis, Jo Ann
Hinchey
Hoekstra
Ortiz
Reyes
Sessions
Whitfield

☐ 1719

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008".

Mr. DICKS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. SNYDER, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 514, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole?

Mr. CANNON. Mr. Speaker, I demand a separate vote on the Udall amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put the remaining amendments en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act shall be used to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands pursuant to section 369(d) of the Energy Policy Act of 2005 (Public Law 109–58) or to conduct an oil shale lease sale pursuant to subsection 369(e) of such Act.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANNON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 210, not voting 6, as follows:

[Roll No. 577]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah

Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—210

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Cuellar
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Davis (KY)
Davis, Jo Ann
Ortiz
Sessions
Smith (NJ)
Waxman

☐ 1741

Mr. BERRY changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Ms. LEE. Mr. Chairman, I rise in strong support of the Interior Appropriations bill, and in favor of the rational funding increases it proposes to help manage federal lands, support Native Americans, protect our environment, and address the urgent problem of global climate change.

Chairman DICKS and his staff have put together a great bill that finally reverses the long series of cuts for environmental programs imposed by the President and previous Republican Congress.

With $2.047 billion in this bill, we can finally take a step forward to address the huge backlog of maintenance projects in our national parks system.

With $8.086 billion in this bill we can finally put some teeth into the Environmental Protection Agency's mission as it now moves to comply with the recent landmark Supreme Court decision requiring regulation of greenhouse gas emissions under the Clean Air Act.

With $5.731 billion in this bill we can finally make good on some of the promises we have made to Native American communities by supporting health care, education, economic development and law enforcement, including a targeted methamphetamine prevention initiative.

And with the important creation of a new Commission on Climate Change Mitigation and Adaptation with a $50 million budget to jumpstart scientific activity, we can begin to implement some real solutions to the problem of global climate change.

I am also pleased that in addition to making these much needed investments, the Interior bill maintains the bipartisan moratorium on new oil and gas drilling on our outer continental shelf.

We recognize that safeguarding the health and natural beauty of our coastal environment for future generations is an important priority for our nation.

We don't believe that it is worth trading away coastal habitats to the administration's cronies in the oil and gas industry to continue their massive shakedown of our constituents through tax incentives and high prices at the pump.

I again want to applaud my colleague Chairman DICKS for writing such a well-crafted, thoughtful, and forward looking bill and I urge my colleagues to support this bill.

Ms. MATSUI. Mr. Chairman, I rise today in strong support of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008.

This bill is the first step on the long road back to re-investing in our environment after years of neglect. It is a much-needed turnabout from the practice of treating the natural world merely as a source of material, rather than as the human race's one and only home. It is a necessary reversal of past policies which disregarded the value of clean water, clean air, and our public lands.

It represents the commitment of the new Democratic majority to strengthening the long-term viability of our environment. At the same time, it protects public health and demonstrates how important it is for us to act as stewards for our communities.

Treating our wastewater before it is discharged into our oceans and rivers is a crucial part of this process. However, the equipment and infrastructure that we use to clean our wastewater is rapidly aging. It no longer has the capacity to treat the amount of waste produced by our growing population. My constituents in Sacramento have battled this problem for years. When heavy rains come, the specter of sewers overflowing into our streets can become a harsh reality.

That is why I am so pleased that the Appropriations Committee has used this legislation to renew our commitment to clean water infrastructure. H.R. 2643 increases water-related research, restores funding for clean water grants to States, and directs greater resources to cleaning up contaminated groundwater sites. In doing so, this bill recognizes that investing in clean water protects our drinking supply, restores our rivers and lakes, and strengthens public health.

Mr. Chairman, Americans across the country—and in particular the people I represent from Sacramento—will benefit from this legislation's clean water provisions. No longer will we have to worry about untreated wastewater stagnating in our streets and polluting our rivers. No more will raw sewage seep into basements, public parks, and other areas where young children play.

When we pass this bill, the water our constituents drink will be cleaner. The rivers they swim in will house fewer bacteria. The sewers they rely on to transport wastewater will stop overflowing. Every Member of Congress has an interest in solving the problems of overwhelmed wastewater infrastructure, and H.R. 2643 begins to do so.

While this bill is but a beginning, Mr. Chairman, I am confident that the Democratic Congress will use it as a building block to continue restoring past cuts to clean water programs. The tangible benefits of this bill's clean water funding levels are considerable, but they are still just the first step in renewing our country's commitment to that basic building block of life that sustains us all.

I urge my colleagues to support H.R. 2643.

Mr. WELDON of Florida. Mr. Chairman, I rise to express my concerns about legislative amendments related to permitting drilling for oil or natural gas off of our Nation's Outer Continental Shelf (OSC).

I want it to be very clear what I support with regard to offshore drilling. I believe it is important to ensure that we can adequately protect Florida's shoreline and I believe that the legislation approved last year by the Congress more than protects Florida's shoreline. I support a 100-mile buffer of protection for our beaches when it comes to drilling oil wells. Additionally, I am not opposed to allowing natural gas only wells at a distance closer than 100 miles, particularly in those States that want to permit natural gas wells closer to their coasts.

The current Federal moratorium on offshore drilling bans natural gas wells not only along the Florida coast, but also along southern, central and northern California; Washington; Oregon; and the North Atlantic, including Virginia. The State of Virginia has indicated that it would like to permit drilling off of its shore. The Democrat Governor of the State has asked for the ability to allow drilling off of Virginia's shore. The Republican legislature of Virginia has asked the Federal Government to remove the barrier to drilling off the coast. The Federal moratorium in the Interior and Environment Appropriations bills stops this policy asked for by the State of Virginia.

Additionally, with regard to Florida, I would like to clarify some confusion on this issue. Some have suggested that without the Federal moratorium rider on the Interior bill drilling would be allowed within 3 miles of the Florida coast. That is just simply not the case. The Presidential moratorium would remain in place protecting Florida. Additionally, President Bush has pledged to ensure that Florida is permitted to maintain at least a 100-mile protective buffer. Moreover should the Presidential moratorium be removed, the Congress must enact legislation directing the Department of the Interior on where to permit Outer Continental Shelf (OCS) leases. This is not a one step process.

Some have suggested that allowing natural gas wells will do little to address the energy costs in the United States. This claim simply is not based on sound economics. As many of my colleagues know, over the past decade there has been a dramatic increase in the use of natural gas to produce electricity. Switching to natural gas for electric power generation has been a very quick and cost effective way to reduce greenhouse gas emissions. According a 2005 report from the Florida Public Service Commission, in 2003, 26 percent of Florida's electric power was generated using natural gas. By 2013, just 6 years from now, the FPSC projects that over 50 percent of Florida's electric power will be generated using natural gas. The cost of natural gas for electric power generation has more than doubled since 2002 from about $3.00 per thousand cubic feet to more than $7.00 in 2007. Clearly, Florida is increasingly relying on natural gas to meet our everyday energy needs and ensuring a longer term affordable supply of natural gas will make Florida consumers' power bills more affordable.

When you consider this growing reliance on clean burning natural gas along with price increases we have seen, it is clear that Florida consumers will continue to pay higher costs for electricity if we don't expand our natural gas supply.

I look forward to working with my colleagues to ensure that Florida has an adequate protective buffer while looking to meet our constituents' long-term clean energy needs.

Mr. STARK. Mr. Chairman, I rise today in strong support of strengthening environmental protections, preserving public lands, and confronting global warming.

In the past 6 years of Republican budgets, our National Parks, forests, and wildlife refuges were recklessly neglected. The Environmental Protection Agency, EPA, the main entity responsible for enforcing environmental laws, was left scrambling for funding. Nonetheless, President Bush suggested another big cut in his budget request. Fortunately for the millions of people who enjoy our public lands and who rely on the EPA to protect our air and water, the new Democratic Congress is committed to reversing years of dereliction. Instead, we are making overdue investments in environmental protections.

The Interior, Environment, and Related Agencies appropriations bill (H.R. 2643) provides for modest, but crucial, funding increases in a number of areas including: $437 million above the President's request for the Clean Water State Revolving Fund that will allow approximately 150 communities to modernize their drinking water and wastewater infrastructure; $200 million increase over 2007 levels for the National Park Service to end a decade of declines in staffing, visitor services, and maintenance; $900 million more than the President proposed for EPA enforcement and scientific research.

This bill protects coastal ecosystems and communities by maintaining the longstanding moratoria on oil and gas drilling on the Outer Continental Shelf. This restriction protects the California coastlines that my constituents and I hold dear.

Finally, after years of denials and stonewalling by Republicans, this bill recognizes that climate change is a reality and requires us to act.

It would create a Commission on Climate Change Adaptation and Mitigation to make recommendations on how to best respond to climate change. This long overdue step will allow us to begin to address the many challenges that global warming presents.

President Bush has issued a veto threat and called this bill "irresponsible and excessive." What is truly "irresponsible" is wasting billions of dollars on a fraudulent war while ignoring the threat of global warming and failing to protect the environment and the public health. This bill begins to alter the dangerous environmental course that the President and the Republicans have led us down the last 6 years. I urge my colleagues to join me in voting yes.

Mrs. CUBIN. Mr. Chairman, the Report accompanying H.R. 2643, the fiscal year 2008 Interior and the Environment Appropriations Act, urges the Environmental Protection Agency to study the health and environmental effects of using trona in air pollution control systems. Trona is a naturally occurring, non-toxic mineral widely used in food additives, in glass manufacturing, paper, laundry products and medicine. It is odorless, non-combustible and stable in the air. Trona is a key ingredient of baking soda. Here in the United States, we are fortunate to have an abundance of this incredibly useful mineral. The Green River Basin of Wyoming is home to the world's largest trona deposit, and the Wyoming trona industry alone products close to 20 million tons of trona every year and employs more than 2,000 people.

For almost 20 years, trona has also played a critical and growing role in air pollution control at coal-fired power plants, cement plants, municipal incinerators and similar facilities around the country, including Alaska, Colorado, Florida, Virginia and Washington. Texas-based Solvay Chemicals, Inc. pioneered the use of trona in air pollution control systems, and it is the only company in the United States that produces trona products for that purpose.

Trona simply works in air pollution control systems, and it works incredibly well. The EPA, which has repeatedly approved the use of trona in air pollution control systems, reports that those systems have actually reduced sulfur dioxide emissions by more than 85 percent and hydrochloric acid emissions by 95 percent at several power plants around the country, without increasing particulate matter emissions.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 2643. I want to thank my colleague and friend, Chairman Norm Dicks, for his tireless work in bringing to the floor a bill that we should all be proud of because of its commitment to protecting and conserving our environment and natural resources for future generations to enjoy.

John F. Kennedy said in March 1961, "It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours." In previous years we have passed Interior Appropriations bills that do exactly the opposite—we have cut essential funding that has put our natural resources at risk as well as allowed policy decisions to hamper our ability to protect at-risk land, wilderness and wildlife. In previous years, I have stood before this Congress and expressed disappointment and anger with our complete disregard for environmental stewardship. But this year is different.

We finally have a bill that reflects where our budget priorities should be. While this legislation may not solve all of our problems, I believe it is an enormous step in the right direction.

First, I am proud to say that this bill allocates $50 million for the stateside grant program of the Land and Water Conservation Fund. The Land and Water Conservation Fund was separated into two components—the full federal program and the stateside grant program—to help address overdevelopment in both urban and rural areas. The stateside program has increased the number of recreation areas and facilities in our communities. It has also increased local involvement in land protection and open space preservation.

In New Jersey alone, the LWCF program has helped preserve of 73,000 acres of land by providing more than $111 million in funding. Some of the funding has been used to cleanup playgrounds, and build baseball fields, develop waterfront parks and restore open spaces. It is beyond me why the President continues to propose eliminating a program that is so successful. Fortunately, Chairman DICKS and the members of the Subcommittee understand the vital role this program plays in protecting and maintaining vital open spaces. They have invested in a program that remains a staple for conservation and land protection across the country.

These funds are long-term gifts that allow for the preservation of the wild and untouched places in America that our children and their children should have for their enjoyment.

These funds provide for Tuesday night baseball games and Sunday walks along the river, along with keeping what remains of our natural resources clean and pollutant free.

I also want to commend the committee for recognizing the dire situation of the National Parks. In preparation for the 100th anniversary of the National Parks System in 2016, we have included a hefty increase in the Parks budget for this fiscal year. This will go to park improvements, staffing increases, and visitor center upgrades in the Parks. Nearly a hundred years ago, Theodore Roosevelt urged the American people and the government to begin to conserve what natural resources we had so that some of the most majestic parts of this country would remain intact. With the 100-year anniversary of the National Park Service drawing closer, I echo the call to bring our National Parks up to standards.

Again, I would like to commend Chairman DICKS for crafting this bill before us today and I urge my colleagues to support it. By starting here today with this bill, we are voting for our sons and daughters and our grandchildren to be able to enjoy the natural resources of our country that so many of us have had the opportunity to experience in our lifetimes.

Mr. DICKS. Mr. Chairman, I submit the following for the RECORD.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	866,911	879,438	888,628	+21,717	+9,190
(Energy cost recovery)	---	(21,000)	(20,000)	(+20,000)	(-1,000)
Construction	11,751	6,476	6,476	-5,275	---
Land acquisition	8,634	1,619	18,634	+10,000	+17,015
Oregon and California grant lands	108,991	110,242	110,242	+1,251	---
Range improvements (indefinite)	10,000	10,000	10,000	---	---
Service charges, deposits, & forfeitures (indefinite)	24,905	26,905	25,905	+1,000	-1,000
Offsetting fee collections	-24,905	-26,905	-25,905	-1,000	+1,000
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	---	---
Wildland fire management:					
Preparedness	274,863	268,334	274,863	---	+6,529
Fire suppression operations	249,185	294,398	294,398	+45,213	---
Other operations	234,307	239,117	237,383	+3,076	-1,734
Emergency appropriations (P.L. 110-28)	95,000	---	---	-95,000	---
Subtotal	853,355	801,849	806,644	-46,711	+4,795
Total, Bureau of Land Management	1,872,047	1,822,029	1,853,029	-19,018	+31,000
United States Fish and Wildlife Service					
Resource management	1,013,969	1,034,520	1,104,572	+90,603	+70,052
Emergency appropriations (P.L. 110-28)	7,398	---	---	-7,398	---
Construction	45,300	23,071	31,653	-13,647	+8,582
Land acquisition	28,046	18,011	43,046	+15,000	+25,035
Landowner incentive program	23,667	---	---	-23,667	---
Private stewardship grants	7,277	---	---	-7,277	---
Cooperative endangered species conservation fund	81,001	80,001	81,001	---	+1,000
National wildlife refuge fund	14,202	10,811	14,202	---	+3,391
North American wetlands conservation fund	39,412	42,646	42,646	+3,234	---
Neotropical migratory birds conservation fund	3,941	3,960	5,000	+1,059	+1,040
Multinational species conservation fund	6,404	4,257	10,000	+3,596	+5,743
State and tribal wildlife grants	67,492	69,492	85,000	+17,508	+15,508
Total, United States Fish and Wildlife Service	1,338,109	1,286,769	1,417,120	+79,011	+130,351
National Park Service					
Operation of the national park system	1,847,897	2,058,632	2,046,809	+198,912	-11,823
Emergency appropriations (P.L. 110-28)	525	---	---	-525	---
United States Park Police	---	---	---	---	---
Centennial Challenge	---	---	50,000	+50,000	+50,000
National recreation and preservation	54,369	48,885	62,881	+8,512	+13,996
Emergency appropriations (by transfer)(P.L.110-28)	(500)	---	---	(-500)	---
Historic preservation fund	55,663	63,658	81,500	+25,837	+17,842
Emergency appropriations (P.L.110-28)	10,000	---	---	-10,000	---
Emergency appropriations(transfer out)(P.L.110-28)	(-500)	---	---	(+500)	---
Construction and major maintenance	297,482	210,080	201,580	-95,902	-8,500
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	---	---
Land acquisition and state assistance	64,024	22,529	99,402	+35,378	+76,873
Use of prior year balances	---	---	---	---	---
Total, National Park Service (net)	2,299,960	2,373,784	2,512,172	+212,212	+138,388
United States Geological Survey					
Surveys, investigations, and research	982,780	974,952	1,032,764	+49,984	+57,812
Emergency appropriations (P.L. 110-28)	5,270	---	---	-5,270	---

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Minerals Management Service					
Royalty and offshore minerals management	281,342	290,778	289,282	+7,940	-1,496
Use of receipts	-128,730	-135,730	-135,730	-7,000	---
Oil spill research	6,903	6,403	6,403	-500	---
Ultra deepwater research deferral	---	---	-50,000	-50,000	-50,000
State royalty administrative cost deduction	---	---	-43,000	-43,000	-43,000
Total, Minerals Management Service	159,515	161,451	66,955	-92,560	-94,496
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	109,100	115,360	117,237	+8,137	+1,877
Receipts from performance bond forfeitures (indefinite)	98	100	100	+2	---
Subtotal	109,198	115,460	117,337	+8,139	+1,877
Abandoned mine reclamation fund (definite, trust fund)	185,393	52,835	52,774	-132,619	-61
Total, Office of Surface Mining Reclamation and Enforcement	294,591	168,295	170,111	-124,480	+1,816
Bureau of Indian Affairs					
Operation of Indian programs	1,988,223	1,990,918	2,093,545	+105,322	+102,627
Construction	271,823	197,627	207,983	-63,840	+10,356
Indian land and water claim settlements and miscellaneous payments to Indians	42,000	34,069	39,136	-2,864	+5,067
Indian guaranteed loan program account	6,258	6,276	6,276	+18	---
Total, Bureau of Indian Affairs	2,308,304	2,228,890	2,346,940	+38,636	+118,050
Departmental Offices					
Office of the Secretary	116,265	101,445	136,413	+20,148	+34,968
Insular Affairs:					
Assistance to Territories	48,477	47,201	50,572	+2,095	+3,371
Northern Marianas	27,720	27,720	27,720	---	---
Subtotal	76,197	74,921	78,292	+2,095	+3,371
Compact of Free Association	3,313	2,862	3,362	+49	+500
Mandatory payments	2,000	2,000	2,000	---	---
Subtotal	5,313	4,862	5,362	+49	+500
Total, Insular Affairs	81,510	79,783	83,654	+2,144	+3,871
Office of the Solicitor	55,018	58,949	59,250	+4,232	+301
Office of Inspector General	38,823	42,322	43,822	+4,999	+1,500
Office of Special Trustee for American Indians					
Federal trust programs	189,251	186,158	182,542	-6,709	-3,616
Indian land consolidation	34,006	10,000	10,000	-24,006	---
Total, Office of Special Trustee for American Indians	223,257	196,158	192,542	-30,715	-3,616
Total, Departmental Offices	514,873	478,657	515,681	+808	+37,024

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Department-wide Programs					
Payments in lieu of taxes	232,528	190,000	232,528	---	+42,528
Central hazardous materials fund	9,715	9,954	9,954	+239	---
Natural resource damage assessment fund	6,043	6,224	6,224	+181	---
Working capital fund	---	22,240	---	---	-22,240
Total, Department-wide programs	248,286	228,418	248,706	+420	+20,288
Total, title I, Department of the Interior	10,023,735	9,723,245	10,163,478	+139,743	+440,233
Appropriations	(9,935,542)	(9,753,245)	(10,193,478)	(+257,936)	(+440,233)
Emergency appropriations	(118,193)	---	---	(-118,193)	---
Rescission	(-30,000)	(-30,000)	(-30,000)	---	---
TITLE II - ENVIRONMENTAL PROTECTION AGENCY					
Science and Technology	733,387	754,506	788,269	+54,882	+33,763
(By transfer from Hazardous substance superfund)	(30,156)	(26,126)	(26,126)	(-4,030)	---
Commission on Climate Change Science	---	---	50,000	+50,000	+50,000
Environmental programs and management	2,358,370	2,298,188	2,375,582	+17,212	+77,394
Office of Inspector General	37,172	38,008	43,500	+6,328	+5,492
(By transfer from Hazardous substance superfund)	(13,337)	(7,149)	(10,000)	(-3,337)	(+2,851)
Buildings and facilities	39,626	34,801	34,801	-4,825	---
Hazardous substance superfund	1,255,097	1,244,706	1,272,008	+16,911	+27,302
Transfer to Office of Inspector General	(-13,337)	(-7,149)	(-10,000)	(+3,337)	(-2,851)
Transfer to Science and Technology	(-30,156)	(-26,126)	(-26,126)	(+4,030)	---
Leaking underground storage tank program	72,035	92,235	117,961	+45,926	+25,726
Oil spill response	15,734	17,280	17,280	+1,546	---
Pesticide registration fund	10,000	10,000	10,000	---	---
Pesticide registration fees	-10,000	-10,000	-10,000	---	---
State and tribal assistance grants	2,100,634	1,679,479	2,277,667	+177,033	+598,188
Categorical grants	1,113,075	1,045,197	1,113,847	+772	+68,650
Subtotal, State and tribal assistance grants	3,213,709	2,724,676	3,391,514	+177,805	+666,838
Rescission	---	-5,000	-5,000	-5,000	---
Total, title II, Environmental Protection Agency	7,725,130	7,199,400	8,085,915	+360,785	+886,515
Appropriations	(7,725,130)	(7,204,400)	(8,090,915)	(+365,785)	(+886,515)
Rescissions	---	(-5,000)	(-5,000)	(-5,000)	---
(By transfer)	(43,493)	(33,275)	(36,126)	(-7,367)	(+2,851)
(Transfer out)	(-43,493)	(-33,275)	(-36,126)	(+7,367)	(-2,851)
TITLE III - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	280,488	263,000	295,937	+15,449	+32,937
State and private forestry	279,761	202,458	280,602	+841	+78,144
National forest system	1,452,729	1,344,377	1,506,502	+53,773	+162,125
Emergency appropriations (P.L. 110-28)	12,000	---	---	-12,000	---
Capital improvement and maintenance	436,400	422,565	520,197	+83,797	+97,632
Excess purchaser elect road funds	---	---	-40,000	-40,000	-40,000
Deferral of road and trail fund payment	---	---	-15,000	-15,000	-15,000
Subtotal	436,400	422,565	465,197	+28,797	+42,632
Land acquisition	41,936	15,703	44,485	+2,549	+28,782
Acquisition of lands for national forests, special acts	1,053	1,053	1,053	---	---
Acquisition of lands to complete land exchanges (indefinite)	231	231	231	---	---
Range betterment fund (indefinite)	2,876	3,750	3,750	+874	---

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Gifts, donations and bequests for forest and rangeland research	63	56	56	-7	---
Management of national forest lands for subsistence uses	5,009	5,053	5,053	+44	---
Wildland fire management:					
Preparedness	665,382	349,082	675,382	+10,000	+326,300
Wildland firefighters	---	219,710	---	---	-219,710
Subtotal	665,382	568,792	675,382	+10,000	+106,590
Fire suppression operations	741,477	911,032	859,021	+117,544	-52,011
Other operations	416,744	388,803	440,245	+23,501	+51,442
Emergency appropriations (P.L. 110-28)	370,000	---	---	-370,000	---
Subtotal, Wildland fire management	2,193,603	1,868,627	1,974,648	-218,955	+106,021
Total, Forest Service	4,706,149	4,126,873	4,577,514	-128,635	+450,641
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services:					
Non-contract services	2,308,925	2,362,015	2,444,017	+135,092	+82,002
Contract care	499,562	551,515	561,515	+61,953	+10,000
Catastrophic health emergency fund	17,735	18,000	18,000	+265	---
Total, Indian health services	2,826,222	2,931,530	3,023,532	+197,310	+92,002
Indian health facilities	353,926	339,196	360,895	+6,969	+21,699
Total, Indian Health Service	3,180,148	3,270,726	3,384,427	+204,279	+113,701
National Institute of Health					
National Institute of Environmental Health Sciences	79,117	78,434	79,117	---	+683
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health	75,212	75,004	75,212	---	+208
Total, Department of Health and Human Services	3,334,477	3,424,164	3,538,756	+204,279	+114,592
OTHER RELATED AGENCIES					
Executive Office of the President					
Council on Environmental Quality and Office of Environmental Quality	2,698	2,703	2,703	+5	---
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	9,113	9,049	9,549	+436	+500
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	8,509	9,000	9,000	+491	---
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	6,207	7,297	7,297	+1,090	---
Smithsonian Institution					
Salaries and expenses	536,295	571,347	536,295	---	-35,052
Facilities capital	98,600	107,100	116,100	+17,500	+9,000
Total, Smithsonian Institution	634,895	678,447	652,395	+17,500	-26,052

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Gallery of Art					
Salaries and expenses	95,767	97,983	101,850	+6,083	+3,867
Repair, restoration and renovation of buildings	15,962	18,017	18,017	+2,055	---
Total, National Gallery of Art	111,729	116,000	119,867	+8,138	+3,867
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	17,575	20,000	20,200	+2,625	+200
Capital repair and restoration	12,814	19,350	23,150	+10,336	+3,800
Total, John F. Kennedy Center for the Performing Arts	30,389	39,350	43,350	+12,961	+4,000
Woodrow Wilson International Center for Scholars					
Salaries and expenses	9,100	8,857	10,000	+900	+1,143
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	124,562	128,412	160,000	+35,438	+31,588
National Endowment for the Humanities					
Grants and administration	125,884	126,845	145,500	+19,616	+18,655
Matching grants	15,221	14,510	14,500	-721	-10
Total, National Endowment for the Humanities	141,105	141,355	160,000	+18,895	+18,645
Total, National Foundation on the Arts and the Humanities	265,667	269,767	320,000	+54,333	+50,233
Commission of Fine Arts					
Salaries and expenses	1,873	2,092	2,092	+219	---
National Capital Arts and Cultural Affairs					
Grants	7,143	---	10,000	+2,857	+10,000
Advisory Council on Historic Preservation					
Salaries and expenses	4,828	5,348	5,348	+520	---
National Capital Planning Commission					
Salaries and expenses	8,168	8,265	8,265	+97	---
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	42,349	44,996	44,996	+2,647	---
Presidio Trust					
Presidio trust fund	19,706	18,450	22,400	+2,694	+3,950
White House Commission on the National Moment of Remembrance					
Operations	247	200	200	-47	---
Total, title III, related agencies	9,203,247	8,770,858	9,383,732	+180,485	+612,874
Appropriations	(8,821,247)	(8,770,858)	(9,438,732)	(+617,485)	(+667,874)
Emergency appropriations	(382,000)	---	(-55,000)	(-437,000)	(-55,000)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R.2643)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - GENERAL PROVISIONS					
Secure rural schools (emergency)(P.L. 110-28)	425,000	---	---	-425,000	---
Grand total	27,377,112	25,693,503	27,633,125	+256,013	+1,939,622
Appropriations	(26,481,919)	(25,728,503)	(27,723,125)	(+1,241,206)	(+1,994,622)
Emergency appropriations	(925,193)	---	(-55,000)	(-980,193)	(-55,000)
Rescissions	(-30,000)	(-35,000)	(-35,000)	(-5,000)	---
(By transfer)	(43,493)	(33,275)	(36,126)	(-7,367)	(+2,851)
(Transfer out)	(-43,493)	(-33,275)	(-36,126)	(+7,367)	(-2,851)

Mrs. McMORRIS RODGERS. Mr. Chairman, I wish to voice my support for a very important program to Eastern Washington, the Payment in Lieu of Taxes (PILT) program.

The PILT program is essential for the livelihood of our rural communities in Eastern Washington. Ferry County is 86 percent publicly owned. The PILT funding that Ferry County receives accounts for nearly two thirds of their budget to provide essential services.

The government owns 73 percent of Okanogan County. More impressive is the amount of land owned by the public—over one and a half million acres. According to the Okanogan County Assessor, the loss in property taxes amounts to more than $4.5 million every year. That's a loss of funding for police, search and rescue, and emergency management.

I could continue to list additional examples since all 12 counties I represent receive funding from this program, but I want to describe the importance from someone who is on the ground and impacted by these decisions, Stevens County Treasurer Sue Harnasch.

She wrote, "The Federal Government has long recognized and accepted that Federal land holdings are a burden on local governments and that funding is necessary to provide services needed to access and use those lands. County taxpayers have been left to fend for themselves, subsidizing public services on Federal land with local property taxes."

Let's stop placing the burden on local communities and start keeping our promise.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Lewis of California moves to recommit the bill H.R. 2643 to the Committee on Appropriations with instructions to report the same back to the House promptly with the following amendment:
>
> At the end of the bill (before the short title) insert the following:
>
> TITLE VII—EFFECTIVE DATE
>
> SEC. 701. The effective date of section 115 of this Act and of title VI of this Act shall be the day that the Secretary of the Interior, in consultation with the Secretary of Energy and the Energy Information Administration, certifies that nothing in this Act—
>
> (1) shall reduce the amount of domestic energy available from the public lands of the United States;
>
> (2) shall result in the increased imports of any energy otherwise available from the public lands of the United States; or
>
> (3) shall result in higher costs, to Federal agencies funded in this Act, for gasoline, natural gas or home heating oil.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, no issue in this bill is more important than our striving towards energy independence, and to discuss that by way of our motion to recommit, I yield to the gentleman from New Mexico (Mr. PEARCE), my colleague who is an expert on energy policy.

Mr. PEARCE. I thank the gentleman from California for yielding.

I did make my living in oil and gas. I never owned one oil and gas well; but I will tell you, we went down holes. We were plumbers, and we fixed the oil wells and so I have seen the cost and difficulty of producing energy from a very close point of view. My wife and I employed 50 people in a small company that simply repaired oil weapons.

Reasonable people can have different points of view, but I have watched the trajectory of the Democrat energy bills, first H.R. 6, the energy bill that came through our Resources Committee and now this Interior Appropriations. And I will tell you that from my point of view, the Democratic energy agenda is anti-American energy. It insists that we import more. It is going to send more jobs to China and it is going to make life harder for Americans.

The motion to recommit simply says let's have the secretary certify. If you reasonably believe that I am wrong about my assumptions, we are going to send this back to the secretary to certify that nothing in this bill will reduce the amount of domestic energy or result in increased imports. I think if you believe in your bill, you should not be afraid to cause that review by the secretary and that certification that we are going to protect consumers. Because every one of us hear from consumers every day, our constituents, that the price of gasoline is too high. It is too high because of the policies that we in America, we in this American government have caused.

Section 115 is a very simple section. It is the only research and development section for ultra-deep oil. I can tell you that the deeper you go, the more expensive oil is to get. And it is not for the big companies, it is for the small companies that can't have research and development. The only research and development money that is available for small companies is in section 115. It has been taken out of every other section.

Shale oil is title VI. Shale oil is two times all the reserves of oil and gas in the entire world. Two times. It would make us self-sufficient, and yet we are removing shale oil.

My friends, these are the reasons that I believe the policies that are being promoted are anti-American and pro-import, will send jobs to China, and will make life harder for Americans.

The Washington Post, in review of the very first shot of this Democrat energy agenda, H.R. 6, The Washington Post said, "This is something Hugo Chavez would be proud of."

My friends, we are not on a track to make life easier for Americans; we are on a track to make life very difficult for the American economy and the American consumer.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. DICKS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Speaker, if the motion uses the word "promptly," as this one does, it takes the bill off the floor and sends it back to the Appropriations Committee. The committee is not required to act because the instructions are considered merely advisory to the committee. In other words, by using the word "promptly," they would kill the bill.

Now this motion to recommit is simply a device to protect excess profits of the energy companies. It does this by overturning section 115 of the bill. This section simply requires energy companies who are realizing $9 billion of excess profits to renegotiate the faulty leases which were signed in 1997 and 1998. In legal terms, this is called "unjust enrichment" at the expense of the taxpayers.

The motion overturns section 115 by delaying it until impossible conditions are met, as certified by the secretary. If this language is adopted, these enormous unjustified profits will continue for an industry making tens of billions of dollars of profit.

Adoption of the amendment would kill the bill and with so many good things in it, I urge all Members to vote against the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX and the order of the House of June 26, 2007, the Chair will reduce to 2 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 186, nays 233, not voting 13, as follows:

[Roll No. 578]

YEAS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis

Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Boehner
Davis (KY)
Davis, Jo Ann
DeFazio
Delahunt
Feeney
Hall (TX)
Melancon
Miller, George
Ortiz
Sanchez, Loretta
Sessions
Weldon (FL)

□ 1806

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 272, nays 155, not voting 5, as follows:

[Roll No. 579]

YEAS—272

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Foxx
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—155

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves

Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—5

Davis (KY)
Davis, Jo Ann
Frank (MA)
Ortiz
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have less than 1 minute to vote.

☐ 1812

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ANDEAN TRADE PREFERENCE ACT EXTENSION

Mr. RANGEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1830) to extend the authorities of the Andean Trade Preference Act until September 30, 2009, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a) of the Andean Trade Preference Act (19 U.S.C. 3206(a)) is amended by striking "June 30, 2007" and inserting "February 29, 2008".

(b) REPEAL OF CONDITIONAL EXTENSIONS.—Section 208 of the Andean Trade Preference Act (19 U.S.C. 3206) is amended—

(1) by striking "(a) TERMINATION.—Subject to subsection (b), no" and inserting "No"; and

(2) by striking subsection (b).

SEC. 2. TREATMENT OF CERTAIN APPAREL ARTICLES.

Section 204(b)(3)(B) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)) is amended—

(1) in clause (iii)—

(A) in subclause (II)—

(i) by striking "Subject to section 208, the" and inserting "The"; and

(ii) by striking "4 succeeding 1-year periods" and inserting "5 succeeding 1-year periods"; and

(B) in subclause (III)—

(i) by striking "means 2 percent" and inserting "means—

"(aa) 2 percent";

(ii) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(bb) for the 1-year period beginning October 1, 2007, the percentage determined under item (aa) for the 1-year period beginning October 1, 2006."; and

(2) in clause (v)(II)—

(A) by striking "Subject to section 208, during" and inserting "During"; and

(B) by striking "3 succeeding 1-year periods" and inserting "4 succeeding 1-year periods".

SEC. 3. MERCHANDISE PROCESSING FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "September 30, 2014" and inserting "October 14, 2014".

SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "114.25 percent" and inserting "114.50 percent".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, as most of us know, some time ago in 1991, President Bush, with bipartisan support, reached out to the Andean countries and extended favorable treatment as related to their exports to the United States.

This has proven successful in making it possible for these countries to get substitute crops for coca, and, therefore, it has been tremendously successful in building up a market for the people in this area, as well as people in the United States of America.

Right now, however, there are four free trade agreements that are pending that haven't passed the House as yet, which includes, of course, Peru. So as we speak, there are two countries for which free trade agreements have not been negotiated, Colombia and Peru. If we were to allow this provision to expire, we would find ourselves in the situation where these countries and their tariffs would be in disarray.

Because of the shortness of notice, and because we have to avoid the expiration, I have been able to work with Mr. MCCRERY in our committee to get, not a 2-year extension that we would really want, but at least an 8-month extension to avoid irreparable damage from being caused during this period, at which time we will again able to review the situation in the free trade agreements and also the substance of the continuation of the Andean Trade Preference Act, trade promotion agreements.

☐ 1815

I also would like to say, in working with Mr. MCCRERY of the committee, the Members of this House should know that the cooperative spirit in which we got this extension extended to the point that we had to really go to the other Chamber in order to work out what we're able to do today.

Mr. Speaker, at this time I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, I've been an avid supporter of Andean preferences, and today I voice my support for this short-term extension of the preferences. And I want to thank Chairman RANGEL for working with me and others to effect what we believe should pass on the floor today under suspension of the rules.

Our country's relationship with the Andean countries of Peru, Colombia, Ecuador and Bolivia is vitally important, and preferences have helped enormously with their economic development and with stability in the region.

At the same time, however, I believe it is time to move to a more substantial, mature and reciprocal relationship through free trade agreements. The unilateral preferences provide duty-free treatment to products from the region, but very limited value to United States interests in return. The FTAs, the free trade agreements, provide reciprocal market access benefits, creating new opportunity for United States producers, farmers and exporters.

I might add that our FTAs also create greater obligations on our trading partners than preferences by requiring them to abide by fundamental labor rights and certain multilateral environmental agreements.

Right now we have an immediate opportunity to implement the FTAs with Peru and Colombia, with the possibility of future FTAs with Ecuador and

Bolivia. We should seize this opportunity now. Both Peru and Colombia have already passed the pending FTAs, and they are expected soon to pass amendments to them reflecting the recently concluded bipartisan trade deal on labor and the environment.

It's time for our Congress here in the United States to move these FTAs, too. Preferences are a stopgap measure. Our trading partners and United States interests deserve more than that. Every day we wait is a lost opportunity to gain the advantages of those more mature agreements.

With respect to Ecuador and Bolivia, I remain very concerned with the treatment of United States investors there. This 8-month extension gives us time to evaluate how these countries are abiding by the preference program requirements with respect to United States investment. We will be watching developments very carefully.

Mr. Speaker, I support this short-term extension of preferences for 8 months, which will give us the time we need to implement our outstanding free trade agreements in the region. The first step will be to complete congressional action on the Peru agreement, I hope, before the August recess. The time is now to solidify our relationship, instead of perpetuating what I believe is an unsatisfactory status quo.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I'd like to yield 4 minutes to Mr. LEVIN, who's been the subcommittee Chair on Trade and has done an absolutely great job in spearheading this bipartisan approach of this sensitive subject.

Mr. LEVIN. Mr. Speaker, as we proceed, it should be clear. We're talking now about the Andean Trade Preference Act, and we're not talking about the free trade agreements that have been discussed here.

In my view, whether one supports or opposes any of those free trade agreements, it would be counterproductive for someone to vote against extension of the ATPA for 8 months.

This relates, as mentioned, to the four nations. The original ATPA was passed in 1991, and it was expanded and extended through a voice vote in the year 2001.

I think it should be emphasized that, basically, our trade relationship with these four nations is more complementary than it is competitive. That's a crucial issue. And if you exclude oil and oil products, our trade balance, our relationship, is essentially balanced in the range of 10- to $11 billion that we export and they export, if you exclude oil, which is not covered by the ATPA.

The Andean countries are a steadily growing market for U.S. goods, and that meant there was an increase, a rather substantial one, in 2005 over 2004.

Let me touch briefly on issues that have been discussed regarding the ATPA. First, apparel. The Andean Trade Preference Act requires the use of U.S. yarns in fabrics, so it isn't a one-way street. And it's somewhat technical, but if you include, if you look at the source of the fabric, essentially the U.S. has made clear that we're not going to be left out in the cold.

In terms of crops, whether they're fruit or vegetable crops, the trade is far more seasonal. In that sense, the trade is far more complementary than it is competitive. And so it's been of mutual interest to have this Andean Trade Preference Act. And that's why it was passed originally with broad support. It was extended with broad support. There was controversy last time because it was tied to TPA, and it essentially gave different treatment to Bolivia and Ecuador that this bill does not do.

So it's also, I think, because of the complementariness of this agreement that it has had broad support in this country, and that's true in good parts of the management ranks as well as the labor ranks.

There's been reference here to drugs, and that's been a mixed picture. But I think there is evidence that the ATPA, which was originally passed as part of a drug eradication strategy, has had some positive impact in several countries, much less so I think in Colombia than in Bolivia and Peru.

If this is not renewed, I think it would be mutually disadvantageous. I think, because of the mutuality of this agreement, the way it's worked out, that we should pass it.

And I close by emphasizing we're talking today about the renewal, or I should say the extension, of the ATPA for 8 months. We're not talking about free trade agreements. I strongly urge approval of this 8-month extension.

Mr. MCCRERY. Mr. Speaker, for the purpose of controlling time, I'd like to yield the balance of my time to Mr. HERGER from California.

The SPEAKER pro tempore (Mr. POMEROY). Without objection, the gentleman from California will control the balance of the time.

There was no objection.

Mr. HERGER. Mr. Speaker, I wish to yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Ways and Means Committee and a very active member of the Trade Subcommittee.

Mr. WELLER of Illinois. Mr. Speaker, I rise to join in the strong bipartisan support for this legislation which is critical to our need to continue working to reduce poverty, to create jobs and to strengthen democracy.

Today this House has an opportunity to continue moving forward by extending the Andean trade preferences for Peru, Colombia, Ecuador and Bolivia. It's only a short-term extension, 8 months, but it moves forward.

Just like the Caribbean Basin Initiative, these preferences create jobs, reduce poverty and also build capacity in nations that previously were left out. The Andean preferences offer many who have been previously left out of the opportunity to participate in free enterprise as well as the export marketplace.

I think of examples of communities who benefit. I think of the Gatazo-Zambrano community in Chimborazo, Ecuador, 400 indigenous families now being lifted out of poverty because they are now exporting broccoli and produce to the U.S. export market.

I think of the thousands of women engaged in flower production, as well as the processing of flowers in Colombia, involved in that industry, dependent on these preferences. And if they went out of business, China would take over the flower business.

There's almost 2 million jobs dependent in the Andean region on these Andean preferences which we created to lift people out of poverty. If you care about democracy in Latin America, you should vote "yes." If you want to increase and expand markets for U.S. products, you should also vote "yes" because we in the United States benefit from the Andean trade preferences.

U.S. workers and businesses benefit, farmers; U.S. cotton exports to Peru and Colombia totaled $110 million in 2006, almost double that of 2001. U.S. yarn and fabric exports to Peru and Colombia more than doubled between 2002 and 2006.

And I would note that when we import garments from the Andean region benefiting from the Andean trade preferences, the components are largely from inputs manufactured in the United States. The Andean trade preferences are win/win for both.

It's important to remember they're temporary. We have good trade agreements with Peru and Colombia. We also need to move forward on them. And I urge a bipartisan bill today.

Mr. RANGEL. At this time, Mr. Speaker, I'd like to yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), an outstanding member on our committee.

Mr. MCDERMOTT. Mr. Speaker, is the gentleman from New York willing to engage in a brief colloquy?

Mr. RANGEL. I'd be glad to.

Mr. MCDERMOTT. We appreciate the legislation that you've put before us today. The Andean Trade Preference Promotion Act continues to enjoy broad bipartisan support, and I believe the program is needed because we have a responsibility to ensure that our market, the largest in the world, remains open to the products from developing nations.

ATPA is a program that is helping to reduce poverty and strengthen our economic ties with our hemisphere, but it really is only one scheme of many. The generalized system of preferences is also a vital tool we use to fight global poverty and better engage with developing countries.

As you know, the duty-free treatment GSP provides to imports coming from developing nations like India and Brazil is at risk of being eliminated by the Bush administration. In the case of India, the tariffs the Bush administration will propose on Indian jewelry will cause the loss of 300,000 jobs, and that would weaken our strategic alliance with an important ally. In this case, what's bad for India is also bad for the United States.

Now, in the coming weeks and months, I hope that we can work together to ensure that any GSP benefits aren't revoked for arbitrary reasons that would have a negative outcome in developing countries. And I hope that you would be willing to listen to those kind of proposals.

Mr. RANGEL. Let me thank my dear friend from Washington and indicate that I share your concern. At the end of the day, America must have a trade policy that helps workers here at home and provides opportunities for workers overseas. As the Chairman of the House Committee on Ways and Means, I can assure you that I will work with you and others to be sure that we can improve our trade policy as it relates to developing countries.

In the case of GSP and the benefits the administration may propose to eliminate, let me make it abundantly clear that on our watch we're going to expand opportunities to the developing world and not curtail them.

I'm pleased to know that you're working on some innovative ways to improve our trading ties with Africa and Least Developed Nations. Let it be clear to you, the Congress and everyone else that if the administration proposes to impose tariffs on products coming from poor countries, and that such tariffs serve no development purpose, I will be working with you to move toward legislation to prevent that from happening.

And let me add this, that your constant concern about making America look like it's a country for freedom and opportunity and providing trade with these nations has been indicated by your leadership in the African growth and opportunity bill, the Caribbean Basin Initiative, and I hope to continue to work with you to bring opportunities for people in developing countries and make our country all that she can be.

□ 1830

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I just want to start off by thanking my good friend CHARLIE RANGEL, the chairman of the Ways and Means Committee, for bringing this legislation to the floor. We have talked to a number of the countries involved in the preferences, and they were very concerned.

So, CHARLIE, I want to thank you for bringing this to the floor at this time. I wish it was for a longer period, but 8 months, as has been said by Mr. WELLER, is a good start.

The one issue that I would like to mention, and it has not been addressed, and that is creating jobs in Central and South America helps us with our immigration problem. We are going to be talking about illegal immigration here in a couple of weeks or a couple of days maybe. I don't know when the Senate is going to send it over. But the fact of the matter is where there is poverty, where there are no jobs, where there is conflict, people leave and the people in Central and South America, obviously, would come north to the United States. We have a very serious immigration problem right now. In 1986 we tried to solve it. It didn't work. We gave amnesty then. It won't work now. But one thing that will help and will work to a degree are trade preferences and free trade agreements, CHARLIE, and I hope that you, as chairman of the Ways and Means, will look with some favor on some of the free trade agreements when they come up later on. I think it helps not only their economy and our economy, but it also helps with the illegal immigration problem in the long run.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the chairman of the committee, Mr. LEVIN, and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 3 minutes to the honorable gentleman from New York (Mr. ENGEL), who chairs the Western Hemisphere Subcommittee for Foreign Affairs.

Mr. ENGEL. Mr. Speaker, I thank my friend from Michigan for yielding to me.

I rise today, Mr. Speaker, in strong support of H.R. 1830, which extends trade preferences for Peru, Colombia, Bolivia, and Ecuador. I want to thank Chairman RANGEL, the dean of the New York delegation, and Chairman LEVIN for their leadership on this issue.

I am the chairman of the Foreign Affairs Subcommittee on the Western Hemisphere, and as chairman, I believe that the extension of the Andean trade preferences is crucial in promoting development in the economically and politically fragile Andean region while also supporting essential U.S. geopolitical goals. My ranking member, Mr. BURTON, just spoke and gave very good reasons why this should be supported. I agree with every one of them.

With anti-Americanism on the rise in the Western Hemisphere, I believe that positive engagement with the Andean region can both improve our image abroad and help us to more effectively engage our neighbors. Many of our neighbors in the hemisphere feel a huge sense of neglect from the United States. The extension of the Andean preferences is a great way to show our neighbors that we are engaged and do indeed care.

I believe that the preference program has been enormously successful, having created hundreds of thousands of jobs in the Andean region. Every job created in the Andean region is another potential illegal immigrant remaining in their home country. Without the extension of these preferences, these jobs, which are in sectors that do not directly compete with U.S. jobs, will be eliminated.

I am also in possession of a letter from the AFL–CIO which gives its approval of these agreements.

Moreover, I feel that without the extension of ATPA, many of the unemployed in the Andean region would turn to drug cultivation after they lose their jobs. The Andean preference program was originally created not only to support economic development in the region but also to divert illegal coca manufacturing toward legitimate industries. Using these trade preferences as a tool in the drug war is still very important today.

Mr. Speaker, let me conclude by mentioning that President Bush recently traveled to five countries in the Americas in an effort to reinvigorate our partnership with our friends in the region. Prior to his trip, President Bush said that "The working poor of Latin America need change, and the United States of America is committed to that change." I believe that the extension of ATPA can help bring this well-needed change to our friends in the Andean region.

I want to emphasize that in my travels in the region, the region feels that the United States is looking elsewhere and is not engaged. The worst thing we could do would be not to pass this because it would prove their fears. We need to pass this. We need to do it quickly, and I urge Members on both sides of the aisle to support this.

Mr. HERGER. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from California for yielding me the time.

I have to say that I stand here in opposition to this bill, and I am one that generally supports fair trade liberalization efforts. I believe that when properly structured, trade agreements can benefit all parties involved. But, Mr. Speaker, the Andean Trade Preference Act is not a trade agreement. This is an agreement to give access to the U.S. market in return for reduced drug production by certain Andean countries. Let me repeat that, Mr. Speaker. This is an agreement to give access to the U.S. market in return for reduced drug production by certain Andean countries.

The original idea may have been a noble one, and it probably still is, but the Act has proven to be a failure, and as a result, American asparagus growers have paid the price. In practice, the Andean Trade Preference Act has resulted in higher South American drug production and a steep loss of acreage and processing of asparagus in the United States, as reflected by this chart where in the last 16 years the amount of acreage has been reduced by 50 percent.

A recent International Trade Commission report found that asparagus was the domestic commodity most negatively affected by the Act. Unlike other sectors, American asparagus growers were not provided a transition period before tariffs on Peruvian imports were unilaterally eliminated. Since implementation of the Andean Trade Preference Act of 1991, imports of Peruvian asparagus have increased by more than 20 times. These duty-free imports have decimated U.S. asparagus growers and closed domestic asparagus processing plants in my district.

Now, perhaps, Mr. Speaker, if you are not from an asparagus production area in this country, you may be thinking this trade-off is worth it because it results in less drug production. The unfortunate reality is that this Act is a failure in that regard too. The latest studies confirm that cocaine production in the Andean countries is actually higher today than when the Andean Trade Preference Act was adopted in 1991.

In other words, we have exported jobs from rural America to these Andean countries and we are still seeing narcotics production going up. Nevertheless, we are here asking American farmers to sacrifice their livelihoods to perpetuate a wholly unrelated and unsuccessful anti-narcotics strategy.

Mr. Speaker, I also regret that we are considering an extension of this flawed policy under a process that denies Members the opportunity to amend the bill, the text of which was not even available until a couple of hours ago. This is being rushed to the floor with no time to debate or offer amendments. The markup of this bill in Ways and Means was cancelled. The bill has not gone through the Rules Committee. The House should have an opportunity to have a full and fair debate on this Act, which has a profound negative effect on my constituents.

So I ask my colleagues to oppose this bill.

I will insert into the RECORD an article from the Seattle Times that more fully points out the dilemma that asparagus growers have suffered, and, also, I will insert into the RECORD an article from the New York Times regarding the plight of asparagus growers as a result of this Act.

[From the Seattle Times, Jan. 2, 2007]

NEW HOPE FOR ASPARAGUS GROWERS

Washington asparagus growers might get a break in the new Democrat-controlled Congress.

They sure need it.

The industry has been decimated by a U.S. drug policy designed to encourage Peruvian coca-leaf growers to switch to asparagus. Passed in 1990 and since renewed, the Andean Trade Preferences and Drugs Eradication Act permits certain products from Peru and Colombia, including asparagus, to be imported to the United States tariff-free.

The act was set to expire Dec. 31, but Congress approved a six-month extension to make time to negotiate a proposed free-trade agreement.

We believe world markets should be more open and barriers to trade should be lowered. But this trade preferences act, when it comes to asparagus, is a one-sided deal that does only harm to the U.S. industry while failing miserably at its stated intent of reducing drug production.

The White House Office of National Drug Control Policy Web site currently notes that the Peruvian coca acreage, mostly in the highlands, is the highest it has been in eight years.

Meanwhile, the small country has become a powerhouse in asparagus production along its Pacific Coast lowlands. Peruvian asparagus production has multiplied 18-fold. The industry has developed a vigorous market and attracted sizable capital investment.

Meanwhile, the Washington industry is a shadow of its former self. Acreage has been cut by 71 percent to just 9,000 acres. In 2005, Seneca closed the world's largest cannery in Dayton, Columbia County, and shipped its state-of-the-art equipment to—no surprise—Peru. So did Del Monte, when it closed its Toppenish plant.

Is it any wonder the U.S. asparagus industry hopes the preferences act will be allowed to lapse in June?

That's not to say the Washington Asparagus Commission has its head in the sand over the global economy. In particular, the commission is willing to support a proposed free-trade agreement with provisions common to other free-trade agreements.

The industry wants the tariff re-imposed on Peruvian asparagus but only during the U.S. growing season—roughly April through June in Washington—and then phased out over a period of years. The tariff on U.S. production would diminish also.

That would be a long, overdue solution for an industry decimated by a drug-reduction policy that failed miserably.

[From the New York Times, Apr. 25, 2004]

WAR ON PERUVIAN DRUGS TAKES A VICTIM: U.S. ASPARAGUS

(By Timothy Egan)

After 55 years of packing Eastern Washington asparagus, the Del Monte Foods factory here moved operations to Peru last year, eliminating 365 jobs. The company said it could get asparagus cheaper and year-round there.

As the global economy churns, nearly every sector has a story about American jobs landing on cheaper shores. But what happened to the American asparagus industry is rare, the farmers here say, because it became a casualty of the government's war on drugs.

To reduce the flow of cocaine into this country by encouraging farmers in Peru to grow food instead of coca, the United States in the early 1990's started to subsidize a year-round Peruvian asparagus industry, and since then American processing plants have closed and hundreds of farmers have gone out of business.

One result is that Americans are eating more asparagus, because it is available fresh at all times. But the growth has been in Peruvian asparagus supported by American taxpayers.

"We've created this booming asparagus industry in Peru, resulting in the demise of a century-old industry in America," said Alan Schreiber, director of the Washington Asparagus Commission. "And I've yet to hear anyone from the government tell me with a straight face that it has reduced the amount of cocaine coming into this country."

Government officials respond that it was never their intent to hobble an American industry. But they say a thriving asparagus industry in Peru stabilizes the country and provides an incentive to grow something other than coca leaves, the raw material of a drug used regularly by about 2.8 million Americans.

"Apologies to the people affected," said David Murray, special assistant for the White House's drug policy office, "but the idea of creating alternative development, countrywide, does serve our purposes." Mr. Murray said that net cultivation of coca leaf in Peru had fallen considerably, but that it was unclear how much of a role the alternative crop incentives had played.

Here in Washington, the nation's second-leading asparagus producer, after California, about 17,000 acres have been plowed under since a 1991 trade act prompted a flood of less-expensive Peruvian asparagus, a 55 percent decline in acreage.

During the same period, Peruvian asparagus exports to the United States have grown to 110 million pounds from 4 million pounds.

Two of the biggest asparagus processing factories in the United States have closed. The Del Monte plant in Toppenish is still packing other vegetables, but it buys and packs its asparagus in Peru. The other factory was in Walla Walla.

Peruvian asparagus is sold without tariffs under terms of the Andean Trade Preference Act, signed in 1991 and renewed in 2002. The United States also spends about $60 million a year in Peru to help farmers grow and develop their industry for asparagus and other crops seen as alternatives to coca.

Many American farmers still compete, saying they offer a better-tasting and fresher product. But others have abandoned the crop.

When the American factories closed, Washington farmers were left without a buyer for millions of pounds of asparagus. Among them was Ed McKay, who has given up on asparagus, a crop that takes three to five years to mature, and then grows perennially. After growing it for 50 years and employing more than 100 people at the height of the season, he turned over his 225 acres in central Washington near Othello last year, and now plants some in corn and wheat, and lets other land go fallow.

"We're a victim of the drug war," said Mr. McKay, 73. "It seems like we still got plenty of cocaine coming into this country, but now we got cheap asparagus as well."

Acreage devoted to asparagus has dropped by a third in California, and the crop has nearly disappeared from the Imperial Valley, once a huge source of asparagus. Growers blame imports from Peru, but also cheaper asparagus from Mexico, which benefits from the North American Free Trade Agreement.

In Michigan, the value of the industry has fallen by 35 percent since the Andean trade agreement. Michigan and Washington have been hit the hardest because they lead the nation in production of canned or frozen asparagus, a segment that has been in particular decline with the year-round Peruvian crop.

"The irony is that they didn't plow under the coke to plant asparagus in Peru," said John Bakker, executive director of the Michigan Asparagus Advisory Board. "If you look at that industry in Peru and where it's growing, it has nothing to do with coca leaf growers becoming normal farmers. Coca leaf is grown in the highlands. The asparagus is near sea level."

In a letter to the State Department in March, Peru's government said the asparagus industry employed 50,000 people and 40 percent came from coca-producing regions.

"It is important to understand that the war against drugs is another face of the battle against terrorism, and will be successful only if new legal jobs are created as an alternative to illegal activities," the Peruvian Asparagus and Other Vegetables Institute said in the letter.

Yet United States auditors, in a 2001 report to Congress, said the Foreign Agricultural Service "does not believe that Peruvian asparagus production provides an alternative economic opportunity for coca producers and workers—the stated purpose of the act."

Mr. Schreiber, of the Washington asparagus board, said he had made two trips to Peru and doubted many coca growers had turned to asparagus.

"I don't fault the Peruvians," Mr. Schreiber said. "We're in this situation because of what our government has done to us. They say it's a national security issue. Well, the cost of it has been borne on the back of the American asparagus grower."

The 2001 report by the General Accounting Office, the auditing arm of Congress, found that the value of the asparagus processing industry in the United States had fallen by nearly 30 percent, which it attributed to Peruvian imports. The industry was valued at $217 million in 2000.

Asparagus is labor intensive, and some industry experts have said Washington's high minimum wage of $7.16 an hour has contributed to the industry's decline. But Mr. McKay, the farmer, said he was able to pay high wages and even give workers housing, and still make a profit before Peruvian asparagus was given trade preference.

Mr. Bakker of the Michigan asparagus board said about 300 farmers in his state had lost a total of about $25 million because of the cheaper Peruvian imports. The government has bought some Michigan asparagus, but farmers there and in Washington say money that is supposed to be available to industries hurt by free trade pacts is difficult to get, because of a formula that takes prices rather than job losses into account.

"Our industry will disappear before we qualify for any trade assistance money," Mr. Bakker said. "And it's not like Michigan farmers are against the war on drugs. There are certainly social benefits from trying to curb cocaine production, but why should one industry take it on the chin for it?"

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to a colleague on the Ways and Means Committee, a distinguished colleague, indeed, Mr. KIND from Wisconsin.

Mr. KIND. Mr. Speaker, I thank my friend from Michigan for yielding me this time.

I rise, as a member of the Ways and Means Committee, in strong support of this 8-month extension of the Andean Trade Preference Act. It is the right thing to do at the right time, Mr. Speaker.

There is no question, as my friend from New York just referenced previously, that our image has been tattered and beaten abroad. That is no less true here in the Western Hemisphere, especially with our neighbors to the south, through Central and South America. And I have always believed that our trade policies are more than just the exchange of products and goods between our Nation and others but also an important tool in our diplomatic arsenal. An arsenal that needs to be rebuilt now even in our own Western Hemisphere.

But I also want to remind my colleagues that this is not a free pass for these four Andean nations to get this trade preference. They have certain strict criteria that they have to meet first to gain eligibility for these preferences. Criteria such as respecting internationally recognized worker rights, treating the United States investors fairly, providing market access to U.S. goods, demonstrating a commitment to implement its WTO obligations, and, finally, to meet the U.S. counter-narcotics criteria.

And on that last point, it is not insignificant that there has been substantial progress, according to our own State Department and USTR office, of the drug eradication efforts and partnership that we have established with these four Andean nations. They have also met the criteria, again, through reference of our own State Department, but ATPA is perhaps the single most effective alternative development program we have going in the region. By providing these local citizens with long-term alternatives to narcotics trafficking and illegal immigration, ATPA has helped the governments, especially in Colombia and Peru, to isolate violent extremist groups; to revise their economies; and increase their investments in their education, health care, and infrastructure system.

And I submit that if we are not trying to actively engage these nations to help them build their economy and expand economic opportunities, they are going to come to the United States to realize those opportunities that they are not receiving in their own countries.

That is why I encourage my colleagues to support this extension.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I now would like to yield 2 minutes to a very valued Member of this body, and we came to this institution together, Ms. KAPTUR of Ohio.

Ms. KAPTUR. Mr. Speaker, I appreciate the chairman's yielding me the time even though I rise in opposition to this bill and to any bill that will continue to outsource more U.S. jobs, increase our trade deficit, and not stop the import of illegal narcotics into this country.

This is another one of those bills cast in NAFTA model that is already yielding over $10 billion a year in trade deficits to this country by the outsourcing of our jobs. Why would we want to do more?

The American people elected us to make a difference. They are expecting us to be different than the Thomas committee. Why are we delivering the same kind of bills to this floor?

Procedurally, this bill is being brought up overnight without Members even having the opportunity to read a text. I don't know who made that decision. I doubt it was anyone on this floor. But for people who represent districts like ours, it is truly a tragedy.

One fact we are certain of is that NAFTA-type agreements have cost more jobs, more job losses, more trade deficit every time one of these bills comes to the floor. When are we going to learn?

The idea of the Andean agreement was that it would help to displace coca production with other economic enterprises, and yet we see coca production increasing and more of those illegal drugs coming over our border. When something isn't working, you ought to fix it.

We look at the provisions dealing with labor enforcement. There is no enforcement, especially in the farm-related positions, in the flour industry, in the asparagus industry, and so forth. There is no enforcement in those countries. Why would we do this?

I would love to be a Member of this Congress when a trade agreement is advanced that creates jobs in the United States of America, which is our first responsibility, rather than outsourcing; that yields trade surpluses, not growing deficits that are such a huge drag on this economy, now knocking two points off GDP every year; and that treats the Members of this institution with respect, with respect. Not excluding those who disagree, but putting us around the table, letting our voices be heard, letting us be constructive Members of this institution.

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I would say to the leadership of this institution, treat the Members with respect. We were also elected.

I thank the gentleman for allowing me this time to speak in opposition.

Mr. HERGER. Mr. Speaker, I would just like to mention that the United States is the number one trading Nation in the world. Because of the great trade that we have, we have one of the lowest unemployment rates of any Nation in the world, 4.5 percent.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas, a member of the Ways and Means Committee, a very active member of the Trade Subcommittee (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise in support of this bill which would provide a short-term extension of current trade preferences to our Andean neighbors.

I have always supported the Andean trade program designed to help create alternative jobs and economies to those in the drug trade and to offer hope to these nations.

And it has worked. Millions of jobs have developed in the region in the flower industry, in agriculture, all that contribute to stabilization and economic growth, all of which are in America's interest.

But preferences which are one-way trade into America aren't permanent. They aren't designed that way because they matter. The impact on American asparagus farmers, which has shrunk by a third as a result of these preferences is a good example. And that's why it's imperative that we work with our Andean neighbors to transition to two-way free trade agreements that balance and strengthen our relationships.

Not only is two-way trade fair, but it benefits all parties by encouraging more permanent investment in nations where rule of law, property rights, democracy and higher labor environmental standards are insisted upon. This helps create even more jobs in the legitimate market, more so than the preferences do today.

As an example, Peru's legislature today voted to amend our agreement that incorporates important labor and environmental provisions negotiated by Chairman RANGEL, Ranking Member MCCRERY and others.

Approving the pending free trade agreements with partners Peru and Colombia have significant security and foreign policy implications as well by strengthening our hand against President Chavez in Venezuela and his corrosive influence in the region.

Mr. Speaker, I support the preference extension. We shouldn't disrupt current trade flows or hurt our friends in the region whose livelihoods depend upon this program, but we need to move forward in a timely manner with agreements with Peru and Colombia.

I am hopeful that Ecuador and Bolivia understand that one-way preferences are temporary and require a good faith effort on their part to address outstanding trade and expropriation issues if they wish to continue.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 2 minutes to another distinguished member of the Ways and Means Committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate what my colleague from Ohio said a moment ago. But with all due respect, I couldn't disagree with her more.

First of all, what is brought here today is not a NAFTA-type agreement. Bear in mind, this is being urged for approval by the Council of Textile Organizations, the Bush administration and the AFL–CIO. It is an 8-month extension for us to be able to move forward in an orderly fashion.

We have, in fact, heard concerns that have been voiced by our friend from Ohio and others. That's why the committee is hard at work. And I commend the leadership of Chairman RANGEL and Chairman LEVIN to be able to put together a framework on a bipartisan basis that speaks to those concerns. I am quite confident when we bring forward the FTAs that they are decidedly not NAFTA-type agreements.

I think the gentlelady is right, there are certain parts of this decision that were made beyond perhaps the chairman, but there are also two bodies that are at work. And our chairman has been working to be able to accommodate a complex set of issues going forward.

This 8-month extension ought to be welcomed because it will enable more concrete information to be available that I think will raise the comfort level of the gentlelady. It will certainly speak to the concerns that I have heard back home, and will underscore the hard work that this committee has been doing.

I respectfully suggest that the work that we're going to see, for example, with the environment in Peru, with illegal logging, with what's happening with the environmental sector, labor standards, these are going to provide a more complete package that is going to enable us to have trade, provide that two-way comfort level, and work for all concerns.

In the meantime, I would strongly recommend that we support this extension under an expedited process that will enable us to return to this floor with a more comprehensive approach, and that will enable us to move our entire agenda forward.

Mr. HERGER. I now yield 2 minutes to the gentleman from California, the ranking member of the Rules Committee (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I rise in strong support of this extension. I want to congratulate the chairman of the Ways and Means Committee, the subcommittee chairman, and of course my very good friend and fellow Californian (Mr. HERGER) who joins with the distinguished ranking member of the Committee on Ways and Means Mr. MCCRERY in moving this effort forward in a bipartisan way.

As I listen to this debate, I heard my colleague from Ohio (Ms. KAPTUR) malign the issue of trade saying that she very much wants to see trade agreements that create American jobs. I could not agree with her more. I very much believe that as we look at trade agreements that we have put into place, recognizing that we have an excess of a third of a trillion dollars in cross-border trade between Mexico and the United States of America following implementation of the North American Free Trade Agreement, that has demonstrated that what we're doing here this evening is just a very small step in establishing these very important agreements with Peru and Colombia. We hope very much that we can do it with Bolivia and Ecuador, and we hope very much that we can do it with Panama.

And frankly, as we look at those agreements, what is it that those agreements will do? They will lower the tariff barriers that exist preventing U.S. workers from having opportunities to send their goods and services into those very important countries in this hemisphere.

I join with my colleagues who have underscored the fact that the threat of Hugo Chavez and other leaders in this hemisphere is a very serious one. The anti-American sentiment is high, and it's being fueled by Hugo Chavez. He is very much opposed to these free trade agreements. He is very much opposed to any opportunity to expand commerce within this hemisphere. And that's why, for national security reasons, for job creation reasons, and to benefit consumers right here in the United States of America, it is very important, Mr. Speaker, that we have strong bipartisan support for this effort. And let it lay the groundwork for us to pass these important trade agreements for our future.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself as much time as I may consume.

I support this short-term extension of the Andean preferences.

U.S. trade preferences for Colombia, Peru, Ecuador and Bolivia have furthered important economic development and political purposes, including creating incentives that shift from production of illegal drugs to legitimate products, increasing economic growth in these countries and strengthening democracy in the region.

The Andean trade preference expires on June 30. I believe that extending these preferences is very important, but only as a short-term bridge to implementing bilateral free trade agreements with these countries. Such FTAs are reciprocal, open up more trade opportunities, and provide permanent tariff reductions for U.S. interests as compared to the temporary tariff reductions provided to Andean interests by the preferences.

For example, the pending FTAs with Peru and Colombia will greatly enhance our economic and trade ties to the benefit of the Andean and U.S. industries and workers. According to the Office of the U.S. Trade Representative, once the Colombia and Peru FTAs are implemented, one, 80 percent of U.S. exports of consumer and industrial goods will immediately be duty free, with another 7 percent duty free within 5 years and our remaining tariffs eliminated within 10 years.

Two, a substantial amount of U.S. farm exports will receive immediate duty-free treatment.

Three, Colombia and Peru will provide substantial market access to U.S. service providers with very few exceptions.

Four, all U.S. information technology products will enter duty free.

And five, U.S. investors and intellectual property right holders will receive important protections.

From the perspective of Peru and Colombia, these FTAs will expand their trade opportunities with the United States. The FTAs, with their permanence and, in many cases, immediate tariff reductions will provide more certainty for their own industries and workers.

Moving to FTAs with our Andean trading partners also will greatly build on our growing overall trade relationship with these countries at a time when the EU and other countries are looking to strengthen their own trade ties in the region. We must act now before the EU and other countries pass us by.

At the same time we need to be wary over how Ecuador and Bolivia react over the 8 months. We have been generous with preferences, but I'm very troubled that the response in those countries has been a lack of respect for the rights of U.S. investors. Our generosity has its limits.

Mr. Speaker, I support the extension of the Andean preferences being considered today which will allow these important benefits to continue. At the same time it is important for us to remember that we have the unique opportunity now to go beyond the Andean preferences and expand our economic and trade ties to Peru and Colombia through the pending FTAs. Therefore, I look forward to House consideration of the Peru FTA in July, and then moving through the other pending FTAs.

The time is now to solidify our relationship. I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. I want to be clear; we're voting on the Andean Trade Preference Act, we are not voting on FTAs. We are not voting for a bridge to other agreements, we're voting on the merits of the extension of this Trade Preference Act.

It has basically worked. On this side, we're opposed to one-way trade agreements. This has been a two-way passage for those countries and for this country.

Our trade, if you include oil not covered by the Trade Preference Act, has essentially been in balance. We should extend this on its own merits.

In terms of asparagus, if you look at the facts, it shows that these agreements are basically complementary and not competitive.

I urge support of this extension, as I said, on its own merits, not because anyone is trying to use this as a path to anything else.

Vote "yes" on this. Be clear. This has been a two-way street, which this side of the aisle has insisted on as a basic part of American trade policy, and we will continue to do that, building upon it with a new model of trade.

I urge a strong vote for this extension.

Ms. SUTTON. Mr. Speaker, trade is a complex issue. But some things are very clear—We need a fair playing field for our workers and businesses and we need a new trade model, with enforceable standards and rules to eliminate unfair trade practices.

So why are we continuing to seek to expand a trade policy that has proven time and time again to be harmful for American workers, businesses, farmers and communities? And why are we seeking to expand the Andean Trade Preference Act or ATPA when there appears no substantive reason to extend the preferences.

According to the Congressional Research Service (CRS), we have a $10 billion and growing trade deficit with the four ATPA nations, Colombia, Peru, Bolivia and Ecuador. American farmers and workers have been directly harmed by the ATPA as can be seen with our asparagus and fresh-cut flower industries. According to the U.S. International Trade Commission, these domestic producers have been affected by lower prices and many growers have gone out of business as a result.

Under the ATPA, flower imports from Colombia and Ecuador receive duty-free treatment, seven though the workers who grow, harvest, and package these flowers routinely experience a number of labor rights and human rights violations. By law, the ATPA is supposed to condition these trade benefits on improvements in worker rights in these countries. However, labor rights violations in the flower industry and other sectors, including violations of the right to freedom of association, continue unchecked.

Where is the enforcement from the Bush Administration? Where is the outrage from this Congress.

Also promised to us when the ATPA was enacted in 1991 was a reduction in coca production in the four ATPA countries. However, in Colombia, according to the CRS, coca crop size estimates remain mostly unchanged since the enactment of the ATPA and in Peru coca crop cultivation has actually grown. Colombia remains the source of roughly 90 percent of the cocaine entering the U.S. In a 2001 report to Congress, the U.S. Foreign Agricultural Service said that they "do not believe that Peruvian asparagus production provides an alternative economic opportunity for coca producers and workers—the stated purpose of the Act." And all this is on top of the fact that Colombia has an appalling horrific record on labor and human rights—Leading the world in the number of unionists murdered year after year.

So why are we seeking to give Colombia further trade preferences?

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in support of H.R. 1830, which seeks to renew the Andean Trade Preferences for 8 months. This legislation is vital to expanding trade between the United States and Latin American countries. We must break down trade barriers with our allies in Latin America. Trade has strengthened the economies of our strongest allies in the region, including Colombia and Peru, and is vital to democracy. Andean countries rely on trade with the United States to bolster their economies and produce jobs; Andean Trade Preferences have provided over 1.5 million jobs in the region. I ask my colleagues to support our allies in Latin America by voting "yes" on H.R. 1830.

Mr. LEVIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 1830, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. KAPTUR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

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PROVIDING FOR CONSIDERATION OF H.R. 2829, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 517 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 517

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2829 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 517 provides for consideration of H.R. 2829, the Financial Services and General Government Appropriations Act for 2008 under an open rule.

Under this rule, all Members of the House are afforded the opportunity to offer any amendment that is germane and otherwise complies with House rules. In fact, I want to point out to Members that this is the sixth appropriations bill this year to be considered under an open rule.

In November, the American people demanded a change in direction in Washington and a change in priorities. The past 6 months have been an important down payment on our commitment to change. This new Congress must continue to restore our focus on a domestic agenda that helps all Americans.

To that end, today the House takes up the seventh of its annual Appropriation bills where we will continue this progress in taking America in a new direction.

I applaud Chairman SERRANO, Ranking Member REGULA, and the committee for developing a bill that reflects this needed change in priorities and for doing so through a strong, bipartisan process.

This bill aims to spur job creation and make the economy work for everyone by restoring cuts to small business loans, strengthening consumer protections and rejecting a proposal to reduce capital and financial services to underserved communities through CDFI.

In addition, the funding in the underlying bill will help our citizens to vote through upgrades to voting machines and voter registration databases. It ensures a fair tax system by enforcing the Tax Code for everyone, not just those who play by the rules. By focusing on basic priorities like these, we can help restore the American people's faith in our government again.

The programs funded by this bill demonstrate our commitment to serving all Americans, regardless of economic or social background. The $21.4 billion bill includes: $66.8 million for the Consumer Product Safety Commission to protect the public from injury or death from more than 15,000 types of consumer products;

$247.7 million for the Federal Trade Commission to investigate sub-prime lending, ID theft, and other deceptive practices;

$908 million for the Securities and Exchange Commission to enhance securities law enforcement;

$313 million for the Federal Communications Commissions to oversee the changing telecom environment, ensure the continued livelihood of Universal Service Fund and prepare for the transition to digital television;

$139.8 million to combat terrorist financing;

$5.9 billion for the Federal Courts, including $830.5 million for defender services, because every American should have access to quality legal representation.

The bill also includes $582 million for the Small Business Administration to help small businesses prosper. Of this, $100 million is for Small Business Development Centers, or SBDCs, which is the highest ever funding level for this program. These centers provide management assistance to current and prospective small business owners. In addition, they support existing businesses and assist start-ups with high-quality, no-cost counseling and affordable training programs.

This support for our small businesses helps invigorate local economies by helping the very small businesses that are firmly rooted in our communities both succeed and grow. There are now 63 main SBDCs, at least one in every State, the District of Columbia, Guam, Puerto Rico, Samoa and the U.S. Virgin Islands, with a network of more than 1,100 service locations.

In closing, Mr. Speaker, the underlying bill made in order under this open rule is a well-crafted piece of legislation. I appreciate that the chairman and ranking member of the subcommittee worked together to produce such a product. The bill ensures taxpayer fairness, protects the right to vote, and funds programs critical to supporting our Nation's small businesses.

I urge all Members to support this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I express my appreciation to my very good friend from Sacramento, Ms. MATSUI.

Mr. Speaker, I rise in reluctant opposition to the rule. I know that this is a rule that follows the 200-year tradition that we have had of appropriations bills as privileged resolutions. They have the ability to come to the floor without a rule at all, but if items are protected in the bill, they have to provide waivers from the Rules Committee, and that is what has been followed here. We did this when the Republicans were in the majority and the Democrats are following suit here.

But there are a number of concerns that have come to the forefront. To me, the most important concern, Mr. Speaker, is one that I raised upstairs in the Rules Committee last night.

The Committee on Ways and Means had put into place a very important program in September of 2006 which deals with an issue that is near and dear to every single American who pays taxes. That issue is ensuring that every single American pays their taxes. I don't like paying taxes. But I do it.

Mr. Speaker, I don't like the fact that there are people out there who don't pay their taxes when they are supposed to do it. The challenge of collecting taxes is a very, very important concern of, as I said, every American who does pay their taxes. Collecting taxes is a very important thing, too. Making sure that people do comply with the law is, I believe, an imperative that we need to do all we can to enforce.

Unfortunately, this appropriations bill that we are bringing forward is one that actually eliminates a program that has been extraordinarily effective. It is a program, Mr. Speaker, that has been utilized now by the Federal Government and by 40 of the 50 States. What does it consist of? Simply contracting with private collection agencies, PCAs, to ensure that people who are deadbeats, who are not paying their taxes, actually pay their taxes.

Mr. Speaker, this issue does not fall under the jurisdiction of the Appropriations Committee. I see Mr. RANGEL here and other members of the Ways and Means Committee. Mr. McCRERY sent a letter to us in the Rules Committee saying that he believed that this rule should not allow protection for a point of order to be made against the provision about which I am speaking.

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So, Mr. Speaker, I feel very strongly about the need for us to make sure that the Ways and Means Committee can have the jurisdiction, and, frankly, keep in place this collection process. So far, $19.4 million has been collected from people who have not paid their taxes by these private collection agencies, and the projection is that over the next 10 years in excess of $1.5 billion will be collected by the Federal Government from these people who have been deadbeats and have not paid their taxes. So I think it is very unfortunate that this bill proceeds with this, and the fact that this rule does not provide us with an opportunity to address that has led me to oppose it.

I also want to say, Mr. Speaker, that there is going to be an effort to defeat the previous question, and if that is done, our colleague from Nebraska Mr. TERRY is going to offer an amendment to the rule that would make in order a provision that would allow for the rejection of the cost-of-living adjustment.

I know there is a lot of talk around here about that issue, so we are going to be having a vote on that. Our colleague from Nebraska, as I said, Mr. TERRY will in fact be the author of that amendment if we did defeat the previous question on this issue.

Having said that, I do want to say there are a number of items in this bill that I think are very good and important. I am particularly proud of having worked for a number of years on the issue of financial literacy training for students and for adults as well.

We see this proliferation of advertising, Mr. Speaker, that continues to come down from a wide range of entities, and it can be confusing. Unfortunately, there are many young people today who really don't have the grasp of the financial instruments that are options to them out there. For that reason, I believe that something in this bill that is very good is the effort to focus on the increase of financial literacy training.

Mr. Speaker, I want to praise my colleagues, especially Mr. REGULA, who has taken on this responsibility here as the ranking member of the subcommittee, and Mr. SERRANO, who is chairing the subcommittee. I praise them for working together in a bipartisan way on some other items that are very important.

As I said, I believe that interdicting illicit drugs is a very important issue. This drug trafficking issue was a topic of discussion in the last debate that we had on the Andean Trade Preference Act that we are going to be voting on later this evening, and I believe that there are, again, many, many other items that are included in this bill that are good and decent and appropriate measures.

But I just am very, very concerned about this issue, as I said, Mr. Speaker, of this notion of people abusing the tax provisions and not, in fact, paying their fair share of taxes. So I feel strongly that taking advantage of these private collection agencies is, in fact, the right thing to do. I know there is concern voiced about that, because people don't like being harassed. But you know what, Mr. Speaker? If they are not paying their fair share of taxes, I believe steps should be taken to try and get them to do that. So this is going to lead me to oppose the rule.

Mr. Speaker, I yield 2 minutes to my very good friend from Greensboro, North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the distinguished gentleman from California for yielding. We are in disagreement about the proposed COLA.

Mr. Speaker, I oppose the proposed cost-of-living allowance increase because it is ill-timed. I represent constituents, as do many of you, who earn $25,000 to $35,000 annually, and they read that the Congress approves a COLA increase for themselves. Not good.

According to recent polls, Americans don't like the Congress. Our numbers, lower than President Bush's numbers, are in the tank. To enact this COLA proposal will do nothing, in my opinion, to improve our already diminished reputation.

Mr. Speaker, my fiscal philosophy is very simple: Taxpayers pay our salaries, and beyond that, in my opinion, they owe us little more. I have refused a congressional pension, so when I leave the Congress I will receive not one brown penny of congressional pension money, because I don't believe taxpayers owe me a congressional pension just because I served in the Congress. By the same reasoning, Mr. Speaker, I don't believe they owe us a cost-of-living allowance increase at this time. Do we deserve a cost-of-living allowance increase? Probably. Is now the time to enact a cost-of-living increase? Probably not.

Mr. DREIER, my good friend, you and I are in disagreement on this, but we can do so agreeably, hopefully.

Anytime you are talking about money, Mr. Speaker, sometimes emotions become frayed, and volatile activity may result. But I don't want to offend anybody, especially the gentleman who yielded to me. But I feel very strongly about this, and I thank you, Mr. DREIER, for having yielded to me.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me just thank the gentlewoman from California for yielding and thank her also for her steady and solid work on the Rules Committee.

Mr. Speaker, I rise in strong support of this rule and the underlying Financial Services appropriations bill. I would like to thank my friend Chairman SERRANO for his leadership and commitment to consumer issues in this spending bill and for his work on Cuba. To that end, I want to raise an issue I know that the chairman and I agree on, and that is ending the travel ban to Cuba.

I intended to offer an amendment to prohibit the Office of Foreign Asset Control from enforcing the travel ban for students, but was unable to for procedural reasons. Allowing student travel to Cuba for students to study will go a long way to foster peace and security in our region and, quite frankly, sets a good example for the type of connections and collaboration that we need to foster understanding between different cultures and countries.

Students are some of the best ambassadors, highlighting the best in our country. For the life of me, it makes no sense and I do not understand why, first of all, why this embargo exists when Americans have the right to travel wherever they so desire. That is fundamental in our democracy. But why we would keep our young people from going to Cuba to study? It makes no sense. Young people can study in China. They can study in Vietnam. Why in the world can't they study in Cuba?

We are going to continue to work on that until our young people have that right to travel and study wherever they so desire. This is an important issue, and, again, I am going to continue to work to lift this inconsistent and costly travel ban, but also to end this very ill-advised and ineffective 40-year embargo against Cuba.

Mr. DREIER. Mr. Speaker, I am happy to yield 5 minutes to my very good friend from Omaha, Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I thank the gentleman, and I rise not only in opposition to the rule, but respectfully request that my colleagues join me in voting "no" on the previous question.

I have drafted an amendment that would freeze our salaries for this year, much like we voted to do in the last year. We are not going to have the opportunity then to have a straight-up vote on that amendment during this appropriations bill. So our one opportunity to voice our opinion on the COLA, the cost-of-living increase, which is somewhere probably around 2.5 percent, I don't know the number itself, but that happens automatically unless we have a straight-up vote to suspend it, and we are going to be denied that opportunity. So I respectfully request that all of my colleagues on both sides of the aisle join me in voting against the previous question.

Now, let me state some of the reasons why I think it is important that we freeze our salaries again for next year.

First of all, I don't think we deserve it. Our approval rating with the American public is 14 percent, according to Gallup, the lowest in the history of polling. Obviously we are doing something wrong if the people have such little confidence in us.

I think there are a variety of reasons why the people have less confidence in us now than they even did last year, and I think one is because of maybe the viciousness and the partisanship is probably at an all-time record high. We have our political opponents that think we are down and want to put their heels on our throats and keep us that way, and I am not sure that is what the American people want.

But then let's look at effectiveness. In the major bills that have come through the House of Representatives, the congressional leadership, and I say that in toto, House and Senate, have gotten very few bills to the White House for signature. In fact, we have done a variety of resolutions and bills, many of them condemning what Republicans had done in the past. But out of 60 bills that have gone through the House in our first 6 months, since January 4, 2 have been signed into law, and that is it.

Now, if we were on a baseball team, and we hit 2 out of 60, or less than 1 percent, a .033 percentage, we would be sent down to Single A ball for such a pathetic percentage. So we are not performing well enough to deserve it.

Now, I do want to bring up one other aspect. Usually what happens with the cost-of-living increase is we have a token vote on the previous question, and there is an arrangement basically for the votes to be there to allow the previous question to go forward for the rule, with a gentleman's agreement that those who vote "yes" won't have to pay for it in the elections. But the reality of that is that is off the table.

This is just one of the many ads run against Republican incumbents who voted for the previous question last year. This is paid for by the Democrat Congressional Committee against Incumbents Who Vote for the Previous Question.

So I think it is important to warn everyone that comes here that is going to vote on the previous question, which is the vote for a congressional pay freeze for our next year's salaries, that if you are a Republican, DCCC is going to run ads against you, and since that agreement is off the table, if you are on my friend's side of the aisle over here, the Democrat side, the agreement is off also if you vote for it. Maybe the Republican National Congressional Committee will be running ads against you for voting for a pay raise, and maybe it is because we haven't made the Bush cuts permanent that will raise taxes on American families, or maybe it is just because of the lack of productivity in the House that protects our families. There are a variety of reasons.

But the reality is there is no such agreement left, folks. Vote against the previous question and protect yourself.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today to urge my fellow Members to oppose the previous question, and I welcome my colleague from Nebraska. It has been a lonely exercise for me the last few years, and I am glad to have someone else join me on the floor and make this request, because I do think having some transparency and having accountability and having an up-or-down vote on the COLA makes a lot of sense.

These are difficult times in our Nation. We are fighting terrorism on so many fronts, our economy faces some challenges, and our future budget deficits continues to be projected in the future at great levels.

So I don't think this is the right time for Members of Congress to be allowing a pay raise to go through without even an up-or-down vote. We need to show the American people we are willing to make some sacrifices. We need to budget and live within our means and make careful spending decisions based on our most pressing priorities.

So, Mr. Speaker, let us send a signal to the American people that we recognize there is a struggle today for some in today's economy. Vote "no" on the previous question so we can have an opportunity to block the automatic cost-of-living adjustment to Members of Congress. Regardless of how Members feel about this issue, they should all be willing to make their position public and on the record. A "no" vote will allow Members to vote up or down on the COLA.

If the previous question is defeated, I also would intend to offer an amendment to the rule, and my amendment would block the fiscal year 2008 automatic cost-of-living pay raise for Members of Congress. Because this amendment requires a waiver, the only way to get to this issue is to defeat the previous question. So therefore I urge Members to vote no on the previous question.

Mr. DREIER. Mr. Speaker, I am happy to yield 5 minutes to my very good friend from Lubbock, Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I thank the gentleman. And I was listening to the distinguished ranking member of the Rules Committee talking about people not following the rules, people that are avoiding their income taxes. Quite honestly, I want to bring a point up tonight that is about not obeying the rules. So I rise in opposition to this rule.

We spent a lot of time a few weeks ago talking about earmarks. Fortunately, we were successful in eliminating the secret slush funds of earmarks being reined in. So this is one of the ways we worked on controlling spending in an environment right now where the Democrats have already passed legislation that would increase spending by $50 billion this year, $20 billion in this current appropriations cycle.

But when we were talking about earmark reform, we really were only talking about 1 percent of our spending. If we are going to win the battle on spending, we have to focus on more than just earmarks.

One of the things that is very important is that we have a process in Congress. We say we are going to authorize programs, and then we say we are going to take time out and then fund them in the appropriations process. Tonight we are going to take up this bill, and it is called an appropriations bill. That is how we spend the money.

But one of the things we said in the House rules is a project or program has to be authorized before it can be appropriated. But you know what the very first thing that we do is? We say, oh, Congress is not going to play by the rules during this appropriations process. We are going to fund projects that aren't even authorized.

The American people understand the term "authorization." Many of you have a credit card or a checking account. On your checking account, you have authorized signatures. On your credit card, you have authorized users. Unfortunately for the American people tonight, we are talking about using a credit card, because we are spending more money than we have.

One of the things that is an alarming number to me is it was recently reported that Congress is going to appropriate over $100 billion of unauthorized expenses. I don't think the people back in America, the people certainly back in the 19th District of Texas, think Congress ought to be spending $100 billion on programs that aren't even authorized.

Here are just a few examples of those. Tonight in this bill, for example, there is $23 billion worth of spending that is, what? Not authorized. Some of those projects are $100 million for a Community Development Financial Institutions Fund. That program was last authorized in 1998.

□ 1930

There is $315 million for the Election Assistance Commission. That authorization expired in 2005.

A lot of people say Congress may be just too busy to authorize these new programs. Well, you know what, if we are too busy to look at whether these current programs are relevant, whether they are efficient, or whether we should be doing them, then we are probably too busy. But by the way, we haven't been too busy to authorize just in 6 months over $600 billion in new programs.

So what we are spending money tonight on is projects that we didn't take the time to evaluate whether these projects are worthwhile and worthy of spending the American taxpayers' money on. And in the meantime, we have been very busy passing brand new programs to the tune of $228 billion, which is why this Democratic leadership is going to hand the American people a gift of the largest tax increase in American history.

If we are serious about leaving more money in the American taxpayers' pockets so that those families can pay for health care and gasoline and other things that are essential to those families, we are going to have to leave more money in their pockets, and we certainly can't do that by runaway spending. Spending money on projects that we haven't reviewed to determine whether those programs are worthwhile, relevant today, and whether some efficiencies could accrue in some of those programs and could be combined, and that we could do it better and spend less money.

Mr. Speaker, I rise tonight in support of letting the American people have more of their money and against a rule that is going to appropriate money that we haven't even authorized.

Ms. MATSUI. Mr. Speaker, I want to make a brief comment regarding the Members' COLA which, as Members know, is provided for not in this bill but directly through the Treasury Department based on a predetermined formula.

When we had a debate last year, Members on our side of the aisle objected to the rule on the grounds that Members should not receive a cost of living increase until average Americans did through an increase in the minimum wage.

I am happy to report that the Democrats kept their promise. No COLA was permitted in the long-term funding that Democrats passed earlier this year to resolve last year's appropriations gridlock. As a result of the new majority's leadership, we passed the first increase in the minimum wage in almost 10 years. It goes into effect on July 24, just less than a month from now.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, first of all, I ask unanimous consent to insert in the RECORD extraneous material, including the amendment to be offered by Mr. TERRY if, in fact, we do defeat the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. If I may inquire of my friend from Sacramento, how many more speakers do you have remaining?

Ms. MATSUI. I have no further speakers. Do you have additional speakers?

Mr. DREIER. I have no further speakers, but I understand there is some amendment here to the rule that you want to talk about, so I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I will be offering an amendment that adds a new section to the rule that allows the House to consider a current resolution providing for the adjournment of the House and Senate during the month of July.

I wanted to apprise the gentleman from California regarding that.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I am just a little confused about this amendment. I know that the Budget Act calls for us to have completed our appropriations work in the House by the 4th of July, and the promise that was made by the Democratic majority was that all of the appropriations bills would be done by the 4th of July break. I will say that I am a little confused.

I would be happy to yield to my friend as to what this proposed amendment would, in fact, entail.

Ms. MATSUI. Mr. Speaker, this is necessary because of a technical provision in section 309 of the Congressional Budget Act that prevents the House from considering any adjournment resolution for a period longer than 3 days unless all of the annual appropriations bills have been passed by the House.

Mr. DREIER. Mr. Speaker, again, I remember there was a promise made that the work on House appropriations bills would be completed by the July 4 break. It sounds to me as if there is an attempt being made to really go beyond and not comply with that promise that was made. There seems to be some kind of requirement here that we amend the rule to make this happen.

I would be happy to yield to my colleague or to the gentleman from Florida, my Rules Committee colleague.

Mr. HASTINGS of Florida. Does the gentleman remember that you did the exact same thing last year?

Mr. DREIER. Reclaiming my time, I would say last year there was not a commitment that was made that we would complete all of our appropriations work by the July 4th break.

Mr. HASTINGS of Florida. Would the gentleman yield?

Mr. DREIER. I would be happy to further yield.

Mr. HASTINGS of Florida. Does the gentleman remember the last couple of weeks here who participated in causing the delay?

Mr. DREIER. Reclaiming my time, Mr. Speaker, and I would be happy to further yield to my friend, I would say that we have been going through the appropriations process. We are in the minority. There is a new majority. A promise was made to the American people that work on the appropriations process would be completed by the July 4th break. I am just a little confused here as to how it is that we got to this point.

This is now an amendment to the rule that is being propounded, and I would just like to say that I think by virtue of doing this we are simply, Mr. Speaker, underscoring the fact that the work has not been completed. If a finger of blame is being pointed, I guess at our side, we have delayed the process of completing the appropriations work, all I am saying, Mr. Speaker, is that this was a commitment that was made at the beginning of the 110th Congress. And obviously, with the explanation just provided by my friend from Sacramento, this has not happened.

Mr. Speaker, I am happy to yield to my friend, Mr. OBEY.

Mr. OBEY. Thank you for yielding.

I was in my office and I heard you make the assertion that a "promise" had been made to finish all of the appropriations bills by July 4.

I am the chairman of the committee. I certainly made no promise. We indicated that it was our plan and our intent. But I would point out we have had several hundred amendments offered by Members of the minority party. We have spent approximately twice as much time debating each of the bills the last 3 weeks than was the case a year ago, despite the agreement between the two leaderships that there would be every effort made to try to handle these bills in a timetable that was consistent with last year's activities.

And so I simply want to make quite clear that there was no "promise." And even if there had been, which there was not, the majority cannot be held accountable for the fact that your Members introduced 188 amendments to a single bill. One Member introduces 188 amendments to a single bill which is simply filibustering by amendment.

Mr. DREIER. Mr. Speaker, reclaiming my time, I thank the distinguished Chair of the Appropriations Committee for his explanation.

I will say, however, what we have done is we have followed the standard appropriations process. In fact, as we look at the rules that have been passed out so far through the appropriations process, in the last Congress, we made in order every single amendment that was proposed to the Legislative Branch Appropriations bill, and as the gentleman knows, only three of 23 amendments that were submitted to the

Rules Committee when it came to the Legislative Branch Appropriations Subcommittee bill were made in order which did in fact limit the debate.

All I would say, Mr. Speaker, is my friend from Sacramento has come forward and said she is going to offer an amendment to the rule. I am concerned about it, the fact that it was not included in the rule and it has just come to our attention.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply point out, Mr. Speaker, that in addition to the fact that we have effectively endured filibuster by amendment by the minority for the past 3 weeks, in addition to that fact, we have two other practical facts to face.

When we took over this Congress, we had to deal with last year's budget because the folks who controlled the Congress last time just didn't happen to get around to passing the appropriations bills last time. So we had to spend the first month of this session doing the work that they left over from the last session. They had passed not a single portion of the domestic part of the budget. They had not passed a single domestic appropriation bill. So first we had to run that cleanup brigade.

Then we had to deal with the fact that in order to hide the full cost of the war, the President declined to request funding for the Iraqi war in the regular defense bill which was supposed to be finished last year. So we had to take the next 3½ months to clean up that mess left over from last year. So I would say it is really the pot calling the kettle black to somehow suggest that the majority party has failed in its responsibility because it has not met a so-called mythical promise.

We laid out what the plan was, and given the fact that the first 4 months of this session was essentially spent cleaning up their mess, I think we have done pretty well.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would say to my very good friend from Wisconsin, welcome to the challenge of governing, as he knows very, very well.

The fact of the matter is there was, in fact, at the beginning of this Congress, a statement made. And what has been proposed by my colleague from Sacramento is an amendment to the rule to deal with the Budget Act. All of a sudden, we are going to just waive the responsibility here to deal with this question, and I just think that the procedure around which we are now taking this action on this amendment underscores that our colleagues are having a little bit of difficulty governing.

Let me just say that I am opposed to this rule for a number of reasons. I would like to restate the concern that I raised earlier.

I had a chance to speak with our colleague from New York, the distinguished Chair, of the Ways and Means Committee, Mr. RANGEL. I told him of a letter that was sent to the Rules Committee from Mr. MCCRERY which raised concern over the fact that there are people out there who are completely abrogating their responsibility to pay their fair share of taxes. They are not complying with the law. And in September of 2006, private collection agencies were enlisted by the Federal Government to begin the collection of taxes from deadbeats who are not paying their taxes.

Mr. Speaker, 40 other States, 40 other States have enlisted private collection agencies, and they have been successful, and at the Federal level, we have, as of March of this year, seen $19.47 million collected so far, and the projection is that under these private collection agencies in the next decade, we will see between $1.5 billion and $2.2 billion in taxes that are owed to the Federal Government paid.

Unfortunately, Mr. Speaker, if we pass this rule, we are undermining the ability of the Ways and Means Committee to take on its responsibility for this issue. So I will urge my colleagues to vote "no" on this rule so, in fact, we will have an opportunity to do the right thing when it comes to this issue.

Mr. Speaker, I yield back the balance of my time.

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Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to make a comment on the Members' COLA once again, that the Members' COLA was calculated by a predetermined automatic formula. This legislation does not address Members' COLA. Changes to Members' COLA formula should be addressed in authorizing legislation from the Committee on House Administration.

Mr. Speaker, the American people expect and deserve the best services their government can offer and their tax dollars pay for. This $21.4 billion bipartisan bill provides significant support to our small businesses, helps guarantee our citizens' right to vote, and works to close the tax gap. It is a good bill. I believe through simple measures such as these, we can restore our citizens' faith that the government can, and is, working for them again.

AMENDMENT OFFERED BY MS. MATSUI

Ms. MATSUI. Mr. Speaker, I have an amendment to the rule at the desk.

The Clerk read as follows:

Amendment offered by Ms. MATSUI:

At the end of the resolution add the following new section:

SEC. _____. It shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for the adjournment of the House and Senate during the month of July.

Ms. MATSUI. Mr. Speaker, this amendment adds a new section to the rule that allows the House to consider concurrent resolutions providing for the adjournment of the House and Senate during the month of July.

I urge a "yes" vote on the rule and the previous question.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 517 OFFERED BY MR. TERRY OF NEBRASKA

Strike all after the resolved clause and insert the following:

Resolved, that at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in section 3 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2829 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The amendment referred to in section 1 is as follows:

At the end of the bill (before the short title), insert the following:

"Notwithstanding any other provision of this Act and notwithstanding section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), the percentage adjustment scheduled to take effect under such section for 2008 shall not take effect."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on the amendment and the resolution will be followed by 5-minute votes on the amendment to H. Res. 517, if ordered; adoption of H. Res. 517, if ordered; and the motion to suspend the rules on H.R. 1830.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting 8, as follows:

[Roll No. 580]

YEAS—244

Abercrombie
Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baldwin
Barton (TX)
Becerra
Berman
Biggert
Bilbray
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Carter
Castor
Clarke
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo

Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gohmert
Gonzalez
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastert
Hastings (FL)
Hastings (WA)
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Holt
Honda
Hoyer
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)

McCollum (MN)
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Pickering
Price (GA)
Putnam
Rahall
Rangel
Regula
Reyes
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shadegg
Shays
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Stark
Stupak
Sullivan
Tancredo
Tanner

Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Upton
Van Hollen
Velázquez

Visclosky
Walsh (NY)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)

Westmoreland
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—181

Aderholt
Allen
Altmire
Arcuri
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Berkley
Berry
Bilirakis
Bishop (NY)
Bishop (UT)
Boozman
Boren
Boswell
Boyda (KS)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Capito
Carnahan
Carney
Carson
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Courtney
Cuellar
Davis (CA)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Dent
Doggett
Donnelly
Drake
Duncan
Edwards
Ellison
Ellsworth
Emerson
English (PA)
Etheridge
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gerlach
Giffords
Gilchrest
Gillibrand

Gingrey
Goode
Gordon
Graves
Hall (NY)
Hall (TX)
Hare
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hodes
Hoekstra
Holden
Hooley
Hulshof
Inglis (SC)
Inslee
Jindal
Johnson (IL)
Jones (NC)
Jordan
Kagen
Keller
Kildee
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Linder
LoBiondo
Loebsack
Mahoney (FL)
Manzullo
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)

Murphy, Patrick
Murphy, Tim
Musgrave
Napolitano
Paul
Pearce
Perlmutter
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (MI)
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sestak
Shea-Porter
Shuler
Shuster
Snyder
Souder
Space
Spratt
Stearns
Sutton
Taylor
Terry
Tiberi
Tierney
Udall (CO)
Udall (NM)
Walberg
Walden (OR)
Walz (MN)
Wamp
Welch (VT)
Weller
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wu
Yarmuth

NOT VOTING—8

Cardoza
Davis (KY)
Davis, Jo Ann

Harman
Hunter
Lofgren, Zoe

Ortiz
Sessions

☐ 2020

Messrs. EDWARDS, MARSHALL, ROGERS of Michigan, MOORE of Kansas, SPRATT, Ms. SCHWARTZ, Messrs. WALZ of Minnesota, MICHAUD, CARNAHAN, HALL of Texas, ELLISON, BISHOP of New York, WELCH of Vermont, TAYLOR, WILSON of South Carolina, ALLEN, KILDEE, INSLEE, LANGEVIN, Mrs. McMORRIS RODGERS, Ms. HERSETH SANDLIN, Mr. GORDON of Tennessee and Ms. HOOLEY changed their vote from "yea" to "nay."

Messrs. EMANUEL, KNOLLENBERG, CROWLEY, FERGUSON, ISSA, MARKEY, JACKSON of Illinois, SULLIVAN, CALVERT, SHADEGG, GARRETT of New Jersey, CAMPBELL of California, KINGSTON, PENCE, GARY G. MILLER of California, HERGER, FEENEY, AKIN, CANNON, UPTON, CAMP of Michigan, GALLEGLY, SAXTON, BURGESS, SMITH of New Jersey, BURTON of Indiana, GILLMOR, MARCHANT, BUYER and EHLERS changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 198, not voting 9, as follows:

[Roll No. 581]

AYES—225

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—198

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Blunt
Cardoza
Davis (KY)
Davis, Jo Ann
Harman
Hunter
Lofgren, Zoe
Ortiz
Sessions

☐ 2026

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 206, not voting 13, as follows:

[Roll No. 582]

AYES—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz

Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—206

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cardoza
Davis (KY)
Davis, Jo Ann
Gillmor
Harman
Hunter
Lofgren, Zoe
Ortiz
Pickering
Sessions
Sutton
Watt
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 2032

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANDEAN TRADE PREFERENCE ACT EXTENSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1830, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 1830, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 59, not voting 8, as follows:

[Roll No. 583]

YEAS—365

Ackerman
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hastert
Hastings (FL)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Keller
Kennedy
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—59

Abercrombie
Aderholt
Andrews
Baldwin
Cohen
Costello
Cubin
DeFazio
Duncan
Everett
Filner
Goode
Hare
Hastings (WA)
Hayes
Hirono
Hoekstra
Holden
Jindal
Jones (NC)
Kanjorski
Kaptur
Kildee
Kingston
Kucinich
Kuhl (NY)
Lantos
LaTourette
Marshall
McIntyre
McMorris Rodgers
Mollohan
Murtha
Napolitano
Oberstar
Pallone
Payne
Rahall
Rogers (AL)
Rohrabacher
Rothman
Sherman
Shuler
Slaughter
Space
Spratt
Stearns
Stupak
Sutton
Taylor
Thompson (MS)
Visclosky
Walsh (NY)

Waters
Watson
Watt
Wilson (SC)
Woolsey
Wu

NOT VOTING—8

Bishop (UT)
Cardoza
Davis (KY)
Davis, Jo Ann
Harman
Hunter
Ortiz
Sessions

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 2044

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A Bill to extend the authorities of the Andean Trade Preference Act until February 29, 2008."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Madam Speaker, on Wednesday, June 27, 2007, I was absent from the House for a familial medical emergency.

Had I been present I would have voted:

On rollcall No. 564—"yes"—Brown-Waite Amendment to H.R. 2643.

On rollcall No. 565—"no"—Campbell (CA) Amendment to H.R. 2643.

On rollcall No. 566—"no"—Campbell (CA) Amendment to H.R. 2643.

On rollcall No. 567—"no"—Flake Amendment to H.R. 2643.

On rollcall No. 568—"no"—Flake Amendment to H.R. 2643.

On rollcall No. 569—"no"—Flake Amendment to H.R. 2643.

On rollcall No. 570—"yes"—Jordan (OH) Amendment to H.R. 2643.

On rollcall No. 571—"yes"—Price (GA) Amendment to H.R. 2643.

On rollcall No. 572—"yes"—Musgrave Amendment to H.R. 2643.

On rollcall No. 573—"no"—Inslee Amendment to H.R. 2643.

On rollcall No. 574—"no"—Udall (CO) Amendment to H.R. 2643.

On rollcall No. 575—"no"—Lamborn Amendment to H.R. 2643.

On rollcall No. 576—"yes"—Cannon (UT) Amendment to H.R. 2643.

On rollcall No. 577—"no"—Re-Vote on Udall (CO) Amendment to H.R. 2643.

On rollcall No. 578—"yes"—Motion to Recommit on H.R. 2643.

On rollcall No. 579—"no"—Final Passage of H.R. 2643.

On rollcall No. 580—"no"—Ordering the Previous Question.

On rollcall No. 581—"no"—Matsui Amendment to H. Res. 517.

On rollcall No. 582—"no"—H. Res. 517.

On rollcall No. 583—"yes"—H.R. 1830, To extend the authorities for the Andean Trade Preference Act.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I want to inform the House of what I perceive to be the schedule for the coming balance of the week.

It is our intention to go until 1 o'clock tonight on debate only. We will roll votes. There will be no further votes. I've talked to the leadership on the other side. There will be no votes for the balance of the evening.

It is my expectation, barring some unforeseen action in conferences, that we will conclude this bill tomorrow, hopefully, with the consideration of all Members, relatively early, in the late afternoon. And that would conclude the week's business if we don't have any conference reports.

Now, I want to make it clear, should the unforeseen happen in the conference, there are a couple of conferences pending, if they move, that would change. I don't expect that to be the case, but I want everybody to understand that we do have some conferences that may go forward. I doubt that they would be in shape to come here, but if they did, that would change.

But presently, Mr. Speaker, I believe the schedule would be we go until 1 o'clock, debate amendments, offer amendments. Those amendments that called for votes would be rolled until tomorrow morning at 10 o'clock. We would vote on those. And then we would complete the bill and be complete for the week and take leave for the July work period at that point in time.

HONORING THE LIFE OF EACH OF THE FALLEN CITY OF CHARLESTON FIREFIGHTERS

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 172) honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 172

Whereas firefighters work devotedly and selflessly on behalf of the people of the United States, without regard for the peril or danger to themselves;

Whereas firefighters carry out the vital role of protecting and ensuring the safety of the public and their property;

Whereas on June 18, 2007, 9 brave men of the Charleston Fire Department selflessly paid the ultimate sacrifice in service to their community;

Whereas the firemen who perished had over 120 years of combined service in the fire department;

Whereas the events of June 18, 2007, constitute the single worst loss of firefighters since September 11, 2001;

Whereas Captain William "Billy" Hutchinson, Captain Mike Benke, Captain Louis Mulkey, Engineer Mark Kelsey, Engineer Bradford "Brad" Baity, Assistant Engineer Michael French, Firefighter James "Earl" Drayton, Firefighter Brandon Thompson, and Firefighter Melvin Champaign were heroes in the truest sense of the word; and

Whereas Charlestonians, South Carolinians, and Americans will forever be grateful for the service of these firefighters and mourn their loss: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the lives of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 176

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 176.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GENERAL LEAVE

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2829 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2829 pursuant to House Resolution 517, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 517 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2829.

□ 2054

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New York (Mr. SERRANO) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

I'm pleased to present, Mr. Chairman, and my colleagues, the first Financial Services and general government appropriations bill to the House. This is my first time as chairman, and it has been an honor and a privilege.

The subcommittee held multiple hearings this spring to explore the issues facing agencies funded through this bill. As the hearings progressed, a common theme emerged in my mind for improving these agencies. It became clear that the subcommittee needed to work to bring government closer to the people, to better fit its services to their needs.

The American people expect and deserve the best services their governments can offer. For example, with respect to the Internal Revenue Service, we, as a subcommittee, addressed the fact that the IRS needs to be fair and evenhanded in whom it audits. We also ensure that the IRS works to provide real assistance to the taxpayer who cannot afford the services of an expensive accountant.

We want the Election Assistance Commission to help promote the use of voting machines in student and school elections as an educational tool. Because these are our future voters, we must do this. We felt that government must do more to protect our consumers, and so we have directed the Federal Trade Commission to examine identity theft with an eye toward ending this hurtful crime.

We directed the Consumer Product Safety Commission to strengthen its consumer product monitoring capabilities. We have also increased funding for the community development financial institutions to help expand the availability of credit, capital and financial services to underserved communities throughout the Nation.

I feel that through funding initiatives and congressional guidance contained in this bill, government will be more responsive and more proactive on behalf of the American people whom it serves.

The total funding recommended by the bill is $21.4 billion. This funding level is tight. While the bill is $1.9 billion above the fiscal year 2007, it is $243 million below the President's budget request.

It was a challenge to reduce funding from the requested level for two reasons. First, most of this bill, over 80 percent, funds basic administrative accounts, such as the salaries of the Treasury employees who are managing the Nation's finances. These accounts cannot be reduced without reducing the most basic government services.

Second, there were a number of holes in the President's budget that needed to be filled. This bill increases funding for programs where we believe money will be well spent and will benefit, for example, disadvantaged communities or small businesses. These are important priorities that needed to be addressed.

To summarize, this bill includes $12.3 billion for the Department of the Treasury. Within this amount, $11.1 billion is for the IRS, a $550 million increase above fiscal year 2007, and $52 million above the President's request. This increase includes more money than requested for taxpayer services and the IRS Taxpayers Advocate Office.

The bill also includes $100 million for the Community Development Financial Institutions Fund's program to increase economic development and financial opportunities for folks living in disadvantaged communities.

The bill includes $722 million for the Executive Office of the President, of which $460 million is directed to the Office of National Drug Control Policy and its programs. This includes increases for the Drug Free Communities grants program, and the High-Intensity Drug Trafficking Areas program, which are critical efforts in the war on drugs.

This bill, however, rejects the 31 percent increase to the National Youth Anti-Drug Media Campaign requested in the President's budget. Recent studies have called in question the effectiveness of the campaign, and it does not make any sense to give this program the substantial increase requested in light of these questions. The recommendation reduces funding for the campaign by $6 million from last year to $93 million this year.

The judicial branch will receive $6.3 billion, which is $278 million above 2007, but $254 million below the request. While this is a reduction to the requested level, we believe that the amount in the bill will be sufficient to fund all necessary operations and staffing levels for the judiciary.

Programs related to the District of Columbia will receive $648 million, including $309 million for the District of Columbia court system. Within this figure, the bill assumes an increase in the reimbursement for attorneys who defend indigent clients so that their compensation rate is closer to the rate for defense attorneys practicing before Federal courts.

□ 2100

This will help ensure fair and just representation for these defendants. The bill also includes funding for the DC public schools, the Tuition Assistance Grant program, the Water and Sewer Authority, construction of a forensic lab, and other critical items requested by the DC Government.

General provisions for the District of Columbia are fewer in number and have been changed based on our discussions with the DC government.

My basic principle is that the Federal Government should not dictate to the city how to manage its own affairs or spend its own money. Therefore, you will find that we have removed or changed riders that have been in past bills that closely prescribed to the city what it should or should not do. In some cases, I would actually like to go further than this bill goes. But I consider the changes we made to be first steps toward eliminating some of the restrictions Congress has placed on the District.

Let me take this opportunity, as an aside, to mention that my ranking member, Mr. REGULA, has been excellent also on this issue. He, like I, believe that since the District of Columbia has a new mayor and an exciting new leadership, we want to do everything we can to allow them to grow within their own boundaries, make their own decisions and develop their own vision.

The bill includes funding for numerous important independent agencies. Some, such as the General Services Administration and the Office of Personnel Management, support all government agencies in their day-to-day operations. Other agencies are smaller but equally vital. For example, the Election Assistance Commission deals with issues that are extraordinarily important to the Nation and its ability to have reliable, secure and accessible elections. This bill includes, Mr. Chairman, $300 million for payments to States to help them meet the requirements of the Help America Vote Act of 2002.

The bill also includes money for essential regulatory agencies, namely the Securities and Exchange Commission, the Federal Trade Commission, the Consumer Product Safety Commission and the Federal Communications Commission. We have provided a total of $78 million in increases over 2007 for these agencies. We are recommending funding to ensure that they have the ability to oversee, investigate, and take necessary actions relating to their respective missions. For example, the Federal Trade Commission would receive $36 million above this year's level and $7 million above the request to enhance consumer protection activities, including investigations of subprime lending and identity theft and to keep the marketplace free from anticompetitive business practices.

Another important agency in this bill is the Small Business Administration. The bill includes $582 million for the SBA, including $100 million for Small Business Development Centers, which is $12 million above the current year. The bill also funds a 7(a) loan guarantee program by providing an $80 million subsidy to make loans more affordable for small businesses.

We also include $17 million for a Microloan program, including $2.5 million for the subsidy cost of these loans, as well as funding for SBA programs that target businesses in disadvantaged or low-income communities. These include the HUBZone program, the PRIME program and the 7(j) program, which provides assistance relating to accounting practices or bidding on Federal contracts.

This bill also has numerous general provisions that apply to funds in the Act or governmentwide. The mark includes some changes in these provisions from previous bills. It includes, for example, some changes to the provision on public-private competitions, known to some as A–76, or outsourcing, that will strengthen protections for Federal employees.

Mr. Chairman, this bill will not make everyone happy. It is not even doing all that I want it to do. We have had to make compromises in order to ensure that this bill will make it through the process and to the President's desk. However, the bill is a good step towards making some important changes to funding and policies. I encourage everyone to recognize that this bill is part of a process that will take time to complete. We will not be able to do everything in our first year.

Mr. Chairman, I would like at this time to thank my friend and colleague, Mr. REGULA, for his work and collaboration. We may not always agree on everything in this bill, but we worked together where we could to develop the best possible bill. I truly appreciate his leadership and support.

I also want to express my appreciation and thanks for the dedication and hard work of our subcommittee staff, both the majority and minority, especially today when they will be here past 1, 2 o'clock in the morning.

Dale Oak, Bob Bonner, Karyn Kendall, Frank Carillo, Deb Bilek, and Jim Curry with the majority staff; John Martens and Alice Hogans with the minority staff; and Rick Limardo with Congressman REGULA's personal staff have devoted countless hours. That is why this bill is before you today. I would like to recognize their many contributions. I would like also like to acknowledge and thank my personal staff under the leadership of Nadine Berg.

Mr. Chairman, I urge support for this bill.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices					
Salaries and expenses	216,348	250,141	250,591	+34,243	+450
Executive direction	(10,753)	(19,815)	(10,115)	(-638)	(-9,700)
General Counsel	(8,713)	---	(9,700)	(+987)	(+9,700)
Economic policies and programs	(36,154)	(45,450)	(45,450)	(+9,296)	---
Financial policies and programs	(24,632)	(28,869)	(29,069)	(+4,437)	(+200)
Terrorism and Financial Intelligence	(43,457)	(56,225)	(56,475)	(+13,018)	(+250)
Treasury-wide management	(17,837)	(20,810)	(19,010)	(+1,173)	(-1,800)
Administration	(74,802)	(78,972)	(80,772)	(+5,970)	(+1,800)
non-print admin subtotal	216,348	250,141	250,591	+34,243	+450
Department-wide systems and capital investments programs	30,268	18,710	18,710	-11,558	---
Office of Inspector General	16,957	18,450	18,450	+1,493	---
Treasury Inspector General for Tax Administration	132,861	140,533	140,533	+7,672	---
Air transportation stabilization program account	---	-3,600	-3,600	-3,600	---
Financial Crimes Enforcement Network	73,216	85,844	83,344	+10,128	-2,500
Subtotal, Departmental Offices	469,650	510,078	508,028	+38,378	-2,050
Financial Management Service	235,381	235,191	234,423	-958	-768
Alcohol and Tobacco Tax and Trade Bureau:					
Salaries and expenses	90,618	93,515	93,515	+2,897	---
Bureau of the Public Debt	177,623	172,871	172,871	-4,752	---
Community development financial institutions fund program account	54,506	28,557	100,000	+45,494	+71,443
Payment of government losses in shipment	500	1,000	1,000	+500	---
Total, Dept. of Treasury, non-IRS	1,028,278	1,041,212	1,109,837	+81,559	+68,625
Internal Revenue Service					
Taxpayer services	2,138,238	2,103,089	2,155,000	+16,762	+51,911
Enforcement	4,686,478	4,925,498	4,925,498	+239,020	---
Operations support	3,544,835	3,769,587	3,769,587	+224,752	---
Business systems modernization	212,659	282,090	282,090	+69,431	---
Health Insurance Tax Credit Administration	14,856	15,235	15,235	+379	---
Total, Internal Revenue Service	10,597,066	11,095,499	11,147,410	+550,344	+51,911
Total, title I, Department of the Treasury	11,625,344	12,136,711	12,257,247	+631,903	+120,536
TITLE II - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
The White House					
Salaries and expenses	---	186,920	---	---	-186,920
Compensation of the President	---	450	---	---	-450
Total, Salaries and expenses	---	187,370	---	---	-187,370
Compensation of the President and the White House Office:					
Compensation of the President	450	---	450	---	+450
Salaries and expenses	53,616	---	53,156	-460	+53,156
Executive Residence at the White House:					
Operating expenses	12,398	---	12,814	+416	+12,814
White House repair and restoration	1,683	---	1,600	-83	+1,600
Council of Economic Advisers	4,032	---	4,118	+86	+4,118
Office of Policy Development	3,487	---	3,482	-5	+3,482
National Security Council	8,684	---	8,640	-44	+8,640
Office of Administration	88,643	---	92,829	+4,186	+92,829
Total, The White House	172,993	187,370	177,089	+4,096	-10,281

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Management and Budget	76,714	70,866	78,394	+1,680	+7,528
Office of National Drug Control Policy	26,766	23,883	26,636	-130	+2,753
Counterdrug Technology Assessment Center	20,000	5,000	10,000	-10,000	+5,000
High intensity drug trafficking areas program	224,730	220,000	226,000	+1,270	+6,000
Other Federal drug control programs	192,951	224,485	197,800	+4,849	-26,685
Total, Office of National Drug Control Policy	464,447	473,368	460,436	-4,011	-12,932
Unanticipated needs	990	1,000	1,000	+10	---
Special Assistance to the President and Official Residence of the Vice President:					
Salaries and expenses	4,432	4,432	4,432	---	---
Operating expenses	322	320	320	-2	---
Total, title II, Executive Office of the President and Funds Appropriated to the President	719,898	737,356	721,671	+1,773	-15,685
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	2,000	2,149	2,149	+149	---
Other salaries and expenses	60,576	64,377	64,377	+3,801	---
Subtotal	62,576	66,526	66,526	+3,950	---
Care of the building and grounds	11,427	12,201	12,201	+774	---
Total, Supreme Court of the United States	74,003	78,727	78,727	+4,724	---
United States Court of Appeals for the Federal circuit					
Salaries and expenses:					
Salaries of judges	2,000	2,431	2,431	+431	---
Other salaries and expenses	23,311	26,107	25,545	+2,234	-562
Total, US Court of Appeals for the Fed Circuit	25,311	28,538	27,976	+2,665	-562
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	2,000	1,765	1,765	-235	---
Other salaries and expenses	13,825	14,962	14,779	+954	-183
Total, US Court of International Trade	15,825	16,727	16,544	+719	-183
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	316,000	332,434	332,434	+16,434	---
Judges COLA	---	5,000	---	---	-5,000
Other salaries and expenses	4,160,569	4,517,021	4,328,156	+167,587	-188,865
Subtotal, Salaries and expenses	4,476,569	4,854,455	4,660,590	+184,021	-193,865
Vaccine Injury Compensation Trust Fund	3,952	4,099	4,099	+147	---
Defender services	776,283	859,834	830,499	+54,216	-29,335
Fees of jurors and commissioners	60,945	62,350	62,350	+1,405	---
Court security	378,663	421,789	396,476	+17,813	-25,313
Total, Courts of Appeals, District Courts, and Other Judicial Services	5,696,412	6,202,527	5,954,014	+257,602	-248,513
Administrative Office of the United States Courts					
Salaries and expenses	72,377	78,536	75,667	+3,290	-2,869

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Judicial Center					
Salaries and expenses	22,874	24,835	23,994	+1,120	-841
Judicial Retirement Funds					
Payment to judiciary trust funds	58,300	65,400	65,400	+7,100	---
United States Sentencing Commission					
Salaries and expenses	14,601	16,191	15,477	+876	-714
Total, title III, the Judiciary	5,979,703	6,511,481	6,257,799	+278,096	-253,682
Mandatory appropriations	(380,300)	(404,179)	(404,179)	(+23,879)	---
Discretionary appropriations	(5,599,403)	(6,107,302)	(5,853,620)	(+254,217)	(-253,682)
TITLE IV - DISTRICT OF COLUMBIA					
FEDERAL FUNDS					
Federal payment for Resident Tuition Support	32,868	35,100	35,100	+2,232	---
Federal payment for Emergency Planning and Security Costs in the District of Columbia	8,533	3,000	3,352	-5,181	+352
Federal payment to the District of Columbia Courts	216,723	213,861	256,395	+39,672	+42,534
Defender Services in District of Columbia Courts	43,475	43,475	52,475	+9,000	+9,000
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	179,603	190,343	190,343	+10,740	---
Federal payment to the District of Columbia Public Defender Service	31,103	32,710	32,710	+1,607	---
Federal payment to the District of Columbia Water and Sewer Authority	6,930	12,000	12,000	+5,070	---
Federal payment for the Anacostia Waterfront Initiative	2,970	---	---	-2,970	---
Federal payment to the Criminal Justice Coordinating Council	1,287	1,300	1,300	+13	---
Federal payment for Transportation Assistance	990	---	---	-990	---
Federal payment for Foster Care Improvements in the District of Columbia	1,980	---	---	-1,980	---
Federal payment to the Office of the Chief Financial Officer of the District of Columbia	20,000	---	6,148	-13,852	+6,148
Federal payment for School Improvement	39,600	40,800	40,800	+1,200	---
Federal payment for consolidated laboratory facility	4,950	10,000	10,000	+5,050	---
Federal payment for Central Library/branch locations	---	10,000	10,000	+10,000	---
Federal Payment to reimburse the FBI	---	5,000	4,000	+4,000	-1,000
Total, Title IV, District of Columbia	591,012	597,589	654,623	+63,611	+57,034
TITLE V - OTHER INDEPENDENT AGENCIES					
Consumer Product Safety Commission	62,728	63,250	66,838	+4,110	+3,588
Election Assistance Commission					
Salaries and expenses	16,263	15,467	15,467	-796	---
Election Reform Programs	---	---	300,950	+300,950	+300,950
Total, Election Assistance Commission	16,263	15,467	316,417	+300,154	+300,950
Federal Communications Commission					
Salaries and expenses	291,282	313,000	313,000	+21,718	---
Transfer from USF for OIG audits (by transfer)	---	(20,480)	(20,980)	(+20,980)	(+500)
Offsetting fee collections - current year	-290,295	-312,000	-312,000	-21,705	---
Direct appropriation	987	1,000	1,000	+13	---
Federal Deposit Insurance Corporation: Office of Inspector General (by transfer)	(30,690)	(26,848)	(26,848)	(-3,842)	---

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Election Commission	54,528	59,224	59,224	+4,696	---
Federal Labor Relations Authority	25,372	23,718	23,641	-1,731	-77
Federal Trade Commission					
Salaries and expenses	211,289	240,239	247,489	+36,200	+7,250
Offsetting fee collections - current year	-129,000	-139,000	-139,000	-10,000	---
Offsetting fee collections, telephone database	-23,000	-19,000	-20,000	+3,000	-1,000
Direct appropriation	59,289	82,239	88,489	+29,200	+6,250
General Services Administration					
Federal Buildings Fund					
Appropriations	(93,586)	(344,450)	(88,144)	(-5,442)	(-256,306)
Limitations on availability of revenue:					
Construction and acquisition of facilities	701,137	615,204	524,540	-176,597	-90,664
Repairs and alterations	618,241	804,483	733,267	+115,026	-71,216
Installment acquisition payments	163,999	155,781	155,781	-8,218	---
Rental of space	4,067,881	4,383,000	4,315,534	+247,653	-67,466
Building operations	2,003,830	2,132,450	2,105,490	+101,660	-26,960
Subtotal	7,555,088	8,090,918	7,834,612	+279,524	-256,306
Repayment of debt	43,338	50,804	50,804	+7,466	---
Rental income to fund	-7,845,000	-7,916,272	-7,916,272	-71,272	---
Total, Federal Buildings Fund	-246,574	225,450	-30,856	+215,718	-256,306
Policy and operations	---	144,338	142,945	+142,945	-1,393
Government-wide policy	52,346	---	---	-52,346	---
Operating expenses	83,176	---	---	-83,176	---
Office of Inspector General	52,621	47,382	47,382	-5,239	---
Appropriation (P.L. 110-28)	(4,500)	---	---	(-4,500)	---
Electronic Government Fund	2,970	5,000	2,970	---	-2,030
Allowances and Office Staff for Former Presidents	2,922	2,500	2,500	-422	---
Federal Citizen Information Center Fund	14,874	17,790	15,798	+924	-1,992
Total, General Services Administration	-37,665	442,460	180,739	+218,404	-261,721
Merit Systems Protection Board					
Salaries and expenses	36,063	37,507	37,507	+1,444	---
Limitation on administrative expenses	2,603	2,579	2,579	-24	---
Total, Merit Systems Protection Board	38,666	40,086	40,086	+1,420	---
Morris K. Udall Foundation					
Morris K. Udall Trust Fund	1,984	---	2,000	+16	+2,000
Environmental Dispute Resolution Fund	1,896	750	2,000	+104	+1,250
Total, Morris K. Udall Foundation	3,880	750	4,000	+120	+3,250
National Archives and Records Administration					
Operating expenses	279,338	312,874	315,000	+35,662	+2,126
Reduction of debt	-10,026	-10,896	-10,896	-870	---
Electronic records archive	45,254	58,028	58,028	+12,774	---
Repairs and restoration	9,120	8,663	16,095	+6,975	+7,432
National Historical Publications and Records Commission: Grants program	7,425	---	10,000	+2,575	+10,000
Total, National Archives and Records Admin	331,111	368,669	388,227	+57,116	+19,558
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on admin expenses, corporate funds)	(323)	(329)	(329)	(+6)	---

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
Community development credit union revolving loan fund	941	950	1,000	+59	+50
Office of Government Ethics	11,115	11,750	11,750	+635	---
Office of Personnel Management					
Salaries and expenses	111,605	101,765	101,765	-9,840	---
Limitation on administrative expenses	112,546	111,936	123,401	+10,855	+11,465
Office of Inspector General	2,061	1,519	1,519	-542	---
Limitation on administrative expenses	16,278	16,481	16,981	+703	+500
Govt Payment for Annuitants, Employees Health Benefits	8,780,260	8,884,000	8,884,000	+103,740	---
Govt Payment for Annuitants, Employee Life Insurance	39,000	41,000	41,000	+2,000	---
Payment to Civil Svc Retirement and Disability Fund	10,532,000	11,941,000	11,941,000	+1,409,000	---
Total, Office of Personnel Management	19,593,750	21,097,701	21,109,666	+1,515,916	+11,965
Office of Special Counsel	15,524	16,368	16,368	+844	---
Securities and Exchange Commission					
Salaries and expenses	892,560	905,330	908,442	+15,882	+3,112
Prior year unobligated balances	-25,000	-30,330	-41,397	-16,397	-11,067
Direct appropriation	867,560	875,000	867,045	-515	-7,955
Selective Service System	24,850	22,000	22,000	-2,850	---
Small Business Administration					
Salaries and expenses	327,592	310,103	346,553	+18,961	+36,450
Rescission (unobligated balances)	-6,100	---	---	+6,100	---
Office of Inspector General	13,835	15,000	15,000	+1,165	---
by transfer from Disaster Loans Program account	(1,485)	(500)	(500)	(-985)	---
Surety bond guarantees revolving fund	2,824	3,000	3,000	+176	---
Business Loans Program Account:					
Direct loans subsidy	1,283	---	2,530	+1,247	+2,530
Guaranteed loans subsidy	---	---	80,000	+80,000	+80,000
Administrative expenses	124,862	135,414	135,414	+10,552	---
Rescission (unobligated balances)	-5,000	---	---	+5,000	---
Total, Business loans program account	121,145	135,414	217,944	+96,799	+82,530
Disaster Loans Program Account:					
Administrative expenses (by transfer)	---	(156,000)	---	---	(-156,000)
Administrative expenses (P.L. 110-28)(by transfer)	(181,069)	---	---	(-181,069)	---
Economic injury loans (P.L. 110-28)(by transfer)	(25,000)	---	---	(-25,000)	---
Administrative expenses	114,931	---	---	-114,931	---
Rescission (unobligated balances)	-2,300	---	---	+2,300	---
Disaster Relief, FEMA (transfer out)	---	(-200,000)	---	---	(+200,000)
Disaster Relief, FEMA (P.L. 110-28) (transfer out)(emergency)	(-150,000)	---	---	(+150,000)	---
Office of Inspector General (transfer out)	(-1,485)	(-500)	(-500)	(+985)	---
Total, Disaster loans program account	112,631	---	---	-112,631	---
(by transfer)	(206,069)	(156,000)	---	(-206,069)	(-156,000)
(transfer out)	(-151,485)	(-200,500)	(-500)	(+150,985)	(+200,000)
Total, Small Business Administration	571,927	463,517	582,497	+10,570	+118,980
United States Postal Service					
Payment to the Postal Service Fund	29,000	---	---	-29,000	---
Advance appropriations	79,915	88,864	88,864	+8,949	---
Total, United States Postal Service	108,915	88,864	88,864	-20,051	---

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2008 (H.R. 2829)
(Amounts in thousands)

	FY 2007 Enacted	FY 2008 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Tax Court	47,625	45,326	45,069	-2,556	-257
- Total, title V, Independent Agencies	21,797,366	23,718,339	23,912,920	+2,115,554	+194,581
Appropriations	(21,730,851)	(23,629,475)	(23,824,056)	(+2,093,205)	(+194,581)
Rescissions	(-13,400)	---	---	(+13,400)	---
Advances	(79,915)	(88,864)	(88,864)	(+8,949)	---
(by transfer)	(32,175)	(203,828)	(48,328)	(+16,153)	(-155,500)
(transfer out)	(-1,485)	(-200,500)	(-500)	(+985)	(+200,000)
Grand total	40,713,323	43,701,476	43,804,260	+3,090,937	+102,784
Appropriations	(40,646,808)	(43,612,612)	(43,715,396)	(+3,068,588)	(+102,784)
Rescissions	(-13,400)	---	---	(+13,400)	---
Advances	(79,915)	(88,864)	(88,864)	(+8,949)	---
(by transfer)	(32,175)	(203,828)	(48,328)	(+16,153)	(-155,500)
(transfer out)	(-1,485)	(-200,500)	(-500)	(+985)	(+200,000)
Discretionary total	19,517,875	21,676,898	21,434,000	+1,916,125	-242,898

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to include my statement in the RECORD. I will paraphrase it in the interests of time.

First, I want to congratulate Chairman SERRANO in being the pioneer chairman of the newly created Financial Services and General Government Subcommittee. He has given us great leadership in a bipartisan, inclusive spirit while shepherding this bill through the subcommittee. Additionally, my colleagues on the subcommittee on both sides have provided valuable input and guidance. The chairman has mentioned the hard work of the staff on both the majority and minority. I won't reiterate that, but I will say we have had great staff help for both majority and the minority.

I am pleased to present this Financial Services bill. We have taken into consideration the priorities of the President and the Members of the House, and I think we have produced a bill that meets the needs of Americans and our operations of government while staying below the President's budget request, which is somewhat unusual for most of the Appropriations Committee bills. I appreciate the leaders of the Appropriations Committee, Chairman OBEY and Ranking Member LEWIS, in providing a manageable allocation for the bill.

We allocate, as the chairman has said, $21.4 billion in discretionary budget authority. This is $243 million below the administration's request, but it is $2 billion above fiscal year 2007. This is in recognition of some additional responsibilities that we have.

It provides funding for a diverse number of agencies that affect the lives of all Americans. Twenty-seven different agencies are funded in this bill: Telecommunications; IRS Taxpayer Assistance; Small Business Administration, an interesting group; the General Services Administration; and also the Office of Personnel Management.

I want to mention here that in testimony, I was struck by the fact that the director of the Office of Personnel Management said that in the next 10 years, 60 percent of the workforce will retire. I would say to any young people that are listening tonight there will be a lot of opportunity in the Federal Government.

Another point that was made in the hearing was that only 15 percent of the Federal employment is in Washington, DC, which means that there will be job opportunities all across the country. I would urge young people that are in political science or have an interest in government to think about getting the skills that might be useful in working in Federal employment. This would, of course, be some budget experience, some tax policy and some general policy of government. There will be opportunities and exciting challenges.

We have the Small Business Development Centers. Sometimes I think we only think about the big ones in terms of businesses, but it is the thousands and thousands of small businesses that really fuel this Nation's economy. I know in my own district, if you add up the 50, the 75 and the 100-employee businesses, that is a very significant total. Those businesses don't tend to go overseas. They don't sell out and move their operations somewhere offshore. They stay. Therefore, I think it is extremely important that we help small business in every possible way.

We do that in this bill. We have $100 million for Small Business Development Centers. This is an increase. It is a method, a way of providing management assistance. Just in Ohio alone, we have over almost 900,000 small businesses. Every dollar we invest in this leverages a couple of dollars in economic activity.

□ 2115

Another interesting thing in the bill is financial literacy. We hear a lot of comment about the fact that our young people don't know how to handle credit cards, they don't know how to handle their loans, and they get themselves in financial trouble. We have allocated in this bill $900,000 for the Treasury's Office of Financial Education. This is some $200,000 over the President's request.

What I would like to do is urge that Treasury work with the Department of Education and move some of this responsibility to them to work with the schools, the elementary and high schools, in improving financial literacy in this country. Credit is extremely important, and too often young people do not understand the impact of building credit card debt and other types of debt which gets them in substantial financial trouble. So we hope that we can encourage a greater amount of financial education among the students of this Nation.

We also hear a lot about the fact that $300 billion of taxes are left uncollected. As Mr. DREIER pointed out on the statement on the rule, most people pay their taxes. The United States is unique, probably in some respects in that we have a voluntary system of paying taxes, but people want to know that if they pay their taxes, they want their neighbor and their fellow citizens to also pay theirs.

If there is this $300 billion tax gap, we need to do something to address it, so we have set aside the money for taxpayer support services. And I might say, for those that are listening out in the audience across the country, that many people are not aware of the fact that there is a Taxpayer Assistance Service. It is available in most of the major cities of the country, and they can be very helpful to people who have some type of problem with IRS. We said some years ago that we want to make the IRS more taxpayer friendly, and we have tried to do that in this bill.

The chairman mentioned the District of Columbia. I often think about President Reagan, who talked about the city of Washington being the "shining city on the hill." What we try to do in this bill is to move this city a little bit further along in that direction.

The District of Columbia, and we recently changed their voting status, is the Capital of this Nation and a city we should all take pride in. So what we have tried to do in this bill, since we fund DC, their Federal money, is to make it a better city.

I want to say I think the Mayor is recognizing the challenge that is before him. They have made a dramatic change in their school system. Now the Mayor is responsible and accountable, and I am hopeful that this will make a vast improvement over a period of time in education.

The key to a successful city is a successful education system. One of the things that plagues the cities of America is the fact that they do have problems with their system, and they have a high rate of dropouts. We hope we can change that not only in the District of Columbia, but in every city in America.

If our Nation is to remain competitive in the years to come, we have to start with the education system. I am pleased that the Mayor and the city leadership here recognize that fact. We put $35 million for college tuition assistance, $41 million for school improvement, and $10 million to improve libraries. I know the Mayor has selected a new superintendent. We wish her well. We want to do everything we can to make her administration and that of the Mayor a success in dealing with education problems.

The chairman mentioned the Election Assistance Commission. This is, of course, designed to make sure that everybody has an opportunity to vote. That is, again, fundamental to our democracy, that people have not only the right to vote, but that we make it as uncomplicated as possible so they do make the effort to exercise their franchise. I think, perhaps, the $300 million is not necessarily required at this time because the Presidential primaries will start in January, and the States are already sitting on $1.3 billion, but we can perhaps address that issue in conference.

The loan program, I am a little concerned. We are giving $80 million to help subsidize loans where there is a default. Historically this is funded by a premium on both the borrowers and lenders, and I am hoping that we can work out a program that will encourage people to use the loan program.

Private debt collectors, we don't know. We have kept that in place with a very limited amount of money because we are not sure how effective that program is, but I think the Treasury would argue that it has been a successful program.

We have maintained the policies on abortion. We have maintained the policies on Cuba. Any change of these would bring about a Presidential veto.

I hope that we can work out any differences we might have in conference, and that the bill would be one that the President of the United States can sign. Certainly in terms of meeting his fiscal requirements. We have more than met that challenge by being under his numbers.

I urge Members to look at this bill and weigh the importance of it when it comes time for final passage. I know we will have a number of amendments, and we will address those as we move along.

INTRODUCTION

First, I would like to congratulate Chairman SERRANO on being the pioneer Chairman of the newly created Financial Services and General Government Subcommittee. Chairman SERRANO has provided great leadership and a bipartisan, inclusive spirit while shepherding this bill through subcommittee and full committee. Additionally, my colleagues on the subcommittee have provided valuable input and guidance throughout the process.

Also, I would like to acknowledge the hard work, dedication and expertise of the subcommittee staff. On the majority side, Dale Oak, Bob Bonner, Karyn Kendall, Frank Carillo, Deb Bilek, Jim Curry and Nadine Berg on Chairman SERRANO's personal staff. On the minority side I would like to thank John Martens and Alice Hogans for their counsel in putting together this bill.

OVERVIEW

Mr. Chairman, I am pleased to present before the House today the fiscal year 2008 Financial Services and General Government Appropriations Bill. By taking into consideration the priorities of the President and the Members of the House, we have produced a bill that meets the needs of Americans, and the operations of our government while staying below the President's budget request. I appreciate the efforts of the leaders of the House, Chairman OBEY and Ranking Member LEWIS to provide a manageable allocation for this bill.

The Financial Services and General Government Appropriations Bill allocates $21.4 billion in discretionary budget authority. This number is $243 million below the Administration's request and $2 billion above fiscal year 2007. I would like to repeat this to my colleagues who have voiced concerns over extraneous spending in appropriations bills; this bill is $243 million below the Administration's request, while still providing sufficient funds for various agencies to continue their missions and service.

The bill provides funding for a diverse number of agencies that affect the lives of all Americans. The agencies funded in this bill regulate the financial and telecommunications industries, collect taxes and provide taxpayer assistance, lend a helping hand to small businesses and disadvantaged communities by providing them with capital, support the operations of the White House and Federal Judiciary, provide Federal payments to the District of Columbia, operate and maintain Federal buildings, manage our federal workforce which is expected to experience tremendous attrition rates over the next ten years, assists in the administration of federal elections and protect consumers and investors from fraudulent practices.

SBA-SMALL BUSINESS DEVELOPMENT CENTERS

The Chairman has done a good job of highlighting the bill so I will not repeat him, but I would like to mention several items of importance to me. I am particularly pleased at the $100 million for Small Business Development Centers, an increase of nearly $13 million. The Small Business Development Centers account is the Small Business Administration's primary method of providing management assistance to small businesses. In my state of Ohio we have over 889,000 small businesses and every dollar invested in the OHIO SBDC network leverages at least $2.00. This program is vital to the life of small business, and I urge my colleagues to maintain this funding on the House floor today.

FINANCIAL LITERACY

I am also encouraged to see $900,000 for Treasury's Office of Financial Education, an increase of approximately $200,000 over the President's request. The increase is targeted toward improving the National Strategy for Financial Literacy and expanding efforts at financial literacy in elementary schools and high schools. Financial literacy is a very important life skill and I look forward to working with the Chairman to further develop this initiative and ensure maximum programmatic impact.

Additionally, the bill increases essential funding for the Internal Revenue Service to close the nearly $300 billion tax gap, which is the difference between the amount of taxes owed and the amount actually paid. Closing the tax gap is critical as most Americans do not mind paying their fair share of taxes as long as they know others are doing the same. Furthermore, $3.6 billion is set aside for taxpayer support services activities aimed at tax return preparation, the IRS National Taxpayer Advocate and IRS outreach and education efforts to serve taxpayers by helping them understand their tax obligations before they file. These activities have been steadily reduced in recent years and are in need of a boost.

DC EDUCATION

I am supportive of the funding appropriated in the bill to improve education in the District of Columbia, including $35 million for college tuition assistance, $41 million for school improvement, and $10 million to improve libraries. The children in Washington, DC have been at a disadvantage for many years, and I look forward to working with the Mayor to enhance the school system to give the children of D.C. a chance to succeed.

CONCERNS

As I mentioned previously, this bill is $243 million below the Administration's request, and Chairman SERRANO has done a fair job in allocating these funds to the various agencies within the bill. However, I do have a couple spending and policy concerns, which I would like to outline.

ELECTION ASSISTANCE COMMISSION

Primarily, I am concerned about $300 million added to this bill in unrequested funding for election assistance grants. The Help America Vote Act of 2002 authorized $3.9 billion for grants to the states to improve their voting systems through 2007. This program has not been authorized to receive funding in 2008 and there still remains $1.3 billion in appropriated dollars from the Help America Vote Act that have yet to be spent by the States. Therefore, I believe that an additional $300 million is unnecessary at this time especially with Presidential primaries beginning in January. This is a short turnaround to spend $300 million while the states are sitting on $1.3 billion. Although I am supportive of the Election Assistance Commission, I remain concerned over these unrequested and unauthorized funds.

SBA 7(A) LOAN PROGRAM

Another funding item of concern that I bring up with trepidation is subsidization of 7(a) business loans. An amendment in committee was adopted which ignores the fact that the 7(a) loan program has been operating at record levels without a subsidy appropriation since fiscal year 2005. Past practice has proven that subsidies limit access to SBA loans if demand for loans exceeds the availability of appropriations. In past years, SBA has been forced to temporarily shut the program down or impose loan limits to manage within available appropriations. Zero subsidy has proven to be effective and allowed SBA flexibility to manage the program in a user friendly way. I hope to work with the Chairman in Conference to find an agreeable solution regarding 7(a) subsidization.

POLICY RIDERS

Regarding policy, I have reservations with language attempting to limit the use of private debt collectors. Private debt collectors simply pursue the low hanging fruit that the IRS does not currently devote resources to.

Otherwise longstanding policies on abortion and Cuba are maintained in this bill. Any altering of these may bring about a Presidential veto.

Lastly, while I have a few qualms with the bill, I believe it is a bill that should be passed by the House and signed by the President, as long as controversial policy riders or substantial funding changes are not made to the bill. I thank the Chairman and ask my colleagues to vote yes with me on House passage of the first Financial Services and General Government Appropriations bill.

Mr. HOLT. Mr. Chairman, I rise today to express my support for the inclusion of $300 million in funding for election reform programs under the Help America Vote Act (HAVA) in the Financial Services and General Government Appropriations bill for Fiscal Year 2008. Although this represents less than half of the funding that still remains unappropriated under HAVA, it will help states improve and secure their election systems before November 2008.

We have now been through our second post-HAVA general election, but both the 2004 and 2006 elections provided strong indications that there is much work yet to be done in the area of election reform in this country. Election protection groups across the country published extensive reports after each of those elections, documenting machine failures, incidents of suppression, voters being told wrongfully that they were not on the voter registration rolls, voters being denied provisional ballots, and a myriad of other problems. One of those reports documented more than 1,000 incidents of machine failure in more than 300 counties in 36 states. In addition, a report issued by the Brennan Center for Justice at New York University school of Law following an in-depth examination of all of the major voting systems used in the United States found that all such systems are vulnerable to tampering and failure.

Granted, many problems with our electoral system can be solved through better procedures and better enforcement of existing procedures, and do not require funding. But that is not true of issues related to the security and reliability of our voting equipment. That is why my Voter Confidence and Increased Accessibility Act (H.R. 811) authorizes $1 billion to help states transition to voting systems that provide a durable voter verified paper ballot for every vote cast, and $100 million to reimburse states for conducting routine random audits.

As the situation now stands, in November 2008, six entire states and various counties in 13 more and the District of Columbia will conduct their elections on voting systems that neither produce nor require the use of voter verified paper ballots, and therefore will provide no means of conducting meaningful recounts or audits. In total, approximately 35 million voters will be casting votes that will be completely unverifiable. That is more than ten times the margin of victory in the last Presidential race. In 2008, if the outcome of the Presidential race hinges on Pennsylvania, or Georgia, or Tennessee, or anyone of the other unauditable jurisdictions, there will be nothing tangible left that the voters themselves created or verified; whatever they will have seen on the touch screen on election day, it will be gone forever and all that will remain is a software translation that may or may not reflect voter intent. And we will never know, unless we have strong new legislation and adequate funding.

As a country, we simply cannot afford to have un-resolvable election problems in 2008. Election anomalies can be corrected by funding measures to ensure that voting systems produce durable paper ballots and that jurisdictions conduct routine audits of those ballots. Therefore, I commend the Financial Services Committee for including $300 million in HAVA funding, which may be used to meet and improve upon HAVA's requirement for permanent paper records with a manual audit capacity, in the Financial Services and General Government Appropriations Bill for Fiscal Year 2008, and I urge my colleagues to support it.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Mr. SERRANO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ANDREWS) having assumed the chair, Mr. HASTINGS of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2829, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 2829 in the Committee of the Whole pursuant to House Resolution 517, notwithstanding clause 11 of rule XVIII, no further amendments to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. STEARNS regarding currency manipulation;

An amendment by Ms. HOOLEY regarding funding for High Intensity Drug Trafficking Areas;

An amendment by Mr. POE or Mr. CUELLAR regarding funding for the Federal district courts;

An amendment by Mr. TOM DAVIS of Virginia regarding funding for District of Columbia schools programs;

An amendment by Mr. KING of Iowa reducing funding for election reform programs;

An amendment by Mr. CARDOZA regarding funding for the General Services Administration;

An amendment by Mr. CARDOZA regarding funding for the General Services Administration;

An amendment by Mr. DEFAZIO regarding funding for the Selective Service System;

An amendment by Mr. SESSIONS striking section 738;

An amendment by Mr. BOOZMAN regarding High Intensity Drug Trafficking Areas;

An amendment by Mr. BOSWELL regarding studies by the Office of National Drug Control Policy;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. DEFAZIO regarding funding for the Selective Service System;

An amendment by Mr. ELLSWORTH prohibiting funds for certain contractors with tax debt;

An amendment by Mr. EMANUEL limiting funds for the Vice President's office;

An amendment by Mr. GARRETT of New Jersey limiting funds to enforce certain requirements under section 404 of the Sarbanes-Oxley Act;

An amendment by Mr. GOODE limiting Federal funds for registration of unmarried couples in the District of Columbia;

An amendment by Mr. HULSHOF regarding funding for High Intensity Drug Trafficking Areas;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 8.9 percent, which shall be debatable for 30 minutes;

An amendment by Mr. KINGSTON limiting funds for contracts to entities that do not participate in a basic pilot program related to illegal immigration;

An amendment by Mr. LUCAS limiting funds to seize coins made or issued by the U.S. Government prior to 1933;

An amendment by Mr. MORAN of Kansas limiting funds to enforce certain regulations related to exports to Cuba;

An amendment by Mr. MILLER of North Carolina regarding Executive Order 13422;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 30 minutes;

An amendment by Mr. NEUGEBAUER limiting funds for the Federal Election Commission regarding certain certifications for the Presidential Election Campaign Fund;

An amendment by Mr. NEUGEBAUER limiting the collection and distribution of funds from the Presidential Election Campaign Fund;

An amendment by Mr. PENCE limiting funds to implement the Fairness Doctrine, which shall be debatable for 40 minutes;

An amendment by Mr. PRICE of Georgia reducing funds in the bill by 1 percent, which shall be debatable for 30 minutes;

An amendment by Mr. SOUDER limiting funds for needle exchange programs in the District of Columbia;

An amendment by Mr. SOUDER limiting funds for certain entities in the District of Columbia;

An amendment by Mr. STEARNS limiting funds for the IRS "Where's My Refund" program;

An amendment by Mr. UPTON regarding use of Energy Star certified light bulbs;

An amendment by Mr. WICKER limiting the use of funds to implement section 5112 of title 31, United States Code;

An amendment by Mr. WOLF regarding establishment and funding for a budget and entitlement reform commission;

An amendment by Mr. FLAKE limiting funds for a project of the Barracks Row Main Street;

An amendment by Mr. FLAKE limiting funds for the Fairplex Trade and Conference Center in Pomona, California;

An amendment by Mr. FLAKE limiting funds for the Grace Johnstown Area Regional Industries Incubator and Workforce Development program;

An amendment by Mr. FLAKE limiting funds for the Mitchell County Development Foundation, Inc. for the Home of the Perfect Christmas Tree project;

An amendment by Mr. FLAKE limiting funds for the Oil Region Alliance of Business, Industry and Tourism;

An amendment by Mr. FLAKE limiting funds for the San Francisco Planning and Urban Research Association, SPUR Urban Center;

An amendment by Mr. FLAKE limiting funds for the West Virginia University Research Corporation for renovations of a small business incubator;

An amendment by Mr. FLAKE limiting funds for the City of Charlotte, North Carolina, Belvedere Business Park project;

An amendment by Mr. FLAKE limiting funds for the Historic Downtown Retail project, Valley Economic Development Center;

An amendment by Mr. FLAKE limiting funds for the Advantage West Economic Development Group Certified Entrepreneurial Community program;

An amendment by Mr. CAMPBELL of California limiting funds for Abraham Lincoln National Airport Commission;

An amendment by Mr. CAMPBELL of California limiting funds for the Wittenberg University East Asian Study Center;

An amendment by Mr. CAMPBELL of California limiting funds for 147 projects requested by Members of Congress and disclosed pursuant to the rules of the House;

An amendment by Mr. REGULA regarding the IRS;

An amendment by Mr. OBEY regarding earmarks; and

An amendment or amendments by Mr. SERRANO regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Financial Services and General Government each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. OBEY. Mr. Speaker, reserving the right to object, under my reservation I would like to simply bring a few facts of time to the House.

If we are not prepared to stay here and work until around 1 o'clock tonight, it is my estimation that if all of these amendments are offered tomorrow, even if a handful of them drop off, I think it will be virtually impossible for the House to finish its business by 6 or 7 o'clock tomorrow evening.

We have over 50 amendments. Each of them will take at least 10 minutes, plus the slippage that it takes to yield time and the rest. There are also three amendments which would take 30 minutes apiece, debating the very same issues that we debated for an hour and 20 minutes earlier today. There would then be another amendment that requires 40 minutes of debate time to debate an issue which does not exist. Then we will have the added slippage that comes from yielding time in pieces to various Members of the House. Then finally we have to add to that the amount of time it takes for the votes themselves, the amount of time it takes on the recommittal motion and the amount of time it takes for final passage.

I do not intend to object to this request, but I want it understood that if we proceed with a unanimous consent request that is being propounded now, and if we do not stay and consider amendments until around 1 o'clock, then it is a "let's pretend" promise to every Member of this House when we are giving them the impression that they will be able to get out of here soon enough in order to catch planes tomorrow.

Now, I am not going anywhere. I am going to be here reading Members' earmark requests between now and next Wednesday. So I am not going anywhere. But for 90 percent of the Members, who I think would appreciate it if every Member of this place would sublimate their own egos just a mite for the good of the body, I would urge that both sides of the aisle demand that Members take up their amendments tonight, rather than waiting until tomorrow, at least enough to keep us here until 1 o'clock.

Now, it is not convenient to me. It is not convenient to the gentleman from New York. It certainly is not convenient to the ranking minority member from Ohio for us to stay this late. Nobody else has to, except the persons who asked to offer these amendments.

But if you ask to offer an amendment, then I think you have an obligation to offer it in a timely fashion and not wait so that everybody can be a TV star in prime time. Because, you know what? I participated in the debate today, and I watched the debate that I didn't participate in. It was, frankly, boring as all get out. With all due respect to everybody here who thinks they are Laurence Olivier or Daniel Webster, I "ain't" seen many of either lately.

So I would simply suggest, Members need to understand why they aren't going to get their planes tomorrow if we don't stay here until 1 o'clock tonight.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 517 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2829.

□ 2130

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Pursuant to the order of the House of today, no amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 2829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $250,591,000, of which not to exceed $10,115,000 is for executive direction program activities; not to exceed $9,700,000 is for general counsel program activities; not to exceed $45,450,000 is for economic policies and programs activities; not to exceed $29,069,000 is for financial policies and programs activities; not to exceed $56,475,000 is for terrorism and financial intelligence activities; not to exceed $19,010,000 is for Treasury-wide management policies and programs activities; and not to exceed $80,772,000 is for administration programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 2 percent by all such transfers: *Provided further*, That any change in funding greater than 2 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2009, for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; and not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $5,114,000, to remain available until September 30, 2009, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, $3,000,000, to remain available until September 30, 2009, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, $2,300,000, to remain available until September 30, 2009, is for salary and benefits for hiring of personnel whose work will require completion of a security clearance investigation in order to perform highly classified work to further the activities of the Office of Terrorism and Financial Intelligence: *Provided further*, That of the amount appropriated under this heading, $2,100,000, to remain available until September 30, 2010, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements.

Mr. REGULA. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I yield to the distinguished minority whip to engage in a colloquy.

Mr. BLUNT. Mr. Chairman, I would like to inquire of my friends, the chairman and the ranking member, whether they are willing to work with me going forward on a solution for two broadcasters that cover the Joplin, Missouri, Pittsburgh, Kansas, broadcast area. This includes a significant portion of my district.

Due to the forthcoming digital transition, which Congress has already authorized for early 2009, the channel allocation assigned to KFJX, a local FOX affiliate, is likely to be shared with emergency first responders. This could result in significant service disruptions for both the station and the first responders. Another local station, CBS affiliate KOAM, has offered to make available spare spectrum for KFJX's use after the transition, which should provide a solution to the problem.

Unfortunately, due to the fact that one of these stations, KFJX commenced operations after the FCC issued viable digital channels for all existing broadcasters, at this point the FCC believes it is unable to make the proposed change without congressional intervention. I would like to work with my friends in order to fix this problem as this bill works its way through the process.

Mr. REGULA. I thank the gentleman for his concern regarding this important issue. The digital transition will have many consequences, some unintended, such as the situation the gentleman described in Missouri.

I look forward to working with the minority whip, the chairman, and the FCC to bring resolution to this issue over the next few months and prior to the enactment of this bill.

Mr. Chairman, I yield to the chairman of the subcommittee.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from Missouri for raising some important concerns about the effect of the digital transition on broadcasters in his home State. I will be glad to work with the gentleman and the ranking member to try to come to a satisfactory resolution of the matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $18,710,000, to remain available until September 30, 2010: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank Chairman SERRANO for yielding to me. I appreciate the opportunity to work with the gentleman from New York on this issue.

As the chairman of the Subcommittee on the Federal Workforce Postal Service and District of Columbia, I look forward to working closely with my colleagues on issues within our subcommittee's jurisdiction.

In 1971, Congress made the Postal Service self-sustaining. However, Congress continued to subsidize the mailing cost of the blind, nonprofit organizations, local newspapers, and publishers of educational material. It did so by providing an appropriation to the Postal Service to cover the revenues it had given up or "foregone" by charging below cost rates to these groups. Appropriations for these subsidies increased as postage rates and the number of nonprofits grew, approaching $1 billion annually in the mid-1980s.

In the early 1990s, Congress did not appropriate enough to cover these costs and refused to let the Postal Service invoke its statutory right to raise rates to cover the shortfall. The Postal Service pleaded that providing social subsidies was not part of its mission, hindered its competitiveness, and was more regressive than taxation with its impact.

The Revenue Forgone Reform Act of 1993 eliminated appropriations to support reduced rates for nonprofits, which effectively transferred the costs to other mailers. The Act retained free postage only for the blind and for overseas absentee ballot materials. Appropriations for subsidizing that narrow purpose have been in the range of $60 million to $100 million each year.

The 1993 Act also provided for an annual payment of $29 million each year for 42 years to pay off the debt accumulated in the early 1990s. Congress has appropriated this amount every year from 1994 through 2006, even though the President's fiscal year 2005 and fiscal year 2006 budgets proposed to eliminate the payment. Failure to fund this authorized appropriation places the remaining debt of more than $800 million at risk of nonpayment which would significantly increase postal costs. In addition, not providing funds for these services over time will require the Postal Service to record these obligations as a bad debt and will unfairly transfer these costs to postage ratepayers whose costs have already increased due to the recent rate determinations by the Postal Rate Commission.

It is important to note that Congress entered into this arrangement and has covered the $29 million each year without fail since the 1993 Revenue Foregone Act was enacted. By reneging on our obligation, we place the fiscal wellbeing of the Postal Service at risk. We also send a signal that Congress will not stand behind free mail for the blind and overseas absentee balloting materials, something we should not be doing.

For the record, I note that in addition to our subcommittee letter to the

Appropriations Committee requesting that the $29 million in revenue foregone reimbursement be restored, a number of postal stakeholders echoed the request: Postal labor unions and management, the Alliance of Nonprofit Mailers, and the postmaster general all want the revenue foregone payment honored.

I ask the chairman: Will the chairman support restoring this important funding when the bill goes to conference with the Senate?

Mr. SERRANO. Reclaiming my time, the gentleman has made important observations regarding the necessity of keeping Congress' commitment to repay this long-term debt to the Postal Service. I agree with my colleague that failure to meet this commitment would adversely affect the future financial stability of the Postal Service and eventually force it to take actions that would increase cost for postal consumers. I want to assure the gentleman that I will work hard to reach an agreement with the Senate that produces a conference report that provides the $29 million payment.

Mr. Chairman, I would also like to take this opportunity to call on the administration to resume including these funds in its budget requests. The revenue foregone appropriation has not been part of the President's budget request since fiscal year 2004.

As I have previously stated, this bill's budget allocation is $243 million below the President's request, so we are placed in a very difficult position when we have to find money for critically important items that have been left out of the President's budget.

I strongly urge the administration to recognize the importance of the revenue foregone appropriation and include it in future budgets.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Montana (Mr. REHBERG), a member of the subcommittee.

Mr. REHBERG. Mr. Chairman, in light of the distressing statistics regarding the Office of National Drug Control Policy's National Youth Media Campaign, and its subsequent reduction within our committee, I rise today to let my colleagues know that it is possible to design, implement and evaluate youth anti-drug marketing.

Methamphetamine is a real problem across this great Nation, and no State is immune to its horrible effects. Montana ranks among the top 10 States nationally in per capita treatment admissions for methamphetamine use.

The statistics in Montana are truly staggering. Fifty-two percent of the children who are placed in out-of-home care are there because of meth.

Fifty percent of adults incarcerated at State prisons are there due to meth.

Twenty percent of Montanans in addiction treatment are there because of meth.

While many people would simply nod their heads and agree this is a terrible problem, some good people in Montana have taken it upon themselves to do something about it.

Tom Siebel, who lives in Wolf Creek, is an outstanding Montanan who did something that many of us could not do. He decided to use his own money to fund a prevention campaign to help raise awareness about the dangers of first time methamphetamine use. Tom Siebel founded the Montana Meth Project in 2005, which has been conducting research and running a statewide multi-media public awareness campaign aimed at significantly reducing first-time methamphetamine use through public service messaging, public policy, and community outreach.

Results from the Montana Meth Use & Attitudes Survey conducted earlier this year show the dramatic and successful impact that the Montana Meth Project's public education campaign has had on its intended audience.

Over the past 2 years, there has also been a dramatic shift in the perception of methamphetamine use, more frequent parent-child communications about the dangers of methamphetamine, and greater societal disapproval. For the first time, meth use and associated crime in Montana has declined.

The States of Arizona and Idaho are using Montana's hard-hitting ads and successful approach, launching similar youth media campaigns. Clearly, the efforts of the Montana Meth Project are working.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. RUPPERSBERGER), a distinguished member of the subcommittee and famous Orioles fan.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of the fiscal year 2008 Financial Services Appropriation, and I urge Members to vote for this bill. It is an excellent bill approved by the subcommittee unanimously. It is below the President's request, and fulfills our obligation to be efficient with the taxpayers' dollars. I commend Chairman SERRANO and Ranking Member REGULA for their leadership and their bipartisan achievement.

As a former prosecutor and county executive, I am especially proud of several initiatives in the bill. I would like it highlight one program specifically. There is $226 million, a $6 million increase, over the President's budget for high-intensity drug trafficking areas. HIDTA funding enables local, State and Federal law enforcement to work together in fighting the war against drugs.

As a county executive in Baltimore County, we worked with HIDTA to bring everyone to the table who had a stake in stopping drug trafficking. We don't stop drug buys with just a single piece of information. It takes solid policework, intelligence, and trained experts analyzing information to help officers make the drug arrests.

☐ 2145

The HIDTA program is making a major impact in areas like Baltimore, Chicago, Houston, Los Angeles, Philadelphia, New York and other locations. Statistics show that drugs are connected to over 70 percent of all violent crime in the United States. This increase in HIDTA funding helps protect this country and our communities against drug dealers and other violent criminals.

I urge my colleagues to support the Financial Services appropriations bill.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of Inspector General

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $18,450,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

Treasury Inspector General for Tax Administration

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $140,533,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

Air Transportation Stabilization Program Account

(INCLUDING RESCISSION)

Sections 101(a)(1), 102, 104, and 107(2) of the Air Transportation Safety and System Stabilization Act (title I, Public Law 107–42) are hereby repealed. All unobligated balances under this heading are rescinded.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $83,344,000, of which not to exceed $16,340,000 shall remain available until September 30, 2010; and of which $8,955,000 shall remain available until September 30, 2009: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $234,423,000, of which not to exceed $9,220,000 shall remain available until September 30, 2010, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $93,515,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2008 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $33,200,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $182,871,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2010, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2008 shall be reduced by not more than $10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at $172,871,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $100,000,000, to remain available until September 30, 2009, of which up to $13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $7,500,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,000,000.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,155,000,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not less than $179,600,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,925,498,000, of which not less than $57,252,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to the Internal Revenue Service Operations Support appropriation solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to operate and support taxpayer services and tax law enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 US.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,769,587,000, of which $75,000,000 shall remain available until September 30, 2009, for information technology support; of which not to exceed $1,000,000 shall remain available until September 30, 2010, for research; of which not to exceed $1,600,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $282,090,000, to remain available until September 30, 2010, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,235,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,822,000,000 shall be available only for tax enforcement and related support activities funded in Internal Revenue Service, "Enforcement" and "Operations Support". In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, an additional $406,000,000 shall be available for tax enforcement and related support activities.

SEC. 106. Not more than $1,000,000 of the funds made available in this or any other Act may be used to enter into, renew, extend, administer, implement, enforce, provide oversight of, or make any payment related to any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

SEC. 107. Section 9503(a) of title 5, United States Code, is amended by striking "for a period of 10 years after the date of enactment of this section" and inserting "before July 23, 2013".

SEC. 108. Sections 9504 (a) and (b), and 9505(a) of title 5, United States Code, are amended by striking "For a period of 10 years after the date of enactment of this section" each place it occurs and inserting "Before July 23, 2013".

SEC. 109. Section 9502(a) of title 5, United States Code, is amended by striking "Office of Management and Budget" and inserting "Office of Personnel Management".

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 110. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, we have just passed an amendment that was going to be offered by one Member on our side of the aisle.

I want to make the point that if Members expect us to call them, they are wrong. As far as I am concerned, we are not running a baby-sitting service. If Members want to offer their amendments tonight, they have an obligation to pay attention and be here in a timely fashion.

I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 111. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 112. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 113. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 114. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 115. The Secretary of the Treasury may transfer funds from Financial Management Services, Salaries and Expenses to Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 116. Section 122(g)(1) of Public Law 105–119, as amended (5 U.S.C. 3104 note), is further amended by striking "8 years" and inserting "10 years".

SEC. 117. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 118. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

This title may be cited as the "Department of the Treasury Appropriations Act, 2008".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $53,156,000: *Provided*, That of the funds appropriated under this heading, up to $1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,814,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,600,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,118,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,482,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,640,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $92,829,000, of which $11,923,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $78,394,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the accompanying statement of the managers except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,636,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), $10,000,000, which shall remain available until expended, consisting of $5,000,000 for counternarcotics research and development projects, and $5,000,000 for the continued operation of the technology transfer program: *Provided*, That the $5,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), $226,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities: *Provided*, That up to 49 percent, to remain available until September 30, 2009, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,100,000 shall be used for auditing services and associated activities: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2007, shall be funded at no less than the fiscal year 2007 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Area Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2007 budget request.

AMENDMENT OFFERED BY MR. BOOZMAN

Mr. BOOZMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOOZMAN:

Page 27, line 6, insert before the period the following: ": *Provided further*, that $6,000,000 shall not be made available until the Director of the Office of National Drug Control Policy certifies in writing that regulations established for the designation of high intensity drug trafficking areas include a requirement that the Director, in considering whether to designate an area as a high intensity drug trafficking area, shall consider whether the area lies within a State that already receives assistance under the High Intensity Drug Trafficking Areas program".

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Arkansas (Mr. BOOZMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arkansas.

Mr. BOOZMAN. Thank you, Mr. Chairman.

My amendment would encourage the Office of National Drug Control Policy to give careful consideration to States that do not currently benefit from the HIDTA program when considering the request of law enforcement agencies for a new HIDTA designation.

The Office of National Drug Control Policy Reauthorization Act of 2006 was enacted on December 27, 2006. This law requires the Director of ONDCP to establish regulations under which a coalition of interested law enforcement agencies from an area may petition for designation as a high intensity drug trafficking area.

My amendment would require that of the $226 million in HIDTA funding in the underlying bill, $6 million will not be made available until the Director of the ONDCP certifies in writing that specific regulations have been established for the consideration of HIDTA application. Specifically, the Director must take into consideration whether an area that may be designated as a HIDTA lies within a State that already receives assistance from the HIDTA program.

I do not believe we should mandate a preference for States like Arkansas that have been overlooked in the designation process, but I do believe we should encourage ONDCP to take this fact into consideration when reviewing HIDTA applications.

I have seen the tragic effects of increased drug manufacturing and trafficking in Arkansas, especially the trafficking of meth. Arkansas is one of several States, including Minnesota, North Carolina, South Carolina, Delaware and several others, that have been excluded from the HIDTA program, despite many characteristics that make it both an ideal setting for illegal drug manufacturing and perfectly situated for trafficking.

In recent years Arkansas has made great progress and has much to be proud of, but we still face serious challenges when it comes to drug trafficking. Our State has one of the most serious meth problems per capita of any State in the country. Our State has become home to branches of some of the Nation's major gangs and has a transportation network that makes it ideal for drug traffickers targeting metropolitan areas, including St. Louis, Little Rock, Chicago, Memphis, Kansas City and so on. My congressional district has one of the top 10 fastest-growing metropolitan statistical areas in the Nation, and recently our State's largest city found itself high on a list of cities in the Nation suffering from violent crime.

Again, I am really discouraged in the sense that despite all of these facts, Arkansas and several States in similar situations have been overlooked in the HIDTA designation process. I don't ask for special preference for my State, but I do request that ONDCP give fair consideration to States in my situation.

I want to thank the chairman and ranking member for their hard work on the underlying bill. But again, this is just an effort to try and help the States that are in the same situation as Arkansas.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties. Therefore, I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The amendment is in the form of a limitation. Under clause 2(c) of rule XXI, an amendment in that form is not in order until the entire bill has been read. The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), $197,800,000, to remain available until expended, of which the amounts are available as follows: $93,000,000 to support a national media campaign: *Provided*, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003 ratio of service funding to total funds and shall continue the corporate outreach program as it operated prior to its cancellation; $90,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); $1,000,000 for training and technical assistance for drug court professionals; $1,000,000 as directed by section 1105 of Public Law 109-469; $1,000,000 for demonstration programs as authorized by section 1119 of Public Law 109-469; $9,600,000 for the United States Anti-Doping Agency for anti-doping activities; $1,700,000 for the United States membership dues to the World Anti-Doping Agency; and $500,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor, and related costs of the national media campaign.

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,432,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $320,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "White House Office", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisors", "National Security Council", "Office of Administration", "Office of Policy Development", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 202. The President shall submit to the Committees on Appropriations not later than 30 days after the date of the enactment of this Act, and prior to the initial obligation of funds appropriated under the heading "Office of National Drug Control Policy", a financial plan on the proposed uses of all funds under the heading on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 20 percent of funds appropriated under this heading may be obligated before the submission of the report subject to prior approval of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

This title may be cited as the "Executive Office of the President Appropriations Act, 2008".

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $66,526,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $12,201,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $27,976,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $16,544,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States

Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,660,590,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

AMENDMENT NO. 35 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. CUELLAR:

Page 33, line 11, insert after the dollar figure the following: "(increased by $10,000,000)".

Page 41, line 10, insert after the dollar figure the following: "(reduced by $10,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Thank you, Mr. Chairman.

First of all, I want to thank Chairman JOSE SERRANO and Ranking Member RALPH REGULA for their leadership in bringing this appropriation bill forward.

My amendment is simple. Working with my colleague Mr. TED POE, it strives to alleviate the strain that we have on the Federal district courts along the U.S.-Mexico border. In recent years, the rising number of criminal immigration cases has created considerable strain to those Federal district courts. For those courts, the percentage of criminal cases have gone to upward of 70 percent of the criminal casework that they have. The average Federal judge in a border district court sees 306.5 criminal cases per year compared with the national average of 83 cases a year.

□ 2200

The subsequent backlog has impeded the ability of the district courts to process cases in a timely manner. This backlog will only be increased with the additional funding and emphasis put into the border enforcement by Congress.

The backlog has hindered the due process for U.S. citizens and immigrants. Many defendants have fallen through the cracks, as it can take up to a year to receive judicial action. It is important that our Nation's court system not be overextended by the lack of judges.

This bipartisan amendment is a companion to the legislation I introduced, H.R. 1909, the Federal Criminal Immigration Courts Act of 2007. That legislation utilizes the recommendations of the 2007 judicial conference to increase the number of Federal judgeships in those district courts most impacted by immigration cases.

The additional judges will help ease the burden on the system and will ensure these cases will be handled in a timely manner. With your help, we can move forward in making sure our judiciary keeps up with the increased demand that we have along the border.

I believe an agreement with the chairman that I will withdraw this amendment and work with the chairman to work with them to try to get this funded in the conference committee.

Mr. SERRANO. Would the gentleman yield?

Mr. CUELLAR. Yes.

Mr. SERRANO. I will continue to work with you on this issue. I know how important it is to you and to our country. You have that commitment from us.

Mr. CUELLAR. Mr. Chairman, I don't see Mr. POE here, but we did talk about withdrawing this amendment. We ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $4,099,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $830,499,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,350,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $396,476,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $75,667,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $23,994,000; of which $1,800,000 shall remain available through September 30, 2009, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $59,400,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $2,300,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,700,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $15,477,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 605 and 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

SEC. 305. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended in the sixth sentence (relating to the Northern District of Ohio), by striking "15 years" and inserting "20 years".

This title may be cited as "The Judiciary Appropriations Act, 2008".

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $35,100,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $3,352,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions of which not to exceed $352,000 is for the District of Columbia National Guard: *Provided*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

DISTRICT OF COLUMBIA COURTS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $256,395,000, to be allocated as follows: for the District of Columbia Court of Appeals, $10,800,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $100,543,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $54,052,000, of which not to exceed $1,500 is for official reception and representation expenses; and $91,000,000, to remain available until September 30, 2009, for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of Funds" found at 48 CFR 52.232-18: *Provided further*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $52,475,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $91,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $91,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND

OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $190,343,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which not to exceed $400,000 for the Community Supervision program and $160,000 for the Pretrial Services program, both to remain available until September 30, 2009, are for Information Technology infrastructure enhancement acquisitions; of which $140,499,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $49,849,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

Federal Payment to District of Columbia Public Defender Service

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $32,710,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

Federal Payment to the District of Columbia Water and Sewer Authority

For a Federal payment to the District of Columbia Water and Sewer Authority, $12,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provide a match of $7,000,000 and the District of Columbia provide a match of $5,000,000 in local funds for this payment.

Federal Payment to the Criminal Justice Coordinating Council

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

Federal Payment to the Office of the Chief Financial Officer of the District of Columbia

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $6,148,000: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2008, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2008.

Federal Payment for School Improvement

For a Federal payment for a school improvement program in the District of Columbia, $40,800,000, to be allocated as follows: for the District of Columbia Public Schools, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand quality public charter schools in the District of Columbia, to remain available until September 30, 2009; for the Secretary of the Department of Education, $14,800,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,800,000 may be used to administer and fund assessments.

Federal Payment for Consolidated Laboratory Facility

For a Federal payment to the District of Columbia, $10,000,000, to remain available until September 30, 2009, for costs associated with the construction of a consolidated laboratory facility: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

Federal Payment for Central Library and Branch Locations

For a Federal payment to the District of Columbia, $10,000,000, to remain available until expended, for the Federal contribution toward costs associated with the renovation and rehabilitation of District libraries.

Federal Payment To Reimburse the Federal Bureau of Investigation

For a Federal payment to the District of Columbia, $4,000,000, to remain available until September 30, 2010, for reimbursement to the Federal Bureau of Investigation for additional laboratory services, including DNA analysis, performed for cases currently waiting analysis.

District of Columbia Funds

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (114 Stat. 2440) (D.C. Official Code, section 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2008 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $9,777,362,000 (of which $6,022,444,000 shall be from local funds, $2,015,853,000 shall be from Federal grant funds, $1,730,503,000 shall be from other funds, and $8,562,000 shall be from private funds), in addition, $116,552,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, $153,900,000 shall be derived from the District's general fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $648,289,000: *Provided further*, That in addition, for capital construction projects, there is appropriated an increase of $1,595,503,000, of which $1,042,712,000 shall be from local funds, $38,523,000 from the District of Columbia Highway Trust Fund, $73,260,000 from the Local Street Maintenance Fund, $75,000,000 from revenue bonds, $150,000,000 from financing for construction of a consolidated laboratory facility, $30,000,000 for construction of a baseball stadium, $186,008,000 from Federal grant funds, and a rescission of $212,696,000 from local funds appropriated under this heading in prior fiscal years (of which $187,450,000 are from local funds and $51,444,000 are from the Local Street Maintenance Fund), for a net amount of $1,382,807,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be subject to the provisions of and allocated and expended as proposed under "Title III—District of Columbia Funds" of the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 7, 2007: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act approved December 24, 1973 (87 Stat. 777; D.C. Official Code, section 1-201.01 et seq.) as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2008, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2008".

TITLE V

INDEPENDENT AGENCIES

Consumer Product Safety Commission

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $66,838,000.

Election Assistance Commission

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $15,467,000, of which $3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

ELECTION REFORM PROGRAMS

For necessary expenses to carry out programs under the Help America Vote Act of

2002 (Public Law 107–252), $300,950,000: *Provided*, That of the amount appropriated under this heading, $300,000,000 shall be available for requirements payments under section 257 of such Act, but only for States that file a new State plan under section 253(b)(1) of such Act for fiscal year 2008: *Provided further*, That of the amount appropriated under this heading, $750,000 shall be available for the Help America Vote College Program under title V of such Act: *Provided further*, That of the amount appropriated under this heading, $200,000 shall be available for the National Student and Parent Mock Election under part 6 of subtitle D of title II of such Act.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $313,000,000: *Provided*, That offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, of which $312,000,000 shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation estimated at $1,000,000: *Provided further*, That any offsetting collections received in excess of $312,000,000 in fiscal year 2008 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2007, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2008: *Provided further*, That in addition, not to exceed $20,980,000 may be transferred from the Universal Service Fund in fiscal year 2008, to remain available until expended, to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $26,848,000, to be derived from the Deposit Insurance Fund and the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $59,224,000, of which no less than $8,100,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $23,641,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $247,489,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $139,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $20,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $88,489,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATION ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, $88,144,000. Amounts in the fund, including the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,834,612,000, of which: (1) $524,540,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Arizona:

San Luis, Land Port of Entry I, $7,053,000.

California:

San Ysidro, Land Port of Entry, $37,742,000.

District of Columbia:

DHS Consolidation and development of St. Elizabeths campus, $275,133,000.

St. Elizabeths West Campus Infrastructure, $20,572,000.

St. Elizabeths West Campus Site Acquisition, $7,000,000.

Maine:

Madawaska, Land Port of Entry, $17,160,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $57,749,000.

Minnesota:

Warroad, Land Port of Entry, $43,628,000.

New York:

Alexandria Bay, Land Port of Entry, $11,676,000.

Texas:

El Paso, Tronillo-Guadalupe Land Port of Entry, $4,290,000.

Vermont:

Derby Line, Land Port of Entry, $33,139,000.

Nonprospectus Construction, $9,398,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2009, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $733,267,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

District of Columbia:

Eisenhower Executive Office Building, Phase III, $172,279,000.

Joint Operations Center, $12,800,000.

Nebraska Avenue Complex, $27,673,000.

Nevada:

Reno, C. Clifton Young Federal Building and Courthouse, $12,793,000.

New York:

New York, Thurgood Marshall United States Courthouse, $170,544,000.

West Virginia:

Martinsburg, Internal Revenue Service Enterprise Computing Center, $35,822,000.

Special Emphasis Programs:

Energy Program, $15,000,000.

Design Program, $7,372,000.

Basic Repairs and Alterations, $278,984,000: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2009, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $155,781,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,315,534,000 for rental of space which shall remain available until expended; and (5) $2,105,490,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2008, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $142,945,000, of which $44,984,000 is for the Office of Government-Wide Policy: *Provided*, That any change in the amount specified herein for the Office of Government-Wide Policy may only be made 15 days following approval of the Committees on Appropriations.

AMENDMENT NO. 4 OFFERED BY MR. CARDOZA

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CARDOZA:

Page 65, line 17, insert after the first dollar amount "(reduced by $14,295,000)".

Mr. REGULA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I ask to withdraw the amendment that I just brought forward.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. CARDOZA

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARDOZA:

Page 65, line 17, insert after the first dollar amount "(reduced by $8,000,000)".

Page 65, line 25, insert after the first dollar amount "(increased by $6,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, shortly into my tenure as a Member of Congress in 2003 the General Services Administration, the GSA, notified me that my office space at the Bell Station in Merced, California, which I shared with the post office and the IRS would no longer be available for lease.

My office was in an historic building, and, most importantly, I was conveniently located downtown for my constituents. Despite my vigorous protests, I was literally kicked out of the Federal building.

If that wasn't enough of a slap in the face to my constituents and myself, 2 years later the GSA declared the Bell Station post office to be surplus property. The GSA closed the post office with no rhyme or reason and started to dispose of it, with no community input and no plan to replace our post office.

The GSA's handling of this situation was deplorable. The GSA turned a deaf ear to my constituents and ignored the needs of a local community.

In my 4½ years in Congress, nothing has elicited as many phone calls and letters and editorials to my local paper than the GSA's handling of post office closure in my hometown.

The GSA's blatant disregard for a community's needs hasn't only occurred in my district. This has been repeated with reckless abandon in districts across the country.

Make no mistake about it. This can happen to any Member of this Congress, and every community across America is at risk.

Three local entities in my home county attempted to obtain a historic building from GSA for public benefit use.

However, in the blink of an eye, and without advance notice to the applicants, the GSA reversed course. The GSA indicated it would put the building out for public auction and sell it to the highest bidder.

I have confirmed with the GSA experts that the GSA's activities are not only inconsistent with its mission, but are also well outside proper protocol.

I have made countless efforts to work with the GSA to rectify this situation in my district so that local communities can obtain the building. My repeated requests have been ignored. The GSA even refused to respond to a simple letter I wrote until I submitted amendments to this bill that would cut the GSA budget by 10 percent.

After panic set in at GSA, GSA sent a useless response that doesn't address a single one of my concerns, and leaves just enough wiggle room to back out of any promise of working with the original applicants. The GSA then delivered to a letter to other Capitol Hill offices, not to my own. When I was told that GSA representatives were in the Cannon Building today, they didn't even have the common courtesy to speak to me or my staff.

Mr. Chairman, this reeks of mismanagement. It shows a lack of oversight and accountability at GSA.

My amendment is very simple. It provides an additional $6 million to GSA's Office of the Inspector General. It is paid for by cutting the GSA's policy and operations account, including the Office of the Administrator and the Office of Congressional and Intergovernmental Affairs.

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The Inspector General will ensure that the agency is operating in the best interest of taxpayers and is not beholden to the political process or to special interests.

It is absolutely critical that the Inspector General's office has the tools and resources it needs to hold the agency accountable for its actions. And it is critical that we, as Members of Congress, ensure that government is meeting the needs of our communities.

I strongly urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I agree with the gentleman that the Office of Inspector General at the GSA needs adequate funds to operate. But, Chairman SERRANO's mark provided a level of funds that is both responsible and sufficient for the OIG.

In the fiscal year 2007 continuing resolution, the Congress provided $6 million in additional funds to the OIG. They were not able to spend these funds in the fiscal year, and have asked for the authority to assess them in fiscal year 2008. This authority has been granted by the committee.

Chairman SERRANO has made funding the Office of Inspector General and the other oversight offices one of his highest priorities in this bill. I commend him for his work, and oppose this attempt to change the committee mark.

I question the ability of the OIG to spend these additional funds this year, and I reiterate the fact that this was taken care of in the previous legislation. Therefore, I urge the defeat of this amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I understand that the gentleman from California (Mr. CARDOZA) will agree to not offer his other amendment, which would call for deeper cuts to the account, if this one is agreed to.

I yield to the gentleman from California.

Mr. CARDOZA. The gentleman from New York is correct. I will be happy to withdraw my other amendment if, in fact, we adopt this amendment that is more acceptable to the committee.

Mr. SERRANO. In that case, Mr. Chairman, I have no objection to this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment as offered by the gentleman from California (Mr. CARDOZA).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $47,382,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $2,970,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $2,500,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,798,000, to be deposited into the Federal Citizen Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $35,000,000: *Provided further*, That appropriations, revenues, and collections accruing to this Fund during fiscal year 2008 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 502. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 503. Funds in the Federal Buildings Fund made available for fiscal year 2008 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 504. Except as otherwise provided in this title, no funds made available by this Act shall be used to transmit a fiscal year 2009 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2009 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 505. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 506. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $37,507,000, together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service

Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $2,000,000, to remain available until expended.

National Archives and Records Administration

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, $315,000,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $58,028,000, of which $38,315,000 shall remain available until September 30, 2009: *Provided*, That none of the multiyear funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $16,095,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $10,000,000, to remain available until expended: *Provided*, That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account for operating expenses of the National Historical Publications and Records Administration.

National Credit Union Administration

CENTRAL LIQUIDITY FACILITY

During fiscal year 2008, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2008 shall not exceed $329,000.

Community Development Credit Union Revolving Loan Fund

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available until September 30, 2009 for technical assistance to low-income designated credit unions.

Office of Government Ethics

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,750,000.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $101,765,000, of which $5,991,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,351,000 shall remain available until expended for the Human Resources Line of Business project; $340,000 shall remain available until expended for the E-Payroll project; and $170,000 shall remain available until expended for the E-Training program; and in addition, $123,401,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $26,465,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2008, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

Office of Inspector General

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,519,000, and in addition, not to exceed $16,981,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

Government Payment for Annuitants, Employees Health Benefits

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

Government Payment for Annuitants, Employee Life Insurance

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

Payment to Civil Service Retirement and Disability Fund

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $16,368,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $908,442,000, to remain available until expended; of which not to exceed $20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $867,045,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $41,397,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2008 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2008 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $22,000,000: *Provided*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

AMENDMENT NO. 8 OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO:

Page 80, line 23, after the dollar amount, insert "(reduced by $10,000,000)".

Page 81, line 10, after the dollar amount, insert "(increased by $10,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. My amendment presents the Members with a very simple choice: Do we want to continue to fund a government agency whose mission is obsolete, and whose expertise the President, the Pentagon and the House have all said will never be called upon, or do you want to fund a program that has a presence in every State in the Union and the territories, and helps small businesses, creates jobs and returns $2.82 in Federal revenue for every dollar invested?

Seems a simple choice to me. Perhaps not, but we'll see when we get to the vote.

Thirty years ago Jimmy Carter created and reactivated the Selective Service System. Now, he said this was symbolic, to send a message to the Soviet Union which had invaded Afghanistan. Well, today the United States of America is in Afghanistan in pursuit of the Taliban and al Qaeda and attempting to pacify that country. Surely that symbolism is no longer needed.

No one, no one in this House, two people, in fact, the last time we voted, said they wanted to reinstitute the draft. No one downtown at the administration says they want to reinstitute the draft. No one at the Pentagon says, under any scenario, that they envision reinstituting the draft. They prefer the All-Volunteer Force.

So if we were to transfer $10 million from this obsolete, Cold War, symbolic bureaucracy which has no function in today's society, in today's world, and is not necessary for today's readiness, we could create tens of thousands of jobs across America and assist small businesses to begin to create even more jobs.

I believe it's a very simple choice: $10 million from Selective Service, and add $10 million to the SBDC. The Congressional Budget Office says it's budget-neutral. There are 1,100 SBDC offices, all 50 States, DC, Puerto Rico, Guam, American Samoa and the U.S. Virgin Islands. They're a collaborative effort. This is not a bureaucracy. This is not dumping money into the maw of Washington, DC.

State, local governments, the private sector and education community serve more than 1.3 million small businesses and aspiring entrepreneurs a year. Every Federal dollar, as I said earlier, invested in Small Business Development Corporations yields $2.82 in additional revenue to the Treasury. A new business is opened by an SBDC in-depth client every 33 minutes in the United States of America. Our entrepreneurs need this help.

Similarly, these clients create a new job every 7 minutes and generate $100,000 in sales every 9 minutes. What a great return on a Federal investment, to help American entrepreneurs put people to work in this country and make us competitive in the international community.

In my home State of Oregon, the SBDC has created 3,300 new jobs, generated new wages of more than $53 million. The SBDC has served more than 6,000 small businesses in Oregon alone. Across the Nation those numbers are obviously much larger.

The Association of Small Business Development Centers requested funding of $110 million for SBDCs for fiscal year 2008. That would essentially provide a catch-up for all the years in which their budget was restrained or cut by the previous Congress and the administration. That could create 110,000 new jobs, save an additional 110,000 jobs, and make $11.7 billion in new sales, preserve $8.4 billion in existing sales, and obtain $4.5 billion in financing to grow businesses, and generate $310 million in new Federal revenues for economic growth.

This, I believe, is a great investment in America. We do not need to continue dumping maw down the bureaucracy of the Selective Service System. They've been incompetent since day 1. Commercial databases could better provide the data we need if ever a draft were needed. And even if a draft were needed, guess what? We have no training capacity, so the people who were drafted would have to wait 6 months to a year in any case.

So we don't need an active, on-the-edge Selective Service System in this country for a draft that no longer exists and only two Members of the previous Congress thought should exist.

I believe this is a commonsense amendment. Put Selective Service in deep stand-by and help the Small Business Development Corporation live up to its full potential creating jobs and economic potential for this country.

I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from New York seek time in opposition?

Mr. SERRANO. Yes, I do.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I rise in opposition to this amendment. Decreasing funding to the Selective Service by $10 million would effectively shut down the agency, and we need to understand that. Regardless of how you feel about this issue, the effect would be to shut down the agency.

Now, everyone know that I'm no fan of this war. With my votes that's been made clear. But we must recognize the value of the Selective Service as an inexpensive insurance plan to back up our Active Duty and Reserve Armed Forces. We have a war going on, and we have to have in place many institutions, if you will, and programs that will, at any moment's notice, respond to a congressional call for a draft or any other involvement.

Now, there's also something that we need to understand here. The gentleman wants to take $10 million and give it to the Small Business Administration. I think it's important to note first that prior to full committee markup, we had already increased the Small Business Administration by $40 million. That was above the President's request. In full markup we added another $80 million to the Small Business Administration.

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So right now they are at $120 million above the President's request and additional dollars that were brought to light during this whole procedure.

So to send it over to small business is not only an interesting statement because it is a way to get support for something that may be unpopular like a draft, but the fact of life is that there probably could have been another 20 agencies that one could have selected to send money to if that was the point.

So I think that, number one, the Small Business Administration has been taken care of very well in this bill. Number two, there is no need and there should be no desire to cripple the Selective Service Administration, and for that reason, I would hope that our colleagues would vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the intent of this amendment, and in the past I have often considered voting for it. But I have a far different attitude now than I had in the past because of the Iraqi War.

The fact is that we have no sustained demonstrations in the streets against Iraq, and, in my view, largely that is not occurring because we have no draft. And we have no draft because the country has settled into a comfortable acceptance of the idea that a precious few people, namely those in the regular Armed Forces of the country and those in the Guard and Reserves, should be the only people in our society who are at risk in this stupid and fruitless war. And I just cannot abide that.

I have said many times on this floor that I think it is outrageous that there is no sense of shared sacrifice about this war. We ask our Guard and Reserve personnel to return to Iraq and Afghanistan time and time and time again. And yet of the rest of society we ask nothing except to worry about Paris Hilton and to worry about who wins the Super Bowl, and, oh, yes, if you are a millionaire, we are going to spend $57 billion this year giving you a tax cut. That is really some sense of shared sacrifice.

And so I just cannot bring myself to vote for this amendment, though it might make sense on the numbers, because I think it would be a symbolic act which would send to the country yet another signal that the only people we expect to bear any burden for this stupid, outrageous, lied-to-get-into war are those in the military. And I just think that is wrong. I know that is not the gentleman's intent, but I think that is the practical signal that we send.

So I cannot vote for this amendment. I did not even want to speak against it, but this war bugs me a lot and the total lack of the willingness of this society to face the inordinate costs which we are laying on military families bugs me a whole lot more.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I just want to quote from former President Clinton in a 1994 letter to Congress, where he said, and I agree: "Maintaining the Selective Service provides a hedge against unforeseen threats."

And I also agree with the gentleman from Wisconsin that this is not the time, and I certainly urge my colleagues to oppose this amendment.

The Acting CHAIRMAN (Mr. ALTMIRE). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $346,553,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $15,000,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $3,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $2,530,000, to remain available until expended; and for the cost of guaranteed loans, $80,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2008 commitments for general business loans authorized under section 7(a) of the Small Business Act, shall not exceed $17,500,000,000: *Provided further*, That during fiscal year 2008 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2008, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $135,414,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 610 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $88,864,000, which shall not be available for obligation until October 1, 2008: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided* *further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2008.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $45,069,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 602. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 603. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 604. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 605. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 606. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 607. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 608. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 609. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 610. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $1,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $1,000,000 or 10 percent, whichever is less; or (7) reorganizes offices, programs, or activities unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit an operating plan to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 611. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2008 from appropriations made available for salaries and expenses for fiscal year 2008 in this Act, shall remain available through September 30, 2009, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 612. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 613. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 614. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 615. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 616. The provision of section 615 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 617. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 618. None of the funds made available in the Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 619. Notwithstanding section 10(b) of the Harry S Truman Memorial Scholarship Act (20 U.S.C. 2009(b)), hereafter, at the request of the Board of Trustees of the Harry S Truman Scholarship Foundation, it shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated and contributed to the Harry S Truman Memorial Scholarship Trust Fund, as provided in such section. All requests of the Board of Trustees to the Secretary provided for in this section shall be binding on the Secretary.

SEC. 620. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.— This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 621. For an additional amount under the heading "Small Business Administration, Salaries and Expenses", $61,318,000, to remain available until September 30, 2009, shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities: *Provided*, That amounts made available under this section shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

TITLE VII—GENERAL PROVISIONS GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. Hereafter, funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 702. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2008 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 703. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $12,888 except station wagons for which the maximum shall be $13,312: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 704. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 705. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 706. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 707. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 708. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 709. Hereafter, no part of any appropriation contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 710. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 711. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 712. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2008, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2008, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2008, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2008 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2008 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2007, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2007, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2007.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 713. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 714. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 715. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 716. Hereafter, no department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), the Age Discrimination in Employment Act of 1967 (Public Law 90–202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93–112, 87 Stat. 355).

SEC. 717. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 718. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 719. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 720. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 721. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 722. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 723. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 724. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under section 105 of title 5, United States Code;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 725. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 726. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Policy and Operations" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Chief Acquisition Officers Council for procurement initiatives): *Provided further*, the total funds transferred or reimbursed shall not exceed $10,000,000: *Provided further*, such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 727. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 728. Nothwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 729. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 730. Subsection (f) of section 403 of Public Law 103-356 (31 U.S.C. 501 note) is repealed.

SEC. 731. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 732. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 733. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 734. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 735. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 736. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 737. (a) No funds shall be available for transfers or reimbursements to the E-Government Initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

(b) The report in (a) shall detail—

(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

(2) the specific use of funds;

(3) the relevance of that use to that department or agency, and each bureau or office within, which is contributing funds; and

(4) a description of any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

SEC. 738. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency that, on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(i) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000; and

(C) the contractor does not receive an advantage for a proposal that would reduce costs for the Federal Government by—

(i) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract;

(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Federal Government for health benefits for civilian employees under chapter 89 of title 5, United States Code; or

(iii) offering to such workers a retirement benefit that in any year costs less than the annual retirement cost factor applicable to Federal employees under chapter 84 of title 5, United States Code.

(2) This paragraph shall not apply to—

(A) the Department of Defense;

(B) section 44920 of title 49, United States Code;

(C) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act;

(D) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(E) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this Act.

(b) USE OF PUBLIC-PRIVATE COMPETITION.—Nothing in Office of Management and Budget Circular A–76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

(c) BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.—

(1) ELIGIBILITY TO PROTEST.—

(A) Section 3551(2) of title 31, United States Code, is amended to read as follows:

"(2) The term 'interested party'—

"(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

"(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under OMB Circular A–76, includes—

"(i) any official who submitted the agency tender in such competition; and

"(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.".

(B)(i) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

"§3557. Expedited action in protests for public-private competitions.

"For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.".

(ii) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

"3557. Expedited action in protests for public-private competitions.".

(2) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.".

(3) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by paragraph (1)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by paragraph (2)), shall apply to—

(A) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(B) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A–76, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

(d) LIMITATION.—(1) None of the funds available in this Act may be used—

(A) by the Office of Management and Budget to direct or require another agency to take an action specified in paragraph (2); or

(B) by an agency to take an action specified in paragraph (2) as a result of direction or requirement from the Office of Management and Budget.

(2) An action specified in this paragraph is the preparation for, undertaking, continuation of, or completion of a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(e) APPLICABILITY.—This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

□ 2245

AMENDMENT NO. 15 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment as the designee for the gentleman from Texas (Mr. SESSIONS).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. PRICE of Georgia:

Strike section 738 (page 117, line 9, through page 124, line 13) and redesignate the succeeding provisions accordingly.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, the gentleman from Texas is unable to be here this evening, although this is, indeed, his amendment. I would ask unanimous consent that it be identified as such for all proceedings of the House.

The Acting CHAIRMAN. The Chair cannot entertain the gentleman's request.

Mr. PRICE of Georgia. Mr. Speaker, this amendment would strike section 738 of this legislation, which, as drafted, would have the same effect as language already included in a number of the Democrat majority's other appropriations bills, preventing funds from being spent to conduct public/private competitions.

While this policy may be good for increasing dues payments to public-sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core mission when Congress takes the opportunity to save money through competition away from them.

In 2006, Federal agencies "competed" only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civil workforce. This very small use of competition for services is expected to generate savings of $1.3 billion over the next 10 years. Competitions completed since 2003 are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every dollar spent on competition, with annualized expected savings of more than $1 billion.

But the particular language included in this bill is even worse. The underlying language goes further than past Democrat efforts to gut public/private competition by unnecessarily delaying and complicating how the most efficient delivery of commercial activities is determined. This newest attempt to stack the deck against competition for services that can easily be found in the Yellow Pages also creates uneven and duplicative protest rights and intrusive new data requirements, while ignoring the consideration of quality in determining the best source of commercial services for the taxpayer.

In short, Mr. Chairman, by allowing this language to remain in the underlying legislation, approximately $200 million in expected annual savings from planned competitions will be placed at risk.

Additionally, by removing quality from the list of factors in determining who wins a competition, this bill would double costs in many competitions. In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of the tools it can to find taxpayer savings and reduce the cost of services that are already being provided by thousands of hardworking private companies nationwide.

At this point I will insert into the RECORD a letter of support for this amendment from the Fair Competition Coalition. A portion of that letter reads, This provision will discourage many private-sector firms from participating in the competitive sourcing contracting process. Section 738 would penalize private-sector bidders that offer health insurance benefits to their employees. The Office of Management and Budget reports that the competition under the A-76 process creates an average savings of 15 to 20 percent for the American taxpayer.

THE FAIR COMPETITION COALITION,
June 27, 2007.

DEAR REPRESENTATIVE: As you continue consideration of the FY 2008 appropriations bills, I would like to bring to your attention some anticompetitive language that was included in Section 738 of the FY 2008 Financial Services and General Government Appropriations Act. This provision will discourage many private sector firms from participating in the competitive sourcing contracting process, which is being held at most Federal agencies. The members of the Fair Competition Coalition ask that you support an amendment offered by Representative Pete Sessions (R-TX) which would strike the Section 738 language from the bill.

Section 738 would penalize private sector bidders that offer health insurance benefits to their employees. In an unprecedented intrusion into the competitive process, this provision singles out one benefit element, and ignores the reality of the total compensation packages commonly offered in the private sector. These compensation packages typically include a wide range of health, matching retirement, bonus/incentive, professional and personal development, and other benefits. It also undermines and ignores unique and innovative health benefits plans, particularly those that are provided by the small business community.

Section 738 also would allow employees of the Federal government to protest the award to the private sector. Congress and the Executive Branch have properly excluded Federal employees from challenging agency management decisions in Federal court. Beyond the constitutional questions of whether such action creates the required "case or controversy," the President has properly asserted his responsibility to supervise the "unitary" executive branch and opposed establishing "interested party" status for these decisions.

Already many companies are not pursuing A-76 competitions, and the language in Section 738 will drive companies further away from the process. The Office of Management and Budget reports that the competition under the current A-76 process creates an average savings of 15% to 20% for the American taxpayer. The proven benefits of competitive sourcing are too high to place arbitrary restrictions on the program. We urge you to support effectiveness and efficiency in Government by voting YES to the Sessions amendment.

If you have any questions, please contact our Coalition points of contact: Michele Kaplan of the Professional Services Council or Kent Sholars of the Contract Services Association.

Sincerely,

Aerospace Industries Association, American Congress on Surveying and Mapping, Airport Consultants Council, American Council of Independent Laboratories, American Council of Engineering Companies, American Electronics Association, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Construction Management Association of America, Contract Services Association of America.

Design Professionals Coalition, Electronic Industries Alliance, Information Technology Association of America, Management Association for Private Photogrammetric Surveyors, National Association of RV Parks and Campgrounds, National Defense Industrial Association, National Federation Of Independent Business, Professional Services Council, Small Business Legislative Council, Textile Rental Services Association of America, The National Auctioneers Association, United States Chamber of Commerce.

Mr. Chairman, I urge all of my colleagues to follow the advice of that letter and support this commonsense taxpayer-first amendment to oppose the underlying provision to benefit public-sector union bosses by keeping cost-saving competition available to the government.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, the provisions of this bill ensure that when Federal employees compete with private contractors, it will be done on a level playing field.

The administration's push to contract out Federal employees' jobs is part of a massive push towards private contracting by this administration. Federal contracts rose from 207 billion in 2000 to roughly 400 billion in 2006.

The New York Times reported in February that the increase in contracting is driven by a philosophy that encourages outsourcing almost everything government does. I may add that the day is not far off when they will try to outsource the Congress.

The administration claims that it wants a smaller government, yet it has promoted a hidden workforce of private-sector contractors and grantees who get rich off the government, but are not accountable. The number of contractors increased by 2.5 million since 2002, which is 98 percent higher than the slight increase in the Civil Service workforce.

Congress has raised serious questions regarding the cost-effectiveness in this level of contracting and of outsourcing many Federal employees' functions. In many cases we see government employees working side by side with contractors with the same responsibilities, yet their compensation, benefits, protections and accountability are much different. These are serious issues.

This amendment would strike the modest improvements in the competitive sourcing language that has been carried on appropriations bills for several years. These improvements would help protect the rights of Federal employees.

And let me just comment on the fact that this amendment not only takes out the language that was included in this bill, but, in fact, takes a full step backward and undoes that which we have done in past bills, even during the time that the Republicans were in control of the House.

What we do here is ensure that a contractor does not receive a cost advantage by not offering a health plan, or offering an inferior health plan or retirement plan to its employees, assuring appeals rights for Federal employees in cases of privatization decisions that adversely affect them just as contractors currently have appeal rights, and ensuring that OMB doesn't direct or request agencies to conduct competitions if they otherwise would choose not to.

This is really just an unnecessary amendment. It is directed at destroying the last bit of opportunity the Federal employees have for full protection. That has to be made clear. There is no need for this amendment other than to try to outsource everything and destroy the Federal workforce.

We all have great respect for our Federal employees. Throughout the history of this Congress and in recent years, we've worked in a bipartisan fashion to reduce spending here and there, but this just goes at the heart of this assault that this administration has on Federal employees. And for that reason, and so many others, I urge a strong "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I respect the gentleman's comments.

I, too, have respect, as well we all do, for all Federal employees. But this is serious business. Spending the taxpayers' money is serious business. And outsourcing does one thing, private contracting does one thing: It provides for an opportunity to save hard-earned taxpayer money.

The majority says that they oppose and fight adamantly as they oppose no-bid contracts. So how can be it be consistent to oppose a competitive contracting process that allows private firms the opportunity to have outsource contracts?

This is a commonsense amendment. I offer it on behalf of the gentleman from Texas (Mr. SESSIONS).

I urge my colleagues to support this commonsense, fiscally responsible amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I simply want to congratulate the gentleman for at least being willing to stay here and debate the amendment tonight. It's more than I can say for a whole lot of other people, and I respect him for that. Let me say, however, that I don't have quite as much high regard for his amendment.

Mr. PRICE of Georgia. Will the gentleman yield? It is Mr. SESSIONS' amendment.

Mr. OBEY. Well, whoever. I have minimum high regard for it, let me put it that way.

Mr. Chairman, I think we need to fully understand what is afoot with respect to contracting.

I want to cite some other facts, because there is an inexorable and stealthy effort to put much of the activities of government in the hands of contractors rather than in the hands of public servants. And more and more of that contracting is being provided in a noncompetitive manner. That also applies to many, many grants being provided by the executive branch.

For example, the Congressional Research Service documented an unusually large number of sole-source grants issued by the Employment and Training Administration within the Department of Labor, which resulted in 90 percent of discretionary funds for the High Growth Job Training Initiative being awarded on a noncompetitive basis over a 5-year period. It isn't just Halliburton and Blackwater who are getting lots of taxpayers' dollars in a noncompetitive fashion.

□ 2300

The administration's use of contracting has increased significantly in the past 5 years. For example, the Department of Health and Social Services' contract obligations have nearly doubled from $5 billion in fiscal year 2001 to $8.7 billion in fiscal year 2006. The number of contract employees at the Department of Health and Social Services exceeds 32,000, about half the number of Civil Service employees. A significant share of those contracts were awarded on a noncompetitive basis.

In fiscal year 2006 alone, Health awarded nearly 21,000 contracts worth more than $1.9 billion with less than full and open competition. That is four times the total amount of congressionally directed earmarks that are expected to eventually be included in the Labor, Health, Education appropriation bill.

I won't even bother to get into what has been happening at the Education Department where local school districts have virtually been blackmailed into accepting contracts with book publishers preferred by the administration or else they are frozen out of the program entirely.

So I would simply say I think the gentleman's amendment is ill-advised, and when the time comes late tomorrow evening, I would hope that we will have a "no" vote on the amendment.

Mr. WAXMAN. Mr. Chairman, I oppose the Sessions amendment to H.R. 2829, the Financial Services Appropriations bill. H.R. 2829 includes a provision to help restore equity to the contracting process by preventing private contractors from having an unfair advantage over Federal Employees when competing for Federal jobs. The Sessions amendment would eliminate that provision from the bill and would continue the administration's policy of playing politics with the civil service system.

The rapid increase in procurement spending in recent years has brought the size of the "shadow government" represented by Federal contractors to record levels. We must stop the misguided effort to send Federal jobs to private contractors at any cost. H.R. 2829 is an important step in that direction.

H.R. 2829, specifically section 738, ensures that Federal employees have the right to compete fairly for their jobs before they are privatized. The bill prevents contractors from gaining an unfair advantage by not providing comparable health and retirement benefits. H.R. 2829 also ensures that agencies, not OMB, have the discretion to decide whether a public-private competition is appropriate.

H.R. 2829 gives Federal employees the right to appeal privatization decisions—a right that contractors already enjoy. We saw this in the Army's reversal of its 2004 decision to allow the in-house Federal workforce at Walter Reed Army Medical Center to perform support services at Walter Reed. When the competing private contractor protested the Army's decision, the Army reversed its decision and resolved the A–76 process in favor of the contractor. If the Army had initially decided in favor of the contractor, the employees would have had no similar right to protest.

This is about fairness. The administration's policy under Circular A–76 puts private contractors on third base before Federal employees even get a turn at bat. Section 738 of this bill helps level the playing field. The Sessions amendment would strip this important language from the bill. I urge my colleagues to vote "no" on the Sessions amendment.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 739. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2008 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.5 percent, and this adjustment shall apply to civilian employees in the Department of Homeland Security and shall apply to civilian employees in the Department of Defense who are represented by a labor organization as defined in 5 U.S.C. 7103(a)(4), and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2008. Civilian employees in the Department of Defense who are eligible to be represented by a labor organization as defined in 5 U.S.C. 7103(a)(4), but are not so represented, will receive the adjustment provided for in this section unless the positions are entitled to a pay adjustment under 5 U.S.C. 9902.

(b) Notwithstanding section 712 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2008 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2008.

SEC. 740. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 741. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) or of section 552.224 of title 48 of the Code of Federal Regulations.

SEC. 742. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): *Provided*, That section 604(a)(3) of such Act shall be amended by adding to the end the following:

"(G) executive departments and agencies in connection with the issuance of government-sponsored individually-billed travel charge cards.":

Provided further, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 743. CROSSCUT BUDGET.—

(a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms "Great Lakes" and "Great Lakes State" have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term "Great Lakes restoration activities" means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 30 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 744. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such titles IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 805. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless in the case of federal funds, the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008 and October 1, 2008, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are provided summary reports on April 1, 2008 and October 1, 2008, setting forth detailed information regarding each reprogramming conducted subject to this subsection, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

(c) The District of Columbia Government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through September 30, 2008.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. (a) Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; sec. 1–601.01 et seq., D.C. Official Code), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (sec. 1–204.22(3), D.C. Official Code), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

(b) Notwithstanding section 8344(a) of title 5, United States Code, the amendment made by section 2 of the District Government Reemployed Annuitant Offset Elimination Amendment Act of 2004 (D.C. Law 15–207) shall apply with respect to any individual employed in an appointive or elective position with the District of Columbia government after December 7, 2004.

SEC. 808. No later than 30 days after the end of the first quarter of fiscal year 2008, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2008 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2009. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 809. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia, to the Committees on Appropriations of the House of Representatives and Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 810. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2008, an inventory, as of September 30, 2007, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 811. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 812. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 813. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2008 and October 1, 2008, a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 814. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 815. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia; and

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools.

SEC. 816. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, section 1-204.42), for all agencies of the District of Columbia government for fiscal year 2008 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 817. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term "action" includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 818. The amount appropriated by this Act may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2007 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 819. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as "Other-Type Funds" in the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 820. The Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98-198): *Provided*, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 821. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 822. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 823. (a) DIRECT APPROPRIATION.—Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607(a), D.C. Official Code) is amended by striking the first 2 sentences and inserting the following: "There are authorized to be appropriated to the Service in each fiscal year such funds as may be necessary to carry out this chapter.".

(b) CONFORMING AMENDMENT.—Section 11233 of the Balanced Budget Act of 1997 (sec. 24-133, D.C. Official Code) is amended by striking subsection (f).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

SEC. 824. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 146, line 22, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill add the following new section:

TITLE ___

Sec. ___. The amount otherwise provided for under Title IV for the Federal Payment for Resident Tuition Support is increased by $1,000,000 and the amount otherwise provided for Salaries and Expenses of the Office of Special Counsel is reduced by $1,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, this is a very simple amendment. I think it is a win-win. This amendment will reduce the appropriation to the U.S. Office of Special Counsel by $1 million, but it redirects those funds to a far more deserving entity, District of Columbia students who wish to attend college, the D.C. College Access Act.

I was the original author of this legislation in 1999. This legislation essentially allows students in the District of Columbia to attend out-of-state universities and pay in-state tuitions because the District of Columbia does not have a state university system,

Since that time, what had once been a pipe dream for D.C. students, because college was so unaffordable to them, paying for private colleges and out-of-state universities, has become a reality and is becoming part of the culture of the District. It has doubled the number of students in the District of Columbia that are now able to go to colleges. It has doubled that number. It is changing the culture. It is changing the aspirations of these students.

This amendment, the $1 million that is added here, will allow an additional 200 District of Columbia students to take advantage of this program and go on to higher education. There will be no waiting lists. There will be no backups. They won't have to wait to see if the money is there. It will be there for them.

If you want to change the culture of the city, we start with the education system. Mayor Fenty has started with a new system trying to revamp the public school system. But it doesn't do these students any good if they can't, at the same time, go on to higher education.

The other thing this has done is it has kept people in the District of Columbia. Instead of having to move to Virginia or Maryland to attend universities, they can now live in the District and afford to send their kids on to college. Aspiring students who come from, in many cases, single-parent or no-parent homes, can now work their way through colleges, community colleges and other state universities in the region, and be able to commute back and forth. This has been a win-win situation.

Now, we take this money from the Office of the Special Counsel. This office was increased by about $800,000 this year over last year's appropriations. We are bringing them basically to the level of appropriation they had last year.

It is a troubled office. In February, Tom Devine of the Government Accountability Project testified before our committee that the Office of Special Counsel has become a caricature and an object of contempt among the constituencies it supposedly services. It illegally gags its own employees, engages in ugly retaliation against its staff and is engaging in heavy-handed obstruction of justice tactics to intimidate its own employees from testifying in ongoing investigations of its activities.

In April, Melanie Sloan, Executive Director of Citizens For Responsibility and Ethics in Washington, or CREW, said, "Having transformed OSC into a virtual black hole for legitimate complaints of retaliation, Bloch is decidedly not the right person to tackle issues of misconduct and illegality."

More recently, we witnessed a Special Counsel who is trying to rehabilitate himself. But Beth Daley, the Director of the Project on Government Oversight, was quoted last month as saying, "It is hard to believe the Office of Special Counsel will be able to conduct a thorough investigation into the White House while the Special Counsel is under investigation himself."

So I think this office can go back to the basic appropriation it had last year. This money can be better spent invested in the students of the District of Columbia as they aspire for higher education.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I have the utmost respect for the gentleman. He knows how much I respect his desire to improve every bit of the educational programs in D.C., but there are a couple of things we need to know.

First of all, this program is funded at $35.1 million. Interestingly enough, when we approached the D.C. government about this program, we asked what amount they wanted, and this was exactly the amount which was the President's request. They told us that they did not want or need any more. So it is funded at the President's request.

The big problem with this, and what I want to speak about, is the message that this cut sends to the public and to those folks who like to spend a lot of time attacking Members of Congress on both sides. The Special Counsel's Office is involved at this very moment in some very sensitive and high-profile investigations having to do with whistleblower issues, having to do with the Hatch Act and having to do with so many other issues that we have read about and talked about for a while.

If you are talking about a bipartisan way of inviting attacks on Congress and criticism of Congress, this is probably the best way to accomplish that. Because for $1 million to a program that is funded at the full presidential request, a program where the District of Columbia has said they didn't want any more money, for that $1 million, to give the impression they were somehow trying to put a damper on the investigations taking place is just the wrong message. For that alone, we should oppose it on both sides of the aisle.

In fact, I would hope, after listening to what I know the gentleman has maybe already paid attention to in the past in putting together this amendment, that he would actually consider withdrawing the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Let me just say, first of all, it is the President's requested number, but the District can use this money because of the students that are still waiting in line to make sure that they have a place and there is no waiting list.

Let me just add this. You are defending the Office of Special Counsel. The Special Counsel, just weeks after he came into office, removed any reference to discrimination on the basis of sexual orientation from the OSC Web site. He then testified before the Senate that he did not believe current law protects Federal employees from discrimination on the basis of sexual orientation, an assertion that flies in the face of decades of precedent and defies an Executive Order by President Bush.

Today, the Special Counsel is under investigation by the President's Council For Integrity and Efficiency and the Office of Personnel Management for claims that he retaliated against employees who complained about office policies, issued an illegal gag order, abused his hiring authority, discriminated against homosexuals, allowed political bias to influence enforcement of the Hatch Act, and forced senior career staff to relocate from OSC's Washington headquarters to a new regional office in Detroit.

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I would suggest that the gentleman go back and do his homework on this office. There are some sensitive issues they are dealing with. But I will tell you, this takes it back to last year's appropriation level, I think, or just about that level. More importantly, I think this money can be better spent on the students of the District of Columbia.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. SERRANO. Mr. Chairman, I would say to the gentleman, had I not done my homework, you would have helped me do it, because you started out by telling us you wanted to help DC, but then you did tell us that it was that you were having problems with the Special Counsel. Well, that is the issue. The issue is you want to get at the Special Counsel.

I am suggesting this is the wrong time and the wrong place to do it, because they are involved in very serious investigations, and the last thing we need is for the public and the talk show hosts to say that Congress, because they won't say you or I, that party or this party, that Congress is trying to put a chill on these investigations.

During the hearings, for the record, we asked the DC Government if they wanted more dollars. We gave them the opportunity to tell us if they wanted more than the President's request, and they said no.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, can I ask my friend, what are the sensitive investigations he is referring to?

Mr. SERRANO. The Special Counsel has been asked to look at various issues, including violations of the Hatch Act.

Mr. TOM DAVIS of Virginia. Are there any particular ones you are referring to at this point?

Mr. SERRANO. All of the above.

Mr. TOM DAVIS of Virginia. They have been looking at these investigations for years. This amendment still gives them $14 million to do that.

Mr. SERRANO. That is true.

Mr. TOM DAVIS of Virginia. Which is almost the number they had last year. In light of the record that has been compiled here, the investigation of GSA is complete. That has been forwarded to the President. That is no longer pending, so that is no longer an issue. I just wanted to make that clear on the record. This is not about that. This is about a number of other issues that have been concerns expressed from your side of the aisle as well.

Mr. SERRANO. If the gentleman will yield further, my point to the gentleman is he started his argument by saying he wanted to help the tuition program, but, in fact, he has a problem with the Special Counsel. I am suggesting that for the good of this House, we should not be doing anything that appears like we are trying to chill.

Mr. TOM DAVIS of Virginia. We had to get the money from somewhere, and this seemed to me an appropriate place to take it.

I am no stranger to this program. I was the chief author of authorizing this legislation to begin with. So we are not taking it for some program. This is a program I had a lot to do with creating and feel strongly about it and feel it could use additional money. I think the District feels the same way. The fact the committee funded it at the President's level doesn't mean it couldn't use additional money and fund additional students.

Mr. SERRANO. If the gentleman will continue to yield, my point would be until at least one of those investigations has concluded, which has gotten quite a bit of publicity in this country and been discussed widely, we should not be cutting what is not a large budget.

Mr. TOM DAVIS of Virginia. The one the gentleman is referring to has been completed. It has been forwarded to the President, and they have no additional jurisdiction. For the record, we need to clear that up.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I oppose the amendment by the gentleman from Virginia.

The Office of Special Counsel is a little-known agency with an important mission: it protects Federal whistleblowers from retaliation and enforces the Hatch Act, the law that prevents Federal officials from using Federal resources to engage in partisan politics.

Last month, the Special Counsel issued a report highly critical of Lurita Doan, the GSA Administrator. The Special Counsel found that during a briefing for certain GSA employees by the White House Deputy Director of Political Affairs, the Administrator encouraged her subordinates to engage in partisan political activity.

Here's what the Republican-appointed Special Counsel had to say about this incident: The GSA Administrator displayed no reservations in her willingness to commit GSA resources, including its human capital, to the Republican Party. Her actions, to be certain, constitute an obvious misuse of her official authority and were made for the purpose of affecting the result of an election. One can imagine no greater violation of the Hatch Act than to invoke the machinery of an agency, with all its contracts and buildings, in the service of a partisan campaign to retake Congress and the Governors' mansions.

Currently, the Special Counsel is investigating whether Karl Rove and other White House officials violated the Hatch Act by holding numerous other political presentations at over 20 Federal agencies across government.

Now, this amendment would take $1,000,000 from the Office of the Special Counsel. I have had serious disagreements with the Special Counsel in the past, but I have never proposed cutting the budget of this small agency. The Office only has a budget of about $16 million, so a cut of this magnitude could have a devastating effect.

We need more enforcement of the Hatch Act and more protection of Federal whistleblowers—not less.

I urge my colleagues to oppose the Davis amendment.

Mr. SERRANO. I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting Chairman. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT OFFERED BY MR. MILLER OF NORTH CAROLINA

Mr. MILLER of North Carolina. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of North Carolina:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available by this Act may be used to implement Executive Order 13422.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Chairman, I offer this amendment on my own behalf and the behalf of Ms. LINDA SÁNCHEZ of California.

Mr. Chairman, this amendment prohibits the use of funds to implement an Executive Order entered earlier this year. The Executive Order claims powers for the President over agency rulemaking that is consistent neither with statutes passed by Congress nor with the Constitution.

There are safeguards on how agencies can use that power, their power of rulemaking. Agencies are supposed to make rules in the public, with public participation, in the open, and citizens can sue an agency if regulations are too tough or too lenient.

Executive Order 13422 dramatically changes how rulemaking works and lets political appointees overrule the professionals at each agency in secret with no accountability to anyone. Decisions that are supposed to be made in the open can be made in closed rooms on the basis of improper political considerations, and often no citizen will know to sue to challenge a rule or more often sue to challenge agencies inaction because no citizen will know what really happened. No citizen will know what the professionals at an agency be recommended be done.

The issues raised by Executive Order 13422 need Congress' attention, but this amendment stops this President or any Presiding from seizing the power to rewrite almost every law that Congress passes, laws to protect public health, the environment, safety, civil rights, privacy, and on and on, without answering to Congress or the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. The gentleman has raised some very serious issues that need addressing, and I would accept the amendment and support it.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman's amendment. I am not going to call for a vote. I think this is something that needs to be studied a little more, and would anticipate that in conference we would try to address the problem. This Executive Order is relatively new. I am not sure what the impact of that would be nor what the impact of this amendment would be.

For the record, tonight I oppose it. As I say, I am not going to call for a vote on it, but I think the chairman and I ought to take a second look at it and decide whether we want to address the issue in conference.

Mr. Chairman, I yield back my time.

Mr. MILLER of North Carolina. Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I support the Miller-Sanchez amendment to H.R. 2829, the Financial Services and General Government Appropriations Act for Fiscal Year 2008. The Miller-Sanchez amendment would prohibit OMB from using the funds appropriated in this bill to implement Executive Order 13422.

Executive Order 13422 was issued on January 18, 2007. The Administration's rationale for this Executive Order, which amends Executive Order 12866, is that it will improve the way the government does business. What this Executive Order really does is to create new opportunities for politicization and delay in the regulatory process and make it harder for agencies to take virtually any action.

This Executive Order makes a significant change in policy by giving OMB authority over agency guidance documents. Agencies issue guidance for a variety of reasons such as providing safety warnings or helping the public understand how to comply with a particular requirement. Agencies will now have to get OMB approval of any guidance document that is considered "significant." This means that OMB will have the opportunity to second-guess the decisions of agency experts and that agencies will be delayed in, or blocked from, getting important information out to the public.

Executive Order 13422 also requires agencies to designate a presidential appointee as a "Regulatory Policy Officer" who will have significant authority. Unless specifically authorized by the agency head, an agency cannot "commence" a rulemaking without the approval of the Regulatory Policy Officer. This means that a political appointee will be in the powerful position of vetoing or indefinitely delaying a rule, even when the rule is needed to carry out Congress' directives. This will slow down agency action even further and invite the politicization of agency decisions.

Executive Order 13422 will make it harder for agencies to issue common sense safeguards to protect health, safety, and the environment. With the Miller-Sanchez amendment, Congress is sending the message that this is not a good way to govern. I urge my colleagues to support the Miller-Sanchez amendment.

Mr. SERRANO. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MILLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Chairman, I offer an amendment as the designee of the gentleman from Michigan (Mr. UPTON).

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INGLIS of South Carolina:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISION

SEC. 901. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. INGLIS) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, I am ready to accept the gentleman's amendment.

Mr. REGULA. On this side we are ready to accept it also.

The Acting CHAIRMAN. The Chair recognizes the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, we are very grateful for the opportunity to offer the amendment. It is on behalf of myself and Mr. LIPINSKI, the gentleman from Illinois, and the gentleman from Michigan Mr. UPTON, and the gentlewoman from California Ms. HARMAN.

It is an exciting thing to see an opportunity to save money and to save energy by changing some light bulbs. So we hope that we see these energy savings, and we know that it is something that will benefit the country.

Mr. Chairman, I would be happy to yield to the gentleman from Illinois (Mr. LIPINSKI). Even though we are very grateful for the chairman already accepting the amendment, he should say something about our bill.

Mr. LIPINSKI. Mr. Chairman, I thank Mr. INGLIS for yielding.

Mr. Chairman, Mr. INGLIS and I introduced the Bulb Replacement in Government with High-Efficiency Technology (BRIGHT) Energy Savings Act earlier this year, a bipartisan bill that garnered over 80 bipartisan cosponsors. Last week, it was incorporated into a comprehensive climate change and energy bill that the Transportation and Infrastructure Committee reported.

This amendment is a great step towards this goal of cutting down on the energy used by the Federal Government, cutting down on the emission of global climate-changing gases and saving taxpayers money.

So, I thank the chairman and the ranking member for accepting this amendment. This amendment has been included on every appropriations bill so far that has been brought to the floor, and I hope we can continue this. It is very rare that you can meet all of these goals at once while saving taxpayer dollars.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for his support. I very much appreciate the chairman and ranking member's acceptance of our amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. INGLIS).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GARRETT of New Jersey:

At the end of title VI, insert the following:

SEC. ____. None of the funds made available under this Act may be used by the Securities and Exchange Commission to enforce the requirements of section 404 of the Sarbanes-Oxley Act with respect to non-accelerated filers, who, pursuant to section 210.2–02T of title 17, Code of Federal Regulations, are not required to comply with such section 404 prior to December 15, 2007.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to offer an amendment that will positively affect thousands of small businesses across the country. I would like to thank my good friend from Florida, Congressman Tom Feeney, for sponsoring this amendment with me and for all of his hard work on pushing for much-needed Sarbanes-Oxley reform.

Mr. Chairman, the 5-year anniversary of the passage of Sarbanes-Oxley is almost upon us, and there are many of us who believe, myself included, that SO_X used a sledgehammer where a simple tap would do. The accountability and transparency goals that were so laudable in developing SO_X could have been met, at least in part, through a competitive market where empowered investigators have a real role.

One thing is for certain, however, and that is the regulatory scheme and structure that SO_X established has created more problems than it resolved. You see, we are in a global economy, and our financial markets must be able to be competitive. But when going public in an American market means added out-of-pocket expenses of $4 million to $6 million per accelerated filer, that is more than 50 times the original SEC estimate, it begs the question why any company rising through the ranks would go public and be subject to those requirements. Worse yet, it begs the question of why that successful company would go public in the U.S. at all.

In fact, there have been very many credible reports pointing to a loss in the supremacy of the American financial market as a direct result of the SO_X implementation. Only one of 24 listings with over $1 billion in capital raised has listed in the U.S. as opposed to London, according to the New York Stock Exchange. And there is also evidence that some U.S. companies have even returned to being privately held because of their inability to meet the costs and extensive accounting requirements of SO_X.

We have seen this directly with our Nation's two largest financial markets, the New York Stock Exchange and NASDAQ, both looking to expand into a less regulated, less litigated environment in Europe.

One segment of the U.S. economy that will bear a disproportionate brunt of SO_X is the American small business. Because the SEC expected small businesses to have difficulty meeting all of these costs and filing requirements, they were temporarily exempted from the regulatory burdens of section 404 to give them time to prepare. This exemption was last extended now through 2007 so that the SEC and the PCAOB could finalize their revised guidelines to management and new standards to the auditors. So while I am commend the SEC and the PCAOB in trying to improve the implementation of 404, it still remains unclear whether these revisions make it possible for small businesses to comply without suffering dire economic consequences.

Furthermore, it is unfair to make our small businesses comply with new regulations that are being finalized and adopted halfway through this year for which these small businesses are supposed to report.

So I offer this amendment today to extend the exemption for small businesses to comply with section 404. The amendment will prohibit the SEC from forcing small businesses to comply with section 404(a)for fiscal year 2008.

There is just too much evidence out there that small companies are not going public or are doing so overseas because of the onerous burdens of section 404, and this amendment will address that. It is essential that we do not add to the overly burdensome new costs on our Nation's small businesses, especially while new auditing standards are still being revised and finalized.

So by delaying the requirements for 1 year, and that is all, we are giving our small businesses more time to ensure that they are not unfairly hurt, without jeopardizing the accountability goals of the original SO_X legislation.

Mr. Chairman, I include for the RECORD The National Taxpayer Unions Vote Alert in support of this amendment that is on the floor today, along with a letter from the Property Casualty Insurers Association of America.

NATIONAL TAXPAYERS UNION,
June 27, 2007.

NATIONAL TAXPAYERS UNION VOTE ALERT

NTU urges all Members to vote "YES" on an amendment by Representative Scott Garrett (R-NJ) to H.R. 2829, the Financial Services Appropriations Bill. This amendment would extend the moratorium on small business compliance under Section 404 of the Public Company Accounting Reform and Investor Protection Act, also known as the Sarbanes-Oxley Act. Shielding small businesses from crushing regulations brought on by Sarbanes-Oxley is an important step in protecting a vital source of economic growth. A "YES" vote, in support of easing the burden on small businesses, will be significantly weighted in our annual Rating of Congress.

U.S. CHAMBER OF COMMERCE,
June 27, 2007.

Members of the U.S. House of Representatives: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, urges you to support the Garrett-Feeney amendment to H.R. 2829 the "Financial Services and General Government Appropriations Act, 2008." This amendment would extend the current moratorium for Section 404 compliance for small businesses through FY2008.

While the Chamber supports effective internal controls and the intent of Sarbanes-Oxley, the Chamber strongly believes smaller companies should not have to bear the disproportionately burdensome costs of Section 404 until the implementation of Section 404 has been fixed.

The Garrett-Feeney amendment would delay compliance for smaller public companies until the new standards have been adopted and tested for a full year's worth of experience for larger companies. Failure to pass the amendment would seriously undermine the cost-cutting objectives of the new standards.

Companies, auditors, and regulators will need at least a full year's experience to know if the Securities and Exchange Commission and Public Company Accounting Oversight Board's efforts to fix Section 404 implementation are working or if additional corrections are needed.

The Chamber strongly urges you to protect small businesses from being unfairly and disproportionately disadvantaged by voting for the Garrett-Feeney amendment to the Financial Services and General Government Appropriations Act, 2008. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

PROPERTY CASUALTY INSURERS
ASSOCIATION OF AMERICA,
Des Plaines, IL, June 27, 2007.

Hon. SCOTT GARRETT,
House of Representatives,
Washington, DC

DEAR MR. GARRETT: The Property Casualty Insurers Association of America (PCI) thanks you for introducing your amendment to H.R. 2829, the Financial Services and General Governmental Appropriations Bill, 2008, that would extend for another year the amount of time that smaller public companies have to comply with Section 404 of the Sarbanes-Oxley Act of 2002. PCI represents the broadest cross-section of insurers of any national property/casualty trade association, with over 1000 members writing over $194 billion in direct written premium annually, over 40 percent of the nation's property/casualty insurance.

PCI supports strong corporate governance for all corporations. Since the Sarbanes-Oxley Act became law, however, it has become clear that the overbroad way in which Section 404 was implemented has been a major competitive disadvantage for U.S. corporations. We believe that the costs of compliance with Section 404 must continue to be reduced for all publicly-traded insurance companies, including the small-to-medium sized insurers to which your amendment applies.

PCI congratulates you for taking the lead on this important issue, and we look forward to working with you to lessen the burden of Section 404 compliance for smaller public businesses.

Sincerely,

STEPHEN W. BROADIE.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, might I inquire, who has the right to close?

The Acting CHAIRMAN. The Chair would advise the gentleman that the gentleman from New Jersey has the right to close. The gentleman from Massachusetts is not a member of the committee.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, sic transit gloria Oxley. Mike Oxley, my Republican predecessor, is barely gone, when one of his great works is being trashed by his former colleagues.

Indeed, as I look at this assault, the gentleman from New Jersey started out talking about small business, but small business clearly appeared to be the stalking horse here. He talked about the New York Stock Exchange. They don't deal with small business. He talked about Sarbanes-Oxley in very negative terms broadly. His complaint is not about small business, but about Sarbanes-Oxley in general. If you analyze what the gentleman said, it was an assault on Sarbanes-Oxley.

Now, Sarbanes-Oxley was passed by a Republican House and a Democratic Senate. It was signed and claimed as a great triumph by our Republican President, George Bush.

I am sad for President Bush. No Child Left Behind, Sarbanes-Oxley, immigration, Medicare part D, even the war in Iraq. Mr. Chairman, are there no Bush policies left that can escape the assault of the Republican Party? I am inclined to think that there are only two Bush policies left that command strong support on the Republican side: illegal wiretapping and torture. Everything else they appear to have abandoned.

In fact, 10 days ago, the Secretary of the Treasury, Secretary Paulson, explicitly disagreed with the gentleman from New Jersey on the need for this amendment and said, no, we don't want to do this now. This is working.

What is working is a couple of days ago the Chairman of the Securities and Exchange Commission, our former colleague Mr. Cox, said, we don't need legislation. We are in the process of changing this. All five of the Commissioners appeared, and none of them asked us for legislation. Mr. Cox specifically said it is not needed.

This is a vote of no confidence in Chris Cox and the SEC. They have said, yes, we should change this. We have more time. It is in a deferment period, and the SEC is in the process, along with the Public Company Accounting Oversight Board, of winding this down, of making it easier.

Mr. Cox was asked just yesterday, well, what is this going to cost small business? He said, we don't know yet, because we are changing it already for the big businesses that have to pay. But we are going to look at that, and we will make adjustments.

So Chris Cox, on behalf of a unanimous SEC, 3 Republicans, 2 Democrats, along with the Republican Secretary of the Treasury Mr. PAULSON, says we are fixing this. Please do not at this point legislate.

Of course, what we see is, if you listen to the gentleman from New Jersey, this is the beginning of an assault on Sarbanes-Oxley in general, because much of his speech was not about small business, it was about Sarbanes-Oxley in general, which he does not like and thinks is a terrible burden and is driving people overseas.

□ 2330

It is not driving small business overseas. Nobody argues that. It is not driving small businesses off the New York Stock Exchange; they were never on it. So this is step one in the assault on Sarbanes-Oxley. It is an unnecessary assault because the SEC, under Chairman Cox, with a Republican majority and Secretary Paulson are already trying to fix this problem.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman for his comments and just point out that I also did not support No Child Left Behind, the medicare bill, the immigration bill or SOX, and I do have a No

Child Left Behind bill if you would like to sign on to reform that piece of legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I voted against No Child Left Behind. I understand that. You have got nothing with Bush, and I understand that. I just felt sorry for the poor man being abandoned so much.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FEENEY) who has been a staunch advocate of businesses large and small and making sure that they are competitive and stay strong in this country.

Mr. FEENEY. I want to thank the gentleman from New Jersey (Mr. GARRETT) because he has a great amendment here. And I also want to recognize my chairman, Mr. FRANK, because he is a passionate advocate for doing the right thing and balancing markets and freedom versus the social good.

By the way, we are not renouncing everything that the Bush administration has done. Tax cuts and pro-growth issues, the fact that we have not had a terrorist strike since 9/11 are all a few things that we ought to recognize about the Bush administration.

But look, Congress messed up before Congressman GARRETT and I got here. We are now outsourcing because of section 404 of Sarbanes-Oxley America's 100-year lead in world capital markets. Like it or not, this was never debated in the House. It was added in the Senate; 264 words, section 404 was added. Nobody knew what the cost of this would be.

By the way, the Securities and Exchange Commission testified in the Senate that it would cost the average company $92,000 a year. It turns out to be more like 30 times that. Being off by 30 times is bad work even by government standards. It's amazing.

I will tell you that one study published by the American Enterprise Institute and the Brookings Institute says that the drag on the American economy is equivalent to a $1.1 trillion regulatory tax on the U.S. economy. That is about an 8 percent tax on everything we do. It is unbelievable.

The Acting CHAIRMAN. The time of the gentleman from New Jersey (Mr. GARRETT) has expired.

Mr. FEENEY. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts and the gentleman from New Jersey each be given an additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GARRETT of New Jersey. I yield to the gentleman from Florida.

Mr. FEENEY. I will tell you this, before Sarbanes-Oxley, foreign initial public offerings raised 90 cents of every new dollar in America. Now 90 cents of new dollar raised by international public offerings is raised overseas. We are outsourcing America's 100-year lead in capital markets.

If we want Shanghai and Hong Kong and London to be the leader in capital markets, so be it. But we are fiddling while the capital markets burn. I admire my chairman, Mr. FRANK. I think it is too little too late to let the SEC fiddle while the capital markets of America burn to their death.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, just a reflection on the comments by the chairman. I appreciate the chairman wishing to defer to the expertise of the SEC. Would the chairman and the committee defer in the same manner to the SEC with regard to the issue of executive compensation as he does to the area of SOX.

The problem with the testimony that we heard in committee the other day is that after repeated questioning from both sides of the aisle as to exactly what the cost will be on business in America through the SOX reform that they are proposing right now out of the SEC on both large and small businesses, their answer was basically "we don't know."

They have had 2 years to look at it at the SEC, to come up with new rules and regulations, to try to bring down the complexity and the burden on businesses large and small. And after 2 years, they don't know.

Congress has directed them and the message has been made clear to the SEC that the burden, as the gentleman from Florida has already pointed out, is excessive and we asked them repeatedly, can you categorize this? Can you pinpoint how much, if any, savings there will be for businesses? And they say they don't know.

So until they do know, all we are asking for is a 1-year extension so that small businesses can have an opportune time to learn the new regulations that are basically being promulgated as we speak before they have to implement them.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman for yielding me time.

First, as to executive compensation, the gentleman from New Jersey, he finds inconsistencies where none exist. They are kind of like Harvey, his invisible rabbit.

On executive compensation, the SEC has said when asked that they do not have the power to do what our bill does. That is very different than Sarbanes-Oxley. With regard to Sarbanes-Oxley, Chris Cox has said I am doing this, so they are quite different.

The SEC with executive compensation said we can make them say how much it will be; if you want to go further, we have no power to do that.

That is exactly the opposite of what they have said on Sarbanes-Oxley in which they said we are fixing this, and Chris Cox said there is no reason for you to legislate.

The gentleman from New Jersey is being unfair to Chairman Cox in caricaturing him as saying "we don't know."

What he said when asked what it would cost is very straightforward: "We don't know yet." He said we are in the process of finding out because what the chairman said is we are downsizing Sarbanes-Oxley. We are downsizing it for everybody. We will know better after we see what the new requirements are for larger businesses, how much there will be saved for smaller businesses.

The fact is that the gentleman from New Jersey quite graphically misrepresented what the SEC said. The SEC did not say "we don't know," the SEC said "we will tell you after we have had some experience."

Mr. REGULA. Mr. Chairman, reclaiming my time, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I believe my friend from Massachusetts, who is a great chairman of the Committee on Financial Services, I would ask him: Is it true or is it not true that America's market share of capital formation and capital control has declined since Sarbanes-Oxley has been enacted?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The answer is "yes" for a variety of reasons, but I want to make this point. It has nothing to do with this amendment. The gentleman has proven my point. Small businesses don't do IPOs. It is not in the small business area where the decline has happened. So what we see here is small business has been taken hostage by people who never liked Sarbanes-Oxley because the argument the gentleman makes has nothing to do with the specifics of the gentleman's amendment.

Mr. REGULA. Reclaiming my time, and I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the gentleman.

The chairman is very sophisticated. He understands free markets more than anybody even though he doesn't always believe in free markets. But the truth of the matter is we have lost our capital market leadership for the first time in 100 years. There may be other variables, and I would agree with the chairman. But one of the variables is Sarbanes-Oxley is discouraging investment in America. By the way, American investors are sending their money overseas.

And I would ask the chairman very briefly: Do you agree or not agree that overtaxation, overregulation through Sarbanes-Oxley, and section 404, by the way, was never debated in the committee that you now chair. It was done in the Senate.

The Acting CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Again, the gentleman from Florida has made a general assault on Sarbanes-Oxley. He is now attacking Speaker HASTERT. The number of people who are in trouble on the Republican side by this group grows and grows and grows. It is the Speaker of the House, the gentleman from Illinois, the former Speaker, who apparently acquiesced, inappropriately, according to the gentleman. Take it up with him, I would say to the gentleman.

Mr. FEENEY. Would the gentleman yield?

Mr. FRANK of Massachusetts. Briefly.

Mr. FEENEY. Was section 404 ever debated in the Financial Services Committee that you now chair?

Mr. FRANK of Massachusetts. Because I was not the chairman, I do remember discussion of it during the conference report. But reclaiming my time.

Mr. FEENEY. Wait a minute, you didn't answer the question.

Mr. FRANK of Massachusetts. It is my time.

Mr. FEENEY. Was 404 ever debated?

Mr. FRANK of Massachusetts. Regular order, Mr. Chairman.

The Acting CHAIRMAN. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. The fact is that I will not allow my time to be diverted by internecine Republican warfare. You don't like George Bush's bill that he signed. You don't think that Oxley did a very good job. You are upset at your own leadership procedurally. You think Chris Cox doesn't know what he is doing. You disagree with Paulson.

Mr. Chairman, they can fight it out. I would like to discuss substance. I'm not here to get even for past grievances that Republicans have with other Republicans.

Again, the gentleman from Florida's assault has nothing to do with this amendment, but it is relevant in this sense: It shows that what we have here is the beginning of an attack on Sarbanes-Oxley.

The IPOs, small business don't do IPOs. Small business hasn't left America to go to England. That is the clear indication of what is up.

Now to get back to the substance, Chairman Cox and the other members of the commission said we agree it went too far in the regulation. We are scaling it back. We are scaling it back first for the big businesses who will be affected by it, and we will learn from that scaling back how much it will help smaller businesses.

Again, the gentleman from New Jersey quite unfairly mischaracterized what the commissioners said. The commissioners didn't say "we don't know," period. They said we don't know now because we expect to get experience from the reductions in the scaling back we have already ordered, and that will tell us how that will help small business.

Mr. GARRETT of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I quite candidly don't recall in any of the questioning by my side of the aisle or yours that he used the word "yet."

Mr. FRANK of Massachusetts. The gentleman is simply wrong. He made it very clear. I am quoting him almost verbatim when I say they said: We will find out from scaling back in general how much it will save, and then we will be able to tell you how much the savings will be.

No, I am not yielding any more because this is just not a debatable issue. The five commissioners didn't say simply "we don't know." They said, "We don't know as of now, but we will know better once we have had this experience."

I want to go back and respond, the gentleman from Florida said the SEC is fiddling while capital markets burn. I don't think Chris Cox is fiddling.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Let me simply say, Mr. Chairman, I recognize this specific discussion is aimed at Sarbanes-Oxley. But in fact I have been around here for awhile, and I know that this occurs in the context of a much broader and much more insidious pattern.

The fact is if you take a look at what Republican controlled Congresses have tried to do since 1995, you will see that they have voted for appropriation after appropriation that cut the SEC budget even below the President's request. What that meant was that while that agency's workload was expanding and exploding, the ability of the SEC staff to keep up with that workload was being undermined by this body.

The percentage of all corporate filings reviewed by the agency declined dramatically from 21 percent in 1991 to about 8 percent in 2000. Is it any wonder that the Enrons of this world were convinced that they could get away with anything. After Enron failed and after we had a series of other corporations that failed, and their officers went to jail, people got scared. They decided we better do something or we will be seen as being complicit in the abandonment of government's obligation to see that investors are protected.

So what happened is they were scared finally in backing into passing Sarbanes-Oxley. They fought it all the way. And now that it is on the books and the heat is off and the cops ain't watching as much, then what are they doing, they once again want to whittle away at Sarbanes-Oxley. Not with my vote they are not going to.

I yield to the gentleman from Massachusetts.

□ 2345

Mr. FRANK of Massachusetts. Let me make the substantive argument here.

Law enforcement in America is not totalitarian. It is not authoritarian. It requires a buy-in by those regulators. And that's why this amendment would do so much damage. There is, of course, a disconnect between the amendment which hides behind small business and the broader attack on Sarbanes-Oxley that we have heard from the two speakers.

But here's where the connection comes in. The SEC, with the full backing of Secretary Paulson, all these Republican nominees, Secretary Paulson from Goldman Sachs, Chris Cox and the others, they understand that Sarbanes-Oxley was overwritten in the regulatory phase. They are writing it down, but they don't want people to just think this is chaos. They have asked us explicitly, the Secretary of the Treasury and the SEC, the Republican appointees, to let them work this out. They agree that it needs to be reduced.

But if you start now with Congress piecemeal amending it, the degree of consensus they are trying to reach in the business community will erode. If people think, oh, we got one amendment through, we got this piece out, then there will be others who want another piece, people who have always resented it. And Mr. Cox has been very careful to try to get, for instance, unanimity in the commission because he wants people not to think this is a chance he's saying, it's going one way, it's going the other. And to begin now to whittle away at his authority, when he is in the process of doing exactly what critics of Sarbanes-Oxley as it now stands say they want to do, undermines his ability to reform this in an orderly way.

Mr. FEENEY. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. FEENEY. When Sarbanes-Oxley was passed, America had roughly 48 percent of the world capital market formation. We're down to about 39 percent.

Mr. Chairman, I ask you, because you're a good friend and you're smart about this stuff, at what point will you say that there's a problem?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First of all, does the gentleman not understand that his question, as virtually all of his debate, has zero to do with the amendment he purports to be supporting?

The fact is that the problems, yes, in China they have decided to do it in Shanghai. I think there are a lot of reasons why there has been a shifting and we're no longer overall in the world. But it has nothing to do with this amendment because it's not about small business. We haven't lost the share of small business. But the gentleman has reinforced my point. I mentioned Shanghai. Shanghai is appropriate, because this amendment is an attempt to shanghai small business into the cause of undermining Sarbanes-Oxley and undercutting the effort by the SEC, supported by the Secretary of the Treasury—and I assume the Bush administration—to allow the process of scaling back Sarbanes-Oxley to be done in an orderly, reasonable fashion.

Mr. HALL of New York. Mr. Chairman, I am a committed advocate for small businesses, which are a driving force in the economy of the Hudson Valley. To help support these businesses, I cosponsored the Small Business Tax Relief Act, which provided a number of tax breaks to local small businesses including enhancement of the work opportunity tax credit and the ability to claim the work opportunity tax credit against AMT liability. I was proud to see the President sign that small business tax relief package into law earlier this year. The bill we considered today, the Financial Services and General Government Appropriations Bill, included over $580 million for the Small Business Administration. Small businesses are a vital part of the 19th district of New York and the country as a whole, and I am committed to helping small business owners succeed in the 21st century and beyond.

During consideration of the Financial Services and General Government Appropriations Bill I voted against an amendment proposed by Congressman GARRETT that would have extended a moratorium on enforcement of section 404 of the Sarbanes-Oxley Act. I am concerned that the amendment would have weakened the Sarbanes-Oxley system, which is designed to ensure transparency in America's corporations and protect innocent shareholders and employees from corporate malfeasance. I have not forgotten what led to the demise of companies like Enron and Worldcom, and I am committed to ensuring that such tragedies are not repeated. I look forward to continuing to work with colleagues to pursue ways to support small business growth and corporate accountability.

The Acting CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Thank you, Mr. Chairman.

Perhaps the next couple of hours, and certainly most of all day tomorrow, Member after Member on our side will come down here to these microphones and attempt to reduce spending in this appropriations bill. My amendment would fix a problem that they will have should they be successful in any of their amendments.

Under our existing rules, the existing processes under which we work, the budget is passed and is allocated among the various programs under what we call a 302(b) allocation. Each of these subcommittees bring their bills down here in a total amount to be spent. As I have mentioned, Member after Member will come down here to attempt to convince a majority of us to reduce the spending that is included in the bill. Should they be successful, it's not likely but should they be successful in reducing that spending the little known secret, unknown outside the Beltway, is that the actual total amount of spending under the 302(b) allocation will not change, no matter what we do here on this floor. It stays where it is.

And so what my amendment would do, it would be to take those successful attempts to reduce spending and would funnel those dollars against the deficit that this country will continue to experience in 2008. If you look at the budget that was passed by the Democrats, the budget shows a deficit for this year. So should we be successful on any of these bills, my amendment would allow the savings to go against the deficit and in future years should we have a surplus, it would actually allow the surplus to increase.

So it's a pretty straightforward concept. Most folks back home understand when they save money in certain areas on spending, they have that money available to spend somewhere else, to put in savings, to reduce debt, to do all the kinds of things, but under our arcane system here, that money simply stays with the committee and through some process in conference gets spent again should we be successful.

I understand there's a point of order that lies against this. I do not intend to push it, and I will withdraw my amendment, but I seek to point this out one more time to anyone who might be listening at this early hour in Hawaii or late here on the east coast.

I would also like to get acknowledgment that I'm getting my amendment out of the way tonight as opposed to tomorrow when the heavy lifting on the spending cuts will occur.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act (including funds made available in title IV or VIII) may be used by the District of Columbia for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself 3 minutes.

This amendment would continue the existing ban on public funding for needle exchange programs in Washington, D.C. We have prohibited this since 1999, so we've done this for 7 years. We generally speaking have had votes in the House and Senate and voted overwhelmingly not to have the taxpayers be heroin dealers.

Intravenous drug use is associated with two epidemics, the spread of infectious diseases such as HIV and hepatitis C and illicit drug abuse and the physical, economic and social damages it does. Needle exchange programs do not increase drug abuse. They maintain it, they sustain it, they support the intravenous drug use.

Also, over the years, we can argue about the studies and we've argued on this on the House floor over and over about this study and that study. The best that you can say is studies are inconclusive. In fact, recent studies are moving to prove what I have alleged in these debates over the years, that there's no significant impact on HIV infection, in fact, we merely subsidize heroin use.

Responsible public health policy and compassion requires us to meet the primary illness, not just the outward symptoms of the disease. Addiction is what fuels HIV risk. Providing needles to addicts isn't going to help end their addiction. It is not compassionate to enable addicts to continue their addiction. What we need to do is get them off. For example, D.C. has actually reduced the funding for drug abuse and addiction treatment. They need to be focusing on addiction treatment, not providing free heroin needles.

I want to speak briefly about Vancouver, Canada, which was the model in the western hemisphere. When they first implemented this program, I visited Vancouver and watched the distribution of needles. They assured me that this was going to get the problem under control, even though they saw rising drug abuse in the center city of Vancouver. By the next time I went up to Vancouver, they had multiple needle sites, that in fact some of the needle sites in downtown Vancouver were competing with each other and arguing over who got to provide the needles. We saw in many of these urban center areas, which has been repeated in New York and in other places where they've had these experimental programs that in fact it has increased codependency because in many of these areas where you see people who are being treated for a variety of different illnesses, you have homeless shelters, and we've seen a rise in codependency because the needle exchange programs and the heroin dealers are down where the needle exchange programs are and we've seen an increase and a rise in this.

Recent studies out of Vancouver are continuing to prove on a steady, systematic way that it has been one colossal failure that had been touted on this House floor as a solution to HIV. I believe that it is not only practically wrong for us to provide the funds through taxpayer funds to a program that is not only practically not effective in stopping HIV, it is, I believe, morally and ethically wrong to ask the taxpayers to in effect provide the very needles that keep people addicted to heroin.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does the gentleman continue to reserve his point of order?

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment requires a determination.

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair finds that this amendment imposes new duties on the Secretary. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act (including funds made available in title IV or VIII) may be used for the Prevention Works or Whitman-Walker Clinic needle exchange programs.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

I was hoping that we could deal with this issue in a broader amendment and I misspoke. We have a battle on the House floor over direct funding. This is in particular a limitation and I understood that under parliamentary rules my earlier amendment might be tossed out on grounds of trying to legislate on an appropriations bill.

In the past, just for the record, the Rules Committee has always protected this amendment because we felt it was absolutely critical not to have the distribution of needles to heroin addicts in our capital city of America. But since the Rules Committee did not protect the general, this particular amendment in front of us doesn't really have a broad, sweeping effect on the District of Columbia but in fact targets two programs that have in fact in the past ineffectively distributed needles and syringes.

The general question is, and this is a proxy vote, is do you believe that needles should be distributed to heroin addicts by public enemies, and particularly in our Nation's Capital. Should we repeat in the streets of Washington, DC, what has failed in so many cities in the United States and around the world, in a, I believe, heartfelt honest attempt to reduce HIV virus, instead hasn't reduced HIV virus or at least at best—there is dispute as to that—but has in fact increased and sustained heroin addiction in the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in very strong opposition to this amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, this is one of those amendments that leaves you scratching your head. This really is an issue that has been visited for so many years and well understood by the medical profession and activists and citizens throughout this country. We are not promoting the use of drugs. In fact, every needle exchange program that I am familiar with, including the one that exists in my congressional district, encourages people to seek treatment, demands in many cases that you seek treatment. But all it says is that while you are a drug addict, while you are trying to get off that addiction, that you not spread the HIV virus by sharing needles.

This is a very sensible medical approach to a very serious social issue and a medical issue. When you have folks who are addicted, the impression that some people get is that this is some sort of a party that people go to and they get drugs by getting needles. What you get is a medical procedure that says you're addicted, we want to help you, we want you to submit yourself to treatment, but in the meantime we will ask you to use this needle rather than one that you can share with someone else and either get the HIV virus or pass it on to someone else.

Washington, DC, is number one in the Nation in AIDS cases right now. All this language says is that the local government will be able to use its local funds to put forth a needle exchange program. My God. To what extent will we continue in this House as we have in the past to take every social issue that we can't win in our local districts and bring it and put it on the people of the District of Columbia and say this is how we want you to behave, because this is what I believe in and back home I can't do this, so I'm going to do it on you and I'm going to do it to you.

□ 0000

The mayor, city council, the leadership, has asked over and over again, give us the opportunity to deal with this issue on our own, in our own way, and in our own terms.

We are not, if I had my way, I would have said that Federal funds could be used for a needle exchange program. That's who I am. But that's not what this says. This simply says that those dollars that are raised locally by the people in the District of Columbia, that they can use it for a program that can save lives, that can stop the spread of AIDS, that can deal with an issue in the most proper and humane way.

This is one of those issues where you have to go deep into your soul, into your heart and not deal with the rhetoric of what sounds right in a 30-second sound bite, but what is proper for public safety, for public health, and for the human dignity of a person that already has a major problem.

I have dealt with a lot of people who are addicted for a long time in my district. I know the pain they go through. At the expense of perhaps making light of it, when they show up at a needle exchange program, they are not dressed in tuxedos with martinis in their hands having a ball. They are people who are hurting, hurting and trying to survive somehow. This may just give them a chance not to get sick, but perhaps just as important, or most importantly, not to make someone else sick.

I would hope that the gentleman fully understands what this is. One, it's local control over the destiny of the District of Columbia; and, secondly, it is a proper medical way for this society to deal with an issue.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from Indiana has 3½ minutes remaining.

Mr. SOUDER. Mr. Chairman, I yield myself 2½ minutes.

First, I want to make it absolutely career that I have spent much of my career work on antinarcotics effort, and it is not a cavalier, cheap shot-type amendment here. I have visited the Vancouver multiple times. I have visited the heroin centers in Switzerland. I have been on the streets of New York and other areas where this has purported to do what the gentleman claims it does. It doesn't. The gentleman didn't cite any study, to the degree there are studies. I have already acknowledged they are mixed. But the net impact is it hasn't seen a reduction in HIV use, and it has seen an increase in heroin use.

Secondly, as far as Washington DC, they have 80 beds, capacity for 80 beds for detoxification. That is not a serious effort to reduce heroin.

Thirdly, we fund the District of Columbia. It is our national capital. You can criticize or say that we micromanage, but, in fact, we provide much of the funding that goes in the District of Columbia, and it is, if not directly, at least indirectly taxpayer funds. Because it is a national capital, that is why it is set up as the District of Columbia.

Now, I understand there is frustration with that, but we have also tried to limit any direct or indirect funds to heroin needle exchanges anywhere in the country. This isn't targeted at Washington DC. You can look at my record. I am willing to target anybody on this program, because I don't believe it reduces HIV. I do believe it increases heroin addiction. I do believe that, in fact, it has been a well-intended, as I said, program, that has worked out to be counterproductive.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, just one comment. First of all, the committee received a letter in support of removing the prohibition signed by 29 leaders of medical, public health and social service organizations.

In addition, while drug use is illegal, users should not have to pay with their lives. Studies conducted by the CDC, NIH, National Academies of Science and the GAO, which demonstrate that needle exchange programs reduce the incidence of HIV. I mean, this is an array of serious government agencies saying that this, in fact, reduces HIV.

So, on the one hand we spent a lot of money in this country, both here at home and overseas. To the President's credit, he has picked up the ball lately on that issue, and has responded better than in the past on the idea of fighting this disease throughout the world.

Well, right here at home, right here in the Nation's Capital, where the largest number of people infected exist now, the largest ratio, we could deal with this by simply allowing them to do what they must do.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

First off, we have quoted study after study on this House floor, indirect studies contracted out by different people at different times have, in fact, proven different things depending on what you want to try to prove. The net impact of it is it hasn't reduced HIV, and it has not reduced but, in fact, we have seen heroin addiction go up.

Medical associations are on both sides of the record on this issue, because on the early days of this issue it showed great promise, and there was great hope that, in fact, it might work, but that it has not. What we really need is drug treatment, not drug enable willing. What you can see when you go into these difference centers and visit them is, as a matter of fact, some people come in, they see it as a way to get clean needles. But when you analyze the studies, it's not even that those who were using dirty needles used dirty needles less, they use heroin more.

During the periods of time where they could get the needles at the distribution points, they get the needles at the distribution points. At other times, when they want to get caught up, they go get the dirty needles. It doesn't even reduce. In a case-by-case basis, there's not proven sustained evidence that it even reduces the dirty needles of those who go to the centers. Unless you have round-the-clock constant track usage in a controlled setting, it simply doesn't have the impact that it claims to have.

I believe that this is good Federal policy that we have maintained since 1999, and we should keep this policy.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I want to congratulate the gentleman from Indiana. I was not aware of the fact that he had gotten a medical degree. I don't think he is a doctor, and neither am I, and so I would submit that neither one of us are actually qualified to make final judgments about medical matters.

But I am also bothered by something else. You know, I came here to be a Member of the United States Congress. I didn't come here to be a Member of the DC City Council. I'm certainly not getting paid for it. I don't know if the gentleman is, but I'm not, and I don't feel like doing double duty as a city councilman at 7 minutes after midnight. I don't even think I would feel like doing that tomorrow.

But what I am bothered by is the idea that somehow we think we can come from our own communities, our own States, and then come to this town, because we happen to technically approve the district's budget in a plantation-type style, we, therefore, begin to tell the District of Columbia that we are going to decide what kind of medical advice is relevant. I heard the gentleman say this in debate, I believe it is wrong.

Well, the gentleman is perfectly entitled to that opinion, just as I am entitled to my opinion. But the fact is that I don't believe that it makes much sense for either Dr. SOUDER or Dr. OBEY to be telling DC how they can use their own money. I think it's the height of arrogance on the part of the Congress.

If you want to dictate to communities, would you dare go home and dictate to your own hometown what the city council ought to do? Would you say that because we provide Federal money to your city council, that somehow we should decide what their policy ought to be on medical matters? I don't think so.

I am baffled by people, especially by conservatives, who every day will profess to believe in local control, States' rights and the like, but then when it comes to the District of Columbia, they say, well, because we have a special opportunity, we are going to impose our judgment on yours. I don't think this is about the issue of needle exchange or drugs. I detest drugs. My God, look what they have done to Rush Limbaugh.

But for God's sake, it seems to me that we ought to have enough restraint to recognize that if we wanted to dictate to the DC what their policies ought to be, then we ought to resign from Congress and run for city council for the District of Columbia, or maybe even mayor.

But until that time, it seems to me that the District of Columbia government has the right to make their own choices even if they are wrong.

Now, Will Rogers said once that when two people agree on everything, one of them is unnecessary.

I would submit that I don't have to agree with the gentleman's opinion, and he doesn't have to agree with mine to recognize that we have got a right to state those opinions and follow up on them on Federal matters. But we are interfering in the operation of a local city, and we have no right to do that on education, on drugs or anything else.

You learn from your own mistakes, and if the District of Columbia is making the wrong choice, then I suspect in time evidence will show they made the wrong choice.

But, until then, we are imposing our own judgment on a life-threatening matter. As one layman to another, that makes no sense whatsoever.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. REGULA. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, as my friend from Wisconsin knows my issue on this commitment goes far beyond the District of Columbia. This doesn't have anything to do with the goal of being a city council member in the District of Columbia.

I believe any type of funding of heroin needles is counterproductive, and there are plenty of medical experts on both sides who will make that argument either direction. But evidence is increasingly proving that the one group of doctors, the one group of researchers and the 7 years of legislation here are being proven correct, and time will prove them even more correct.

But I do want to address the underlying fundamental question on whether we have a right to legislate in the District of Columbia.

Obviously, the Constitution from the founding of this country has treated the District of Columbia differently. It's our national capital. We have increasingly given them more flexibility.

I think that that is, generally speaking, a good thing. But we don't have a Fort Wayne, Indiana, appropriations bill that comes to the floor. We get some funding, but there are not special bills that come from taxpayer dollars all over America. Nor is there a northern Wisconsin funding bill that comes to the House floor.

When we take large sums of money from our districts that then gets used in policies, in our national capital, that was set up to be different than the other States, with different guidelines and difference regulations, then we do have some obligation to the taxpayers in our district and to our Nation that chose us as the national capital and an appropriations process that set us up where we are taking funds from other States because this is our national capital, and which none of us resents putting funds in because it's our national capital. We use much of the space here, we have put certain restrictions in the city.

I believe we are justified then in trying to do wise policies to the degree possible when necessary in the city. But my opposition to heroin needles is not just restricted to District of Columbia. This is bad policy that does not help the HIV problem and does expand the heroin problem.

Mr. OBEY. Would the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say, I would agree with the gentleman if his amendment was limited only to the money that we are appropriating to the District of Columbia. What I don't agree with is when we impose that same judgment on the use of their local money.

Mr. SOUDER. Would the gentleman yield?

Mr. REGULA. I yield to the gentleman from Indiana.

Mr. SOUDER. The point is, we have debated this in multiple ways, we had faith-based debates. We had the debate the other day on international family planning. Money is fungible, and it's very difficult to sort out which is which when it's this big amount of funds we put into the city.

Mr. REGULA. I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, in anticipation of the possibility that we would allow them to use their local dollars, the District of Columbia already has put together a plan, a very comprehensive plan to deal with this issue.

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That is the plan presented to the committee by Dr. Greg Payne, the Director of the Department of Health. In it, they speak about the dollars they want to spend and the agencies they want to deal with at the local level. They are very serious about the fact that they want this done, and we should be supportive of it.

I did not, in my comments, intend, nor do I now, to question the gentleman's commitment to his belief that this is not a good program. I respect that. I disagree with you, but that was never my intent, if that's what you got out of it.

But I know that you would not be able to present this kind of an approach anywhere else except when it comes to dealing with the District of Columbia because it is, for all intents and purposes, a territory or a colony. And I take that very seriously because I was born there, an America colony. And I'll be darned if I'm going to be the Governor, now in charge by the Congress of a colony. I don't want to do to DC what I feel has been done to my birthplace for 109 years. I fight every day to make that a better situation.

And I think what's happened is somewhere along the way we discovered in Congress, and at times it's been done by everybody, we discovered in Congress that there was a playground, there was a place where we could put forth issues that we thought were important issues. And so if you look at the provisions that prohibit local and/or Federal funds from being used in DC, you see everything from the abortion issue to the gay issue, to the domestic partners issue, to the needle exchange issue; just about every issue that we have ever decided is important in this country, we've used DC as the example. And why? Because they can't fight back because they're powerless because they are, indeed, a colony.

Well, I don't know how long I'm going to be chairman of this committee, but as long as I'm chairman of this committee, I will work hard on many issues, and one of them is to alleviate the burden of the District of Columbia to have to be treated like a colony of the U.S. Congress.

Let us do this locally. Let us all decide that if you really believe in something like this, do it locally.

Let me read to you something that Mayor Fenty wrote to us. And I always mention the fact, and I don't want to put my ranking member in a difficult situation, although, you know, he's tough enough to handle it, but he and

I are big fans of this Mayor. We're big fans of the vision he presents. We're big fans of giving the District every opportunity to succeed. He says it more than I do. In every opening statement, at every committee hearing, he brings up DC as something, a group of people he wants to help.

The Mayor says, statistics in 2005 show that DC has the highest rate of AIDS cases in the country, a rate that is over 6 times the national average. An estimated 1 in 20 DC residents is infected with HIV. Nearly 1 in 50 has full-blown AIDS.

My God, if this is true, and it is, then why wouldn't we let them at least use their local funds to deal with this issue?

You know, I don't know 50 years from now how we're going to be judged, but I think that an issue that may not get the importance it gets now, like this one, will be one of the ones that will judge all of us as to what we did when we had an opportunity to do something.

Mr. SOUDER. Will the gentleman yield?

Mr. SERRANO. Absolutely.

Mr. SOUDER. I want to make just two brief points. One is Vancouver, when they were first looking at it because of their at that time rising AIDS rates, which were not nearly as high at DC, had a similar plan, or met with similar people from the medical community, and they've been proven wrong. Just because you have a plan and it came from the medical community does not mean it will work, and the program hasn't worked.

But I do want to make, if I could, one personal clarification. I am more than willing and have worked to put this restriction on every city in America. I don't distinguish Washington, DC, from others, and I don't appreciate the implication that I would treat it like a plantation. I believe this restriction ought to apply to every city.

Mr. SERRANO. Well, with all due respect, and reclaiming my time, you may not feel that it's treated like a plantation, you may not feel that it's treated like a colony, but let me tell you, I don't know a plantation, but I know a colony, and we do treat it like a colony.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

Mr. SERRANO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LIPINSKI) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2829), making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I submit for publication the attached copy of the Rules of the Committee on Standards of Official Conduct for the U.S. House of Representatives for the 110th Congress. The Committee on Standards of Official Conduct adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 16, 2007. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2).

RULES—COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

ADOPTED FEBRUARY 16, 2007

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(I) of Rule XI of the Rules of the House of Representatives, 110th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chairman and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business.

Rule 2. Definitions

(a) "Committee" means the Committee on Standards of Official Conduct.

(b) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) "Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) "Adjudicatory Subcommittee" means a subcommittee designated pursuant to Rule 23(a), that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(j) "Member" means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(l), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is no business to be considered.

(b) The Chairman shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chairman.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific prior approval from the Chairman and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chairman and Ranking Minority Member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the Committee. Such shared staff may assist the Chairman or Ranking Minority Member on any subcommittee on which he serves. Only paragraphs (c) and (e) of this Rule and Rule 7 (b) shall apply to shared staff.

Rule 7. Confidentiality

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules."

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

Rule 8. Subcommittees—General Policy and Structure

(a) Notwithstanding any other provision of these Rules, the Chairman and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chairman and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which he is the respondent.

(e) A member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 17(e) or Rule 23(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adoption or amendment of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adoption of a recommendation to the House of Representatives that a sanction be imposed.

(7) Adoption of a report relating to the conduct of a Member, officer, or employee.

(8) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Committee Records

(a) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 12. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 13. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 14. Committee Authority to Investigate—General Policy

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

(1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(3) the Committee, on its own initiative, establishes an investigative subcommittee;

(4) a Member, officer, or employee is convicted in a Federal, State, or local courts of a felony; or

(5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation.

(b) The Committee also has investigatory authority over:

(1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

Rule 15. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, "Signed and sworn to (or affirmed) before me on (date) by (the name of the person)" setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 16. Duties of Committee Chairman and Ranking Minority Member

(a) Whenever information offered as a complaint is submitted to the Committee, the Chairman and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chairman and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chairman and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chairman or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chairman or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 17. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within five days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that he/she has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chairman and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(e) The respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 18. Committee-Initiated Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities. The Chairman and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

Rule 19. Investigative Subcommittee

(a) Upon the establishment of an investigative subcommittee, the Chairman and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives, are eligible for appointment to an investigative subcommittee, as determined by the Chairman and Ranking Minority Member of the Committee. At the time of appointment, the Chairman shall designate one member of the subcommittee to serve as the chairman and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chairman and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chairman of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or subcommittee member designated by the Chairman to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness' counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(e) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

Rule 20. Amendments to Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 21. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

Rule 22. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report or Statement of Alleged Violation to the Committee or to the Chairman and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 23. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the Chairman and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an

appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chairman shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chairman, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chairman shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chairman.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 24. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 25. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 26. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chairman and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chairman and Ranking Minority Member of the subcommittee, and the outside counsel, if any.

(i) Statements or information derived solely from a respondent or his counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing him of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and as the Chairman considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 27. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of its members, deems appropriate in the circumstances.

Rule 28. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. HOYER) until 5 p.m. today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WASSERMAN SCHULTZ) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

S. 801. An act to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse".

ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 23 minutes a.m.), the House adjourned until today, Thursday, June 28, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2322. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Mint Crop Insurance Provisions (RIN: 0563-AC03) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2323. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2324. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2325. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2326. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2327. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Gene Expression Profiling Test System for Breast Cancer Prognosis [Docket No. 2007N-0136] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2328. A letter from the National ESA Listing Coordinator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Listing Determination for Puget Sound Steelhead [Docket No. 070123015-7086-02; I.D. 031006D] (RIN: 0648-AU43) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2329. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule —

Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Closed Season [Docket No. 070418089-7089-01; I.D. 040507G] (RIN: 0648-AV49) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2330. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XA23) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2331. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Modifications of the West Coast Commercial Salmon Fishery [Docket No. 060427113-6113-01] (RIN: 0648-XA16) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2332. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XA21) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2333. A letter from the Clerk of the Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit (No.06-3676 — United States v. Georgia L. Thompson (April 20, 2007)); to the Committee on the Judiciary.

2334. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting notification that the Secretary of the Army supports the authorization and plans to implement the flood damage reduction project for Chesterfield, Missouri; to the Committee on Transportation and Infrastructure.

2335. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Key West International Airport and the Florida Keys Marathon Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

2336. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2007 IMET funds for Sudan, pursuant to Public Law 110-5, section 520; jointly to the Committees on Foreign Affairs and Appropriations.

2337. A letter from the Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "Environmental Protection and Border Security on the U.S.-Mexico Border, Tenth Report of the Good Neighbor Environmental Board to the President and the Congress of the United States"; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

2338. A letter from the Prinicipal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal that would enhance the Department of Justice's ability to pursue its core missions of protecting Americans from violent crime and preventing acts of terrorism; jointly to the Committees on the Judiciary, Energy and Commerce, Financial Services, Natural Resources, Transportation and Infrastructure, Ways and Means, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 2776. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; with an amendment (Rept. 110-214). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICHAUD (for himself, Mr. FILNER, Mr. HALL of New York, Ms. CORRINE BROWN of Florida, Mr. SALAZAR, Mr. RODRIGUEZ, Ms. HERSETH SANDLIN, Ms. BERKLEY, Mr. MAHONEY of Florida, Mr. LOEBSACK, Mr. BOSWELL, Mr. MCNERNEY, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. DONNELLY, Mr. MITCHELL, Mr. WALZ of Minnesota, and Mr. HARE):

H.R. 2874. A bill to amend title 38, United States Code, to make certain improvements in the provision of health care to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KAGEN (for himself, Mr. KIND, Mr. RYAN of Wisconsin, Mr. OBEY, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. PETRI, and Mr. SENSENBRENNER):

H.R. 2875. A bill to amend title XVIII of the Social Security Act to provide for a technical correction to the amendments made by section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 2876. A bill to permit the interstate distribution of State-inspected meat under appropriate circumstances; to the Committee on Agriculture.

By Mr. SULLIVAN (for himself, Mr. TOWNS, and Mr. HALL of Texas):

H.R. 2877. A bill to provide for a program of research, development, and demonstration on natural gas vehicles; to the Committee on Science and Technology.

By Mr. DAVIS of Alabama (for himself, Mr. DELAHUNT, Mr. TOM DAVIS of Virginia, Mr. CANNON, Mr. MCCAUL of Texas, Mr. SCHIFF, Ms. ROS-LEHTINEN, Mr. SHAYS, Mr. UDALL of New Mexico, Mr. MORAN of Virginia, Ms. NORTON, and Mr. CUMMINGS):

H.R. 2878. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, and to increase the amount of special assessments imposed upon convicted persons; to establish an Enhanced Financial Recovery Fund to enhance, supplement and improve the debt collection activities of the Department of Justice; to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcements officers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS (for herself and Mr. LARSEN of Washington):

H.R. 2879. A bill to amend the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to consider variations in the national average market price for different classes of wheat when determining the eligibility of wheat producers for counter-cyclical payments for the 2007 crop year; to the Committee on Agriculture.

By Mr. KIRK (for himself, Mr. ANDREWS, Mr. KLEIN of Florida, Mr. BOUSTANY, Mr. WEXLER, Mr. CANTOR, Mr. PENCE, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. KING of New York, Mrs. WILSON of New Mexico, Mr. CULBERSON, Mr. MCCAUL of Texas, Mr. WELDON of Florida, Mr. CARNEY, Mr. CROWLEY, Mr. WILSON of South Carolina, and Mr. MAHONEY of Florida):

H.R. 2880. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran to include the importation of refined petroleum; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. DEFAZIO, Ms. NORTON, Mr. NADLER, Ms. CORRINE BROWN of Florida, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mrs. TAUSCHER, Mr. BOSWELL, Mr. HOLDEN, Mr. BAIRD, Mr. LARSEN of Washington, Mr. CAPUANO, Ms. CARSON, Mr. BISHOP of New York, Mr. HIGGINS, Mr. CARNAHAN, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. LIPINSKI, Ms. MATSUI, Mr. SPACE, Ms. HIRONO, Mr. ARCURI, Mr. BRALEY of Iowa, Mr. HALL of New York, Mr. KAGEN, and Mr. COHEN):

H.R. 2881. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ARCURI:

H.R. 2882. A bill to authorize the Secretary of Health and Human Services to make grants to promote professional retrofit installation of fire alarm detection systems and other fire detection and prevention technologies in nursing homes, hospice facilities, and other appropriate facilities; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself, Mr. PORTER, Mr. ENGLISH of Pennsylvania, Mr. CANNON, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mrs. MUSGRAVE, and Mr. DREIER):

H.R. 2883. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H.R. 2884. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. KANJORSKI (for himself, Mr. ROYCE, Mr. PRICE of Georgia, Mr. BACHUS, Ms. BEAN, Ms. GINNY BROWN-WAITE of Florida, Mr. SCOTT of Georgia, Mr. SESSIONS, and Mr. CAMPBELL of California):

H.R. 2885. A bill to amend the Credit Repair Organizations Act to clarify the applicability of certain provisions to credit monitoring services, and for other purposes; to the Committee on Financial Services.

By Mr. KNOLLENBERG:

H.R. 2886. A bill to address the exchange-rate misalignment of the Japanese yen with respect to the United States dollar, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 2887. A bill to amend the Public Health Service Act to provide for a program of screenings and education regarding children with sudden cardiac arrhythmia syndromes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 2888. A bill to repeal the reduction in Medicare payment for therapeutic shoes and inserts for individuals with diabetes effected by section 627 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H.R. 2889. A bill to amend the Public Health Service Act to improve newborn screening activities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas:

H.R. 2890. A bill to direct the Secretary of Energy to establish a photovoltaic demonstration program, and for other purposes; to the Committee on Science and Technology.

By Mrs. TAUSCHER (for herself, Mr. MEEHAN, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. SPRATT, Ms. SHEA-PORTER, Mr. SMITH of Washington, and Mr. LOEBSACK):

H.R. 2891. A bill to prevent nuclear terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER (for himself and Ms. WASSERMAN SCHULTZ):

H.R. 2892. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, chapter 89 of title 5, United States Code, and title 10, United States Code, to require coverage for the treatment of infertility; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 2893. A bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose, and for other purposes; to the Committee on Ways and Means.

By Mr. BUCHANAN (for himself, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. BACHMANN, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BOOZMAN, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Ms. CARSON, Mr. CHABOT, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. FEENEY, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mrs. MCMORRIS RODGERS, Mr. MCNERNEY, Mr. MCKEON, Mr. MACK, Mr. MANZULLO, Mr. MARSHALL, Mr. MICA, Mr. MILLER of Florida, Mr. NEAL of Massachusetts, Mr. NEUGEBAUER, Mr. PAYNE, Mr. PITTS, Mr. PUTNAM, Mr. REICHERT, Mr. ROGERS of Alabama, Mr. ROSKAM, Ms. SHEA-PORTER, Mr. SHADEGG, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. TANCREDO, Mr. UDALL of Colorado, Mr. WAMP, Mr. WELDON of Florida, Mr. YOUNG of Alaska, Mr. COHEN, Mr. FORTUÑO, Mr. DONNELLY, Mr. MITCHELL, Mrs. CHRISTENSEN, Mr. BROWN of South Carolina, Ms. BERKLEY, Mrs. BOYDA of Kansas, Mr. STEARNS, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. FOSSELLA, Mr. CASTLE, Mr. UPTON, Mr. MAHONEY of Florida, Mr. WALDEN of Oregon, Mr. MEEK of Florida, Mr. KING of New York, Mr. KELLER, Mr. PETERSON of Minnesota, and Mr. SPACE):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to honor our Nation's disabled veterans; to the Committee on Oversight and Government Reform.

By Mrs. LOWEY:

H. Con. Res. 177. Concurrent resolution expressing the sense of the Congress concerning contraceptives for women; to the Committee on Energy and Commerce.

By Mr. PUTNAM:

H. Res. 520. A resolution electing a minority member to a standing committee of the House of Representatives; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. MCHUGH, Mr. ACKERMAN, Mr. ARCURI, Mr. CROWLEY, Mr. ENGEL, Mr. HIGGINS, Mr. HINCHEY, Mr. KUHL of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. WALSH of New York, Mr. FILNER, Mr. KENNEDY, Mr. TANNER, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. KLEIN of Florida, Mr. LANTOS, Ms. WOOLSEY, Mr. MILLER of North Carolina, Mr. HINOJOSA, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 521. A resolution celebrating the 75th Anniversary of the 1932 Winter Olympic Games in Lake Placid, New York; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Mr. LARSON of Connecticut, Mr. SHAYS, Mr. MURPHY of Connecticut, and Mr. COURTNEY):

H. Res. 522. A resolution recognizing the historical and educational significance of the Freedom Schooner Amistad's 14-month 2007 Atlantic Freedom Tour, and expressing the sense of the House of Representatives that preserving the legacy of the Amistad story is important in promoting multi-cultural dialogue, education, and cooperation; to the Committee on Oversight and Government Reform.

By Mr. MARKEY:

H. Res. 523. A resolution encouraging recognition, and supporting the goals and ideals, of National Aphasia Awareness Month; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H. Res. 524. A resolution expressing the sense of the House of Representatives with respect to Diamond-Blackfan Anemia; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. PITTS and Mr. MEEHAN.

H.R. 23: Mr. GOHMERT, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. GONZALEZ, Mr. THOMPSON of Mississippi, Mr. MURPHY of Connecticut, Mrs. BONO, Mr. LEWIS of Georgia, and Mr. BAKER.

H.R. 101: Ms. SUTTON.

H.R. 119: Mrs. EMERSON.

H.R. 180: Mr. SPACE.

H.R. 260: Mr. HARE.

H.R. 281: Mr. BERMAN.

H.R. 368: Ms. GIFFORDS, Mrs. CAPITO, Mr. ROSS, Mr. HAYES, Mr. PETERSON of Minnesota, Mr. BISHOP of Georgia, and Mr. BRALEY of Iowa.

H.R. 369: Mr. BRADY of Pennsylvania.

H.R. 447: Mr. PASTOR.

H.R. 551: Mr. SESSIONS and Ms. WATERS.

H.R. 552: Mr. NEAL of Massachusetts, Mr. EDWARDS, Mrs. EMERSON, Ms. MATSUI, and Mr. DELAHUNT.

H.R. 581: Mr. KINGSTON, Mr. BISHOP of Utah, Mr. MARCHANT, and Mr. FEENEY.

H.R. 661: Mr. MURPHY of Connecticut.

H.R. 683: Mr. DUNCAN.

H.R. 690: Ms. FOXX, Mr. GOODLATTE, and Mr. HINCHEY.

H.R. 695: Mr. DAVIS of Kentucky.

H.R. 725: Mr. BAKER.

H.R. 752: Mr. RUPPERSBERGER, Mr. MURPHY of Connecticut, Mr. HASTINGS of Florida, Mr. MELANCON, Mr. HIGGINS, Mr. HODES, Ms. SUTTON, Mr. HOLT, and Mr. WATT.

H.R. 758: Ms. MOORE of Wisconsin, Mr. PETERSON of Minnesota, and Mr. CARDOZA.

H.R. 760: Mr. REYES, Mr. MOLLOHAN, and Ms. WATERS.

H.R. 784: Mr. GORDON, Mr. DAVID DAVIS of Tennessee, and Mr. DAVIS of Alabama.

H.R. 809: Mr. RAHALL.

H.R. 848: Ms. CLARKE.

H.R. 882: Mr. CAPUANO and Mr. BOUCHER.

H.R. 969: Mr. HIGGINS.

H.R. 980: Ms. WATERS and Ms. ESHOO.

H.R. 1004: Ms. CARSON and Ms. BORDALLO.

H.R. 1014: Mr. PETERSON of Minnesota and Mr. ENGLISH of Pennsylvania.

H.R. 1043: Ms. DELAURO.

H.R. 1082: Mr. HARE.

H.R. 1091: Mr. SAXTON.

H.R. 1102: Mr. DELAHUNT.

H.R. 1108: Ms. LORETTA SANCHEZ of California, and Mrs. NAPOLITANO.

H.R. 1125: Mr. BOUCHER, Mr. LEWIS of Georgia, Mr. RODRIGUEZ, Mr. ARCURI, Mr. GINGREY, Mr. DOOLITTLE, Mr. RUPPERSBERGER, Mr. BURTON of Indiana, Mr. JOHNSON of Georgia, Mr. LOEBSACK, and Mrs. BLACKBURN.

H.R. 1157: Mr. HARE.

H.R. 1163: Mr. SHAYS.

H.R. 1193: Ms. MATSUI, Mr. CARDOZA, Ms. SOLIS, Mr. LEWIS of Kentucky, and Mr. UDALL of New Mexico.

H.R. 1194: Mr. POE, Mr. BOREN, Mr. MITCHELL, and Mr. NUNES.

H.R. 1236: Ms. CLARKE, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. RANGEL, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. WATERS, and Mr. WATT.

H.R. 1237: Ms. ESHOO, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARNAHAN, and Mr. HARE.

H.R. 1266: Mr. RODRIGUEZ.

H.R. 1286: Mr. PLATTS, Mr. BRADY of Pennsylvania, and Mr. FATTAH.

H.R. 1293: Mr. DELAHUNT, Mr. LAMPSON, and Mr. JOHNSON of Georgia.

H.R. 1295: Mr. LAMBORN.

H.R. 1298: Mr. BOREN.

H.R. 1304: Mr. TANCREDO, Mr. TIBERI, and Mr. SESSIONS.

H.R. 1306: Mr. SIRES.

H.R. 1338: Mr. VISCLOSKY, Mr. ALTMIRE, Ms. HERSETH SANDLIN, Mr. PETERSON of Minnesota, Mr. MURTHA, Mr. PERLMUTTER, Mr. LINCOLN DAVIS of Tennessee, Mr. SCOTT of Georgia, Mr. SIRES, Mr. BOYD of Florida, Ms. WATERS, Mr. BRALEY of Iowa, Mr. FALEOMAVAEGA, Mr. COOPER, Mr. LARSEN of Washington, Mr. MELANCON, Mr. SARBANES, Mr. SPRATT, Mr. KAGEN, Mr. WILSON of Ohio, Mr. LYNCH, Mr. EDWARDS, Mr. WALZ of Minnesota, Mr. SNYDER, Mr. BARROW, Ms. GIFFORDS, Mr. MAHONEY of Florida, Mr. SALAZAR, and Mr. SPACE.

H.R. 1352: Mr. LEVIN.

H.R. 1363: Mr. BERMAN and Mr. HARE.

H.R. 1399: Mr. WHITFIELD, Mrs. BIGGERT, Ms. HERSETH SANDLIN, and Mr. MCCOTTER.

H.R. 1415: Mr. DELAHUNT.

H.R. 1418: Mr. HINCHEY.

H.R. 1440: Mr. PRICE of North Carolina.

H.R. 1514: Mr. DAVIS of Kentucky.

H.R. 1537: Mr. BRALEY of Iowa, Mrs. BONO, and Mr. CULBERSON.

H.R. 1543: Mr. BLUMENAUER.

H.R. 1551: Mr. REYES.

H.R. 1553: Mr. WHITFIELD, Mr. ALTMIRE, Mr. LEWIS of Kentucky, Mr. OLVER, Mr. WYNN, Mr. BOSWELL, Ms. BERKLEY, Mrs. MYRICK, Mr. PORTER, Mr. LANGEVIN, Mr. SIRES, Mr. RODRIGUEZ, and Mr. SAXTON.

H.R. 1576: Mr. DOGGETT.

H.R. 1581: Mr. FRANK of Massachusetts.

H.R. 1589: Mr. GORDON and Mr. DAVIS of Alabama.

H.R. 1609: Mr. HINOJOSA, Mrs. MCCARTHY of New York, and Mr. CAPUANO.

H.R. 1632: Mr. FORTUÑO and Mr. PETERSON of Minnesota.

H.R. 1655: Mr. SARBANES and Mr. ROTHMAN.

H.R. 1663: Mr. LAMPSON.

H.R. 1671: Mr. KENNEDY.

H.R. 1755: Ms. WATSON.

H.R. 1759: Mr. HOLDEN and Mr. SHERMAN.

H.R. 1767: Mr. GOODLATTE and Ms. FOXX.

H.R. 1783: Mr. WALSH of New York and Mr. JOHNSON of Georgia.

H.R. 1794: Mr. HINOJOSA, Mr. AL GREEN of Texas, Mr. HONDA, Mr. FILNER, and Mr. SOUDER.

H.R. 1818: Mr. PALLONE and Mr. DAVIS of Alabama.

H.R. 1829: Mr. KELLER and Mrs. MYRICK.

H.R. 1884: Mr. BRALEY of Iowa, Mr. ROTHMAN, Ms. CASTOR, Mr. LOBIONDO, and Mr. BOREN.

H.R. 1919: Mr. PRICE of North Carolina, Mr. DICKS, Mr. MEEHAN, Mr. JOHNSON of Illinois, Ms. SHEA-PORTER, Mr. BRADY of Pennsylvania, and Mr. HODES.

H.R. 1923: Mr. CAMPBELL of California.

H.R. 1926: Mr. LEWIS of Kentucky, Mr. ROTHMAN, and Mr. MEEHAN.

H.R. 1932: Mr. RYAN of Ohio and Mr. RAHALL.

H.R. 1940: Mr. JORDAN.

H.R. 1971: Mr. HOLT, Mrs. LOWEY, and Mr. ABERCROMBIE.

H.R. 2035: Mr. BRALEY of Iowa and Mr. UDALL of New Mexico.

H.R. 2040: Mr. MEEKS of New York and Mr. CLEAVER.

H.R. 2046: Mr. YOUNG of Alaska.

H.R. 2052: Mr. ARCURI and Mr. DOOLITTLE.

H.R. 2056: Mr. COHEN.

H.R. 2060: Mr. LOEBSACK.

H.R. 2063: Mr. MORAN of Virginia and Mr. RUSH.

H.R. 2129: Mr. REYNOLDS.

H.R. 2157: Mrs. GILLIBRAND.

H.R. 2205: Ms. HERSETH SANDLIN and Mrs. BACHMANN.

H.R. 2243: Mr. WAXMAN.

H.R. 2253: Mr. MILLER of Florida.

H.R. 2265: Mr. JONES of North Carolina and Mr. FRANK of Massachusetts.

H.R. 2281: Mr. BILBRAY.

H.R. 2302: Mr. GARRETT of New Jersey.

H.R. 2329: Mr. ROSKAM, Mr. BOUSTANY and Mr. BUTTERFIELD.

H.R. 2341: Mr. BLUMENAUER.

H.R. 2347: Mr. PALLONE, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Mr. CULBERSON, and Mr. FOSSELLA.

H.R. 2370: Mr. DAVID DAVIS of Tennessee.

H.R. 2421: Mr. AL GREEN of Texas.

H.R. 2423: Mr. PETRI.

H.R. 2441: Mr. REHBERG.

H.R. 2443: Mrs. CHRISTENSEN and Mr. DAVIS of Kentucky.

H.R. 2457: Mr. CONYERS.

H.R. 2471: Mr. DOOLITTLE and Mr. CARTER.

H.R. 2472: Mr. GOODE, Mr. TOWNS, Ms. CASTOR, Mr. HASTINGS of Florida, Mr. PAYNE, Ms. CLARKE, Mr. PLATTS, Mrs. JONES of Ohio, Mr. BISHOP of Georgia, Mr. HARE, Ms. FALLIN, Mr. ELLISON, Mr. WEXLER, Mr. THOMPSON of Mississippi, and Mr. ALTMIRE.

H.R. 2479: Mr. COHEN, Mr. HINOJOSA, Mr. LAMPSON, Ms. ZOE LOFGREN of California, Mr. MURPHY of Connecticut, Mr. SHAYS, and Mr. STARK.

H.R. 2497: Mr. BOOZMAN.

H.R. 2508: Mr. MCCAUL of Texas and Mr. NEUGEBAUER.

H.R. 2511: Mr. GRIJALVA, Mr. MCNULTY, and Mr. BRADY of Texas.

H.R. 2522: Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, Mr. STARK, Mr. BAIRD, and Mr. LAMPSON.

H.R. 2531: Mr. LAMPSON, Ms. CORRINE BROWN of Florida, Mr. AL GREEN of Texas, and Mr. HINOJOSA.

H.R. 2542: Mr. CARTER, Mr. SESSIONS, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Ms. GRANGER, Mr. DUNCAN, Mr. ADERHOLT, Mr. MILLER of Florida, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. DEAL of Georgia, Mr. BISHOP of Utah, Mr. MCCOTTER, and Mrs. BOYDA of Kansas.

H.R. 2558: Mr. CULBERSON, Mrs. MYRICK, Mr. PAUL, Mr. SESSIONS, Mr. WICKER, and Mrs. MUSGRAVE.

H.R. 2566: Mr. MICHAUD.

H.R. 2567: Mr. ENGLISH of Pennsylvania and Mr. GERLACH.

H.R. 2574: Mr. DINGELL, Mr. WALSH of New York, Mr. DREIER, Mr. HELLER, and Mrs. MYRICK.

H.R. 2583: Mr. AKIN.

H.R. 2593: Mr. WAXMAN.

H.R. 2599: Mr. AL GREEN of Texas.

H.R. 2606: Mr. SALAZAR and Mr. MORAN of Kansas.

H.R. 2610: Mr. THOMPSON of Mississippi.

H.R. 2612: Mr. CAPUANO, Mr. FILNER, Mr. FRANK of Massachusetts, and Mr. GORDON.

H.R. 2617: Ms. LINDA T. SÁNCHEZ of California and Ms. CARSON.

H.R. 2668: Mr. FILNER and Ms. CARSON.

H.R. 2677: Ms. ESHOO and Mr. GILLMOR.

H.R. 2682: Mrs. MUSGRAVE, Mr. GERLACH, Mr. HASTINGS of Washington, Mr. MCCAUL of Texas, Mr. KING of Iowa, Mr. BRADY of Pennsylvania, Mr. AKIN, Mr. GOODE, and Mr. BISHOP of Utah.

H.R. 2689: Mr. ORTIZ, Mr. KAGEN, and Mr. GORDON.

H.R. 2691: Ms. HERSETH SANDLIN.

H.R. 2714: Mr. BONNER.

H.R. 2720: Ms. MOORE of Wisconsin and Mr. FATTAH.

H.R. 2726: Mrs. DRAKE and Mr. BOOZMAN.

H.R. 2734: Mr. BAKER, Mrs. SCHMIDT, and Mr. REICHERT.

H.R. 2740: Mr. BRADY of Pennsylvania.

H.R. 2747: Mr. BAIRD and Mr. HINOJOSA.

H.R. 2749: Mr. GOODE.

H.R. 2774: Mr. MITCHELL.

H.R. 2778: Mr. ISRAEL.

H.R. 2787: Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Mr. HILL, and Mrs. GILLIBRAND.

H.R. 2789: Mr. ENGLISH of Pennsylvania.

H.R. 2807: Mr. PITTS, Mr. GINGREY, Mr. LUCAS, Mr. AKIN, Mr. WALBERG, Mr. FORTUÑO, Mr. DOOLITTLE, Mr. LAMBORN, Mr. MILLER of Florida, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, and Mr. BLUNT.

H.R. 2814: Mr. CONAWAY, Mr. ISSA, and Mr. MARSHALL.

H.R. 2827: Mr. LATHAM.

H.R. 2844: Mr. SMITH of New Jersey and Ms. JACKSON-LEE of Texas.

H.R. 2857: Mr. KILDEE.

H.R. 2860: Mr. LATHAM.

H.J. Res. 44: Mr. OLVER.

H.J. Res. 46: Mr. MILLER of Florida and Mr. ALEXANDER.

H. Con. Res. 134: Mr. JACKSON of Illinois, Mrs. NAPOLITANO, and Mr. BERMAN.

H. Con. Res. 136: Mr. SHERMAN, Mr. MOORE of Kansas, and Mr. AL GREEN of Texas.

H. Con. Res. 137: Mr. UDALL of Colorado.

H. Con. Res. 162: Mr. WALZ of Minnesota.

H. Con. Res. 163: Mr. SESSIONS.

H. Con. Res. 169: Mr. HASTINGS of Florida and Mr. JACKSON of Illinois.

H. Con. Res. 172: Mr. NUNES, Mr. BARROW, Mr. GERLACH, Mr. PLATTS, Mr. GOHMERT, Ms. FOXX, Mr. HENSARLING, Mr. PETERSON of Pennsylvania, Mr. BOOZMAN, Mr. REICHERT, Mrs. MYRICK, Mr. DENT, Mr. CAPUANO, Mr. DUNCAN, Mr. WALDEN of Oregon, Mr. DAVID DAVIS of Tennessee, Mr. ENGLISH of Pennsylvania, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. WHITFIELD, Mr. FRANKS of Arizona, Mr. MACK, Mr. CONAWAY, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. MORAN of Kansas, Mr. SHUSTER, Mr. CANNON, Mr. SESSIONS, Mr. JONES of North Carolina, Ms. FALLIN, Mr. PRICE of Georgia, Mr. WOLF, Mr. YOUNG of Alaska, Mrs. BLACKBURN, Mr. ADERHOLT, Mr. WALBERG, Mr. HAYES, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. FORBES, Mr. MICHAUD, Mr. TERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, Mr. GALLEGLY, Mr. SOUDER, Mr. REHBERG, Mr. BACA, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CUELLAR, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. DAVIS of Kentucky, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEK of Florida, Mr. MILLER of North Carolina, Mrs. MILLER of Michigan, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mrs. TAUSCHER, Mr. TAYLOR, Mr. TANNER, Mr. HOYER, Ms. MATSUI, Mr. TOWNS, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. WELCH of Vermont, Mr. KLEIN of Florida, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. ARCURI, Mr. HALL of New York, Mr. BISHOP of New York, Mr. ALTMIRE, Mr. HOLDEN, Mr. PETRI, Mr. DONNELLY, Mr. LAMPSON, Mr. RODRIGUEZ, Ms. CASTOR, Mrs. DRAKE, Mr. COHEN, Mr. ELLSWORTH, Mr. BILBRAY, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of New York, Mr. HARE, Mr. SIRES, Mr. REYES, Mr. KUHL of New York, Mr. HODES, Mr. GARY G. MILLER of California, Mr. BRALEY of Iowa, and Mrs. BOYDA of Kansas.

H. Res. 121: Mr. SHERMAN and Mr. WATT.

H. Res. 143: Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. STARK, and Mr. EMANUEL.

H. Res. 169: Mr. MCHENRY.

H. Res. 208: Mr. FORTUÑO.

H. Res. 282: Ms. CASTOR.

H. Res. 303: Mr. HIGGINS, Mr. KUHL of New York, Mr. ELLSWORTH, Mr. HASTINGS of Florida, and Mr. COSTA.

H. Res. 378: Mr. SMITH of New Jersey and Mr. PLATTS.

H. Res. 411: Mr. ROSS, Mr. ROGERS of Kentucky, and Mr. BARROW.

H. Res. 444: Mr. TURNER and Ms. BERKLEY.

H. Res. 449: Mr. ENGLISH of Pennsylvania.

H. Res. 487: Mr. ADERHOLT.

H. Res. 509: Ms. WOOLSEY and Mr. REYES.

H. Res. 511: Mr. SHIMKUS, Ms. GINNY BROWN-WAITE of Florida, Mr. CONAWAY, Mr. PRICE of Georgia, Mr. BUCHANAN, Mr. WILSON of South Carolina, and Mr. BISHOP of Utah.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. TANCREDO.

PETITIONS, ETC.

Under clause 3 of rule XII,

90. The SPEAKER presented a petition of the Harrisonburg City School Board, Virginia, relative to a Resolution urging the Virginia delegation of the Congress of the United States to support fully H.R. 648 by becoming co-sponsors of the bill; which was referred to the Committee on Education and Labor.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2829

OFFERED BY: MR. STEARNS

AMENDMENT NO. 37. Page 2, line 12, after the dollar amount insert "(reduced by $200,000)(increased by $200,000)".

H.R. 2829

OFFERED BY: MR. STEARNS

AMENDMENT NO. 38: Page 2, line 13, after the dollar amount insert "(reduced by $200,000)".

Page 2, line 15, after the dollar amount insert "(increased by $200,000)".

H.R. 2829

OFFERED BY: MR. BOOZMAN

AMENDMENT NO. 39: Page 27, line 6, insert before the period the following: ": *Provided further*, that $6,000,000 shall not be made available until the Director of the Office of National Drug Control Policy certifies in writing that regulations established for the designation of high intensity drug trafficking areas include a requirement that the Director, in considering whether to designate an area as a high intensity drug trafficking area, shall consider whether the area lies within a State that already receives assistance under the High Intensity Drug Trafficking Areas program".

H.R. 2829

OFFERED BY: MR. TOM DAVIS

AMENDMENT NO. 40: Page 48, line 15, insert after the dollar amount the following: "(increased by $1,000,000)".

Page 48, line 17, insert after the dollar amount the following: "(increased by $1,000,000)".

Page 78, line 19, insert after the dollar amount the following: "(reduced by $1,000,000)".

H.R. 2829

OFFERED BY: MR. CAMPBELL of California

AMENDMENT NO. 41: At the end of the bill (before the short title), insert the following:

None of the funds in this Act to the Small Business Administration may be used for the Wittenberg University East Asian Study Center.

H.R. 2829

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 42: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the following:

Abraham Lincoln National Airport Commission.

Adelante Development Center.

Advantage West Economic Development Group.

Alleghany Highlands Economic Development Corporation.

ARISE Foundation.

Career Center for the Northeast Central Ohio Bioscience Consortium.

Barracks Row.

Barry University for the Institute for Community and Economic Development.

Ben Franklin Technology Partners.

Boston Chinatown Neighborhood Center Workforce Development Initiative.

Bridgeport Regional Business Council.

Bright Beginnings, Inc.

Bronx Council on the Arts.

Brooklyn College's Entrepreneurial Center.

Buffalo Niagara International Trade Foundation.

California State University, Pasadena Biotech Training Facility.

Caribbean American Chamber of Commerce and Industry.

Catalyst, Washington, DC.

Center for Economic Growth, Greene County, NY.

Center for Inspired Teaching.

Center for Women and Enterprise

Belvedere Business Park Project, City of Charlotte, NC.

Angela Rudolph, Assistant to the Mayor, Chicago, IL.

Grow Inglewood, City of Inglewood, CA.

Adams-LaBrea Retail Project, City of Los Angeles, CA.

Colorado State University, Sustainable Biofuels Development Center.

Columbus College of Art and Design.

Community College of Philadelphia.

Connected Technologies Corridor.

Cuyahoga Community College.

Dartmouth Regional Technology Center.

Detroit Economic Growth Corporation.

Detroit Renaissance.

DuPage Technology Park.

Earth Conservation Corps.

Eastern Market, Washington, DC.

Economic Development Coalition of Southeast Michigan.

Entrpreneurial Development Center, Inc., Cedar Rapids, IA.

Everybody Wins!.

Excel Institute.

Purdue Technology Center of Northwest Indiana.

Experience Works, Inc., Richmond VA.

Experience Works, Arlington, VA.

Fairplex Trade and Conference Center.

Federal HUBZne Incubator, Elizabeth City, NC.

Friends of the Big South Fork.

Greater Harlem Chamber of Commerce.

Greater North Louisiana Community Development Corporation.

Greystone Foundation.

Hispanic Information and Telecommunications Network.

Historic Congressional Cemetery.

Valley Economic Development Center.

Howard University College of Dentistry.

Hudson Alpha Institute.

Illinois Institute of Technology.

Indiana State University, Center for New Business Development.

Inquilinos Boricuas en Accion.

Institute for Advanced Learning and Research.

International Youth Service and Development Corps.

John C. Calhoun Community College.

Johnson and Wales University.

Johnstown Area Regional Industries Incubator and Workforce Development.

Kulanu Vocational Education Program.

LaGuardia Community College.

Lewis and Clark State College.

Lorain County Community College.

Louisiana Small Business Development Center.

Louisville Medical Center Development Corporation.

Macomb County Department of Planning and Economic Development.

Marshalltown Community College.

Office of Workforce Development, Medina County, OH.

MenzFit, Washington DC.

Mifflin Country Industrial Development Corporation.

Mississippi State Unversity.

Mitchell County Development Foundation, Inc.

Montana State Univrsity.

Montana World Trade Center.

Montgomery College.

National Association of Development Organizations.

National Federation of the Blind.

New College Institute.

North Carolina Rural Economic Development Center.

North Dakota State College of Science, Nanotechnology Applied Science Laboratory.

North Iowa Area Community College North Side Industrial Development Company.

Northeast Entrepreneur Fund.

Northwest Agriculture Business Center.

Northwestern University.

Ohio University.

Oil Region Alliance of Business.

Operation New Hope, Florida.

Peoria NEXT Innovation Center.

Phoenix House.

Portland State University.

Ready to Work, Ohio.

Rio Hondo College.

Rochester Tooling and Machining Association.

Rock Valley College.

Rockford Area Ventures Small Business Incubator and Technology Commercialization Center.

Rockland Small Business Development Center.

Rowan University.

San Francisco Planning and Urban Research Association.

Sandoval County New Mexico.

Seedco Financial Services Alabama Minority and Women-owned Business Enterprises.

Southern and Eastern Kentucky Tourism Development Association.

Sephardic Angel Fund, Brooklyn, NY.

SER–Jobs for Progress National.

Shawnee State University.

Sierra College.

Sitar Arts Center.

Soundview Community in Action.

South Dakota School of Mines.

South Side Innovation Center.

Southeastern University.

Spanish American Merchants Association.

St. Jerome's Church Community Center.

STEEED Youth Program.

University of Northern Iowa.

TechRanch Technology Venture Center.

Enterprise Center, Tennessee.

Illinois Institute of Technology.

University of Texas, San Antonio.

Thomas More College.

Thurgood Marshall College Fund.

University of Connecticut, Avery Point.

University of Maryland.

University of Missouri, Kansas City.

University of Notre Dame, Robinson Enterprises Community Learning Center.

University of Pittsburgh.

University of South Florida.

University of Southern Maine.

Lewiston-Auburn College.

University of Texas, Brownsville International Trade Center.

Urban League of Rochester.

USS Saratoga Museum Foundation.

Valley Economic Development Center.

Vermont Small Business Development Center.

Wallace State Community College.

Department of Public Services, Wayne County, MI.

Wayne County, New York.

West Virginia University Research Corporation.

Western Massachusetts Enterprise Fund.

Williamsburg County, SC.

Wittenberg University.

Workforce Initiative Asociation, Canton, OH.

Youngstown Edison Incubator Corporation.

Youngstown Central Area Community Improvement Corps.

Youngstown Warren Relational Chamber.

H.R. 2829

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 43: At the end of the bill (before the short title), insert the following:

None of the funds in this Act to the Small Business Administration may be used for the Abraham Lincoln National Airport Commission.

H.R. 2829

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 44: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used to carry out section 241 of the Help America Vote Act of 2002 (42 U.S.C. 15381).

H.R. 2829

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 45: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used to carry out section 241 of the Help America Vote Act of 2002 (42 U.S.C. 15381) in a manner inconsistent with the requirements of such section.

H.R. 2829

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 46: At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

H.R. 2829

OFFERED BY: MR. PENCE

AMENDMENT NO. 47: At the end of the bill (before the short title) add the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available by this Act may be used by the Federal Communications Commission to implement the Fairness Doctrine, as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees* (50 Fed. Reg. 35418 (1985)), or any other regulations having the same substance.

H.R. 2829

OFFERED BY: MR. STEARNS

AMENDMENT NO. 48: At the end of the bill (before the short title) add the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available by this Act may be used by the Internal Revenue Service to implement a spanish-language version of the "Where's my Refund?" service.

H.R. 2829

OFFERED BY: MR. UPTON

AMENDMENT NO. 49: At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISION

SEC. 901. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

EXTENSIONS OF REMARKS

RECOGNIZING JOHN NICOLAS TREMPER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize John Nicholas Tremper, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and in earning the most prestigious award of Eagle Scout.

John has been very active with his troop, participating in many Scout activities. Over the years John has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending John Nicholas Tremper for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RETIREMENT OF PERRY HIGH SCHOOL TEACHER DALE SCHUMACHER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mr. Dale Schumacher, a wood working, automotive, and metal working teacher at Perry High School in Perry, Iowa, and to express my appreciation for his dedication and commitment to the youth of Iowa.

For the last 42 years, Dale has contributed his time and his talents to the betterment of so many young adults and for this I offer him my utmost congratulations and thanks. Dale has had a large impact on shaping the lives of his students.

One of Dale's favorite things about teaching at Perry High School was serving as a sponsor to the TSA Skills program. In the 42 years since its inception, the Perry High School TSA team has never failed to qualify for nationals, thanks in large part to the guidance of Dale Schumacher. He especially enjoyed the program because it gave students a chance to show off the skills they learned in the classroom.

Dale has made a significant impact on students throughout his illustrious career and for that I express my most sincere gratitude, His leadership will be missed, but the footprint he leaves will inspire many to dream big, reach high, and achieve great things.

I consider it an honor to represent Dale Schumacher in Congress, and I wish him and his wife Alice a long, happy and healthy retirement.

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 549, passage of H. Res. 189, expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established, I was unavoidably detained and unable to vote. Had I been present, I would have voted "yea."

INTRODUCTION OF APHASIA AWARENESS RESOLUTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. MARKEY. Madam Speaker, I rise to introduce legislation to support the goals of National Aphasia Awareness Month

Aphasia is a disease that causes the loss of the ability to produce and/or comprehend language it can also impair a person's ability to read and write. Each case is different depending on the severity of the stroke or brain trauma and definitely does not affect everyone is the same way. This condition is a result of damage to the left hemisphere of the brain. The main cause of aphasia is stroke. Strokes are the third leading cause of death and disability in the United States today and their affects are felt not only by the victim but also by the victim's family and friends. Other causes of aphasia include blows to the head, gun shot wounds, and brain tumors.

Currently there is research being done on how to help people with Aphasia enjoy a better quality of life. Aphasia does not cause any kind of disability in thinking or learning but in the comprehension of things that are said and how to respond to people. People who suffer from aphasia are able to function in every day life, but they need assistance and attention. Moreover, further research is needed to improve our understanding of how to identify the risk factors that cause aphasia, prevent the occurrence of aphasia and improve the ability to function of those with the disease.

There are currently about one million cases of aphasia in the United States, and about 80,000 people are afflicted with the disease every year. By working with vocational specialists, speech-language pathologists and family and friends, many of those with aphasia may be able to obtain some sense of normalcy and regain some of their skills. I am introducing this resolution to support the goals of National Aphasia Awareness Month with the hope that it will bring more attention to this disease and give a voice to those who suffer from Aphasia who often cannot speak for themselves. This resolution recognizes June 2007 as National Aphasia Awareness Month in hopes of giving more attention to this illness and in hopes that more recognition will highlight the importance of research and compassion to the daily struggle faced by those affected by Aphasia.

RECOGNIZING CORBIN ALEXANDER GAUERT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Corbin Alexander Gauert, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and in earning the most prestigious award of Eagle Scout.

Corbin has been very active with his troop, participating in many Scout activities. Over the years Corbin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Corbin Alexander Gauert for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ACKNOWLEDGEMENT OF RAYMOND ROPER AND EDITH SMITH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the city of Churdan, located in Greene County, in Iowa's 4th Congressional District, which will celebrate its 125th birthday with a celebration and parade from June 29th through July 1st. I also rise to recognize 2 of my constituents, Raymond Roper and Edith Smith, who were recently announced king and queen of the Churdan quasquicentennial.

Mr. Roper received a Purple Heart for his service to the Nation in World War II. He is also a lifelong farmer whose dedication and commitment to his community inspires all of Churdan. In 1981, Raymond started the Avenue of Flags, which fly in both the Highland

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Township and St. Patrick cemeteries on Memorial Day and has been the supervisor of that project ever since. In 2003, Raymond received the Iowa High School Athletic Association's service award for 45 years of public address announcing four sports at Paton-Churdan High School.

Ms. Smith has been active in community activities throughout her life and is a longtime member of the Twentieth Century Club. Edith dedicated 32 years of her life to the Churdan Post Office where she helped countless people. After she retired, she managed a dress shop for many years. Most recently, Edith was runner-up in the 2007 Greene County bridge marathon at age 91.

Both Raymond Roper and Edith Smith have helped make Churdan and Greene County a better place through their selfless dedication to community service. Many people owe their success in life to the inspiration they both embody.

I consider it an honor to represent Raymond Roper and Edith Smith in Congress, and again I congratulate the city of Churdan on its 125th birthday celebration.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 28, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 9

2:30 p.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To continue hearings to examine excessive speculation in the natural gas market.
SD-342

JULY 10

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine community services and support, focusing on planning across the generation.
SD-106

JULY 11

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine United States weather and environmental satellites, focusing on their readiness for the 21st century.
SR-253

Judiciary
To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence (Part VI).
SD-226

JULY 17

2:30 p.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs and Department of Defense education issues.
SD-562

JULY 18

10 a.m.
Judiciary
To continue oversight hearings to examine the Department of Justice.
SH-216

JULY 25

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs health care funding.
SD-562

SENATE—*Thursday, June 28, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, our hiding place, how often we take refuge in Your forgiveness. Thank You for Your unlimited mercy. Today, we are aware of how we do not always measure up to what we know to be right; forgive us. Also, we know of the times we have done wrong because of our failure to act; forgive us. Help us, Lord, to lean on Your grace, trusting You to save us from ourselves.

Today, bless the Members of this great body. Give them the strength and commitment to lead our Nation to new levels of greatness. Empower them to use their talents, abilities, and energies to make a better world. As they walk in the path of truth and honor, give them Your peace. We pray in Your saving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 28, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. This morning the Senate will immediately resume consideration of S. 1639, the immigration legislation. There will be an hour of debate only prior to the cloture vote on the legislation. The time is divided between Senators KENNEDY and SPECTER or their designees.

Following the hour, the leaders will each receive 10 minutes if they choose to utilize the time, with the majority leader controlling the final 10 minutes. If all time is used, the cloture vote would occur about 10:50 this morning.

Members are reminded that there is a 10 a.m. filing deadline for any germane second-degree amendments.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1639, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) modified amendment No. 1934, of a perfecting nature.

Division VII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division VIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division IX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division X of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXIV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXVI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXVII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Kennedy Amendment No. 1978 (to Division VII of Reid (for Kennedy/Specter) modified amendment No. 1934), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand that at the hour of 10:30 we will be having the cloture vote on the immigration legislation. Am I correct?

The ACTING PRESIDENT pro tempore. The vote may actually be at 10:50.

Mr. KENNEDY. Fine. I yield myself 5 minutes.

Mr. President, this has been a long journey to try and bring our broken immigration system and our broken borders to the place where this Senate can take action. Today's action is going to be absolutely key to whether we will be able to continue and finalize this legislation at the end of the week. So today's vote is a critical vote, key vote, perhaps the most important vote we have had here on this issue over the period of the last 3 years.

Our Judiciary Committee has been working on this legislation. Senator SPECTER has been a key part of this whole effort. It has been a bipartisan effort. Our quest has been a bipartisan effort here on the floor of the Senate.

Those of us who are committed to this issue believe we have an important responsibility to try to achieve something. We believe the reason for us being here, whether it is from Massachusetts or Pennsylvania or from other States, is to deal with the public's business, the Nation's business. This is the Nation's business. I think outside of the issue of the war in Iraq, this is front and center for our country.

People in my State are concerned and affected by it, and they are in other parts of the country as well. We have 900,000 nonnative-born individuals in my State of Massachusetts. Of those 900,000, 200,000 are undocumented. We have more than 3,000—in the city of Boston—more than 3,000 small businesses directly responsible for 34,000 jobs, more than half a billion dollars in pay and sales taxes in my State by those who are born in other countries. They represent probably less than 10 percent of the State's population, and 17 percent of the job market. The workers in our State, 17 percent are nonnative born, a demonstration that

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those individuals who have come here to the United States want to work. They want to work. They also are men and women of faith. They are men and women who care about their families, by the fact that more than $48 billion is returned every single year to the countries in Central and South America.

They care about their families. They want to work. More likely than not, they are all men and women of deep faith and religious belief. That is reflected in many of our communities in my State and in travels around the country. You see that day in and day out.

Also they want to be a part of the American dream. We have seen that reflected in the total numbers of individuals who have served in the Armed Forces of our country. Some 70,000 have served in Iraq and Afghanistan, and many have lost their lives. But in a number of instances, individuals, the undocumented, have crossed the line in terms of immigration, drawn here by the great economic magnet, the economic magnet that is on this side of the border that says: Look, we need you over here to make the American economy work. We want to pay you over here when you are unemployed over here. We will provide you the resources so you can look after your family. People have been attracted to that magnet. We have them here.

For those toward the end of this discussion and debate, as we have heard on the floor, we know what they are against. We do not know what they are for. Time and time again they tell us: We do not like this provision; we do not like that provision; we do not want that part of it. They ought to be able to explain to the American people what they are for. What are they going to do with the 12½ million who are undocumented here? Send them back? Send them back to countries around the world, more than $250 billion; buses that would go from Los Angeles to New York and back again? Try and find them? Develop a type of Gestapo here to seek out these people who are in the shadows? That is their alternative? That is their alternative?

This country and this Senate is better. We have a process that said: Look, okay, you are here and undocumented. You are going to have to pay a price. We are going to take people who are in the line who have said they want to play by the rules. They go and they wait, and you wait and you wait and you wait. You pay and pay, and you pay and you pay. You pay your fees, you pay your processing fees, your adjustment fees. You pay not only for yourself but the other members of the family. You demonstrate you are going to learn English, you demonstrate you worked here, that you are a good citizen, that you have not had any run-in with crime, and then maybe you get on that pathway with a green card, and, perhaps, in 15, 18 years you will be able to raise your hand and be a citizen here in the United States. This is the issue. Are we going to have a constructive and positive resolution of this issue, or are we going to be naysayers, bumper sticker sloganeers who say: We are against amnesty, or, we are against this bill?

America deserves better. The issue is too important. Now is the time, this is the place. The Senate is the forum where we have to take this action.

I am hopeful that America is watching this and will understand what is at stake here. This is an issue and this is a vote of enormous importance. We talk of votes here. Some are more important than others. A few are of enormous significance and consequence. A few of them are going to have a defining impact about what kind of society we are going to be in, how we are going to treat each other, whether we have a respect for our fellow human beings and our fellow individuals who are here in this country, and whether we believe that our greatest days are yet to come.

Are we going to respond to the voices of fear? And that is the issue. Are we going to have a positive resolution, a constructive resolution, that is going to continue to be shaped as it goes to the House of Representatives, shaped there as well by different responsible figures? It may have somewhat of a different view. Or are we going to say no, no, we have listened to those voices of fear who say: Absolutely not. We are going to take the status quo. Every person who votes "no" is going to know that this situation is going to get worse and worse and worse.

We are going to say that: Oh, yes, sure, we will do something down on the border. But you are never going to have the kind of workforce enforcement, you are never going to have the kind of absolutely essential identification system that any responsible immigration system is absolutely required to have.

This is a vital vote about the future of our country or the past. That is going to be the issue in question when the time comes to vote.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield myself 5 minutes.

The legislation now pending is the very best that can be done by very extensive work on the immigration problems in the United States.

Last year in the 109th Congress, the Judiciary Committee, which I chaired, produced a bill. This year we went to a little different procedure and we have structured a bill which is the best that can be done as of this moment. It may yet be improved in the balance of the amendments yet to be voted upon, if cloture is invoked on this vote this morning, a 60-vote tally, obviously very difficult to get to.

Had I written the bill, it would have been substantially different. I would have agreed with Senator MENENDEZ that there ought to be more consideration to families. I would have agreed with Senator DODD that we ought to have more parents coming into this country. I would have agreed with those who oppose the touchback, which I think is punitive and formalistic and not related to anything, necessarily.

But this is an accommodation. The art of politics is to compromise and to accommodate. We have constantly said to the opponents: If you have something better, tell us what it is.

Not only have the opponents not told us what they have in mind for something better, but they have refused to come forward and offer any amendments and have used Senate procedure to stop others from offering amendments. So for hours I sat here as manager of the bill doing nothing. That is why we have utilized the unusual procedure we have today. Some are complaining that they have not had an opportunity to offer amendments but, candidly, it is their own fault. When they had a chance to do so, they didn't. Beyond that, they stopped others from offering amendments.

We have the advocates for the immigrants. They have a very strong case. What this bill started out to do was to deal with the 12 million people who are so-called "living in the shadows" in fear. This bill does deal with that issue.

Those who say it doesn't go far enough have a point, but I think they lose sight of the core reason the bill is structured, as it is for the 12 million. It accommodates them in a realistic way and puts them on the path to citizenship. That has led many to cry "amnesty." I don't think it is amnesty for the reasons that have been enumerated many times. But amnesty, like beauty, is in the eye of the beholder. These 12 million are going to be here whether we legislate or not. So if it is amnesty, to do nothing is to have silent amnesty. They are going to stay here. To do nothing is to perpetuate anarchy.

Those who have argued strenuously and cogently to have border protection and employer verification to eliminate the magnet and to reimpose the rule of law are right. But they are not going to get the core of what they want if no bill is passed. So we ought to come to grips with the basic reality that the fundamentals on both sides have been realized, not the periphery and not the fringes, but the fundamentals.

We have had some votes which really defy the tradition of the Senate. We had the Dorgan amendment early on where many voted against their preferences, their policy judgments, to kill the bill. They had a position as to what they thought was right. They had expressed it. We knew what their policy position was. They voted the other way to kill the bill.

Yesterday, on the Baucus amendment, it was really extraordinary. I have been here a while. Twenty-three Senators changed their votes. You can tell on the cards, there is a check one way and a cross-off and a check the other way. Twenty-three Senators changed their votes. We talk about profiles in courage, this is a profile in cynicism. Votes were changed in order to defeat the bill, not because they expressed the preferences of the Senators. There were colleagues who said how they would vote, and then they didn't vote the way they said they were going to. I am not going to call them commitments which were breached, but that term might be used. It is a little strong to say that a Senator broke his word and breached a commitment. Let me simply say that some said how they would vote and then didn't. That is an unusual occurrence in the Senate.

It has been a common practice for Senators to vote in favor of cloture and then to vote against the bill. That expresses a middle ground that the Senator doesn't think there ought to have to be a supermajority that is, 60 votes—to carry the bill. But the Senator doesn't want to vote for the bill and so expresses himself or herself by voting for cloture so the bill can go forward but then votes against the bill on the merits. Those who vote against cloture will be responsible for killing the bill. They can then vote against the bill so that they won't be responsible for passing the bill. Around here, we like to avoid being responsible for one thing or another, but if we do not have cloture on this bill, the bill is dead. If we have cloture, then Senators are not responsible for its passage when they vote against it.

I urge my colleagues to bear that in mind. We pride ourselves in the Senate on being courageous. President Kennedy's book as a Senator was titled "Profiles in Courage." We have one illustration of that in the senior Senator from Arizona, Mr. MCCAIN, who is on the front page of the Washington Post today with the reports about his courageous stand on immigration costing him votes, perhaps costing him the Republican nomination. No one knows for sure, but it isn't helping him any.

It would be my hope that the Senate would rise to the occasion and would not kill this bill because if it is done, it is finished for the year. Next year is a Presidential/congressional election. We are off to 2009 and beyond. Then it will only be worse.

I leave my colleagues with the essential point that a responsible position would be to let the bill go forward. There is another 60-vote margin coming on the issue of a budget point of order. Don't be responsible for killing the bill by voting against cloture. Then you don't have to be responsible for the bill when voting no, and let the majority rule but not call for a supermajority on this very critical issue.

I reserve the remainder of my time.

Mr. KENNEDY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. CASEY). The Senator from California.

Mrs. FEINSTEIN. Mr. President, this is really a very difficult time because probably in the 14 years I have been here, there is no more important bill than this one. There is no more difficult bill. There is no bill that calls upon the courage of every single Senator more than this bill. I know what has been happening out there. I know the calls that have been made. I know some of the threats that have been made. Yet we have a chance in this bill to do the right thing.

Many people don't understand the bill. They don't understand the large amount of the bill that is dedicated to enforcing our borders. They don't understand the money that the fees and fines put into the process to be able to do what we need to do with respect to immigration. They don't understand the reforms that are made in employment verification. They also don't understand the threat to our national security—that having so many people in this country and not knowing who they are, having more people coming into this country every day and not knowing who they are—the threat this presents to the security of every man, woman, and child.

This bill is aimed to fix what is broken in our system. I have had individual Senators say to me: Well, if the bill was just this part, I would vote for it; if the bill was just that part, I would vote for it. The point is, this part or that part won't get 60 votes. Only a combination of parts to accomplish a broad fix of broken borders, broken identification, a totally broken system will get enough votes.

We are very close to the votes required. I don't know what to say to Members who are not yet decided to bring them on board. I agree with what Senator KENNEDY and Senator SPECTER have said: If we miss this opportunity, there is not likely to be another one in the next few years to fix the system. What will that mean? That will mean every year 700,000 to 800,000 more people will come across our borders unobserved, unknown. They will disappear into the shadows. If there is period of "do nothing" for the next 10 years, that will be 7 to 8 million more people illegally in the country. If we don't fix our visa overstay system, which is in this bill—40 percent of the illegal population are visas overstay; many of them don't go home—that will remain unfixed. If we don't come up with fraud-proof identification cards, employers will never really be able to know whom they employ and whether that individual is a legal person. This is an opportunity to fix all of that.

The fixes may not be to everyone's liking, but they are positive. It is the most positive immigration bill we have considered yet.

Additionally, never before in the history of the country is more being done to fix our broken borders, to fix interior enforcement, to fix employer sanctions. One thing is happening that has turned this bill by talk show hosts into something it is not, and that is for those people who are opposed, this is an amnesty bill. I don't know how we could say more strongly that it is not. I don't know how we could say more strongly that what is out there now is a silent amnesty. People are here 15, 20, 25 years. They are working, owning property. They now have a state of amnesty. This bill reconciles that. This bill changes that. This bill prevents it from happening in the future. It is hard for me to understand why that doesn't measure big-time with many of our colleagues. Apparently, it does not.

I can only come to the floor to plead: Let us finish this bill. If you are concerned about enforcement, Senator GRAHAM's amendment coming down the pike next has many very interesting improvements. Give him a chance to offer that amendment, then vote no. But I think to cut this bill off now is a huge mistake. We are so close. There are still a series of amendments to be passed. Please, give them an opportunity postcloture. Please vote for cloture.

I yield the floor.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in my last election my constituents sent me a couple of clear messages, one of which was do something about illegal immigration. In my State, we have a majority of people who are entering the country illegally coming across the border from Mexico, creating huge environmental problems, law enforcement problems, people victimized on both sides, costs to the State, lawlessness literally on street corners. The people of my State are saying: What is happening to our country when we can't enforce the laws at the border? Are we not a sovereign country? They have a point.

We understand politically that in order for us to enforce the law, we have to have an enforceable law. As a result, this bill we have put together for the first time creates a strong bipartisan consensus for all of the things that are needed to control our border. But it does more in two key ways. The reason these other two things are important is because a lot of my constituents have said: Why should we believe that a new law is going to be enforced when the existing law isn't enforced? That is a very good question. Presidents, both this administration and the previous administration, and Congresses have not done an adequate job of enforcing the law. But it is also true that we have two laws that are not very enforceable. We know that 40 percent of the people who are here illegally have overstayed visas. They didn't cross the border illegally. It is very hard to enforce the visa overstay laws because they are not adequate. We don't have adequate resources, either.

Secondly, the employee verification system in place today is a joke. Everyone knows that. One can use counterfeit driver's licenses and Social Security cards, and we all know there are millions of people working here illegally though they presented documents to an employer. The 1986 bill wrote a very bad provision for employment verification. It doesn't work.

So for those who say, "Well, let's enforce the law, and then there will be the attrition of illegal immigrants and we will get back to a good situation," the answer is, of course, if you do not have a good law to enforce, you cannot work that strategy. The law has to be changed. It is very clear that in order to change the law so it can be enforceable—both with respect to visa overstayers and at places of employment—we are going to have to have a group of people get together, Democrats and Republicans, willing to support some things that each other wants in order to pass such a law. That is the genesis of the bill that is before us.

I hope my colleagues will recognize that doing nothing is not acceptable. It is pretty clear, when we come down to this cloture vote, that is going to be very close, that 40 Senators might be able to stop the Senate dead in its tracks here, thwarting the will of the majority. Those 40 Senators would be people on one side who want it all their way and on the other side who want it all their way, thwarting the will of the majority, which recognizes that neither side can have it all their way but that doing nothing is not acceptable. That will be the result if cloture is not invoked.

The final point I would like to make is there are several amendments we should be voting on to improve this legislation. Only by moving forward with the cloture vote will we be able to vote on those amendments. One of those is an important amendment, a very large amendment, which was put together by Senator GRAHAM and myself and Senator MARTINEZ and several others which really tries to fill in all of the gaps in enforcement, some of which have been pointed out to us by our constituents, by critics of the bill, by folks on the talk shows, by people who oppose the bill. We have taken a lot of those suggestions—many of them are great ideas—and put them into this enforcement amendment. It will, for example, make it very difficult for a visa overstayer to be able to be here illegally in the future. We are going to know when they overstay their visa. We are going to detain them until they can be removed from the country. That is just one example. So in order to be able to vote on those strong and strengthening amendments, we have to invoke cloture, we have to be able to proceed.

There are still two more opportunities for those who want to express their opposition to the bill to do so. There will be a budget point of order, and there will be the vote on final passage. But surely our colleagues would, I hope, respect the will of the majority, which is to keep moving to make this bill as good as we possibly can, and then everybody has the ability to vote however they want to at the end of the day. I hope my colleagues will agree that doing nothing is not an option and that we can continue to move the bill forward by supporting cloture.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have 5 allotted minutes for Senator SESSIONS, and I see he is on the floor.

I ask the Senator, would you like to take that time now, Senator SESSIONS?

Mr. SESSIONS. Mr. President, I understood it was 10 minutes.

Mr. SPECTER. Mr. President, I say to the Senator, you have 5 minutes from each side. You have 5 from me and 5 from Senator KENNEDY.

I say to the Senator, I was going to yield you 5 minutes now.

Mr. SESSIONS. Mr. President, I would be pleased to use 5 minutes now. I believe some of the other Members I wanted to share time with are available and can speak.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will be pleased to yield 2 minutes to the Senator from North Carolina, Mrs. DOLE.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, first of all, I thank Senator SESSIONS, Senator DEMINT, and Senator VITTER for their hard work on this matter, and other Senators as well.

Certainly, there is one area in which we have much agreement; that is, securing our borders. Clearly, the American people do not have any confidence at all in the promises this will be done when there is track record of total failure. In 1986, there were 3 million illegal aliens, and today, of course, there are 12 million or more. The Government does not seem to know how many.

I have an op-ed piece from the Charlotte Observer. Just quoting from 1986: This bill will help us provide the immediate relief on the border that we need. In my view, it is a good bill. We should all support it, be glad that this long controversy has finally been put to rest.

Well, CHUCK GRASSLEY made it very clear in strong points that he was wrong in the 1986 vote, that this did not provide the security at the border we have been promised again today.

In 2006, we had the Secure Fence Act, 700 miles of fencing to be built. Only 2 miles have been built.

So my view, my strong view, is it is not just promises, it is proof people want. The American people want to see results, control of our borders. We need to establish standards or metrics and then show they have been achieved—for example, having a significant decrease in the number of illegal aliens who cross our border, having a significant decrease in those who overstay their visas, a high rate of deporting those where courts have said a person needs to be removed from this country and deal with contentious provisions at a later date. But these are the key issues people are concerned about.

The first order of business must be that we ensure that the mess we are faced with now never, ever occurs again. We should be laser-focused on our resources, our energy, and ensuring our borders are secure.

My staff and I have been meeting with sheriffs across our State. Section 287(g), which is law now, provides that these local officials can be deputized to enhance the ICE agents. This is very important.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. DOLE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator DOLE and yield 2 minutes to the Senator from Tennessee, Mr. CORKER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senator from Alabama for yielding me time.

I just wish to say I appreciate the efforts of all involved in what has happened over the last month. I really do. I have voted three times against cloture and will vote for a fourth time today against cloture. But at the same time, I really have tried to play a constructive role in voting on each amendment based on the merits of that amendment.

This bill is about a lot of things. Certainly, people have put a lot of effort into it—based on compassion, based on trying to solve a problem. It also, no doubt, has some more sinister components. I hate to say it: cheap labor, party politics, who is going to gain the majority. So there are a lot of different things at play here. I think we all understand that. But I really do appreciate the efforts of all involved.

Today, this is going to get down to four or five Senators. I encourage them to vote against cloture, for this reason: I think this bill is not good for America because I believe America has lost faith in our Government's ability to do the things it says it will do. We have had intelligence gaffs. We have had evolving reasons as to why we are involved in military conflicts. We have seen what has happened at the local, State, and Federal level on things such as Katrina. We have ministers who want to go on mission trips today but who cannot get passports renewed. This is about competence. It is about credibility. I think Americans feel they are losing their country. They are not losing it to people who speak differently or talk differently or are from different backgrounds; they are losing it to a government that has seemed to not have the competence or the ability to carry out what it says it will do.

I believe this bill is going to fail. What I would urge people to do is not what they have said today—and that is, to let it pass—but to move, meaning to pass into another time, but approaching it on a more modest basis, where we do the things we say we will do and build a foundation that will cause the American people to actually have faith in this Government.

The PRESIDING OFFICER (Mr. OBAMA). The Senator's time has expired.

Mr. CORKER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee and would recognize the Senator from South Carolina, thanking him for his leadership. As the Senator from Pennsylvania, Mr. SPECTER, said, this has been a tough battle. I thank Senator DEMINT for his courage. I yield him 1 minute, I believe.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator for his leadership.

Mr. President, this immigration bill has become a war between the American people and their Government. The issue now transcends anything related to immigration. It is a crisis of confidence between what the American people believe our Government is and should be, what it is to them now, and what they perceive it to be.

This vote today is really not about immigration. It is about whether we are going to listen to the American people and realize we need to proceed more carefully, in a more sensitive manner, and appear to be listening to the concerns of the American people.

The allocation of time, as we approach this vote, is very symbolic of where we stand. The supporters of this bill, out of an hour's time, have allocated 10 minutes to the opinion of the American people. I think we should listen to the American people. I hope all of my colleagues will decide not to move ahead with this bill and vote against cloture today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. I thank the Chair.

Mr. SESSIONS. Mr. President, I reserve my 5 minutes remaining.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask Senator SPECTER, may I be recognized?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank the Chair.

To my colleagues who have participated in this debate, I think it has been a once-in-a-lifetime experience, I hope for all of us, because if we did this every week, the Senate would fall apart because this is tough politics, there is no question about it.

I do not pretend to know that I am on the wrong side or the right side of the American people. I can tell you what polls say—that once you tell people what is in this bill, about border enforcement, employer verification, merit-based immigration, the temporary worker program, it is 2 to 1 in about every poll I have seen. I guess you can get the poll to respond to the way you ask the question.

What I am trying to do is provide a solution to a problem that affects the American people. Here is the formula for this problem to be solved: bipartisanship.

To my friends on this side, if you think you can ignore Democrats, good luck. They exist. There are a bunch of them over there. Yes, raise your hand if you are a Democrat. Why don't you all leave? Well, they are not going away. Now, there are a bunch of us over here. Good luck ignoring us.

I would like to secure the border. How many Democrats would? Everybody raises their hand, right? Wouldn't you like to have an employer verification system where an employer would know the difference between somebody who is illegal and legal?

Enforce the current law. To my friends who call me endlessly and say, "Just enforce the current law, LINDSEY," well, here is LINDSEY's response: I have looked at it. It is unenforceable. You can get a job in America based on a driver's license and a Social Security card being presented. What did all the hijackers on 9/11 have in common? They all had fake ID cards. They all had fake driver's licenses. I can get you a Social Security card. To my good friend from South Carolina, JIM DEMINT, we can go to the Jockey Lot in Anderson, and I can get both of us a Social Security card by midnight with whatever name you want, whatever number you want.

Until we address that problem, we are never going to solve illegal immigration because it is about jobs. Current law is a failure. The public should be cynical. Are we helping them when we fail? We are at 20 percent approval, and we deserve it. We do not deserve our pay raise. But who are the 20 percent? What do you like about this Congress? I cannot believe there are 20 percent of the American people who like what we are doing up here because we are doing nothing but talking about what we will not do, and we are playing a game that the American people do not understand, like the other side does not exist.

You are never going to deal with this issue until you embrace the 12 million. No Democrat is going to let you build a fence and do all the things we want to do without addressing the 12 million. That is never going to happen.

I want to address the 12 million. The reason I want to address the 12 million, it bothers me there are 12 million people here that we do not know who they are and what they are up to. I wish they would go away, but they are not. It is a problem America has to deal with, and we want someone else to do it because we are afraid if we do a plea bargain it is amnesty. We are afraid that the people who don't want to deal with the 12 million will come and take our jobs away. This is about our jobs.

Well, this is bigger than my job. The 12 million will be dealt with. They are not going to be ignored. They will be dealt with firmly and fairly eventually. They are not going to be deported. They are not going to jail. They can't be wished away. So we need to come together in a bipartisan manner and have principled compromise where we deal with the 12 million, we deal with broken borders, we get a temporary worker program.

To my Republican friends, remember this day if you vote no. You will never, ever have this deal again. There will never be a merit-based immigration system such as we have negotiated because President Bush has helped us. To my friends on this side who say President Bush would sign anything, you don't understand what is going on here. President Bush has given us as Republicans things we will never get without him being President. We have lost the majority, but we have a good deal because we have hung together. A temporary worker program and a merit-based immigration system is a good deal for this country. If we say no today, good luck of ever getting it again.

The 12 million stay here on our terms. They have to learn English. They have to pay fines. They can't be citizens unless they go back and start over. This is as good as it is going to get.

Now, if we lived in a perfect world where the Republicans could write this bill, it would be different, and I can assure you, my Democratic friends would have written a different bill. All I can tell you is, the American people have a low opinion of us because we can't seem to do the things we need to do——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Because we are too worried about us and not them.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we have 11½ minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 4 minutes to the Senator from Colorado and the remaining time between the Senator from Illinois and myself.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come to the floor this morning to urge my colleagues to vote yes on cloture as we bring this debate to a very pivotal point.

As I come to the floor this morning, I am reminded of the millions of phone calls and letters that everybody has received in this Chamber. Many of those phone calls and those letters, those demonstrations have been filled with hate and with venom. They have been filled with hate and with venom.

We are the United States of America because we are able to bring our Government together to function on behalf of the people of this country. So for all of those who have sent arrows in the direction of the profiles in courage who have been working on this issue for the last 2 years, I say to them: Remember the prayer of Cesar Chaves of the United Farm Workers in which he said: Help us love even those who hate us. Help us love even those who hate us so that we can change the world—so that we can change the world.

Much of the venom we have seen around this issue has to do with the fact that people are afraid. People are afraid. I ask my colleagues to join us in looking forward and not being afraid because what makes people afraid today is that we have a system of chaos, a system of broken borders, a system of victimization.

So how do we move forward to create a system of law and order of which we in the United States of America can be proud? How do we do that? Well, we have done our best. We have put forward a proposal that says the porous borders we have in America are not good for America. The national security of the United States of America demands—demands—that we move forward and secure those borders. So we have done it in this legislation, and we have included the funding to be able to secure those borders.

Second of all, for more than the last 20, 25 years, what has happened is that the United States of America has looked the other way as our immigration laws have been broken time after time. So for the first time, what we have done with this legislation is we have said we are going to enforce the laws. We are going to have tough employer sanctions against employers who hire those who are unauthorized to work in our country. We are even going to criminalize their conduct. So we will enforce the laws of our Nation.

Thirdly, we take the 12 million undocumented workers who are here in America, and we say: You are going to pay a fine. You are going to be punished. You are going to learn English. You are going to have to go to the back of the line, and then after some time on the average of 11, 12 years, between 8 and 13 years, if you do all the things we require of you, including paying these very high fines and paying all of the processing fees required, then at that point in time, you will have an opportunity to become a citizen if you so choose.

To me, that is a commonsense solution to the national security issue which is at stake in this debate. It also is a commonsense solution for a nation that prides itself in enforcing our laws. We are not like other countries around the world that don't enforce our laws, but we will be.

So I say this to my colleagues on the other side: I respect you. I respect you for what you do here and for how you bring a civil debate to the issues that we deal with every day. But at the end of the day, if we don't get this done today with this cloture vote, it is going to mean the national security of the United States of America will continue to be compromised into the future for who knows how long. It will mean we will continue to be a nation that does not enforce our laws on immigration within this country, and it will mean we will have failed to develop a realistic and honest solution to the 12 million undocumented workers who labor in America every day.

So I urge my colleagues to vote "yes" on this cloture motion that we have coming up.

I yield the floor.

Mr. SESSIONS. Mr. President, I believe there is 5 minutes on this side.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I know good people have worked on this bill, and they are promoting it as a good step forward on immigration. But our own Congressional Budget Office has answered that question. They have said if this bill becomes law, we will see only a 13-percent reduction in illegal immigration into America, and in the next 20 years we will have another 8.7 million illegals in our country. How can that be reformed? I submit this would be a disaster.

The American people, I do not believe, desire to double illegal immigration. That is what this bill—legal immigration. That is what this bill does.

Mr. President, I ask that I be notified after I have spoken for 2 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. SESSIONS. The bill is promoted as providing security, but the Border Patrol Association, the former Border Patrol Officers Association, two former chairmen, chiefs of Border Patrol of the United States, former Assistant Attorney General in charge of immigration and security say it will not work, and they are scathing in their criticism and steadfastly reject this bill. I believe it will further diminish, therefore, the rule of law.

The procedure used to get us to this point is unprecedented in the history of the Senate. It allows the leadership to approve every single amendment that gets voted on and gives us only 10 minutes in opposition this morning, while the masters of the universe get over 40 minutes, 50 minutes to promote their side. It is typical of the way this debate has gone, and it will breed more cynicism by the public.

I have just seen a notice this morning from the Sergeant at Arms to tell us that the telephone systems here have shut down because of the mass phone calls Congress is receiving. A decent respect for the views of the American people says let's stop here now. Let's go back to the drawing board and come up with a bill that will work.

The PRESIDING OFFICER. The Senator has used 2 minutes. He has 3 minutes remaining.

Mr. SESSIONS. I thank the Chair. I yield 2 minutes to the Senator from Louisiana who has been effective and courageous in his advocacy on this issue.

Mr. VITTER. Mr. President, if the Chair could inform me when I have used 2 minutes.

Mr. President, we all stand here on the floor of the Senate and regularly acknowledge and even praise the common sense and the wisdom of the American people. Well, this vote this morning for each of us is about whether you really believe that or whether it is just a cheap political line to use.

The American people get it, and they do have common sense and wisdom on this issue. They know repeating the fundamental mistakes of the 1986 bill, joining a big amnesty with inadequate enforcement, will cause the problem to grow and not diminish. They know promising enforcement after 30 years of broken promises isn't good enough. They know the so-called trigger is a joke because if the trigger is never pulled, the Z visas, the amnesty happens forever. They know groups like the Congressional Budget Office have estimated that this bill, so big on enforcement, will only decrease illegal immigration 13 percent and will have another 8.7 million illegal aliens coming into the country. They know that. They do have wisdom and common sense.

The question is: Do we or do we decide that Washington knows best? This isn't just a vote about immigration. This is a vote about whether this body is out of touch, whether this body is arrogant, or whether it will respect the true wisdom and common sense of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama has 1 minute remaining.

Mr. SESSIONS. I yield to the Senator from South Carolina, Mr. DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, one of the most encouraging parts about this debate—there is a silver lining—is it has reengaged the American people and shown us that we are truly a government of the people. They have spoken and they have spoken loudly. Our phones have been ringing off the hooks. We have received e-mails and letters. People are trying to get in touch with us. Even now, they are calling in such numbers that it has crashed the telephone system in the Senate.

My question to the Senate today is: What part of "no" don't we understand? We need to vote no against cloture and stop this process that is alienating the American people from what we do, and then enforce the laws that are on the books and prove we are a nation of laws and that we will enforce the laws that have been passed by this Congress.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator has 10 seconds remaining.

Mr. SESSIONS. Mr. President, I wish we had been given more than 10 minutes, while the other side has been given 40 or 50. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I understand we have 7½ minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 3½ minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, in our Nation's history, this Nation of immigrants, we have always struggled with this issue. As soon as people arrive on this shore, there is a question about how many more can we take? What does it mean for our Nation if more people come from strange lands who don't speak our language? Yet this diversity has made America what it is today. We have sustained this great Nation because we are different and because we are accepting and because the people who struggle to come to these shores—my mother and her family, the families of all of us—brought with them a special quality: a determination for a better life and a willingness to take a risk to come to America. They brought a willingness to take the hardest, toughest jobs to prove the American dream and hope that their children will have better. Multiply that by millions and you have the story of this great Nation.

Throughout our history, we have always debated how many more we can take. That debate comes to a head this morning in just a few minutes. We will have a chance on the Senate floor to decide whether we step forward.

I have heard the voices against this saying: Not this bill. We can surely do better. We have worked hard on this bill. We have made compromises. There are parts of it which I detest and parts which I embrace, and that is the nature of compromise and cooperation. I thank all of those who have crafted it and put it together.

But I want to tell my colleagues what is at stake is very basic and fundamental as to who we are as a nation. Outside this Chamber, outside this congressional debate, you have heard the voices. Some of them are dark and ugly. They are not the voices of America, a hopeful nation that understands we can be a nation of laws, and with diversity we can grow in this world in the 21st century. No, these are voices of exclusion, people who want to keep those people out, people who want those people to go away. That is not America. That isn't what we are about as a nation. That isn't what distinguished us in the world. What distinguished us is we can stand up—Black, White, and brown, from all across this world—and make a nation. We have done it for over 200 years. We can do it again. Those who argue this diversity will destroy us don't understand the core values of this country.

I beg my colleagues this morning, even if you disagree with this bill, don't end this debate. Give us a chance to continue this debate and bring this to a conclusion and a vote. Give us this procedural vote that is coming up so we can continue this debate. If at the end of the day we step back and say we are surrendering to these negative voices across America, the Senate can't rise to the occasion with an important bill, it won't speak well of the Senate. There are those of us entrusted with the responsibility to serve in this place.

Let us say to people across America that we are going to have strong borders, we are going to enforce the law in the workplace, we are going to have rules that say to those who are here illegally you can only stay if you meet the strictest requirements. I think that is a reasonable standard, a reasonable compromise in the greatest tradition of America.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask to be notified when I have 30 seconds remaining.

We are called today by the ancients, the Founders of this Republic. Are we going to form a more perfect union? It was in this Chamber a number of years ago that we knocked down the great walls of discrimination on the basis of race, that we knocked down the walls of discrimination on the basis of religion. We knocked them down regarding national origin, we knocked them down with regard to gender, we knocked them down with regard to disability. Here in this Senate we were part of the march for progress.

Today, we are called on again in that exact same way. This issue is of the historical and momentous importance that those judgments and those decisions were. When the Senate was called upon, it brought out its best instincts, values, and its best traditions. We saw this Nation move forward. Who among us would retreat on any of those commitments? Who among us would say no to that great march for progress that we had in this Nation?

The question is: Is it alive? Is it continuing? Is it ongoing? Those who vote "aye" say it is ongoing, that we are continuing that march toward progress.

Year after year, we have had broken borders. Year after year, we have the exploitation of workers. Year after year, we see people who live in fear within our own borders of the United States of America. This is the opportunity to change it. Now is the time. Now is the time to secure our borders. Now is the time to deal with the national security issue. Now is the time to resume our commitment to family values, to people who want to work hard, men and women of faith, people who care about this country and want to be part of the American dream, who have seen their sons and daughters, in many instances, fight and lose their lives in Iraq and Afghanistan. That is the challenge.

Now is the time. This is the place. This bill is strong. It is fair and practical. Today, my friends, we have the choice: Are we going to vote for our hopes, or are we going to vote for our fears? Are we going to vote for our future, or are we going to vote for our past?

This is the place. Now is the time. This is the vote. Vote "aye" for America's future.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, let me first compliment the distinguished Senator from Massachusetts.

I yield 2 minutes to the Senator from Florida.

Mr. MARTINEZ. Mr. President, I have been involved deeply in this debate that we have had over a couple of years. It comes to a close in the next day or so in the Senate. We have an opportunity to move forward, to move the debate on, and to have an opportunity for the House of Representatives to then add their measure of influence upon what this bill should be about. We should not simply say the bill isn't good enough so we are going to do nothing.

For those who find criticism with the bill, it is much easier to tear down than it is to build. We have crafted a bill over months of discussions and negotiations, which does a tremendous amount to end the illegality, secure the border, to ensure that we have the mechanisms to enforce an employment verification system so we don't have any more illegal workers. We do a measure of justice to those who have been here and worked and made this country their home for, in many instances, two decades.

The fact is, for those who simply say do nothing, they have a measure of responsibility to what comes next. What comes next is a continuation of the illegal system. To say simply "enforce the law," well, the current laws aren't good enough to be enforced. They do not have the enforcement mechanisms necessary to ensure that we do have workplace enforcement, which at the end of the day is the most important measure we can have.

A lot has been said about the cost to our society of illegal immigrants being legalized. The CBO, which we trust on these issues, has said—this is the nonpartisan congressional budget office—they find that the new Federal revenue from taxes, penalties, and fees under this bipartisan immigration bill will more than offset the cost of setting up the new immigration system and the cost of any Federal benefit temporary workers, Z visa holders, and future legal immigrants under the bill would receive.

I thank the Senator for yielding me some time. I simply say that it has been a pleasure to work with those who have committed themselves to do something about the problem, and not simply say what is imperfect about the solution but to find a solution to this difficult problem.

Mr. SPECTER. Mr. President, the Senator from Florida has such a background, being an immigrant himself, and I think our cause would be well served if he took another 3 minutes.

Mr. MARTINEZ. I thank the Senator.

Let me touch on that issue. As an immigrant to America, I understand what it means to live the American dream. I had the opportunity to come to this country as a 15-year-old child, not speaking the language or understanding this culture; yet the embrace that America gives those of us who are fortunate enough to come to these shores and make America our home made me an American.

Many out there today fear that immigrants don't want to assimilate. The fact is—and I have said this before—immigrants come to America not to change this country but to be changed by this country. That was my experience. I think it is the experience that has been repeated to the over 200-year history of this Nation as immigrants have come to these shores, and America has had the magic that it performs on those of us who come here to become Americans to then make a contribution, as I hope I am making today by serving in the Senate.

The fact is, this is a divisive issue, but I believe it will bind and heal our country if we deal with it. Unfortunately, to do nothing will continue this festering debate in our country that is so divisive and, at times, so ugly. Our country is better than that. I think our country has the resourcefulness and the strength of culture to ensure that we not fear they want to change America, but that we change them to be the Americans that we hope all of us are and can be.

I thank the Senator for the additional time. This is something in which I have invested my heart and soul because I believe it to be so right for our country. This isn't about the 12 million immigrants. This is about what that will do to ensure that America continues to be the place it has been for more than 200 years, as a beacon of liberty, the "shining city on a hill" that President Ronald Reagan spoke of. We have to continue that tradition and welcome more people into that tradition by allowing them to be legal citizens, legalize their status, while we make it clear that the game is up, and from now on immigration into America will only be legal and not illegal, as it has been for more than two decades.

Mr. SPECTER. Mr. President, I compliment the Senator from Florida for his statements. Had we more time, all of us could tell our own stories. Mine involves two immigrant parents. My father came here at 18, in 1911, and contributed to this country. My mother came with her family at the age of 6, in 1906, and contributed to this country. I thank the Senator from Florida, Senator MARTINEZ, who has a special story to tell because he himself is an immigrant and is a great testament to what we are trying to accomplish with this bill.

I yield 3 minutes to the Senator from Arizona, who has made such a unique contribution to this bill, coming from a border State and facing irate calls, not that they are necessarily representative of all of Arizona. He said he learned some new words.

The PRESIDING OFFICER. The Senator from Pennsylvania doesn't have 3 minutes. He has 30 seconds. The Senator from Massachusetts has 1½ minutes remaining.

Mr. KENNEDY. I yield that time to the Senator.

Mr. SPECTER. I have 10 minutes 30 seconds because I have been allotted the leader time. I yield him 3 minutes.

Mr. KYL. Mr. President, I can say this in about 90 seconds. The Senator from Pennsylvania made the point. It is a sad commentary in America today that many Americans have lost faith in their Government. The only group that has poll numbers less than the President these days is the Congress. Americans don't believe their Government is representing them and acting on their behalf. The polls show it.

On one of the most critical issues of our day, we will not restore that confidence if we fail to act again. The only way we can restore that confidence is by acting. Skepticism is not a reason for inaction. For those who say, well, let's enforce our laws, I remind them that some of our laws are unenforceable. My conservative friends are the first to point out that the 1986 law is not an effective law. It is unenforceable. Until we change it, we are not going to be able to enforce the law. That is why it is time for us to return to the rule of law in America. By returning to the rule of law, we can restore that confidence that is so critical for the American people to have in their Government.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. SPECTER. Mr. President, we have heard from the objectors what the American people think. I am not sure they have standing to represent the American people. We heard the junior Senator from South Carolina speak as to his interpretation of what the American people think. But we heard the senior Senator from South Carolina stand in firm support of this legislation—the Senator representing South Carolina, as well as the other Senator from South Carolina.

We know as a matter of practice that the callers and the e-mailers are characteristically naysayers. You hear a lot more from people who object than you do from people who are in favor. We know that the majority of America is the silent majority. From my own soundings, what I hear on the train when I come back and forth from Pennsylvania, what I hear in the restaurants, on the streets, and in the fitness club is to proceed, try to find a way to improve a very serious situation in immigration.

No one of us is able to speak for the American people. We hear different voices at different times. I know one thing with relative certainty, and that is you cannot tell what the American people think simply by those who object and those who call. We do not run America in a representative democracy, in a republic, by public opinion polls. If we did, we would take the public opinion poll and we could dispense with all of the fat salaries that Members of Congress get. We could dispense with paying 535 people and take a public opinion poll and sign it into law.

I think the most erudite statement on this particular issue was uttered by a distinguished British philosopher politician, named Edmund Burke, in a speech to the electorate of Bristol on November 3, 1774, when he made this famous statement:

> Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

Now, that is not to say in a representative democracy we ought to not consider the opinions of our constituents, but I think Edmund Burke was right more than 200 years ago when he talked about our duty in owing our constituents our best judgment.

What is our best judgment and how have we come to it? We have been working on immigration a long time, and we saw the failures of the 1986 legislation. Because the 1986 legislation failed doesn't mean we cannot correct the problem. Things are very different today than they were in 1986. For one thing, we now have a foolproof method of determining whether an individual is legal or illegal. So now we can hold employers responsible not to hire illegal immigrants. We can take away the magnet of work in this country for those who are not here legally.

We have lost sight I think, of the very fundamental purpose as to what we are trying to accomplish through legislation to reform immigration.

We are trying to secure our borders. This bill goes a long way to securing the borders with fencing, with automobile blocks, with more Border Patrol. The entire 2,000-mile plus of the border will be more secure. It can't be perfectly secured, and that is why we have employer verification which, as I say, is now foolproof. Then when we deal with the immigrants, we are trying to deal with the 12 million undocumented immigrants. Those who would like more—I said earlier that if I had my choice, I would agree with Senator MENENDEZ, that I would have more family unification. I would agree with Senator DODD that I would have more visas for parents. But this legislation is crafted by compromise, and that is the art of politics—the compromise. So it is the best bill that we can structure and come forward with.

If we do not legislate now, we will not legislate later this year when our calendar is crowded with Iraq and appropriations bills and patent reform, et cetera. We are then into 2008 and an election year for President and Congress, and it will be pushed over to 2009. Circumstances will not be better then, they will be worse.

We have a very frequent practice, as we all know, for Senators to vote in favor of cloture, and then to vote against the bill. That is an expression of policy judgment not to hold a piece of legislation to a 60-vote supermajority level. We do not have an issue of freedom of religion. We do not have an issue of freedom of speech. We have a public policy question where in good conscience Senators can say: I am opposed to the legislation, but I do not think it ought to be held to a 60-vote supermajority.

If we do not invoke cloture, this bill is dead. A vote against cloture is a vote to kill the bill. A Senator may vote for cloture and then express himself in opposition to the bill by voting against the bill.

For those who did not hear an earlier statement I made, I repeat, we had the unusual situation on the Dorgan amendment where Senators did not vote their judgment on public policy but voted against their own judgment to kill the legislation.

We have a tally sheet, those of us who work in the Senate, showing how Senators voted. And on the Baucus amendment yesterday, we had the extraordinary situation of 23 vote changes. You can tell the vote change because there is a mark on one side, it is crossed off, and the mark then appears on the other side.

I suggest to my colleagues that we had more cynical maneuvering on the Baucus vote, which is characteristic of the maneuvering throughout the text of this legislation, and that what this body ought to do is take the famous words of President John F. Kennedy when he served in this body, to exercise a little courage, a profile in courage as opposed to what appears to be a profile in cynicism.

The essence of it is, Senators can vote for cloture not to kill the bill, and then vote against the bill and exercise their right to do that and still allow this bill to go forward where it may yet be improved.

Mr. President, I see my time is just about to expire. How much time remains?

The PRESIDING OFFICER. There is 20 seconds remaining.

Mr. SPECTER. I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, is immigration a problem? Of course, it is. But is immigration a problem that is limited to Texas, Arizona, California, the border States? No. Is immigration a problem only for big cities, such as San Antonio, New York, Chicago, L.A.? No. Immigration is a problem all over America.

As people know, I am from Searchlight, NV, a little town I was born in and the town where I lived. It is 60 miles southeast of Las Vegas in the southern tip of the State. Is immigration something people talk about in Searchlight? Of course, it is.

Take yesterday. I got back to my office, and there was a call from Tommy. I am not going to give his last name for fear somebody will look him up. Tommy called me—and I do have his last name—and he said: I have a friend here who is from Mexico, has been here quite a long time. What is this immigration bill you are working on going to do for him? Should I be in favor of it?

Yes, Tommy, you should be because your friend will no longer have to be afraid of being arrested and deported. This bill will allow him to come out of the shadows.

The same day, yesterday, I received my mail from Searchlight. Somebody sends me my mail that comes addressed to me in Searchlight. A letter was addressed to me and said, among other things: You probably should go under the witness protection program because of your work on this immigration issue.

That is from Searchlight, NV. This doesn't take into consideration the letters and the calls my offices in Reno, Las Vegas, and here in Washington get filled with hate. I have, of course, turned the letter that I got from Searchlight over to the Capitol Police.

This situation is a problem not just in the border States and big cities, it is a problem all over America.

We are said to be the greatest deliberative body in the world. Shouldn't we do something positive regarding an issue that affects everybody in America, immigration? Some say it is the country's biggest problem. While that may be debatable, it is a significant problem, one of the top two or three problems facing us, and the problem is not going to go away. Is it right to wait until there is a new President? Should we wait until we get a new Congress? Of course not. Talk radio has had a field day, these generators of simplicity.

I want everyone to know, and I want the record spread, I do not believe anyone who is a Senator who votes against this motion to proceed is filled with prejudice, with hatred, with venom, as we get in our phone calls and our mail. I don't believe that. But I do believe we have an issue before us that we must resolve.

My family has been enriched by immigration. My father-in-law, Earl Gould, came to America from Russia when he was a little boy. When he came here his name was Israel Goldfarb. He assumed the name Earl Gould. When I met my wife, her name was Landra Gould.

I had the opportunity to talk with my father-in-law many times. Every one of his siblings who came to America had a different name. They all changed their name in this great melting pot.

My father-in-law died as a young man—he was 52 years old—from leukemia. I think of him often. My wife is an only child. I think of him often for the kindness that he showed me. This ring I wear he gave to me on his death bed. This watch that I wear he gave to me. When he was sick and knew he was going to die, he and my mother-in-law took a trip to the Middle East and brought me back this watch. They didn't have money to buy watches for me, but they bought a watch for me. I still wear the watch.

In this great melting pot we have called America, of which I am a part, my five children are eligible for Israeli citizenship because, with the Jewish tradition, lineage is with the mother, not the father. My children proudly know this.

My family has been enriched as a result of immigration. I knew my grandmother. I talked with her lots of times. As a boy, I listened to her stories. I talked with her. I can still hear her voice—oh, we had a grand time. That is how she talked. She was born in Katherine's Cross, England, and came over here as a girl, married my grandfather, had eight children, all of them raised in Searchlight, NV.

Those are two examples of what immigration is all about, two examples of what it has done to HARRY REID.

My skin is real white. We have African Americans. The Presiding Officer is of African-American ancestry. In the back of the room—we don't even have to look at the back of the room—we have Hispanics. But my skin is American skin, just as the Presiding Officer, just as Senator SALAZAR.

What is immigration all about? A number of years ago, one of America's great journalists, James Fallows, wrote a book called "More Like Us." The thesis in this book was that everyone was saying we should be more like Japan.

Japan was at the zenith of its height and power, and we were in the doldrums economically. Everyone said we should be more like Japan.

James Fallows wrote this book, "More Like Us," and he said: No, we should be more like us, like America, and the No. 1 issue he talked about being different from Japan, our strength, is immigration. I testify that is true; that is the strength of this great country.

Today in America we have a problem with immigration. We have porous borders that need to be fixed. We are Senators, I repeat, Members of the greatest deliberative body in the history of the world. With the honor of our office comes enormous responsibility. We must resist the ever-present temptation to do what is expedient at the expense of what is right. When short-term gain diverges from long-term good, we must choose the good. This is our challenge today.

I ask every one of my colleagues, Democrats and Republicans, not to shrink from this issue, to support us moving forward on this legislation for the good of our country, the greatness of our country.

There are 100 of us. If each one of us were given a few days to draft an immigration bill. We probably could do a better job than what has been done with this bill, in our own minds. But some of the greatest legislative minds in this body have worked long and hard to come up with this bill. Perfect? No. Good? Yes.

I hope we can do the right thing and move this legislation forward. I am not here to tell my colleagues this legislation is the greatest thing that ever came along, but it is something that is badly needed, and we need to continue this process.

Mr. President, there is $4.4 billion for border security. Is it going to help? Oh, it will help a lot. There are 370 miles of fencing, which we authorized and, of course, have done nothing about; 300 miles of vehicle barriers; 20,000 new Border Patrol agents; more than 100 ground-based radar and camera towers; and 31,500 detention beds.

Mr. SESSIONS. Mr. President, under the UC, I think we are well passed the time the leader had, and this side only received 10 minutes.

The PRESIDING OFFICER. The leader has the floor. The majority leader has the floor.

Mr. REID. Mr. President, I would say this, 31,500 detention beds. One of the problems we have——

Mr. SESSIONS. Mr. President, point of order. The unanimous consent gave the leader 12 minutes. It is now about 12 or 15. Does that override the leader's time?

Mr. REID. It is my understanding in the order——

The PRESIDING OFFICER. The Chair always allows some latitude to the two leaders. He is currently 1 minute over time.

Mr. REID. Mr. President, it is my understanding of the order of the presenters that Senator MCCONNELL and I had 10 minutes.

The PRESIDING OFFICER. That is true.

Mr. REID. Ten minutes was given to the distinguished Republican manager of the bill, and I now am using my leader's time that was not in the order.

I would also say to my friend from Alabama that I would never rudely interrupt him whenever he is giving a speech. I would never do that, and I wish he hadn't done that, but I will continue.

Mr. President, 31,500 new detention beds. In Las Vegas, when someone is picked up on an immigration violation, there is no place to put them. That is what this legislation does, actual money—not authorizing money but actual money. That is important.

It creates a mandatory employer verification system, which is so important, and a pathway to legalization for 12 million people, like my friend Tommy from Searchlight, NV. What do they do? They work, they pay taxes, they learn English, they stay out of trouble, and they pay fines and penalties. That is important.

AgJOBS. The DREAM Act. This legislation is important. It has come about as a result of a lot of hard work. For example, we have had 36 hearings, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, and 92 Senate floor amendments.

I know the vote for everyone here today is a difficult vote. For some of us, it may be the most difficult of our careers. There is no perfect answer to this problem of immigration, but there are two paths. One path is diversion and negativity, while the other embraces hope. One path embraces exclusion, the other embraces the American dream. One path embraces the status quo, the other pragmatism. Democrats and Republicans alike, let us keep hope alive, let us keep the American dream alive, let us keep pragmatism alive and well here in the Senate.

I ask you to join on the path of hope, a courageous path, a path that President Bush, Leader MCCONNELL, and I have chosen, a bipartisan path to legislative hope. That is what this vote of cloture is all about. Voting for cloture on this imperfect bill will make our union a little more perfect.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 208, S. 1639, Immigration.
>
> Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank L. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B.A. Mikulski, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1639, the bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—46

Akaka
Bennett
Biden
Boxer
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Craig
Dodd
Durbin
Feingold
Feinstein
Graham
Gregg
Hagel
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Salazar
Schumer
Snowe
Specter
Whitehouse
Wyden

NAYS—53

Alexander
Allard
Barrasso
Baucus
Bayh
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Grassley
Harkin
Hatch
Hutchison
Inhofe
Isakson
Landrieu
McCaskill
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Rockefeller
Sanders
Sessions
Shelby
Smith
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, the vote has been cast. As I told a number of my Republican friends, even though the vote is disheartening to me in many ways, I think as a result of this legislative work we have done in the last several months on this legislation, there have been friendships developed that were not there before, trust initiated that did not exist before. I say to my friends, Democrats and Republicans, this is a legislative issue. It will come back; it is only a question of when. We are only 6 months into this Congress. We have so much to do.

Hopefully, this lesson we have all learned will be one where we recognize we have to work more closely together. I hope we can do that. I say to all of you, thank you very much for your patience—the phone calls I have made; if I twisted arms, it was not very often. I so appreciate—I think I speak for all of us—being able to be part of this great Senate where we are able to participate in decisions such as this.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we go to a period of morning business with Senators permitted to speak for up to 10 minutes each, and Senator ROBERT C. BYRD be recognized to speak for double what everyone else is allowed to speak, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President pro tempore is recognized for 20 minutes.

The PRESIDING OFFICER. The President pro tempore is recognized for 20 minutes.

GROWING OLDER

Mr. BYRD. Mr. President, I feel compelled to address head on, I mean head on, the news stories in recent weeks that have pointed out the shocking discovery, yes, shocking discovery, that I am growing older. Did you get that? Shocking discovery that I am growing older.

I find it no surprise, but then I have had some time to become accustomed to the increasing distance between the year of my birth and the current date. I may not like it, but as Maurice Chevalier put it:

> Old age is not so bad when you consider the alternative.

A recent Associated Press story ran in West Virginia's Charleston Daily Mail. The headline read: Dramatic change in signatures shows that age is catching up with Senator BYRD. The newspaper offered as proof the signatures on my Senate financial disclosure forms from last year and this year. It is true that this year's signature looks like I signed it in a moving car. Some days, the benign essential tremor that I have had for years now is worse than on other days, just as it is for the approximately 5 million other people in the United States who suffer from similar tremors. It is annoying, but it is hardly evidence that I am at death's door.

Nor should it come as a surprise that I use canes to help me get around or that I am not always as fast as I once was. I am not aware of any requirement for physical dexterity in order to hold the office of U.S. Senator. The often grueling hours working in the Senate requires are tough on far junior Senators, and I am no longer one of the younger Senators.

But to worry in print that I have missed one vote this year? Really. Out of more than 18,000 votes in my career, to miss one vote or two votes every now and then is surely excusable. Even old people can be allowed a sick day or two now and then, can't they?

That is really the crux of the matter. In this Internet-savvy, media-infused culture, we have forgotten that people do get older, even, dare I say it, old, old. Television is full of pretty young people. The few white-haired heads that one sees on television are made up and glamorous. Off camera, though, most bear little resemblance to their TV persona.

In a culture of Botox, wrinkle cream, and hair dye, we cannot imagine that becoming older is a good thing, an experience to look forward to, a state worthy of respect. If I were 50 years old and used canes due to some injury or had a disease-related tremor, the newsletter stories would be about my carrying on despite my adversities. But my only adversity is age. Age.

In real life, the lucky ones among us do get old. We move down the steep slope, to the far right of the bell curve of age. The really lucky ones, and I almost count myself among them, get to be aged, into their nineties or even older, a distinction that I think is naturally paired with the wisdom borne of experience. We do get white hair, yes. And we do get wrinkles. And we move more slowly. We worry about falling down because we do not bounce up the way we used to.

Our brains are still sharp, but our tongues are slower. We have learned, sometimes the hard way, to think before we speak. I hope, however, that what we have to say is worth the wait.

Many good things are worth the wait. Grandma Moses did not take up painting until the age of 75. She painted some 1,600 paintings, 250 of which she painted after her 100th birthday. Michelangelo was still working on frescos and sculptures when he died at the age of 89.

Age is no barrier to accomplishment. When the spirit and the mind are willing, the creative juices continue to flow. I like to think that I still have a few things left on my to-do list. I also like to think that someday our rapidly aging society will get over its fear and its denial of aging. We had better get over it quickly because the demographics tell us our senior population is rapidly growing.

If my colleagues still show deference to me, as the news article reported, I hope it is due to my experience, my position as chairman of the Appropriations Committee, and my ability as a Senator. If they are patient with me as I turn the page, I hope that is an example of the Golden Rule; that they show patience with my minor adversities of age as they hope that someday others will show to them.

After all, the Senate is not exactly full of spring chickens. You better believe it. It is not supposed to be. The Senate was designed to give age and experience a chance to flourish, and the rules give slower speakers—the rules give slower speakers a chance to be heard.

Five percent of Senators date from the roaring 1920s. All of them served in World War II. The Senate will truly lose a great generation when they decide, if ever, if ever, to retire.

Almost a quarter of Senators date from the 1930s, including many seasoned committee chairmen and ranking members. I am sure my younger colleagues on the Appropriations Committee appreciate the opportunity to play a larger role as appropriations bills move through the Senate, as the recent articles reported.

As I have gotten older, I have learned to have great trust and great respect for my colleagues, many of whom I have worked with for many years. Why is that decried as a bad thing? Why should not these fine Senators, now in their fifties through their eighties, get to spread their wings while the old wise BYRD watches?

Abraham Lincoln once rightly observed:

> In the end, it's not the years of your life that count. It's the life in your years.

My only adversity—my only adversity is age. It is not a bar to my usefulness as a Senator. I still look out for West Virginia. I still zealously guard the welfare of this Nation and its Constitution. I still work every day to move the business of this Nation forward, to end this reckless adventure in Iraq, and to protect, to preserve, and defend the Constitution of the United States against all those who would reshape it to suit partisan agenda. I will continue to do this work until this old body just gives out and drops. Do not expect that to be anytime soon.

I believe all ages and all occupations should be part of a truly representative body. I also believe society works best when the energy and idealism of youth, youth, youth, pairs with the experience and wisdom of age.

America is the land of opportunities. I don't think our some 36 million citizens over the age of 65 are disqualified from participating in the life of the country that we—we—helped to build. Our country rejected those kinds of arbitrary barriers long ago, and this Senator loudly and proudly rejects them now.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

BRIGADIER GENERAL KEN TAYLOR

Mr. STEVENS. Mr. President, today I pay tribute to BG Ken Taylor, who will be buried at Arlington National Cemetery later this afternoon.

From his service as a pilot during World War II to his tenure as Commander of the Alaska Air National Guard, General Taylor was always a hero—in every sense of the word, and to all who knew and loved him.

As a young boy in Oklahoma, Ken set his sights on becoming a pilot. After completing high school and 2 years of college, Ken fulfilled his dream by joining the Army Air Corps.

In April 1941, newly commissioned as a second lieutenant, Ken received his first assignment. He was stationed at Wheeler Field, on the Hawaiian island of Oahu, as a member of the 47th Pursuit Squadron. And it was there, during one of the darkest days in our Nation's history, that Ken's bravery shined brightest.

Early in the morning on December 7, 1941, after a long night of poker, dancing, and a little drinking at the officer's club, Ken awoke to the sound of low flying Japanese aircraft fighters and bombers on course to attack the Navy's Pacific Fleet at Pearl Harbor.

Ken and fellow pilot George Welch, who was staying in a neighboring apartment, took immediate action. They called ahead to their air crew with instructions to load their P–40s with fuel and ammunition.

Both pilots hurriedly pulled their evening wear back on, and sped off in Ken's new Buick toward Haleiwa Field. Dodging Japanese strafing runs and driving at speeds in excess of 100 miles per hour, they soon arrived at the airfield. The pair quickly strapped into their P–40 Tomahawks, which were fully fueled but only partially armed.

Outnumbered, outgunned, and without orders, the two pilots taxied to the runway intent on engaging the over 300 unchallenged Japanese aircraft.

Once airborne, Ken and George immediately came under fire. Ken later described the ensuing combat as "shooting fish in a barrel"—a definite understatement, as the Japanese shot back at their pursuers. At least one round hit Ken's cockpit, embedding shrapnel in his arm and leg.

Determined to stay in the air as long as possible, Ken and George attacked a group of bombers until they ran out of ammunition. The pair then landed at Wheeler Field to resupply and refuel.

While an air crew rearmed their planes, the duo received a dressing down from a superior officer for taking off without orders. The officer also insisted they stay on the ground, but when another attack forced airfield personnel to scatter, Ken and George took the chance to get back into the fight.

With a fresh supply of .50 caliber ammunition, Ken positioned himself on the runway to take off just as a group of dive bombers flew overhead. He described his second takeoff to Army Times as follows:

> I took off right toward them, which gave me the ability to shoot at them before I even left the ground. I got behind one of them and started shooting again. The only thing I didn't know at that time was that I got in the middle of the line rather than the end. There was somebody on my tail. They put a bullet right behind my head through the canopy and into the trim tab inside. So I got a little bit of shrapnel in my leg and through the arm. It was of no consequence; it just scared the hell out of me for a minute.

Before the last fires were extinguished from the remains of the Pacific Fleet in Pearl Harbor, Ken Taylor and George Welch had shot down at least eight Japanese fighters. Many believe their decision to take to the air prevented a full assault on Haleiwa, saving the field from sure destruction. By the end of the day, the two lieutenants had become America's first heroes of World War II—all while wearing tuxedo pants and a Hawaiian flower-print shirt.

For his tremendous courage under fire, Ken received the Distinguished Service Cross and a Purple Heart. But his service to this Nation was far from finished. Ken went on to fight at Guadalcanal, where he was credited with destroying another Japanese plane. After a broken leg ended his combat career, Ken returned stateside and served for 27 more years. He served in the Alaska Air National Guard.

In 1967, Ken became the Assistant Adjutant General for the Alaska Air National Guard. Before retiring in 1971, he was promoted to Brigadier General and served as the full Commander of the Air Guard.

In this capacity, Ken quickly distinguished himself as an able and respected leader. He worked closely with MG C. F. Necrason, then the Adjutant General of the Alaska National Guard, to save the Air Guard component in our State. Under Ken's direction, the reinvigorated Air Guard units provided rural Alaskans with access to health care, medivacs, and disaster relief services.

As a Senator for Alaska, it was my privilege to work with Ken on many occasions during this period. My wife Catherine's father, Bill Bittner, Sr., was a close friend of Ken's and his fishing partner. Bill and I often spent long summer days fishing with Ken and talking about World War II.

To this day, Ken's family has strong ties to Alaska. Ken's son, Ken Jr., followed in his father's footsteps and also became commander of the Alaska Air National Guard. They remain the only father and son in our Nation's history to have achieved such an honor. Also, Ken Sr.'s grandson, Eric Taylor, now serves in the Alaska Air National Guard with distinction.

The remarkable story of Ken Taylor reminds me of a statement once made by General George Marshall. Asked if America had a secret weapon to help win World War II, General Marshall replied in the affirmative. He said we had "the best darn kids in the world."

One can't help but wonder if these words were partly inspired by Ken Taylor, who, at age 21, exemplified great courage and bravery during the battle that drew America into World War II. For those who remember, his was one of the two planes that took off in the movie entitled "Pearl Harbor."

It gives me great pride to have known this man. On this solemn day when we put him to rest, let us all take a moment to reflect on the life—and honor the memory—of this great American hero.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

HOMAGE TO SENATOR BYRD

Mrs. McCASKILL. Mr. President, first, let me pay homage to the senior Senator from West Virginia who, in a typically eloquent way, spoke to the Senate about his long service to his State. Let me tell the people of West Virginia, they don't need to worry; they have a very strong Senator in this body. Any comments about his age are misplaced, because his passion and his intellectual heft and his knowledge of history and the Constitution far outweigh any considerations one would have about his age.

(The remarks of Mrs. McCASKILL pertaining to the introduction of S. 1723 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PROGRESS ON S. 1

Mrs. McCASKILL. Mr. President, there are times since I have been here that I have been surprised and shocked. This week was one of them, when I saw the leader of my party rise to ask the body to send S. 1 to conference. Keep in mind what S. 1 is. S. 1 was the first piece of legislation we passed in the Senate this year. That is why it is called S. 1. Keep in mind what the vote was. It was 96 to 2. There are not going to be very many times that we do anything 96 to 2. That was months ago.

Now, all this time we have been waiting to send this bill to conference so we can move ahead and make it law. This is ethics reform. This is the essence of what we should be about. We are here to do the people's business, not big money's business. We are here to protect average people in these United States, not the lobbyists in the hallway.

Ethics reform should be at the top of our list. What happened when our leader asked for this bill to go to conference? The Republican leader objected. What in the world is going on that we would pass a bill 96 to 2 and then the Republican leader would say, "I object to it going to conference"?

The American people have been very engaged on the immigration issue for weeks. That bill has come to its conclusion. I urge every American out there to use those same fingers and those same phones, to use those same e-mails and those same letters, to immediately begin calling their Senator and say to them: Why in the world would you be blocking ethics reform in the Senate? There is no good excuse—except politics. If we cannot get beyond politics to reform ethics, then I think the people have a right to give us an approval rating in the cellar.

So I call on the Republican leader, I call on our Republican colleagues: Stop playing games with ethics reform. Let's move forward. Let's make this happen on behalf of the people we came here to represent. If we cannot do this, we ought to put our tail between our legs, be ashamed, and go home.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, I thank the Presiding Officer for his insight into the legislation we considered. I guess the Presiding Officer understands, when you have completed a tough campaign and you have talked to voters, you learn some things. Hopefully, our Senate has learned some things: That the heart of the American people is good, that they are not mean spirited, but they are concerned about a lawful system of immigration.

I was on an Alabama-based radio show "Rick and Bubba." They are expanding out around the country and do an excellent job and are very fair about immigration. One told me the other morning: Senator, let me tell you my philosophy. My philosophy is that if you have a broken pipe in your attic, and there is water on your floor, you don't go spend all your time mopping up the floor, you fix the leaking pipe.

So I guess I would say the failure of the legislation today, despite the good efforts of my esteemed colleagues who met together and wrote this bill—and they did not want anybody to change a jot or tittle of it—despite all of that, despite their good efforts, it did not do the job. It did not shut off the water. According to the Congressional Budget Office, it would only have reduced illegality by 13 percent, and in the next 20 years we would have another 8.7 million people here illegally.

I think our Senators—after hearing that and having it pounded in and seeing this is not an exaggeration but an objective report by the Congressional Budget Office, and then we heard the promises: The only way to get a lawful system in America is to vote for this bill—they were not persuaded, especially because the American people saw through it.

Rightly, the American people have grown to be cynical about the words of Congress on immigration. They have grown to be cynical about that. For 40 years, Presidents and Congresses have promised we are going to make a lawful system: We are going to do this. Don't worry, I voted for that bill last year. It was going to do this and do that, double Border Patrol—but nothing ever happens.

We arrested a million people trying to enter our country illegally last year—a million people. Why do we have that many people arrested? One reason is because the border is known, worldwide, to be insecure and that you have a very good chance of being able to enter the country illegally.

If we can change that and we create a clear message around the world that our border is secure and if you come you are going to be apprehended and you will be prosecuted if you come across the border illegally, we could see a dramatic dropoff in that and a dramatic increase of people applying, waiting in line to come legally. That is what it is all about, and this bill did not do it.

Now, somebody was saying to me and asking me recently about President Bush and his legacy. I have to tell you, I like President Bush. He is a friend of mine. I believe his heart is good. I believe he wanted to do something good about immigration. I have the highest regard for him.

What I would ask President Bush to do with regard to his legacy on immigration would be to carry on at a much more effective and aggressive rate than he has with a movement toward enforcement. He has done things in the last several years to improve immigration enforcement more than the previous four or five Presidents, but it has not been enough.

So I would suggest to the President: Make it your legacy to leave a secure border for America. Enforce our current laws. Utilize every effective and appropriate tool we now have, which would make a huge difference. Ask the Congress for what additional tools you need. Let's begin to create a lawful system at the border.

As the American people see that and gain confidence in us as a government, then we begin to talk about some of the more difficult problems: What do we do about 12 million people who are here illegally?

One of the things that very much concerned me in this bill—and it shows the mindset that seemed to be driving the legislation and was an indication there was no real commitment to enforcement—was moving the date of the people who would be allowed to go on a path to legality and even citizenship to even if you came into our country last year.

Now, last year's bill, which I vigorously criticized, said you could take advantage of the amnesty or legalization process if you came into America before January 1, 2004. This bill said you could take advantage of the amnesty—you would not be asked to leave—and you could become an American citizen if you broke into our country before January 1, 2007, this year.

So after the President has called out the National Guard, after we have said the border is closed—and it has not been closed; we made some improvement, but it has not at all closed the illegality at the border—but if you could get past the National Guard last December 31 and get into this country, this bill would have put you onto a citizenship path.

But that is not what our colleagues told us who supported the legislation. They said it was going to help those people who have deep roots in America who have children here and ones we cannot ask to leave. I am sympathetic to that. I am prepared to work on something like that. But the idea that some single person who broke across the border last December, past the National Guard, is being given all the benefits of citizenship, all the benefits we would give to somebody who waits in line to come legally makes no sense to me and indicates the mindset we have here.

The mindset is confused is all I am saying. The President, the executive branch, and the Congress have not yet gotten the message. The message is: We don't want talk. We don't want promises. We want you to get busy and create a lawful system of immigration, and then we can begin to talk about how to deal with people who are here illegally and what our future flow of immigration would be. They had some good ideas in the bill about how to improve the future process by which we select for admission immigrants who desire to come. We know we can't accept everybody. Eleven million people applied for the 50,000 lottery slots we had in the year 2000. It just indicates that the number of people who would like to come here vastly exceeds our ability to admit them all, so we must select some way for those who come. I believe that a touch, a bit, in this bill that tended toward a Canadian-type system was a great first step and should give us a model for future flow.

So to my colleagues and particularly to my friend, the President of the United States, whom I respect so much, I would say let's make it a legacy of this Congress and this President to do everything possible, beginning today, to have a secure border in our country. I believe it would be widely approved by the American people. I believe it would be good for our country. It would be a true contribution to American society and put us on the road toward a step to adopting new and better policies for immigration.

It is great to see my colleague, Senator HUTCHISON from Texas. I thank her for her insight and commitment to creating a good system. Being from Texas and having lived with this issue for years and years, she is sympathetic and compassionate to those who want to come to America, but she also understands the need to create a system of laws we can be proud of.

Mr. President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alabama for his remarks.

This is a hard time. This has been a very difficult issue. There is no question that so many people put hours and hours in to try to produce a piece of legislation that could get a majority or 60 votes to proceed. I think it is important for us to take a moment and say, yes, it was a disappointment, but we must go forward. This should not be the end of efforts to deal with one of the most important, if not the most important, domestic problem in our country today; that is, we are a sovereign nation which must have secure borders.

We know there are terrorists who are trying to enter our country to harm Americans. We would be naive to look the other way. We know there are drug cartels trying to enter our country with illegal drugs. We know there are human traffickers who are bringing people into our country illegally and robbing these people of huge amounts of extorted money. We know we must stop that.

We also know there is a need in this country for work and jobs that are not being filled by Americans, and we must provide a legal way for people to fill those jobs. We must not equate the people who have come here for jobs, trying to feed their families—because they have little hope from their country of origin of being able to do that—with terrorists and drug dealers. They are two separate kinds of problems and separate kinds of people. We need to provide an avenue for those who are trying to do better for themselves and their families to work in our country and to be in our country and, within the laws we have, to go into permanent residency and citizenship.

We do have a crisis, and it is our responsibility to meet it. Just because this effort failed does not mean we didn't make progress. I think we did make progress. It was not enough to get the majority even of this Senate to agree that this not only took care of the problems of today but would provide a standard for tomorrow and 10 years from now so that everyone would know what the laws are and that the laws would be enforced. So we have made progress.

I look at so many of our colleagues who worked so hard on this, along with members of the President's Cabinet and the President himself, and I know how deeply disappointed they are that this was not successful. Nevertheless, I believe we were in a much better place this year than we were last year, and I believe, if we start fresh, we can come up with a better approach to this problem.

What would a better approach be?

First, I think it is clear the American people do not believe there is a commitment to border security. I believe there is much more progress in this area than is known. We know the catch-and-release program is virtually shut down. It used to be that an alien coming into our country illegally who was not from Mexico but was from farther down in Central or South America would not be able to be apprehended and deported because there were no detention facilities that could hold them, so they were caught and released. Today, that program has been virtually shut off.

So we have made progress. Is it enough? Absolutely not. But we must have a renewed commitment to border security, and I think it is clear the American people believe we must show there is a commitment as a prerequisite to addressing the other problems.

Today, I suggest we might look at a fresh approach which has the commitment that was made by the President 2 weeks ago to border security, the money commitment for the barriers, and the commitment to following through on those border security measures. That would be one step we could take that I believe would have universal agreement. There is no one who has called me about this bill who has not said the absolute first requirement is border security.

The second thing I think we should do as we are continuing this commitment to border security is a guest worker program—a guest worker program going forward that is a workable way for people to come into this country and have the ability to work out in the open, legally, to be able to go back and forth from their home country without being afraid they could not get back in, and a tamperproof identification for employers to easily be able to see that a person is legally in this country.

I met with my good friend Massey Villarreal yesterday, and he said: Where is the help for the small businesses that may not even be computerized?

I said: I know the Department of Homeland Security, when the regulations are made, will have a provision for a business that has one employee or two to be able to have a clear, easy way to verify with this tamperproof ID. There would be a picture on it and a biometric indication.

So I think we need to work on the guest worker program immediately, along with the border security program, so that the economy of this country and the people who are seeking to work in our country to provide for their families wherever they may live would be able to be matched. I think we should do those two things first. That would be my suggestion of a new approach.

The problem we ran into with this bill and the bill we tried to pass last year was that tough issue of, what you do with the people who are already here illegally, because the enforcement was not done. A blind eye was turned. Through many years, since 1986, there has not been that workable guest worker program which would accommodate the economic needs of our country and the economic needs of workers who cannot find jobs in their own home countries. Dealing with that was the hangup on this bill, make no mistake about it. It was the perception that people would be able to come here, stay in our country illegally, and never have to go home in order to become legally processed in our country. The American people rose up and said no. My amendment which tried to fix that came very close—53 to 45.

I think that is a concept we should revisit but not until we have addressed border security and made a commitment and significant improvements and a guest worker program established for people coming in legally. In my opinion, that would probably also cause some of the people who are here illegally to see a clear path, a workable path, a dependable path to come into our country and begin to work legally if we act now to set up that guest worker program. Then start the long and arduous process of trying to handle responsibly the people who are here illegally, some of whom have homes, have American-born children, which we must realistically address but maybe not all at once. That would be my suggestion for those who are willing to say: Let's take a week, and let's determine what the next course should be.

Mr. President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Let me end by saying I do believe we need to take some time. We need to look at the consequences of doing nothing, which I do not think people focus on enough, and try to have a fresh approach, perhaps a more graduated approach, that would secure our borders and would have a guest worker program going forward and then follow up by dealing with the illegals who are in our country now. Perhaps there would even be a safe harbor—no commitments about what would happen but not to cause people to lose jobs that are not being filled.

Perhaps, there could be something along that line as we decide how to deal with those people who are here. I do believe there will be more acceptance of a responsible, legalization process of people who are here illegally if the American people see border security and a guest worker program that puts the people in the front of the line who have come legally into our country to work.

Mr. President, it is so important that we not give up. It is so important that we not turn another blind eye to the problem facing this country of more and more illegal aliens coming in. We must secure our borders from terrorists, drug dealers, and human traffickers. But it is not the same as people who are coming to our country for economic help for themselves and their families. We must provide a way to attract those people to jobs that are not being filled by Americans. So, yes, it is disappointing today.

I applaud the people who have worked so hard. I want to say that they did make progress, and it is something from which we can all learn and do better as we move forward. But, mostly, we cannot shirk the responsibility of our United States Senate and our United States Congress, working with the President, to do the right thing for our country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

IMMIGRATION

Mr. KENNEDY. Mr. President, it is now clear that we are not going to complete our work on immigration reform. That is enormously disappointing for Congress and for the country. But we will be back and we will prevail. The American people sent us here to act on our most urgent problems, and they will not accept inaction.

I have seen this happen time and time again. America always finds a way to solve its problems, expand its frontiers, and move closer to its ideals. It is not always easy, but it is the American way.

I learned this first as a child at my grandfather's knee. He taught me that in America progress is always possible. His generation moved past the cruel signs in the windows in Boston saying "Irish Need Not Apply" and elected that son of an Irish immigrant as mayor of Boston.

I learned that lesson firsthand when I came to the Senate in 1962. Our Nation was finally recognizing that the work of civil rights had not ended with the Emancipation Proclamation, nor with the Supreme Court's decision in Brown v. Board of Education. It was up to Congress to take action.

The path forward has never been an easy one. There were filibusters of the Civil Rights Act of 1964 and of the Voting Rights Act of 1965. But we didn't give up and we ultimately prevailed.

The same was true in our battles for fair housing and for an end to discrimination against persons with disabilities. On immense issues such as these, a minority in the Senate was often able to create stalemate and delay for a time. But they had never been able to stop the march of progress.

Throughout all of those battles, we faced critics who loudly warned that we were changing America forever. In the end, they were right. Our history of civil rights legislation did change America forever. It made America stronger, fairer, and a better nation.

Immigration is another issue like that. We know the high price of continuing inaction. Raids and other enforcement actions will escalate, terrorizing our communities and businesses.

The 12 million undocumented immigrants will soon be millions more. Sweatshops will grow and undermine American workers and wages. State and local governments will take matters into their own hands and pass a maze of conflicting laws that hurt our country. We will have the kind of open border that is unacceptable in our post-9/11 world.

Immigration reform is an opportunity to be true to our ideals as a nation. Our Declaration of Independence announces that all of us are created equal. Today, we failed to live up to that declaration for millions of men and women who live, work, and worship beside us. But our ideals are too strong to be held back for long.

Martin Luther King had a dream that children would be judged solely by "the content of their character." Today, we failed to make that dream come true for the children of immigrants. But that dream will never die. It has the power to overcome the most bitter opposition.

I believe we will soon succeed where we failed today, and that we will enact the kind of comprehensive reform that our ideals and national security demand. Soon, word will echo across the country about the consequences of today's vote. The American people will know that a minority of the Senate blocked a record investment in border security.

H.L. Mencken said that for every complex problem, there is a simple solution—and it is wrong. A minority in the Senate has employed a simple label against this bill—amnesty—and they were wrong, too.

A minority in the Senate rejected a stronger economy that is fairer to our taxpayers and our workers. A minority of the Senate rejected America's own extraordinary immigrant history and ignored our Nation's most urgent needs.

But we are in this struggle for the long haul. Today's defeat will not stand. As we continue the battle, we will have ample inspiration in the lives of the immigrants all around us.

From Jamestown, to the Pilgrims, to the Irish, to today's workers, people have come to this country in search of opportunity. They have sought nothing more than a chance to work hard and bring a better life to themselves and their families. They come to our country with their hearts and minds full of hope.

We will endure today's loss and begin anew to build the kinds of tough, fair, and practical reform worthy of our shared history as immigrants and as Americans.

Immigration reforms are always controversial. But Congress was created to muster political will to answer such challenges. Today we didn't, but tomorrow we will.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. CORNYN. Madam President, I wanted to come to the floor to offer a few thoughts and observations on the important vote we had earlier today on the immigration bill. I know many people are puzzled when they watch us debate big and important issues such as this. What usually happens is our views are reduced to a bumper sticker. Particularly on complex topics such as immigration, a bumper sticker doesn't tell the whole story. So I wish to offer a few thoughts on the way forward on this important issue.

I have not found an issue in my short time in the Senate, now about 4½ years, which has been more closely followed and on which there has been more passion than the subject we have been debating this week and which we voted on this morning.

Sometimes, as we all know, passion can produce more heat than light, but what we need is some light and some clear thinking and some better solutions to our broken borders and our broken immigration system than we have had so far.

I don't say that with the intent to criticize the hard work that people have put into this effort. I am proud of the fact that since I have been in the Senate, I have tried to constructively contribute to a solution to this problem. As a member of the Senate Judiciary Committee and as a former chairman of the Immigration and Border Security Subcommittee of that Judiciary Committee, now as the ranking member, I have tried my best to contribute to a solution. But I think the one message I would take away from what we saw happen earlier today is the American people, my constituents in Texas, are profoundly skeptical of big Government solutions with a lot of moving parts based on big, grandiose promises, when our history has been one of not delivering consistent with what we promised. Let me mention what I mean by that.

In 1986, we had a big immigration bill, supposedly one to fix all the problems. President Ronald Reagan signed that bill. I remember Ed Meese, his Attorney General, wrote a piece in I believe the New York Times explaining what was going through President Reagan's mind as he signed that amnesty for 3 million people. Ed Meese explained that President Reagan was told in 1986 that if you do this amnesty one time, that will be the end of it; you will never have to do another one, as long as we have enforcement of our laws that go hand in hand with that grant of amnesty for 3 million people.

Part of the skepticism that I think the American people and certainly my constituents in Texas have had about this bill is that they saw coupled with a path to legalization and ultimately American citizenship for roughly 12 million people that we mean it this time, we are going to get serious about border security, we are going to get serious about eliminating the document fraud and identity theft that makes our current worker verification system virtually unworkable, and they saw a repetition of 1986.

There were components of this bill that I thought were actually pretty good, that represented an improvement over the status quo. But I think some of the debate got a little bit hard to believe such as when people said the only way you are going to get border security is if you agree to a path to citizenship for 12 million people. The American people are pretty smart. They can see through that, and they know there is no obvious linkage between border security and a path to citizenship for 12 million people. They know if we were serious about border security, we would have already done it.

So I think, at least the lesson I have learned from this vote this morning is not that we can give up because the problem is not going to go away. It may get caught up in Presidential election politics and maybe part of what we need to do is continue this grand national conversation about how do we solve this problem because I don't believe there is any problem that is too big for the American people to solve. Certainly, they are not waiting for some pronouncement from Mount Olympus in Washington, DC, about here is the answer and you have to swallow it. We work for the American people. We work for the constituents who sent us here. The power we get to act on their behalf comes from the bottom up; it doesn't come from the top down. I think part of the rejection that we saw of this particular bill was the sense that Washington was trying to dictate a solution about which the American people had a lot of questions and a lot of reservations.

I think we need to go back to basics. We need to go back and listen to our constituents. We need to talk to them and explain to them what the problem is. We need to have a transparent process that is an interactive process where we can listen to them and we can tell them what we have learned about this issue and about some of the problems and try to come up with a solution.

One of the lessons may be that big, multifaceted, complex programs such as this bill offered, particularly on something where the Federal Government doesn't have a whole lot of credibility when it comes to actually enforcing the law or securing the border, the American people are not going to accept it, and I think that was reflected in the vote we had today.

That is not the same thing as saying give up, because we can't give up. This problem is not going away. As somebody who represents a border State with about 1,600 miles of common border with Mexico, I say we have to find a rational solution to this problem.

I know that passions have run high, but I, for one, am very pleased with the level of the debate in the Senate because, as we all know, sometimes this topic is susceptible to some pretty irresponsible language and dialog.

This was not a rejection of our heritage as a nation of immigrants. We are a nation of immigrants, but we are also a nation of laws. And I think what the American people saw—certainly my constituents in Texas saw—is the status quo of a kind of lawlessness and a lack of commitment to simple law and order which they wanted to see restored. I think if we demonstrate that we have heard the message they have sent us—if we demonstrate that, yes, we are serious about border security; yes, we are serious about enforcing the law—then I think we can continue that conversation and talk about the other aspects of this legislation that we need to continue to work on.

What are the legitimate needs of American employers for legal workers? Certainly, we would prefer that they get legal workers rather than workers who are not respecting our laws. Certainly, we would all want, I would think, to have a system whereby someone can show up at a workplace and present a tamper-proof, secure identification card and virtually guarantee that they are legally eligible to work in the United States as opposed to the kind of document fraud and identity theft that now runs rampant and which makes it impossible even for good employers trying to honor the law to know that the person standing before them can actually legally work in the United States.

We recently had an example of a company, a Swift meatpacking plant, which was the subject of a raid by the Immigration and Customs Enforcement Service in multiple States, including my State of Texas. What they found was this company was using the only

Government program—the only Government program—known as Basic Pilot, to try to match up the identity of people who came to work there with a Social Security number. Basic Pilot confirmed that, yes, that is JOHN CORNYN, and that is JOHN CORNYN's Social Security number, but that is about all Basic Pilot could tell them. What they wouldn't tell them is if it was somebody else masquerading as JOHN CORNYN and claiming his Social Security number.

That company sustained a huge business loss because the Federal Government failed it by not providing it with a reliable means to determine whether people who claim to be American citizens and eligible to work were, in fact, eligible. So we have a lot of credibility we need to restore at the Federal Government level when it comes to enforcing the law and securing our borders.

I think if we perhaps break down this big problem into smaller solutions, step by step, and work our way through this, we can continue to find an opportunity to solve this problem bit by bit and piece by piece. What I saw rejected this morning were big, grandiose government solutions where our credibility was seriously lacking because of a lack of followthrough on earlier promises, particularly when it comes to enforcing our laws and securing our borders.

I would just like to say to all my colleagues who have worked so hard on this issue that you have my commitment that I will continue to work with you in good faith to try to solve the problems. That is what I thought my constituents wanted me to do. That is what I know they want me to do. They do not want us pointing the finger of blame. They do not want us calling each other names. And they do not want the sort of "hyperpartisanship" that unfortunately too often characterizes our activities in Washington. But they also don't want to be sold a bill of goods. They do not want to be promised a lot when they know we are going to deliver little.

So this is a big issue, one that is worthy of the greatest deliberative body in the world—the U.S. Senate—and it is an issue on which I assure each of my colleagues that I intend to do my part to try to solve.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

NOMINATION OF LESLIE SOUTHWICK

Mr. HATCH. Mr. President, as the discussion over immigration reform demonstrates, this body confronts tough issues and can find itself embroiled in some contentious debates.

Over the years, it has not been uncommon to see judicial appointment debates at the top of the list of contentious debates. And during those debates, we have seen a lot of tactics and methods used.

But some tactics are simply wrong.

Some methods are simply inappropriate.

There are some means which no ends can justify. Some of these wrong tactics, inappropriate methods, and illegitimate means have been used to attack the nomination of Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit.

If we care about the integrity of this body and the good of the judicial branch, if we really believe that there is something more important than raw ideological politics, we should reject this attack on this good man and confirm his nomination.

Judge Southwick, who served for a dozen years on the Mississippi Court of Appeals, has received a unanimous well qualified rating from the American Bar Association.

He has the strong support of his home State Senators, both of whom are Senior Members.

He would fill a judicial emergency vacancy.

And though it has been obscured by all the hyperbolic, vitriolic, and over-the-top rhetoric now thrown about, the Judiciary Committee just months ago approved without objection Judge Southwick's nomination. Now, for whatever reason, the nomination is in limbo—first it is on the committee agenda without action and now not on the committee agenda at all.

The committee looked at the same qualifications, the same record, the same man with the same character, and found no objection whatsoever.

The only difference—which is really a distinction without a difference—is that Judge Southwick was then nominated to the U.S. District Court but now has been nominated to the U.S. Court of Appeals.

The disturbing tactics being used against this nominee are certainly not new, and they are no more legitimate or persuasive now than when they have been used against other nominees in the past.

Frankly, I am amazed that anyone finds them credible, let alone persuasive.

Judge Southwick served on the Mississippi Court of Appeals for 12 years.

It is not credible to focus only on a few cases among the 7,000 in which he participated and the nearly 1,000 opinions he wrote.

It is not credible to focus only on the results of those few cases, ignoring the facts and the law.

It is not credible to demand that judges render decisions that serve certain political interests, whether or not the law actually requires that result.

It is not credible to attack Judge Southwick for phrases or language in opinions he did not write.

It is not credible to ignore the limitations imposed on appeals court judges by the standard of review they must follow.

It is not credible to say that a judicial ruling against a particular party amounts to a judge's personal hostility against a group to which that party might belong.

These are some of the misleading tactics that we have seen used against judicial nominees in the past and are being used against Judge Southwick now.

These tactics are simply not credible, and I am amazed that my Democratic colleagues seem to be going along with them.

One of the sure signs that such illegitimate tactics are in play is that they result in a distorted, twisted caricature of a nominee that those who have long known and worked with him simply do not recognize.

Richard Roberts, former president of the Mississippi bar, for example, says that no other lawyer in the State is as qualified as Judge Southwick to serve on the Fifth Circuit.

According to Phillip McIntosh, associate dean at the Mississippi College School of Law where Judge Southwick now teaches, a politically and racially diverse faculty unanimously approved Judge Southwick for a faculty position with no question about his integrity, fairness, or impartiality.

A. La'Verne Edney, an African-American partner at Judge Southwick's former law firm, clerked for him on the Mississippi Court of Appeals.

He says that Judge Southwick applied the law fairly without regard to the parties' affiliation, color, or stature.

These and other colleagues and partners of Judge Southwick know him best.

I can only imagine their shock and confusion over the wildly derogatory and extreme descriptions offered by Judge Southwick's Washington-based critics.

I can only imagine the reaction by those who know Judge Southwick when those who do not know him make such claims without knowing what they are talking about.

I think my colleagues would agree that the American Bar Association has never been accused of a conservative bias.

And I think we would all agree that the ABA conducts perhaps the most exhaustive and thorough evaluation of judicial nominees.

The ABA looks at the whole record; the ABA interviews dozens of people in each case.

Let me remind everyone that the previous nominee to this very same Fifth Circuit position ran into trouble when the ABA rated him not qualified.

My Democratic colleagues thought that was the most insightful, thorough, accurate, and definitive evaluation ever done on any nominee to any position anywhere.

The same ABA has unanimously given Judge Southwick its highest well qualified rating.

That means, according to the ABA's own description of its rating criteria, that Judge Southwick gets the highest marks for such things as compassion, open-mindedness, freedom from bias and commitment to equal justice.

So here is the choice we face.

On the one side, critics who do not know and have not worked with Judge Southwick look only at the results of just a few cases and claim Judge Southwick has hostile views on issues such as race, when there is no indication by anybody in Mississippi or otherwise that he has any such hostility.

On the other side, the ABA and those who do know and have worked with Judge Southwick look at his entire record and gave him the highest marks for compassion, open-mindedness, freedom from bias and commitment to equal justice under the law.

These two radically different pictures of this nominee cannot both be true.

I think the tactics and standards used by Judge Southwick's critics are wrong and illegitimate, and the conclusions about him based on those tactics are simply not credible. I think they know that.

And they certainly do not justify doing an about-face and voting against a nominee who, just months ago, received the Judiciary Committee's unanimous support.

Illegitimate tactics leading to less than credible conclusions do not justify disregarding the judgment of our colleagues, the Senators from Mississippi, who are this nominee's home State Senators.

Let me close with one more point.

In their opposition letter, the Congressional Black Caucus says that we "should be impressed by the frequency with which Southwick's opinions and concurrences have been overruled." That is pure, unadulterated hogwash.

Judge Southwick authored 927 opinions and concurrences while on the Mississippi Court of Appeals and only 21 of them have been either reversed or even criticized by the Mississippi Supreme Court in 12 years. I don't know of many judges who have such an unblemished record.

I must say that I am indeed impressed by the frequency with which Judge Southwick's opinions and concurrences have been overruled.

I am very impressed with such a low reversal rate over such a long period of distinguished judicial service.

And I note that Kay Cobb, former presiding justice of the Mississippi Supreme Court, the court that reviewed Judge Southwick's decisions, has written with enthusiastic support of his nomination.

Justice Cobb, unlike Judge Southwick's critics, has known him for many years and highlights his attention to promoting fairness and equality.

Judge Southwick has served his community, volunteering with Habitat for Humanity since 1993.

He volunteered to serve his country in the Mississippi National Guard and by joining a line combat unit that served in Iraq.

Only months ago, the Judiciary Committee found Judge Southwick's qualifications and character sufficient to report his district court nomination without a single objection.

Judge Southwick today is the same man with the same qualifications, the same ability, the same character, and the same commitment to the rule of law.

He has the strong support of his home State Senators—both of whom are highly respected—and should be given the opportunity to serve on the Fifth Circuit.

The Judiciary Committee should report his nomination, and the Senate should confirm him, without delay, or a manifest injustice will have occurred and will led to even more antagonism between the two sides of this body.

We have been used to some of these tactics in the last 2 months of a President's tenure, maybe even the last 6 months, but hardly ever against a person of this man's qualifications, and then we have usually knocked that type of criticism down, as decent, honorable Senators should knock them down. Frankly, this President will serve for another year and a half. He has appointed a sterling, good man who deserves to be brought before the Senate and confirmed. I hope my colleagues will stop this tragedy and put this man on the court. He deserves it. He will be great on the court. He will be a person who will be fair and decent for everybody. I have every confidence in him.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAW OFFICES OF
RICHARD C. ROBERTS III,
Ridgeland, MS, June 5, 2007.

Re Leslie Southwick.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The issue of diversity seems to be the current focal point in the nomination process for the vacancy existing on the Fifth Circuit Court of Appeals. As a former President of the Mississippi Bar, I understand and appreciate the desire and need to have females and African-Americans serving in our federal judiciary, particularly when the candidates are from Mississippi. I venture to say, however, that no other lawyer in the State of Mississippi is as qualified for the Fifth Circuit position by virtue of education, experience, intellect, integrity and temperament as the Honorable Leslie H. Southwick.

I have known Judge Southwick personally since 1977. I am sure you are well aware of Judge Southwick's outstanding legal career, and his exemplary service to our country in The Department of Justice and as Staff Judge Advocate for the 155th Brigade Combat Team in Iraq. I would venture to guess that his fellow judges have also expressed their written support of his untiring efforts and abilities as a judge on our Mississippi Court of Appeals.

The purpose of my letter, however, is to emphasize Judge Southwick's personal virtues. He is simply one of the finest, most decent, kind, humble, and fair-minded persons I have ever known regardless of race or gender.

Judge Southwick reminds me in so many ways of Judge Charles Clark, who served for many years as Chief Judge for the Fifth Circuit Court of Appeals, and for whom Judge Southwick clerked before entering the private practice of law. When Judge Clark served on the Court of Appeals, he had it all—intellectual ability, superb personal and organizational skills, work ethic, commitment, integrity, and a wonderful sense of humor. I am sure you remember Judge Clark. Judge Leslie Southwick is cut from the exact same cloth.

Seldom will the Judiciary Committee have the opportunity to make an appointment which will have such a lasting effect on the integrity of our federal judicial system in Mississippi and the other states within the Fifth Circuit, and to solidify the reputation it justifiably enjoys as the protector of our rule of law, the civil rights of all citizens. Please do not miss this opportunity to confirm the nomination of Judge Leslie Southwick.

With highest regards, I am
Respectfully yours,
RICHARD C. ROBERTS, III.

MISSISSIPPI COLLEGE,
June 4, 2007.

Re The Honorable Leslie Southwick.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: I am writing to you to express my strong support for the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals. I have known Judge Southwick for several years while he has been an adjunct professor and vising professor at Mississippi College School of Law. As Associate Dean, hiring of adjuncts comes under my responsibilities for the law school. We have been honored to have him on our faculty and look forward to a long and beneficial relationship with him. Our students likewise hold Judge Southwick in highest regard.

Judge Southwick is a man of highest integrity, honor and intellect. As a judge on the Mississippi Court of Appeals he scrupulously did his judicial duty in following the law in his judicial opinions. I am greatly disappointed that some have taken the opportunity to try to score political points by characterizing Judge Southwick as intolerant or having "very fixed, right-wing world view," seeking to imply that he would not be fair and impartial in applying the law. In my personal and professional dealings with him, I can attest to his fine character. I have not the slightest doubt regarding his impartiality and commitment to fairness.

Judge Southwick would make an outstanding judge for the Fifth Circuit. I know that he will uphold the law and apply it regardless of his personal view on a particular subject. He is a very thoughtful man, a true scholar. I also know that he is not racist and does not hold racist views. Such an allegation is ludicrous, insulting, and without foundation.

As an example of the regard with which Judge Southwick is held by the law faculty at Mississippi College, he was offered a position as a visiting faculty member following his resignation as a judge for the Mississippi Court of Appeals and pending the approval of his nomination to the Fifth Circuit. The suggestion to make this offer was made by one of our faculty members, and the recommendation was unanimously approved by our faculty. We have a politically and racially diverse faculty, but not one note of concern about Judge Southwick's integrity, fairness, or impartiality was sounded. His appointment to our faculty was strongly supported by all of our faculty members. I might even mention that his teaching partner for Trial Practice this past semester is an African American attorney and former Mississippi Circuit Court judge, and whom Judge Southwick personally recruited to partner with him for the course.

I hope that you will support the nomination of this outstanding man to the Fifth Circuit. He is an exceptional candidate and deserving of confirmation.

Sincerely,

PHILLIP L. MCINTOSH,
Associate Dean and Professor of Law.

BRUNINI, ATTORNEYS AT LAW
TRUSTMARK BUILDING,
Jackson, MS, June 5, 2007.

Re Judge Leslie Southwick Nomination.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am an African-American partner at the law firm of Brunini, Grantham, Grower & Hewes, PLLC, where Judge Southwick was once a member. I believe in fairness for all people and salute our leaders for giving their lives to assure that fairness. While I share the sentiments of other African-Americans that the federal judiciary needs to be more diverse, I believe that Judge Southwick is imminently qualified for the United States Fifth Circuit Court of Appeals and write in support of his nomination.

I met Judge Southwick during my third year of law school when I interned with the Court of Appeals of Mississippi. That internship allowed me an opportunity to work with most of the Judges on the bench at that time. I was most impressed with Judge Southwick because of his work ethic and his serene personality. When I finished law school in 1996, I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals (which was fairly new) who had ever hired African-American law clerks. In spite of the odds, I applied for a clerkship. Judge Southwick granted me an interview and hired me that same day. While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

During my tenure as clerk with the Court, Judge Southwick thought through every issue and took every case seriously. He earned a reputation for his well thought out opinions and his ability to produce the highest number of opinions in a term. It did not matter the parties' affiliation, color, or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for decision. Having worked closely with Judge Southwick, I have no doubt that he is fair, impartial, and has all of the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit.

In addition to serving our State, Judge Southwick has also honorably served our country. During his mission to Iraq in 2005, Southwick found the time to write me often to let me know about his experiences there. Upon his return to the United States, Judge Southwick shared with others his humbling experience serving our country. It is clear from his writings and speaking that he served with pride and dignity.

Other the years, Judge Southwick has earned the reputation of being a person of high morals, dignity, and fairness. It is unfortunate that there are some who have made him the chosen sacrifice to promote agendas and have set out to taint all that Judge Southwick has worked so hard to accomplish. I am prayerful that those efforts will not preclude Judge Southwick from serving as our next Judge on the United States Court of Appeals for the Fifth Circuit.

If additional information is needed, please feel free to contact me.

Yours truly,

A. LA'VERNE EDNEY.

SUPREME COURT OF MISSISSIPPI,
Jackson, MS, June 5, 2007.

Re Judge Leslie H. Southwick.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: This letter is enthusiastically written to urge you and the Committee to confirm Leslie H. Southwick to serve on the Fifth Circuit Court of Appeals. I've known him for many years and I'm honored to give him my highest recommendation, without reservation. In every way he is worthy to serve.

Judge Southwick's scholarship and character are stellar. The opinions he wrote during his ten years on the Mississippi Court of Appeals reflect his thoroughness and fairness, as well as the depth of his knowledge and the quality and clarity of his reasoning and writing.

In every aspect of his legal career and life in general, Leslie Southwick has excelled. He has a long and consistent record as a devoted family man, a courageous military leader, an accomplished author, and an excellent appellate judge. His awareness and attention to promoting fairness and equality with regard to race and gender are exemplary.

Our country needs conscientious and independent judges of impeccable integrity and I cannot think of anyone who better qualifies for this appointment!

Sincerely,

KAY B. COBB (1999–2007)

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. MENENDEZ. Mr. President, from my State of New Jersey and that part of the State in which I live, we can almost touch Lady Liberty. She is that close to us from a State park called Liberty State Park, an area I had the unique privilege of representing in the House of Representatives for 13 years and an area I still represent as the junior Senator from New Jersey, an area I have fond memories of because of the power of what it means. From that same park we can cross a bridge and go to Ellis Island, a place to which millions came to America to start a journey, a journey that contributed enormously to its great promise, enormously to the great country that it is today.

I rise to discuss the recent cloture vote on immigration with that context in mind. The Senate had a historic opportunity to move forward today with comprehensive immigration reform that truly secured our borders, that realized the economic realities of our time and allowed people the opportunity to come out of the shadows into the light to earn their legalization.

Unfortunately, the Senate decided to maintain the status quo, a status quo of broken borders, that does not meet our economic challenges, and that permits human exploitation and trafficking to take place.

As someone who was part of the early negotiations back in March of this year on the question of immigration reform, I maintained then that the administration had leaped away from the largely bipartisan bill of last year that received 23 Republican votes and 39 Democratic votes to a much more conservative, much more impractical, and a much more partisan proposal this year. I was unable to join several of my colleagues in what has become known as the grand bargain. I acknowledge and appreciate several of those who advocated, because we were only on the floor on immigration reform, truly a critical issue for this country, as a result of their leadership, colleagues such as Senators KENNEDY and SALAZAR and GRAHAM, to name a few, who truly believed in that opportunity; at the same time, because of the leadership of the majority leader, who was willing to take on one of the most contentious issues, an issue that has been contentious throughout our country's history. I have often remarked on the floor how on the question of immigration, it is interesting to have heard the language of those debates at different times in our history.

Ben Franklin referred to no longer being able to accept those who were coming to our shores in negative terms. He was talking then about the Germans. The former Governor of Massachusetts, in the early 1900s, said that, in fact, they are sending the most illiterate of their people to our shores. He was talking then about the Irish. In 1925, in an official report of the Los Angeles Chamber of Commerce, they said: We need the Mexicans because of their bending and crouching habits which the whites cannot attain themselves to in order to pick our produce. We had the Chinese exclusionary provisions.

So while this has always been a welcoming country, the debate has not been as welcoming. On that day when the "Grand Bargain" was announced, I came to this Chamber to express my opposition to the deal that was announced because I believed it was deficient in some regard and to say that I would work to improve it. Looking back at what I said then, in light of today's vote, it was strikingly clairvoyant to me, to say the least.

I said on that day we must come together not as Democrats and Republicans or liberals and conservatives but as statesmen and, in doing so, honor the traditions of the Senate as a body that values reasoning, honest debate, and compromise over sound bites and talking points but especially over the politics of fear.

Unfortunately, today, the voices that appealed to that fear and the lowest common denominator won out. Only 12 of our Republican colleagues were willing to stand up and vote to invoke cloture, almost half of those who voted for last year's bipartisan immigration bill.

Only 12 Republican colleagues were willing to move forward, at least for the final essence of debates and amendments, and to a final vote, which is about half of those who voted last year for immigration reform.

Now, personally, I still had serious concerns about the direction of the bill, but I voted to keep it alive because I wanted to work to make it better and because I believe in comprehensive immigration reform as something that is in the national interest and national security of the United States and because America's promise and its security should not have been snuffed out by one single vote.

I said back on that day in May that I could not sign on to the agreement because it tore families apart, and it says to many they are only good enough to work here and give their human capital and slave but never good enough to stay here. But instead of responding to those erstwhile concerns from those of us willing to be supportive of comprehensive immigration reform, the appeal was constantly made to the right of the spectrum, to those who actually achieved some of the things they wanted in the bill but, obviously, never even intended to vote for comprehensive immigration reform—not even to vote to allow it to move forward. As it moved to the right, it got less and less support from the right.

Unfortunately, instead of working with those of us who were willing to not only work to improve this bill but also put our votes where our mouths were, they kept giving in to demand after demand from conservative Republicans, and in turn this bill moved further and further to the right.

In fact, at least two Members who were at the press conference on May 17 and got things included in the bill voted against keeping this process moving forward by voting against cloture today.

Ultimately, in my mind, this came down to a President and a party who was, once again, there for the photo ops and the press conferences but was not willing to roll up their sleeves and do the hard work to improve this bill and help it move forward for our Nation: a Republican Party that was not about progress but about partisanship; a Republican Party that was not about solving our Nation's problems but seeking political gain by stopping progress of any sort in this Senate; the same President who used large amounts of political capital misleading our country into a disastrous war in Iraq, with little political capital on truly improving our Nation's security through tough yet practical and comprehensive immigration reform; a President who used political capital on tax cuts for the wealthiest in our country but not on truly meeting our Nation's economic needs through fair and comprehensive immigration reform; and it is either a President who has no political capital or one who was not willing to use it.

Finally, throughout my life, and most recently on the Senate floor, I have heard the phrase "those people"—"those people." Those who use that phrase are the voices of division and discrimination. They are the xenophobes who exist today and have existed at different times in our Nation's history but whose voices have ultimately been overcome to give way to the greatest successful experiment in the history of mankind—the United States of America that we know today.

But the last phrase of Emma Lazarus's poem emblazed on the inner wall of the pedestal of the Statue of Liberty says:

> I lift my lamp beside the golden door!

Maybe today that lamp is somewhat dimmer, but it will shine again. The course of history is unalterable, the human spirit cannot be shackled forever, the drumbeat for security, economic vitality and, most importantly, justice will only grow stronger.

Finally, to those who have often referred to "those people" in this debate, let me say on behalf of "those people," we have seen the light, and we simply will not be thrust back into the darkness.

Mr. DOMENICI. Mr. President, I rise today to discuss my vote against cloture on S. 1639, the border security and immigration reform bill debated by the Senate this week.

I support some of the proposals behind S. 1639 because we must address our border and immigration crisis. However, I was forced to vote no on the motion to invoke cloture on S. 1639 for several reasons.

The bill before us is neither workable nor realistic. Additionally, many Senators do not even know what is in the latest version of the bill.

It is also pretty clear to this Senator that anything similar to S. 1639 is dead on arrival in the House of Representatives. I question the rationale of passing a bill that has so many flaws when several Members of the House have said this bill will not even be considered by the House. Would it not be better for all of us to have a more open and fair debate on border security and immigration that is not subjected to unnecessary deadlines and closed-door decisionmaking?

In addition, as a border State Senator, I know first-hand the need to secure our borders because every day my constituents tell me about the problems they face because of illegal entries into our country. We have a crisis on our borders that must be resolved.

However, instead of pursuing immediate emergency funding to help secure our border, S. 1639 cobbles border security improvements and funding with some concerning immigration reforms. While the bill also provided $4.4 billion to fund these border security initiatives, that money was contingent upon final passage of the bill by Congress, something that appears to be less than a sure thing.

What is clear to me is that the American people want the measures in the bill—like providing 20,000 Border Patrol agents, constructing 370 miles of border fencing and 300 miles of border vehicle barriers, putting 105 radar and camera towers on the border, and using four unmanned aerial vehicles for border security—in place before we address the millions of unauthorized aliens living and working in the United States. Therefore, I believe it would be more appropriate to provide $4.4 billion in border security funding in a separate emergency spending bill to fund these border security initiatives.

Additionally, I remain concerned about the amendment process associated with this bill. More than 300 amendments were filed to this bill's predecessor, S. 1348, and almost 150 amendments have been filed to S. 1639. However, we were only allowed to consider 26 amendments to S. 1639. Border security and immigration reform are the most important domestic issues facing the United States today. Clearly the Senate, the most deliberative body in the world, should be allowed to consider additional amendments that could improve upon this bill. While one of my amendments is part of the package of amendments that was allowed to be considered to this bill, I had other good ideas to make this bill better for New Mexico, the southwest border, and the United States. Many of my colleagues on both sides of the aisle did too, and we deserve an opportunity to consider those amendments.

Also, some of the provisions that I initially supported in this bill have been amended to the point that the bill no longer has its initial purposes. For example, the temporary worker program that is critical to so many industries in my State does not meet those industries' needs.

Further, I am concerned by statements by members of the bipartisan border and immigration working group that some issues of concern in S. 1639 will be resolved in conference. The Senate should debate the issues of concern in this bill; we should not rely on a small group of our colleagues to resolve those issues in an unamendable conference report.

Lastly, I have been told that this bill would have an interesting and unintended effect in my home State of New Mexico. As I understand it, New Mexico State law would allow all Z visa holders under this bill to qualify for Medicaid. That matter needs to be reviewed and its impacts fully considered so that the Congress can avoid unintended effects of this bill.

For all of these reasons, I decided to vote no on the motion to invoke cloture on S. 1639. We need improved border security and immigration reform.

Mr. KERRY. Mr. President, last night there was a vote on a critical amendment to the immigration bill, Senator BAUCUS' proposal to strip any reference to REAL ID in the underlying bill. This, truly, is a case of addition by subtraction.

REAL ID—astronomically expensive, personally intrusive, controversial, and unrealistic, passed by the last Congress without real scrutiny—is precisely the kind of impractical trigger that could derail comprehensive immigration reform.

Unless we amend this bill, real reform will have to wait for REAL ID. Consider the groups lined up against it: not just the ACLU, but also the National Conference of State Legislatures, and the National Governors Association. Since REAL ID passed in the last Congress, 16 States have enacted anti-Real ID bills or resolutions. Another 22 States, including my own, have anti-Real ID bills and resolutions pending in their State legislatures.

Why are they so opposed to REAL ID? They are opposed because it sets an unreachable standard and offers States almost no financial help in meeting it. Conservative estimates State that it would cost $23 billion to fully implement REAL ID. This legislation only authorizes $1.5 billion for States and the President didn't ask for a single dollar for REAL ID in his budget request. That means that States would have to shoulder a $21 billion burden. That is an enormous unfunded mandate.

This crushing financial burden on States is bad enough—but REAL ID poses a security risk as well. Its requirements expose people's personal data to theft by creating a massive pool of highly sensitive personal information such as Social Security numbers, birth certificates and driving information.

Even if States could pay for this new program it would require a tremendous amount of personnel and work to get this done. The Massachusetts DMV has estimated it would take 10 years to reenroll current citizens with licenses alone, which would place them beyond the 2013 deadline in the bill.

REAL ID is profoundly flawed—That is why six States have passed laws that prohibit it from being implemented at all. These States will never be REAL ID compliant and that is why its inclusion in the immigration bill is so dangerous.

Immigration reform is difficult enough without conditioning it on an unfeasible, unfunded mandate that States are not only unwilling but in some cases legally bound not to meet. Squaring that circle should not be a precondition for a much larger need: providing real immigration reform for the American people.

I am proud to have supported the Baucus-Tester amendment to remove this dangerous and nonsensical provision from the underlying bill. I hope that we will be able to move forward and create a fair, reasonable and comprehensive immigration bill that this country so desperately needs.

Mr. LEVIN. Mr. President, our immigration system is broken and needs reform. Undocumented immigrants flow through our porous borders. Employers hire them with near impunity. Our Government lacks the ability to adequately detect unauthorized employment, while employers in sectors such as agriculture, Michigan's second largest industry, fear that their crops will go unpicked for lack of legal, authorized workers. The bipartisan compromise bill before the Senate was an opportunity to make progress on a very difficult problem.

The first step in immigration reform must be stronger border security. Although there were some provisions in the bill before the Senate that I did not support, this legislation had strong border security measures, even stronger than the ones we debated a few weeks ago. In fact, it contained the funding for the enhanced border security.

We need a more secure, more sensible, and fairer system of immigration. Because of filibusters in the Senate we have been unable to fully consider and amend the bill. We do not know what the final language might have been, and we were unable to vote on amendments which we favored. We should have finished the consideration of those amendments to determine whether or not the final product was an improvement on the status quo. To do that, cloture was required to end the filibuster. I am disappointed that the Senate was thwarted in that endeavor.

Mr. ENZI. Mr. President, I opposed S. 1639, the immigration reform bill, and the motion to invoke cloture on this flawed piece of legislation.

Our immigration system is complicated. Our borders remain open. We cannot have immigration reform without strengthening the security of our borders. This unsound bill circumvented our Senate process and attempted to buy off support by throwing in carrots for Senators in exchange for their support.

The American people understand what is going on here in the Senate debate and they understand what cloture means. They are flooding our offices in Washington, DC, and our offices in our home States with calls and e-mails so much so that our phone system cannot keep up. The people of Wyoming have made it clear to me that they do not support this legislation. They want something to be done to address our borders, but do not support the blanket amnesty of this bill.

The current situation of an open border and an overly complex hiring process encourages illegal immigration and the hiring of illegal workers. Once we improve these situations, we can determine what steps may be necessary for addressing the illegal immigrant population.

We should not, however, even be considering amnesty. Amnesty encourages illegal immigration. In 1986, 7 million immigrants were granted amnesty. Today we are facing an illegal population of over 12 million. The 1986 amnesty did not stop illegal immigration. We should not repeat this policy without ensuring that we are not making the same mistake.

This is a complicated issue that will directly impact businesses across the United States. Improvements are needed in employer verification processes, but those improvements cannot be made in legislation forced through the Senate by vote trading. People who break laws should be held accountable for their actions. This means better enforcement of our current laws, both on the border and by employers. Employers must be given the tools to verify legal workers and be held accountable when they knowingly hire illegal immigrants.

We in the U.S. Senate still have the opportunity to do some good. We can go back to our committee process and draft legislation that could help our Border Patrol do their jobs. We can put together an employee verification system that actually works and does not run small businesses out of business through fines. There could be a lot of solutions for securing our border and making sure that people who are hired are legal immigrants. We can improve the way that temporary seasonal worker visas and agricultural worker visas are processed.

Rewarding bad behavior only encourages more bad behavior. We will not encourage more bad legislative behavior by going forward with this legislation.

Mr. HATCH. Mr. President, I rise today to speak of my vote against cloture on the motion to proceed to S. 1639, the comprehensive immigration reform bill. This issue continues to be a divisive one, both in the halls of Congress and throughout our Nation. Indeed, many people throughout the country have strongly held views when it comes to our Nation's immigration policy. In fact, over the past month, I have heard from countless Utahns who have contacted me with their views on immigration reform. I expect that every Senator's office has been overwhelmed with calls, emails, and faxes from constituents expressing their concerns with various provisions of the bill.

While I commend the bipartisan panel of Senators that has worked tirelessly to negotiate this legislation, I must express my disappointment in the manner in which the bill's proponents have sought to move this bill through the Senate.

I, for one, am supportive of comprehensive immigration reform and for many of the approaches outlined in this bill. We simply cannot be asked to live with the status quo. However, once again, there are several huge problems with this bill, and I believe that a more thorough vetting of this legislation through debate and amendment could have fixed those problems and ensured that it contained policy changes the American people would support.

As many have observed throughout this debate, there are currently millions of illegal immigrants residing within our Nation's borders. No one knows exactly how many, only that they are here, they are working, and, in large part, they contribute to our economy.

We also have many businesses and industries that must have access to foreign labor, especially during this time when, while are seeing record lows in unemployment, we still have a shortage of workers.

Under the status quo, employers are too often forced to make a decision between hiring illegal workers and wondering whether our inefficient and often arbitrary enforcement efforts will catch up with them or abiding by the law and closing the doors of their businesses.

We need to find a fair, compassionate and lawful way to deal with the illegal immigrants already this country. We need to create a guest worker program for those businesses in need of foreign workers. And, we need to improve the system by which we legally distribute visas and green cards to make it more fair and efficient.

The authors of this legislation have tried to address these issues in the current bill, and I applaud them for their efforts. However, they addressed them in various ways that, in the minds of many, make this bill completely unworkable and ineffective. The policies proposed by legislation are almost impossible to implement and even if they could be implemented, there are so many loopholes and exclusions that almost every solution in the bill can and will be bypassed by those who want to continue to exploit the system. I am convinced that many of my colleagues understand these concerns and even agree with my assessment, but they are so anxious to end this debate and reach a successful conclusion they compromised several core values that Americans hold dear and made damaging concessions.

The provisions of this bill were negotiated and vetted in secret. It was then brought to the floor where the apparently shaky coalition that drafted the legislation have, throughout this process, voted as a block to prevent the passage of any so-called "deal-breaking" amendments. At several points during the debate, members of this coalition have admitted that the amendments in question would, in their opinion, improve the overall bill. Yet, in an effort to preserve the coalition, they have worked together to prevent the passage of even some of the most reasonable, commonsense amendments.

Then, after an initial attempt to end the debate failed, the majority leader agreed to let the debate go forward and to have votes on a number of amendments. Initially, this sounded good. However, it soon became clear that, in another effort preserve this shaky, flawed compromise, the only amendments that would be voted on were those of the majority leader's own choosing.

I don't believe that anyone should be criticized for their willingness to compromise. Clearly, compromise is a vital part of what we do in the Senate. However, we simply cannot value compromise for compromise's own sake. Indeed, we should not push through such fatally flawed legislation simply because it is the product of compromise. Compromise—the means by which the Senate passes legislation that will benefit our Nation—is not an end unto itself.

Yet, too many of my colleagues seem all too willing to simply push this legislation through simply to preserve this great compromise. In fact, it almost appears as if some would consider our efforts successful if we were simply able to bring this bill to passage, regardless of what the bill looked like and regardless of what its effect would be on our immigration system. However, I believe that if we were to follow this course, we would be wasting an opportunity to provide real reforms to our Nation's immigration policy and to provide real solutions for our Nation's many immigration problems.

It is not a novel idea to suggest that there was a better way to approach this problem. That way, Mr. President, was the process by which we approach all issues of this magnitude. This bill was brought to the floor without having gone through the committee process. This is never a good sign for any piece of legislation. Whenever you bypass the regular order of the Senate, there will undoubtedly be a significant portion of our constituents who feel as if their views don't count. The Senate has used and maintained the committee structure for over 200 years, and it has served the American people well. In this case, refusing to use the time-tested committee structure has been a recipe for disaster.

The decision to bring this bill directly the floor robbed many Senators of an opportunity to examine the bill thoroughly and publicly express their concerns. In addition, it made certain that the bill would come before the entire Senate without the benefit of Committee hearings, expert testimony, and a public markup.

Strangely enough, this is the precise criticism meted out by the Democrats when they were in the minority last Congress. Now that control of the Senate has changed hands, it seems the Democrat requirement for regular order is not necessary anymore.

Mr. President, we have been told that this is our last chance to pass immigration reform for several years. I disagree. Once again, there were other approaches that could have been taken to pass this legislation, and these options remain available. In addition, there are many areas of agreement when it comes to immigration. Therefore, I believe that we can find a way to address our immigration problems that will satisfy the American people.

But, to do that, we need a process that is fair and open. The process we have followed in this case has been too limiting and, as a result, we have a bill that the vast majority of Americans will not support. That being the case, I oppose this effort to end debate and to push this bill through.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF LIEUTENANT GENERAL DOUGLAS E. LUTE TO BE ASSISTANT TO THE PRESIDENT AND DEPUTY NATIONAL SECURITY ADVISER FOR IRAQ AND AFGHANISTAN

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Calendar No. 165, the nomination of LTG Douglas Lute; that the time until 3 o'clock be for debate on the nomination, equally divided between myself and Senator WARNER or his designee; that at the conclusion or yielding back of time, the nomination be laid aside and the Senate return to legislative session in morning business; and that at 4 p.m., the Senate return to executive session and the vote on confirmation of the nomination of Lieutenant General Lute.

I also am hopeful that there will be some votes on judicial nominees as well today, but that has not yet been cleared.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read the nomination of Douglas E. Lute, Department of Defense, Army, to be Lieutenant General.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 8 minutes.

I support the nomination of LTG Doug Lute to be Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan.

Lieutenant General Lute is an accomplished senior officer with a distinguished record and great experience in both military tactics and national security strategy and policy. Lieutenant General Lute has been serving as the Director of Operations, J-3, on the Joint Staff since September of 2006. Immediately prior to this assignment, he served for more than 2 years as the Director of Operations, J-3, at U.S. Central Command, overseeing combat operations in Iraq and Afghanistan and other operations in the CENTCOM area of responsibility.

While I know of no concerns as to General Lute's qualifications for the position to which he has been nominated by the President, there have been some other concerns expressed about this nomination. The first concern questions the need for the position itself as well as the potential for confusion as to who is responsible for Iraq and Afghanistan policy. On the one hand, the position implies a direct and independent relationship with the President as Assistant to the President, and on the other hand, as Deputy National Security Adviser for Iraq and Afghanistan, the position implies subordination to the National Security Adviser.

One can argue that the responsibility for Iraq and Afghanistan policy clearly belongs to the National Security Adviser, as well as the responsibility for directly advising the President on those issues. Creating a position with ambiguous subordination to the National Security Adviser could needlessly complicate and confuse an already confused policy process. I, too, have some concerns in this regard but not to the extent that I will oppose the President's decision to create such a position.

The other concern which has been expressed is that appointing an Active-Duty military officer to such a political position is a practice which should be avoided in that for the officer in question, it needlessly blurs the distinction between recommendations he might make based on unbiased professional military judgment and those based upon or colored by political considerations. In a larger sense, it is counter to the traditional American approach to civil-military relations. For the individual officer, it may also create difficulties in subsequently returning from a political position to a uniformed, apolitical, military position. I emphasize that General Lute will remain on active duty during this period.

However, this would not be the first time that uniformed military officers, remaining on active duty, have served in such positions, one of the most notable examples being Colin Powell's own service as, first, the deputy National Security Adviser, and then as the National Security Adviser, and subsequent outstanding service as Chairman of the Joint Chiefs of Staff. While I don't believe it should be the norm for a military officer to serve in these kinds of positions, I do not believe this should be a disqualifying concern in rare circumstances such as this, and therefore should not disqualify General Lute from his nominated position.

I do believe, however, that General Lute has been nominated for an unenviable position. He will be responsible for bringing coherence to an incoherent policy—a policy that is still floundering after more than 4 years of war in Iraq.

General Lute told the Armed Services Committee that "the position is an advisor and coordinator, without directive authority beyond a small staff." He further said that the ability to move policy forward had to do more with such factors as "Presidential direction and support, acceptance by other policy principals, broad commitment to a common cause, cultivated interpersonal relationships, personal integrity, and meaningful results."

Secretary Rice, described as a close personal friend of the President—indeed almost a family member—was either not able to get that Presidential direction and support or not able to employ it to bring coherence to the President's policy. One must wonder how General Lute can be expected to be more successful.

It is no secret that several retired four-star general officers were offered the position and turned it down. According to media reports, one reason given by one of the generals was that the administration remains fundamentally divided on how to carry out the conflicts in Iraq and Afghanistan. Retired Marine GEN Jack Sheehan, who declined to be considered for the position, said:

> The very fundamental issue is, they [the administration] don't know where the hell they're going.

General Sheehan reportedly expressed concern that the hawks within the administration, including Vice President CHENEY, remain more powerful than the pragmatists looking for an exit strategy in Iraq. This does not bode well for General Lute.

It is no secret that General Lute himself questioned the so-called surge strategy for Iraq before its announcement by President Bush last January. Indeed, General Lute confirmed that doubt at his hearing.

The surge is now complete, and the results are not very promising. American casualties are at some of the highest levels of the war, sectarian violence is rising again after a short reduction, and the insurgency is as active as ever, especially in the use of mass casualty-producing car bombs against Iraqi citizens and improvised explosive devices against United States and Iraqi forces.

The stated principal purpose of the surge was to give space and time for the Iraqi politicians to make progress on the critically important political reconciliation benchmarks, such as implementing legislation for the equitable distribution of revenues from oil sales, de-Baathification, and constitutional amendments, that would lead to reconciliation among the three main Iraqi groups. Progress is not apparent in those critically important political reconciliation areas—again, the stated purpose of the surge.

I believe the only chance to get Iraqi politicians to stand up is when they know we are going to begin to stand down. Our soldiers risk their lives while Iraqi politicians refuse to take political risks and make the necessary compromises to promote reconciliation. Those are the compromises which everybody agrees must be made if there is going to be any hope to end the violence in Iraq. We cannot continue to have the lives of American servicemembers held hostage to Iraqi political intrigue and intransigence.

I hope once General Lute is confirmed, he will be willing and able to redirect Iraq policy to exert maximum pressure on Iraqi leaders to achieve political reconciliation. The beginning of that is a phased redeployment of United States troops from Iraq. That is the only leverage on those leaders with any hope of success, with them finally understanding that their future is in their hands and we cannot save them from themselves.

But as for today's nomination, I support the confirmation of LTG Douglas Lute to be the special assistant to the President and the Deputy National Security Adviser for Iraq and Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I note with great respect and approval the Senator's comments to support his nomination. The Senator and I have discussed this nomination, and I strongly endorse the President's nomination of General Lute and welcome the support of our distinguished chairman of the committee.

The Senator made reference to General Sheehan and others who apparently had some contact with the White House personnel, and others, regarding possibly taking on this assignment. In no way can I believe their comments should be held against the distinguished nomination of General Lute. They are part of the public records, but I think sometimes when the President speaks with individuals about the possibility of serving him, those matters are best left confidential—for any President. I certainly treat them that way. I was somewhat taken aback by the judgments of General Sheehan and others. No disrespect to the chairman, but they are of no significance here.

This is a highly distinguished officer. He fought in the second armored cavalry regiment in Operation Desert Storm. He later commanded the second armored cavalry regiment in 1998 to 2000, and the multinational brigade east in Kosovo in 2002. In 2003, he was assigned as deputy director of operations in headquarters European command and, in that capacity, played an important role in responding to the impending humanitarian crisis in Liberia. It was in that context that I first met this distinguished officer.

General Jones was, at that time, NATO commander. I talked with him about the problems we were experiencing over the African coast at that time. As you may recall, elements of the Marine Corps and other Naval units were sent down there to try to—and indeed they did—succeed in contributing to a cessation of a lot of the tensions which could have erupted into a civil war.

At that time, General Lute was director of operations for the U.S. Central Command, where he served over 2 years. I was privileged to join him off the coast aboard those naval vessels, and he accompanied me when I went in and worked with the Ambassador in the incipient days of that potential conflict.

As a key member of the joint staff, I visited him many times in the Department of Defense and received excellent briefings from him about the worldwide situation. I have witnessed firsthand the extraordinary, professional capabilities of this fine officer.

In the estimation of GEN David Petraeus:

> Doug Lute knows Iraq. Doug Lute knows Iraq, the region, and in Washington will be a great addition to the team that is striving to achieve success in Iraq. He is also a doer.

Ambassador Crocker added:

> General Lute's knowledge and experience will make him a valuable partner to our efforts in Iraq. I look forward to working closely with General Lute in the coming months.

There has also been some indication that people are concerned about the precedents connected with this assignment. I will put into the RECORD a list of individuals who have served Presidents in this capacity over the past years. Notably among them were General Haig, military assistant to the President for national security affairs; Lieutenant General Scowcroft; Admiral Poindexter; GEN Colin Powell; General Kerrick; GEN Michael Hayden, Director of Central Intelligence at the present time and on active duty.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Rank/Name	Position	From	To
GEN Alexander Haig	Military Assistant to the Presidential Assistant for National Security Affairs	1969	1970.
GEN Alexander Haig	Deputy National Security Advisor	1970	1973.
GEN Alexander Haig	White House Chief of Staff (Nixon)	1973	1974.
LTG Brent Scowcroft	Deputy National Security Advisor	1973	1975.
ADM John Poindexter	Deputy National Security Advisor	1983	1985.
ADM John Poindexter	National Security Advisor	1985	1986.
LTG Colin Powell, USA	Deputy National Security Advisor	1987	1987.
LTG Colin Powell, USA	National Security Advisor	1987	1989.
LtGen Donald Kerrick, USAF	Deputy Assistant to the President for National Security Affairs	1997	1999.
LtGen Donald Kerrick, USAF	Deputy National Security Advisor	2000	2000.
Gen Michael Hayden, USAF	Director of Central Intelligence	2006	Present.

Mr. WARNER. I would also put this into the RECORD at this point. I solicited the White House's views regarding any legalities of this nomination. I have the letter of Mr. Fielding, counsel to the President. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, June 26, 2007.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: This is in response to your inquiry as to the constitutionality of the President of the United States appointing an active duty military officer to serve in the White House Office as Deputy National Security Advisor to the President and Assistant to the President.

There is no constitutional issue arising by virtue of such service. All military officers are part of the Executive Branch of our government, and there is no break in their chain of command, as the President's constitutional duties include his role as Commander-in-Chief of the United States Armed Forces. Likewise, such an appointment is consistent with U.S. law. See 10 U.S.C. §601.

As you are aware, in the past our Nation has been served by active duty military officers holding the same position; to wit: General Brent Scrowcroft, Admiral John Poindexter, General Colin Powell, General Donald Kerrick.

Thank you for your inquiry. I am pleased to be able to respond.

With best regards,
Sincerely,

FRED F. FIELDING,
Counsel to the President.

Mr. WARNER. Mr. President, I feel that this gentleman, General Lute, is eminently qualified, as the President has indicated. It is the personal prerogative of the President to select those who wish to advise him in a confidential vein. General Lute will undertake that with great distinction.

The PRESIDING OFFICER. The Senators from Virginia and Michigan control the time.

Mr. SESSIONS. Will somebody yield me some time?

Mr. WARNER. Mr. President, I yield such time as the Senator from Alabama wishes to take.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. LEVIN. Will the Senator yield briefly?

Mr. SESSIONS. Yes.

Mr. LEVIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Michigan has 7½ minutes. The Senator from Virginia has 10 minutes.

Mr. SESSIONS. Mr. President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Mr. President, I think Senator LEVIN and Senator WARNER have pointed out the fact that this is not an unprecedented appointment and that it is consistent with what has been done before. People have their own ideas about how the chain of command should work, but that is fundamentally the question to be answered.

Let me join with Senator WARNER in saying how much I admire the record of General Lute. He is a three-star general. He was a director of operations at the operational section of Central Command for 2 years. He is intimately familiar with the Middle East. He has demonstrated in his positions with the Department of Defense in recent years with the joint staff his willingness to question ideas that many consider popular. In fact, it is reported that he asked a lot of tough questions about the surge, and how that would go, and how it should be handled if done. I think, if anything, we know for sure that he will do what he believes is in America's interests.

Let me tell you why I truly believe we need a position such as this and a man like General Lute. We have about 170,000-plus soldiers in Iraq and Afghanistan. They are serving us in a dangerous area of the world. We know and have had so many colleagues say—and Senator LEVIN is most articulate in saying this—it is more than just the military; there is a political settlement, there is reconstruction, there are economic issues involved, oil and gas, water, electricity, which are all key components of having a government effective in Iraq that serves the people of Iraq and Afghanistan.

This is important. The problem is we have all our agencies involved in Iraq, not just the military. We have the State Department involved in Iraq. The State Department is the one responsible for trying to move the Government along in an effective way. They also have responsibility over the economy, trying to help Iraq have a good economy. They are responsible for trying to negotiate safety agreements with its neighbors. They are responsible for infrastructure, actually. They are not responsible for law and order, the court system, and the prison system, which has not gone well at all. I have been a major critic of that situation. That is under the responsibility, not of the Department of Defense but the Department of Justice. If your court system is not working, if you don't have an adequate jail system, if you can't get the water turned on or the electricity turned on, our soldiers are at an increased risk to their safety.

So it is absolutely critical that all our agencies of Government work together, agree, work out differences, and create the greatest possible opportunity for those fabulous soldiers we have sent to be successful in helping to create a stable and decent government in Iraq. It is not at the level of cooperation we need. We have not gotten to that level.

I am telling my colleagues, I have seen it. The Department of Defense is here, the Department of Justice is here, the Department of State is here. The Department of Defense—probably in frustration, I will say it this way. I said we probably would have been better off just giving everything to the Department of Defense. They are pretty doggone competent in what they do. But the State Department has huge responsibilities in Iraq. Therefore, the Defense Department steps back and they interface, but State has responsibilities, Justice has responsibilities, and Interior has responsibilities in Iraq. Virtually every department and agency does. They are not at the highest level of effectiveness, in my view.

It is not as important, I have to say, for Justice to get a court system up and running as it is for the Defense Department because it is their soldiers at risk if we don't create a good justice system in Iraq.

I thought we needed somebody such as General Lute to go into Iraq, go into Afghanistan, and find out what is going on and be able to tell the President where the problems are. When there is a dispute between agencies, one person can fix it, and that is the President of the United States. He can say: I want it done this way or your resignation tomorrow, Mr. Secretary. Or you and I have had a long friendship over the years. I want this done, you don't want it done. I will get somebody who will get it done.

But how can he know all these different problems that are occurring? How can he personally be on top of it? Likewise for the Secretary of State. She is expected to be in China, to go to Brazil, Chile, Indonesia, Europe, Kosovo, South Korea, or Japan. The National Security Adviser has the whole world under his responsibility. He has to be managing all these issues and personally advising the President. The Secretary of State has to manage all the bureaucracy contained in the State Department.

I guess what I would say to my colleagues, it is obvious to me the National Security Adviser cannot drop all of his or her responsibilities and spend his or her time negotiating problems in Iraq. The President is going to have to designate somebody to do that. He has chosen General Lute who is a man, by all accounts, of extraordinary ability, proven experience in the region, a person who knows the difficulties so he can carefully and with good judgment analyze the different disputes and try to get them settled so we can get on with producing more oil and gas, having water for the citizens, having the sewage system working, having the electricity on, and helping to make sure we have a legal system with sufficient bed spaces to detain criminals.

I discovered that we have one-ninth as many bed spaces in Iraq as we do in my State of Alabama. I saw a similar story for New York. There are not enough places to put the criminals, and we have to increase those places. The bureaucracy is sitting around and not getting that done.

If we catch and release terrorists, they are going to go out and kill again. There have been several articles that have picked up on this situation. I have to say, it has been a theme of mine for 3 years now, and we still haven't gotten the justice system up like we would like it.

I see the Presiding Officer, a former attorney general in his State, Senator SALAZAR. We were together in Iraq and talked about these issues. I know he shares a genuine concern that things are not being accomplished as fast as possible. So I think that operating in the name of the President to try and find out what difficulties are occurring in Iraq, where the bottlenecks are, and being able to get the parties together in the name of the President—he has no direct authority to order the Department of Justice or the Department of Defense to do anything. But he has the authority given by the President. If they can't agree, he can appeal to the President. He can say: Mr. President, the Department of State wants to do this, the Department of Justice wants to do this, the Department of Defense wants to do this. My recommendation is to do this, but you need to make this decision. Then the President can help eliminate these problems.

The truth is, when somebody such as General Lute says we have a disagreement between State and Justice and I am inclined to say this is the way it ought to be settled, but the President told me, when I call him tomorrow, to let me know if there are any difficulties, I am going to tell him that you two children cannot agree, usually they get together and settle it. They don't want to have the President come in and settle these disputes and get involved. They know he has a lot of issues on his plate.

That is the concept that I think can be helpful in making us more effective in creating the infrastructure, the civil justice system in Iraq and Afghanistan, thereby enhancing the ability of those governments in those countries to be successful, therefore enhancing their ability to be effective against terrorists and violence, therefore reducing the threat to our soldiers—that is the bottom line—and increasing their ability to be successful.

I am pleased to support this nomination. I think all the serious questions that have been raised have been answered.

I see my friend and colleague from Virginia. He raises a good point about this matter of a uniformed person being in the executive branch, the political branch, I guess one can call it. We have done it before and, in this case, in my view, that concern, while a legitimate one, I believe is outweighed by the fact that we need help right now and General Lute is the guy who can do it.

I yield the floor.

The PRESIDING OFFICER. Who yields time to the Senator from Virginia?

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 6½ minutes remaining.

Mr. LEVIN. Mr. President, I yield the 6½ minutes to the Senator from Virginia. If he needs additional time, I ask unanimous consent that he be given additional time, after the 6½ minutes. We will wait and see if that is the case.

Mr. WEBB. Mr. President, I will do my best to finish within 6 minutes. I appreciate the chairman asking me to come to the floor.

This issue came up fairly quickly because of the vote this morning. I was not able to be here when my friend and colleague, the senior Senator from Virginia, made his comments, but he did give me the letter that had been provided to him by the counsel to the President which addresses the issue of the constitutionality of a uniformed officer serving as a direct policy adviser inside the administration.

Counsel Fielding points out in the letter that there is no constitutional issue. He mentions Generals Scowcroft, Powell, Kerrick, and Admiral Poindexter as recent examples of active-duty military officers holding this type of position.

I would have risen in opposition to all of these other individuals under the circumstances that exist today, and I am going to try to clarify that.

I don't expect the opposition I have to General Lute's nomination is going to preclude him from being confirmed. I don't want the record to indicate that I have any question with respect to his competence, the way he has served the country over the past 30 years or so, but I do believe this is a very important issue, and it goes beyond the opinion that was in Counsel Fielding's letter.

He addresses the direct constitutionality because the military is a part of the executive branch. My difficulty is that the military must in this country remain separate from politics. That doesn't mean the President cannot bring an active-duty military person on to his staff. As Senator WARNER said in another meeting, the President has the authority to bring anyone of value to his administration he wants. The question becomes: Should that individual remain in uniform? And should that individual be able to return to the active-duty military once his service is done?

I asked General Lute during his confirmation hearings if he believed that the advice he would be giving in this position would be political in nature, and it unavoidably is.

So we have a situation that is recent history. This type of situation does not go back long in American history where we have brought active-duty military people inside the political circle of an administration and then allowed them to return as active-duty members back to the military. This has not happened with any frequency, other than in the past 20 years or so.

That individual returning to the military in a uniform unavoidably causes questions inside the military about political alignments and tends to politicize the military. That is my problem. There is no way General Lute can go to the morning meetings and give advice that is not simply operational, but that is political in nature with respect to how an administration puts a policy into place, and then can return to the active-duty military and be viewed as politically neutral. I say that again with respect to the other individuals who were named in Fred Fielding's letter.

It is my intention, during the time I am in the Senate, to ask any military officer who is being put into a position of political sensitivity whether that individual intends to take the uniform off and keep it off. Any individual who otherwise is qualified who intends to return to the active-duty military service, in my opinion, is violating this very sensitive line with respect to the politicization of the military, and I intend to oppose those nominations.

I thank the chairman for this time.

I yield the floor.

Mr. FEINGOLD. Mr. President, in keeping with my practice of deferring to Presidents when it comes to executive branch nominations, I voted to confirm LTG Douglas Lute to serve as Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan. He is a competent officer with a history of service to this Nation. However, I am deeply concerned that rather than changing course in Iraq, the President is merely rearranging the bureaucracy in the White House.

The administration needs to better coordinate the U.S. Government's operations in Iraq and Afghanistan. I am pleased that Lieutenant General Lute has acknowledged that the U.S. military alone cannot stabilize Iraq and that enhanced efforts by other agencies of the Federal Government are needed.

However, I am skeptical that this new position will have a significant impact given that the President still refuses to admit that there is no military solution to the situation in Iraq. Until the President recognizes the need to redeploy our troops from Iraq and seek international assistance in promoting a political resolution, I am afraid that Lieutenant General Lute's efforts will simply contribute to more of the same failed policy. I will continue working to redeploy our troops from Iraq so that we can devote greater resources to our top national security priority—going after the terrorists who attacked us on 9/11 and their allies.

Mrs. BOXER. Mr. President, I am voting present on the nomination of Douglas E. Lute to be Special Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan.

Although I respect General Lute's distinguished 30-plus year career in the U.S. Army, I view this position as rearranging the bureaucracy at the White House. The creation of a "war czar" will not hide the President's failed policies and is another way for him to duck responsibility for the war in Iraq.

Mr. BYRD. Mr. President, on May 15, 2007, President Bush nominated LTG Douglas Lute as Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan. In that position, Lieutenant General Lute is to be charged with coordinating the efforts of the executive branch to support our commanders and senior diplomats on the ground in Iraq and Afghanistan.

I am voting against the nomination of LTG Douglas Lute, not because he is unqualified for the position but because the White House refuses to permit him to testify before those Members of Congress responsible for the oversight and funding of these conflicts. Article 2, section II of the Constitution makes it clear that the power to appoint certain officers involves the advice and consent of the Senate. I can imagine no circumstance where the President may require policy advice and guidance from an Active Duty military officer regarding ongoing conflicts and issues relevant to Congress's oversight responsibilities to which Congress should not be equally capable of hearing in either public or closed forums as appropriate. To do otherwise may raise popular suspicion that all is not on the "up and up" with the way the President is conducting this war.

I am also concerned that putting a general in this position will leave the military open to inferences by the administration that it is the military, rather than George W. Bush, who is responsible for the failed policies in Iraq.

After 5 years of conflict in Afghanistan and Iraq, the President, his Cabinet, and his existing staff should have long ago figured out how to coordinate executive branch support to our commanders and senior diplomats in the field, without needing to put a military officer in charge of coordinating the civilian arms of government.

Repeatedly, the President has appointed a new military officer to a leadership position and Congress has allowed the nomination to proceed without objection. The White House then turns the cooperation of Congress into yet another sound bite to prolong the prosecution of the President's failed policy. How many times have we heard that General Petraeus was confirmed unanimously and that we "just need to give him time"? The President has had 4½ years to show progress. Instead, the situation continues to worsen in Iraq.

I, for one, will not vote to give the President another military officer to blame or another unanimous vote to exploit to delay bringing home our troops. I will not accept the President's claim that a military officer advising the President on two ongoing conflicts should not be required to testify before Congress on the progress of this long and disastrous war.

I will, therefore, vote against the confirmation of Lieutenant General Lute to this position.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There is no time remaining to Senator WARNER.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, apparently I have a minute and a half remaining. I will be happy to yield to the Senator from Alabama, if he would like the time.

Mr. SESSIONS. Mr. President, if we are waiting for the vote, I was going to quote a few items from General Lute's statement, but otherwise I don't need to do that.

Mr. LEVIN. The vote will begin at 4. Under the order, there is another speaker scheduled at 3 o'clock.

The PRESIDING OFFICER. At 3 o'clock the Senate will return to morning business.

Mr. SESSIONS. Mr. President, if Senator LEVIN is comfortable with this, I ask for 3 minutes. If someone comes to the Chamber at 3 and needs to take the floor, I will yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Alabama be yielded 3 minutes, and then morning business start at 3:03 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, we had a hearing with General Lute. Senator LEVIN presided in his able way, as always. He gave us a short written statement of some of his principles. I thought the American people might appreciate how he approaches this issue.

He spoke to people. He said this about this position:

> To a person, those with whom I have spoken conveyed two clear messages: first, a message of concern for the well-being and safety of our men and women in harm's way; and second, that we would all like to see us pursue a course of action that makes our country safer while safeguarding our national interests in the region. Surely, this is our common ground.

He went on to say:

> But the stakes for the United States are also high. This region—where America has vital national interests—will not succeed if Iraq and Afghanistan do not succeed, and the U.S. plays a vital role in this cause.

He went on to say this:

> No one is satisfied with the status quo: not the Iraqis, not key regional partners, not the U.S. Government, and not the American public. To change this, we are in the midst of executing a shift in course as announced by the President in January. Early results are mixed. Conditions on the ground are deeply complex and are likely to continue to evolve—meaning that we must constantly adapt. Often, measures that fix one problem in as complex an environment as this reveal challenges elsewhere.

That is certainly true. General Lute continued:

> But one factor remains constant—the dedication and sacrifice of our men and women, military and civilian, serving in these combat zones. They are a continuing source of inspiration to me and to my family.
>
> The position for which I have been nominated is designed for one fundamental purpose: to advise the President on how to provide our troops and civilians in the field with increased focused, full-time, real time, support here in Washington.

He goes on to say:

> The aim is to bring additional energy, discipline, and sense of urgency to the process. Our troops deserve this support.

I think that is a good statement, a sense of urgency for all our agencies and departments of Government, not just the military. He concludes this way:

> Mr. Chairman, I am a soldier; and our country is at war. It is my privilege to serve. This position represents a major personal challenge and I am humbled by the responsibility it entails. If confirmed, I will give the President my straightforward, candid, professional advice.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business, with Senators permitted to speak up to 10 minutes each.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that following the vote on the Lute nomination, there be 10 minutes equally divided between Senators LEAHY and SPECTER, or their designees, for debate on judicial nominations; that at the conclusion or yielding back of that time, the Senate vote on confirmation of Executive Calendar Nos. 85, 105, and 106, in that order; that the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. REID. Madam President, Senator WARNER asked earlier today what would happen with the next judge, which is a Virginia judge. It would be my intent—I have to talk to Senator LEAHY, and I have a meeting with him this afternoon—that we do that on Monday, the day we get back. We will do the Virginia judge and the remaining district judges. So there will be four votes on the Monday we get back on the district court judges.

Mr. LEVIN. Madam President, if the leader will yield for a question, those three additional judges you made reference to are the three Michigan district court judges?

Mr. REID. That is right. That is what we had left on the calendar.

UNANIMOUS-CONSENT REQUEST— H.R. 2316

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 182, H.R. 2316, Lobbying Disclosure; that all after the enacting clause be stricken, and the text of S. 1, as passed by the Senate on January 18, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid on the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3, with the above occurring without intervening action or debate.

I would say to my distinguished colleague—my counterpart, Senator McCONNELL—that it is my intent not to appoint the conferees until we get back.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Reserving right to object, and I will not object, I was not on the floor Tuesday when the majority leader first brought this issue to the Senate floor. I was down at the White House. I am pleased he is ready to go to conference on lobby reform, the first bill introduced in this Congress, S. 1, and passed with a vote of 96 to 2 almost 6 months ago, on January 18.

I am also encouraged the Democratic House finally decided to pass a bill after many months of stalling and excuses. However, before we agree to this unanimous consent request, I would like to engage my colleague in a brief colloquy to ensure minority rights are not trampled, as they were in the supplemental.

As the Senate will recall, the majority drafted that bill and included matters not related to troop funding and not part of either bill. This was designed, obviously, to get around 41 Republican Senators here in the Senate. Obviously, putting those items in a troop funding bill made it very difficult to oppose the bill and we know how that story ended.

In that vein, I ask my good friend, the majority leader, to commit that, consistent with the provisions of S. 1—to commit not to drop extraneous provisions into this conference report not dealt with by either body. I think it is important that this very significant issue, on which we have had extraordinary bipartisan cooperation, continue to deal with the subject matter related to this bill.

Mr. REID. Madam President, I don't wish to relegislate the supplemental. I think it was one of the best things that has happened to the country in a long time. We were able to get some things in that bill, such as minimum wage, for the first time in 10 years; disaster relief for farmers, first time in 3 years; the first time we got money over and above what the President wanted for homeland security; we were able to get $6.5 billion for Katrina.

Having said that, the distinguished Republican leader has my assurance this bill will deal with the subject matter that came out of the Senate and out of the House. It will deal with ethics and lobbying reform.

I further say to my friend, and he and I have had long discussions on this bill and I am sure we will continue to have some, this will be a real conference, as we have had for many years—not recently, but this will be a conference where there will be public debate on what we should do and what we should not do.

We will schedule that the week we get back, schedule the conference as soon as we can when we appoint conferees. There has been a request we not appoint them today. I accept that. We will do it when we get back. The minority need not worry. This legislation, when it comes back, will be perfect for the President to sign if, in fact, that is necessary. In some instances, it is not necessary. But it will deal with ethics and lobbying and nothing else.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Madam President, I have one phone call to my cloakroom I have to deal with. I respectfully request that we have a very short quorum call, so I can consult with one of my Members. If the majority leader will not object, I would like to have a very brief quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding there is a unanimous consent pending.

The PRESIDING OFFICER. The Senator is correct. Is there objection to the request?

Mr. DEMINT. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, earlier this year, the Senate took a major step in being more transparent with the earmarking process. We worked together. We passed within the lobbying/ethics reform bill transparency and rules that would keep us from adding secret earmarks when we go to conference. I have asked repeatedly on the Senate floor that we accept that as a rule. I had asked the majority leader to amend his unanimous consent request to go to conference to include Senate acceptance of the rules we have already passed. That way we would have the comprehensive work we have all planned to have. I understand from the majority leader they are not willing to accept that, and they want to go to conference where it is our belief it will be significantly changed.

In light of our inability to come up with agreement that would include earmark disclosure, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Again, we have delay, delay, delay, on an issue of vital importance. What we are asking is to go to conference. We have already acknowledged there will be nothing that will come out of conference other than what is in this bill. For us to do the conference out here on the Senate floor is a little unusual proceeding. All the conference committees I have been involved in have been ones where the conferees decide what should happen, and then they bring that matter back to the respective bodies. Then there is a vote on it.

If my friend from South Carolina doesn't like what comes back, he has every avenue within the rules at his disposal. No one is trying to take advantage of him. I appreciate the work he has done on earmarks. A number of other people have worked on earmarks. It has been a progressive step forward. But it would not say much about my leadership if we negotiated it out here on the floor of the Senate as to what was going to be in the conference report. That is what the conferees are all about.

Again, we cannot go forward on the 47 different items that are in this ethics and lobbying reform——

Mr. DEMINT. Will the leader yield for a question?

Mr. REID. All of which are important. Earmarking is important to my friend from South Carolina. Other Senators have other things of importance in this lobbying/ethics reform. We debated this issue. We debated it at some length. We accepted a lot of amendments. A number of amendments were not in the final draft of what went to the House. They have now completed their work. It is time we go to conference and work this out. But we are not going to piecemeal this out here on the Senate floor.

Mr. DEMINT. Will the leader yield for a question?

Mr. REID. I am happy to.

Mr. DEMINT. I thank the leader, and I appreciate his perseverance. I would just like to ask why the part of this bill that applies only to the Senate—it does not need to be conferenced with the House because it is our rule about how we deal with earmarks, how we deal with the conference of out-of-scope earmarks. Why can't we just accept that part here and go to conference with all of these other provisions in which you know our Members are interested?

I have no objection to going to conference, but there is no reason to conference with the House on rules that apply only to the Senate.

Mr. REID. Madam President, the House, of course, has issues that affect them only. Sometimes they affect what we do. So we can't do this in a vacuum. I have a suggestion. I think it is a valid, constructive suggestion. I would say to my friend from South Carolina, what he should do is see what he can do to get on the conference. That is what I would suggest. I would be happy to have you on the conference. I don't select who the Republicans put on the conference, but that may be an answer to the problem. I would be happy to have you in the conference. I think it would be a good exercise for you to see what goes on inside of a real conference.

Separate and apart from that, I have to simply say, this is, again, a diversion, a distraction from doing the work of this country.

Mr. DURBIN. Will the majority leader yield?

Mr. REID. I am happy to yield.

Mr. DURBIN. I would like to ask the majority leader if I understand what has happened here. We have adopted the language of the Senator from South Carolina in S. 1, 96 to 2. We sent it over to the House for consideration. The Senator from South Carolina came to the floor while the House was deliberating and insisted that we move forward. We said we had to wait for House action, and House action has taken place, moving us to a conference. Now the Senator from South Carolina is objecting to going to a conference so that this could become the law of the land and the rules applying to the Senate. Is that where we are today? The Republican Senate is objecting to going to conference on ethics and lobbying reform?

Mr. REID. The Senator from Illinois has it down pat. We have worked within the confines of the rules that have been given us. We have passed a bill. They have passed one in the House. Now is the time to see if we can make it into law.

There will be some things that will wind up being a Senate rule. Some things will wind up being a House rule. That is part of what the conference is going to work out. No one is trying to detract from anything that the distinguished Senator from South Carolina wants. But just because you want something doesn't mean you are necessarily going to get it. I just think this is such a bad way to legislate. Here we were within seconds of being able to go to conference. A phone call came in to the cloakroom. I understand that. The Republican leader has an obligation to take care of his Members. But I think this is not a good way to go.

Mr. DURBIN. Will the Senator yield for another question?

Mr. REID. The eyes of the American public are on us.

Mr. DURBIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. DURBIN. I ask the majority leader, wasn't there a clear message from the last election that people wanted us to clean up the culture of corruption in this town, that they wanted ethics and lobbying reform? Isn't that why the Democratic majority picked it as S. 1, the first piece of legislation we considered, made it a high priority, and passed it with a strong bipartisan vote? And isn't it a fact that because of the objection from the Republican side of the aisle, we now run the risk of having nothing, no change, no reform in lobbying or ethics, and that the Senator from South Carolina has asked for you to guarantee a result from a conference committee?

Mr. REID. I appreciate——

Mr. DEMINT. Madam President, may I respond?

Mr. REID. For the first time in 131 years, someone was indicted working in the White House. That man has now been convicted and is in prison. The President's appointee to handle Government contracting was led away in handcuffs from his office. He is now in prison. The majority leader of the House of Representatives was convicted three times of ethics violations. He has now resigned in disgrace after having been indicted in Texas.

We have another Congressman, part of the whole Abramoff scandal, who is in prison. Many staff members have pled guilty to crimes, have quit. Some of them are giving State's evidence. The investigations are still ongoing. A couple of days ago, Mr. Griles, second in command at the Interior Department, was sentenced to prison.

It is time that we got real and change this culture. That is what this legislation is all about. It is time that we started doing things for the American people. One of the things we can do is tell the American people that we are distancing ourselves from this culture of corruption.

That is what this legislation is all about. To not allow us to go to conference on some petty issue that my friend has raised is really bad, not good for the American people. This is a bill loaded with good things. We want to do some good things for the American people.

On some procedural suggestion that is not within the confines of common sense and good judgment, we have an objection. That is wrong. All it does is focus more attention on the culture of corruption.

Mr. DEMINT. Will the Senator allow a response?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I thank the Chair.

I am very surprised to hear earmark reform referred to as a trivial issue. More than anything else, the things that you were just talking about, the corruption, are all earmark related, where Congressmen have sold earmarks for bribes. A big part of the corruption here is earmarks. To respond in a more detailed way, the House has passed its own rules package. It didn't relate to us. They did not send it to conference. They didn't need the Senate to advise. They adopted their own rules. We know, if I could speak through the Chair to Senator DURBIN, that if we send this to conference, nothing will be done this year. This conference will work for months. We will not have earmark reform during this year's appropriations process. That is exactly what this is intended to do.

For that reason, Madam President, I ask unanimous consent, again, that the rules be discharged from further consideration and the Senate now proceed to S. Res. 123 and S. Res. 260; that the resolution be agreed to, and the motion to reconsider be laid on the table.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I would assure my friend that I have spoken to the Speaker on more than one occasion. We have been trying to get to conference on this for quite some time now. They completed their work. It has been about 3½ weeks. I believe without any stretch of the imagination, we will finish this conference in a week. It might go 10 days. But it will only be a question of scheduling. The conference will go very quickly. It will be a public conference.

I would say to my friend—I say this respectfully—did you serve in the House before you came here?

Mr. DEMINT. Yes, sir.

Mr. REID. I thought so. So you are probably not familiar with conferences because under Republican leadership, they were eliminated. There were no conferences. I have said we will hold public conferences. So even though my friend is probably not familiar with a real conference, we will have one. It will not take all year. It will not take all conference. We will finish it very quickly.

No one suggests that earmarking is trivial. I suggested that your objection to this is trivial. I say that you shouldn't do this. It is wrong. It is only slowing up what you in your heart want. All you are doing is slowing it up. There is no intent on my behalf to eliminate earmark reform. I think most everybody in this body lives by earmark reform. I think it would be very good that rather than some vacuous thing talking about earmarks, we have something here that we can look to that is either a part of a law or a rule. My friend should not worry about this taking a long time. Once we get to conference, it will not take long.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I would like to address my comments to my friend from South Carolina. The bottom line is very simple. We have conference committees to move things along, not to slow them down. My colleague from South Carolina has concerns about earmarks. I understand them. They are heartfelt. But it is clear that if we acceded to his request, any single Senator, because of any issue on any bill, could hold up progress completely—on ethics reform, on 9/11, on anything else.

I will tell you my reading. I am from a different part of the country than my colleague, but people want us to get some things done. They don't want us to say: If I don't get it exactly my way on my provision, I am going to hold everything up. That is the consequence of what my friend from South Carolina is saying.

Mr. DEMINT. Will the Senator yield?

Mr. SCHUMER. I might feel that the worst part of what happened, the scandals we talked about, is the free trips. I might say: I don't want to trust anything to conference reports. Unless free trips are done exactly as we say here, I want to hold up the bill. One of my colleagues might say that they think the worst thing is flying and the airplanes.

Mr. DEMINT. Will the Senator yield?

Mr. SCHUMER. I will in a minute. We would be totally gridlocked. If each of us in this body of 100, each with strong opinions and great talents, were to say: I am not going to let anything move forward unless I get my thing done, period, without change, without discussion, without modification, with the other body, we would be where the public doesn't want us: gridlocked on ethics reform, gridlocked on 9/11, gridlocked on everything else.

I am happy to yield to my friend from South Carolina.

Mr. DEMINT. I thank the Senator for the comment. You are exactly right. If this was just what I wanted, I would not hold up anything. This is something you voted for. Every Senator voted for this earmark reform as a Senate rule, not as something we are going to debate with the House but as our rule. All I am asking is that we adopt the rules for the Senate that we have already passed. I do not want to hold up this conference.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we have a vote scheduled. I have just received word from the Appropriations Committee, bipartisan, they need another 10 minutes. So I ask unanimous consent that they have 10 minutes; otherwise, I will just go into a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. So the vote will take place at 10 after the hour.

Mr. SCHUMER. Madam President, reclaiming my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I understand this passed by a whole lot of votes. That is not the point. There are lots of things that pass by a lot of votes, and then they all have to be worked out in conference committees and in other ways. If each of us insists "it is my way or I hold things up"—maybe there are ways to improve and strengthen the provisions we pass; maybe there are things other people might add; maybe there will be the kinds of legislative tradeoffs that will make a stronger ethics bill. We all have no way of knowing. But we do know one thing: If what the Senator from South Carolina is doing, by asserting his prerogatives in the Senate, was done by everybody, or even five other Senators, we would absolutely have no ethics reform—no ethics reform—no ethics reform.

Mrs. BOXER. Madam President, will the Senator yield for a question?

Mr. SCHUMER. I am happy to yield to my colleague from California.

Mrs. BOXER. Madam President, I come from the House of Representatives, as my friend from New York and my friend from South Carolina. Over there, in that body, the Speaker decides how everything is going to go, whether the Speaker is a Republican or Democrat. Then some people come over here from the House, and they decide they are going to use the rules of the Senate to call attention to what they think is the issue of the day.

I want to thank my friend. My question to my friend is this: If you went out and asked the average person on the street what they think about the Congress and whether we need ethics reform and if we should pass ethics reform, my friend, I think, would agree—and I will ask him this—they would answer, yes.

Then, if you followed it up, I say to my friend, and said: Well, there are one or two things missing from this bill; we took care of 12 things, but it is tough because we have to work across party aisles. It is tough because everybody has his or her own idea. Do you think it is good to get started with the package we have and get it done for the American people?

What does my friend think the average person would say?

Mr. SCHUMER. Madam President, the average person would say—because the average American is practical—anyone who insists on only his way or her way is gumming up the works. To get 90 percent or 95 percent of what is a good package, most people would say, yes.

I will say another thing to my colleague.

Mr. DEMINT. Madam President, will my Senator yield for a question?

Mr. SCHUMER. Madam President, I will be happy to yield when I finish my little colloquy with my friend from California.

My guess is, if you ask the person on the street what is the most egregious abuse in terms of lobbyists and ethics, it is the trips. That is what caught the highlights. It was all the free gifts and all the emoluments and going to London and going here and going there. Most people, if you asked them about earmarks, and they knew what the earmarks were—they would say the bridge from Alaska is a bad thing, and there are a few others that are a bad thing—but my guess is that 95 percent of the people in this body—maybe 100 percent; maybe my friend from South Carolina is proud of the earmarks they have put in and they should be made public early and there should be debate on them—but they, in themselves, are not wrong as the free trips, in themselves, are wrong.

So the bottom line is, if you ask the average citizen, my colleague from California is right, they would say: Move forward because there is a lot in this bill that is important. In fact, the No. 1 abuse we read about might have been trips or emoluments or something like that more than earmarks.

Mr. DURBIN. Madam President, will the Senator from New York yield for a question?

Mr. SCHUMER. Madam President, I am happy to yield to my colleague form Illinois.

Mr. DURBIN. Madam President, is the Senator aware that the bill just objected to by the Republican Senator from South Carolina that we want to take to conference to make into law includes provisions that toughen the rules concerning gifts and travel, banning gifts from registered lobbyists, requiring the market value be paid for tickets to events, prohibiting Senators from participating in events to honor them at a national convention, extending the ban on travel paid for by lobbyists, requiring Senators and staff to receive approval from the Ethics Committee before accepting expenses for any trip paid for by private sources, requiring full disclosure of any travel on noncommercial airlines, requiring certifications and disclosures filed by Senators and staff available to the public for inspection?

Also, it includes slowing down the revolving door between Senators and staff, so those leaving the Senate are limited in the jobs they can take; reducing and eliminating negotiations for another job by a sitting Senator in terms of where they might go when they leave the Senate; also, prohibiting staff contact with lobbyists who are family members of the Senator; also, voting to significantly expand lobbying disclosure.

It goes on for lengthy paragraphs: voting to prohibit partisan efforts like the K Street Project, that notorious project involving lobbyists and Members of the Senate; voting to deny pensions to former Members convicted of certain crimes; voting to protect the integrity of conference reports.

Does the Senator from New York not make this point, that when one Senator stands up and says: Well, I have one little section that I want to guarantee is going to be in the final conference report, that Senator is stopping us from considering all of these elements of ethics and lobbying reform, each of which points to some concern of Members of the Senate where we want to change the ethics standards, clean up the culture of corruption?

So when the Republican Senator from South Carolina objects to going to conference, he stops us from considering any and all of the things I just read.

Is that the point the Senator from New York is making?

Mr. SCHUMER. Madam President, I thank my colleague from Illinois. That is exactly the point I am making. I would say, the reason we have a Senate, and not a body of one, is because there are different views. Some of the things that my colleague from Illinois read to me are the most objectionable that are on the books now.

I would guess the public is probably closer to my view than the view of the Senator from South Carolina. I would guess what bothered them the most with Abramoff, or with anything else, was all the trips and emoluments and the way the lobbyists sort of insinuated their way into the whole process. There are hundreds of earmarks where there were no lobbyists involved. There were many more earmarks—most earmarks—where the public debate would be supported by this body.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. So I would say to my friend from Illinois that is exactly the point. If each of us insists that our little provision must be passed on its own—no debate, no discussion, no moving forward with the general process—we would have no ethics reform.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. So despite the good intentions of my colleague from South Carolina, the effect of what he is doing is preventing good, strong, tough ethics reform across the board on issues such as earmarks, but also on issues such as trips and the K Street Project, and everything else from moving forward.

So my colleague from Illinois makes a point that I think is——

Mr. DURBIN. Madam President, will the Senator yield for another question?

Mr. SCHUMER. Madam President, I continue to yield to my colleague.

Mr. DURBIN. Madam President, I would like to ask my colleague from New York, as to the notorious K Street Project, where lobbyists had regular meetings with Members of the Senate to discuss which legislation would come up, which amendments would be considered, which provisions in the Tax Code would be passed, and which would fail—all of these things are now prohibited under the bill that we want to send to conference. They do not relate directly to earmarks, which are appropriations measures, but everyone across America would concede there were clear abuses when it came to this K Street Project.

So when the Republican Senator from South Carolina objects to taking this bill to conference, he has gone beyond earmarks. He is not allowing us to consider the broader question about what we consider to be unethical and illegal contacts between lobbyists and Members of the Senate. He is stopping us from passing new laws to bring some ethics reform to the Senate.

I ask the Senator from New York, the issue of earmarks was voted on with an overwhelming vote in the Senate. The Appropriations Committee, on which I serve, is moving forward with real earmarks reform. So it would seem that the Senator from South Carolina is carping on a trifle here. We have a huge number of important legislative items to consider in S. 1.

I ask the Senator from New York, in the time he has served in the House and the Senate, can he recall a time when a Senator or Member of Congress could receive a guarantee that a conference committee was going to produce exact language as each Member would like going into the conference?

Mr. SCHUMER. Well, Madam President, I have served in this body now for 8 years. I had served in the House for 18 years. I cannot recall a single instance. We do have senses of the Senate; we had senses of the House, which are supposed to direct things. But we have never asked for a guarantee. I, for one, cannot recall someone saying: I am holding up everything until I get my guarantee. That is wrong.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. Madam President, I will be happy to yield in a second.

I will tell you, I go to my State. It is a diverse State of 19 million people. It is not South Carolina. It is not Illinois. It is not Nevada. It is not California. It is not Washington State. But I will tell you, the No. 1 thing I hear is: Can't you folks each give in a little bit? Can't you folks each work with one another and get something done?

That is what I hear. Yet the path my friend from South Carolina is taking is exactly the opposite because we will get good earmark reform.

EXECUTIVE SESSION

NOMINATION OF LIEUTENANT GENERAL DOUGLAS E. LUTE, TO BE LIEUTENANT GENERAL, U.S. ARMY

The PRESIDING OFFICER. Under the previous order, the Senate resumes executive session and will proceed to a vote on Executive Calendar No. 165, which the clerk will report.

The legislative clerk read the nomination of Lt. Gen. Douglas E. Lute to be Lieutenant General.

The question is, Will the Senate advise and consent to the nomination of Lt. Gen. Douglas E. Lute, to be Lieutenant General, U.S. Army, under title 10, U.S.C., section 601?

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mrs. BOXER (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 236 Ex.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Whitehouse
Wyden

NAYS—4

Byrd
McCaskill
Tester
Webb

ANSWERED "PRESENT"—1

Boxer

NOT VOTING—1

Johnson

The nomination was confirmed.

Mr. REID. Madam President, it is my understanding that there are three votes for district court judges, is that true?

The PRESIDING OFFICER. That is true.

Mr. REID. Madam President, I ask unanimous consent that all votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes of debate preceding the votes.

Who yields time?

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, we are going to have how many nominations?

The PRESIDING OFFICER. Three. The Senator has 5 minutes.

Mr. LEAHY. Madam Presient, the Senate continues to make progress today with the confirmation of three more lifetime appointments to the Federal bench, Benjamin Hale Settle to the District Court for the Western District of Washington, Richard Joseph Sullivan to the District Court for the Southern District of New York, and Joseph S. Van Bokkelen to the District Court for the Northern District of Indiana. The nominations of Mr. Settle and Mr. Sullivan are for vacancies deemed by the Administrative Office of the U.S. Courts to be judicial emergencies. All three nominees have the support of their home State Senators. I thank Senators MURRAY, CANTWELL, CLINTON, SCHUMER, LUGAR, and BAYH for working with us and with the President on the nomination.

These 3 judges will bring this year's judicial confirmations total to 21. It is before the Fourth of July recess, and we have already confirmed many more judges than were confirmed during the entire 1996 session when President Clinton's nominees were being reviewed by a Republican Senate majority. That was the session in which not a single circuit court nominee was confirmed. We have already confirmed three circuit court judges in the early months of this session. As I have previously noted, that also puts us well ahead of the pace established by the Republican majority in 1999.

As the Judiciary Committee chairman, I have always treated this President's judicial nominees more fairly than Republicans treated President Clinton's. With these confirmations, the Senate will have confirmed 121 judges while I have served as Judiciary Chairman. It is a little known and wholly unappreciated fact that during the more than 6 years of the Bush Presidency, more circuit court judges, more district court judges, and more total judges have been confirmed while I served as Judiciary chairman than during the longer tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts lists 48 judicial vacancies after these nominations are confirmed, yet the President has sent us only 26 nominations for these vacancies. Twenty two of these vacancies—almost half—have no nominee. Of the 15 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 6 of them. That means more than a third of the judicial emergency vacancies are without a nominee.

Of the 13 circuit court vacancies, more than half are without a nominee. If the President had worked with the Senators from Rhode Island, New Jersey, Maryland, California, Michigan, and the other States with the remaining circuit vacancies, we could be in position to make even more progress.

As it is, we have cut the circuit vacancies in half, from 26 to 13. Contrast that with the way the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees resulted in circuit court vacancies increasing from 17 to 26. During most of the Clinton years, the Republican-led Senate engaged in strenuous efforts to keep circuit judgeships vacant in anticipation of a Republican President. To a great extent they succeeded.

The Judiciary Committee has been working hard to make progress on those nominations the President has sent to us. Of course, when he sends us well-qualified, consensus nominees with the support of his home-state Senators like those before us today, we can have success.

Mr. Settle is a partner and cofounder of the Shelton, WA, law firm of Settle & Johnson, PLLC, where he has worked for 30 years. He also served 7 years as a prosecutor and defense counsel in the U.S. Army Judge Advocate General Corps.

Mr. Sullivan is general counsel to Marsh & McLennan Companies, Inc., where he has worked since 2005. Before that, he worked as a Federal prosecutor in the Southern District of New York and in private practice at the Wall Street law firm of Wachtell, Lipton, Rosen, & Katz.

Mr. Van Bokkelen is the U.S. attorney for the Northern District of Indiana, where he has served since 2001. He has worked in private practice for the law firms of Goodman, Ball, Van Bokkelen & Leonard and Wilson, Donnesberger, Van Bokkelen & Reid. He previously served as an assistant U.S. attorney and as an assistant attorney general in the Indiana Attorney General's office.

I congratulate the nominees and their families on their confirmation today.

Have the yeas and nays been asked for on the Benjamin Hale Settle nomination?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I seek recognition to speak on the nomination of Benjamin Settle to be a U.S. District Judge for the Western District of Washington. Benjamin Hale Settle was nominated by President Bush on January 9, 2007. A hearing was held on his nomination on March 13, and he was unanimously reported out of the Judiciary Committee on April 25.

Mr. Settle has an impressive resume and a record of service. He received his B.A. from Claremont McKenna College in 1969. Upon graduating from college, he enlisted in the U.S. Army Reserve and entered law school at Willamette University College of Law where he received his J.D. degree in 1972.

After graduating from law school he worked for Don Miles Attorneys as an associate until he was called up to serve full time in the Judge Advocate General's Corps for the U.S. Army in 1973. Three years later, in 1976, Mr. Settle left full time Army service and rejoined the Don Miles where he practiced for one year, before opening a small partnership of his own. He has enjoyed a successful career as a general practitioner, working in a variety of small partnerships over the last three decades.

Mr. Settle's broad practice has encompassed both litigation and transactional matters. The nominee has also served as the general counsel to several municipal and private corporate entities. In addition to his litigation and general counsel work, Mr. Settle has served as judge pro tempore in Mason County Superior and District Courts where he has managed numerous matters for mediation and arbitration.

The ABA has unanimously rated Mr. Settle "Qualified." The vacancy to which Mr. Settle is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts. I hope my fellow Senators will support this nomination.

Madam President, I also seek recognition to discuss the nomination of Richard Sullivan to be a District Judge for the Southern District of New York.

Richard J. Sullivan was nominated to be a U.S. District Court Judge for the Southern District of New York on February 15, 2007. A hearing was held on his nomination on April 11, 2007, and the Judiciary Committee reported his nomination favorably on May 3, 2007.

He is a highly qualified nominee with a distinguished record both as a prosecutor and in private practice. In 1986, he received his B.A. degree from the College of William and Mary, where he was elected to Phi Beta Kappa. In 1990, he graduated from Yale Law School. Following law school, he served as a law clerk to Judge David M. Ebel of the United States Court of Appeals for the Tenth Circuit. In 1991, he joined Wachtell Lipton Rosen & Katz as a litigation associate.

In 1994, he joined the U.S. Attorney's Office for the Southern District of New York as an assistant U.S. attorney. During his tenure in the office, he served in a variety of leadership positions. In 1999, he was put in charge of the Office's General Crimes Unit and later became chief of the Narcotics Unit. In 2002, he was named the founding chief of the newly created International Narcotics Trafficking Unit, which was dedicated to investigating and prosecuting the world's largest narcotics trafficking and money-laundering organizations. From 2002 to 2005, he also served as director of the New York/New Jersey Organized Crime Drug Enforcement Task Force.

In 2005, Mr. Sullivan joined Marsh & McLennan Companies, Inc., as deputy general counsel for litigation. He still works in that capacity, and since 2006 has also served as the general counsel of Marsh Inc., the world's largest insurance broker and risk management firm. Marsh & McLennan Companies is the parent company of Marsh Inc.

The American Bar Association has unanimously rated Mr. Sullivan "Well Qualified." The seat to which he is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts. I hope my fellow Senators will vote to confirm Mr. Sullivan.

And finally, Madam President, I seek recognition to discuss the nomination of Joseph S. Van Bokkelen to be a District Judge for the Northern District of Indiana.

President Bush nominated Mr. Van Bokkelen on January 9, 2007. A hearing was held on his nomination on April 11 and the Senate Judiciary Committee reported his nomination favorably on May 3. He is a highly qualified nominee with extensive experience both as a prosecutor and in private practice.

In 1966, Mr. Van Bokkelen received his B.A. degree from Indiana University. In 1969, he graduated from Indiana University School of Law. After graduating law school, Mr. Van Bokkelen joined the Office of the Indiana Attorney General, serving as deputy attorney general and subsequently as assistant attorney general. In 1972, he became an assistant U.S. attorney for the Northern District of Indiana, where he served until 1975.

Between 1975 and 2001, he worked in private practice as a partner—first at Wilson, Donnesberger, Van Bokkelen & Reid and then at Goodman, Ball, Van Bokkelen & Leonard, P.C. His practice has focused on litigation, both civil and criminal. Between 1983 and 1985, he served as a special prosecutor to investigate the murder of a prominent politician and lawyer in Lake County, IN.

Since 2001, Mr. Van Bokkelen has served as U.S. Attorney for the Northern District of Indiana. His courtroom experience is extensive. Over the course of his career, he has tried over 100 cases to verdict. The American Bar Association has unanimously rated Mr. Van Bokkelen "Well Qualified."

I urge my fellow Senators to support this nomination.

Madam President, I know everybody is anxious to conclude these matters. They ought not be noncontroversial. Again, we have Benjamin Hale Settle, for the Western District of Washington; Joseph S. Van Bokkelen, for the Northern District of Indiana; Richard J. Sullivan, for the Southern District of New York.

All have excellent academic records and professional records and passed through the Judiciary Committee. I recommend that my colleagues vote for them.

I yield back the remainder of my time.

NOMINATION OF BENJAMIN HALE SETTLE, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 237 Ex.]

YEAS—99

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The nomination was confirmed.

NOMINATION OF RICHARD SULLIVAN, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Richard Sullivan, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for all Members, this will be our last vote. There will be a voice vote following this vote. On Monday, July 9, starting at 5:30 p.m., maybe even 5:15 p.m., we will have a series of three or four rollcall votes.

Madam President, I ask for the yeas and nays on this nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Richard Sullivan, of New York, to be U.S. district judge for the Southern District of New York?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 238 Ex.]

YEAS—99

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Johnson

The nomination was confirmed.

NOMINATION OF JOSEPH S. VAN BOKKELEN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the northern district of Indiana.

Mr. LUGAR. Mr. President, I appreciate this opportunity to support the

President's nomination of Joseph S. Van Bokkelen to serve as a U.S. district judge for the Northern District of Indiana.

I would first like to thank Senate Judiciary chairman, PAT LEAHY; ranking member, ARLEN SPECTER; and the respective leaders for their important work to facilitate timely consideration of this nomination.

In July of last year, Judge Rudy Lozano informed me of his decision to assume senior status after a distinguished career of public service. He was a remarkable leader on the Federal bench, and I applaud his leadership to Indiana and to the legal community.

Given this upcoming vacancy and the need for strong leadership, I was pleased to commend to President Bush Joe Van Bokkelen to serve on the Federal court in the Northern District of Indiana.

I have known Joe for many years, and I have always been impressed with his high energy, resolute integrity, and remarkable dedication to public service.

Joe Van Bokkelen attended Indiana University where he received both his undergraduate and law degrees. He then served in the Indiana Attorney General's Office followed by his first experience in the United States Attorney's Office in the Northern District.

After many years of private practice, Joe assumed his current position of United States Attorney for the Northern District of Indiana on September 21, 2001. His performance in this position has been nothing short of remarkable. He has undertaken the most aggressive public corruption initiative in the history of the office. Since 2002, over 30 public officials have been indicted and convicted. Joe has also used his office to target the use and possession of illegal firearms, combat gang activity, implement drug demand reduction programs, and cultivate community partnerships.

Likewise, Joe has demonstrated leadership in the Justice Department where he serves on several of the Attorney General's advisory committees, including Violent and Organized Crime, White Collar Crime, Sentencing Guidelines, and the Regional Information Sharing Working Group.

Newspapers across northern Indiana contain articles and editorials applauding his determination to bring about effective law enforcement. The Northwest Indiana Times recently commented that Joe Van Bokkelen "has an excellent track record for the five years he has led the U.S. Attorney's office in Northern Indiana."

Joe has received a number of high performance ratings, including the A.V. rating from Martindale-Hubbell and the highest judicial rating from the American Bar Association.

Outside of his public service, Joe is involved with a number of community activities and civic organizations.

I would again like to thank Chairman LEAHY and Ranking Member SPECTER for their leadership in facilitating consideration of Joe Van Bokkelen's nomination to serve as a Federal judge. I believe that he will demonstrate remarkable leadership to northern Indiana and will appropriately uphold and defend our laws under the Constitution.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the Northern District of Indiana.

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, motions to reconsider these votes are laid on the table. The President shall be notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

The minority leader is recognized.

Mr. McCONNELL. Mr. President, I ask I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. McCONNELL. Mr. President, today is a day of victory and defeat. So many people have poured so much of themselves into this bill over the last weeks and months, and every one of them deserves our thanks and our respect.

This bill tested the will, and the goodwill, of many people. But it tested some more than others. So first I want to thank those whose position did not prevail.

Senator SPECTER's knowledge of this issue is matched only by his stamina. As the ranking member, he has our admiration and he deserves our thanks.

Senator KYL inspired all of us, flying into his State and facing a lot of angry constituents, and the cameras week after week with optimism, patience and good cheer.

Senator GRAHAM was one of the generals in this effort. He always does what he thinks is right, and Americans admire him for it.

Senator MARTINEZ was another general. He brought intelligence and tenacity to this debate, and a story that never fails to inspire us.

Senator LOTT's a great whip, and a good friend. He has been in this building more than 3 decades, but he has the energy of a freshman. He has been a leader and friend: I thank him for it.

Senator SALAZAR gave a lot of himself to this debate, a lot of time and no little criticism. Thank you.

And finally, it is a marvel of nature to see a man whose calling in life is obvious to anyone who sees him at his job. Senator KENNEDY is such a man. He loves his work, and his passion has inspired us.

Of course, behind all these Senators are a lot of terrific staff members who have worked incredibly hard on this bill. On the Judiciary Committee, there was Michelle Grossman, Lauren Petron, Gavin Young, Lauren Pastarnack, Lynn Feldman, Juria Jones, and most of all Mike O'Neill.

On Senator MCCAIN's staff, Becky Jensen. On Senator GRAHAM's staff there was Matt Rimkunas and Jen Olson. On Senator KYL's staff, Elizabeth Maier and Michael Dougherty. On Senator MARTINEZ's staff, Brian Walsh, Clay Deatherage, and Nilda Pedrosa.

Now I want to thank everyone who opposed the bill.

Senators SESSIONS, DEMINT, and VITTER got us all to sit up and listen closely to a lot of people who thought they had been shut out of this debate. They put the rules of this body to work. And I would take any one of them in a firefight.

Senator CORNYN, one of the original architects, deserves our thanks. He has been committed to finding a solution to our Nation's immigration problem for a long time. His contributions on the interior enforcement piece of this bill were a major part of the original compromise. But when he saw it was not a solution he could accept, he told us.

Senator CHAMBLISS told us what the farmers needed, and we listened. We thank him for his important contributions to the bill.

Senator ISAKSON was the author of the trigger concept, which every one now agrees is a good idea.

To everyone involved in the crafting of this bill, I want to thank you. This was a labor of uncommon intensity. It required will, energy, and patience. And while it strained a lot of bonds, it broke none of them. As the majority leader said after the final vote, "We're all still friends here."

As the elected leader of my conference, I stood here in January and opened this session with a pledge. I knew contentious issues always have a better chance of being solved by divided governments, that immigration reform was within our reach, and I said we should put it in our sights.

I also knew it was going to have to be bipartisan if we were going to get a bill at all. So everyone I have mentioned rolled up their sleeves and got to work. And they put together a bill that represented the best chance we had of getting to our goal.

But it touched a nerve, and the shock of it shot right through the Senate. It lit up the switchboards here for weeks, and ignited a debate that strained our normal alliances here and at home in our States.

I heard from a lot of Kentuckians. Thousands of smart, well-informed people called my offices to talk about this bill. They did not like the idea of someone being rewarded for a crime, or the impact that this would have on a society whose first rule is the rule of law. They did not trust the Government to suddenly get serious about border control after neglecting it for 2 decades. And I do not blame them. I worried about all that too. And to every one of them, I say today: Your voice was heard.

A lot of good people came to my office. They argued for positions as diverse as the country itself. They explained their views patiently and with passion. I want to thank them too for informing my thinking and for helping to shape this extraordinary debate.

My goal from the start has been to move the conference forward, to facilitate debate, to ensure that the minority's voice was heard to the maximum extent possible. I had hoped there would be a way forward. And as the divisions between supporters and opponents widened, the only way forward, to my mind, was to ensure a fair process. This was the only way to be sure we could improve the status quo, which all of us agreed was indefensible. If every voice was heard, we could be confident our votes reflected the best this body could do.

I had hoped for a bipartisan accomplishment, and what we got was a bipartisan defeat. The American people made their voices heard, the Senate worked its will, and in the end it was clear that the bill that was crafted did not have the support of the people of Kentucky, it did not have the support of most Americans, it did not have the support of my conference, and it did not have enough support in the Democratic conference, a third of which opposed it.

This is not a day to celebrate. We do not celebrate when a pressing issue stays unresolved. But we can be confident that we will find a solution to the problems that we have tried to address here. Many people have made great personal sacrifices to work on a solution to our broken immigration system. A lot of them exposed themselves to ridicule and contempt.

And so we can say with pride that the failure of this bill was not a failure of will or hard work or good intentions. Martin Luther King once said that "human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men." And we can be sure that many good people will step forward again to offer their intelligence, understanding, and their "tireless efforts" when the time comes to face this issue again.

That time was not now. It was not the people's will. And they were heard.

HONORING OUR ARMED FORCES

STAFF SERGEANT THOMAS W. CLEMONS

Mr. McCONNELL. Mr. President, I rise today to honor the life of a heroic soldier and a fellow Kentuckian, SSG Thomas W. Clemons. SSG Clemons, born in Leitchfield, KY, proudly served in the Kentucky Army National Guard from August 2000 until December 11, 2006, when he tragically lost his life while on his second tour of duty near Diwaniyah, Iraq. He was 37 years old.

Staff Sergeant Clemons earned numerous awards and medals throughout his military career, including the Bronze Star Medal. A decorated soldier, he will be remembered by those who knew him as a loving son and brother, a caring husband, a devoted father, a loyal friend and an avid University of Kentucky Wildcats fan.

A true family man, Thomas cherished time with his wife, Sheila, his sons Tony and Ryan and his stepdaughters Brittany and Amber. He was known for saying that of all the blessings God had bestowed upon him, his family was the greatest.

Like most soldiers, Thomas felt that being away from that family was the hardest part of serving his country. But rather than focus on himself, he sought to alleviate the loneliness of others. As a father to two teenage boys, Staff Sergeant Clemons recognized the difficulty that long periods away from home created for the youngest soldiers in particular.

He "tried to be a daddy to everyone over there, especially the young ones," says Thomas's mother, Patricia Frank. And along with the comfort and nurturing Staff Sergeant Clemons gave to his troops, he provided an equal amount of discipline and professionalism.

Clemons's company commander, CPT Ronald Ballard, said, "Thomas was the type of leader who delivered a one-two punch. First, he gave his guidance and standards, and then he led by example."

Captain Ballard went on to add that Thomas "understood he would not always be here to lead his soldiers—that he had to get them ready to fill his boots."

On one particularly tortuous day in Iraq, Staff Sergeant Clemons phoned his parents in Kentucky. One of his men had just died. Like any mother would, Patricia gently reminded her son that family was what was important, and that his family was alive and well—to which Thomas replied, "Over here, everyone is my family."

Thomas embraced his duties as a Guardsman without hesitation. Before his departure to Iraq, he told several friends and family members, "a few lives for a million—that's worth it."

Staff Sergeant Clemons was assigned to the 2nd Battalion, 123rd Armor Regiment in the Kentucky Guard. After serving his first year-long tour of duty, he volunteered for a second, and was redeployed to Iraq in March 2006.

His friend and fellow soldier SP Joshua White said that when he asked Thomas why he offered to go back to Iraq, Thomas replied sincerely, "I cannot sit back on my couch and watch one of my soldiers' names come across that screen and live with myself."

Thomas's unit provided force protection and ran security missions for the Army. "He was honored to be a soldier," Patricia says. "That's what he wanted, and that's what he was."

Staff Sergeant Clemons's funeral service was held in December 2006 in the small Kentucky town of Caneyville, close to Leitchfield in Grayson County. So many people came to pay their respects to Thomas and his family that the funeral home could not hold them all. Many of Thomas's friends told Patricia after the service that "he helped me by just talking to me."

Staff Sergeant Clemons was a man people wanted to know, and he is mourned and missed by his beloved family and friends who had the honor to know him.

He is loved and remembered by his wife, Sheila, his mother and step-father, Patricia and Jimmie Frank, his sons, Tony and Ryan, his step-daughters, Brittany and Amber, his brothers, Tim Clemons, Chad Clemons and Shannon Frank, his sisters, Julie Johnson, Michelle Mudd and Pamela Bowling, and many others.

Staff Sergeant Clemons was the type of man who, when asked by a local volunteer group if they could send him anything while he was serving abroad, replied, "pencils, for the little kids in Iraq." He was the type to volunteer his free time to serve as a youth basketball and baseball coach back home in Kentucky.

He was the family man who cherished time with his children, the friend with a shoulder to lean on and the soldier who was willing to sacrifice his life "to save a million," even a million people he had never met.

And so although neither I nor my colleagues had the pleasure of meeting him, I stand here today to say this Senate honors and salutes SSG Thomas W. Clemons for his service. We will hold his family in our thoughts and prayers. And the citizens of Kentucky and this grateful nation will always remember his sacrifice.

CHANGE OF VOTE

Mr. LUGAR. Mr. President, on rollcall vote No. 231, I voted "nay." It was my intention to vote "aye."

I ask unanimous consent that I be recorded as an "aye." This would not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. DURBIN. This was an historic day in the Senate. I was up after the vote on immigration with Senator KENNEDY. We had a little press conference to talk about what happened. We needed 60 votes to move the immigration bill forward, for more amendments, to final passage.

When the roll call was taken, there were 46 votes; it was far short of what was needed. The average person might ask: "Why would it take 60 votes to pass something in the Senate? I thought it was by majority vote." Well, not in the Senate, it is not. If it is a complicated issue, and many are, it takes 60 votes. It is just the nature of this place, the reason why the Senate was created. It is the reason why a Senator from a State such as Rhode Island would represent his State, along with 1 other Senator, and a Senator from a State such as Illinois would have 2 Senators. It is the nature of the Senate.

It is a guarantee that the minority always has protection and a voice in this political process. It leads to a lot of frustrations, as you can imagine, because bringing together 51 Senators ready to act and to solve a problem is not enough; around here, it never has been. And it leads to a lot of criticism from the outside about how we spend so much time talking and so little time doing. People look at us and say: "You know, how many years have you all been giving speeches about health care in America? When are you going to do something about it?" Well, the honest answer is, that is good criticism. We have not come up with a plan, nor have we had the political will to move a plan, and if we did, it would face its biggest hurdle probably right here on the floor of the Senate. This is the place where things slow down. George Washington said of the Senate: "This is the saucer that cools the tea."

I was lucky to serve in the House for 14 years. It is a great place. I loved it. I loved all of the people I worked with. We ran every 2 years. You had to be in touch with the folks in your district on a regular, constant basis. You reacted pretty quickly as things came along. Bills passed, resolutions passed, you would sit there and shake your head and say: "All of the things we do just seem to die in the Senate." Well, it is the nature of the process. It is a narrowing between the 2 Chambers that makes it difficult to move things through.

Well, today was a classic example. We know—everyone knows—the immigration system in America has failed. It has just plain failed. In 1986, the last time we addressed this issue, 21 years ago, President Reagan suggested an amnesty for those who were here illegally and that we do things to stop more from coming. It did not work. The amnesty was given; the enforcement did not take place. On average, about 800,000 new illegals came into the United States each year for 21 years; 600,000 stayed.

We have a rough estimate that about 12 million undocumented and illegal people are here today. What are we going to do about it? Well, first and obviously, stop illegals from coming into the United States. It won't be easy. Look at the risks people are willing to take to come to our country—walking across a desert knowing your life may be at stake, paying someone thousands of dollars to put you in the back of a truck where you might be asphyxiated, jumping on a railroad train where you could lose your life or a limb, just to get right here in our country. It is that desire to come to America that has been around for so long, and it is still there, and it will always be there.

But we know there are things we could do to make this border of ours better. We talked about things, sensible things—not a 2,000-mile wall or anything like that, but placing walls where they will help, placing fences where they will help, traffic barriers, new technology, more border enforcement, training, trying to reach cooperative agreements with the Mexicans and others—to slow illegal border crossings down. All of those things represent a positive step forward. We committed $4 billion to that effort. It should be done.

Then the workplace—that is what brings people here. Anyone who comes to America and thinks they can just park themselves and wait for a comfortable life is wrong. They come to work. The jobs that immigrants take, they are jobs that most of us do not want. If you went to a restaurant in the great city of Chicago, which I am honored to represent today, and you took a look around at who took the plates off your table, my guess is many of them may be undocumented people. You don't see the folks back in the kitchen washing those dishes or those on the loading dock or perhaps tonight the ones who will clean the bathrooms—likely to be, many of them, undocumented people who are here doing those jobs every single day. They made your bed in the hotel room after you left; they were with your mom in the nursing home bringing her water and changing her sheets; they are the people who, incidentally, make sure they trim the greens for you so this weekend they will look picture perfect. Those are the folks out there every single day. They are in the packing houses, like the place where I used to work in college. That is no glamorous job. They took it because no one else wants it. It is difficult, it is dirty, it is hot, it is a sweaty, nasty job, and they take it because they get paid to do it.

Most of them, when they get the paycheck, send half of it back home. There are many parts of Central America and South America which subsist because of the transfer payments from people working in America who are illegal, sending their checks back home to their families. These workers live in the barest of circumstances and try to get by in the hopes that some day, they will be Americans; some day, they will have family with kids who have a much better chance.

Their story is our story. It is a story of this Nation from its beginning. Today, we had a chance to address this problem, to deal with 12 million who are undocumented, to deal with border enforcement, workplace enforcement, and to talk about how many more people we need each year.

We cannot open our borders to everyone who wants to come to America. We cannot physically do it. It would not be good for our Nation, for those who are here, or for our economy. But there are some we need.

As a Congressman who represents downstate Illinois, there were times when I desperately begged foreign physicians to come to small towns. These towns did not have a doctor. They were going to lose their hospitals. Doctors came from India, from Pakistan, other places, from the Philippines, and they were greeted with cheer by people who had never been to their countries or knew anything about their land of origin. They came to the rescue. They opened that doctor's office. Many of the people in those small towns I represent in Illinois could not even pronounce that doctor's last name. He was "Dr. K," they would say, "I just don't know how to pronounce his name. I am glad he is here. Mom is feeling better, and we are glad he is here if we ever need him."

So we bring in folks each year, and we try in this bill to define how many we are going to need. Well, you know what happened once debate started, Mr. President. There is a sentiment in America which is as historic as our country. I say jokingly, because I have no way of knowing, that in 1911, when my mother came off the boat in Baltimore, having arrived as a 2-year-old little girl from Lithuania, and came down that ramp with my grandmother and her brother and sister, I am sure there were people looking up at this group coming in, saying: Please, not more of those people.

That has been the nature of America. We know we are almost all immigrants or the descendants of immigrants. Yet there is a resistance that is built into our country to more coming in: They are different, there may be too many of them, they may threaten our jobs—all of those things. And we saw that sentiment, not on the floor of the Senate or the House, but certainly we heard it on television, on radio. It is a sentiment that goes from being critical to being dark and ugly.

My wife called me this morning from our home in Illinois. She told me the telephone calls that were overwhelming my office had reached our home and people were calling her all through the night. They got our home telephone number and decided to try to keep her awake all night. Well, that is part of this job. I am not asking for sympathy. I understand I am a public figure. I am sorry she had to put up with it. She has put with it for a long time. But that sentiment got carried away in many respects. It went beyond criticizing a bill and went into something else that doesn't speak well of us as a Nation.

So tomorrow morning, across America, many people—some 12 million of them—will get up and go to a job where they will work hard and they will come home and not be sure about what tomorrow will bring. They do not know if there will be a knock on the door and they will have to leave. They do not know if they will be separated from the family they love, they do not know whether their children will have any future at all. That uncertainty is because of the fact that we did not have the votes today in the Senate.

I think about some of them whom I know personally. I think about some of the characterizations of those people which I think are so unfair.

Last weekend, Pat Buchanan, who makes a living writing books and saying things that are controversial, was on "Meet the Press" and characterized the 12 million people as criminals, welfare recipients, called them the mass invasion of the United States. Perhaps a few of them might fit in that category, but not the ones I have met and know.

Among the people now whose lives are going to be left in uncertainty is a mother I know and know very well. Her husband was one of those lucky ones. He was a citizen from Mexico. In 1986, he was given amnesty by President Reagan. He works 14-hour days in a club in Chicago as a maitre'd, greeting people, bringing them to their tables. He and his wife have four children who are all American citizens. They were all born here. But his wife is undocumented. Several years ago, she was deported, 3 days before Mother's Day, back to Mexico. She was pregnant at the time and wanted to stay in the United States with her doctor until the baby was born but wasn't allowed. Eventually, I called the State Department. They gave her a humanitarian visa to come back to the United States. Now once each year I make a phone call to ask if she can stay with her family for another year. Luckily, she has been able to stay on what they call a humanitarian waiver. But she and her children never know from year to year whether mom is going to be deported to Mexico. Will it make America better if she leaves? Will it make that family better? I don't think so. This is clearly a case where this great Nation can certainly absorb a loving mother who wants to make sure her kids have a good life.

There is another girl—she is now a young woman—I know from Chicago. She is Korean. She was an amazing young lady who had great musical talent. She was accepted at Juilliard School of Music, but when she applied she learned from her mother that when she was brought from Korea to the United States at the age of 2, no papers were filed. She had no status. She wasn't a citizen of anyplace. She called our office and said: "What should I do?" We checked, and we were told she had to go back to Korea. She had not been there since she was 2 years old. Her life is a life of uncertainty now. Where is she going to go? This is the only country she has ever known. She wants to use her musical talents right here in America, a place she calls home.

Then there is an attorney in the Loop in Chicago, a nice, attractive, young woman who graduated from law school. I met her at a gathering. She asked if I could talk to her afterward. She came up to me and said: "I have to talk to you in private. It is about my mom. My mom is Polish. She came to Chicago to visit some relatives years ago, overstayed her visa. She is not here legally. She got married, had a family. She lives in constant fear that she is going to be deported away from her children and grandchildren. What are we going to do, Senator?"

There will be no answer to these cases until we have a law that creates a mechanism, a formula, and a process that is reasonable. We tried to do that today without success. We can't give up. We can't give up on these cases, and we can't give up on this issue.

We have to understand that this great Nation of immigrants has to have laws. These laws have to be followed. There will be no more amnesties. What we suggested today was that anyone who is here and wants to try to make it to the finish line of legalization has to understand how tough it will be over 8 to 13 years before you can reach that goal. Go to the back of the line so everybody who applied legally comes before you, learn English, have no criminal record, have a history of work, pay your taxes, pay your fines, check in every year. Then, at some point, go back outside this country and apply to come in again. Those are not easy steps. Very few would have made it to the finish line, but we gave them that chance. That is what America is about, to give people a chance.

I hope we return to this issue. I doubt if it will be soon. But I hope we return because of the fact that we have left so many questions unresolved.

DARFUR

Mr. DURBIN. Mr. President, I come to the floor this evening to address an issue which I have addressed every week for several months now. It is the ongoing genocide in Darfur. How long are we going to allow this genocide to continue? How long will we allow mass killings, rapes, torture and the torching of homes and entire villages? How long will we tolerate 200,000, maybe 400,000 deaths? How long will we tolerate 2.5 million people displaced from their homes, a refugee crisis in Chad and other nearby crises? How long will the global community tolerate such brutality in today's world.

In May, more than 4 years after the crisis in Darfur began, President Bush said:

> For too long, the people of Darfur have suffered at the hands of a government that is complicit in the bombing, murder, and rape of innocent civilians. My administration has called these actions by their rightful name: genocide. The world has a responsibility to help put an end to it.

I agree with the President. I agree, and I call on the President to help America take action by use his upcoming visit with Russian President Vladimir Putin to demand a halt to Russian military sales to the Sudanese Government, sales that fuel the violence and are in violation of the U.N. arms embargo. My colleagues on both sides of the aisle—Senator SAM BROWNBACK, Republican of Kansas; RUSS FEINGOLD, Democrat of Wisconsin; GORDON SMITH, Republican of Oregon—have joined me in a bipartisan request. Together we wrote President Bush asking him to take action on this urgent issue when he meets with the President Putin. Russia can't claim to be a responsible leader in the global community and at the same time flaunt United Nations sanctions established to help end this ongoing genocide. Mr. Putin cannot have it both ways.

Amnesty International recently reported that Russia and China, two permanent members of the U.N. Security Council, are supplying the bulk of weapons to Sudan. That is right. Two permanent members of the U.N. Security Council are providing the weapons and ammunition being used by the Sudanese Government to perpetuate the genocide, killing innocent life. That is unacceptable. Mr. Putin must put an end to weapons sales. Weapons sold to the Sudanese Government contribute to the massive human misery and violence in Darfur. As I speak today, human rights violations, rapes, murders, attacks on humanitarian workers continue without end. The accounts are ongoing and widespread.

For example, the Associated Press recently reported a horrible story, one that is sadly too common in Darfur. Seven women at a refugee camp in Kalma, Darfur, pooled their money to rent a donkey and a cart. They ventured out of the camp to gather firewood, which they hoped they might be able to sell and use the proceeds to feed their families. A few hours away from the camp, they were attacked and robbed by the Janjaweed militia. They were gang raped and beaten. They had to flee naked back to the camp.

According to Amnesty International, in recent years, Russia exported to Sudan $21 million worth of aircraft and related equipment and more than $13 million worth of helicopters. Witnesses have documented Russian attack helicopters used by the Sudanese Air Force during Janjaweed attacks. Russian-built Antonov aircraft have been seen bombing areas along the border with Chad.

I have photos I will share with those following the debate. This is an MI-24 attack helicopter at Nyala airport in Darfur, March 2007. It is a Russian helicopter. According to the United Nations, the sales of this aircraft are prohibited. The Russians make these sales, and these helicopters are used to kill innocent people. President Bush is meeting with the President of Russia. I hope he will mention this attack helicopter and how it is being misused in violation of U.N. resolutions.

Similarly, this is the Antonov-26 aircraft spotted in many places in Darfur between January and March 2007, parked here at Nyala airport in late March 2007, another Russian aircraft sold in violation of U.N. resolutions that can be used, unfortunately, to sustain a government which is perpetuating a genocide. Russia should not be helping the genocidal efforts of the Sudanese Government.

It has been 2½ years since President Bush decisively called the crisis in Darfur a genocide. We have tightened sanctions and called for greater action to stop it, and I applaud that. But we must do more. I have appealed to the President personally and directly on three different occasions. Last week, I appealed to Secretary of State Condoleezza Rice to seize every single opportunity to make the genocide in Darfur a big issue, an issue of diplomacy and for action.

I say to the President, we have many issues to discuss with our Russian partners, ranging from cooperation in preventing the spread of nuclear weapons and materials to reaffirming support for basic democratic principles and institutions in Russia. Our relationship with Russia is a very important one. But we can't look the other way when an ally is aiding in a genocide. I hope President Bush will use his visit with President Putin to help highlight an issue that requires immediate attention, helping to stem the crisis in Darfur. Put an end to this genocide by putting an end to Russian weapons sales to the Sudanese Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

IMMIGRATION

Mr. SALAZAR. Mr. President, I come to the floor to speak about the immigration reform issue. Before my colleague from Illinois leaves the Chamber, I wish to say that at the end of the day, there were some profiles in courage, people of the heart but also people of the mind who wanted to do what is right for America and for America's future. I cannot think of a better colleague than the senior Senator from Illinois, DICK DURBIN, for his passion, for his wisdom, for his courage, and for his leadership. I look forward to continuing our work together as we work on this and so many other issues that are so important, both to Illinois and to Colorado and to the Nation and to the entire world. I thank my colleague from Illinois.

As I reflect on the occurrences of the last several years with respect to immigration reform, I wish to comment on several things. The first of those is a long history related to an issue that is somehow intertwined with my own life. Four hundred nine years ago, my forefathers and foremothers came to the place we now call the State of New Mexico, today known as the land of enchantment. It was in New Mexico they decided to found what was the first settlement in the Southwest and in that part of the State. They named that city the city of Santa Fe, the city of holy faith. Over the centuries following the founding of the city of Santa Fe, for the next 250 years, my family continued to farm and ranch along the banks of the Rio Grande River, from Santa Fe up to the north through communities such as those named Espanola and Chama. Then in 1848, we didn't immigrate to this country, but the border of the United States of America moved us over to the Rio Grande River to the south. It was in 1848, the Mexican-American war was ended with the signing of the Treaty of Guadalupe Hidalgo. The signing of the treaty gave the people who lived in at that time the Southwestern part of the United States the option of either becoming citizens of these United States or going back not from where they had come but back to the other side of what had been a new border that had been created in 1848.

My forefathers and foremothers at the time having had 250 years of history living in the Southwest, living in New Mexico, living in the southern part of Colorado, made the decision they were going to choose the path of America, the path of the future, the path of what is now the greatest country in the world. It was a good decision. As a result of that decision, we have been now in New Mexico and Colorado for a number of generations. I am a fifth generation Coloradan. My family goes back in New Mexico for 12 generations.

Going back to that history, and recognizing for the first 250 years of my family's settlement of these United States they were part of the Government of Spain, subjects of the Government of Spain for most of that time, and then for about 20 years a part of the Mexican Government when Mexico overthrew Spain in the War of Independence in 1821. So for us there is that history which ties us so much to the lands of the southwest.

Now, for me, when I think about that history, and when I see what America has done for my family, I see very much an America that has been an America in progress.

I look to the Civil War, where there were over 600,000 people in America who died, as Lincoln said in his Gettysburg Address, to give a new birth of freedom to America. That was a statement by President Lincoln in which he believed slavery and the separation and ownership of people based on their race was something which was absolutely wrong. He was able to keep our Union together with the blood that was spilled both in the South and in the North.

It was out of that great Civil War of our times that we ended up with what are now some of the more significant amendments of our Bill of Rights. One thinks of the 13th and 14th and 15th amendments that abolished slavery, that created equal protection under the laws, that made sure everybody—no matter who they are, no matter where they come from—had an opportunity in these United States.

But that was not the end of the march for progress because even with the inclusion of those amendments, women were excluded and, in fact, the U.S. Supreme Court, in interpreting those amendments, made the decision that the Jim Crow segregation laws of the United States of America were just fine; that it was OK for the Government of America to sanction a place where you could have schools for Blacks, schools for Whites, schools for people who were Hispanic. It was OK, in those days, for women, according to the laws of this country, not to be allowed to vote, to take a subservient and very secondary role in our society. That was after a great civil war where over 600,000 people gave their lives on the soil of our America. But yet America marched forward on a path of progress. And we did, indeed, later on adopt the women's right of suffrage that allowed women to vote in our society.

Through the long civil rights movement, led by great leaders such as

Thurgood Marshall, we ended up with a courageous Supreme Court in a unanimous decision of those days where Justice Warren wrote the famous Supreme Court decision of Brown v. Board of Education. In that 1954 decision by Justice Warren, what Justice Warren said in that decision is that the place of separate but equal had no place in our America. He said you cannot have a doctrine of separate but equal. That ends up branding those who are of a different color with a sense of inferiority and, therefore, under the equal protection clause of the 14th amendment there was no room for segregation in the United States of America. That was a significant milestone in our march for progress in America.

We have made major steps since that point in time. The passage of the Civil Rights Act, signed by President Johnson in the 1960s, ushered in a whole new era of civil rights in America. We have continued to march forward.

So, today, as we look at what happened with the end of the immigration reform debate, I remain steadfastly confident and optimistic the tomorrows and the weeks ahead and the years ahead will bring about a resolution to this issue of immigration which we deal with today, and in that resolution of how immigration legislation is passed, to fix a system which is in chaos and in disorder today, what we will find is, as Dr. Martin Luther King said, change in our immigration laws will bend toward the arc of moral justice; that justice is where that arc will lead us as we deal with the issue of immigration reform.

I believe very strongly we had a good bill. It was not a perfect bill. It was a bill that, obviously, had its critics, both on the left and on the right. But I think it is important for us to step back and ask ourselves what it is we were trying to do, those of us who worked so hard on this legislation.

I believe, first and foremost, what we were doing is trying to address the national security issues of the United States. We were trying to do that by strengthening our borders and making sure we had enough money to be able to hire the personnel and do the things we have to do to enforce our borders and also to enforce our laws within our country.

How can we sit here today in the United States of America and know there are millions of people we do not know, or what their backgrounds are, who are here illegally, how can we be satisfied that our national security is taken care of when the borders are as porous as they are today? This national security issue is an inescapable force that will ultimately lead us to have the right resolution to dealing with the issue of our broken borders.

We also have a system of immigration which is simply broken. It is not working. What ends up happening is people point a lot to the border to the south, Mexico, as though that is where the issue of immigration, which has become so contentious, is rooted. Yet in reality, when you talk to the Irish who live in New York or in Chicago or other places, there are many undocumented Irish who live in those communities.

There are undocumented people in this country who come from over 140 countries all around the world. Indeed, no matter how big a wall we build, no matter how tall the wall, no matter whether that wall is as big as the Wall of China, the fact is, we have a system inside of our country that is not working because about 40 percent of the people who are here in an undocumented status actually came into the country legally, and they have overstayed their visas. So we have an immigration system within our country that simply is not working.

Finally, there are the moral and human issues that are at stake, including the human and moral issues with the 12 million people who live here in the shadows of our society. Our quest was to bring those 12 million people out of the shadows of darkness and pain they currently live in, into the sunlight of our society.

We made it very clear in our statement that it was not a free ride. We said to them in our legislation they would have to pay significant fines, they would have to pass a background check, they would have to learn English, they would have to live through a time—to use a Catholic metaphor—a period of purgatory for up to 8 years before they would be eligible to even become citizens. For most of them it would have meant a period of up to 11 years.

So this was not the free ride that was characterized by some of the opponents of the legislation. This was, indeed, tough, fair, and practical legislation that we proposed. But that legislation will not be heard on the Senate floor further for who knows how long. But at some point in time those forces that drew us together are forces which are not going to go away.

We have to continue to figure out a way to fix our broken borders. We have to have the courage to stand up and ensure that fix of a broken immigration system. What we have to do is have the courage to say we are going to do something that is moral and just and humane with the 12 million undocumented workers who have toiled in our hotel rooms, in our fields, who work at construction sites, who work as chicken pluckers, as my good friend said in South Carolina, who work in those kinds of conditions every day.

So I leave the end of this day with a sense of hopefulness, a sense of optimism, and with a sense that these inescapable forces that impel us forward will now not allow us to fail. We will get this job done.

As we get this job done, it is also important to reflect on the fact that there have been many people who have gotten us to the point where we are today. There is a lot of work that has gone on on this issue of immigration.

As Senator REID, and I, and others have spoken about this issue of immigration, we have reminded people that since 9/11 there have been 36 hearings on the issue of immigration. There have been 6 days of committee markup. There have been 59 committee amendments. There have been now probably 25 days of this Senate debating the issue of immigration. And during that course, there have been almost 100 Senate floor amendments that we have voted on as we have moved forward with immigration reform.

We will get there. But through that whole effort, there have been some tremendous people who have been profiles in courage. Some of them are newcomers to our Senate family. Some of them are Democrats who have been around a long time and who have inspired the people of America and the people who work here every day—day after day after day. Some of them are Republican. Some of them are Democrat. I want to say a word about some of these individuals.

Senator KENNEDY, yes, some people love him; some people hate him. But there is no person who has more of a passion and a sense of justice in America. When you think about the contributions the Kennedy family and Senator KENNEDY have made to this Nation, they are one of those historic and heritage families of whom we can all truly be proud. It has been an honor for me to work with him.

Senator LINDSEY GRAHAM did not have to get involved in the issue of immigration. He is up for reelection. It is not a popular issue. He comes from a tough State, South Carolina. Yet he worked every day and gave it everything he had, his whole heart and soul. He deserves a profile in courage for what he did.

Senator FEINSTEIN has labored so much because she cares about those people working in the fields. She cares so much about making sure we have a program that works for business and for agriculture. She is concerned about the human and moral issues. She partnered up with our colleague, Senator LARRY CRAIG, to get 800 organizations behind the legislation for AgJOBS. She did an incredible job in moving us forward, along with Senator LARRY CRAIG.

Senator BOB MENENDEZ, we heard him speak earlier on the Senate floor. He truly has added a tremendous dimension to this body, and his leadership will continue to bring us to a solution that is a fair and humane and just solution to this issue of immigration about which he cares so much. When he talks about family reunification, for him, he knows what that means in the context of immigration in a personal sense. So we need to honor and respect his perspective, which I support.

Senator REID, without his leadership, and without his bringing "Lazarus" up to life again on the floor of the Senate on immigration, we would not have gotten anywhere. So I thank our leader for having given us the opportunity and having stood with us on some very tough debates. He is a tough guy. He is a boxer. He knows how to fight. That is the kind of leadership America needs.

Senator LEAHY, as the chairman of the Judiciary Committee, who has done such a great job in the functioning of that Judiciary Committee, helped us move this legislation forward. I thank him for his leadership.

Senator KYL, the chairman of the Republican Conference Committee—get that—the chairman of the Republican Conference Committee, was in the trenches. He was in the trenches, sleeves rolled up, trying to make this thing happen; JON KYL from Arizona deserves one of those profiles in courage as well; Senator MCCAIN and his leadership. He is running for President. This is not a popular issue to take up. Some people are saying that perhaps this is an issue that might take him to a lesser standing in the polls. But I will say this about Senator MCCAIN: He is a hero of America, and he is a hero of America because he has the courage of his convictions to stand up for those things he believes in. You think about those years he spent in captivity in Vietnam and what kind of courage was honed into his consciousness and into his humanity. He truly is a person of great leadership.

Senator SPECTER, the ranking member of the Senate Judiciary Committee, is a Republican who helped shepherd this legislation forward. Day after day he worked to make this happen because he knew of the national imperative we were dealing with. He also is one of those people with great courage.

My colleague from Florida, Senator MARTINEZ, worked hard for a very long time trying to get us across the finish line. For me, he is a brother. For me, when he tells the story of being a Peter Pan child, he exemplifies the dream and hope of what America is. We very much look forward to continuing our working relationship together on issues that affect America.

I say to his colleague, the Presiding Officer, Senator NELSON from Florida, I appreciate his great work and hanging with us, even on what was a very tough vote at the end.

I also want to say a quick word about a couple of other people who are freshmen, about whom some might say: What were they doing involved in such a big issue? But then I guess they did it because they learned and because they were doing it for all of the right reasons. SHELDON WHITEHOUSE, my colleague from Rhode Island, I called on him and said: You need to be a part of this group. You need to be a part of it because, No. 1, you are on the Judiciary Committee; and No. 2, you were a great attorney general of Rhode Island; and No. 3, you will learn so much in working with great names such as KENNEDY and SPECTER, LEAHY, and others. So he joined us, and day in and day out he was there, laboring to get us across the finish line.

AMY KLOBUCHAR, the new Senator from Minnesota, has a way of trying to bring people together. She has a way of trying to bring people together. She labored mightily to get us to where we ended up today, with at least as many votes as we were able to get.

But it is not just those who work who have the title of Senator—and I might add Senator TRENT LOTT also did a Herculean job of trying to get us across the finish line, and I thank him for that.

But there are many people behind each of these Senators. We get the honors, we get the label of Senator, but we couldn't do it without the wonderful floor staff we have, including the Parliamentarians and the clerks and others who help us every day, but also the staffs of each of our offices.

From Senator KENNEDY's staff, I thank Ester Olavarria, Michael Myers, Janice Kaguyutan, Melissa Crow, Mary Giovagnoli, and Todd Kushner; for Senator FEINSTEIN, Amy Pope and Jennifer Duck; for Senator MENENDEZ, Chris Schloesser; for Senator REID, Serena Hoy, Marcela Urrutia, and Ron Weich; for Senator DURBIN, Joe Zogby; for Senator LEAHY, Matt Virkstis and Ellen Gallagher; for Senator GRAHAM, Jen Olson and Matt Rimkunas; for Senator KYL, Elizabeth Maier and Michael Dougherty; for Senator MCCAIN, Becky Jensen; for Senator SPECTER, Michael O'Neill and Juria Jones; for Senator MARTINEZ, Nilda Pedrosa and Clay Deatherage.

I thank all the staff who have made this possible.

In conclusion, let me say I have great hope. I have great hope and I am optimistic. I am optimistic we are going to be able to deal with the great issues of our time in the 21st century. We are going to be able to figure out a way to resolve the issues in Iraq and in the Middle East, because the greatness of America depends upon us restoring the greatness of America around the world. We will move forward with a clean energy future for the 21st century, which is what we worked so hard on and what we passed in this Chamber last week. We will work very hard to address the issues of health care which affect so many Americans and their families and so many American businesses. Yes, we will continue to work on the issue of immigration. It is an issue we must resolve, and I am optimistic.

I am optimistic because when I think of that generation I come from, that generation of World War II, the parents of the Presiding Officer and mine, people who lived through those very difficult times of the Great Depression and the Dust Bowl, people who fought in World War II, veterans such as my father who went to war, my mother who served in the Pentagon during World War II, that generation of World War II, where half a million Americans gave their lives in the name of preserving civilization and freedom; if they could take on those challenges of their time, then there is no reason why we in the Congress cannot take on the challenges of our time and restore the greatness of America and make sure that the legacy they left to each and every one of us is not a legacy we forget or that we do not pass on in an even better shape to our children. I do not want our generation to be the first generation in American history that passes on the baton to the next generation in worse condition than we inherited it from our parents.

I thank the Presiding Officer, and I yield the floor.

Mr. President, in my haste to thank everybody I forgot to say something about someone who has now been through three immigration battles with me in my office, and that is Felicia Escobar. Felicia will be going to law school soon. For the last 3 years she has labored mightily, putting in sometimes 100-hour work weeks to make sure we are doing the right things on immigration, and I wanted to personally thank her on the floor for her great efforts.

Mr. President, I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I have had the privilege of listening to the Presiding Officer in his role as the Senator from Colorado give a very detailed and very comprehensive overview of a lot of the personalities and the intrigues, as well as the substance, that went into this whole debate on immigration. It was interesting that when we failed to get the necessary 60 votes today to cut off debate on a motion of cloture, all the Senators stayed on the floor and listened to the majority leader. I thought the tone that the majority leader, Senator HARRY REID of Nevada, set was not one of bitterness; it was one expressing a good deal of frustration in the fact that so much effort had been made and we didn't get to the 60 votes. As a matter of fact, I think we were some 11 or 12 votes short of the 60 votes.

He did not point fingers. He didn't say whose fault it was. He said there will be another day, that this is one of the great issues of our time, and that America was better off for having had the debate. HARRY REID comported himself with great dignity and great leadership because there will be another day. There has to be another day on the issue of immigration, simply because what we have now on the books is a law this Senator voted for in 1986 as a Member of the House of Representatives; a law that has never been enforced by the U.S. Government and never has been obeyed by the people who were supposed to obey the law. What was estimated back in 1986—21 years ago—to be 2 million, maybe 3 million illegal folks in this country, because the law was never obeyed, in many cases by employers who were supposed to be the fulcrum of enforcing the law, that they would only hire legal entrants into this country, and on top of it was never enforced by the U.S. Government, created a condition that so many people have blasted the very legislation we have been considering of amnesty.

What we have now is amnesty: That 2 million or 3 million 21 years ago would grow to 12 million illegal aliens today. That is amnesty. Amnesty is what we have today because the law was never enforced or obeyed. That is what we have to correct.

Now, sadly, because of the experiences we have had over the last 21 years, not only on the question of immigration, but then from the lessons of September 11, 2001, we realize there is another reason we must control our borders, so desperately necessary to the welfare and the protection of this country, the protection of the homeland. Because of those two main reasons, we will live to see another day, and we will pass an immigration law to bring us into order out of the chaos which is the current condition.

I commend the Senator from Colorado as he gave a personality profile of so many of these wonderful Senators here, and it is a Senate family. You get to know each other on a personal basis, and you see how on occasion a Senator will rise to an occasion. All of the people whom the Senator from Colorado mentioned certainly merit that distinction. But what the Senator from Colorado didn't do is he didn't talk about himself. The Senator from Colorado has done one of the most remarkable jobs of acclimating to the Senate within a short period of time and becoming so effective, and especially on an issue such as immigration, for which he has great passion and compassion.

So I wanted to add my little comments to all of those the Senator mentioned who have so wonderfully stood tall under very difficult circumstances. It is quite unusual when a subject will touch a nerve that will create such passion on both sides—passion that gets so heated that the sides won't talk to each other. We cannot make law like that because, as the Good Book says, you have to come and reason together. When the passion gets so hot that you cannot come and reason together, you cannot come together and build consensus, that is when the legislative process in a democracy breaks down.

These Senators, in the midst of all of that passion, stood tall, comporting themselves extremely well and serving in the best tradition of the U.S. Senate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

ETHICS AND LOBBYING REFORM

Mr. REID. Mr. President, we had a number of conversations this afternoon on the floor about ethics and lobbying reform. We are not going to move on that anymore today. We will renew our request tomorrow, until we get this done. I hope we can get it done. It is really important for the country.

Mr. President, I am reading now into the RECORD a statement that was issued today. I received it in my office, as all Senators did:

> Statement on status of 9/11 Commission recommendations bill, dated June 28, 2007.
>
> The 9/11 families are grateful to Congressional Leadership for taking the difficult step of removing a controversial labor provision from pending security legislation intended to implement the remaining 9/11 Commission recommendations.

I will read that again; I didn't do a very good job of it.

> The 9/11 families are grateful to Congressional Leadership for taking the difficult step of removing a controversial labor provision from pending security legislation intended to implement the remaining 9/11 Commission recommendations. We recognize that this was a difficult decision for them, considering their party's longstanding dedication to the principles involved.
>
> Passage of this bill is long overdue, particularly in light of bipartisan support at the bill's inception in both the House and Senate. The Democrats have taken an important step toward improving our national security by removing what the opposition identified as an impediment to the bill's passage.
>
> Senate Republican leadership must, in turn, stop blocking the naming of conferees so that this critical legislation can move forward. Similarly, the Administration should cease its threats to veto legislation regarding the provisions that go to the heart of the 9/11 Commission recommendations.
>
> Everyone must work together. The safety and security of our country is at stake.

This is signed by Carol Ashley, whose daughter Janice was lost in that terrorist attack of September 11; Rosemary Dillard, who is the widow of Eddie, who was killed in that terrorist attack; Beverly Eckert, who is the widow of Sean Rooney, who was killed in that attack; Mary Fetchet, the mother of Brad, who was killed in that terrorist attack; Carie Leming, whose daughter Judy was killed in that terrorist attack; and Abraham Scott, the widower of Janice, who was killed in that attack.

These are members of organizations that have been steadfast in making sure everything is done so that we don't have other terrorist attacks and that we implement the recommendations of the 9/11 Commission. Those organizations are Voices of September 11th, 9/11 Pentagon Families, and Families of September 11, which are organizations well known throughout the country.

Earlier this spring, the Director of National Intelligence, ADM Mike McConnell, told our Armed Services Committee in a public hearing that al-Qaida's franchise is growing and its leadership remains alive and well along the Afghanistan/Pakistan border and that any new attack on the United States "most likely would be planned and come out of the [al-Qaida] leadership in Pakistan." We think that is incredible. Almost 6 years after 9/11, we face the same threat we faced that day: Osama bin Laden and a determined extremist group intent on harming Americans. Unfortunately, it is painfully clear that much more can and must be done to protect America from terrorist attacks.

Three years ago, the bipartisan 911 Commission recommended ways to strengthen our defense against terrorism. Unfortunately, the Bush administration and the Republican-controlled Congress failed to act on most of these recommendations. That is why one of the first bills passed in the House and the Senate at the start of this session of Congress would finally and fully implement the unanimous recommendations of the 9/11 Commission.

As my colleagues know, since we acted on a broad bipartisan basis, House and Senate Democrats and Republicans have worked tirelessly to resolve the differences over this bill and get it to the President's desk so it can be signed into law. However, twice this week, my Republican colleagues have objected to moving forward so we can complete action on this bill.

On Tuesday, a Republican Senator made it clear for the record that the Republicans objected to proceeding to conference because of a provision in the bill regarding TSA screeners, which had prompted the President to issue a veto threat on the bill.

Although the provision would improve efficiency, morale, and skills of TSA screeners, President Bush strenuously opposed it.

In an effort to demonstrate our commitment to completing this important legislation as quickly as possible, we informed our Republican colleagues we were prepared to address their objections and remove this provision during conference negotiations. But my Republican colleagues apparently decided to shift the goalposts.

Yesterday, when I asked for consent to proceed with the commitment that the TSA provision not be included in the conference, Senator LOTT objected on behalf of Senate Republicans. But this time he would not say why he objected. He just objected.

Once we made our intentions clear about their expressed concern, I certainly don't understand why my Republican colleagues continue to object to moving forward to complete action on this bill. Why do they keep shifting the goalposts? Of what are they afraid?

This strange behavior is not lost on the American people. Today, representatives of the 9/11 victims, their families, let their views be heard. I have read their statement into the RECORD. The American people expect us to finish this work as rapidly as possible.

There can be little doubt that America will be more secure when this bill is signed into law. That is why I believe we need to take the next procedural step as part of our regular order, which is to appoint conferees to finish these negotiations.

Therefore, Mr. President, I make the following unanimous consent request: That the homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1 and that the Senate then proceed to its immediate consideration—I am sorry, whenever I see that H.R. 1, it confuses everybody; that is what we did that the Senate proceed to its immediate consideration; that all after enacting clause be stricken and the text of S. 4, as passed in the Senate, on March 13, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. Does the Senator from Oklahoma object?

Mr. COBURN. I object.

Mr. REID. Mr. President, does the Senator from Oklahoma wish to make a statement?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I say to the majority leader, I do not mean to delay this bill. I am on that subcommittee. I worked hard on this bill. I agree with the majority leader that many of those recommendations need to go forward.

This bill spends $12 billion over the next 3 years. We have worked tirelessly and worked hard. Mr. President, $9 billion of that $12 billion is grants. It is certainly not in the best interest of those most at risk, but I lost that fight. So I am willing to let that go. But the postgrant review process, which we asked for and were told would be in the bill before we went to conference, is not in it. Every time we ask about it, we get pushed back.

Until we look at how we are going to spend the money, until we can satisfy that, I don't believe we are ready to go to conference, and I also believe there are still some problems with ports in terms of solving those problems and some of the tier 1 issues we have.

My objection is not meant to be dilatory or anything else, other than to make the point that if we are going to spend $9 billion in grants to carry these recommendations out—and that is a small portion of the recommendations of the 9/11 Commission, but it is the $9 billion—and we refuse to have a postgrant auditing process where we look to see—because we know from what IGs have told us and the GAO, much of the money we have been spending post-9/11 has been wasted, and it hasn't gone to prevent the next terrorist act.

I have a personal interest as well. I have a daughter who lives in New York City. I want her protected. I don't want to do something that might stop that, but we have to do it in a way that makes us good stewards of the taxpayers' money.

That is my reason for objecting. It is not on behalf of the Republican leadership. It is on behalf of myself and my staff in trying to get good value for our money.

Mr. REID. Mr. President, I say through the Chair to my friend, I guess I will ask the question: Who have you talked to who said you can't have this postaudit program in the bill?

The PRESIDING OFFICER. The Senator from Oklahoma can answer the question of the majority leader.

Mr. COBURN. My staff has relayed to me, the Federal Financial Management Subcommittee minority staff, who have been working on this issue since we passed the bill, relayed to me before I came over that they still will not grant us that access in the bill.

Mr. REID. I will be happy to work with Senator LIEBERMAN. He is a person who has a reputation for being fair. He would be the chair of this conference, as far as I know.

I say to my friend, I will be happy to take a look at this issue—no guarantees. It sounds reasonable what the Senator is asking. I ask of the Senator, let us go to conference. If something comes back out of conference—I will personally look into this. I will talk with Senator LIEBERMAN about this issue. I don't know the bill that well because it has been through a committee of which I have no knowledge. But give us a chance. I don't know who the distinguished Republican leader will put on the conference. This is going to be a real conference, an open conference, where people will be able to, in a public meeting, say: I want to offer this amendment, and then the conference can either accept it or reject it.

I think the Senator from Oklahoma should give us a chance. This is an important issue. There are provisions that should be implemented—should have been implemented a long time ago.

I recognize that the Senator has a daughter in New York. I have listened to my colleague, the senior Senator from New York, on more than one occasion about what the people of New York went through, we all went through. America through long-lens glasses watched what happened on 9/11. These people in New York, widows and widowers—and I read their names into the Record—have a better feeling about these issues and we need to get this done.

I commit to my friend, the junior Senator from Oklahoma, that I will personally take a look at this issue. I know how thoughtful he is and how he feels about the money that is spent by the American taxpayers. I will make every effort to make sure the Senator from Oklahoma is treated fairly. Even though he is not a member of the conference, I will arrange it, if he is not on the conference committee, he can come and talk to the conferees. I will do whatever I can to help alleviate any of the concerns he has.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank Majority Leader REID for trying to move this bill forward.

Second, I say to my friend from Oklahoma, I have tremendous respect for my friend from Oklahoma. I regard him truly as a friend. We traveled to China together. He is a gentleman, and I don't think anybody doubts the sincerity of his conviction and his desire to save and not waste money.

Similar to Senator REID, I am not familiar with the particulars of this provision the Senator wishes to put into the bill, but it seems reasonable. I have to tell my friend from Oklahoma, I don't want to see money wasted. I can tell him that in New York City, we are not wasting the money. In fact, the taxpayers of New York, the city where his one daughter and two of mine reside, as well as my wife and my parents and most of my family, we in New York don't like to see the money wasted. We think too much of it is spread all over the place.

I will tell him this: That the money that goes to New York is not wasted, No. 1. No. 2, there are areas that affect the whole country that will be held up. Port security—God forbid a nuclear weapon is smuggled into this country and exploded, God forbid. The more we delay on port security, the worse off we will be. Rail security, truck security, and cyber security are all part of this bill.

Similar to Senator REID, it seems to me the proposal the Senator from Oklahoma is making sounds good. Why not have review? Money wasted on this vital area—it is akin to money from the DOD wasted because it is our defense, even though it is our homeland defense as opposed to our military defense—hurts all of us.

But I can tell him this: I have known Senator REID a long time. The Senator from Oklahoma has known him a little less longer than I. When he makes a commitment to be serious about this issue and to look at it carefully and to give a colleague, such as the Senator from Oklahoma, a bird's-eye view of what happens in the conference and the ability to push and make changes, he is sincere. He is not trying to put one over and push this aside.

Also, I am not on the committee, but I will join my colleague from Oklahoma in wanting a review process. I would like to speak with Chairman LIEBERMAN and other members of the committee as to why they didn't put this in. I don't know the reason for that. But I can assure him, as somebody who is involved in many parts of the Homeland Security bill because of the city and State from which I come, I will work with him because I hate seeing the money wasted. I hate it.

In New York City, we are spending money. New York City taxpayers and New York State taxpayers are spending money because we don't think there is enough. I will give one example.

I live in Brooklyn. There is the Brooklyn Bridge. Intelligence reports targeted the Brooklyn Bridge several years ago, and they know how they would try to blow up the bridge, which is by the two towers, the cables. It is a suspension bridge, the first one ever built. Every day there are two police officers at each end of the bridge. That is four police officers 7 days a week, 24 hours a day. We can't do it part time if terrorists are going to go after this bridge. So that is 20 police officers per week. It is five shifts to do it 24 hours a day, 7 days a week. That money is coming out of the pockets not of my friend from Nevada or my friend from Oklahoma but the daughter of the Senator from Oklahoma, my family, me, city residents. It is not fair.

This bill, in terms of helping deal with some of those issues, is important. In making our homeland secure, it is important.

So I make a plea to my friend from Oklahoma—and he is my friend and I think every bit of his intentions are honorable, as they almost always are—to let this bill go forward, to take the majority leader's word that he will look at this issue himself carefully and make sure the Senator from Oklahoma has the ability to look at it carefully because this bill has been delayed long enough and the heartfelt pleas of the people who Senator REID mentioned—I know most of them personally, I know about their losses, I know their families a little bit—are for real, as are the pleas of everybody else who is involved.

So I ask my colleague to consider lifting his objection and letting us move forward. There will be plenty of time to object if the conference committee doesn't treat him fairly. He can slow this place down and slow the bill down at that point and have the same effect as doing it now, and we might be able to move forward with the legislation.

Mr. COBURN. Mr. President, if I might be recognized, I say to my colleague for New York, I have been working on this for 6 months. This isn't new. They knew this was coming. These are commitments that were made that were not kept. This is not a reflection on Senator LIEBERMAN. This is a staff-driven problem. The only leverage I have to get staff to do what they are supposed to be doing is this.

I apologize to the Senator and to his constituents. If my colleagues fix it over the break, when we come back, I would not have any objection.

Mr. SCHUMER. Mr. President, will my colleague yield?

Mr. COBURN. Yes, I yield.

Mr. SCHUMER. Is that the Senator's only objection?

Mr. COBURN. That is the only objection I have.

Mr. REID. Mr. President, I say to Senator COBURN, I received a note. This is from Senator LIEBERMAN's staff:

> We have worked very close with Senator COBURN's staff—in particular his subcommittee staff director—Katie French. Coburn's provisions were included in S. 4. The House negotiators opposed them and after long negotiations Katie signed off on our final agreement.
>
> Beth worked on this and will send more information in a moment.

It appears they have worked this out.

Mr. COBURN. Mr. President, I have no knowledge, I say to the majority leader, that has been worked out. The last memo I have from my staff director is that it has not. If that is the case, again, I will live up to my word that I promised the majority leader and senior Senator from New York that you would not have an objection from me—

Mr. REID. If this is the case, tomorrow in the Senator's absence, can we go ahead with this bill?

Mr. COBURN. If that is the case, then I don't have a basis for objection.

The PRESIDING OFFICER. The majority leader.

VOTE EXPLANATION

Mr. BIDEN. Mr. President, I was not able to be here yesterday for all of the votes on motions to table amendments to S. 1639. Had I been here, I would have voted against tabling the amendments filed by Senator DODD and Senator MENENDEZ.

TRIBUTE TO BARBARA WHITNEY CARR

Mr. DURBIN. Mr. President, Chicagoans take our green spaces very seriously. In fact, if you look at the great seal of the city of Chicago, you will see, written in Latin, the city's motto: Urbs in Horto—City in a Garden.

So it seems only natural that Chicago is home to one of America's most popular and spectacular gardens: the Chicago Botanic Garden.

The Botanic Garden is one of the brightest jewels in Chicago's crown of great cultural and educational institutions.

Since its opening in 1972, the Chicago Botanic Garden has provided a 385-acre island of beauty and tranquility just outside of one of America's biggest and busiest cities.

Today, it is the second-most visited public garden in the country, drawing appreciative visitors from throughout the Chicago area and around the globe.

Part of what makes the Chicago Botanic Garden so extraordinary is the dedication, vision and inexhaustible energy of the woman who has served as its president for the last 12 years, Barbara Whitney Carr.

With a great sense of gratitude—and a touch of sadness I would like to wish Barbara Carr well as she prepares to step down from the Botanic Garden and begin a new chapter in her life. More importantly, I want to thank her for all she has done to make the Chicago Botanic Garden a beautiful oasis, a popular tourist attraction, and an important teaching tool.

Like Daniel Burnham, the legendary planner who redesigned Chicago after the Great Fire of 1871, Barbara Carr "make(s) no little plans."

She joined the Botanic Garden as president and CEO in 1995 and immediately set to work developing and carrying out a 10-year, $100 million improvement plan.

Her plan included renovation and construction of eight gardens, as well as the restoration of close to 6 miles of Lake Michigan shoreline.

Under her direction, the Chicago Botanic Garden has expanded its collection to include more than 2 million plants.

While it is undeniably beautiful, the Chicago Botanic Garden prides itself on being more than just a pretty garden. Under Barbara Carr's leadership, the garden has truly become a living museum and classroom. Students from the Chicago Public Schools attend programs at the garden in which they learn about the science of plants and the importance preserving biodiversity.

And you don't even have to visit the Botanic Garden to learn from it. Working with the University of Illinois at Chicago, the garden created an online, searchable database of plant species that can help even the most inexperienced gardener. It is called eplants.org. If you have a garden you might want to bookmark that site. It is a good one.

A few years ago, Barbara Carr realized that in Chicago—one of the greenest cities in the country—there weren't a lot of advanced degree programs in horticulture and botany, and she quickly set about to fill that gap. She initiated the creation of an Academic Affairs Program at the Botanic Garden and teamed with Northwestern University, the Illinois Institute of Technology, and the University of Illinois to develop several outstanding academic programs.

In recent years the garden has become the site of cutting edge research in the fields of botany and environmental conservation.

In recent years the garden has become the site of cutting edge research in the fields of botany and environmental conservation. It is home to an impressive seed repository called the Seeds of Success program, part of a global initiative to collect and store native seeds in order to preserve plant biodiversity.

Over the years, both Barbara and the garden have received many accolades. The garden was recognized for its educational programs and community outreach projects with the National Award for Museum and Library Service in 2004. This prestigious honor is the highest award bestowed upon a museum. Earlier this year, the American Public Garden Association presented Barbara with the 2007 Award of Merit, the organization's highest honor.

Before joining the Botanic Garden, Barbara Carr earned a degree from Denison University in Ohio. She spent nearly 20 years at the Lincoln Park Zoological Society, serving as its executive director and president.

To say that Barbara is "retiring" somehow doesn't seem quite right. It would be more accurate to say that she is redirecting her energies. I have no doubt that Barbara will remain involved in her community and committed to the many causes in which she believes so deeply. She will also have the opportunity to spend more time with her family: her husband Robert F. Carr III—better known as Tad their six children, and 11 grandchildren.

I join the residents of Chicago, the "city in a garden," in thanking Barbara Whitney Carr for helping to create a garden in our city that makes us all proud.

RESCUERS FROM EIELSON AIR FORCE BASE

Mr. STEVENS. Mr. President, it gives me great pride to salute three brave young airmen stationed at Eielson Air Force Base in Alaska. SSGt Bryan Fletcher, SrA Elicia Greer, and SrA John Rogers displayed remarkable heroism—and saved a life—on the evening of June 16, 2007.

The three airmen were riding recreational vehicles near Jet Ski Lake in Fairbanks when they heard a woman scream. They immediately stopped to help, and saw an unconscious man about to drown in the lake. Staff Sergeant Fletcher dove into the water first, followed by Senior Airman Greer. They proceeded to pull the man out and began cardiopulmonary resuscitation. Senior Airman Rogers, who was riding a distance away, soon arrived to help in this effort.

Airmen Fletcher, Greer, and Rogers spent several minutes administering CPR to Joseph Mead before they registered any response. All three took turns performing mouth-to-mouth resuscitation and compressing Mead's heart. They continued CPR until the University of Alaska Fire Department arrived to take over. Mead was safely revived, taken to the hospital, and released the next day with no lasting injuries.

The lakeside rescue is not the first time these individuals have displayed tremendous heroism—each has also served in Iraq with distinction. As veterans of U.S. Army combat convoy duty, they were tasked with dangerous and difficult work in the most demanding of circumstances. Like their recent rescue of Joseph Mead, however, no challenge has yet proven too difficult for them to overcome.

Staff Sergeant Fletcher hails from McCloud, TX; Senior Airman Greer is from Bozeman, MT; and Senior Airman Rogers is from Cumberland Gap, TN. They are currently assigned to the 354th Logistics Readiness Squadron at Eielson Air Force Base, where they serve Alaska and our Nation with honor.

A few days after the rescue, Joseph Mead's cousin, Ben Saylor, said, "This is a reminder that there are good people in this world." He is right. These airmen epitomize the kind of quiet professionalism and unassuming valor our men and women in uniform demonstrate on a daily basis. I join all Alaskans in commending their courageous actions.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the first budget scorekeeping reports for the 2008 budget resolution. The reports, which cover fiscal years 2007 and 2008, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through June 25, 2007. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con Res. 21, the 2008 budget resolution.

For 2007, the estimates show that current level spending equals the budget resolution for both budget authority and outlays while current level revenues exceed the budget resolution by $4.2 billion. For 2008, the estimates show that current level spending is below the budget resolution by $928.1 billion for budget authority and $586.7 billion for outlays while current level revenues exceed the budget resolution level by $34.6 billion.

I ask unanimous consent that the letters and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 27, 2007.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through June 25, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report). This is my first report for fiscal year 2007.

Sincerely,
PETER R. ORSZAG,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JUNE 25, 2007

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
On-Budget:			
Budget Authority	2,255.5	2,255.5	0.0
Outlays	2,268.6	2,268.6	0.0
Revenues	1,900.3	1,904.5	4.2
Off-Budget:			
Social Security Outlays [3]	441.7	441.7	0.0
Social Security Revenues	637.6	637.6	0.0

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $120.8 billion in budget authority and $31.1 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JUNE 25, 2007

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	1,904,706
Permanents and other spending legislation	1,347,423	1,297,059	n.a.
Appropriation legislation	1,480,453	1,543,072	n.a.
Offsetting receipts	−571,507	−571,507	n.a.
Total, enacted in previous session	2,256,369	2,268,624	1,904,706
Enacted this session:			
Appropriation Acts: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) [1]	−794	9	−166
Total, enacted this session	−794	9	−166
Entitlements and mandatories: Budget resolution estimates of appropriated entitlements and other mandatory programs	−30	0	0
Total Current Level [1] [2]	2,255,545	2,268,633	1,904,540
Total Budget Resolution	2,376,348	2,299,749	1,900,340
Adjustment to the budget resolution for emergency requirements [3]	−120,803	−31,116	0
Adjusted Budget Resolution	2,255,545	2,268,633	1,900,340
Current Level Over Adjusted Budget Resolution	0	0	4,200
Current Level Under Adjusted Budget Resolution	0	0	n.a.

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level total, are as follows: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)—Budget Authority, 120,803; Outlays, 31,116; Revenues, n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $120,803 million in budget authority and $31,116 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 27, 2007.

Hon. KENT CONRAD,
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DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through June 25, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report). This is my first report for fiscal year 2008.

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JUNE 25, 2007

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
On-budget			
Budget Authority	2,350.2	1,422.1	−928.1
Outlays	2,353.8	1,767.1	−586.7
Revenues	2,015.8	2,050.5	34.6
Off-budget			
Social Security Outlays [3]	460.2	460.2	0.0
Social Security Revenues	669.0	669.0	0.0

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $0.6 billion in budget authority and $48.6 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison. Additionally, section 207(c)(2)(E) of S. Con. Res. 21 assumed $145.2 billion in budget authority and $65.8 billion in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JUNE 25, 2007

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	2,050,796
Permanents and other spending legislation	1,410,115	1,351,590	n.a.
Appropriation legislation	0	419,862	n.a.
Offsetting receipts	−575,635	−575,635	n.a.
Total, enacted in previous session	834,480	1,195,817	2,050,796
Enacted this session:			
Appropriation Acts: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1]	1	42	−335
Total, enacted this session	1	42	−335
Entitlements and mandatories: Budget resolution estimates of appropriated entitlements and other mandatory programs	587,601	571,260	0
Total Current Level[1][2]	1,422,082	1,767,119	2,050,461
Total Budget Resolution	2,495,957	2,468,215	2,015,841
Adjustment to the budget resolution for emergency requirements[3]	−605	−48,639	n.a.
Adjustment to the budget resolution pursuant to section 207(c)(2)(E)[4]	−145,162	−65,754	n.a.
Adjusted Budget Resolution	2,350,190	2,353,822	2,015,841
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	34,620
Current Level Under Adjusted Budget Resolution	928,108	586,703	n.a.

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)—budget authority, 605; outlays, 48,639; revenues, n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $605 million in budget authority and $48,639 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[4] Section 207(c)(2)(E) of S. Con. Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Notes.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

NOMINATION OF LIEUTENANT GENERAL DELL LEE DAILEY

Mr. FEINGOLD. Mr. President, I wish to discuss the confirmation of Lieutenant General Dell Lee Dailey as the Coordinator in the State Department's Office of Counterterrorism.

Lieutenant General Dailey has had a distinguished military career. There can be no question about that. He is a graduate of West Point and has served as a battalion commander, regiment commander, and assistant division commander both at posts in the United States and abroad. Most recently, he served as director at the Center for Special Operations at MacDill Air Force Base. He has received numerous awards for his excellence including the Defense Distinguished Service Medal, two Defense Superior Service Medals, three Army Commendation Medals and six Meritorious Service Medals. He has spent his entire life defending this nation and I thank him for service.

The position to which he was confirmed last Friday is that of the State Department's Coordinator for the Office of Counterterrorism. While I did not object to Lieutenant General Dailey's confirmation, as a member of both the Foreign Relations Committee and the Select Committee on Intelligence, I would like to register my concerns.

While the nomination of a military official to a civilian post does not by itself cause concerns, this particular position requires an ability to develop and implement interagency strategies and to encourage the use of and mobilize non-DOD assets. In the context of this administration's tendency to employ military options against strategic problems, or to assign nonmilitary functions to the Department of Defense, it is particularly important that the Coordinator for Counterterrorism demonstrate a commitment to expanding and utilizing the resources of the State Department, USAID and other agencies of the U.S. Government.

I have talked with General Dailey and reviewed his writings, including a 2006 article in which he wrote that Special Operations forces, "doing what they do best," are "developing links within the population that will provide ongoing intelligence and personal relationships that will cement ties with allies around the world." When it comes to military engagements, Special Operations forces may, in fact, have this role. But in most of the countries and regions of the world where we are fighting al-Qaida and seeking to deny it safe haven, these activities should not fall to the Department of Defense. Indeed, "developing links within the population" and "cement[ing] ties with allies around the world" are the jobs of our diplomats. And, in far-flung regions of the world, where a U.S. diplomatic presence or foreign aid program can help deny terrorist organizations safe haven, we should be working to expand those efforts, not deferring to the Department of Defense. This is critical for four reasons. First, our diplomats and foreign assistance professionals have the background and training to conduct these activities. Second, regardless of the skills of Special Operations forces, the very fact that uniformed officers are at the forefront of local diplomacy can be counterproductive by encouraging or reinforcing perceptions that U.S. policy is driven by our military. Third, if policy is to guide counterterrorism efforts—and that is the whole point of the Coordinator position—then diplomats, not soldiers, need to be leading the way. And, finally, we need our military to do what it does best in the struggle against al-Qaida and its allies, and that is conduct tactical operations as well as work directly with host country militaries and regional peacekeeping forces. The overextension of Special Operations or other military forces for other missions takes away from these efforts.

We need only look at Africa, where strategic counterterrorism policies are desperately needed, to understand the challenges ahead. In Somalia, DOD operations have been conducted in a near policy vacuum. Tactical efforts have not, and will not, address the conditions that have allowed terrorist organizations safe haven. Yet violence and instability continue to fester, at great cost to our national security, without adequate diplomatic, humanitarian or foreign assistance efforts. Elsewhere on the continent, in regions where extremism can take hold and where terrorist organizations might find sympathetic populations, neither the State Department nor USAID has sought to maintain a presence. Finally, AFRICOM's recent difficulties in finding a willing host country illustrate how diplomatic initiatives must precede efforts to expand our military footprint. I have supported AFRICOM and believe that African nations will recognize what the command may have to offer, but we must acknowledge that governments and local populations alike remain skeptical of initiatives that seem driven by our military.

It is in this context that I sought from General Dailey an understanding of this critical position, one whose primary mission is "to forge partnerships with non-state actors, multilateral organizations, and foreign governments to advance the counterterrorism objectives and national security of the

United States." At his nomination hearing, I asked him the following question:

> What points of collaboration do you see for the relative roles of U.S. military action, military assistance and nonmilitary assistance in the war against international terrorism?

Lieutenant General Dailey's response was:

> The military has a huge source of non-lethal, non-kinetic resources that Department of State and the other agencies, I think, can rely on to be successful in that portion of the war on terror that gets to the hearts and minds of the people. Civil affairs operations, public diplomacy—right now the Special Operations organizations have about 15 or 20 teams that help in public diplomacy that work specifically for the ambassadors in the embassies. That's just a small snapshot of what the military can bring to the table.

Unfortunately, this response appears to reflect the mindset of someone who sees combating terrorism through a military, or at least Department of Defense, prism. This answer suggests a lack of appreciation for the need to incorporate and balance civil, intelligence, and military initiatives when coordinating a U.S. counterterrorism strategy. It is not that the answer is wrong; it indicates a keen understanding of what the Department of Defense can bring to the table. But the Department of Defense does not need more champions in the interagency process. What is needed is a champion for the role of other agencies and departments, for aggressive diplomacy, for expanded foreign assistance efforts, for antipoverty and anticorruption programs that complement broader counterterrorism strategies, for effective public diplomacy, and for multilateral cooperation, including strengthening regional organizations in places like Africa and rediscovering the common ground with our allies in Europe and elsewhere that we had immediately after September 11.

I recognize that these challenges present an extremely high bar for any nominee. I also recognize that this nomination is colored by the failure of this administration to develop and implement effective interagency counterterrorism strategies. But it is precisely because of the critical importance of this position and the need for the nominee to resist this administration's overemphasis on military options that I have regarded General Dailey's nomination with such scrutiny. I do not register these concerns lightly and now that he has been confirmed, I look forward to working with General Dailey on developing coherent and comprehensive counterterrorism strategies, coordinating true interagency efforts and promoting the use of our diplomatic and other nonmilitary resources that are so critical to success in the fight against al-Qaida and its affiliates.

REMEMBERING SENATOR CRAIG THOMAS

Mr. GRASSLEY. Mr. President, Senator Craig Thomas was a very good friend. He served in the Senate with great honor and respect for the institution.

I got to know Senator Thomas best through the work of the Finance Committee. Senator Thomas was an active and dedicated participant in the business of the committee from tax policy, to health care, Social Security and international trade. When I was chairman of the committee, I could always count on his diligent, steadfast and valuable involvement in the issues before us. I appreciated greatly his commitment to conservative principles and the responsibilities of governing.

In particular, as chairman of the Trade Subcommittee, Senator Thomas was a strong voice for opening new markets and opportunities for U.S. exports. He went above and beyond and engaged himself fully in efforts to achieve ambitious outcomes from trade negotiations. He demonstrated his commitment time and again with his own personal time and his personal resolve.

Senator Thomas was a true representative for his Wyoming constituents. He worked hard and sincerely for their good and for the good of our Nation every day. He will be missed so very much. Barbara and I extend our sincere and deep sympathies to his family and his staff.

Mr. SPECTER. Mr. President, I seek recognition to honor the life of my colleague, Senator Craig Thomas.

Craig, a real outdoorsman, would say he enjoyed nothing more than a horseback ride through Wyoming's spectacular wilderness area. Despite that, he found himself here in Washington, DC, working for the betterment of his Home State and the Nation. He was outspoken on government's need to provide adequate funding for national parks, a subject he knew well as chairman and ranking member of the National Parks Subcommittee on the Energy and Natural Resources Committee.

Senator Thomas was also a strong defender of his State's cattle industry and was a firm believer in the virtues of rural America. This passion stems back to his time at the University of Wyoming, where he received a degree in animal husbandry. Senator Thomas also served as an officer in the U.S. Marine Corps from 1955 to 1959, achieving the rank of captain, an experience that taught discipline and reinforced his commitment to the United States.

Before Craig came to Congress, he served as vice president of the Wyoming Farm Bureau, and once headed the rural electric trade association of Wyoming. After 5 years in the Wyoming House, Thomas won a special election to replace DICK CHENEY, who was appointed to be Secretary of Defense. As Wyoming's lone Member in the U.S. House of Representatives, he had the responsibility of representing over 450,000 constituents. Craig was reelected to that seat in 1990 and 1992, a testament to his ability to serve the people of Wyoming effectively. In 1994, he ran for the U.S. Senate and won, defeating popular Democratic Governor Mike Sullivan by 20 percentage points. He was elected to a second term in 2000 with a 74 percent majority, one of the largest margins in Wyoming election history. He was reelected to a third term in 2006 with 70 percent of the vote.

Senator Thomas had no doubts about who he was or what he represented. He was not one to pick a fight, but if asked how he felt about a given issue, he would be sure to give his typically candid and honest response. When it came to issues he was passionate about, such as public lands and private property, he left little doubt as to his priorities. As a member of the Senate Energy Committee, and particularly in his leadership of the National Parks Subcommittee, Craig asked tough questions and made strong statements about the responsibility of the Federal Government to care for the land it already owned; the fundamental nature of private property rights; and Congress's need to consider the interplay between these principles when contemplating new national parks or historic sites. He was always a fair broker, and I found on many occasions that he would give my priorities fair consideration and due process.

I very much regret that Senator Thomas lost his battle to cancer. In 1970, President Nixon declared war on cancer. Had that war been prosecuted with the same diligence as other wars, my former chief of staff, Carey Lackman, a beautiful young lady of 48, would not have died of breast cancer. One of my very best friends, a very distinguished Federal judge, Chief Judge Edward R. Becker, would not have died of prostate cancer. All of us know people who have been stricken by cancer, who have been incapacitated with Parkinson's or Alzheimer's, who have been victims of heart disease, or many other maladies. I sustained an episode with Hodgkin's lymphoma cancer 2 years ago. That trauma, that illness, I think, could have been prevented had that war on cancer declared by the President of the United States in 1970 been prosecuted with sufficient intensity.

On a personal level, Senator Thomas had an extraordinary relationship with his wife Susan. As many of my colleagues can attest, Craig and Susan were quite inseparable and quick with humor. Even as Craig battled with acute myeloid leukemia he continued to serve in the Senate with extreme vigor and a smile. He leaves behind many friends and admirers, who have tried to emulate his courage, his tenacity, and his integrity.

I extend my deepest condolences to Susan, their four children, the whole Thomas family, and his very able staff.

Mrs. DOLE. Mr. President, it is with a heavy heart that I join so many Americans in mourning the passing of my dear friend and esteemed colleague, Senator Craig Thomas. Craig served the people of Wyoming with great integrity, honesty, and common sense. He was a true American patriot and dedicated public servant who never failed to put the best interests of his beloved state and country above personal ambitions.

Craig came from humble beginnings, working summers on his family's dude ranch near Yellowstone National Park. He earned a degree from the University of Wyoming, where he was a respected student and accomplished athlete, and from there he went on to serve in the U.S. Marine Corps. It was these life experiences that taught Craig the values of hard work, perseverance, and personal responsibility. These principles guided him throughout his remarkable career, during which he worked for the Wyoming Farm Bureau, the American Farm Bureau, and the Wyoming Rural Electric Association before winning a special election to the U.S. House of Representatives.

In 1994, Craig was elected to the U.S. Senate, and went on to make his mark in a number of areas. He served with distinction on the Energy, Finance, and Agriculture Committees—posts he used to promote issues important to his constituents in the rural west and their quality of life. As the chairman of the National Parks Subcommittee, Craig worked tirelessly to protect America's natural treasures, and as the co-chairman of the Senate Rural Health Caucus, he made significant strides in improving rural health care infrastructure. No question, Craig's numerous accomplishments truly speak volumes about his commitment to the people of Wyoming and our entire Nation.

Craig's greatest commitment, however, was to his family. He was unwavering in his devotion to his dear wife Susan and his children Peter, Patrick, Greg, and Lexie. My husband Bob and I are blessed to have known and worked with Craig, and we keep Susan and the entire Thomas family in our thoughts and prayers.

Craig's memory and legacy indeed live on, across Wyoming, throughout the halls of Congress, in the countless lives he touched, and in the public servants who follow in his footsteps. Our Nation is grateful for his many years of service and positive contributions. May God bless the entire Thomas family in this time of sorrow, and may God continue to bless his beloved Wyoming and this great land of the free—America.

CELEBRATING INDEPENDENCE DAY

Mr. DOMENICI. Mr. President, I would like to take a few moments to commemorate the 231st birthday of our Nation, on this coming Fourth of July.

On the 4th of July, 1776, the Second Continental Congress adopted the Declaration of Independence and our Nation was born. However, our forefathers would have to fight 7 more years and draft and ratify the Constitution before the principles laid down in the Declaration of Independence could truly begin to be realized.

That was just the beginning of our Nation's story. It has taken the hard work and dedication of countless Americans to build the great and free Nation we know today. On this day we should pay tribute to the pioneers who struck out across the frontier to build new lives, the individuals who built the roads and bridges that connect the country, the teachers who have ensured our youth reached their full potential and all Americans who in their own way have contributed to this Nation.

We cannot forget the brave Americans of our armed services who throughout our history have fought and died to preserve the freedom we all enjoy, nor those currently serving. On the Fourth of July we must also honor the sacrifice of these men and women.

As New Mexicans gather with family and friends to barbecue and watch fireworks, I hope they will take a moment to remember the greatness of this Nation and pay tribute to all those who have made it so.

ADDITIONAL STATEMENTS

60TH ANNIVERSARY OF THE ROSWELL UFO FESTIVAL

• Mr. DOMENICI. Mr. President, today I would like to commemorate the 60th anniversary of the Roswell UFO incident.

On July 8, 1947, the Roswell Army Air Field, RAAF, issued a statement announcing they had recovered a "flying disk" from a nearby ranch. This news release, concerning the landing of a mysterious object, was quickly changed. The next day, the RAAF issued a retraction and stated the mysterious object was in fact a downed weather balloon. Although Roswell Army Air Field officials had retracted their original statement within 24 hours, the controversy, which has endured for 60 years, had already begun.

The interest ignited by the original "flying disk" statement continues to spark debate for many, not just in the great State of New Mexico but around the world. Supposed witnesses of the event and UFO theorists to this day claim that the mysterious object was an actual alien aircraft. Others hold steadfast in the Air Force's latest classification of the object being a U.S. Government spy balloon. Regardless of what was recovered 60 years ago, this notable event has become part of Roswell and the history of our State.

For the past 12 years, the city of Roswell has celebrated this well-known event by holding the Roswell UFO Festival on the town's main street. Skeptics and alien-enthusiasts alike gather from around the globe to commemorate the incident by partaking in numerous activities and programs during a 4-day festival. The people who converge in Roswell this year for the festival, July 5—8, are in for an exciting weekend, as it promises to be the best in the festival's history. Lectures, parades, concerts, hot air balloon rides and air shows are only a few of the items on this year's program.

I have no doubt the controversy and debate surrounding the events of 60 years ago will continue. However, as long as we are able to enjoy and commemorate such events in our country's history, I look forward to many more festivals such as these that bring people together from across the globe.•

RECOGNIZING SINAI, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Sinai, SD. The town of Sinai will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Sinai has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Sinai will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Sinai on their anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING NUNDA, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Nunda, SD. The town of Nunda will celebrate the 100th anniversary of its founding this year.

Nunda was founded in 1907 with the arrival of the South Dakota Central Railroad. Since its beginning, Nunda has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Nunda will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Nunda on their anniversary and wish them continued prosperity in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, passed the following bill, in which it requests the concurrence of the Senate:

H.R.1830. An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

The message also announced that the House has passed the following bill, without amendment:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

S. 801. An act to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse".

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2643. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 172. Concurrent resolution honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007.

At 6:13 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 179. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess of adjournment of the Senate.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2643. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 172. Concurrent resolution honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 28, 2007, she had presented to the President of the United States the following enrolled bills:

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

S. 801. An act to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2378. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04-02; to the Committee on Appropriations.

EC–2379. A communication from the Directors of Defense Research and Engineering and the Joint IED Defeat Organization, transmitting, pursuant to law, a report relative to the results of the survey of research and technology that would be supportive of the combating IED mission; to the Committee on Armed Services.

EC–2380. A communication from the Director, Education Activity, Department of Defense, transmitting, pursuant to law, notification of a decision to implement performance by contract for the Logistics Support in the Domestic Dependent Elementary and Secondary Schools at Fort Campbell, Kentucky; to the Committee on Armed Services.

EC–2381. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2006 Annual Report for the Department's STARBASE Program; to the Committee on Armed Services.

EC–2382. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General Dennis R. Larsen, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2383. A communication from the Assistant Inspector General (Communications and Congressional Liaison), Department of Defense, transmitting, pursuant to law, a report relative to the inventory of commercial and inherently governmental activities for fiscal year 2006; to the Committee on Armed Services.

EC–2384. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarification of Export and Reexport Controls for the People's Republic of China; New Authorization Validated End-User; Revision of Import Certificate and PRC End-User Statement Requirement" (RIN0694–AD75) received on June 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2385. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Pacific Tuna Fisheries 2007 Restrictions in the Eastern Tropical Pacific Ocean for Purse Seine and Longline" (RIN0648–AU79) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2386. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands" (RIN0648–XA45) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2387. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648–XA68) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2388. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Allocation of Trips to the Closed Area II Yellowtail Flounder Special Access Program" (RIN0648–AV50) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2389. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Modify Swordfish Retention Limits and HMS Limited Access Vessel Upgrading Restrictions" ((RIN0648–AU86)(I.D. 110206A)) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2390. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of

Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Highly Migratory Species Fisheries" (RIN0648–AS89) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2391. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Tilefish Permit Category B to Directed Tilefish Fishing" (RIN0648–XA54) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2392. A communication from the Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, the Department's annual report relative to its use of Category Rating; to the Committee on Commerce, Science, and Transportation.

EC–2393. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's Strategic Plan for fiscal year 2007–2012; to the Committee on Energy and Natural Resources.

EC–2394. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, annual reports relative to several of the Department's programs; to the Committee on Finance.

EC–2395. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States–Jordan Free Trade Agreement" (RIN1505–AB75) received on June 25, 2007; to the Committee on Finance.

EC–2396. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled "Mentor-Protege Program" (RIN0412–AA58) received on June 26, 2007; to the Committee on Foreign Relations.

EC–2397. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled "Various Administrative Changes to the USAID Acquisition Regulations" (RIN0412–AA60) received on June 26, 2007; to the Committee on Foreign Relations.

EC–2398. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification of a proposed license for the export of defense articles and defense services associated with the production of tactical computers, data processing, and communications systems for Israel; to the Committee on Foreign Relations.

EC–2399. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–2400. A communication from the Acting Assistant Secretary, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, a report relative to the articles, materials, or supplies manufactured outside the United States that were purchased by the Department during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–2401. A communication from the Acting Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Organization's Inspector General for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2402. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2403. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Semiannual Reports of two of the Department's Inspector Generals for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2404. A communication from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2405. A communication from the Inspector General, Small Business Administration, transmitting, pursuant to law, the Inspector's Semiannual Report for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2406. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2407. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 1995–2000"; to the Committee on Indian Affairs.

EC–2409. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Searching and Detaining or Arresting Non-Inmates" (RIN1120–AB28) received on June 26, 2007; to the Committee on the Judiciary.

EC–2410. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Exclusions from Gross Income of Foreign Corporations" ((RIN1545–BG00)(TD 9332)) received on June 25, 2007; to the Committee on Finance.

EC–2411. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Brazil including the sale of up to twenty-eight (28) Boeing 737–800 aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–2412. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland including the sale of up to sixty (60) Boeing 737–800 aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–2413. A communication from the General Counsel, Department of the Treasury, transmitting, the report of two draft bills that seek to reduce the loss of public funds associated with improper Federal payments and collections, and increase the collection of delinquent Federal debt; to the Committee on Banking, Housing, and Urban Affairs.

EC–2414. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipelines; Standards for Business Practices for Public Utilities" (Docket Nos. RM96–1–027 and RM05–5–001) received on June 27, 2007; to the Committee on Energy and Natural Resources.

EC–2415. A communication from the Acting Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the Royalty in Kind Operation for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–2416. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a review of previous findings by the Chief of Engineers in a study of the Mississippi River between Coons Rapids Dam, Minnesota and the mouth of the Ohio River; to the Committee on Environment and Public Works.

EC–2417. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States-Morocco Free Trade Agreement" (RIN1505–AB76) received on June 27, 2007; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–142. A resolution adopted by the Senate of the State of Louisiana urging Congress to fulfill the commitment to the citizens of Louisiana to fully fund recovery from damages resulting from hurricanes Katrina and Rita; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 53

Whereas, as a result of these devastating events, the President's Office of Gulf Coast Rebuilding estimated that over one hundred twenty-seven thousand owner-occupied homes received major or severe damage based on the criteria used by the Federal Emergency Management Agency; and

Whereas, in the aftermath of Hurricane Katrina, President George W. Bush made a commitment to the people of Louisiana, in a nationally-covered statement that the federal government would do what was necessary to provide for the recovery of the state and its citizens; and

Whereas, the state of Louisiana has always proposed that the Road Home Program pay for owner-occupied uninsured or under-insured wind damage as well as flood damage within the parameters of the program; and

Whereas, in Action Plan Amendment No.1 proposed by the Louisiana Recovery Authority, captioned Action Plan Amendment for

Disaster Recovery Funds for the Road Home Housing Programs, which, according to news releases, was approved by the U.S. Department of Housing and Urban Affairs in May 2006, it was clearly stated the program proposed to provide "the full proposed assistance to all of the Louisiana homeowners who suffered major or severe damage" and stated that "It is the State's policy that participants in the Homeowner Assistance Program deserve a fair and independent estimate or projection of damages from the storm, regardless of the cause of damage"; and

Whereas, according to federal sources, 43,298 homeowners experienced no major flooding but major or severe wind damage; and

Whereas, since the adoption of Action Plan Amendment No. 1, the state has experienced increased costs in the program, resulting in a current three billion dollar shortfall, duly from a combination of factors, including an increase in the number of eligible claimants from the original estimates by approximately eleven thousand, more homes severely damaged than originally estimated, increased costs per eligible claimant than originally estimated, lower than anticipated homeowner property insurance claim benefits received from private insurers, and higher than estimated costs of repair and construction. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States and urges and requests the federal administration to fulfill the commitment to the citizens of Louisiana to fully fund recovery from damages resulting from hurricanes Katrina and Rita. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the President of the United States.

POM–143. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take such actions as are necessary to prevent the taxation of rebuilding grants from the state's Road Home program; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, Louisiana taxpayers have spent countless hours coping with paperwork and bureaucracy that has inconvenienced them since hurricanes Katrina and Rita devastated southern Louisiana in 2005; and

Whereas, while the grants themselves are not taxable, the Internal Revenue Service says grant recipients who claimed a storm-related casualty loss would be required to consider all or part of the grant as income; and

Whereas, the average Road Home grant is sixty-five thousand dollars; therefore, some recipients would find themselves bumped up to higher tax brackets and would likely have a higher federal income tax liability; and

Whereas, the Louisiana Department of Revenue has determined that grants would not constitute income for state purposes. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorializes the Congress of the United States and the Internal Revenue Service to take such actions as are necessary to prevent the taxation of rebuilding grants from the state's Road Home program. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to the Commissioner of the Internal Revenue Service, and to each member of the Louisiana congressional delegation.

POM–144. A joint resolution adopted by the Senate of the State of Colorado urging Congress to pass the federal "Gestational Diabetes Act of 2006"; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT MEMORIAL 07–005

Whereas, gestational diabetes is one of the most common issues facing pregnant women and their health care providers, and the prevalence of gestational diabetes is increasing; and

Whereas, according to the American Diabetes Association, gestational diabetes affects approximately 4–8% of all pregnant women, which is about 135,000 women in the United States each year; and

Whereas, according to the Colorado Pregnancy Risk Assessment Monitoring System, gestational diabetes affects approximately 7.5% of all pregnant women in Colorado, which is about 5,000 women in Colorado each year; and

Whereas, women who are overweight or obese are at an increased risk for developing gestational diabetes, and other risk factors include genetics, ethnicity, and maternal age; and

Whereas, gestational diabetes is associated with more health problems for the mother and child, including an increased risk for birth trauma, induction, and caesarean section; extreme increases in birth weight for children of women who developed gestational diabetes; an increased risk for developing childhood obesity; and putting the mothers and their children at a higher risk of developing Type 2 diabetes; and

Whereas, greater understanding is needed by both patients and health care providers on treating and preventing gestational diabetes, especially as there is disagreement among health care providers about how to treat gestational diabetes and the effectiveness of treatments; and

Whereas, United States Senator Hillary Rodham Clinton introduced the federal "Gestational Diabetes Act of 2006" (GEDI act), which is aimed at lowering the incidence of gestational diabetes, providing funding for research and community education, and preventing women who developed gestational diabetes and their children from developing Type 2 diabetes; and

Whereas, the GEDI act:

Creates a research advisory committee with representatives from federal agencies and health organizations to develop standardizing procedures for gestational diabetes data collection, to set up a method to track mothers who had gestational diabetes and develop methods to prevent these mothers and their children from developing Type 2 diabetes, and to address factors that influence risks for gestational diabetes; and

Provides grants to nonprofit organizations and state health agencies to be used for expanding state-based and community-based prevention activities and training for health care providers in helping to prevent gestational diabetes; and

Expands basic, clinical, and public health research on gestational diabetes, including therapies for detecting and treating gestational diabetes, facilitating enrollment in clinical trials for populations that disproportionately suffer from gestational diabetes, developing diagnostics, and understanding factors that influence gestational diabetes; and

Whereas, the GEDI act is an important step toward a better understanding of gestational diabetes and in lowering the incidence of gestational diabetes in pregnant women. Now, therefore, be it

Resolved, by the Senate of the Sixty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein, That we, the members of the Colorado General Assembly, respectfully request the Congress of the United States, including the members of Colorado's Congressional delegation, to support the proposed "Gestational Diabetes Act of 2006". Be it further

Resolved, That copies of this Joint Memorial be sent to the Colorado Chapter of the American Diabetes Association, the Colorado Diabetes Prevention Control Program, Senator Hillary Rodham Clinton, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Colorado's Congressional delegation.

POM–145. A resolution adopted by the Senate of the State of Louisiana urging Congress to support efforts, programs, services and advocacy of organizations, such as the American Stroke Association, that work to enhance public awareness of childhood stroke; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 87

Whereas, a stroke, also known as a "cerebrovascular accident," is an acute neurologic injury that occurs when a blood vessel that carries oxygen and nutrients to the brain is either blocked by a clot or bursts; and

Whereas, a stroke is a medical emergency that can cause permanent neurologic damage or death if not promptly diagnosed and treated; and

Whereas, twenty-six out of every one hundred thousand newborns and almost three out of every one hundred thousand children have a stroke each year; and

Whereas, an individual can have a stroke before birth; and

Whereas, stroke is among the top ten causes of death for children in Louisiana, and twelve percent of all children who experience a stroke die as a result; and

Whereas, the death rate for children who experience a stroke before the age of one year is the highest out of all age groups; and

Whereas, many children who experience a stroke will suffer serious, long-term neurological disabilities, including hemiplegia, which is paralysis of one side of the body, seizures, speech and vision problems, and learning difficulties; and

Whereas, those disabilities may require ongoing physical therapy and surgeries; and

Whereas, the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society; and

Whereas, very little is known about the cause, treatment, and prevention of childhood stroke; and

Whereas, medical research is the only means by which the citizens of the United States and Louisiana can identify and develop effective treatment and prevention strategies for childhood stroke; and

Whereas, early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas, all citizens of Louisiana are encouraged to learn more about the impact of childhood stroke on our state. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby urge and request the Congress of the United States to support the efforts, programs, services and advocacy of organizations, such as the American Stroke Association, that work to enhance public awareness of childhood stroke. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–146. A joint resolution adopted by the Legislature of the State of Montana repealing, rescinding, canceling, voiding, and superseding any and all extant applications by the Legislature of the State of Montana previously made during any legislative session to the Congress to call a convention pursuant to the terms of Article V of the U.S. Constitution for proposing one or more amendments to it; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 38

Whereas, the Legislature of the State of Montana, acting with the best of intentions, has, at various times and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

Whereas, former Chief Justice of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

Whereas, there is no need for, and rather there is great danger in, a new Constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another 2 centuries of litigation over its meaning and interpretation. Now, therefore, be it

Resolved, by the Senate and the House of Representatives of the State of Montana, That the Legislature does hereby repeal, rescind, cancel, nullify, and supersede to the same effect as if they had never been passed any and all extant applications by the Legislature of the State of Montana to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V of the Constitution, regardless of when or by which session or sessions of the Montana Legislature the applications were made and regardless of whether the applications were for a limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects. Be it further

Resolved, That the following resolutions and memorials are specifically repealed, rescinded, canceled, nullified, and superseded: Joint Concurrent Resolution No. 2, 1901; House Joint Resolution No. 1, 1905; Senate Joint Resolution No. 1, 1907; House Joint Memorial No. 7, 1911; House Joint Resolution No. 13, 1963; and Senate Joint Resolution No. 5, 1965. Be it further

Resolved, That the Legislature of the State of Montana urges the Legislatures of each and every state that has applied to Congress to call a convention for either a general or a limited constitutional convention to repeal and rescind the applications. Be it further

Resolved, That the Secretary of State is directed to send copies of this resolution to the Secretary of State of each state in the Union, to the presiding officers of both houses of the Legislatures of each state in the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Montana Congressional Delegation.

POM–147. A concurrent resolution adopted by the Legislature of the State of Ohio urging Congress to appropriate full funding for the Adam Walsh Act; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, the Congress of the United States passed the Adam Walsh Child Protection and Safety Act of 2006 (the "Adam Walsh Act") on July 25, 2006, to protect the public from sex offenders and offenders against children, and President George W. Bush signed the Adam Walsh Act into law on July 27, 2006; and

Whereas, the Adam Walsh Act establishes a comprehensive national system for the registration of sex offenders and offenders against children that requires the State of Ohio to amend its Sexual Offender Registration and Notification Act; and

Whereas, the Adam Walsh Act requires the U.S. Attorney General to implement a Sex Offender Management Assistance program through which the U.S. Attorney General may award grants to states to offset the costs of implementing the Adam Walsh Act and may give bonus payments to states that implement the Adam Walsh Act in a specified period of time. Now, therefore, be it

Resolved, That we, the members of the 127th General Assembly of the State of Ohio, urge the Congress to appropriate full funding for the Adam Walsh Act; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the members of the Ohio Congressional delegation, to the Speaker and the Clerk of the United States House of Representatives, and to the President Pro Tempore and Secretary of the United States Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 845, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls (Rept. No. 110–110).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 175. A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District (Rept. No. 110–111).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 324. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico (Rept. No. 110–112).

S. 542. A bill to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes (Rept. No. 110–113).

S. 1037. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon (Rept. No. 110–114).

S. 1110. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah (Rept. No. 110–115).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1139. A bill to establish the National Landscape Conservation System, and for other purposes (Rept. No. 110–116).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 235. A bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes (Rept. No. 110–117).

H.R. 276. A bill to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes (Rept. No. 110–118).

H.R. 482. A bill to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes (Rept. No. 110–119).

H.R. 839. A bill to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized (Rept. No. 110–120).

H.R. 886. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes (Rept. No. 110–121).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 902. A bill to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources (Rept. No. 110–122).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1257. A bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives (Rept. No. 110–123).

By Ms. LANDRIEU, from the Committee on Appropriations, without recommendation without amendment:

H.R. 2771. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

H. Con. Res. 7. Calling on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 203. A resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 253. A resolution expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. McCASKILL:

S. 1723. A bill to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself and Mr. REID):

S. 1724. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1725. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to improve the protection of pension benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 1726. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. WARNER, Mr. CHAMBLISS, Ms. SNOWE, Mr. ISAKSON, Mr. LUGAR, Mr. CORNYN, Mr. COLEMAN, and Mr. VOINOVICH):

S. 1727. A bill to amend the Internal Revenue Code of 1986 to provide for a credit against income tax for certain educator expenses, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 1728. A bill to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. COCHRAN):

S. 1729. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for authorized purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. CONRAD, Ms. STABENOW, Ms. SNOWE, and Ms. COLLINS):

S. 1730. A bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. VOINOVICH, and Mr. CHAMBLISS):

S. 1731. A bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 1732. A bill to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. SCHUMER, Ms. STABENOW, and Mr. BROWN):

S. 1733. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, and Mr. KERRY):

S. 1734. A bill to provide for prostate cancer imaging research and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1735. A bill to amend title 49, United States Code, to improve dispute resolution provisions related to the Federal Aviation Administration personnel management system; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 1736. A bill to amend title II of the Social Security Act to provide that the eligibility requirement for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease; to the Committee on Finance.

By Mr. SESSIONS:

S. 1737. A bill to amend title XVIII of the Social Security Act to provide for a waiver of the 35-mile drive requirement for designations of critical access hospitals; to the Committee on Finance.

By Mr. BIDEN (for himself and Mrs. BOXER):

S. 1738. A bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. BROWN):

S. 1739. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 1740. A bill to amend the Act of February 22, 1889, and the Act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself and Mr. ALLARD):

S. 1741. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THUNE:

S. 1742. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. KOHL, Mr. SPECTER, and Mr. CRAPO):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Finance.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 1744. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEMINT:

S. Res. 260. A resolution strengthening the point of order against matters out of scope in conference reports; to the Committee on Rules and Administration.

By Mr. COLEMAN (for himself, Mr. DOMENICI, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. FEINGOLD, and Mr. DURBIN):

S. Res. 261. A resolution expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as "Mr. Wizard"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr.

CORNYN) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 216

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 216, a bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

S. 218

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 651

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 725

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 866

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 866, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mr. SCHUMER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1026

At the request of Mr. CHAMBLISS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1146

At the request of Mr. SALAZAR, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1147

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1147, a bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as "Priority 8").

S. 1219

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1219, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 1233

At the request of Mr. CRAIG, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1353

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1353, a bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1545

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1624

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1624, a bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1713

At the request of Mr. OBAMA, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Connecticut (Mr. DODD) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1713, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. McCASKILL:

S. 1723. A bill to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. McCASKILL. Mr. President, I rise to talk about something great Congress did 30 years ago. They passed the Inspector General Act. That act has provided a layer of accountability in our Government that is very important. Unfortunately, there are still times that the inspector generals in our Government are not given the respect and deference they deserve. That is why today I am introducing the Improving Government Accountability Act.

If one thinks about the inspector generals, what they are is a first line of defense on behalf of taxpayers and against Government waste and inefficiency. They are the first line of defense because they are inside Federal agencies. Let's be honest, inspector generals inside Federal agencies are facing mountains of waste and inefficiency. If they are to do their jobs the way Congress intended, they must be independent, and their work must be immediately accessible to the public.

We have had some troubling incidents over the last several years as it relates to the independence, the qualifications and, frankly, the integrity of our inspector generals. That is why this legislation is necessary. That is why this legislation is so important.

The legislation will do several things. First, all inspector generals will be appointed for terms of 7 years. That will make sure they cannot arbitrarily be removed from their position by a department head who is getting nervous about information they are providing to the public in terms of accountability.

Second, Congress must be notified of the removal of any inspector general and, very importantly, the reasons for the removal before they can be removed from office.

Third, all inspector generals will have their own legal counsel to avoid using the agency counsel. This is important because if they are going to have independence, they must have independent legal advice about their ability to do their job.

Fourth, no inspector general can accept a bonus. The bonuses are given by the heads of the agencies. That is an inherent conflict. If you know that you please the head of your agency and you get more money, what kind of shortcuts are you going to take? What are you going to be willing to gloss over in order not to embarrass the head of that agency with information you have discovered about waste and inefficiency?

Fifth, in the event of a vacancy, the Council on Integrity and Efficiency will recommend to the appointing authority three possible replacements. They will not have the ability to dictate the replacement for the IG, but it will provide the appointing authority with three qualified people to take over the important function of inspector general.

Also key in this legislation is that instead of making their annual budget requests to the agencies they oversee, the IG budget requests will go straight to the Office of Management and Budget, or OMB, that sends the President's budget request to Congress.

Next, all inspector general Web sites must be directly accessible from the home page of the agency. I asked my staff to take a tour through Government agency Web sites to see how easy it was to find out what the IGs had been up to in those agencies. It was remarkably difficult. In many instances we couldn't even find the inspector general's information on the home page of that agency. The public ought to be able to go on the page of any Federal agency and immediately click on the last inspector general report, find out what that inspector general found and, frankly, ought to be able to ask the question, what has been done about it. There will be a way for the public to anonymously send allegations of waste, fraud, and abuse directly to the IG offices.

Our office found that only three of 27 sampled Federal agencies have an obvious direct link from their home page to the IG's Web site. Clearly, we are not focused on making this information available to the public. Frankly, all the auditors in the world, all the inspector generals in the world do no good if the public can't learn the information. Because if the public doesn't know about it, it isn't going to have the cleansing effect it should. Only six of the 27 sampled IGs have an obvious direct link on their home page to report waste, fraud, and abuse. That is very important.

I give credit to Representative JIM COOPER of Tennessee who has been working on this legislation in the House. I am excited to join him in this effort. Senator COLLINS and Senator LIEBERMAN have some of these provisions in their Accountability in Government Contracting Act, of which I am also proud to be a cosponsor.

There have been specific examples that have occurred recently. I won't go into them other than to say, we had one Commerce IG who refused to resign after an investigation showed that he had committed malfeasance in office. However, after much pressure from Congress, he finally did step down. We have another inspector general who has been accused of trying to block the serving of a search warrant at NASA. Think about that, trying to block the serving of a search warrant that had been issued by a court of law. We have another IG who was not reappointed by President Bush and said publicly it was because at the Department of Homeland Security, he was seen as a traitor, and he was intimidated about not issuing reports that might reflect badly on the agency.

Bottom line, we should protect inspector generals. They are precious. They are important to what we do. We can talk all we want about oversight, but if we can't get the information from inside these agencies, frankly, we are not going to be effective in Congress with any kind of oversight. The information the inspector generals provide is crucial to Congress and crucial to the public. This legislation would make sure that they are qualified, protected, independent, and the public knows what they are up to.

I urge my colleagues to get excited about this legislation and maybe, uncharacteristically, move it quickly through the Senate.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 1726. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I want to speak about the bill I am introducing today with Senator CRAPO, the Business Activity Tax Simplification Act of 2007. Our bill tries to address a very important question: How should States tax businesses that locate their operations in a few States, but have customers and earn income in many States? This issue has grown in importance in recent years, and the Supreme Court's decision last week not to get involved in the issue raises the stakes even further.

The crux of the issue is this: A majority of States impose corporate income and other so-called "business activity taxes" only when companies have "physical presence," such as employees or property, in their States. However, some States contend that the mere presence of a business's customers, or an "economic presence," is all that is necessary to impose a business activity tax. These companies are facing a confusing and costly assortment of State and local tax rules, some enacted by legislatures and others imposed upon them by State revenue authorities and upheld by State courts.

Senator CRAPO and I introduced similar legislation in the 109th Congress to try to address this problem of double taxation and tax practices that vary from State to State. That bill came close to passing the House, but some last-minute objections were raised. Now, the need for legislation and congressional action has taken on new urgency, and we have revised the bill to address many of the concerns expressed last year.

Just last week, the U.S. Supreme Court denied certiorari in two cases that challenged the constitutionality of State taxation of out-of-State companies with no physical presence in a State. The States involved in these cases, West Virginia and New Jersey, asserted theories of economic nexus to tax out-of-State corporations. They claimed that because some customers of such corporations reside in the State, even though the corporation is not physically present, they are subject to business activity taxes.

The first case involves a credit card company headquartered in Delaware. The bank issued credit cards nationwide, including credit cards issued to West Virginia customers. The bank had no property or employees, no office or any other physical presence, in the State. The second case involves a Delaware holding company that licensed intellectual property trademarks and trade names to a customer that does business in New Jersey. The holding company itself had no offices, employees, or property in New Jersey, and did not otherwise have a physical presence in the State. In both cases, the State courts ruled that the out-of-State corporation was taxable.

What is so disappointing about the Supreme Court's silence on this issue is the fact that these State court decisions conflict with an earlier Supreme Court ruling. In 1992, in Quill Corp. v. North Dakota, the Supreme Court prohibited States from forcing out-of-State corporations from collecting sales and use tax, unless the corporation has a physical presence in the taxing State. However, some State courts have held that the physical presence test established by Quill creates no such limitations on the imposition of business activity taxes.

Currently, 19 States take the position that a State has the right to tax a business merely because it has a customer within the State, even if the business has no physical presence in the State whatsoever.

These States' actions in pursuing these taxes have caused uncertainty and widespread litigation, so much so that it has created a chilling effect on foreign and interstate commerce. I have spoken out against double taxation on many issues in the past, and the double tax in these cases, while not as large, is just as wrong.

Let me be clear about this: I know that several Governors and State revenue commissioners have spoken out against the legislation because they don't like the Federal Government telling them what they can and cannot tax. They are also concerned about any revenue they might lose as a result. But if the States are collecting a tax they shouldn't be collecting in the first place, the fact that they might lose a small amount of revenue is not the most persuasive argument, in my view.

I believe Congress has a responsibility to create a uniform nexus standard for tax purposes so that goods and services can flow freely between the States. Firm guidance on what activities can be conducted within a State will provide certainty to tax administrators and businesses, reduce multiple taxation or the same income, and will reduce compliance and enforcement costs for States and businesses alike.

The last time Congress acted on this issue was in 1959, when Public Law 86-272 was enacted to prohibit States from imposing "income taxes" on sales of "tangible personal property" by a business whose sole activity within a State was soliciting sales. No one can deny that in the almost 50 years since, interstate commerce has taken on a whole new character. New technologies allow companies headquartered in one State to provide services to consumers across the country. The Internet is replacing bricks-and-mortar stores. Companies and consumers are increasingly linked across State lines.

The Business Activity Tax Simplification Act of 2007 addresses these changes over the last 48 years both modernizing Public Law 86-272 and codifying the physical presence standard. Our bill extends the protections of the 1959 law to include solicitation activities performed in connection with all sales and transactions, not just sales of tangible personal property. The bill protects the free flow of information, including broadcast signals from outside the State, from becoming the basis for taxation of out-of-State businesses.

BATSA also protects activities where the business is a consumer in the State. It makes little sense to impose tax on out-of-State businesses that purchases goods or services from an in-State company. Obviously, in this very common scenario, the out-of-State business is not using these goods or services to generate any revenue in the State. Why should they be subject to tax?

Most importantly, BATSA codifies the physical presence standard. States and localities can only impose business activity taxes on businesses within their jurisdiction that have employees in the State, or real or tangible personal property that is either leased or owned. It is consistent with current law and sound tax policy, which holds that a tax should not be imposed by a State unless that State provides benefits or protections to the taxpayer.

Further, the physical presence standard is the basis for each and every one of our treaties with foreign nations—adoption of a more nebulous standard by the States undermines these international treaties.

We need to act now. Already, State legislatures are interpreting the court's denial of cert as an affirmation of their position that they are free to enact whatever policies affecting interstate commerce that are beneficial to their particular State revenue needs, regardless of the national impact. Because the court will not review their nexus standard and Congress has not acted, States now have an ideal opportunity to raise revenues from out-of-State corporations regardless of the national impact.

Only 3 days after the Supreme Court denied cert, the New Hampshire Assembly added an amendment to the State budget at 3:40 a.m. to allow the State to collect revenue from out-of-State businesses. The denial of cert thereby resulted almost immediately in a $10 million to $100 million windfall for New Hampshire. No one can deny that this was an extremely aggressive action; why else would the legislature have taken such drastic measures to tack on this amendment it? the wee hours of the morning?

States are clearly overreaching in their efforts to collect these taxes, and it creates a difficult situation for businesses. It is laughable to think that a company would decide to cut off all transactions with individuals within a certain State to avoid similar laws. And so they will have to start paying taxes to States where they start generating no revenue, hiring no employees, and contributing nothing to the State's economy from their phantom presence aside from these taxes. But these companies are not going to stand idly by and be double-taxed; they will simply declare less income in their home States as a result.

I know that my legislation with Senator CRAPO has raised concerns in the past. The States have argued that BAT legislation represents an intrusion into their authority to govern. But I believe the contrary: A fundamental aspect of American federalism is that Congress has the authority and responsibility under the commerce clause to ensure that interstate commerce is not burdened by State actions.

In fact, the exercise of such congressional power is necessary in order to prevent excessive burdens from being placed on businesses engaged on interstate activity by virtue of their customer's residing in a particular State. Congress must act to ensure certainty, predictability, and fairness of taxation of multistate corporations. The lack of a bright-line physical presence standard encourages each State to act in its own self interest by taking action to maximize its revenues, regardless of the potential double taxation that results.

Let me address a few concerns that have been raised about the bill. Opponents claim that BATSA includes so many exceptions to the physical presence standard that large, multistate companies will utilize the legislation to ensure they pay minimum State tax nationwide. But our bill explicitly States that it preserves States' authority to adopt or continue to use their own tax compliance tools.

In response to those who say that this legislation will be a huge hit to State budgets, the figures just don't add up. There have been a number of studies done, but even the highest revenue estimate represents only a very small percentage of the total amount of business activity taxes collected by the States. The studies leave out one important fact, however: Companies affected by double-taxation are going to declare less income in their home States, if they have to pay taxes on that same income to another State.

Let me cite just one example from a company in my State. In 2005, Citigroup paid 63 percent of all it State and local taxes to New York State and New York City, all based on physical presence in the State and the city. As more States follow the lead of New Hampshire, the city and State of New York will be getting less from Citibank, one way or another, as they won't want to be double taxed, once by New York because of our physical presence and again in New Hampshire and other States because they have customers in those States. This is why any revenue loss estimates from any city or State are overblown.

In short, this is no longer a theoretical discussion. Federal legislation is required to stop this food fight.

I believe that Congress has a duty to prevent some States from impeding the free flow and development of interstate commerce and to prevent double taxation. That is why I am asking my colleagues on both sides of the aisle, including the chairman and ranking member of the Finance Committee, to carefully consider this legislation.

Mr. CRAPO. Mr. President, I would like to thank my colleague from New York, Senator SCHUMER, for the work he has done on this bill. He shares my grave concerns about the devastating impact that legal interpretations of Public Law 86–272 are having on foreign and interstate commerce. I'm pleased that we can work together in a bipartisan effort to make changes to a law that is in serious need of updating and clarification in view of the more service-oriented economy we have today driven in large part by modern technology's profound transformation of business transactions. This is why we are introducing the Business Activity Tax Simplification Act of 2007, or BATSA, today.

Congress has a Constitutional responsibility to ensure that interstate commerce is not unduly burdened by State actions, including unfair and burdensome taxation of such commerce. Public Law 86–272 was enacted almost 50 years ago, for just these purposes. Ways of conducting multi-state business have changed, and, in the absence of any clarifying legislation, some state courts have interpreted taxation activity under an "economic presence" approach. This approach does not reflect the intent or spirit of the Commerce Clause of the Constitution; furthermore, it creates a climate of uncertainty that inhibits business expansion and innovation. Businesses have to take into account the very real possibility that they will be taxed multiple times for the same business activity. These "business activity taxes" are certainly appropriate when a business has a physical presence in a State; these taxes are inappropriate when imposed by a State where that business's customer happens to reside, but in which the business has no physical presence.

States' efforts to impose improper business activity taxes have been furthered by the Supreme Court's recent silence on this issue. Recent State court rulings are in conflict with the high Court's ruling in Quill Corp. v. North Dakota in 1992. In that ruling, the Supreme Court prohibited States from forcing out-of-state corporations to collect sales and use taxes unless such corporation had a physical presence in the taxing State. As my colleague from New York pointed out a few minutes ago, State courts in both New Jersey and West Virginia have held that the physical presence test in Quill only applies to sales and use taxes, not business activity taxes. I share my colleague's deep concern with the fact that the appeals of these two cases to the Supreme Court were denied certiorari just last week. This denial underscores the urgency of BATSA.

This effort by a large number of States to impose business activity taxes based on economic presence has the potential to open a Pandora's Box of negative implications for businesses. Without clarification by Congress, States will be free to enact revenue-raising nexus legislation and policies that, by definition, will not and cannot take into account the national impact of such activities. The eleventh-hour enactment of economic nexus legislation by the New Hampshire State Legislature just days after the Supreme Court denial of certiorari in the New Jersey and West Virginia cases is a sign of things to come. For many businesses, this will serve as a death knell for growth and expansion.

BATSA will help clarify the intent of Public Law 86–272. BATSA codifies the "physical presence" standard and will eliminate confusion for State tax administrators and businesses alike. It's consistent with current law and the notion that a tax should not be imposed by a State unless that State provides benefits or protections to the taxpayer. BATSA clarifies that an out-of-state business must have nexus under both the Due Process Clause and the Commerce Clause. This standard is also consistent with the standards we have in place with regard to our trading partners abroad.

BATSA modernizes Public Law 86-272 by extending the protections under that law to include solicitation activities performed in connection with all sales and transactions, not just tangible personal property. BATSA applies to all business activity taxes, not just net income taxes. This includes gross receipts taxes, gross profits taxes, single business taxes, franchise taxes, capital stock taxes and business and occupation taxes. It does not apply to transaction taxes such as sales and use taxes.

BATSA protects the free flow of information, critical in our modern era of Internet business and protects the activities where the business is a consumer in that State. And, as my colleague, Senator SCHUMER, rightly pointed out, it is counterintuitive to impose taxes on an out-of-state company purchasing goods or services from an in-State company, since the out-of-state company isn't generating any revenue for the State.

BATSA upholds the approach of disregarding certain de minimus activities codified in Public Law 86-272.

States have argued that BATSA will result in substantial lost State tax revenue. In fact, according to the Congressional Budget Office, the projected total loss of revenue to states from BATSA in year one of enactment represents just 0.2 percent of all State and local taxes paid by businesses in 2005. And the CBO cost estimate is actually less than the cost claimed by the National Governor's Association in its own revenue estimates.

I will tell you what BATSA does not do. BATSA does not help large companies avoid paying their fair share of State taxes, stating explicitly that States retain the authority to adopt or continue to use anti-tax avoidance compliance tools. It expressly endorses statutory and regulatory tools at States' disposal to combat tax abuse. Industry and activity-specific safe harbors included in prior bills do not exist in this legislation.

In the glaring absence of Supreme Court clarification on Quill Corp. v. North Dakota, and in the presence of confusing state court interpretations of that decision and ongoing, and legally-creative revenue-raising schemes by States, it's imperative that Congress act now to preserve the free flow of commerce between States. The Business Activity Tax Simplification Act of 2007 provides that clarification. BATSA ensures that one standard of taxation applies for taxing multi-state companies, so that companies are not unjustly taxed multiple times by different States on the same income. I hope that our colleagues here in the Senate will support this important legislation that will protect the business expansion in our country that keeps our economy competitive and thriving.

By Ms. COLLINS (for herself, Mr. WARNER, Mr. CHAMBLISS, Ms. SNOWE, Mr. ISAKSON, Mr. LUGAR, Mr. CORNYN, Mr. COLEMAN, and Mr. VOINOVICH):

S. 1727. A bill to amend the Internal Revenue Code of 1986 to provide for a credit against income tax for certain educator expenses, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today, along with my good friends, Senators WARNER, CHAMBLISS, SNOWE, ISAKSON, LUGAR, CORNYN, COLEMAN, and VOINOVICH, to introduce the Teacher Tax Credit Act of 2007.

As we approach the end of the school year, it is appropriate once again to consider tax relief to help cover the out-of-pocket expenses our Nation's teachers incur to improve the education of our children.

Many times in the past, we have come to the floor to offer legislation on this subject. In 2001, Senator WARNER and I offered legislation which resulted in the enactment of the existing $250 teacher tax deduction. That deduction expires at the end of this year. Earlier this session, Senator WARNER and I offered legislation to make that deduction permanent, raise it to $400, and expand it to cover professional development expenses.

Today, we introduce legislation that would provide teachers with an alternative tax credit for books, supplies, and equipment they purchase for their students, as well as for professional development expenses. The tax credit would be set at 50 percent of such expenditures so that teachers would receive 50 cents of tax relief for every dollar of their own money they spend, up to $300.

Our rationale in proposing a tax credit as an alternative to the existing deduction is simple, deductions only reduce tax liability indirectly, by reducing taxable income. The value of the deduction is equal to the taxpayer's marginal tax rate, or what we call their tax "bracket." For example, for teachers in the 25 percent tax bracket, a $100 deduction would reduce their tax liability by 25 percent, or $25.

By contrast, the tax credit we are proposing would reduce the amount of taxes paid by a teacher by 50 percent for each dollar that a teacher spends on school supplies or professional development expenses, regardless of the tax bracket the teacher is in. A teacher who took the maximum credit amount of $300 would save 50 percent of that amount—$150—in taxes.

We have made an effort to ensure that the tax benefit we are proposing will make all teachers who use it better off, relative to the current deduction. Let me take a moment to explain how we have done this: first, the tax credit is structured as an alternative teachers can choose either the deduction or the credit, whichever works best for their tax situation. Second, the level of the credit, if adopted in its present form, would provide a net after-tax benefit of $150. This is significantly higher than the net after-tax benefit that most teachers can receive using the current $250 deduction.

It is even higher than the net after-tax benefit that would result from the $400 deduction Senator WARNER and I proposed earlier this year. Teachers in the 25 percent tax bracket would get a net after-tax benefit of $100 from a $400 deduction, so they will see an increase of $50 under the credit system that we are proposing today. Even teachers in the highest tax bracket, which is currently set at 35 percent, would see a small increase in the net benefit they would receive under this credit, compared to a $400 deduction.

I should also note that some teachers make so little they do not even have the tax liability to offset this credit. To make sure these teachers are also compensated for the money they spend on classroom supplies and professional development, the credit Senator WARNER and I are proposing is fully refundable.

It is remarkable how much the average teacher spends every year out of his or her own pocket to buy supplies and other materials for their students. Many of us are familiar with a survey of the National Education Association that found that teachers spend, on average, $443 a year on classroom supplies. Other surveys show that they are spending even more than that.

The NEA's data also shows that the average teacher in the U.S. still does not make $50,000, and in many States, including Maine, they average less than $40,000. When you realize that the average teacher is not particularly well paid, it speaks volumes about their dedication that they are willing to make that kind of investment to support the teaching they provide to their students.

Indeed, I have spoken to dozens of teachers in my home State who tell me they routinely spend far in excess of the $300 credit limit on materials they use in their classrooms. At every school I visit, I find teachers who are spending their own money to improve the educational experiences of their students by supplementing classroom supplies. Year after year, these teachers spend hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and inkpads. For example, Anita Hopkins and Kathi Toothaker, elementary school teachers from Augusta, Maine, purchase books for their students to have as a classroom library as well as workbooks and sight cards. They also purchase special prizes for positive reinforcement for students. Mrs. Hopkins estimates that she spends $800 to $1,000 of her own money on extra materials to make learning fun and to create a stimulating learning experience.

It is important that this credit also be available to teachers who incur expenses for professional development. While this tax relief provides modest assistance to educators, it is my view that students are its ultimate beneficiaries. Studies consistently show that well-qualified teachers, and involved parents, are the most important contributors to student success. Educators themselves understand just how important professional development is to their ability to make a positive impact in the classroom. Teachers in Maine repeatedly tell me that they need, and want, more professional development. But tight school budgets often make funds to support this development impossible to get. By providing a credit for professional development expenses, this amendment will help teachers take that additional course or pursue that advanced degree that will make them even better at what they love to do.

Our bill makes it a priority to reimburse educators for just a small part of what they invest in our children's future. It is both sound education policy and sensible tax policy. I hope our colleagues will join us in support of this important initiative.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, June 27, 2007.

Senator SUSAN COLLINS,
Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND WARNER: On behalf of the National Education Association's (NEA) 3.2 million members, we would like to express our strong support for your proposal to create a tax credit for educators' classroom supply and professional development expenses. We thank you for your continued leadership and advocacy on this important issue.

As you know, educators across the country make considerable financial sacrifices as they reach into their own pockets to purchase classroom supplies. Studies show that teachers spend more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, NEA's 2003 report Status of the American Public School Teacher, 2000–2001 found that teachers spent an average of $443 a year on classroom supplies. More recently, the National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

By creating a tax credit, your legislation would reduce the amount of taxes paid by a teacher by 50 percent for each dollar he or she spends on school supplies. Thus, a teacher taking the maximum credit of $300 would save $150 in taxes, regardless of his or her tax bracket. As a result, your bill will make a real difference for many educators, who often must sacrifice other personal needs in order to pay for classroom supplies.

NEA also strongly supports your proposal to cover out-of-pocket professional development expenses under the tax credit. Teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that educators stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. Your bill will make a critical difference in helping educators access quality training.

We thank you again for your work on this important legislation and look forward to continuing to work with you to support our nation's educators.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Advocacy.

Mr. WARNER. Mr. President, I rise today in support, once again, of America's teachers by joining with Senator COLLINS in introducing the Teacher Tax Credit Act of 2007. Other original cosponsors of this bill include Senators CHAMBLISS, COLEMAN, CORNYN, ISAKSON, LUGAR, SNOWE, and VOINOVICH.

Senator COLLINS and I have worked closely for some time now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as part of their profession. In the 107th Congress, we were successful in providing much needed tax relief for our Nations' teachers with passage of H.R. 3090, the Job Creation and Worker Assistance Act of 2002.

This legislation, which was signed into law by President Bush, included the Collins/Warner Teacher Tax Relief Act of 2001 provisions that provided a $250 above-the-line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students. These important provisions provided almost half a billion dollars worth of tax relief to teachers all across America in 2002 and 2003.

In the 108th Congress we were able to successfully extend the provisions of the Teacher Tax Relief Act for 2004 and 2005. In the 109th Congress we were able to successfully extend the provisions for 2006 and 2007.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends $826 out of their own pocket each year on classroom materials—materials such as pens, pencils, and books. First-year teachers spend even more. Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Accordingly, Senator COLLINS and I have joined together to take another step forward by introducing legislation today that creates a refundable tax credit for teachers. The Teacher Tax Credit Act of 2007 will simply provide a refundable tax credit up to $150 for classroom expenses and professional development expenses.

I ask unanimous consent to have printed in the RECORD at the end of my statement the attached letter from the National Education Association endorsing the Collins-Warner Teacher Tax Credit Act of 2007. I will also ask unanimous consent to have printed in the RECORD at the end of my statement the attached letter from the Virginia Education Association endorsing the Collins-Warner Teacher Tax Credit Act of 2007.

Mr. President, our teachers have made a personal commitment to educate the next generation and to strengthen America. In my view, the Federal Government should recognize the many sacrifices our teachers make in their career.

In addition to the refundable tax credit legislation that we are introducing today, earlier this year Senator COLLINS and I introduced S. 505, The Teacher Tax Relief Act of 2007. S. 505 will build upon current law by increasing the above-the-line deduction, as President Bush has called for, from $250 allowed under current law to $400; allowing educators to include professional development costs within that $400 deduction; and making the teacher tax relief provisions in the law permanent.

The Teacher Tax Credit Act of 2007 is another step forward in providing our educators with the recognition they deserve.

Mr. President, I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Education Association,
Washington, DC, June 27, 2007

Senator Susan Collins,
Senator John Warner,
U.S. Senate,
Washington, DC.

Dear Senators Collins and Warner: On behalf of the National Education Association's (NEA) 3.2 million members, we would like to express our strong support for your proposal to create a tax credit for educators' classroom supply and professional development expenses. We thank you for your continued leadership and advocacy on this important issue.

As you know, educators across the country make considerable financial sacrifices as they reach into their own pockets to purchase classroom supplies. Studies show that teachers spend more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, NEA's 2003 report Status of the American Public School Teacher, 2000–2001 found that teachers spent an average of $443 a year on classroom supplies. More recently, the National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

By creating a tax credit, your legislation would reduce the amount of taxes paid by a teacher by 50 percent for each dollar he or she spends on school supplies. Thus, a teacher taking the maximum credit of $300 would save $150 in taxes, regardless of his or her tax bracket. As a result, your bill will make a real difference for many educators, who often must sacrifice other personal needs in order to pay for classroom supplies.

NEA also strongly supports your proposal to cover out-of-pocket professional development expenses under the tax credit. Teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that educators stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. Your bill will make a critical difference in helping educators access quality training.

We thank you again for your work on this important legislation and look forward to continuing to work with you to support our nation's educators.

Sincerely,

Diane Shust,
Director of Government Relations.
Randall Moody,
Manager of Federal Advocacy.

Virginia Education Association,
Richmond, VA, June 28, 2007.

Senator John Warner,
U.S. Senate,
Washington, DC.

Dear Senator Warner: On behalf of the members of the Virginia Education Association, I am delighted and proud that you are again proposing to create a tax credit for educators' classroom supply and professional development expenses. Virginia teachers and I appreciate your continued leadership on this matter because it obviously affects Virginia educators—and educators around the nation—directly in the pocketbook.

As I'm sure you are aware, the National Education Association reported in a study entitled the Status of the American Public School Teacher, 2000–2001 that teachers spent an average of $443 a year on classroom supplies. Since that time, the average spending for supplies and materials is estimated to have increased to over $1,750 annually. Add to that the out of pocket expense of professional development and you realize the sacrifice and commitment of our nation's teachers to a quality education for their classrooms and the professional commitment they have for themselves.

The bill you are sponsoring with Senator Collins recognizes teachers' dedication and will make a significance difference for many educators. Again, I thank you.

Sincerely,

Princess Moss,
President,
Virginia Education Association.

By Mr. LEAHY (for himself and Mr. Cochran):

S. 1729. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for authorized purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I join with Senator Cochran to introduce a bill that will provide parity between the retirement benefits granted to assistant U.S. attorneys and those granted to other Federal law enforcement officers.

There are 5,500 assistant U.S. attorneys in 93 offices throughout the United States, all of whom are serving on the front lines to uphold the rule of law. Having served as a prosecutor for many years in Vermont, I know well the integral role prosecutors play in the administration of justice. Prosecutors are a crucial component of our justice system, and should be recognized as such when they reach the end of their careers.

Probation officers, deputy marshals, corrections officers, and even corrections employees not serving in a law enforcement role receive enhanced benefits greater than those received by assistant U.S. attorneys. This is an inequity that should be remedied. By correcting this disparity, Congress would also help the Federal justice system retain experienced prosecutors. Of all the prosecutors who leave the government for the private sector, 60 to 70 percent do so with experience of between 6 and 15 years. With the Department of Justice's rapidly expanding role in combating terrorism, we cannot afford to lose the experienced men and women who serve in this vital role.

This legislation also addresses concerns about the cost to the Federal Government of providing enhanced retirement benefits to assistant U.S. attorneys. Proponents of the bill have helped craft provisions that would assist the Department of Justice in recovering money owed to the Federal Government as a result of judgments and other fines. By bolstering the Department's ability to collect the funds it is owed, resources would be freed up to provide the parity in retirement benefits sought by assistant U.S. attorneys. The result of the creative efforts to fund these benefits in an alternative manner is that the Department of Justice will, through its duties as the Nation's law enforcement agency, be able to provide the benefits its employees deserve at little or no cost to the taxpayer.

By passing this legislation, we will signal the Federal Government's recognition that prosecutors in our society fulfill a critical role. Congress can send the message that the service of these prosecutors is a valued and indispensable component of our Federal justice system. I hope all Senators will join us in supporting this legislation to ensure that Federal policy equally respects the contributions of all members of the law enforcement community in keeping our society safe and secure.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

S. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007".

TITLE I—ENHANCED FINANCIAL RECOVERY

SEC. 101. IMPOSITION OF CRIMINAL SURCHARGE.

(a) In General.—Section 3612 of title 18, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) Imposition of Surcharge.—

"(1) In general.—A surcharge shall be imposed upon a defendant if there are any unpaid criminal monetary penalties as of the date specified in subsection (f)(1).

"(2) Amount of surcharge.—The surcharge imposed under paragraph (1) shall be—

"(A) 5 percent of the unpaid principal balance; or

"(B) $50, if the unpaid balance is less than $1,000.

"(3) Allocation of payments.—

"(A) Fine or special assessment.—If a surcharge is imposed under paragraph (1) for a fine or special assessment—

"(i) an amount equal to 95 percent of each principal payment made by a defendant shall be credited to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

"(ii) an amount equal to 5 percent of each principal payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 104 of the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007.

"(B) RESTITUTION.—If a surcharge is imposed under paragraph (1) for a restitution obligation—

"(i) an amount equal to 95 percent of each principal payment shall be paid to any victim identified by the court; and

"(ii) an amount equal to 5 percent of each principal payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 104 of the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007.

"(C) SURCHARGES.—For any payment made by a defendant after the full amount of a surcharge imposed under paragraph (1) has been satisfied, the full amount of such payment shall be credited to the principal amount due or accrued interest, as the case may be.

"(4) DEFINITIONS.—In this section—

"(A) the term 'criminal monetary penalties' includes the principal amount of any amount imposed as a fine, restitution obligation, or special assessment, regardless of whether any payment schedule has been imposed; and

"(B) the term 'principal payment' does not include any amount that is imposed as interest, penalty, or a surcharge.".

(b) CONFORMING AMENDMENTS.—Section 3612 of title 18, United States Code, is amended—

(1) by striking subsections (d) and (e); and

(2) by redesignating subsections (f) through (i), as amended by this Act, as subsection (d) through (g), respectively.

SEC. 102. IMPOSITION OF CIVIL SURCHARGE.

(a) IN GENERAL.—Section 3011 of title 28, United States Code, is amended to read as follows:

"§ 3011. Imposition of surcharge

"(a) IN GENERAL.—A surcharge shall be imposed on a defendant if there is an unpaid balance due to the United States on any money judgment in a civil matter recovered in a district court as of—

"(1) the fifteenth day after the date of the judgment; or

"(2) if the day described in paragraph (1) is a Saturday, Sunday, or legal public holiday, the next day that is not a Saturday, Sunday, or legal holiday.

"(b) AMOUNT OF SURCHARGE.—A surcharge imposed under subsection (a) shall be—

"(1) 5 percent of the unpaid principal balance; or

"(2) $50, if the unpaid balance is less than $1,000.

"(c) ALLOCATION OF PAYMENTS.—If a surcharge is imposed under subsection (a)—

"(1) an amount equal to 95 percent of each principal payment made by a defendant shall be credited as otherwise provided by law; and

"(2) an amount equal to 5 percent of each principal payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 104 of the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007.

"(d) SURCHARGES.—For any payment made by a defendant after the full amount of a surcharge imposed under subsection(a) has been satisfied, the full amount of such payment shall be credited to the principal amount due or accrued interest, as the case may be.

"(e) DEFINITIONS.—In this section—

"(1) the term 'principal payment' does not include any amount that is imposed as interest, penalty, or a surcharge; and - included in title 18, but not here?

"(2) the term 'unpaid balance due to the United States' includes any unpaid balance due to a person that was represented by the Department of Justice in the civil matter in which the money judgment was entered.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter A of chapter 176 of title 28, United States Code, is amended by striking the item relating to section 3011 and inserting the following:

"3011. Imposition of surcharge.".

SEC. 103. INCREASE IN THE AMOUNT OF SPECIAL ASSESSMENTS.

Section 3013 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) The court shall assess on any person convicted of an offense against the United States—

"(1) in the case of an infraction or a misdemeanor—

"(A) if the defendant is an individual—

"(i) the amount of $10 in the case of an infraction or a class C misdemeanor;

"(ii) the amount of $25 in the case of a class B misdemeanor; and

"(iii) the amount of $100 in the case of a class A misdemeanor; and

"(B) if the defendant is a person other than an individual—

"(i) the amount of $100 in the case of an infraction or a class C misdemeanor;

"(ii) the amount of $200 in the case of a class B misdemeanor; and

"(iii) the amount of $500 in the case of a class A misdemeanor; and

"(2) in the case of a felony—

"(A) the amount of $200 if the defendant is an individual; and

"(B) the amount of $1,000 if the defendant is a person other than an individual.".

SEC. 104. ENHANCED FINANCIAL RECOVERY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a separate account known as the Department of Justice Enhanced Financial Recovery Fund (in this section referred to as the "Fund").

(b) DEPOSITS.—Notwithstanding section 3302 of title 31, United States Code, or any other law regarding the crediting of collections, there shall be credited as an offsetting collection to the Fund an amount equal to—

(1) 2 percent of any amount collected pursuant to civil debt collection litigation activities of the Department of Justice (in addition to any amount credited under section 11013 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note));

(2) 5 percent of all amounts collected as restitution due to the United States pursuant to the criminal debt collection litigation activities of the Department of Justice;

(3) any surcharge collected under section 3612(g) of title 18, United States Code, as amended by this Act, or section 3011 of title 28, United States Code, as amended by this Act; and

(4) 50 percent of any special assessment collected under section 3013(a) of title 18, United States Code, as amended by this Act.

(c) AVAILABILITY.—The amounts credited to the Fund shall remain available until expended.

(d) PAYMENTS FROM THE FUND.—

(1) AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General shall use not less than $20,000,000 of the Fund in each fiscal year, to the extent that funds are available, for the civil and criminal debt collection activities of the Department of Justice, including restitution judgments where the beneficiaries are the victims of crime.

(B) EXCEPTIONS.—

(i) ADJUSTMENT OF AMOUNT.—In each fiscal year following the first fiscal year in which deposits into the Fund are greater than $20,000,000, the amount to be used under paragraph (1) shall be increased by a percentage equal to the change in the Consumer Price Index for the calendar year preceding that fiscal year.

(ii) LIMITATION.—In any fiscal year, amounts in the Fund shall be available to the extent that the amount appropriated in that fiscal year for the purposes described in subparagraph (A) is not less than an amount equal to the amount appropriated for such activities in fiscal year 2006, adjusted annually in the same proportion as increases reflected in the amount of aggregate level of appropriations for the Executive Office of United States Attorneys and United States Attorneys.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Funds used under paragraph (1) shall be used to enhance, supplement, and improve civil and criminal debt collection litigation activities of the Department of Justice, primarily such activities by United States attorneys' offices. A portion of such sums may be used by the Department of Justice to provide legal, investigative, accounting, and training support to the United States attorneys' offices.

(B) LIMITATION ON USE.—Funds used under paragraph (1) may not be used to determine whether a defendant is guilty of an offense or liability to the United States (except incidentally for the provision of assistance necessary or desirable in a case to ensure the preservation of assets or the imposition of a judgment which assists in the enforcement of a judgment or in a proceeding directly related to the failure of a defendant to satisfy the monetary portion of a judgment).

(e) OTHER USE OF FUNDS.—After using funds under subsection (d), the Attorney General may use amounts remaining in the Fund for additional civil or criminal debt collection activities, for personnel expenses, for personnel benefit expenses incurred as a result of this Act or the amendments made by this Act, or for other prosecution and litigation expenses. The availability of amounts from the Fund shall have no effect on the implementation of title II or the amendments made by title II.

(f) DEFINITION.—In this section, the term "United States"—

(1) includes—

(A) the executive departments, the judicial and legislative branches, the military departments, and independent establishments of the United States; and

(B) corporations primarily acting as instrumentalities or agencies of the United States; and

(2) except as provided in paragraph (1), does not include any contractor of the United States.

SEC. 105. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by section 101 and section 103 shall apply to any offense committed on or after the date of enactment of this Act, including any offense involving conduct that continued on or after the date of enactment of this Act.

(b) FUND AND SURCHARGES.—

(1) IN GENERAL.—Section 104 and the amendments made by section 102 shall take

effect 30 days after the date of enactment of this Act.

(2) PENDING CASES.—The amendments made by section 102 shall apply to any case pending on or after the date of enactment of this Act.

TITLE II—EQUITABLE RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS

SEC. 201. RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (28), by striking "and" at the end;

(B) in paragraph (29) relating to dynamic assumptions, by striking the period and inserting a semicolon;

(C) by redesignating paragraph (29) relating to air traffic controllers as paragraph (30);

(D) in paragraph (30), as so redesignated, by striking the period and inserting "; and"; and

(E) by adding at the end the following:

"(31) 'assistant United States attorney' means an assistant United States attorney appointed under section 542 of title 28.".

(2) RETIREMENT TREATMENT.—Chapter 83 of title 5, United States Code, is amended by adding after section 8351 the following:

"§ 8352. Assistant United States attorneys

"Except as provided under the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007 (including the provisions relating to the non-applicability of mandatory separation requirements under section 8335(b) and 8425(b) of this title), an assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8351 the following:

"8352. Assistant United States attorneys.".

(B) MANDATORY SEPARATION.—Section 8335(a) of title 5, United States Code, is amended by striking "8331(29)(A)" and inserting "8331(30)(A)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (34), by striking "and" at the end;

(B) in paragraph (35), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(36) 'assistant United States attorney' means an assistant United States attorney appointed under section 542 of title 28.".

(2) RETIREMENT TREATMENT.—Section 8402 of title 5, United States Code, is amended by adding at the end the following:

"(h) Except as provided under the Enhanced Financial Recovery and Equitable Treatment Act of 2006 (including the provisions relating to the non-applicability of mandatory separation requirements under section 8335(b) and 8425(b) of this title), an assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter.".

(c) MANDATORY SEPARATION.—Sections 8335(b)(1) and 8425(b)(1) of title 5, United States Code, are each amended by adding at the end the following: "This subsection shall not apply in the case of an assistant United States attorney.".

SEC. 202. PROVISIONS RELATING TO INCUMBENTS.

(a) DEFINITIONS.—In this section—

(1) the term "assistant United States attorney" means an assistant United States attorney appointed under section 542 of title 28, United States Code.

(2) the term "incumbent" means an individual who is serving as an assistant United States attorney on the effective date of this section.

(b) NOTICE REQUIREMENT.—Not later than 9 months after the date of enactment of this Act, the Department of Justice shall take measures reasonably designed to provide notice to incumbents on—

(1) their election rights under this title; and

(2) the effects of making or not making a timely election under this title.

(c) ELECTION AVAILABLE TO INCUMBENTS.—

(1) IN GENERAL.—An incumbent may elect, for all purposes, to be treated—

(A) in accordance with the amendments made by this title; or

(B) as if this title had never been enacted.

(2) FAILURE TO ELECT.—Failure to make a timely election under this subsection shall be treated in the same way as an election under paragraph (1)(A), made on the last day allowable under paragraph (3).

(3) TIME LIMITATION.—An election under this subsection shall not be effective unless the election is made not later than the earlier of—

(A) 120 days after the date on which the notice under subsection (b) is provided; or

(B) the date on which the incumbent involved separates from service.

(d) LIMITED RETROACTIVE EFFECT.—

(1) EFFECT ON RETIREMENT.—In the case of an incumbent who elects (or is deemed to have elected) the option under subsection (c)(1)(A), all service performed by that individual as an assistant United States attorney (and, with respect to subparagraph (B) of this paragraph, any service performed by such individual pursuant to an appointment under sections 515, 541, 543, and 546 of title 28, United States Code) shall—

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this title; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as if the amendments made by this title had then been in effect.

(2) NO OTHER RETROACTIVE EFFECT.—Nothing in this title (including the amendments made by this title) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (c) is made (or is deemed to have been made).

(e) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (c)(1)(A) shall, with respect to prior service performed by such individual, deposit, with interest, to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that would have been made for such service if the amendments made by section 202 of this title had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If the deposit required under paragraph (1) is not paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2)(B) of title 5, United States Code.

(3) PRIOR SERVICE DEFINED.—In this subsection, the term "prior service" means, with respect to any individual who makes an election (or is deemed to have made an election) under subsection (c)(1)(A), all service performed as an assistant United States attorney, but not exceeding 20 years, performed by such individual before the date as of which applicable retirement deductions begin to be made in accordance with such election.

(f) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary to carry out this title, including provisions under which any interest due on the amount described under subsection (e) shall be determined.

SEC. 203. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by section 201 shall take effect on the first day of the first applicable pay period beginning on or after 120 days after the date of enactment of this Act.

(b) INCUMBENTS.—Section 202 of this title shall take effect 120 days after the date of enactment of this Act.

By Mr. SMITH (for himself, Mr. CONRAD, Ms. STABENOW, Ms. SNOWE, and Ms. COLLINS):

S. 1730. A bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce Pathways to Independence Act of 2007, along with Senators CONRAD, STABENOW, SNOWE, and COLLINS. This legislation includes two important provisions that will help States transition Temporary Assistance for Needy Families, TANF, recipients who have disabilities into work.

States currently face a conflict between the new Federal TANF requirements, as reauthorized by the Deficit Reduction Act of 2006, DRA, and the nondiscrimination requirements of the Americans with Disabilities Act. In order to comply with the ADA, States must make modifications to the work requirements they impose on TANF recipients with disabilities to ensure that they can participate in the program and move toward gainful employment. However, under new Federal TANF rules, States only get credit when recipients participate in a narrow set of activities for a specific number of hours each week, with limited flexibility for people with disabilities.

Our legislation would allow States to create modified employability plans for people with disabilities and get credit toward the TANF participation rate if recipients comply with the requirements in those plans. This would encourage States to engage people with disabilities in appropriate employment-focused activities without fear of facing Federal penalties for not meeting their TANF work rates. The bill also would allow states To exclude people with pending SSI applications and severe temporary disabilities from the work rates.

This legislation allows states to receive full credit when a modified employability plan is developed for a family that includes a person with a disability. The bill requires States that receive credit for families on their caseload with modified employability plans to submit annual reports to the Department of Health and Human Services, HHS, on the types of modifications made and disabled populations served. It also requires HHS to compile this information and send an annual report to Congress.

This approach is appealing to States for many reasons. It allows States to design a system and receive credit for moving a person progressively over time from rehabilitation toward work. It also creates a more realistic work structure for individuals with disabilities and/or addictions who otherwise may fall out of the system either through sanction or discouragement, despite their need for financial assistance.

In July 2002, the General Accounting Office reported that as many as 44 percent of TANF families have a parent or child with a physical or mental impairment. This is almost three times higher than the rate among the non-TANF population in the United States. In 8 percent of TANF families, there is both a parent and a child with a disability; among non-TANF families, this figure is 1 percent. The GAO's work confirmed the findings of earlier studies, including work by the Urban Institute and the HHS Inspector General.

These figures mean that we need to make sure that the TANF program gives States the ability and incentives to serve families in their TANF programs and help them to move from welfare to work. This is the lesson that Oregon and many other States already have learned when they developed and refined their TANF programs.

Most individuals with disabilities who receive TANF are able to engage in work activities and move toward employment, and many will either need no modifications to standard work activities or only minor modifications. Those with more serious conditions may need more intensive services and more significant adjustment to the basic work requirements. Under the bill, a qualified professional must make a determination that an individual has a disability and the state must document the types of modifications, if any, that the individual needs to succeed in moving toward employment.

Our bill proposes the creation of a more appropriate path for those who have disabling conditions, both short- and long-term, recognizing the barriers many of these families face both financially and emotionally. The current strategy of rapid employment for all TANF recipients is not always feasible. This bill will help families with disabilities achieve and maintain stability during the transition from welfare to becoming more financially secure and independent of Government assistance.

Over 20 individual States, including Oregon, and the National Governors Association, representing all 50 States and five territories have identified problems with how the current rules affect their ability to serve individuals with disabilities appropriately and meet the TANF work requirements. They have asked for modifications to the new TANF requirements like the ones proposed in our bill.

I look forward to working with my cosponsors, Senators CONRAD, STABENOW, SNOWE, and COLLINS on these important provisions, and I urge my colleagues to join us in support of this legislation.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pathways to Independence Act of 2007".

SEC. 2. AUTHORIZATION OF MODIFIED EMPLOYABILITY PLAN FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by adding at the end the following new subparagraph:

"(E) INDIVIDUALS WITH DISABILITIES COMPLYING WITH A MODIFIED EMPLOYABILITY PLAN DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—

"(i) MODIFIED EMPLOYABILITY PLAN.—A State may develop a modified employability plan for an adult or minor child head of household recipient of assistance who has been determined by a qualified medical, mental health, addiction, or social services professional (as determined by the State) to have a disability, or who is caring for a family member with a disability (as so determined). The modified employability plan shall—

"(I) include a determination that, because of the disability of the recipient or the individual for whom the recipient is caring, reasonable modification of work activities, hourly participation requirements, or both, is needed in order for the recipient to participate in work activities;

"(II) set forth the modified work activities in which the recipient is required to participate;

"(III) set forth the number of hours per week for which the recipient is required to participate in such modified work activities based on the State's evaluation of the family's circumstances;

"(IV) set forth the services, supports, and modifications that the State will provide to the recipient or the recipient's family;

"(V) be developed in cooperation with the recipient; and

"(VI) be reviewed not less than every 6 months.

"(ii) INCLUSION IN MONTHLY PARTICIPATION RATES.—For the purpose of determining monthly participation rates under subsection (b)(1)(B)(i), and notwithstanding paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) of this subsection and subsection (d) of this section, a recipient is deemed to be engaged in work for a month in a fiscal year if—

"(I) the State has determined that the recipient is in substantial compliance with activities and hourly participation requirements set forth in a modified employability plan that meets the requirements set forth in clause (i); and

"(II) the State complies with the reporting requirement set forth in clause (iii) for the fiscal year in which the month occurs.

"(iii) REPORTS.—

"(I) REPORT BY STATE.—With respect to any fiscal year for which a State counts a recipient as engaged in work pursuant to a modified employability plan, the State shall submit a report entitled 'Annual State Report on TANF Recipients Participating in Work Activities Pursuant to Modified Employability Plans Due to Disability' to the Secretary not later than March 31 of the succeeding fiscal year. The report shall provide the following information:

"(aa) The aggregate number of recipients with modified employability plans due to a disability.

"(bb) The percentage of all recipients with modified employability plans who substantially complied with activities set forth in the plans each month of the fiscal year.

"(cc) Information regarding the most prevalent types of physical and mental impairments that provided the basis for the disability determinations.

"(dd) The percentage of cases with a modified employability plan in which the recipient had a disability, was caring for a child with a disability, or was caring for another family member with a disability.

"(ee) A description of the most prevalent types of modification in work activities or hours of participation that were included in the modified employability plans.

"(ff) A description of the qualifications of the staff who determined whether individuals had a disability, of the staff who determined that individuals needed modifications to their work requirements, and of the staff who developed the modified employability plans.

"(II) REPORT BY SECRETARY.—The Secretary shall submit an annual report to Congress entitled 'Efforts in State TANF Programs to Promote and Support Employment for Individuals with Disabilities' not later than July 31 of each fiscal year that includes information on State efforts to engage individuals with disabilities in work activities for the preceding fiscal year. The report shall include the following:

"(aa) The number of individuals for whom each State has developed a modified employability plan.

"(bb) The types of physical and mental impairments that provided the basis for the disability determination, and whether the individual with the disability was an adult recipient or minor child head of household, a child, or a non-recipient family member.

"(cc) The types of modifications that States have included in modified employability plans.

"(dd) The extent to which individuals with a modified employability plan are participating in work activities.

"(ee) An analysis of the extent to which the option to establish such modified employability plans was a factor in States' achieving or not achieving the minimum participation rates under subsection (a) for the fiscal year.

"(iv) DEFINITIONS.—

"(I) DISABILITY.—For purposes of this subparagraph, the term 'disability' means a mental or physical impairment, including substance abuse or addiction, that—

"(aa) constitutes or results in a substantial impediment to employment; or

"(bb) substantially limits 1 or more major life activities.

"(II) MODIFIED WORK ACTIVITIES.—For purposes of this subparagraph, the term 'modified work activities' means activities the State has determined will help the recipient become employable and which are not subject to and do not count against the limitations and requirements under the preceding provisions of this subsection and of subsection (d).".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 3. STATE OPTION TO EXCLUDE SSI APPLICANTS IN WORK PARTICIPATION RATE.

(a) IN GENERAL.—Section 407(b)(5) of the Social Security Act (42 U.S.C. 607(b)(5)) is amended by striking "at its option, not require an individual" and all that follows and inserting "at its option—

"(A) not require an individual who is a single custodial parent caring for a child who has not attained 12 months of age to engage in work, and may disregard such an individual in determining the participation rates under subsection (a) of this section for not more than 12 months;

"(B) disregard for purposes of determining such rates for any month, on a case-by-case basis, an individual who is an applicant for or a recipient of supplemental security income benefits under title XVI or of social security disability insurance benefits under title II, if—

"(i) the State has determined that an application for such benefits has been filed by or on behalf of the individual;

"(ii) the State has determined that there is a reasonable basis to conclude that the individual meets the disability or blindness criteria applied under title II or XVI;

"(iii) there has been no final decision (including a decision for which no appeal is pending at the administrative or judicial level or for which the time period for filing such an appeal has expired) denying benefits; and

"(iv) not less than every 6 months, the State reviews the status of such application and determines that there is a reasonable basis to conclude that the individual continues to meet the disability or blindness criteria under title II or XVI; and

"(C) disregard for purposes of determining such rates for any month, on a case-by-case basis, an individual who the State has determined would meet the disability criteria for supplemental security income benefits under title XVI or social security disability insurance benefits under title II but for the requirement that the disability has lasted or is expected to last for a continuous period of not less than 12 months.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

MENTAL HEALTH AMERICA,
Alexandria, VA, June 28, 2007.

Hon. GORDON SMITH,
Hon. DEBBIE STABENOW,
Hon. SUSAN COLLINS,
Hon. KENT CONRAD,
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH, CONRAD, STABENOW, SNOWE, AND COLLINS: I am writing to commend you for introducing the "Pathways to Independence Act of 2007". This legislation will enable States to engage individuals with mental health and substance use conditions in programs to help them successfully move from welfare to work.

Mental Health America is dedicated to helping all people live mentally healthier lives. Our network of over 320 State and local affiliates nationwide includes advocates, consumers of mental health services, family members of consumers, providers of mental health care, and other concerned citizens—all dedicated to improving mental health care and promoting mental wellness.

A large percentage of individuals who need and rely on the Temporary Assistance for Needy Families (TANF) program have significant mental health conditions and substance use disorders. Studies indicate that one-fourth to one-third of TANF recipients has serious mental health conditions, and some studies show that up to one-fifth of TANF recipients have substance use disorders. Moreover, more than one-fifth have learning disabilities and more than one-fifth have physical impairments. As you know, these rates are well above those for the general population and indicate a pressing need for access to care.

We are very concerned about changes made to the TANF program in reauthorizing legislation included in the Deficit Reduction Act (DRA). Individuals with mental health conditions, substance use disorders, or other disabling conditions will need assistance meeting the work requirements of the TANF program that were significantly tightened by the DRA. However, the regulations issued by the Department of Health and Human Services implementing the new DRA requirements provide such narrow definitions of the types of activities that can count toward a state's work participation rate (which determines Federal funding), we fear States will be discouraged from providing the services these individuals need in order to be engaged in the program and able to work. We are particularly alarmed that States are only allowed to count individuals receiving mental health or substance abuse treatment or rehabilitation activities as job readiness activities for 4 consecutive weeks and 6 weeks total per year before requiring that these individuals be engaged in full-time employment.

States are required under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Rehab Act) to make modifications to Federal programs, including TANF, to enable individuals with disabilities to participate. However, if States provide ADA-required modifications to the work requirements for individuals with disabilities, including those with serious mental health conditions, they may not meet their work participation rates even if these TANF recipients are actively engaged in activities designed to help them secure full-time jobs.

Your bill would give States the flexibility they need in order to fully engage individuals with serious mental health conditions or substance use disorders in activities designed to move them successfully into employment. Specifically, your bill would allow States to develop "modified employability plans" for TANF recipients who are determined by qualified medical, mental health, or social services professionals either to have a disability or to be caring for a family member with a disability. These provisions would also enable States to meet the ADA and Rehab Act requirements to provide reasonable accommodations to these families without losing Federal TANF funds.

We greatly appreciate your on-going leadership in working to ensure that individuals with mental health conditions, substance use disorders, and other disabling conditions are able to fully participate in and benefit from the TANF program. We look forward to working with you toward swift enactment of the "Pathways to Independence Act of 2007".

Sincerely,

DAVID SHERN,
President & CEO.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
Washington, DC, June 28, 2007.

Hon. GORDON SMITH,
Hon. DEBBIE STABENOW,
Hon. SUSAN COLLINS,
Hon. KENT CONRAD,
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH, CONRAD, STABENOW, SNOWE, AND COLLINS: We are writing to thank you for introducing legislation that will allow States to more effectively serve families that include a person with a disability in the Temporary Assistance to Needy Families (TANF) program. We believe this legislation, if enacted, will significantly improve the ability of States to help families successfully move from welfare toward work while also ensuring that the needs of family members with disabilities are met. The undersigned organizations enthusiastically support this legislation.

The Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, DC. We work together to advocate for national public policy that ensures the self determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force seeks to ensure that families that include persons with disabilities are afforded equal opportunities and appropriate accommodations under the TANF block grant.

Congress explicitly stated in the Personal Responsibility and Work Opportunity Reconciliation Act that, in implementing TANF, States are to comply with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitative Services Act of 1973. The expectation, therefore, is that States will provide individualized treatment and an effective and meaningful opportunity to fully participate in the program. To achieve this, States must provide appropriate services, modify as necessary policies, practices, and procedures, and adopt non-discriminatory methods of administering the program. This expectation is also conveyed in guidance to the States issued by the Office of Civil Rights in the Department of Health and Human Services.

Under the Deficit Reduction Act (DRA), Congress reauthorized the TANF block grant program. The legislation retained States' obligation to comply fully with the ADA and Section 504 of the Rehabilitation Act of 1973, as amended while hindering States' ability to fully engage families that include a person with a disability. The DRA effectively increases the work participation rate for the TANF program and imposes penalties on States that fail to meet the participation rates. It does not allow States to receive credit toward the work participation rate for families whose employability plan has been modified to accommodate a person with a disability. It fails to ensure that States receive adequate credit for providing rehabilitative services to parents with disabilities to help them prepare for a successful transition to work. In short, existing policies do not provide States with credit for offering appropriate accommodation and services to families that include a person with a disability. Instead it increases the likelihood States offering such accommodations and services that "do not count" will face financial penalties.

HHS received comments from TANF administrators across the country who argued that the TANF provisions adopted under the DRA and reflected in HHS interim regulations severely impedes their ability to appropriately serve families that include a person with a disability. In a letter to Secretary Leavitt in response to the interim proposed regulations, the National Governor's Association stated that:

> Governors continue to believe that States should have maximum flexibility in receiving credit for key rehabilitative and supportive services such as substance abuse, behavioral/mental health and domestic violence treatments in one or more work activity. These services are an imperative part of moving recipients, with barriers, to work and retaining employment. States need credit for these services in work activities that are fully countable for all hours of participation without time limit.

We believe your legislation provides appropriate flexibility for families who require accommodation due to a disability. Under this bill, States will receive credit, not face penalties, for investing in the supports necessary to help individuals with disabilities succeed in the labor market and achieve a higher degree of self-reliance. The flexibility provided in this bill can improve the overall performance of the TANF program by helping families at greatest risk move toward employment. To date, studies have demonstrated that a disproportionate number of families who exit the program without employment or other sources of financial assistance include a person with a disability. States can and must serve these families better and Congress should provide them with the tools to do so by supporting this legislation.

Thank you again for introducing this legislation and your leadership on this very important issue. We are grateful for your leadership on behalf of families that include an adult or child with a disability. We look forward to working with you and your staffs to ensure that this provision becomes law.

Sincerely,

American Dance Therapy Association.
American Music Therapy Association.
American Association on Intellectual & Developmental Disabilities.
American Psychological Association.
Association of University Centers on Disabilities (AUCD).
Bazelon Center for Mental Health Law.
Easter Seals, Inc.
Epilepsy Foundation.
Goodwill Industries International, Inc.
Learning Disabilities Association of America.
Mental Health America.
National Alliance on Mental Illness.
National Alliance to End Homelessness.
National Association of Councils on Developmental Disabilities.
National Association of County Behavioral Health and Developmental Disability Directors.
National Association of State Directors of Special Education.
National Association of State Head Injury Administrators.
National Association of State Mental Health Program Directors.
National Council for Community Behavioral Healthcare.
National Disability Rights Network.
The Arc of the United States.
United Cerebral Palsy.
United Spinal Association.

By Mr. CORNYN (for himself, Mr. VOINOVICH, and Mr. CHAMBLISS):

S. 1731. A bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the United States Authorization and Sunset Commission Act of 2007. I am very pleased to be joined by my colleagues and good friends, Senator GEORGE VOINOVICH and Senator SAXBY CHAMBLISS, who share my commitment that every dime sent by taxpayers to Washington, DC, is spent wisely.

The United States Authorization and Sunset Commission Act of 2007 creates an eight member bipartisan Commission, made up of four Senators and four Representatives. The Commission will look at the effectiveness and efficiency of all Federal programs, but will especially focus on unauthorized and ineffective programs. The bill is modeled after the sunset process that the State of Texas instituted in 1977 to identify and eliminate waste, duplication, and inefficiency in government agencies. This process has led to the elimination of dozens of agencies that have outlived their usefulness and has saved Texas taxpayers hundreds of millions of dollars.

The job of the Commission is to ask the fundamental question: "Is an agency or program still needed?"

The Commission has two major responsibilities. First, the Commission must submit a legislative proposal to Congress at least once every 10 years that includes a review schedule of at least 25 percent of unauthorized Federal programs and at least 25 percent of ineffective Federal programs or where effectiveness cannot be shown by the Office of Management and Budget's, OMB, Performance Assessment Rating Tool, PART. The Commission's schedule will abolish each program if Congress fails to either reauthorize the program or consider the Commission's recommendations within 2 years.

Second, the Commission must conduct a review of each program identified in its review schedule and send its recommendations for congressional review. Congress will then have 2 years to consider and pass the Commission's recommendations or to reauthorize the program before it is abolished.

Congress has two bites of the apple when it comes to evaluating Federal spending. First, when it authorizes a program and second when it appropriates the money for it. Yet a study by the Congressional Budget Office found that Congress spent just under $160 billion in 2006 on agencies and programs despite the fact that their authorization had expired. The list included hundreds of accounts, big and small, ranging from the Coast Guard, $8 billion, to the Administration on Aging, $1.5 billion, to section 8 tenant-based housing, $15.6 billion, to foreign relations programs, $9.5 billion. Many of these expired programs and agencies, perhaps most, deserve reauthorization. Nonetheless, Congress should aggressively determine whether these programs and agencies are working as intended and the Commission will help serve this purpose.

In addition, the Commission will use OMB's PART, which is a tool to assess and improve program performance. PART looks at all factors that affect and reflect program performance including program purpose and design, performance measurement, evaluations, and strategic planning, program management, and program results. Using PART, OMB has scored 793 Government programs and found that 4 percent are ineffective and the results for 24 percent could not be shown. Programs rated as "ineffective" or "results not demonstrated" account for $152 billion in budget authority.

The Commission's work will be guided by 10 criteria, including the program's effectiveness and efficiency, achievement of performance goals, and whether the program has fulfilled its legislative intent.

Unfortunately Congress has a tendency to create commissions and then ignore their work and continue on with business as usual. This bill solves this problem. It requires Congress to consider, debate, and vote on the Commission's report under expedited procedures.

The United States Authorization and Sunset Commission Act of 2007 is an important step to getting our fiscal house in order and to making sure that Congress gets back to the hard work of oversight to determine if programs actually fulfill their stated purpose or yield some unintended or counterproductive results. Periodic assessments are essential to good Government and this is what the Commission will provide to Congress and to taxpayers across the country. For this reason, I ask that my colleagues join me in cosponsoring the United States Authorization and Sunset Commission Act of 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was printed in the RECORD, as follows:

S. 1731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Authorization and Sunset Commission Act of 2007".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code;

(2) the term "Commission" means the United States Authorization and Sunset Commission established under section 3; and

(3) the term "Commission Schedule and Review bill" means the proposed legislation submitted to Congress under section 4(b).

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of 8 members (in this Act referred to as the "members"), as follows:

(1) Four members appointed by the majority leader of the Senate, 1 of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, 1 of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), 4 shall be members of the Senate (not more than 2 of whom may be of the same political party).

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), 4 shall be members of the House of Representatives, not more than 2 of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 6 years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), 2 members shall be appointed to serve a term of 3 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 3 years of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this Act, 5 or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this Act—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this Act.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2037.

SEC. 4. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of agencies and programs (in this section referred to as the "Commission Schedule and Review bill").

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission's review and proposed abolishment of—

(A) at least 25 percent of unauthorized agencies or programs as measured in dollars, including those identified by the Congressional Budget Office under section 602(e)(3) of title 2, United States Code; and

(B) if applicable, at least 25 percent of the programs as measured in dollars identified by the Office of Management and Budget through its Program Assessment Rating Tool program or other similar review program established by the Office of Management and Budget as ineffective or results not demonstrated.

(3) REVIEW OF AGENCIES.—In determining the schedule for review and abolishment of agencies under paragraph (1), the Commission shall provide that any agency that performs similar or related functions be reviewed concurrently.

(4) CRITERIA AND REVIEW.—The Commission shall review each agency and program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program or agency.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program or agency.

(D) Whether the program or agency has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program or agency.

(E) Ways the agency or program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of agencies or programs would better enable the Federal Government to accomplish its missions and goals.

(G) The promptness and effectiveness of an agency in handling complaints and requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(H) The extent that the agency encourages and uses public participation when making rules and decisions.

(I) The record of the agency in complying with requirements for equal employment opportunity, the rights and privacy of individuals; and purchasing products from historically underutilized businesses.

(J) The extent to which the program or agency duplicates or conflicts with other Federal agencies, State or local government, or the private sector and if consolidation or streamlining into a single agency or program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of agencies and programs; and

(B) abolishes any agency or program 2 years after the date the Commission completes its review of the agency or program, unless the agency or program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section 6.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress and the President—

(A) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each agency and program to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(B) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs and agencies to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(C) legislative provisions necessary to implement the Commission's proposal and recommendations.

(2) ADDITIONAL REPORTS.—The Commission shall submit to Congress and the President additional reports as prescribed under paragraph (1) on or before June 30 of every other year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program or agency.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than 5 members of the Commission.

SEC. 5. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section 4(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) Vote on final passage.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on final passage of the bill shall occur.

(F) Other motions not in order.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) Consideration by other house.—If, before the passage by one House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(A) the bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the bill of the other House.

Upon disposition of a bill that is received by one House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) Consideration in conference.—

(A) Convening of conference.—Immediately upon final passage of a bill that results in a disagreement between the 2 Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) Action on conference reports in the Senate.—

(i) Motion to proceed.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) Debate.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) Conference report defeated.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferrees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) Amendments in disagreement.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) Limitation on motion to recommit.—A motion to recommit the conference report is not in order.

(c) Rules of the Senate and the House of Representatives.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 6. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.

(a) Introduction and Committee Consideration.—

(1) Introduction.—The Commission Schedule and Review bill submitted under section 4(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) Committee consideration.—

(A) Referral.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Budget and the Committee on Oversight and Government Reform of the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) Reporting.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) Discharge of committee.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) Expedited Procedure.—

(1) Consideration.—

(A) In general.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) Motion to proceed.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) Limited debate.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) Amendments.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) Vote on final passage.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on final passage of the Commission Schedule and Review bill shall occur.

(F) Other motions not in order.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by one House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Mr. VOINOVICH. Mr. President, I am pleased to join my good friend and colleague Senator CORNYN in introducing the United States Authorization and Sunset Commission Act of 2007. This legislation would create a bipartisan commission to make recommendations to Congress on whether to reauthorize, reorganize, or terminate Federal programs. It would establish a systematic process to review unauthorized programs and agencies, and, if applicable, programs that are rated as ineffective or results not demonstrated under the Program Assessment Rating Tool, PART. The Comptroller General and the Director of the Congressional Budget Office, CBO, would serve as ex-officio members, bringing their knowledge and experience and that of their organizations to the process.

Earlier this year, as it does every year, the CBO reported on programs that at one time had an explicit authorization that has either expired or will expire during the current session. This is always a lengthy report that runs 75 pages or more. In recent years, the total amount of unauthorized programs receiving appropriations reported by CBO has ranged between $160 billion and $170 billion annually.

I make this point, not to criticize or to imply that all unauthorized programs should be eliminated. Instead, it is to point out that what we are doing now is not working for us. We know that oversight is an important part of our job, but oversight takes time. How do we explain to our constituents that we do not have the time to distinguish between worthwhile programs and those that have outlived their purpose, are poorly targeted, operate inefficiently, or simply are not producing results?

As a sponsor of The Stop Over-Spending Act of 2007, "S.O.S.," legislation, which includes several provisions from bills I introduced earlier this year, I want to work with my colleagues to pass legislation that allows us to convert some of the time spent on the annual budget cycle into time spent on oversight. A biennial budget cycle plus commissions such as this one and others that I have proposed to examine entitlement programs and increase program accountability all have a similar goal—to provide the time and the tools to reinvigorate congressional oversight.

This legislation does not take away our obligation to make difficult decisions about what programs to continue and those that we can no longer afford to support. What it does do is provide an opportunity to work smarter. I believe by establishing this Commission to do a thorough examination of programs and agencies, using established criteria, and a transparent reporting process, that we can carry out our responsibilities more efficiently and effectively.

I urge my colleagues to support The United States Authorization and Sunset Commission Act of 2007.

By Mr. DURBIN (for himself, Mr. SCHUMER, Ms. STABENOW, and Mr. BROWN):

S. 1733. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, today, I introduce the Housing Fairness Act of 2007, legislation that would strengthen efforts to detect discrimination and enforce equal housing opportunities. This legislation is especially timely given that June is National Homeownership Month.

The Housing Fairness Act promotes equal housing opportunities for all people by authorizing funds to process complaints, investigate cases of housing discrimination, and develop and operate education and outreach programs to inform the general public of fair housing rights. The legislation also creates a competitive matching grant program for private nonprofit organizations to examine the causes of housing discrimination and segregation and their effects on education, poverty and economic development.

Despite the passage of the Fair Housing Act almost 40 years ago, more than 4 million fair housing violations still occur each year. When the Department of Housing and Urban Development designated certain real estate companies for investigation, studies uncovered an 87 percent rate of racial steering and a 20 percent denial rate for African-Americans and Latinos. In part due to fair housing violations, the homeownership gap between people of different racial and ethnic groups is larger than it was in 1940. These facts confirm that we need to be doing more to promote fair housing.

I invite my colleagues to cosponsor this legislation and work with me to find solutions to further detect discrimination and enforce the Fair Housing Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Fairness Act of 2007".

SEC. 2. TESTING FOR DISCRIMINATION.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a nationwide program of testing to—

(1) detect and document differences in the treatment of persons seeking to rent or purchase housing or obtain or refinance a home mortgage loan, and measure patterns of adverse treatment because of the race, color, religion, sex, familial status, disability status, or national origin of a renter, home buyer, or borrower; and

(2) measure the prevalence of such discriminatory practices across the housing and mortgage lending markets as a whole.

(b) ADMINISTRATION.—The Secretary of Housing and Urban Development shall enter into agreements with qualified fair housing enforcement organizations, as such organizations are defined under subsection (h) of section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(h)), for the purpose of conducting the testing required under subsection (a) .

(c) REPORT.—The Secretary of Housing and Urban Development shall report to Congress—

(1) on a biennial basis, the results of each round of testing required under subsection (a) along with any recommendations or proposals for legislative or administrative action to address any issues raised by such testing; and

(2) on an annual basis, a detailed summary of the calls received by the Fair Housing Administration's 24-hour toll-free telephone hotline.

(d) USE OF RESULTS.—The results of any testing required under subsection (a) may be used as the basis for the Secretary, or any State or local government or agency, public or private nonprofit organization or institution, or other public or private entity that the Secretary has entered into a contract or cooperative agreement with under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) to commence, undertake, or pursue any investigation or enforcement action to remedy any discrimination uncovered as a result of such testing.

(e) DEFINITIONS.—As used in this section:

(1) DISABILITY STATUS.—The term "disability status" has the same meaning given the term "handicap" in section 802 of the Civil Rights Act of 1968 (42 U.S.C. 3602).

(2) FAMILIAL STATUS.—The term "familial status" has the same meaning given that term in section 802 of the Civil Rights Act of 1968 (42 U.S.C. 3602).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section $20,000,000 for fiscal year 2008 and each fiscal year thereafter.

SEC. 3. INCREASE IN FUNDING FOR THE FAIR HOUSING INITIATIVES PROGRAM.

Section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "qualified" before "private nonprofit fair housing enforcement organizations,"; and

(B) in paragraph (2), by inserting "qualified" before "private nonprofit fair housing enforcement organizations,";

(2) by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this section $52,000,000 for each of fiscal years 2008 through 2012, of which—

"(A) not less than 75 percent of such amounts shall be for private enforcement initiatives authorized under subsection (b);

"(B) not more than 10 percent of such amounts shall be for education and outreach programs under subsection (d); and

"(C) any remaining amounts shall be used for program activities authorized under this section.

"(2) AVAILABILITY.—Any amount appropriated under this section shall remain available until expended.";

(3) in subsection (h), in the matter following subparagraph (C), by inserting "and meets the criteria described in subparagraphs (A) and (C)" after "subparagraph (B)"; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (D), by striking the period and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(E) websites and other media outlets.";

(B) in paragraph (2), by striking "or other public or private entities" and inserting "or other public or private nonprofit entities"; and

(C) in paragraph (3), by striking "or other public or private entities" and inserting "or other public or private nonprofit entities".

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Housing and Urban Development should—

(1) fully comply with the requirements of section 561(d) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(d)) to establish, design, and maintain a national education and outreach program to provide a centralized, coordinated effort for the development and dissemination of the fair housing rights of individuals who seek to rent, purchase, sell, or facilitate the sale of a home;

(2) utilize all amounts appropriated for such education and outreach program under section 561(g) of such Act; and

(3) promulgate regulations regarding the fair housing obligations of each recipient of Federal housing funds to affirmatively further fair housing, as that term is defined under title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

SEC. 5. GRANTS TO PRIVATE ENTITIES TO STUDY HOUSING DISCRIMINATION.

(a) GRANT PROGRAM.—The Secretary of Housing and Urban Development shall carry out a competitive matching grant program to assist private nonprofit organizations in—

(1) conducting comprehensive studies that examine—

(A) the causes of housing discrimination and segregation; and

(B) the effects of housing discrimination and segregation on education, poverty, and economic development; and

(2) implementing pilot projects that test solutions that will help prevent or alleviate housing discrimination and segregation.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a private nonprofit organization shall—

(1) submit an application to the Secretary of Housing and Urban Development, containing such information as the Secretary shall require; and

(2) agree to provide matching non-Federal funds for 25 percent of the total amount of the grant, such funds may include items donated on an in-kind contribution basis.

(c) PREFERENCE.—In awarding any grant under this section, the Secretary of Housing and Urban Development shall give preference to any applicant who is—

(1) a qualified fair housing enforcement organization, as such organization is defined under subsection (h) of section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(h)); or

(2) a partner of any such organization.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for each of fiscal years 2008 through 2012.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, and Mr. KERRY):

S. 1734. A bill to provide for prostate cancer imaging research and education; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to introduce the Prostate Research, Imaging, and Men's Education Act. This important legislation addresses the urgent need for the development of new technologies to detect and diagnose prostate cancer, and for the education of the dangers of this deadly disease.

I thank my colleagues, Senator FRANK LAUTENBERG and Senator JOHN KERRY, for joining me as original cosponsors of this important legislation.

Prostate cancer is the second most common cancer in the United States, and the second leading cause of cancer related deaths in men. This cancer strikes one in every six men, making it even more prevalent than breast cancer, which strikes one in every seven women.

In 2007, more than 218,000 men will be diagnosed with prostate cancer, and more than 27,000 men will die from the disease. One new case occurs every 2.5 minutes and a man dies from prostate cancer every 19 minutes.

The Prostate Research, Imaging, and Men's Education Act, also known as the PRIME Act, will mirror the investment the Federal Government made in advanced imaging technologies, which led to life-saving breakthroughs in detection, diagnosis and treatment of breast cancer. This bill directs the Secretary of the Department of Health and Human Services, HHS, to expand research on prostate cancer, and provides the resources to develop innovative advanced imaging technologies for prostate cancer detection, diagnosis, and treatment.

The Prostate Research, Imaging, and Men's Education Act would also create a national campaign conducted through HHS to increase awareness about the need for prostate cancer screening, and the development of better screening techniques. Since African American men are 56 percent more likely to develop prostate cancer compared with Caucasian men and nearly 2.5 times as likely to die from the disease, this campaign will work with the Offices of Minority Health at HHS and the Centers for Disease Control and Prevention to ensure that this effort will reach the men most at risk from this disease.

The Prostate Research, Imaging and Men's Education Act will also promote research that improves prostate cancer screening blood tests. According to a recent National Cancer Institute study, current blood tests result in false-negative reassurances and numerous false-positive alarms. Some 15 percent of men with normal blood test levels actually have prostate cancer. Even when levels are abnormal, some 88 percent of men end up not having prostate cancer but undergoing unnecessary biopsies. Furthermore, the prostate is one of the last organs in a human body where biopsies are performed blindly, which can miss cancer even when multiple samples are taken.

Government initiative in research and education can be the key to diagnosing prostate cancer earlier and more accurately. This legislation would strengthen our efforts to fight this disease.

As June is Men's Health Month, this is an ideal time to draw attention to the issue affecting so many men across the Nation. I ask all my fellow Senators to join with me in ensuring the health of our husbands, brothers, sons, and friends against this disease.

By Mr. DODD:

S. 1736. A bill to amend title II of the Social Security Act to provide that the eligibility requirements for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease; to the Committee on Finance.

Mr. DODD. Mr. President, today I am introducing the Claire Collier Social Security Disability Insurance Fairness Act. This legislation will ensure that individuals suffering from certain terminal diseases are entitled to receive Social Security disability benefits. Under current law, an individual who contracts a covered terminal illness, and who has not been part of the workforce for a period of time, may not qualify for Social Security disability benefits they would otherwise be entitled to.

This bill is named after Claire Collier, a Stamford, Connecticut mother of three, who I first met a few years ago after she was diagnosed with amyotrophic lateral sclerosis, ALS, in 2003. ALS, commonly known as Lou Gehrig's disease, first strikes the nerve cells, then weakens the muscles, causes paralysis and tragically leads to death.

Three years ago, Claire applied for Social Security disability benefits. However, she was denied the benefits because she did not have enough work credits. Ms. Collier, who worked for more than 15 years as an events planner, does not qualify for Social Security disability benefits, even though she paid Social Security and Medicare taxes for more than 15 years. The reason is the Social Security Act mandates that an individual earn 20 quarters of Social Security earnings during the 10 years preceding a disability to collect benefits. This discriminates against people who have earned the required number of credits outside of the time period prescribed under current law.

Under the present system, hard-working Americans, such as Claire Collier, are being denied benefits at a time when they need them most. In Claire's case, the rules are especially unfair since she has been penalized for choosing to stay at home with her children prior to being diagnosed with ALS.

The bill I am sponsoring will change the eligibility standard. The Claire Collier legislation will amend the Social Security Act to provide that the eligibility standard for disability insurance benefits not be applicable in the case of a disabled individual suffering from a terminal illness.

Passage of this important legislation will simply ensure fairness. We should reward individuals who contribute to Social Security, not punish them. The Claire Collier Social Security Disability Insurance Fairness Act will eliminate inequity in the current system. I look forward to working with my colleagues to see that this legislation is not only passed by this body soon, but that it is signed into law.

By Mr. BIDEN (for himself and Mrs. BOXER)

S. 1738. A bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Combating Child Exploitation Act of 2007. This legislation takes a bold step forward in addressing child exploitation.

And, Mr. President, let me assure you, we need bold action. We have taken some important steps here in the Senate, including passing the Jacob Weterling Act, the Pam Lyncher Act, the Amber Alert program, and last year's Adam Walsh Act.

But, this is a problem that keeps growing and growing, and we need bold action to address this problem. If we do not act, we will probably be back here naming a new bill after another unfortunate child victim.

The bottom line is that the Internet has facilitated an exploding, multi-billion dollar market for child pornography, with 20,000 new images posted every week. This is a market that can only be supplied by the continued sexual assault and exploitation of more children and the research shows that victims are getting younger and they are being exposed to more sadistic abuse.

The FBI and the Department of Justice have testified before Congress that there are hundreds of thousands of people trafficking child pornography in this country and millions around the world.

We are not making a dent in this problem.

Don't get me wrong, there are many Federal, State and local investigators and prosecutors out there working tirelessly, but need to do much more.

We have not dedicated enough Federal agents to this problem and we have not provided enough support for States and local government.

The most troubling aspect, one that led to the drafting of this legislation is that we know where many of these people are and if we set the right priorities we can go pick them up.

Let me repeat that, we have new investigative techniques that will allow us to identify many of the people who are trafficking child pornography and we can go pick them up.

A very conservative estimate is that there are more than 400,000 people who we know who are trafficking child pornography on the Internet in the U.S. right now.

We can, with minimal effort, take these people down. But, due to lack of resources we are investigating less than 2 percent of these cases. Again, we are only investigating 2 percent of the known child pornography traffickers.

We also know that when law enforcement agents do investigate these cases, there is a local abused child in 30 percent off the cases. And, research shows that at least 55 percent of child pornography possessors have previously sexually assaulted children or attempted to do so. So, by picking up these known offenders, we are saving children.

Finally, it is important to note that every time one of these images or videos are shared, the child is victimized again and again.

So, to help ensure that law enforcement has the capacity to get the job done, I am introducing the Combating Child Exploitation Act of 2007.

First, this legislation will establish a Special Counsel in the Deputy Attorney General's Office to coordinate all activities related to preventing child exploitation. This will be one person who will be held accountable for results.

We will also congressionally require that there be at least one Internet Crimes Against Children Task Force, CAC, in each State. This program is poised to become the backbone for our investigative efforts here in the U.S. by forming a network of highly trained investigators to focus exclusively on combating child exploitation. Under this bill, we will triple the funding for the ICAC program to help with hiring, training, and investigative resources to form this Nation-wide network.

In addition, we will authorize over 250 new Federal agents to focus exclusively on this problem, including 125 new FBI agents, which will double the number of agents under the Innocent Images Program at the FBI, 95 new agents for the Immigration and Customs Enforcement Agency, ICE, and 31 new postal inspectors.

This bill will help us form a coordinated effort to go after child predators. As stated previously, we know where many of these people are and we need to go get them.

In my view, it is inexcusable that we are not putting the resources toward tracking the ones down who we know about and doing much more to find the others who are lurking in the shadows.

This legislation will get us on the right track and I urge my colleagues to support this effort.

By Mr. ROCKEFELLER (for himself and Mr. BROWN):

S. 1739. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, last month, the Government Accountability Office, GAO, released yet another report about the Trade Adjustment Assistance, TAA, health coverage tax credit, HCTC. The report confirms what many in Congress have been saying since the HCTC program began, the credit is not enough, the program has several barriers to enrollment, the premiums are prohibitively high for some workers because of medical underwriting, and the program is very confusing and expensive to administer. Although the GAO reported a $19 million decrease in costs of administration between 2003 and the end of fiscal year 2006, administrative costs still make up approximately 34 percent of the total spending for the HCTC.

The Trade Adjustment Assistance Act is up for reauthorization this year. It is long past time for Congress to focus on the problems with the TAA health coverage tax credit and reauthorization presents us with that opportunity. That is why I am introducing legislation today that will make much-needed improvements to the HCTC program. And, I am proud that the distinguished Senator from Ohio, Mr. BROWN, is joining me in introducing this important bill. The TAA Health Coverage Improvement Act of 2007 offers solutions to many of the problems with the HCTC identified by the GAO. This legislation will go a long way to make the TAA health care tax credit a realistic option for displaced workers and their families.

When Congress passed the Trade Act of 2002, we made a promise to American workers that the potential loss of jobs will not equal the loss of health care coverage. Unfortunately, Congress has failed to make good on that promise. Since we passed this bill, I have heard from steel retirees and widows in my State about how unaffordable the TAA health care tax credit is. And I have been very frustrated, just as I was when this bill passed, that we were not able to make the credit more affordable and accessible for people who need it the most—laid-off workers and retirees with very limited income. We can fix these problems by including provisions from the TAA Health Coverage Improvement Act in the TAA reauthorization bill.

For a good number of supporters of the Trade Act of 2002, the health insurance tax credit was the single most important factor in overcoming their concerns about giving the President fast-track authority to move trade agreements through Congress. In my own judgment, the fast-track would not have passed Congress without the health care tax credit. The TAA health credit was the trade-off to balance the President's authority.

Yet, the success many of us envisioned for the health care tax credit has not been realized through implementation. The number of people who have been able to access the health care tax credit over the last 2 years is extremely disappointing. As of January 31, 2007, only 15,506 out of 252,280 who are eligible for the credit are enrolled in the program. That is just over 6 percent, which means that almost 94 percent of those eligible are not participating.

In my home State of West Virginia, we have worked hard to promote the HCTC for trade-displaced workers. When Weirton Steel instituted significant layoffs, thousands of employees lost their jobs. In the aftermath, State and national officials, health plan staff, and representatives of the Independent Steelworkers Union and United Steel Workers worked collaboratively to provide continuous health care coverage for HCTC-eligible workers and retirees. The community really came together and worked around the clock to educate workers and retirees about their coverage options and to ensure they were enrolled in the HCTC.

Loss of employment is absolutely devastating to workers and their families. While health care coverage alone cannot replace job loss, it does help to ease the burden on displaced workers and their dependents. West Virginia is a model example of how HCTC can work. However, with only 6 percent of those eligible for HCTC enrolled across the country, there is still much more that needs to be done.

I must say to my colleagues that Congress has had a hand in these disappointing enrollment figures. We have ignored every opportunity to improve the health coverage tax credit and enhance the lives of workers displaced by trade. Members of this body have previously voted against TAA bills that would have extended Trade Adjustment Assistance to service workers and also addressed some of the problems the GAO has identified with the health coverage credit.

The TAA Health Coverage Improvement Act makes long overdue improvements to the TAA health care tax credit. First, this legislation addresses the issue of affordability. In addition to the GAO, several consumer advocacy groups and research organizations, including the Commonwealth Fund, the Center on Budget and Policy Priorities, and Families USA, have cited affordability of the credit as the primary reason for low participation in the HCTC program. The bottom line is that a 65 percent subsidy is not enough. With a 65 percent credit, an eligible individual still has to pay an average of $2,104 in annual premium costs for single coverage plus additional amounts for deductibles and co-payments. This figure is particularly astounding given the fact that the average worker, while actively employed and earning a paycheck, paid just $627 annually in 2006 for single employer-sponsored health insurance coverage. In other words, if you lose your job, you have to pay more than three times as much for health insurance, even if you get the HCTC. The TAA Health Coverage Improvement Act makes the credit more affordable by increasing the subsidy amount to 95 percent.

This legislation also addresses the issue of affordability by placing limits on the use of the individual market, as Congress intended under the original law. The Trade Act of 2002 specified that the health insurance credit could not be used for the purchase of health insurance coverage in the individual market except for HCTC-eligible workers who previously had a private, non-group coverage policy 30 days prior to separation from employment. However, States have been allowed by this Administration to create State-based coverage options in the individual market for any HCTC beneficiaries, including those who did not have individual market coverage one month prior to separation from employment.

Because of the Administration's interpretation of the law, there are people who had employer-based coverage prior to separation from employment who are now being covered in the individual market. This was not the intent of the law. To make matters worse, this interpretation undermines the consumer protections set forth in the law because individual market plans are allowed to vary premiums based on age and medical status. In one state that GAG reviewed for a previous report, because of medical underwriting, HCTC recipients in less-than-perfect health were charged almost 6 times the premiums charged to recipients rated in the healthiest category. The legislation I am introducing today addresses this problem by clarifying that States can only designate individual market coverage within guidelines of 30-day restriction and by requiring individual market plans to be community-rated.

Second, this legislation guarantees that eligible workers will have access to comprehensive group health coverage. Group coverage is what people know. The vast majority of laid-off workers and PBGC retirees had employer-sponsored group coverage prior to losing their jobs or pension benefits. The TAA Health Coverage Improvement Act designates the Federal Employees Health Benefit Plan, FEHBP, as a qualified group option in every State, so that displaced workers Nationwide will have access to the same type of affordable, comprehensive coverage they were used to when they were employed.

Third, the TAA Health Coverage Act clarifies the 3 month continuous coverage requirement. Under the original TAA statute, displaced workers are required to maintain 3 months of continuous health insurance coverage in order to qualify for certain consumer protections. Those protections are guaranteed issue, no preexisting condition exclusion, comparable premiums, and comparable benefits. Congress intended this 3 month period to be counted as the 3 months prior to separation from employment. However, the administration has interpreted the 3 month requirement as 3 months of health insurance coverage prior to enrollment in the new health plan, which usually is after separation from employment and after certification of TAA eligibility. Many laid-off workers and PBGC recipients cannot afford to maintain health coverage in the months between losing their jobs and TAA certification and, therefore, lose eligibility for the statutorily-provided consumer protections. This legislation corrects this problem by clarifying that three months of continuous coverage means 3 months prior to separation from employment.

Fourth, this bill allows spouses and dependents to receive the health coverage tax credit. Over the last 2 years, younger spouses and dependents of Medicare-eligible individuals have not been able to receive the subsidy because eligibility runs through the worker or retiree. This technicality is unfair to individuals who rely on health coverage through their spouses or parents. The TAA Health Coverage Improvement Act allows younger spouses and dependent children to retain eligibility for the health coverage tax credit in the event the qualified beneficiary becomes eligible for Medicare.

Finally, this legislation streamlines the HCTC enrollment process and makes it easier for trade-displaced workers to access health insurance coverage. According to GAO, two of the factors contributing to low participation include the complex nature of the HCTC program and the inability of workers to pay 100 percent of the premium during the up to 3 months before they begin to receive advance payments. The TAA Health Coverage Improvement Act improves consumer information about the HCTC by requiring that the Treasury Secretary's eligibility notice include a description of the HCTC program; specific contact information for state offices responsible for determining eligibility and providing enrollment assistance; a list of the HCTC coverage options in the sate; and a statement informing eligible individuals of the deadline to enroll in HCTC in order to avoid lapses in coverage. Additionally, our legislation includes a presumptive eligibility provision that allows displaced workers to enroll in a qualified health plan and receive the HCTC immediately upon application to the Department of Labor for certification. There is also a provision which directs the Treasury Secretary to pay 100 percent of the cost of premiums directly to the health plans during the months TAA-eligible workers are waiting for advance payment to begin.

As a former Governor, I know how important Trade Adjustment Assistance is to individuals who have lost their jobs due to trade. In West Virginia, thousands of workers have lost their jobs as a result of trade policy. While adjusting to the loss of employment, these individuals still have to pay mortgages, put food on the table, and care for their families. Finding affordable health care adds a significant burden to their worries. The TAA health coverage tax credit is designed to help American workers retain health insurance coverage during this very difficult transition.

Unfortunately, the HCTC program is not living up to its potential. The Government Accountability Office has given us a very specific diagnosis of the problems. Now, it is up to us to fix them. I look forward to working with my colleagues to pass this important legislation in conjunction with reauthorization of the Trade Adjustment Assistance program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was printed in the RECORD, as follows:

S. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "TAA Health Coverage Improvement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Improvement of the affordability of the credit.
Sec. 3. 100 percent credit and payment for monthly premiums paid prior to certification of eligibility for the credit.
Sec. 4. Eligibility for certain pension plan participants; presumptive eligibility.
Sec. 5. Clarification of 3-month creditable coverage requirement.
Sec. 6. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.
Sec. 7. Continued qualification of family members after certain events.
Sec. 8. Offering of Federal group coverage.
Sec. 9. Additional requirements for individual health insurance costs.
Sec. 10. Alignment of COBRA coverage with TAA period for TAA-eligible individuals.
Sec. 11. Notice requirements.
Sec. 12. Annual report on enhanced TAA benefits.
Sec. 13. Extension of national emergency grants.

SEC. 2. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking "65" and inserting "95".

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking "65" and inserting "95".

(b) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2007.

SEC. 3. 100 PERCENT CREDIT AND PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.

(a) IN GENERAL.—Subsection (a) of section 35 of the Internal Revenue Code of 1986, as amended by section 2(a)(1), is amended—

(1) by striking the subsection heading and all that follows through "In case" and inserting "AMOUNT OF CREDIT.—

"(1) IN GENERAL.—In case"; and

(2) by adding at the end the following new paragraph:

"(2) 100 PERCENT CREDIT FOR MONTHS PRIOR TO ISSUANCE OF ELIGIBILITY CERTIFICATE.—The amount allowed as a credit against the tax imposed by subtitle A shall be equal to 100 percent in the case of the taxpayer's first eligible coverage months occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate.".

(b) PAYMENT FOR PREMIUMS DUE PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.—Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following new subsection:

"(e) PAYMENT FOR PREMIUMS DUE PRIOR TO ISSUANCE OF CERTIFICATE.—The program established under subsection (a) shall provide—

"(1) that the Secretary shall make payments on behalf of a certified individual of an amount equal to 100 percent of the premiums for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate; and

"(2) that any payments made under paragraph (1) shall not be included in the gross income of the taxpayer on whose behalf such payments were made.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 4. ELIGIBILITY FOR CERTAIN PENSION PLAN RECIPIENTS; PRESUMPTIVE ELIGIBILITY.

(a) ELIGIBILITY FOR CERTAIN PENSION PLAN RECIPIENTS.—Subsection (c) of section 35 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting ", and"; and

(C) by adding at the end the following:

"(D) an eligible multiemployer pension participant."; and

(2) by adding at the end the following new paragraph:

"(5) ELIGIBLE MULTIEMPLOYER PENSION RECIPIENT.—The term 'eligible multiemployer pension recipient' means, with respect to any month, any individual—

"(A) who has attained age 55 as of the first day of such month,

"(B) who is receiving a benefit from a multiemployer plan (as defined in section

3(37)(A) of the Employee Retirement Income Security Act of 1974), and

“(C) whose former employer has withdrawn from such multiemployer plan pursuant to section 4203(a) of such Act.”.

(b) PRESUMPTIVE ELIGIBILITY FOR PETITIONERS FOR TRADE ADJUSTMENT ASSISTANCE.—Subsection (c) of section 35 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following new paragraph:

“(6) PRESUMPTIVE STATUS AS A TAA RECIPIENT.—The term ‘eligible individual’ shall include any individual who is covered by a petition filed with the Secretary of Labor under section 221 of the Trade Act of 1974. This paragraph shall apply to any individual only with respect to months which—

“(A) end after the date that such petition is so filed, and

“(B) begin before the earlier of—

“(i) the 90th day after the date of filing of such petition, or

“(ii) the date on which the Secretary of Labor makes a final determination with respect to such petition.”.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 7527(d) of such Code is amended by striking “or an eligible alternative TAA recipient (as defined in section 35(c)(3))” and inserting “, an eligible alternative TAA recipient (as defined in section 35(c)(3)), an eligible multiemployer pension recipient (as defined in section 35(c)(5), or an individual who is an eligible individual by reason of section 35(c)(6)”.

(2) Section 173(f)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(4)) is amended—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period and inserting a comma; and

(C) by inserting after subparagraph (C), the following new subparagraphs:

“(D) an eligible multiemployer pension recipient (as defined in section 35(c)(5) of the Internal Revenue Code of 1986), and

“(E) an individual who is an eligible individual by reason of section 35(c)(6) of the Internal Revenue Code of 1986.”.

(d) TECHNICAL AMENDMENT CLARIFYING ELIGIBILITY OF CERTAIN DISPLACED WORKERS RECEIVING A BENEFIT UNDER A DEFINED BENEFIT PENSION PLAN.—The first sentence of section 35(c)(2) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: “, and shall include any such individual who would be eligible to receive such an allowance but for the fact that the individual is receiving a benefit under a defined benefit plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974).”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 5. CLARIFICATION OF 3-MONTH CREDITABLE COVERAGE REQUIREMENT.

(a) IN GENERAL.—Clause (i) of section 35(e)(2)(B) of the Internal Revenue Code of 1986 (defining qualifying individual) is amended by inserting “(prior to the employment separation necessary to attain the status of an eligible individual)” after “9801(c)”.

(b) CONFORMING AMENDMENT.—Section 173(f)(2)(B)(ii)(I) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(B)(ii)(I)) is amended by inserting “(prior to the employment separation necessary to attain the status of an eligible individual)” after “1986”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 6. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following new subparagraph:

“(C) TAA-ELIGIBLE INDIVIDUALS.—

“(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) DEFINITIONS.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 605(b)(4)(C).”.

(b) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following new subparagraph:

“(C) TAA-ELIGIBLE INDIVIDUALS.—

“(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) DEFINITIONS.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 2205(b)(4)(C).”.

(c) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following new subparagraph:

“(D) TAA-ELIGIBLE INDIVIDUALS.—

“(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

“(ii) DEFINITIONS.—The terms ‘TAA-eligible individual’, and ‘TAA-related loss of coverage’ have the meanings given such terms in section 4980B(f)(5)(C)(iv).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 7. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

“(9) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

“(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual (but not with respect to such eligible individual).

“(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

“(C) DEATH.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for the death of such individual, such month shall be treated as an eligible coverage month with respect to any qualifying family of such eligible individual.”.

(b) CONFORMING AMENDMENT.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

“(8) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

“(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual (but not with respect to such eligible individual).

“(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

“(C) DEATH.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for the death of such individual, such month shall be treated as an eligible coverage month with respect to any qualifying family of such eligible individual.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 8. OFFERING OF FEDERAL GROUP COVERAGE.

(a) PROVISION OF GROUP COVERAGE.—

(1) IN GENERAL.—The Director of the Office of Personnel Management jointly with the Secretary of the Treasury shall establish a program under which eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) are offered enrollment under health benefit plans that are made available under FEHBP.

(2) TERMS AND CONDITIONS.—The terms and conditions of health benefits plans offered under paragraph (1) shall be the same as the

terms and coverage offered under FEHBP, except that the percentage of the premium charged to eligible individuals (as so defined) for such health benefit plans shall be equal to 5 percent.

(3) STUDY.—The Director of the Office of Personnel Management jointly with the Secretary of the Treasury shall conduct a study of the impact of the offering of health benefit plans under this subsection on the terms and conditions, including premiums, for health benefit plans offered under FEHBP and shall submit to Congress, not later than 2 years after the date of the enactment of this Act, a report on such study. Such report may contain such recommendations regarding the establishment of separate risk pools for individuals covered under FEHBP and eligible individuals covered under health benefit plans offered under paragraph (1) as may be appropriate to protect the interests of individuals covered under FEHBP and alleviate any adverse impact on FEHBP that may result from the offering of such health benefit plans.

(4) FEHBP DEFINED.—In this section, the term "FEHBP" means the Federal Employees Health Benefits Program offered under chapter 89 of title 5, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(K) Coverage under a health benefits plan offered under section 8(a)(1) of the TAA Health Coverage Improvement Act of 2007.".

(2) Section 173(f)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(A)) is amended by adding at the end the following new clause:

"(xi) Coverage under a health benefits plan offered under section 8(a)(1) of the TAA Health Coverage Improvement Act of 2007.".

SEC. 9. ADDITIONAL REQUIREMENTS FOR INDIVIDUAL HEALTH INSURANCE COSTS.

(a) IN GENERAL.—Subparagraph (A) of section 35(e)(2) of such Code is amended by striking "subparagraphs (B) through (H) of paragraph (1)" and inserting "paragraph (1) (other than subparagraphs (A), (I), and (K) thereof)".

(b) RATING SYSTEM REQUIREMENT.—Subparagraph (J) of section 35(e)(1) of such Code is amended by adding at the end the following: "For purposes of this subparagraph and clauses (ii), (iii), and (iv) of subparagraph (F), such term does not include any insurance unless the premiums for such insurance are restricted based on a community rating system (determined other than on the basis of age).".

(c) CLARIFICATION OF CONGRESSIONAL INTENT TO LIMIT USE OF INDIVIDUAL HEALTH INSURANCE COVERAGE OPTION.—Section 35(e)(1)(J) (relating to qualified health insurance) is amended in the matter preceding clause (i), by inserting ", but only" after "under individual health insurance".

(d) CONFORMING AMENDMENTS.—Section 173(f)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)) is amended—

(1) in subparagraph (A)(x), by adding at the end the following: "Such term does not include any insurance unless the premiums for such insurance are restricted based on a community rating system (determined other than on the basis of age)."; and

(2) in subparagraph (B)—

(A) in the matter preceding subclause (I), by inserting ", but only" after "under individual health insurance"; and

(B) in clause (i), by striking "clauses (ii) through (viii) of subparagraph (A)" and inserting "subparagraph (A) (other than clauses (i), (x), and (xi) thereof)".

SEC. 10. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under section 602(2)(A) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

(b) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in clause (ii)—

(A) in the clause heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under paragraph (2)(B)(i) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting "AND COVERAGE" after "ELECTION"; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting "AND PERIOD" after "COMMENCEMENT";

(B) by striking "and shall" and inserting ", shall"; and

(C) by inserting ", and in no event shall the maximum period required under section 2202(2)(A) be less than the period during which the individual is a TAA-eligible individual" before the period at the end.

SEC. 11. NOTICE REQUIREMENTS.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals), as amended by section 3(b), is amended by adding at the end the following new subsection:

"(f) INCLUSION OF CERTAIN INFORMATION.—The notice by the Secretary (or by any person or entity designated by the Secretary) that an individual is eligible for a qualified health insurance costs credit eligibility certificate shall include—

"(1) information explaining how the program established under subsection (a) works with the credit established under section 35,

"(2) the name, address, and telephone number of the State office or offices responsible for determining that the individual is eligible for such certificate and for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e)),

"(3) a list of the coverage options that are treated as qualified health insurance (as so defined) by the State in which the individual resides, and

"(4) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the postmark date of such notice to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)).".

SEC. 12. ANNUAL REPORT ON ENHANCED TAA BENEFITS.

Not later than October 1 of each year (beginning in 2008) the Secretary of the Treasury, after consultation with the Secretary of Labor, shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) The total number of participants utilizing the health insurance tax credit under section 35 of the Internal Revenue Code of 1986, including a measurement of such participants identified—

(A) by State, and

(B) by coverage under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code) and by non-COBRA coverage (further identified by group and individual market).

(2) The range of monthly health insurance premiums offered and the average and median monthly health insurance premiums offered to TAA-eligible individuals (as defined in section 4980B(f)(5)(C)(iv)(II) of such Code) under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code), State-based continuation coverage provided under a State law that requires such coverage, and each category of coverage described in section 35(e)(1) of such Code, identified by State and by the actuarial value of such coverage and the specific benefits provided and cost-sharing imposed under such coverage.

(3) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) and the time necessary for application approval of such grants.

(4) The cost of administering the health credit program under section 35 of such Code, by function, including the cost of subcontractors.

SEC. 13. EXTENSION OF NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) USE OF FUNDS.—

"(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) shall be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (iv) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

"(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

"(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members with enrolling in health insurance coverage and qualified health insurance or paying premiums for such coverage or insurance.

"(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP HEALTH PLAN COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

"(I) eligibility verification activities;

"(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

"(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

"(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

"(V) the development or installation of necessary data management systems; and

"(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraph (C), (D), (E), or (F)(i) of section 35(e)(1) of the Internal Revenue Code of 1986, or, only if the coverage is under a group health plan, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of such section, as qualified health insurance under that section.

"(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

"(iv) BRIDGE FUNDING.—To assist potentially eligible individuals purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

"(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g)."; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.".

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking "AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002" and inserting "APPROPRIATIONS"; and

(2) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to carry out subsection (a)(4)(A) of section 173—

"(i) $10,000,000 for fiscal year 2002; and

"(ii) $300,000,000 for the period of fiscal years 2008 through 2010; and".

(c) REPORT REGARDING FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following new paragraph:

"(8) REPORT FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—If the Secretary fails to make the notification required under clause (i) of paragraph (3)(A) within the 15-day period required under that clause, or fails to provide the technical assistance required under clause (ii) of such paragraph within a timely manner so that a State or entity may submit an approved application within 2 months of the date on which the State or entity's previous application was disapproved, the Secretary shall submit a report to Congress explaining such failure.".

(d) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 933), subsection (f) of section 203 of that Act is repealed.

By Mr. HATCH (for himself, Mr. KOHL, Mr. SPECTER, and Mr. CRAPO):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill to eliminate the current dollar limitation on Qualified Funeral Trusts, QFTs. Congress created these savings vehicles in 1997 to assist individuals and families who wanted to plan for, and prepay, funeral expenses. Yet, funeral costs are rising rapidly, and the arbitrary cap that Congress imposed on QFTs makes planning more difficult. Today I am proud to introduce this bipartisan legislation, along with my colleague from Wisconsin, the chairman of the Special Committee on Aging, Senator KOHL. We are also joined by two of our distinguished colleagues, Senators SPECTER and CRAPO. The change would have a positive impact on the lives of older Americans and on their families. In addition, according to the Joint Committee on Taxation, it would have a slight, but positive, impact on the Federal treasury.

When Congress created QFTs, it did so as a tax simplification measure. Unfortunately, it capped the size of these trusts at $7,000, adjusted regularly for inflation. This year, the inflation-adjusted cap is $8,800, but in many instances, this amount is no longer sufficient to cover a family's funeral expenses. In Utah, the average cost of a full funeral and burial is $12,685. I am sure that in many other states it is even higher. Because of this contribution limit, even those who preplan their own funerals too often leave their heirs with substantial expenses. Even those who attempt to cover the entire expense may not have enough money to cover all costs after administrative fees and taxes are deducted.

This proposal would make Qualified Funeral Trusts more effective. The principal reason individuals set up Qualified Funeral Trust plans is to lift a financial burden from their children. Ordinarily, trusts for funeral expenses are grantor trusts, and the beneficiary is responsible for paying any tax on income generated by the trust. Congress recognized, however, that this result created an administrative burden for the beneficiary or the funeral director trustee. As a result, Congress enacted Section 685 of the Internal Revenue Code, allowing funeral director trustees to elect to pay the tax on income earned by funeral trusts. This tax simplification measure eased the paperwork burden and administrative costs on funeral director trustees, who were previously required to issue hundreds of 1099 forms to their elderly customers. It also eliminated the tax liability and confusion of many elderly Americans who previously received these forms. Unfortunately, only those trusts under the cap are currently eligible for designation as QFTs. By removing this restrictive cap, our legislation will eliminate unnecessary administrative burdens on beneficiaries and trustees.

Let me give you an example of how the current cap creates unnecessary confusion for families. I have used this example before. It remains worth telling. Four years ago, a constituent of mine wrote me about this situation. He was suffering from Parkinson's disease. So he began planning his own funeral in order that these decisions and this burden would be lifted from his children. Because of the cap on QFTs, however, which at the time was $7,800, this Utahn was not able to fully fund the funeral services he desired. It became necessary to have one of his sons complete this planning for him by opening up his own, separate trust that would help to cover the remaining expenses. We should not be making it hard for families to do the right thing. We should not be making families jump through extra hoops when all they are trying to do is make these responsible decisions, well in advance of need.

For older Americans, the primary benefits of this legislation are the ability to have all the money they have saved in the trust be applied to final expenses, instead of taxes, and the incentive to increase the amount of their contribution. Sixty percent of prefunded funerals were funded by trusts and elimination of the cap should raise this percentage. For funeral directors, this change would eliminate the burden and expense of issuing information documents to report income earned from the trust.

The National Funeral Directors Association supports this legislation. So too do numerous funeral homes that serve the people of Utah.

I have no doubt that many more of these funeral businesses, many of which are family-owned and family-run, that serve local communities from coast to coast support this legislation as well.

I think we can all agree that we should make it easier for those who are willing to provide for these necessary expenses in advance. Today, I ask my colleagues to join me in an effort to enact this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF DOLLAR LIMITATION ON CONTRIBUTIONS TO FUNERAL TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 685 of the Internal Revenue Code of 1986 (relating to treatment of funeral trusts) is repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 260—STRENGTHENING THE POINT OF ORDER AGAINST MATTERS OUT OF SCOPE IN CONFERENCE REPORTS

Mr. DEMINT submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 260

Resolved,

SECTION 1. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House. The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained—

(1) the matter in such conference report shall be stricken; and

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made);

(B) the question shall be debatable; and

(C) no further amendment shall be in order.

(c) LIMITATION.—

(1) IN GENERAL.—In this section, the term "matter not committed to the conferees by either House" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) RULE XXVIII.—For the purpose of rule XXVIII of the Standing Rules of the Senate, the term "matter not committed" shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SENATE RESOLUTION 261—EXPRESSING APPRECIATION FOR THE PROFOUND PUBLIC SERVICE AND EDUCATIONAL CONTRIBUTIONS OF DONALD JEFFRY HERBERT, FONDLY KNOWN AS "MR. WIZARD"

Mr. COLEMAN (for himself, Mr. DOMENICI, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. FEINGOLD, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 261

Whereas many citizens of the United States remember Donald Jeffry Herbert as "Mr. Wizard" and mourn his passing;

Whereas Don Herbert was born in Waconia, Minnesota and graduated from the La Crosse State Teacher's College in Wisconsin in 1940 where he trained to be a science teacher;

Whereas Don Herbert volunteered for the United States Army Air Corps and served our country in the Atlantic theater and earned the Distinguished Flying Cross and the Air Medal with 3 oak leaf clusters;

Whereas Don Herbert developed the idea for science programming culminating in "Watch Mr. Wizard", a live television show produced from 1951 to 1964 and honored by a Peabody Award in 1954;

Whereas the National Science Foundation and the American Chemical Society lauded Don Herbert and his show for promoting interest in science and his contributions to science education;

Whereas "Watch Mr. Wizard" has been recognized by numerous awards;

Whereas an additional educational program, "Mr. Wizard's World", inspired children from 1983 to 1990 on cable television;

Whereas "Mr. Wizard" continued to serve as an ambassador for science education by authoring multiple books and programs, and by traveling to schools and providing classroom demonstrations;

Whereas educational research indicates that young children make decisions about future careers at a very early age and are influenced greatly by positive contacts with science and technology;

Whereas a strong education in science and technology is one of the building blocks of a productive, competitive, and healthy society;

Whereas "Mr. Wizard" encouraged children to duplicate his experiments at home, driving independent inquiry into science with simple household equipment;

Whereas "Mr. Wizard's" dynamic and energetic science experiments attracted unprecedented numbers of children to educational programming, even those who were disinterested or unmotivated in science;

Whereas Mr. Wizard Science Clubs were started across the United States and had more than 100,000 children enrolled in 5,000 clubs by the mid-1950s; and

Whereas Don Herbert will be remembered as a pioneer of commercial educational programming and instrumental in making science education exciting and approachable for millions of children across the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation for the profound public service and educational contributions of Donald Jeffry Herbert;

(2) recognizes the profound impact of higher educational institutions that train teachers;

(3) encourages students to honor the heritage of Don Herbert by exploring our world through science, technology, engineering, and mathematics fields; and

(4) tenders condolences to the family of Don Herbert and thanks them for their strong familial support of him.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1979. Mrs. CLINTON (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1980. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1981. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1982. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1983. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1984. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1985. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1986. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1987. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1988. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1989. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1990. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1991. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1992. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1993. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1994. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1995. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1996. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1997. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1998. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1999. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 2000. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1979. Mrs. CLINTON (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. ___. RECLASSIFYING THE SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS WHO FILED PETITIONS BEFORE JANUARY 1, 2007 AS IMMEDIATE RELATIVES.

Section 201(b)(2) of the Immigration and Nationality Act, as amended by section 503(b)(1) of this Act, is further amended by inserting ", or a child or spouse of a lawful permanent resident for whom a family-based visa petition was filed on or before January 1, 2007," after "United States".

SA 1980. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XI, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking "87,000" and inserting the following: "137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)".

SA 1981. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XII, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking "87,000" and inserting the following: "137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)".

SA 1982. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XIII, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking "87,000" and inserting the following: "137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)".

SA 1983. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XXII, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking "87,000" and inserting the following: "137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)".

SA 1984. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XXVII, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking "87,000" and inserting the following: "137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)".

SA 1985. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes, which was ordered to lie on the table; as follows:

SEC. ___. RECLASSIFYING THE SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS WHO FILED PETITIONS BEFORE JANUARY 1, 2007 AS IMMEDIATE RELATIVES.

Section 201(b)(2) of the Immigration and Nationality Act, as amended by section

503(b)(1) of this Act, is further amended by inserting ",or a child or spouse of a lawful permanent resident for whom a family-based visa petition was filed on or before January 1, 2007," after "United States".

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.".

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1986. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division __, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking "87,000" and inserting the following: "137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)".

SEC. ___. NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act, as amended by section 409 of this Act, is further amended—

(1) in paragraph (1)(D)—

(A) in the matter preceding clause (i), by striking "(II)"; and

(B) in clause (iii), by striking "200,000" and inserting "300,000";

(2) in paragraph (10), as redesignated by section 409(2) of this Act, by amending subparagraph (A) to read as follows:

"(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(D) during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker."; and

(3) in paragraph (11), as redesignated by section 409(2) of this Act—

(A) by inserting "(A)" after "(11)"; and

(B) by adding at the end the following:

"(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.".

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2)—

"(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

"(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

"(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

"(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.".

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1987. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division 11, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking "87,000" and inserting the following: "137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)".

SEC. ___. NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act, as amended by section 409 of this Act, is further amended—

(1) in paragraph (1)(D)—

(A) in the matter preceding clause (i), by striking "(II)"; and

(B) in clause (iii), by striking "200,000" and inserting "300,000";

(2) in paragraph (10), as redesignated by section 409(2) of this Act, by amending subparagraph (A) to read as follows:

"(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(D) during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker."; and

(3) in paragraph (11), as redesignated by section 409(2) of this Act—

(A) by inserting "(A)" after "(11)"; and

(B) by adding at the end the following:

"(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.”.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

“(d)(1) Except as provided in paragraph (2)—

“(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

“(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

“(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

“(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.”.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end the following:

“(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1988. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

“(d)(1) Except as provided in paragraph (2)—

“(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

“(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, if the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was not authorized to be employed in the United States during such quarter.

“(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

“(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.”.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end the following:

“(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1989. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. RECLASSIFYING THE SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS WHO FILED PETITIONS BEFORE JANUARY 1, 2007 AS IMMEDIATE RELATIVES.

Section 201(b)(2) of the Immigration and Nationality Act, as amended by section 503(b)(1) of this Act, is further amended by inserting “, or a child or spouse of a lawful permanent resident for whom a family-based visa petition was filed on or before January 1, 2007,” after “United States”.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

“(d)(1) Except as provided in paragraph (2)—

“(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

“(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, if the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was not authorized to be employed in the United States during such quarter.

“(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

“(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.”.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end the following:

“(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1990. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr.

REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1991. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1992. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1993. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1994. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1995. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1996. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1997. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1998. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1999. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 2000. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(k)(2),".

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking "DEPENDENT CHILDREN.—" and all that follows through "In the case of a member described in paragraph (1)," and inserting "DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),"; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 657. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2007".

(b) RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.—Section 1436a of such title is amended by striking "October 1, 2008" and inserting "October 1, 2007".

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, July 12, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nominations of Clarence H. Albright, of South Carolina, to be Under Secretary of Energy; Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; and, James L. Caswell, of Idaho, to be Director of the Bureau of Land Management.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on July 12, 2007, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 488 and H.R. 1100, to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina; S. 617, to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; S. 824 and H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; S. 955, to establish the Abraham Lincoln National Heritage Area; S. 1148, to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission; S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the act; S. 1380, to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; and S. 1728, to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act of 2007.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 28, 2007, at 10 a.m. in room 253 of the Russell Senate Office Building.

The hearing will examine the National Oceanic and Atmospheric Administration's existing programs, proposed initiatives, and review the agency's fiscal year 2008 budget request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 28, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Examining Global Warming Issues in the Power Plant Sector.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 28, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on discussion draft legislation regarding the regulation of Class III gaming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet in order to conduct a markup on Thursday, June 28, 2007, at 10 a.m. in Dirksen room 226.

Agenda

I. Bills: S. 1145, Patent Reform Act of 2007 (Leahy, Hatch, Schumer, Cornyn, Whitehouse) and S. 1060, Recidivism Reduction & Second Chance Act of 2007 (Biden, Leahy, Brownback, Specter, Kennedy, Schumer, Whitehouse, Durbin).

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 28, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mrs. McCASKILL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet on Thursday, June 28, 2007, at 3 p.m. in order to conduct a hearing entitled, "Financial Management Systems Modernization at the Department of Homeland Security: Are Missed Opportunities Costing Us Money?"

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 115, 153, 164, 166 through 205 and 207 through 229; and all nominations on the Secretary's desk; that the nominations be confirmed; the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

OFFICE OF PERSONNEL MANAGEMENT

Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.

EXPORT-IMPORT BANK OF THE UNITED STATES

Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Eric T. Olson, 6412

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Rex C. McMillian, 9683

IN THE NAVY

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael J. Browne, 0732

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Thomas F. Kendziorski, 3120

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Lothrop S. Little, 1617

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Kenneth J. Braithwaite, 9527

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Joseph D. Stinson, 1305

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Jerry R. Kelley, 9193

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Cynthia A Dullea, 9603

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Patricia E. Wolfe, 6159

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Garry J. Bonelli, 8971
Capt. Robin R. Braun, 7807
Capt. Sandy L. Daniels, 6109
Capt. Scott E. Sanders, 9794
Capt. Robert O. Wray, Jr., 6954

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Gregory A Timberlake, 6473

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Albert Garcia, III, 3459

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Anthony L. Winns, 7593

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Mark A. Atkinson, 4260
Colonel Mark A. Barrett, 9870
Colonel Brian T.Bishop, 9241
Colonel Michael R. Boera, 2658
Colonel Norman J. Brozenick, Jr., 5376
Colonel Cathy C. Clothier, 4532
Colonel David A. Cotton, 6654
Colonel Sharon K. G. Dunbar, 4733
Colonel Barbara J. Faulkenberry, 8244
Colonel Larry K. Grundhauser, 2485
Colonel Garrett Harencak, 8120
Colonel James M. Holmes, 8053
Colonel Dave C. Howe, 5732
Colonel James J. Jones, 6904
Colonel Michael A. Keltz, 2961
Colonel Frederick H. Martin, 0608
Colonel Wendy M. Masiello, 5269
Colonel Robert P. Otto, 8934
Colonel Leonard A. Patrick, 6807
Colonel Bradley R. Pray, 7830
Colonel Lori J. Robinson, 4018
Colonel Anthony J. Rock, 4136
Colonel Jay G. Santee, 1486
Colonel Rowayne A. Schatz, Jr., 4256
Colonel Steven J. Spano, 8907
Colonel Thomas L. Tinsley, 0430
Colonel Jack Weinstein, 1262
Colonel Stephen W. Wilson, 2773
Colonel Margaret H. Woodward, 6339

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael D. Devine, 6922

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David W. Titley, 5416

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Michael S. Rogers, 9688

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David A. Dunaway, 0499

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Samuel J. Cox, 9719

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. David G. Simpson, 8388

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Edward H. Deets, III, 2048

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Jeffrey A. Wieringa, 5245

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Charles H. Goddard, 4746
Rear Adm. (lh) Kevin M. McCoy, 6826

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Terry J. Benedict, 6933
Capt. Michael E. McMahon, 6567

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Kenneth F. McKenzie, Jr., 6735

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard P. Zahner, 3707

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Joseph Maguire, 0399

IN THE ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Augustus L. Collins, 1451
Brigadier General James B. Gaston, Jr., 0282
Brigadier General Joe L. Harkey, 5200
Brigadier General John S. Harrel, 1252
Brigadier General Edward A. Leacock, 6442
Brigadier General Jose S. Mayorga, Jr., 9411
Brigadier General King E. Sidwell, 5791

Brigadier General Jon L. Trost, 1542

To be brigadier general

Colonel Robert K. Balster, 8953
Colonel Julio R. Banez, 0862
Colonel William A. Bankhead, Jr., 3158
Colonel Roosevelt Barfield, 2777
Colonel Gregory W. Batts, 5277
Colonel Thomas E. Beron, 1014
Colonel David L. Bowman, 2060
Colonel George A. Brinegar, 1418
Colonel Jefferson S. Burton, 9812
Colonel Glenn H. Curtis, 5080
Colonel Larry W. Curtis, 9891
Colonel Sandra W. Dittig, 1021
Colonel Alan S. Dohrmann, 3072
Colonel Alexander E. Duckworth, 0859
Colonel Frank W. Dulfer, 6930
Colonel Robert W. Enzenauer, 9878
Colonel Lynn D. Fisher, 0901
Colonel Burton K. Francisco, 1289
Colonel Helen L. Gant, 0697
Colonel Terry M. Haston, 4535
Colonel Bryan J. Hult, 6691
Colonel George E. Irvin, Sr., 5367
Colonel Lenwood A. Landrum, 6758
Colonel Roger L. McClellan, 1876
Colonel Ronald O. Morrow, 6575
Colonel John M. Nunn, 4582
Colonel Isaac G. Osborne, Jr., 0288
Colonel Robert J. Pratt, 5450
Colonel Jerry E. Reeves, 0285
Colonel Timothy A. Reisch, 9875
Colonel James M. Robinson, 4340.
Colonel Mark D. Scraba, 1485
Colonel Donald P. Walker, 2260
Colonel Charles F. Walsh, 1152

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Francis H. Kearney, III, 9443

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Jonathan E. Farnham, 0083
Col. Hugo E. Salazar, 4820

IN THE NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Carol M. Pottenger, 3454

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.G., section 601:

To be vice admiral

Rear Adm. (lh) Jeffrey A Wieringa, 5245

The following named officers for appointment in the United States Navy Reserve to the grade. indicated under title 10, U.S. C., section 12203:

To be rear admiral

Rear Adm. (lh) Jeffrey A Lemmons, 2314
Rear Adm. (lh) Frank F. Rennie, IV, 3148
Rear Adm. (lh) Robin M. Watters, 8044

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S. C., section 8081:

To be major general

Brig. Gen. Garbeth S. Graham, 5388

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Jimmie J. Wells, 3197

IN THE MARINE CORPS

The following ed officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Emerson N. Gardner, Jr., 0157

IN THE NAVY

The following named officer for appomtment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Christine M. Bruzek-Kohler,

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Michael D. Akey, 2758
Brigadier General Michael G. Brandt, 5080
Brigadier General Richard H. Clevenger, 3395
Brigadier General Cynthia N. Kirkland, 3880
Brigadier General Duane Lodrige, 8683
Brigadier General Patrick J. Moisio, 4550
Brigadier General Charles A. Morgan, III, 9002
Brigadier General Daniel B. O'Hollaren, 9443
Brigadier General Peter S. Pawling, 2613
Brigadier General William M. Schuessler, 4670
Brigadier General Haywood R. Starling, Jr.,
Brigadier General Raymond L. Webster, 8145

To be brigadier general

Colonel Maurice T. Brock, 4316
Colonel Jim C. Chow, 5643
Colonel Michael G. Colangelo, 7498
Colonel Barry K. Coin, 9046
Colonel Steven A. Cray, 0543
Colonel James D. Demeritt, 6715
Colonel Matthew J. Dzialo, 0982
Colonel Trulan A. Eyre, 5649
Colonel Jon F. Fago, 3355
Colonel William S. Hadaway, III, 6437
Colonel Samuel C. Heady, 2267
Colonel John P. Hughes, 1068
Colonel Mark R. Johnson, 3950
Colonel Patrick L. Martin, 9994
Colonel Richard A Mitchell, 1179
Colonel John F. Nichols, 5335
Colonel Grady L. Patterson, III, 1791
Colonel George E. Pigeon, 3194
Colonel William N. Reddell, III, 9147
Colonel Harold E. Reed, 4539
Colonel Leon S. Rice, 1235
Colonel Alphonse J. Stephenson, 1248
Colonel Eric W. Vollmecke, 2843
Colonel Eric G. Weller, 2274

IN THE ARMY

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Gardner, 1994

DEPARTMENT OF STATE

Reuben Jeffery III, of the District of Columbia, to be United States AJternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development, vice Josette Sheeran Shiner.

DEPARTMENT OF STATE

June Carter Perry, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Wanda L. Nesbitt, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote D'Ivoire.

Frederick B. Cook, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Robert B. Nolan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Maurice S. Parker, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

William John Garvelink, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

William R. Brownfield, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Peter Michael McKinley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Patrick Dennis Duddy, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal.

Joseph Adam Ereli, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain.

Richard Boyce Norland, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Stephen A. Seche, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

John L. Withers II, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Charles Lewis English, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Cameron Munter, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

Roderick W. Moore, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Montenegro.

J. Christian Kennedy, of Indiana, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

INTER-AMERICAN FOUNDATION

Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010, vice Jose A. Fourquet, resigned.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Richard Allan Hill, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009, vice Juanita Sims Doty, term expired.

Stan Z. Soloway, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011, vice Carol Kinsley, term expired.

James Palmer, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011, vice Donna N. Williams, term expired.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN167 AIR FORCE nominations (21) beginning RICHARD G. ANDERSON, and ending MITCHELL ZYGADLO, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN373 AIR FORCE nominations (1250) beginning CHRISTOPHER R. ABRAMSON, and ending ANNAMARIE ZURLINDEN, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN665 AIR FORCE nominations (2) beginning ALICE A. HALE, and ending NATALIE A. JAGIELLA, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN666 AIR FORCE nominations (6) beginning ANNE M. BEAUDOIN, and ending JUSTINA U. PAULINO, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

IN THE ARMY

PN202 ARMY nominations (78) beginning ERIC D. ADAMS, and ending DAVID S. ZUMBRO, which nominations were received by the Senate and appeared in the Congressional Record of January 18, 2007.

PN203 ARMY nominations (34) beginning JEFFREY S. ALMONY, and ending DANIEL A. ZELESKI, which nominations were received by the Senate and appeared in the Congressional Record of January 18, 2007.

PN585 ARMY nomination of Kenneth C. Simpkiss, which was received by the Senate and appeared in the Congressional Record of May 21, 2007.

PN586 ARMY nominations (2) beginning ANTHONY G. HOFFMAN, and ending PATRICIA L. WOOD, which nominations were received by the Senate and ap'peared in the Congressional Record of May 21, 2007.

PN587 ARMY nominations (3) beginning ROY V. MCCARTY, and ending HUNG Q. VU, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2007.

PN624 ARMY nomination of Karen L. Ware, which was received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN625 ARMY nomination of Jeanetta Corcoran, which was received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN626 ARMY nominations (4) beginning RICHARD L. KLINGLER, and ending CARLOS M. GARCIA, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN627 ARMY nominations (20) beginning DEEPTI S. CHITNIS, and ending GIA K. YI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN629 ARMY nominations (154) beginning JACOB W. AARONSON, and ending DAVID W. WOLKEN, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN667 ARMY nomination of Birget Batiste, which was received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN668 ARMY nomination of James P. Houston, which was received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN669 ARMY nomination of John C. Loose Jr., which was received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN670 ARMY nominations (2) beginning BRUCE BUBLICK, and ending JAMES MADDEN, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN671 ARMY nominations (2) beginning JACKIE L. BYAS, and ending WILLIAM R. CLARK, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN672 ARMY nominations (3) beginning JEFFREY R. KEIM, and ending STAN ROWICKI, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN673 ARMY nominations (9) beginning PHILIP A HORTON, and ending PATRICIA YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN674 ARMY nominations (3) beginning BERNADINE F. PELETZFOX, and ending SUSAN P. STATTMILLER, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN675 ARMY nominations (16) beginning JEFFERY H. ALLEN, and ending BOBBY C. THORNTON, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN676 ARMY nominations (4) beginning DIRK R. KLOSS, and ending MARK C. STRONG, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN677 ARMY nominations (173) beginning DAVID M. GRIFFITH, and ending BRIAN N. WITCHER, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

IN THE FOREIGN SERVICE

PN523 FOREIGN SERVICE nominations (8) beginning John E. Peters, and ending Andrew P. Wylegala, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2007.

PN594 FOREIGN SERVICE nominations (4) beginning Daniel K. Berman, and ending Scott S. Sindelar, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2007.

PN595 FOREIGN SERVICE nominations (317) beginning Linda Thompson Topping Gonzalez, and ending Karen Sliter, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2007.

IN THE MARINE CORPS

PN588 MARINE CORPS nominations (14) beginning ERIC M. ARBOGAST, and ending JAMES L. WETZEL IV, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2007.

IN THE NAVY

PN503 NAVY nomination of Michael R. Murray, which was received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN504 NAVY nomination of Curt W. Dodges, which was received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN505 NAVY nomination of Michael L. Incze, which was received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN506 NAVY nomination of Sandra C. Irwin, which was received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN507 NAVY nominations (3) beginning WILLIAM R. FENICK, and ending ISAAC N. SKELTON, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN508 NAVY nominations (5) beginning ROBERT B. CALDWELL JR., and ending ELLEN E. MOORE, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN509 NAVY nominations (6) beginning DAWN H. DRIESBACH, and ending GLENN S. ROSEN, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN510 NAVY nominations (8) beginning NICHOLAS J. CIPRIANO III, and ending STEPHEN C. WOLL, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN511 NAVY nominations (9) beginning RHETTA R. BAILEY, and ending KELLY J. WILD, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN512 NAVY nominations (9) beginning JEFFREY S. COLE, and ending TIMOTHY J. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN513 NAVY nominations (7) beginning BRUCE A. BASSETT, and ending MICHAEL A. YUKISH, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN514 NAVY nominations (6) beginning JULIE S. CHALFANT, and ending PAUL J. VANBENTHEM, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN515 NAVY nominations (5) beginning DANIEL J. MACDONNELL, and ending MICHAEL J. WILKINS, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN516 NAVY nominations (4) beginning HARRY S. DELOACH, and ending MARK Q. SCHWARTZEL, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN517 NAVY nominations (4) beginning KENNETH BRANHAM, and ending KEVIN J. MCGOVERN, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN518 NAVY nominations (3) beginning STEVEN P. CLANCY, and ending STEWART B. WHARTON III, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN519 NAVY nominations (13) beginning JAMES A. ALBANI, and ending ROBERT R. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN520 NAVY nominations (30) beginning PATRICK J. BARRETT, and ending JEANNINE E. SNOW, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN521 NAVY nominations (31) beginning BETH Y. AHERN, and ending DANIEL E. ZIMBEROFF, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN540 NAVY nominations (5) beginning STEVEN D. BROWN, and ending MARK G. STEINER, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN541 NAVY nominations (8) beginning RICHARD K. GIROUX, and ending DENISE E. STICH, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN542 NAVY nominations (15) beginning MARK A. ADMIRAL, and ending DANIEL F. VERHEUL, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN543 NAVY nominations (21) beginning MICHAEL D. ANDERSON, and ending BRUCE C. URBON, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN544 NAVY nominations (12) beginning SCOT K. ABEL, and ending LELAND D. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN545 NAVY nominations (11) beginning MICHAEL J. CERNECK, and ending MICHAEL L. PEOPLES, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN546 NAVY nominations (10) beginning JOHN W. CHANDLER, and ending JAMES A. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN547 NAVY nominations (70) beginning ARNE J. ANDERSON, and ending KEVIN E. ZAWACKI, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN548 NAVY nominations (29) beginning LEIGH P. ACKART, and ending KURT E. WAYMIRE, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN549 NAVY nominations (29) beginning PIUS A. AIYELAWO, and ending PENNY E. WALTER, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN550 NAVY nominations (19) beginning WENDY M. BORUSZEWSKI, and ending PATRICIA A. TORDIK, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN551 NAVY nominations (19) beginning CHERIE L. BARE, and ending KATHRYN A. SUMMERS, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN552 NAVY nominations (15) beginning DARIUS BANAJI, and ending MICHAEL D. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN630 NAVY nominations (2) beginning CHARLES S. CLECKLER, and ending PATRICK P. WHITSELL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN631 NAVY nominations (2) beginning RANDY L. QUINN, and ending SMITH S. B. WALL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN632 NAVY nominations (21) beginning DAVID A. ARZOUMAN, and ending GREGG WOLFF, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN633 NAVY nominations (16) beginning CHRISTINA M. ALVARADO, and ending JOHN ZDENCANOVIC, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN634 NAVY nominations (15) beginning KENNETH W. BOWMAN, and ending GARY L. ULRICH, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN635 NAVY nominations (9) beginning HSINGCHIEN J. CHENG, and ending BRADLEY S. TROTTER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN636 NAVY nominations (13) beginning NORMAN J. ARANDA, and ending SARAH E. SUPNICK, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN637 NAVY nominations (8) beginning PATRICIA A. BRADY, and ending MELVIN D. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN638 NAVY nominations (8) beginning NATHAN L. AMMONS III, and ending DANIEL W. STEHLY, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN678 NAVY nomination of Carlos E. Gomez-Sanchez, which was received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN679 NAVY nominations (268) beginning SCOTT F. ADAMS, and ending WILLIAM A. ZIRZOW IV, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

LOBBYING REFORM AND 9/11 COMMISSION RECOMMENDATIONS

Mr. REID. Mr. President, it goes without saying I am disappointed that the two issues we have had to do—so important—ethics and lobbying reform and the 9/11 Commission recommendations implementation—that there have been objections. All kinds of reasons, but it seems to me it is an effort that is not in keeping with what is good for our country. I accept what has happened, and we will be back tomorrow with our request for the lobbying reform.

Mr. SCHUMER. Mr. President, I would ask one thing of my colleagues. We wouldn't want this—certainly, I wouldn't, and I believe most of my colleagues wouldn't—want to let this bill be delayed because of the cuts of a thousand deaths. We have dealt with the first objection—TSA. We did something many of us thought we shouldn't do in an effort to move the bill forward. The majority leader has said he will deal with Senator COBURN's objection. But if then tomorrow something else comes down and they make another objection and next week another objection and another objection, that would not be fair.

So I would ask my colleagues, anyone else who has objections, to bring them forward tomorrow so maybe we can try to resolve them and move this bill forward.

CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 179, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 179) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 179) was agreed to, as follows:

H. CON. RES. 179

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 28, 2007, or Friday, June 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, July 10, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, June 29, 2007, Saturday, June 30, 2007, Sunday, July 1, 2007, or Monday, July 2, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 9, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

EXTENDING THE AUTHORITIES OF THE ANDEAN TRADE PREFERENCE ACT

Mr. REID. I ask unanimous consent the Senate proceed to H.R. 1830.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1830) to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, today, the Senate has taken an important step in our relationship with Latin America. Following House action last night, the Senate unanimously approved an 8-month extension of the Andean Trade Preference Act, ATPA. Our action today prevents these key trade preferences from expiring abruptly this weekend. More importantly, it underscores the value that United States places on strong economic engagement with our partners in the Andean region.

The Andean Trade Preference Act provides duty-free access to certain products from Colombia, Peru, Ecuador, and Bolivia. These preferences ensure that hundreds of thousands of workers in these countries can find legal and meaningful employment in their own countries—workers who might otherwise find jobs in coca fields or in other illicit industries. By doing so, the Andean trade preferences enable the United States to continue to promote economic and political stability in a key region of Latin America.

ATPA and other preference programs are not a one-way street. I hear repeatedly from American businesses and consumers how these preference programs benefit the United States. Specifically, ATPA provides numerous U.S, companies with a source of high-quality, duty-free inputs for their products. American companies then pass these benefits on to American consumers in the form of lower costs and greater product diversity.

While I welcome this extension, I do not wish to minimize legitimate concerns that some of my colleagues have about the program, especially those relating to protection of U.S. investment. ATPA provides a framework for addressing these concerns and finding the solutions. To benefit from these preferences, beneficiary countries must protect foreign investment. They must afford worker rights. They must uphold key intellectual property rights. And they must meet counternarcotics requirements. Because of these provisions, ATPA is one of the best diplomatic tools America has in Latin America.

Today we took an important step in passing an 8-month extension of ATPA. But 8 months is not a lasting solution. Rather, it is a stepping stone toward a possible longer term extension for ATPA beneficiaries, as circumstances warrant. Eight months from now, some countries may still need these preferences; others may not. During the time, I will closely monitor whether ATPA beneficiary countries live up to their end of the bargain and abide by the requirements of the program. If they do, I will work hard to secure a longer extension. The United States and the Andean region will be better for it.

Mr. REID. Mr. President, before I ask this be completed, I am glad this is being done. I am disappointed it is only until the end of February.

I traveled to Bolivia, Peru, and Ecuador. This is so important to those countries. I am glad we will get it extended. It would have expired at the end of this month. It will not expire now. I hope by next February we can have a multiyear extension. I have spoken to Senators GRASSLEY and BAUCUS. I hope that is the case.

I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1830) was ordered to be read a third time, was read the third time, and passed.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1585

Mr. REID. I ask unanimous consent the cloture motion on the motion to proceed to H.R. 1585 be withdrawn, that the motion to proceed be agreed to, and the Senate resume consideration of the bill on Monday, July 9, after the conclusion of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this is the Defense authorization bill. I hope there will be a little conversation about this tomorrow. This will get us back and focusing on the intractable war that is taking place in Iraq.

I made a call a day or two ago to speak to Keith Modgling, the father of Josh. He just turned 22. He was in Iraq for less than a month. He was killed.

We are going to refocus on this. It is important we do that.

ORDERS FOR FRIDAY, JUNE 29, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:45 a.m. Friday, June 29. On Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Friday, June 29, 2007, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 2007:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 152 AND 601:

To be admiral

ADM. MICHAEL G. MULLEN, 9509

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be general

GEN. JAMES E. CARTWRIGHT, 5961

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD B. MARRON, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE MATTHEW SLAUGHTER, RESIGNED.

DEPARTMENT OF THE INTERIOR

BRENT T. WAHLQUIST, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

DEPARTMENT OF STATE

CHRISTOPHER EGAN, OF MASSACHUSETTS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF JUSTICE

REED VERNE HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE ANTHONY DICHIO.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK G. KLOTZ, 6069

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PETER J. OLDMIXON, 3125

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DAN L. AMMONS, 5548

To be commander

KEVIN G. AANDAHL, 1470
RAFAEL A. CABRERA, 6328
ALFRED H. DUNN, 9909
KRISTINE A. KNUTSON, 8112
MARK L. KREUSER, 1794
MARK T. LAGIER, 2074
STEPHEN P. NIELSEN, 5536
MARK E. OLDFIELD, 4865
JACK D. POOLE II, 9550

To be lieutenant commander

DANIEL D. BROWN, 4865
SHAMUS R. CARR, 0320
SOPHIA E. DEBEN, 7251
ROBERT D. ECKER, 0394
ALEXANDER N. EVANS, 9304
NATHANIAL FERNANDEZ, 6725
BRIAN P. FITZSIMMONS, 5664
JOSE E. GOMEZ, 3718
CHRISTIAN C. HALL, 5090
CLAYTON O. HILL, 2709
KARL C. KRONMANN, 0475
JAMES R. LEBAKKEN, 6053
MENG G. LEE, 7614
JORGE I. MADERAL, 3063
DWAYNE A. MAULTSBY, 5980
MICHAEL L. MCCLAM, 5336
JOHN S. MOREE, 1733
ANTHONY F. PERREAULT, 0766
ANGELA M. POWELL, 0861
LYNN J. PRIMEAUX, 6452
KELVIN L. REED, 1218
ANTHONY I. RICCIO, 3988
LAURA L. ROBERTS, 8796
MARIO A. ROSSI, 5278
SHANNON D. SCHANTZ, 4310
PAIGE A. SHERMAN, 3375
ERIC D. SHIRLEY, 9682
PATRICK J. SNIEZEK, 8558
STEVEN D. THOMPSON, 2556
STEVEN A. TOENJES, 1363
THOMAS E. VARNEY, 2643
CURTIS J. WOODS, 2003
ROBERT D. WOODS, 4331

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

GILBERT AYAN, 2938
ALEXANDER T. BAERG, 6733
HAROLD W. BOWMANTRAYFORD, 3720
JAMES A. BROWN, 9951
MICHEL C. FALZONE, 7609
THOMAS P. FLAHERTY II, 3775
MICHAEL C. GRUBB, 4150
JEFFREY T. HOLDSWORTH, 8290
JAMES E. MASON, 0676
ERNEST A. MATTA, 0170
THOMAS J. NIEBEL, 7133
THOMAS P. ODONNELL, 4720
DAVID L. PAYNE, JR., 1950
JEREMY A. PELSTRING, 0939
PAUL H. PLATTSMIER, 5617
ROBERT W. ROSE, 9537
WILLIAM L. ROSENBERRY, 6841
MICHAEL L. THOMPSON, 2300
COLIN D. XANDER, 9905

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SIMONIA R. BLASSINGAME, 0815
MICHELLE D. CARTER, 1212
LYN Y. HAMMER, 7544
SHANE G. HARRIS, 9613
RALITA S. HILDEBRAND, 5632
KATHLEEN A. KERRIGAN, 8902
SUSANNE M. MCNINCH, 5706
BRECKENRIDGE S. MORGAN, 4406
MELANIE R. NORTON, 3762
WISTAR L. RHODES, 5595
KATHRYN A. SCOTT, 9725
MELISSA M. SHORT, 8960
CHERYL R. STOLZE, 4061
MARY L. THOMPSON, 1071
DARRYL M. TOPPIN, 9942
JASON L. WEBB, 1191

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEFFREY A. BAYLESS, 6219
VITTERIO J. CRISP, 3494
KENNETH F. ELKERN, JR., 9381
GERRY M. FERNANDEZ, JR., 3724
MARY A. L. GIESE, 7556
ERIC R. JOHNSON, 7991
MATTHEW R. LEAR, 9212
TIMIKA B. LINDSAY, 1093
TODD A. MAUERHAN, 9571
BRYAN S. MCROBERTS, 8322
STEPHEN E. MILLS, 8374
DAVID W. SAMARA, 7816
TRACY J. SHAY, 6802
ROBERT R. STACHURA, 2356
BRITTON C. TALBERT, 6916
ANDREW S. THAELER, 5735
RAMBERTO A. TORRUELLA, 9903
SCOTT A. WALKER, 7903
MATTHEW H. WELSH, 4960
WARREN YU, 1573

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRIS D. AGAR, 4987
JONATHAN J. BARTEL, 1269
BRYAN E. BRASWELL, 1151
TERRY B. CARWILE, 1643
ROBERT L. CHESSER, 5471
MATTHEW A. DEAN, 0405
MICHAEL L. DOUGLAS, 8165
WILLIAM J. EKBLAD, 4639
KAREN M. ERNEST, 6583
RICHARD G. FRODERMAN, 1832
TODD A. GAGNON, 2297
AMY L. HALIN, 8186
SEAN R. HERITAGE, 6151
EVAN A. HIPSLEY, JR., 3940
JOHN B. HUNTER, 1490
JOEY J. JOHNSON, 5577
CHARLES D. JONES, 9777
HANNELORE C. JONES, 9833
WILLIAM A. LINTZ, 8920
PATRICK L. MALLORY, 2946
ERLE MARION, 9309
DANIEL J. MILLER, 7515
NEAL M. NOTTROTT, 9873
RODNEY R. PURIFOY, 8368
DOUGLAS R. SCHELB, 4421
TYRONE L. WARD, 2174

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PAUL B. ANDERSON, 2528
JEFFERY D. BARNES, 3008
ANTHONY T. BUTERA, 0092
JOHN M. DAHM, 5115
KENNETH D. DEHAN, 2924
JENNIFER K. EAVES, 0895
MARK A. GERSCHOFFER, 8863
JAMES M. GRIFFIN, 8145
JEREMY D. HAHN, 1058
MARY K. HALLERBERG, 9676
JOSHUA C. HIMES, 7449
JEFFREY T. HUBERT, 4065
GRAHAM K. JACKSON, 8687
DANIEL J. KENDA, 3643
SEAN R. KENTCH, 1351
MADELENE E. MEANS, 9983
FREDERICK W. MOSENFELDER, 7921
KELLY S. NICHOLS, 2563
MATTHEW J. PAWLIKOWSKI, 8673
DANIEL J. PERRON, 3253
MICHAEL S. PRATHER, 7124
CARRI A. ROBBINS, 5150
DAVID C. SCHNEEBERGER, 3975
CHRISTOPHER H. SHARMAN, 8363
STEVEN A. VOZZOLA, 3117
SCOTT R. WHALEY, 7233
DARREN S. WILLIAMS, 9455

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTINA S. HAGEN, 8474
CHRISTOPHER B. LOUNDERMON, 9258
PATRICK W. MCNALLY, 9097
SCOTT M. MILLER, 0994
RON A. STEINER, 2687

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER J. ARENDS, 7466
ANTHONY W. COX, 3890
JOHN M. DAZIENS, 6938
ANTHONY F. GILLESS, 9195
GREGORY S. IRETON, 8835
JOSEPH S. MARTIN, 2839
SEAN P. MEMMEN, 3599
CYNTHIA V. MORGAN, 8325
ELIZABETH R. SANABIA, 2060
GREGORY J. SCHMEISER, 0667
RONALD R. SHAW, JR., 3546
CHRISTOPHER J. STERBIS, 1702
ANGELA H. WALKER, 1679
KEITH E. WILLIAMS, 5449

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SARAH A. DACHOS, 8509
TERRENCE L. DUDLEY, 5980
GLENN C. GODBEY, 2573
ROBERT H. PALM, JR., 4353
RICHARD J. RYAN, 0056
RICHARD M. STACPOOLE, 0611
ERIK J. STOHLMANN, 5225
ELIZABETH A. THOMAS, 4073
PAULO B. VICENTE, 3691
CLAY G. WILLIAMS, 0067

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BENITO E. BAYLOSIS, 2571
WILLIAM D. CARROLL, 4736
JOHN D. GERKEN, 5392
ANDREW S. GIBBONS, 6695
LYNN A. GISH, 5449
CHRISTOPHER J. HANSON, 4127
WILLIAM L. HARDMAN, 3640
JAY H. JOHNSON, 6102
JAMES A. KNOLL, 3465
RYAN J. KUCHLER, 3059
PATRICK B. LAFONTANT, 2989
JERRY W. LEGERE, 1782
JOHN L. LOWERY, 0281
PETER M. LUDWIG, 7664
HOWARD B. MARKLE, 1143
CHARLES R. MARSHALL, 8549
STEPHEN R. MEADE, 6146
MICHAEL A. PORTER, 7324
GERALD R. PRENDERGAST, 5168
CHRISTOPHER G. RILEY, 9379
JOHN P. ROBINSON II, 1104
TIMOTHY C. SPICER, 9157
DOUGLAS L. SWISHER, 4323
MICHAEL E. TAYLOR, 8480
KAI O. TORKELSON, 3434
JON E. WITHEE, 5239

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS S. BELVIN, 9066
MATTHEW D. BOHLIN, 8859
THOMAS C. CECIL, 2553
STEVEN F. DESANTIS, 2237
JUAN G. FERNANDEZ II, 8357
ERIC J. HIGGINS, 0208
JOSEPH B. HORNBUCKLE, 2695
MARK P. KEMPF, 2446
JEFFERY T. KING, 1421
SCOTT H. LEDIG, 5394
ANDREW J. MCFARLAND, 8983
KURT W. MULLER, 0949
GREGORY A. OUELLETTE, 9847
DOUGLAS M. PHELAN, 4701
CHAD B. REED, 5367
JASON L. RIDER, 7936
WESLEY S. SANDERS, 1318
KYLE T. TURCO, 1334

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

FITZGERALD BRITTON, 4691
RUSSELL J. DICKISON, 7025
ELLEN M. EVANOFF, 0967
BRYANT E. HEPSTALL, 1868
CARL P. NOLTE, 2191
NORMAN C. OWEN, 5710
NATHAN D. SCHNEIDER, 1624
ERIC J. SIMON, 7506
JOHN F. ZREMBSKI, 6163

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

WILLIAM L. ABBOTT, 0499
MARTIN A. ANDERSON, JR., 5694
ARTHUR P. ARKO, 0376
PETER J. BACHAND, 4125
NONITO V. BLAS, 2149
BRIAN L. BODOH, 8760
ROGER J. BROUILLET, 3123
DENNIS L. CAMERON, 4652
JERRY T. CHAPMON, 3329
QUIRION CHRISTIAN, 1472
JOHN F. DEDITIUS, 6556
RICHARD C. DUNAWAY, 4296
KEVIN L. ECKMANN, 5146
DION J. EDON, 8052
JOHN K. FERGUSON, 0358
FARYLE G. FITCHUE, 6224
CLAY K. GLASHEEN, 1609
MARC D. GREGORY, 4779
MARK A. HOCHSTETLER, 1017
JEFFREY M. HORTON, 5425
DANNY J. JENSEN, 9066
WILLIAM R. JOHNSON, 5800
DONALD J. KOBIEC, 4752
KELVIN M. LEWIS, 5814
JOHN M. LOTH, 8573
SCOTT B. LYONS, 2968
GARY D. MARTIN, 1686
SEAN M. MERSH, 3603
MARK A. MESKIMEN, 8634
JOHN B. MORRISON, 7584
MARK C. NISBETT, 7125
SCOTT E. NORR, 6627
VINCENT ORTIZ, 6020
JEFFREY M. PAFFORD, 7693
CHARLES M. PHILLIP, 4878
WILLIAM M. PRESCOTT, 8122
THOMAS PRUSINOWSKI, 6385
KEITH W. RANSOM, 4143
JAMES D. RHOADS, 7111
DANIEL M. ROSSLER, 0296
MICHAEL A. SCOTT, 8654
GERALD A. SHEALEY, 7753
RICHARD T. SHELAR, 3047
VINCENT S. SIEVERT, 1618
SCOTT D. SILK, 8692
CLETUS STRAUSBAUGH, 7591
ROY A. TELLER, 9804
ROBERT K. TUCKER, 5966
JAMES P. TURNER, 5754
TIMOTHY P. WADLEY, 6449
DAVID S. WARNER, 0959
CARVILLE C. WEBB, 4488
CHARLES W. WEBB, 1770
SHAWN T. WHALEN, 8037
BARRY E. WISDOM, 4328
ALLEN W. WOOTEN, 0402

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KEVIN T. AANESTAD, 7864
TODD A. ABRAHAMSON, 5463
DOUGLAS J. ADAMS, 7092
GEORGE R. AGUILAR, 3062
ELLER V. AIELLO, 3069
CHRISTOPHER D. ALEXANDER, 9446
KRISTINE E. ALEXANDER, 0460
BENJAMIN J. ALLBRITTON, 6103
GARY T. AMBROSE, 8343
ANDREW D. AMIDON, 4473
MICHAEL T. AMOS, 4340
MARK E. ANDERSON, 4669
WAYNE W. ANDERSON, JR., 3323
CHARLES H. ANDREWS, 6991
FERNANDO J. ARGELES, 6416
GEORGE R. ARNOLD II, 3783
MARK R. ASUNCION, 4640
THOMAS R. BAKER, 7992
THOMAS C. BALDWIN, 3628
THOMAS D. BARBER, 3342
JOSEPH W. BARNES, 3615
JOHN J. BARRY III, 1118
TROY D. BAUDER, 9053
JAMES W. BEAVER, 1715
KEITH M. BECK, 0315
CURTIS A. BECKER, JR., 3023
RODNEY T. BEHREND, 8283
SCOTT A. BELL, 6298
JAMES A. BELZ, 5433
JEFFREY A. BENNETT II, 6895
CHRISTOPHER BERGEN, 5797
BUDD E. BERGLOFF, 5473
PETER R. BERNING, 5925
PAUL N. BERTHELOTTE, 4360
KEVIN W. BILLINGS, 5693
JAMES M. BILOTTA, 1253
DAVID T. BITLER, 7713
ROBERT E. BOARDMAN, 0082
MICHAEL S. BOBULINSKI, 0032
TODD W. BOEHM, 2678
MARK J. BOLLONG, 9609
JOHN D. BOONE, 1784
MICHAEL J. BOONE, 5622
NATHAN P. BORCHERS, 4609
BRADLEY T. BORDEN, 0915
JEFFREY S. BOROS, 7673
JERRY R. BOSTER, 5363
MICHAEL S. BOUCHER, 6403
LESLIE W. BOYER III, 6643
CHRISTOPHER J. BOYLE, 1472
PETER C. BOZZO, 6656
KEVIN M. BRAND, 2737
JOHN P. BRAUN, 6119
NEIL M. BRENNAN, 0867
PETER J. BREWSTER, 1097
WILLIAM D. BREWSTER, JR., 4961
PATRICK T. BRITT, 4904
BRIAN B. BRONK, 7018
JOHN E. BROTEMARKLE, 5074
JAMES E. BROWN, 7401
ROBERT BROWN, 5400
ANTHONY M. BRUCE, 5860
THOMAS R. BUCHANAN, 0391
MICHAEL P. BUCKLEY, 4844
WILLIAM A. BUCKNER, 9070
ROSS S. BUDGE, 6899
NICHOLIE T. BUFKIN, 7941
DWAYNE E. BURBRIDGE, 0328
MICHAEL J. BURIANEK, 8914
VORRICE J. BURKS, 1016
JOSEPH F. CAHILL III, 5531
MARK A. CALDERON, 1886
PAUL F. CAMPAGNA, 9165
KYLE R. CAMPBELL, 8306
RONNIE M. CANDILORO, 0059
JOHN E. CAPIZZI, 0649
PAUL A. CARELLI, 3241
JOHN G. CARPENTIER, 4362
CURTIS C. CARROLL, 0119
DANIEL G. CASE, 8751
CHRISTOPHER J. CASSIDY, 0212
CHRISTOPHER J. CAVANAUGH, 6814
CHRISTOPHER A. CEGIELSKI, 5157
DAMIEN R. CHRISTOPHER, 8966
MAXIMILIAN CLARK, 0577
JEFFREY J. CLARKSON, 6427
PHILLIP Z. CLAY, 1222
BRYAN M. COCHRAN, 8670
BRETT W. COFFEY, 8173
BRAD J. COLLINS, 5594
TIMOTHY M. COOPER, 3422
FREDERICK D. COTTS, 3966
ROBERT COUGHLIN, 8218
WILLIAM T. COX, JR., 6787
JEFFREY A. CRAIG, 6073
SCOTT P. CRAIG, 2526
MICHAEL A. CRARY, 4045
LINDA E. CRAUGH, 7081
FREDERICK E. CRECELIUS, 4363
ROBERT D. CROXSON, 9086
BRETT E. CROZIER, 7330
PAUL A. CRUMP, 8367
DAVID C. CULPEPPER, 2394
CORY L. CULVER, 4464
DONALD S. CUNNINGHAM, 9519
SCOTT B. CURTIS, 4716
SEAN T. CUSHING, 9525
WILLIAM R. DALY, 4219
RODNEY D. DANIELS, 1343
ANDREW D. DANKO, 7901
HILLARY A. B. DARBY, 2215
TODD J. DARWIN, 3113
GEORGE A. DAVIS, 7252
STEPHEN C. DAVIS, 0508
TIMOTHY P. DAY, 9882
DENNIS A. DEBOBES, 0214
JEFFREY D. DEBRINE, 0926
ROBERT K. DEBUSE, 6484
ANTONIO DEFRIAS, JR., 9127
TERENCE P. DERMODY, 0328
BRIEN W. DICKSON, 7843
MICHAEL R. DICKSON, 8289
RODRIGO M. DILL, 0960
THUY H. DO, 5783
MICHAEL D. DOHERTY, 8432
PETER J. DONAHER III, 2929
LEE A. DONALDSON, 8353
DONALD J. DONEGAN, 9242
JOHN W. DOOLITTLE, 3378
DAVID H. DORN, 4693
BRIAN P. DOUGLASS, 5321
GEORGE B. DOYON, JR., 3065
JEFFREY J. DRAEGER, 1534
RAYMOND R. DRAKE, 3656
SEAN M. DRUMHELLER, 3003
CURTIS B. DUNCAN, 9642
NGAN H. DUONG, 0189
BRYAN W. DURKEE, 8978
JARED V. EAST, 7032
DAVID V. EDGARTON, 8935
PETER S. EGELI, 9067
JEFFREY W. EGGERS, 4198
JAMES J. ELIAS, 0852
CARLTON T. ELLIOTT, 8271
TONY L. ELLIS, 2965
JOHN K. ELLZEY, 3564
STEPHEN S. ERB, 4940
TIMOTHY D. ESH, 0580
ERIK J. ESLICH, 5587
DAVID C. ESTES, 7965
DANIEL T. EVANS, 2060
KEVIN W. EVANS, 3322
JEFFREY N. FARAH, 6389
SCOTT T. FARR, 4971
MICHAEL G. FARREN, 3268
KENNETH L. FERGUSON, 2928
RICHARD J. FIELD, 0262
BRIAN J. FINMAN, 4216
MATTHEW D. FINNEY, 4612
EDWARD J. FISCHER, 6635
ROBERT J. FLYNN, 2621
PATRICK V. FOEGE, 2647
JOSEPH C. FORAKER III, 6366
RONALD A. FOY, 9327
MICHAEL G. FRANTZ, 4521
ERIK L. FRANZEN, 0600
WARREN K. FRIDLEY, 2836
THOMAS A. FROSCH, 1332
STEPHEN F. FULLER, 9926
WARDELL C. FULLER, 2601
BRETT T. FULLERTON, 3230
DAVID O. GADDIS, 7735
MICHAEL P. GALLAGHER, 8891
JOHN N. GANDY, 3677
BRADLEY R. GARBER, 5872
JAMES P. GARDNER, 5324
JOHN A. GEARHART, 7949
BRIAN A. GEBO, 7120
THOMAS W. GELKER, 6034
MARC A. GENUALDI, 4356
MICHAEL J. GIANNETTI, 4754
DANIEL J. GILLEN, 5699
DARREN W. GLASER, 4194
LAWRENCE E. GONZALES, 4987
ISSAC N. GONZALEZ, 4283
KEITH H. GORDON, 8563
MICHAEL J. GRABOWSKI, 1390
GREGORY L. GRADY, 8738
WAYNE G. GRASDOCK, 1034
ERIK W. GREVE, 4531
EDWIN J. GROHE, JR., 0282
GUSTAVO GUTIERREZ, 5869
GREGORY J. HACKER, 9057
THOMAS D. HACKER, 5043
LEONARD M. HAIDL, 4942
KAVON HAKIMZADEH, 1084
SEAN P. HALEY, 1179
DAVID B. HALLORAN, 8728
JASON G. HAMMOND, 5159
ROBERT G. HANNA III, 3025
GERALD J. HANSEN, JR., 1807
KEVIN D. HARMS, 2388
MATTHEW J. HARRISON, 3715
ROGER A. HARTMAN, 9957
JASPER C. HARTSFIELD, 3869
MONTY L. HASENBANK, 9854
CHRISTOPHER D. HAYES, 9013
GREGORY T. HAYNES, 3502
ALBON O. HEAD III, 4905
KEVIN P. HEALY, 3902
WILLIAM A. HEARTHER, 3872
PHILLIP W. HEBERER, 0383
STEVEN T. HEJMANOWSKI, 6441
SCOTT A. HENDRIX, 0392
GERALD C. HENNESSEY, JR., 9616
JOHN C. HENSEL II, 9633
GERALD R. HERMANN, 7923
CHARLES W. HEWGLEY IV, 2572
SEAN P. HIGGINS, 1439
SEAN P. HIGGINS, 3030
TIMOTHY M. HILL, 4984
BERTRAM C. HODGE, 8401
DOYLE K. HODGES, 9578
TODD A. HOFSTEDT, 9724
AARON M. HOLDAWAY, 3856
JOHN C. HOWARD, 2949
CORY R. HOWES, 8611
JOHN L. HOWLAND, 2245
MICHAEL M. H. HSU, 9988
MICHAEL L. HUDSON, 9169
SCOTT A. G. HUFF, 9814
ANTONIO D. HULL, 6624
MICHAEL E. HUTCHENS, 2974
JOSEPH A. HUTCHINSON, 2135
ADOLFO H. IBARRA, 3475
DAVID M. IVEZIC, 5613
JONATHAN L. JACKSON, 7865
RONALD G. JACOBSON, 6808
DAVID G. JASSO, 3224
ROBERT J. JEZEK, JR., 3297
BRYON K. JOHNSON, 3921
HIRAM S. JOHNSON, 8207
MARK E. JOHNSON, 5714
MICHAEL D. JOHNSON, 6433
ROBERT G. JOHNSON, 3768
STEVIN S. JOHNSON, 5321
WILLIAM JOHNSON, 4430
ETTA C. JONES, 1105
JEFFREY E. JONES, 1278
SPENCER C. JONES, 4933
KRISTIN M. JUNGBLUTH, 9082
MARK W. KEKEISEN, 7631
STEPHEN A. KELLEY, 2425
KEVIN M. KENNEDY, 7535
LAWRENCE H. KENNEDY, 4679
ROBERT R. KENYON, 6077
GREGORY R. KERCHER, 3629
DAVID S. KERSEY, 7968
WILLIAM A. KETCHAM, 9615
TIMOTHY N. KETTER, 3938
LISA L. KETTERMAN, 3925
PAUL R. KEYES, 5609
STEVEN W. KIGGANS, 1082
KEITH R. KINTZLEY, 9636
BRIAN D. KIRK, 9538
LAWRENCE J. KISTLER, 4384
ROBERT A. KLASZKY, 3068
DENNIS J. KLEIN, 2210
KEVIN J. KLEIN, 7414

MITCHEL J. KLOEWER, 7888
GREGORY D. KNEPPER, 9067
MICHAEL J. KOEN, 4180
RICHARD W. KOENIG, 9481
ROBERT A. KOONCE, 7732
KENNETH G. KOPP, 2724
PHILIP J. KOTWICK, 5768
SCOTT H. KRAFT, 0792
STEVEN C. KROLL, 4816
PATRICK E. KULAKOWSKI, 8110
DOUGLAS W. KUNZMAN, 1553
SCOTT D. KUYKENDALL, 6967
JON P. R. LABRUZZO, 3414
EUGENE D. LACOSTE, 3452
ROBERT T. LACY, 6064
LANCE J. LAFOND, 9323
MARK A. LAKAMP, 7208
GEORGE M. LANDIS III, 9122
CHAD M. LARGES, 9375
JONATHAN B. LAUBACH, 6096
PAUL P. LAWLER, 8904
WILLIAM E. LAWRENCE, 6376
HUNG B. LE, 6110
MARK S. LEAVITT, 3865
JEAN M. LEBLANC, 5496
FITZHUGH S. LEE, 5708
MATTHEW J. LEHMAN, 1992
FREDERICK C. LENTZ III, 7751
LANCE L. LESHER, 7522
KURT A. LEWIS, 1267
MICHAEL LIBERATORE, 8850
ALVARO L. LIMA, 1259
ANTHONY J. LINARDI III, 4669
CHARLES E. LOISELLE, 3511
ROY LOVE, 2222
ANDREW C. LYNCH, 5029
LEONARD M. LYON, 4574
JOSEPH R. MACKAY, 1963
CHRISTOPHER D. MAJORS, 5963
MICHAEL D. MAKEE, 8985
EUGENE J. MALVEAUX, JR., 6226
CHRISTOPER T. MARTIN, 3273
NICOLAS A. MARUSICH, 0236
TODD R. MARZANO, 1488
MARK A. MARZONIE, 8751
RICHARD N. MASSIE, 5203
STEVEN J. MATHEWS, 6092
ROBERT W. MATHEWSON, 8508
JAMES E. MATTINGLY, 7072
JAMES J. MAUNE, 7315
SHAUN C. MCANDREW, 1968
EDWARD D. MCCABE, 1048
JAMES A. MCCALL III, 2350
LARRY G. MCCULLEN, 2937
RICHARD C. MCDANIEL, 5456
SEAN P. MCDERMOTT, 4654
EDWARD J. MCDONALD, 6706
KEVIN P. MCGEE, 9347
CHRISTOPHER F. MCHUGH, 0539
DOUGLAS R. MCLAREN, 3966
RICHARD A. MCMANUS, 6002
BOBBY D. MCPHERSON II, 0195
DARREN G. MCPHERSON, 0340
JAMES A. MCPHERSON, 1990
MICHAEL T. MCVAY, 8211
WILLIAM R. MELLEN, 1512
KEVIN A. MELODY, 7542
MARK A. MELSON, 8936
ROGER E. MEYER, 7468
CHRISTOPHER A. MIDDLETON, 7887
BRETT W. MIETUS, 1752
PETER A. MILNES, 7202
LUIS E. MOLINA, 5914
LEIF E. MOLLO, 0081
KURT A. MONDLAK, 7312
DAVID J. MONTGOMERY II, 7703
GEOFFREY C. MOORE, 5699
STEVEN A. MORGENFELD, 2552
KYLE S. MOSES, 6292
BRANDT A. MOSLENER, 9135
JOHN B. MOULTON, 9648
SHELBY A. MOUNTS, 4128
BRETT D. MOYES, 3890
THOMAS H. MULDROW, JR., 7568
SCOTT T. MULVEHILL, 6356
DAVID T. MUNDY, 8570
DEAN A. MURIANO, 5583
BRENDAN J. MURPHY, 6677
CHARLES G. MURPHY, 3535
THOMAS F. MURPHY III, 5381
JAMES M. MUSE, 2844
ROBERT C. MUSE, 2819
COLEY R. MYERS III, 9312
MICHAEL J. NADEAU, 1421
DANA A. NELSON, 1449
GREGORY D. NEWKIRK, 0018
STEPHEN L. NEWLUND, 4452
DAVID A. NORLEY, 2941
JOSEPH A. NOSSE, 0655
JEFFREY L. OAKEY, 0261
TERRY L. OBERMEYER, 6977
JOSEPH R. OBRIEN, 6195
DONALD C. ODEN, 9431
FRANK B. OGDEN II, 2276
NATHAN R. OGLE, 7996
ROBERT N. OLIVIER, 2909
LAWRENCE D. OLLICE, JR., 3649
LONNIE W. OLSON, 3297
JOHN F. H. OUELLETTE, 4816
DANIEL L. PACKER, JR., 4337
WILLIAM J. PALERMO, 6439
ADAM D. PALMER, 3757
MATTHEW C. PARADISE, 1418
ANTHONY L. PARTON, 1878
ROBERT W. PATRICK, JR., 3244
RODNEY M. PATTON, 0052
SIL A. PERRELLA, 0561
STEPHEN E. PETRAS, 0984
JAMES B. PFEIFFER, 0819
JOHN B. PICCO, 0469
MICHAEL E. PIETRYKA, 3612
ROBERT J. POLVINO, 8960
DARREN R. POORE, 7464
CAROL A. PRATHER, 2958
RICHARD W. PREST, 5774
CHRISTOPHER A. PRESZ, 0833
JOSHUA D. PRICE, 7601
KARL J. PUGH, 9796
WILLIAM C. PUGH, 9744
MICHAEL G. QUAN, 7557
KEVIN M. QUARDERER, 6732
KEVIN S. RAFFERTY, 9835
ROLANDO RAMIREZ, 8364
DAVID T. RAMSEY, JR., 8692
PAUL E. RASMUSSEN, 6425
ROSARIO M. RAUSA, 6799
CRAIG C. REINER, 3740
CRAIG M. REMALY, 7597
JOSHUA S. REYHER, 4517
BENJAMIN G. REYNOLDS, 0884
STEVEN M. RICHARDS, 5703
GLENN F. ROBBINS, 9923
STEVEN C. ROBERTO, JR., 2617
RICHARD K. ROSSETTI, 9343
DAVID M. ROWLAND, 6158
JOHN C. RUDELLA, 8132
ROME RUIZ, 8213
GAVAN M. SAGARA, 9425
TIMOTHY A. SALTER, 1102
KEVIN R. SANDLIN, 1590
MILTON J. SANDS III, 0981
DAVID M. SANFIELD, 3702
ERICH B. SCHMIDT, 4674
STEPHEN F. SCHMIDT, 2015
EDWARD A. SCHRADER, 9915
MARK A. SCHRAM, 9049
CHRISTOPHER A. SCOTT, 4077
DAVID M. SCOTT, 6015
RICHARD I. SCRITCHFIELD, 8026
JEFFREY L. SCUDDER, 2265
MATTHEW T. SECREST, 1485
ERIC O. SEIB, 5887
RICHARD E. SEIF, JR., 2642
OLIN M. SELL, 9060
DAVID K. SHAFFER, 3170
FRANK C. SHELLY, 5166
KENNETH W. SHICK, 1532
JUSTIN L. SHOGER, 0760
HANS E. SHOLLEY, 8283
JOHN J. SHRIVER, 5101
MAXWELL J. SHUMAN, 1008
LARRY A. SIDBURY, 0247
MICHAEL C. SIEPERT, 0036
TIMOTHY L. SIMONSON, 2007
THOMAS W. SINGLETON, 3551
LUKE SIRONI, 8620
WARREN E. SISSON, 8475
BRIAN L. SITTLOW, 4419
DARREN J. SKINNER, 1412
QUINN D. SKINNER, 8165
STEVEN J. SKRETKOWICZ, 2266
TIMOTHY J. SLENTZ, 0621
JAMES B. SMELLEY, 9819
CRAIG M. SNYDER, 0628
ERIC A. SODERBERG, 7308
ROBERT G. SODERHOLM, 6728
DAVID S. SOLDOW, 3458
JOHN D. SOWERS, 9363
STEPHEN O. SPRAGUE, 9175
JAMES A. STANLEY, 9853
THOMAS F. STANLEY, 1847
JOSEPH M. STAUD, 4657
MICHAEL A. STEEN, 3419
JAY M. STEINGOLD, 4196
KRISTIN L. STENGEL, 2752
HENRY P. STEWART, 0261
JAMES M. STEWART, 3630
TODD D. STLAURENT, 4687
CHRISTOPHER M. STOPYRA, 8318
GREGORY P. STPIERRE, 1421
KENNETH A. STRONG, 7993
DAVID J. SUCHYTA, 2870
DAVID D. SULLINS, 4300
DANIEL J. SULLIVAN IV, 2435
DANIEL D. SUNVOLD, 0774
WILLIAM S. SWITZER, 4021
SCOTT A. TAIT, 3780
MARK W. TANKERSLEY, 9753
CHARLES L. TAYLOR, 2028
KYLE W. M. TAYLOR, 0008
BENJAMIN J. TEICH, 6320
ANTONIO TELLADO, 4822
JASON A. TEMPLE, 0099
KARL R. TENNEY, 0170
MATTHEW D. TERWILLIGER, 1532
MATTHEW A. TESTERMAN, 9307
JOSEPH C. THOMAS, 3156
NICHOLAS R. TILBROOK, 8740
RICHARD V. TIMMS, 9908
RONALD W. TOLAND, JR., 6153
BRENT A. TRICKEL, 4488
DEREK A. TRINQUE, 4712
SCOTT S. TROYER, 6701
MICHAEL H. TSUTAGAWA, 1292
EDWARD D. TURCOTTE, 9309
BRADLEY W. UPTON, 3110
TODD D. VANDEGRIFT, 6979
STEPHEN J. VANLANDINGHAM, 8755
DAVID A. VARNER, 5680
DENNIS VELEZ, 4451
RAYMUNDO VILLARREAL, 2058
CHAD P. VINCELETTE, 2438
KEVIN S. VOAS, 6494
FRANK P. VOLPE, JR., 6547
JEFFREY M. VORCE, 6755
ROLANDO M. WADE, 1828
THOMAS R. WAGENER, 3553
PETER J. WALCZAK, 9267
DANIEL J. WALFORD, 1687
ANDREW R. WALTON, 2238
JASON D. WARTELL, 9479
MICHAEL S. WATHEN, 5800
KYLE C. WEAVER, 7919
BRUCE J. WEBB, 2315
ROBERT W. WEDERTZ, 4454
TODD S. WEEKS, 8519
DAVID B. WELLER, 3390
ADAM J. WELTER, 2826
MARC A. WENTZ, 5809
MICHAEL T. WESTBROOK, 4002
ROBERT D. WESTENDORFF, 4453
DAVID G. WHITEHEAD, 5655
DAVID J. WICKERSHAM, 6954
JEFFREY S. WILCOX, 5948
BRYAN D. WILLIAMS, 0267
MICHAEL B. WILLIAMS, 0369
THOMAS R. WILLIAMS II, 3300
EUGENE M. WOODRUFF, 1853
MICHAEL S. WOSJE, 0034
GARRY W. WRIGHT, 4613
GEORGE C. WRIGHT, 0649
WALTER C. WRYE IV, 2175
JAY D. WYLIE, 9209
TERRI A. YACKLE, 8037
NATHAN J. YARUSSO, 9817
MELVIN K. YOKOYAMA, 7665
LAURENCE M. YOUNG, 5777
PAUL D. YOUNG, 2373
WILLIAM A. ZIEGLER, 4359

FEDERAL LABOR RELATIONS AUTHORITY

THOMAS M. BECK, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 29, 2012, VICE DALE CABANISS, TERM EXPIRING.

DEPARTMENT OF VETERANS AFFAIRS

PAUL J. HUTTER, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS, VICE TIM S. MCCLAIN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 28, 2007:

OFFICE OF PERSONNEL MANAGEMENT

HOWARD CHARLES WEIZMANN, OF MARYLAND, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

DEPARTMENT OF STATE

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

FREDERICK B. COOK, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

ROBERT B. NOLAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

MAURICE S. PARKER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

WILLIAM JOHN GARVELINK, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

PETER MICHAEL MCKINLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

PATRICK DENNIS DUDDY, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE BOLIVARIAN REPUBLIC OF VENEZUELA.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEPAL.

JOSEPH ADAM ERELI, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

RICHARD BOYCE NORLAND, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

STEPHEN A. SECHE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

JOHN L. WITHERS II, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

CHARLES LEWIS ENGLISH, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

RODERICK W. MOORE, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MONTENEGRO.

J. CHRISTIAN KENNEDY, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR HOLOCAUST ISSUES.

INTER-AMERICAN FOUNDATION

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009.

STAN Z. SOLOWAY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2011.

JAMES PALMER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2011.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

RICHARD SULLIVAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JOSEPH S. VAN BOKKELEN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. ERIC T. OLSON, 6412

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DOUGLAS E. LUTE, 3691

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. REX C. MCMILLIAN, 9683

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL J. BROWNE, 0732

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. THOMAS F. KENDZIORSKI, 3120

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. LOTHROP S. LITTLE, 1617

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KENNETH J. BRAITHWAITE, 9627

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JOSEPH D. STINSON, 1305

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JERRY R. KELLEY, 9193

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CYNTHIA A. DULLEA, 9603

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PATRICIA E. WOLFE, 6159

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. GARRY J. BONELLI, 8971
CAPT. ROBIN R. BRAUN, 7807
CAPT. SANDY L. DANIELS, 6109
CAPT. SCOTT E. SANDERS, 9794
CAPT. ROBERT O. WRAY, JR., 6964

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) GREGORY A. TIMBERLAKE, 6473

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ALBERT GARCIA III, 3459

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ANTHONY L. WINNS, 7593

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL MARK A. ATKINSON, 4260
COLONEL MARK A. BARRETT, 9870
COLONEL BRIAN T. BISHOP, 9241
COLONEL MICHAEL R. BOERA, 2658
COLONEL NORMAN J. BROZENICK, JR, 5376
COLONEL CATHY C. CLOTHIER, 4532
COLONEL DAVID A. COTTON, 6654
COLONEL SHARON K. G. DUNBAR, 4733
COLONEL BARBARA J. FAULKENBERRY, 8244
COLONEL LARRY K. GRUNDHAUSER, 2485
COLONEL GARRETT HARENCAK, 8120
COLONEL JAMES M. HOLMES, 8053
COLONEL DAVE C. HOWE, 5732
COLONEL JAMES J. JONES, 6904
COLONEL MICHAEL A. KELTZ, 2961
COLONEL FREDERICK H. MARTIN, 0608
COLONEL WENDY M. MASIELLO, 5269
COLONEL ROBERT P. OTTO, 8934
COLONEL LEONARD A. PATRICK, 6807
COLONEL BRADLEY R. PRAY, 7830
COLONEL LORI J. ROBINSON, 4018
COLONEL ANTHONY J. ROCK, 4136
COLONEL JAY G. SANTEE, 1486
COLONEL ROWAYNE A. SCHATZ, JR, 4256
COLONEL STEVEN J. SPANO, 8907
COLONEL THOMAS L. TINSLEY, 0430
COLONEL JACK WEINSTEIN, 1262
COLONEL STEPHEN W. WILSON, 2773
COLONEL MARGARET H. WOODWARD, 6339

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL D. DEVINE, 6922

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID W. TITLEY, 5416

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL S. ROGERS, 9688

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID A. DUNAWAY, 0499

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. SAMUEL J. COX, 9719

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID G. SIMPSON, 8388

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) EDWARD H. DEETS III, 2048

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. WIERINGA, 5245

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHARLES H. GODDARD, 4746
REAR ADM. (LH) KEVIN M. MCCOY, 6826

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TERRY J. BENEDICT, 6933
CAPT. MICHAEL E. MCMAHON, 6567

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. KENNETH F. MCKENZIE, JR., 6735

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD P. ZAHNER, 3707

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH MAGUIRE, 0399

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL AUGUSTUS L. COLLINS, 1451
BRIGADIER GENERAL JAMES B. GASTON, JR., 0282
BRIGADIER GENERAL JOE L. HARKEY, 5200
BRIGADIER GENERAL JOHN S. HARREL, 1252
BRIGADIER GENERAL EDWARD A. LEACOCK, 6442
BRIGADIER GENERAL JOSE S. MAYORGA, JR., 9411
BRIGADIER GENERAL KING E. SIDWELL, 5791
BRIGADIER GENERAL JON L. TROST, 1542

To be brigadier general

COLONEL ROBERT K. BALSTER, 8953
COLONEL JULIO R. BANEZ, 0862
COLONEL WILLIAM A. BANKHEAD, JR., 3158
COLONEL ROOSEVELT BARFIELD, 2777
COLONEL GREGORY W. BATTS, 5277
COLONEL THOMAS E. BERON, 1014
COLONEL DAVID L. BOWMAN, 2060
COLONEL GEORGE A. BRINEGAR, 1418
COLONEL JEFFERSON S. BURTON, 9812
COLONEL GLENN H. CURTIS, 5080
COLONEL LARRY W. CURTIS, 9891
COLONEL SANDRA W. DITTIG, 1021
COLONEL ALAN S. DOHRMANN, 3072
COLONEL ALEXANDER E. DUCKWORTH, 0859
COLONEL FRANK W. DULFER, 6930
COLONEL ROBERT W. ENZENAUER, 9878
COLONEL LYNN D. FISHER, 0901
COLONEL BURTON K. FRANCISCO, 1289
COLONEL HELEN L. GANT, 0697
COLONEL TERRY M. HASTON, 4535
COLONEL BRYAN J. HULT, 6691
COLONEL GEORGE E. IRVIN, SR., 5367
COLONEL LENWOOD A. LANDRUM, 6758
COLONEL ROGER L. MCCLELLAN, 1876
COLONEL RONALD O. MORROW, 6575
COLONEL JOHN M. NUNN, 4582
COLONEL ISAAC G. OSBORNE, JR., 0288
COLONEL ROBERT J. PRATT, 5450
COLONEL JERRY E. REEVES, 0285
COLONEL TIMOTHY A. REISCH, 9875
COLONEL JAMES M. ROBINSON, 4340
COLONEL MARK D. SCRABA, 1485
COLONEL DONALD P. WALKER, 2260
COLONEL CHARLES F. WALSH, 1152

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANCIS H. KEARNEY III, 9443

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JONATHAN E. FARNHAM, 0083
COL. HUGO E. SALAZAR, 4820

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) CAROL M. POTTENGER, 3454

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) JEFFREY A. WIERINGA, 5245

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JEFFREY A. LEMMONS, 2314
REAR ADM. (LH) FRANK F. RENNIE IV, 3148
REAR ADM. (LH) ROBIN M. WATTERS, 8044

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

To be major general

BRIG. GEN. GARBETH S. GRAHAM, 5388

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JIMMIE J. WELLS, 3197

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EMERSON N. GARDNER, JR., 0157

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHRISTINE M. BRUZEK-KOHLER, 7779

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MICHAEL D. AKEY, 2758
BRIGADIER GENERAL MICHAEL G. BRANDT, 5080
BRIGADIER GENERAL RICHARD H. CLEVENGER, 3395
BRIGADIER GENERAL CYNTHIA N. KIRKLAND, 3880
BRIGADIER GENERAL DUANE J. LODRIGE, 8683
BRIGADIER GENERAL PATRICK J. MOISIO, 4550
BRIGADIER GENERAL CHARLES A. MORGAN III, 9002
BRIGADIER GENERAL DANIEL B. O'HOLLAREN, 9443
BRIGADIER GENERAL PETER S. PAWLING, 2613
BRIGADIER GENERAL WILLIAM M. SCHUESSLER, 4670
BRIGADIER GENERAL HAYWOOD R. STARLING, JR., 5897
BRIGADIER GENERAL RAYMOND L. WEBSTER, 8145

To be brigadier general

COLONEL MAURICE T. BROCK, 4316
COLONEL JIM C. CHOW, 5643
COLONEL MICHAEL G. COLANGELO, 7498
COLONEL BARRY K. COLN, 9046
COLONEL STEVEN A. CRAY, 0543
COLONEL JAMES D. DEMERITT, 6715
COLONEL MATTHEW J. DZIALO, 0982
COLONEL TRULAN A. EYRE, 5649
COLONEL JON F. FAGO, 3355
COLONEL WILLIAM S. HADAWAY III, 6437
COLONEL SAMUEL C. HEADY, 2267
COLONEL JOHN P. HUGHES, 1068
COLONEL MARK R. JOHNSON, 3950
COLONEL PATRICK L. MARTIN, 9994
COLONEL RICHARD A. MITCHELL, 1179
COLONEL JOHN F. NICHOLS, 5335
COLONEL GRADY L. PATTERSON III, 1791
COLONEL GEORGE E. PIGEON, 3194
COLONEL WILLIAM N. REDDELL III, 9147
COLONEL HAROLD E. REED, 4539
COLONEL LEON S. RICE, 1235
COLONEL ALPHONSE J. STEPHENSON, 1248
COLONEL ERIC W. VOLLMECKE, 2843
COLONEL ERIC G. WELLER, 2274

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. GARDNER, 1994

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD G. ANDERSON AND ENDING WITH MITCHELL ZYGADLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER R. ABRAMSON AND ENDING WITH ANNAMARIE ZURLINDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ALICE A. HALE AND ENDING WITH NATALIE A. JAGIELLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ANNE M. BEAUDOIN AND ENDING WITH JUSTINA U. PAULINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ERIC D. ADAMS AND ENDING WITH DAVID S. ZUMBRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 18, 2007.

ARMY NOMINATIONS BEGINNING WITH JEFFREY S. ALMONY AND ENDING WITH DANIEL A. ZELESKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 18, 2007.

ARMY NOMINATION OF KENNETH C. SIMPKISS, 9979, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH ANTHONY G. HOFFMAN AND ENDING WITH PATRICIA L. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2007.

ARMY NOMINATIONS BEGINNING WITH ROY V. MCCARTY AND ENDING WITH HUNG Q. VU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2007.

ARMY NOMINATION OF KAREN L. WARE, 8863, TO BE MAJOR.

ARMY NOMINATION OF JEANETTA CORCORAN, 7277, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH RICHARD L. KLINGLER AND ENDING WITH CARLOS M. GARCIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

ARMY NOMINATIONS BEGINNING WITH DEEPTI S. CHITNIS AND ENDING WITH GIA K. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

ARMY NOMINATIONS BEGINNING WITH JACOB W. AARONSON AND ENDING WITH DAVID W. WOLKEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

ARMY NOMINATION OF BIRGET BATISTE, 3681, TO BE MAJOR.

ARMY NOMINATION OF JAMES P. HOUSTON, 5636, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF JOHN C. LOOSE, JR., 3475, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRUCE BUBLICK AND ENDING WITH JAMES MADDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH JACKIE L. BYAS AND ENDING WITH WILLIAM R. CLARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH JEFFREY R. KEIM AND ENDING WITH STAN ROWICKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH PHILIP A. HORTON AND ENDING WITH PATRICIA YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH BERNADINE F. PELETZFOX AND ENDING WITH SUSAN P. STATTMILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH JEFFERY H. ALLEN AND ENDING WITH BOBBY C. THORNTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH DIRK R. KLOSS AND ENDING WITH MARK C. STRONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH DAVID M. GRIFFITH AND ENDING WITH BRIAN N. WITCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN E. PETERS AND ENDING WITH ANDREW P. WYLEGALA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DANIEL K. BERMAN AND ENDING WITH SCOTT S. SINDELAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LINDA THOMPSON TOPPING GONZALEZ AND ENDING WITH KAREN SLITER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH ERIC M. ARBOGAST AND ENDING WITH JAMES L. WETZEL IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2007.

IN THE NAVY

NAVY NOMINATION OF MICHAEL R. MURRAY, 5104, TO BE CAPTAIN.

NAVY NOMINATION OF CURT W. DODGES, 5043, TO BE CAPTAIN.

NAVY NOMINATION OF MICHAEL L. INCZE, 7402, TO BE CAPTAIN.

NAVY NOMINATION OF SANDRA C. IRWIN, 9030, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM R. FENICK AND ENDING WITH ISAAC N. SKELTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH ROBERT B. CALDWELL, JR. AND ENDING WITH ELLEN E. MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH DAWN H. DRIESBACH AND ENDING WITH GLENN S. ROSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH NICHOLAS J. CIPRIANO III AND ENDING WITH STEPHEN C. WOLL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH RHETTA R. BAILEY AND ENDING WITH KELLY J. WILD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH JEFFREY S. COLE AND ENDING WITH TIMOTHY J. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH BRUCE A. BASSETT AND ENDING WITH MICHAEL A. YUKISH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH JULIE S. CHALFANT AND ENDING WITH PAUL J. VANBENTHEM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH DANIEL J. MACDONNELL AND ENDING WITH MICHAEL J. WILKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH HARRY S. DELOACH AND ENDING WITH MARK Q. SCHWARTZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH KENNETH BRANHAM AND ENDING WITH KEVIN J. MCGOVERN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH STEVEN P. CLANCY AND ENDING WITH STEWART B. WHARTON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH JAMES A. ALBANI AND ENDING WITH ROBERT R. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH PATRICK J. BARRETT AND ENDING WITH JEANNINE E. SNOW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH BETH Y. AHERN AND ENDING WITH DANIEL E. ZIMBEROFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH STEVEN D. BROWN AND ENDING WITH MARK G. STEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH RICHARD K. GIROUX AND ENDING WITH DENISE E. STICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH MARK A. ADMIRAL AND ENDING WITH DANIEL F. VERHEUL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH MICHAEL D. ANDERSON AND ENDING WITH BRUCE C. URBON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH SCOT K. ABEL AND ENDING WITH LELAND D. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. CERNECK AND ENDING WITH MICHAEL L. PEOPLES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH JOHN W. CHANDLER AND ENDING WITH JAMES A. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH ARNE J. ANDERSON AND ENDING WITH KEVIN E. ZAWACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH LEIGH P. ACKART AND ENDING WITH KURT E. WAYMIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH PIUS A. AIYELAWO AND ENDING WITH PENNY E. WALTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH WENDY M. BORUSZEWSKI AND ENDING WITH PATRICIA A. TORDIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH CHERIE L. BARE AND ENDING WITH KATHRYN A. SUMMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH DARIUS BANAJI AND ENDING WITH MICHAEL D. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH CHARLES S. CLECKLER AND ENDING WITH PATRICK P. WHITSELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH RANDY L. QUINN AND ENDING WITH SMITH S. B. WALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH DAVID A. ARZOUMAN AND ENDING WITH GREGG WOLFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH CHRISTINA M. ALVARADO AND ENDING WITH JOHN ZDENCANOVIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH KENNETH W. BOWMAN AND ENDING WITH GARY L. ULRICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH HSINGCHIEN J. CHENG AND ENDING WITH BRADLEY S. TROTTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH NORMAN J. ARANDA AND ENDING WITH SARAH E. SUPNICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH PATRICIA A. BRADY AND ENDING WITH MELVIN D. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH NATHAN L. AMMONS III AND ENDING WITH DANIEL W. STEHLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATION OF CARLOS E. GOMEZ-SANCHEZ, 2507, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH SCOTT F. ADAMS AND ENDING WITH WILLIAM A. ZIRZOW IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on June 28, 2007 withdrawing from further Senate consideration the following nominations:

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON MARCH 12, 2007.

HOUSE OF REPRESENTATIVES—*Thursday, June 28, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. MCCOLLUM of Minnesota).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 28, 2007.

I hereby appoint the Honorable BETTY MCCOLLUM to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House or Representatives.

PRAYER

The Reverend Erin Conaway, South Main Baptist Church, Houston, Texas, offered the following prayer:

Holy and merciful God, we come before You this morning, taking time to breathe in the grace and the bountiful love You lavish upon us through so many avenues we take for granted: the lilting of a bird's song, the array of colors from every budding bloom, the unadulterated joy of a child dancing, and, in this place, the trust of a Nation, constituents across the country who find hope in the representation they have in this Chamber, and the empowerment their hope gives to our Representatives to fulfill the call You, O God, have placed upon their lives.

Give us ears to hear, eyes to see, and hearts to feel Your loving presence and guidance as we courageously work to serve others.

Lord, you are the giver of dreams, and the author of real hope. In this quiet moment, we pray for a raucous peace to comfort us enough to listen and move us enough to dream, that dream that seems impossible and out of reach so that when we open our eyes and realize the dream is here, it will be to Your glory.

Help us to be agents of peace and empowerment, justice and mercy, freedom and dreams, for we pray in Your name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CONAWAY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONAWAY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1612) entitled "An Act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.", and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

WELCOMING REVEREND ERIN CONAWAY

(Mr. CONAWAY asked and was given permission to address the House for 1 minute.)

Mr. CONAWAY. Madam Speaker, as a parent, there is no greater pride than the pride felt watching your children grow from being infants to being responsible adults. Suzanne and I are blessed to have four grown children who have grown into wonderful, responsible adults, and, in the case of three of them, seeing them become terrific parents themselves.

While I would like to brag about all four of our children, today's event dictates that I am limited to bragging on the young man who just delivered the morning's opening prayer. That young man is our son, Erin, who is associate pastor at South Main Baptist Church in Houston, Texas. He is a graduate of Baylor University with a fine arts degree and a graduate of Truitt Seminary at Baylor University with a master of divinity degree.

More importantly, he is a man of deep faith in Jesus Christ as his personal savior. He is also the husband of Carmen Brassfield Conaway and father to daughter Alexandra and son Samuel.

In addition to being a wonderful son, husband and father, Erin is also a gifted writer and pastor. Our family was recently blessed when Erin performed the memorial services for my dad, his grandfather.

Suzanne and I are always proud of your accomplishments, but today we are particularly proud of seeing you opening this session of Congress and look forward to your bright future.

We love you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

PREPARE ALL KIDS ACT OF 2007

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, this week I introduce the House companion to Senator CASEY's Prepare All Kids Act of 2007. This bill is designed to help States expand their pre-K programs and child care services.

As this chart shows, we get the biggest bang for our education dollars by investing in our children before they even go to school. Estimates show that the return on investing in early care in education is between 17 to 18 percent annually. If this were a stock, all of Wall Street would be buying it.

The legislation is very helpful to the children we represent in our States. For example, more than one-quarter of a million 4-year-olds in New York State would be eligible for the programs created in this bill, including 100,000 children who would qualify for free pre-K. The future prosperity of our Nation rests on setting our children on a path for success early in life.

HONORING OUR TROOPS THIS FOURTH OF JULY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, as we approach the Fourth of July, I want to thank our troops in Iraq, Afghanistan and across the world. It is because of their service that we are able to celebrate our freedom.

In my seven visits to Iraq and three to Afghanistan, I have seen firsthand the new greatest generation. Our coalition forces are stopping the terrorists overseas to protect American families at home. Osama bin Laden's right-hand man and al Qaeda spokesman Zawahiri

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has proclaimed that Iraq and Afghanistan are the central fronts in the global war on terrorism.

I look forward to honoring the sacrifices of our troops this Fourth of July weekend at the Celebration of Liberty service with Pastor Wendell Estep of First Baptist Church in Columbia.

In conclusion, God bless our troops, and we will never forget September 11th.

GENERAL PETRAEUS ADMITS THAT CONDITIONS WILL NOT IMPROVE IN IRAQ BY SEPTEMBER

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, conditions on the ground in Iraq are not getting any better. In fact, things are getting worse.

During a 48-hour period last week, 14 of our soldiers were killed, and then over the weekend another eight were killed in one day. April and May were two of the most violent months for our troops since the beginning of the war. It is clear the President's troop surge or escalation plan is not working. In fact, last week General David Petraeus acknowledged there would not be any significant improvements in Iraq by September.

Why is that significant? Because that's when President Bush said we would be able to see if the plan was working. The fact is we won't know in September because it's not working, according to the President's own general.

Then this week, two respected Republican Senators, Senator LUGAR and Senator VOINOVICH, said the current policy is not working and a significant change is needed. The comments of these Senators, coupled with those of General Petraeus, should serve as a wake-up call to congressional Republicans. Join us in ending this war, bringing our troops home, and saving America's face.

DEMOCRATS PROMISED NOT TO HOLD RECORDED VOTES OPEN

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Madam Speaker, less than 6 months ago, House Democrats promised not to hold recorded votes open to change the results. They went even further. They changed the House rules to prohibit this practice. But last night the Chair held a 2-minute vote open so that five Democrat Members could have their arms twisted, change their votes and pass the Udall amendment.

And what was this amendment? Democrats broke their promise for a provision that prohibits America from producing energy from our plentiful supply of shale, further demonstrating what a fraud the Democrats' energy policy is, a policy repeatedly preventing us from developing our own petroleum reserves.

Shame on the Democratic leadership for going back on their promise with such breathtaking speed. More importantly, shame on the Democrats for a policy that stops Americans from producing our own energy, for causing gasoline prices to continue to rise, and for making sure we are increasingly dependent on foreign oil.

VICE PRESIDENT CAN'T HAVE IT BOTH WAYS WHEN IT COMES TO HIM BEING A MEMBER OF THE EXECUTIVE BRANCH

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, for the last 7 years, Vice President CHENEY has perfected the art of meaningful oversight and avoiding any accountability to the American people. But who would have ever thought that such a defiance would lead the Vice President to the absurd, claiming that he is not a member of the executive branch. That's right, Cheney does not want to play by the established rules of safeguarding classified national information. He is now saying that he is not actually a member of the executive branch.

If the Vice President is not a member of the executive branch, shouldn't he be forced to turn over information to the congressional Democrats requested regarding his secret energy task force? After all, CHENEY used executive privilege as an excuse for his secrecy.

Also, why should the office of the Vice President receive funding through the bill that funds the executive branch? That bill is actually on the floor today, and the House Democrats will offer an amendment to remove funding for the Vice President's office from this bill. House Democrats are not going to support the Vice President's latest attempt to avoid any accountability to the American people.

HONORING JIM NUSSLE

(Mr. McCRERY asked and was given permission to address the House for 1 minute.)

Mr. McCRERY. Madam Speaker, today, a good man and former chairman of the House Budget Committee will be honored by his colleagues. A portrait of Jim Nussle will be unveiled and displayed in the committee room where he held the gavel for 6 years.

Jim Nussle is a passionate man. He strongly believes that we are sent to Washington to be good stewards for taxpayers, and he was one of their best advocates. Under Jim's leadership of the Budget Committee, and for the first time in nearly a decade, we took a first step in reforming our mandatory, or entitlement, spending, the largest and least sustainable part of our budget, saving taxpayers nearly $40 billion over the next years.

Jim also worked to reform the budget process itself and reached across the aisle to develop a bipartisan solution. He coauthored the Comprehensive Budget Process Reform Act in 1988 with Representative BEN CARDIN. He has also supported the legislative line item veto and earmark reform.

Given his experience, knowledge and commitment to public service, it is fitting that the President has selected Jim as his nominee for Director of the Office of Management and Budget.

VICE PRESIDENT HAS A PROBLEM OF FIGURING OUT WHICH BRANCH OF GOVERNMENT HE BELONGS TO

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Madam Speaker, we need a history lesson right here.

Article II, the executive powers shall be vested in the powers of the President of the United States. He shall hold his office for a term of 4 years, and, together with the Vice President, chosen for the same term.

The Vice President has a problem of figuring out which branch of government he belongs to. But in Federalist Paper No. 68, Alexander Hamilton was very, very clear about this. The appointment of an extraordinary person as Vice President has been objected to as superfluous. Take the Senator of any State from his seat as a Senator to place him in the President of the Senate would be totally ridiculous, would be to exchange a regard to the State from which he came a constant for a contingent vote.

The other consideration is that as the Vice President may occasionally become a substitute for the President, in the supreme executive magistracy, all the reasons which recommend the mode of elections prescribed for the one apply for the great, if not with equal force, to the manner of appointing the other. It is remarkable that this, as in most other instances, with the objection which is made, would be against the Constitution of this State.

Mr. Vice President, go back to the Constitution and learn where you belong.

□ 1015

CONGRATULATING FORMER CONGRESSMAN JIM NUSSLE

(Mr. LATHAM asked and was given permission to revise and extend his remarks.)

Mr. LATHAM. I thank the Speaker for the opportunity to speak this morning.

I want to congratulate my good friend, former colleague from Iowa, Jim Nussle, on the unveiling of his portrait today and I would encourage all of his former colleagues to attend that ceremony at 4 o'clock this afternoon in 210 in the Cannon House Office Building.

Jim Nussle was a tireless advocate for the future of this country, and through the Budget Committee that he chaired for 6 years, did an outstanding job of fighting for the next generation to understand that the entitlement programs that are going to really cause devastation in our budgets in the future should be addressed, and fought tirelessly for the next generation.

As we all know, Jim Nussle has been nominated to be the Director of the Office of Management and Budget. There is no one better qualified than Jim Nussle, that has the skill to do this job, that has the budget knowledge. Jim Nussle is the most knowledgeable person we could possibly have in that position. He'll be a tireless advocate for a balanced budget, someone that can work across the aisle, as he did on the Budget Committee. And the comments from the ranking member last year really indicate how well Jim Nussle will work for our country and to lead our Nation and to manage this enormous government that we have.

So let's commend Jim Nussle, show up for the unveiling and really be advocates for him to continue his service for the country.

BRAVE ACT

(Mr. SARBANES asked and was given permission to revise and extend his remarks.)

Mr. SARBANES. Madam Speaker, I rise today to salute our men and women in uniform. Every year at this time we gather with our friends and family to celebrate Independence Day and the freedoms we hold dear.

But this year, and every year, when families are missing the presence of a spouse, parent or child or worse, mourning the loss of a loved one, we must also pause to remember the sacrifice of our veterans. That's why I'm introducing the Benefit Rating Acceleration for Veteran Entitlements Act, or BRAVE Act, which would make it easier for our most disabled veterans to obtain their benefits.

That's why I'm working with others to initiate a national conversation on how veterans can participate in service corps programs and how those programs can serve our veterans.

Madam Speaker, on the Fourth of July, when we celebrate liberty, we must give special recognition and honor to those who are doing so much and have done so much to protect our freedoms.

DEMOCRATS ARE MAKING A BAD SITUATION WORSE

(Mr. AKIN asked and was given permission to revise and extend his remarks.)

Mr. AKIN. Madam Speaker, there once was an incompetent pharmacist who administered too much medicine and thereby made a bad situation worse, and the patient died.

The Democrats are like the incompetent pharmacist. They recognize that gas prices are too high and they recognize it's bad for us to be dependent on foreign oil. So the Democrats have voted to administer a dose of their favorite medicine, tax increases. They plan to increase taxes on American oil and gas. But the oil companies will simply raise the price of gasoline. In addition, by making American oil more expensive, it will further make us dependent on Middle Eastern oil.

The Democrats should look at drilling for American oil and liquefying coal, two things that they have opposed in the past. The Democrats are writing the wrong prescription and they make a bad situation worse. I just hope the patient doesn't die.

WE MUST END THE WAR IN IRAQ NOW

(Mr. LEWIS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, I rise today to add my voice to others who are calling for an end to the war in Iraq. We must end this war and we must end it now. We cannot wait, and we must not wait.

Every month, every week, every day, every hour, every minute, every second, every moment that another young man OR another young woman is killed, their innocent blood is on all of our hands. We have a moral obligation, a mission and a mandate to bring this madness to an end.

Nothing, but nothing good can come out of this war. It is destroying Iraq and destroying the very soul of our Nation.

As Members of Congress, we must find a way to stop it and stop it now.

FREE SPEECH VS. FAIR SPEECH

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the unfair "Broadcast Fairness Doctrine" has reappeared. It is an attempt by the feds to force radio stations to be fair and balanced by forcing broadcasters to air opposing views of public importance. Sounds good, but who's going to determine what fair is, the Federal fair police?

Are we going to let a bunch of Potomac River bureaucrats determine if a radio station in Tomball, Texas is being fair when it discusses politics? Sounds like government control of speech to me. And fair means different things to different folks. It's too subjective a word for us to even agree on.

The Fairness Doctrine would not even promote public discourse. It would, in fact, force radio broadcasters to do away with controversy and maybe go to airing 24-hour music like Willie Nelson's greatest hits. Oops. Someone here might say Willie's not fair and balanced.

Anyway, the Constitution is clear. Congress, that's us, shall make no law abridging the freedom of speech. You notice, it doesn't guarantee fair speech.

Our forefathers wrote that first amendment to prevent government control of our free speech. So this Fairness Doctrine is neither fair speech, free speech or constitutional speech.

And that's just the way it is.

HOUSE DEMOCRATS MAKING PROGRESS FOR THE AMERICAN PEOPLE

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Madam Speaker, since I've been here in Washington, in January, this Congress, under strong Democratic leadership, is making progress on the American people's priorities, despite intense opposition on many issues.

In spite of this opposition, Democrats have succeeded by increasing pay for 13 million workers, raising the minimum wage for the first time in a decade, by providing overdue assistance to the gulf region hit hard by Hurricanes Katrina and Rita, by protecting our troops, investing in military readiness, including armed vehicles and equipment, and by increasing the transparency and accountability with strengthened ethics and lobbying rules.

We also continue moving legislation that has already passed here in the House but is making its way through the system, including fully implementing the 9/11 Commission recommendations, putting 50,000 more police officers on our streets, and by providing the largest increase in veterans health care funding in the Veterans Administration's 77-year history.

Madam Speaker, this new Democratic Congress has begun moving our Nation in a new direction to address the needs of all Americans.

IRAN IS RUNNING OUT OF GASOLINE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Last night Iranian citizens burned gas stations in Iran, protesting President Ahmadinejad's gasoline rationing plan. Yes, Iran is running out of gasoline. Despite being a leading OPEC oil producer, Iran is heavily dependent on gasoline from abroad. This is the key weakness of Iran.

The Iranian government has promised to attack Israel. It is the chief funder of Hezbollah and Hamas. It threw U.N. inspectors out, and says that it is enriching uranium.

Last night Congressman ROB ANDREWS and I introduced bipartisan legislation, H.R. 2880, calling for more gasoline restrictions on Iran. After last night's gasoline riots, a policy of the U.S., working with our allies, could become the diplomatic key to bring pressure on Iran to stop funding terror and building nuclear weapons.

Running out of gasoline. This is a danger for Iran's rulers and an opportunity for our diplomats.

VICE PRESIDENT CHENEY'S EXECUTIVE PRIVILEGE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Vice President CHENEY, in his usual arrogant way, refused to disclose the deliberations of his secret energy task force that gave billions to big oil and increased our dependence on OPEC. He claimed executive privilege.

Then his office illegally disclosed the identity of a secret undercover CIA officer, Valerie Plame. They claimed executive privilege.

Now, we find that the Vice President is mishandling classified information in volumes in violation of Executive Branch regulations. And we have the astonishing assertion that the Vice President is not part of the executive branch. Rip up those civics text books kids. DICK CHENEY is above the law and the Constitution of the United States, according to his attorney. Or perhaps he's just that higher power that George Bush refers to every time he has to make a difficult decision like launching an unneeded war in Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that they should not engage in personalities toward the Vice President of the United States.

NON-FAIRNESS DOCTRINE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, freedom is the foundational principle of our society. Our founders were champions of this God-given right and charged future generations with eternal vigilance to protect it.

Now, a handful of people in Washington want Uncle Sam to start telling radio and TV personalities what to talk about, to limit their freedom and ours.

Rather than fight in the marketplace of ideas, they want to bring back a 1929 radio regulation rule known as the "Fairness Doctrine." Now, don't be fooled. There's nothing fair about it.

In the early age of broadcasting, when the majority of news and information was distributed by one or two outlets, it seemed important to promote a competition of viewpoints. That was then.

A fairness doctrine today tramples upon freedom of speech and freedom of the press. It dictates to Americans that in an open, free and flooded marketplace of ideas, they need Washington politicians to sort it all out.

Madam Speaker, real freedom means a government that listens to the people, not one that dictates to the people who they must listen to.

Let's keep the Fairness Doctrine off our airwaves and in the history books where it belongs.

HOW MANY BRANCHES OF GOVERNMENT ARE THERE

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Madam Speaker, there's an easy civics pop quiz for the summer break. How many branches of government are there in the United States?

Well, any high school civics student can tell you that there are three. But it seems like our Vice President is confused about the facts. House investigators have revealed that since 2003, the Vice President's office has failed to provide data on its classification activities as required under an executive order claiming that the Vice President's office is not, "an entity within the executive branch."

It seems that the Vice President's office believes that his office is its own branch of government above the law.

Madam Speaker, in light of this confusion, perhaps the President will see fit to give the Vice President some time off to improve his understanding of civics in the United States.

HONORING ARMY SERGEANT CHRIS DAVIS

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, this morning I come to the floor of this House to honor Army Sergeant Chris Davis. Sergeant Davis died Saturday defending liberty in Iraq. Serving in the United States Army was a life-long dream for Sergeant Davis. His 8 years in the Army included four tours of duty in Iraq. His devotion to America's security earned him numerous medals for his achievement, service and defense of his country.

A native of Lubbock, Texas, Chris was a brave soldier, a devoted husband and a loving father. This morning, my thoughts and prayers go out to his family: His parents, Ray and Hermina, his three sisters, his wife, Debbie, the children, Kasey, Blade, Jacob, Taylor and Dillon.

As we celebrate this Fourth of July week, may we remember the sacrifices of many that have gone before us and particularly this young brave soldier, Sergeant Davis from Lubbock, Texas.

HOUSE DEMOCRATS ARE MAKING PROGRESS FOR THE AMERICAN PEOPLE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, for 6 months, Democrats have succeeded in changing the direction of this country. We have replaced Republican rubber stamps with meaningful Congressional oversight.

The Democratic House has now passed 50 key measures since January, most with strong bipartisan support. Thanks to this Democratic Congress, millions of Americans will receive their first pay raise in almost a decade on January 24. As a senior member of the House Education and Labor Committee, I was proud to support the long overdue increase in the minimum wage.

Gulf coast hurricane communities will get much needed relief, up-armored Humvees and critical military support are getting to our troops, and fiscal responsibility has been restored to the Federal budget after the White House and Republican-led Congress reversed President Clinton's budget surplus and replaced it with the biggest budget deficit in American history.

This is only the beginning. This House has also passed legislation that will better protect our Nation by fully implementing the recommendations of the nonpartisan 9/11 Commission. Let's continue to move forward in this positive direction.

☐ 1030

KOREAN WAR BILL CHARTER

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, this past Monday on the 57th anniversary of the start of the Korean War, Majority Leader STENY HOYER and I introduced legislation to rightfully honor Korean War veterans with a national charter. The charter pays no money but gives veterans leverage when dealing with the VA.

It is about time those who served in the Korean War enjoy the same mark of distinction and national recognition as those who came home from World War II. Some have dubbed the Korean War the "forgotten war" or even "the war that America forgot to remember."

You know, I was in that war, and so were at least two of our colleagues, CHARLIE RANGEL and JOHN CONYERS, and I think that it is kind of ridiculous that we haven't given them the recognition they deserve. I flew over 62 combat missions in Korea, and I can't think of a better way to honor our patriots who served in Korea.

I urge my colleagues to cosponsor our bill, H.R. 2852, to give the Korean War Veterans Association a national charter.

FIRST HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. BISHOP of New York. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1704) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Higher Education Extension Act of 2007".

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "June 30, 2007" and inserting "July 31, 2007".

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 517 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2829.

□ 1034

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Wednesday, June 27, 2007, a request for a recorded vote on the amendment by the gentleman from Indiana (Mr. SOUDER) had been postponed and the bill had been read through page 146, line 22.

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MORAN of Kansas:

Page 146, insert the following after line 22:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. MORAN of Kansas. Mr. Chairman, I have an amendment today that I would like the Committee to consider, which is a prohibition against the expenditure of funds.

In the year 2000, this Congress passed legislation that altered our trading relationship with Cuba. That legislation, the Trade Sanctions Reform Act of 2000, was put in place that would allow for the sale of agricultural commodities, food, and medicine to Cuba for cash in advance. That legislation was signed into law and was operational; and from that period of time, we have sold nearly $1.5 billion of agriculture commodities, food, and medicine to Cuba for cash in advance.

In the year 2005, the administration published a final rule clarifying the definition of cash payments in advance; and by that rule, it disrupted the sale of agriculture commodities, food, and medicine to Cuba. The change being that rather than payments in advance at the time the goods were delivered, the commodities were delivered in Cuba, the administration's rule requires that the payment be made before the commodities leave a United States port, a matter of days or weeks by advancing the payment.

This is contrary to our normal trading relationships, the norms within the international community, and has been disruptive and is an indication of our unwillingness to be a reliable provider of agriculture commodities to Cuba.

This amendment that I offer today prohibits the funding of the implementation or the enforcement of that rule promulgated by the administration in the year 2005, and so it would return us to the days following the passage of the original legislation, the Trade Sanctions Reform Act of 2000, that would once again say that cash in advance is payment when the commodity arrives in port in Cuba. And this change in rules has had an effect upon our ability of American farmers and agriculture producers to supply, to sell, for cash the things we produce in this country, a detrimental effect upon the farm economy. It is estimated that exports fell approximately 10 percent in value from 2004 to 2005. Wheat, which is important in my home State of Kansas, was decreased by 18 percent; rice by 38 percent; cotton by 87 percent; lumber by 100 percent; dairy products by 55 percent; seafood by 100 percent; course grains by 74 percent; and poultry decreased by 27 percent. And the goal is to try to restore those markets, once again be a more reliable supplier of food to the Cuban people, and to make certain that American agriculture is not harmed by our policy or is harmed less by our policy.

These are unilateral sanctions, Mr. Chairman, as you know. And unilateral sanctions are probably not effective in and of themselves when it is only the United States that fails to trade with Cuba. So, again, a rather modest modification in our policy, changing it to the days of the policies enacted by Congress before the administration changed the rules.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman and colleagues, this OFAC, Office of Foreign Assets Control, regulation clarifying the Trade Sanctions Reform and Export Enhancement Act of 2000, this regulation that the amendment before us seeks to prohibit enforcement of, stemmed from requests by U.S. financial institutions that were becoming concerned by the increasingly slow rate of payment for agricultural sales by the Cuban regime. The financial institutions requested OFAC to clarify the legislative intent of cash in advance, which is in the law, in order to protect the interests of those financial institutions on their claims.

The Cuban regime's entity in charge of agricultural purchases has an abysmal record of not paying its creditors and has been known to extort or seek to extort agricultural associations in order to increase the regime's lobbying pressure in favor of the unconditional lifting of sanctions, which is sought by the regime. The regime promises more agriculture purchases if agriculture interests lobby Congress for what the regime seeks, an end to sanctions. In effect, the opening of mass U.S. tourism and trade finance.

Currently, Mr. Chairman, the Cuban regime's foreign debt represents close to 800 percent of its GDP, and it is ranked by international credit agencies as the second worst, if not the worst, credit risk in the world. Countries throughout the world are taking extreme measures to obtain restitution for billions of dollars they are owed, which the Cuban regime refuses to pay.

In one example, a 15,000-ton Cuban regime-owned ship was held in the port of Conakry in Guinea, while a Canadian company armed with legal judgments pursued partial payment for the Cuban Government's defaulted debt.

And those are the types of actions, Mr. Chairman, that U.S. companies and ultimately U.S. taxpayers would inevitably have to resort to if Congress were to authorize credit for sales to the Cuban regime. The Congress, Mr. Chairman, must not allow the American taxpayer to become another victim of the Cuban regime's nonpayment to its creditors.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Chairman, again I would point out that this amendment today does not change the law and that all sales to Cuba must be for cash in advance. There is no agricultural credit through the United States Government that can be offered to Cuba to assist in the sale of purchases by Cuba nor can any U.S. financial institution be engaged in the activity leading up to the sale of these commodities to Cuba.

So we do not change the law. It is simply a matter of definition. And at least in my estimation, the definition was changed for purposes of making those sales less likely to Cuba, thereby harming farmers, ranchers, and producers across the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I would ask my friend from Kansas if he has any further speakers.

Mr. MORAN of Kansas. I have no further speakers.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I rise in strong support of the gentleman's amendment. And under different circumstances, I would simply say I accept it and that would be the end of it, but that is not going to be the end of it.

I rise in support because I think there are a couple of things we have to know and we have to remember. First of all, there is a law in place since 2000, the Trade Sanctions Reform and Export Enhancement Act, which allowed agricultural products to be sold to Cuba.

Now, here is where the irony comes in. In 2005 the Treasury Department issued regulations requiring that the payments for exports to Cuba must be either received by the U.S. exporter or by a third-country bank prior to the goods leaving the port in the United States rather than upon arrival in Cuba. Now, that is the only country we do that with.

Now, what is the irony here? The part of the argument that has always been made is that we should work in this Congress to help or to force Cuba into a political change, a political change which would mirror our democratic system, our electoral process, and also, I am sure, our capitalist system. Well, the irony of this is that it is capitalism at its best to allow credit to take place between two nations. It is anti-capitalism to suggest that the only way that we can sell products to you is if you pay ahead of time prior to looking at the product. I mean, we wouldn't do that. Picture going into a store and their saying you can't look at the product, you can't test the product, you can't do anything: you have to pay ahead of time.

□ 1045

So there is a contradiction here that doesn't make sense. What the gentleman wants to do is simply put Cuba on par with every other country.

Now, if we were here for the first time, as we were in 2000, creating a new way to trade with Cuba, then all these arguments, I think, would be in place, whether we want to do that or not, what kind of government they have. But we already have that in place. We already have that in place. And we should note that the reason we have this in place is not because anti-embargo people like me ruled the day in 2000, it's because farmers in this country and business people in this country, but especially the farming community, felt that it was important for American business to be able to sell some products to Cuba. That has not changed our political stance on Cuba. Cuba still has an embargo imposed by the U.S. We still do not have relations with Cuba. Nothing has really changed since 2000 except the ability to sell products.

Now the gentleman wants to put Cuba on an even keel with the rest of the world. I think it's a proper way to go. I think it's good for our business community. I think it's good for trade with Cuba. And I support the gentleman's amendment.

I will be asking Members on this side and on both sides to vote for his amendment if it comes to a vote.

Mr. Chairman, I yield back the balance of my time.

Mr. MORAN of Kansas. I would ask the gentleman from Florida if he has additional speakers or wishes to allow me to close.

Mr. LINCOLN DIAZ-BALART of Florida. I would inquire of the chairman as to how much time I have remaining.

The CHAIRMAN. The gentleman from Florida has 2 minutes remaining. The gentleman from Kansas has 45 seconds.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I would simply reiterate that this clarifying regulation by OFAC stems from concerns and requests of U.S. financial institutions that were concerned because of a pattern they were noticing of delays in payment. So this regulation is precisely to carry out the legislation and implement the legislation of the year 2000 as, again, is a consequence and pursuant to the request of U.S. financial institutions that sought protection, and through clarification.

So with that in mind, I oppose the amendment by the gentleman from Kansas.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Kansas is recognized for 45 seconds.

Mr. MORAN of Kansas. Mr. Chairman, thank you for your courtesies.

Again, I would ask for adoption of this amendment. I offered the amendment on the House floor in July of 2000 that ultimately resulted in the passage of the Trade Sanctions Reform Act.

I admit that I came here in support of farmers in Kansas who thought it was useful to them and beneficial to them economically to be able to sell to Cuba. And over time, I have tried to examine this issue, and it has become something broader. I think there is a greater benefit in the efforts to change the nature of Cuba and to enhance the opportunities that Cubans have for greater personal freedom by an economic relationship between our two countries.

And so, although it was initially an economic issue with me and it remains important to the agriculture community, I think it also benefits the opportunity that we can enhance Cubans for greater freedom and personal liberty within their own country.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. MORAN).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MR. LUCAS

Mr. LUCAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. LUCAS:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used by the United States Government to seize or otherwise take possession of, other than for value given in a sale or exchange, any coin, medal or numismatic item made or issued by the United States Government before January 1, 1933, that, as of the date of the enactment of this Act, is not already in the possession of the United States Government.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Oklahoma (Mr. LUCAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. LUCAS. Mr. Chairman, I yield myself as much time as I might consume.

Mr. Chairman, I am introducing this amendment in an effort to provide legal certainty for coin collectors who own certain coinage minted before January 1, 1933.

My amendment would prohibit funds in the bill from being used to seize or take possession of any coin, medal or numismatic item made or issued by the United States Mint before January 1, 1933, that is not already in the possession of the United States Government.

Under current law, the Mint has the authority to seize coins created during this period if it believes that they are unauthorized coins. These unauthorized coins were never properly issued, but were created by people at the Mint or working with the Mint more than 75 years ago.

A classic example is the case of the 1913 Liberty Head nickels. And now these items are a part of our numismatic heritage. These coins have likely been publicly bought and sold several times over without the Mint ever attempting to confiscate them.

My amendment seeks, therefore, to provide legal certainty for coin collectors that they may buy, own or sell these coins without the threat of government seizure. Again, this amendment will only apply to any coin, medal or numismatic item made or issued before January 1, 1933.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. And that states, "An amendment to a general appropriation bill shall not be in order if changing existing law." And it does impose additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. LUCAS. Mr. Chairman, I would just simply like to note that in the way this amendment is constructed, it would not require the additional expenditure funds, I believe. I believe in the way that it is crafted, it simply would prevent the Federal Government from using existing funds to take an action against numismatic collectors who have these pre-1933 items. And I believe this is crafted well within the rules of the House.

The CHAIRMAN. The Chair finds that this amendment includes language requiring a new determination by all entities funded in the bill, namely, the date of issuance of certain items before taking possession of them. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 18 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Grace Johnstown Area Regional Industries Incubator and Workforce Development program.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I appreciate the opportunity we have. For a while it looked like we might not have this opportunity, so I do appreciate being able to challenge these earmarks on the House floor.

As rank-and-file Members, we are able to see certification letters that have been submitted by the requesting Member to the Appropriations Committee. I should point out again, as I did yesterday, we were unable to see the actual request letter, so there is limited information that we have available on these earmarks and what they're for, but there are some that we're able to glean.

Let me just talk about this one a little. This one I actually challenged last year. That's part of the reason I'm coming again is this seems to be an earmark that just keeps coming up again and again for an organization that seems to exist only on earmarks.

This particular amendment would prohibit funding for the Johnstown Area Regional Industries, or JARI, Incubator and Workforce Development Program. Now, I don't know the specifics of the history of JARI, how it was started, I do know, however, that it has received several earmarks over the years.

I also know, among other things, JARI helps companies obtain government funding. Its Web site says, "JARI's Procurement Technical Assistance Center provides an array of services to assist companies in securing Federal, State and local government contracts and subcontracts."

So, in essence, what we're doing is sending Federal money to an organization, who then turns around with that money and seeks additional Federal money. I'm just wondering where this stops. How many of these organizations can we fund?

This is not the only organization of its kind, and that's partly what worries me here. We're finding dozens and dozens of organizations like this increasingly over the past couple of years that have been organized and created to secure additional Federal funding. These are earmarks that beget earmarks. These are earmarks incubators. And I don't know how much we can stand of this because the more we have out there, the more it seems to simply spawn other earmarks.

And with that, Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, the gentleman starts off as we suspected by assuming that Members of Congress have no ability and no understanding and no knowledge, enough certainly to make an appropriation called an earmark. That assumes that only Federal agencies and the folks who work in those agencies know what a good program is.

I think every so often we have to remind ourselves what a so-called earmark is. An earmark is when a Member of Congress determines that in his or her district there is a program worthy of Federal support. But on so many occasions, as certainly has been the occasion in my district in the Bronx, those

Federal agencies, for one reason or another, don't pay the attention they should, so a Member gets involved in directing some dollars. And it is some dollars compared to the total budget.

In this particular case, we're talking about an organization in the Youngstown area that was originally set up to deal with the fact that in the southwestern Pennsylvania region, there has been a mass exodus of people between 25 and 30 years of age. Furthermore, with the demise of the steel and coal industry, the region has seen very high levels of unemployment. New and small businesses are necessary to the economic well-being of the citizens of this area.

Now, JARI's efforts have directly led to an increase in small businesses formed in the region and jobs created and retained in the region. There has been an increase in longevity and sustainable efforts for small businesses. Business folks have been given the ability to grow. And yes, while the gentleman seems to think that it is a bad thing to have Federal dollars go in and then assist in reaching other dollars, well, that just shows that they know how to work the system and work it properly. There is nothing wrong with that. But the whole notion that only people and Federal agencies know how to direct dollars, and that only they know what a good program is is really a misconception.

Now, the gentleman from Arizona will be here for quite a while, we see he's setting up his presentation. And it will be a good, strong presentation, but it is only based on the belief that Members of Congress are not intelligent enough to know a good program, to know a good use of Federal dollars.

Interestingly enough, the same folks who will get up today and attack earmarks will not attack the fact that there are large number of earmarks that come directly out of the White House directing Congress to spend money on something; and that most have voted for the largest earmark of them all, the war in Iraq, which has earmarked hundreds of billions of dollars with very little, incidentally, accountability in many, many cases.

So, I stand in opposition to the gentleman's amendment. He knows that he and I have a friendship, a personal friendship and respect. But on this one, as last time, he is totally wrong. I stand in opposition to his amendment and in support of this particular earmark.

Mr. Chairman, I yield back the balance of my time.

□ 1100

Mr. FLAKE. Mr. Chairman, I always enjoy debating my good friend from New York. My good friend from New York made a point when I challenged one of his earmarks last year that his district has one of the highest poverty rates, or it is number one in the country.

Here I have a map. The red areas show those counties in the country that have experienced persistent poverty over the past 30 years. I should note that virtually all of the earmarks I will be challenging today are not in areas that are covered in the red, certainly not the one in western Pennsylvania today. This is not an area of persistent poverty. This is not an area where we are going in and helping the truly less fortunate.

The gentleman is correct that Members of Congress are, by and large, intelligent. They know how to work the system. I would submit that that is exactly what this is about. When you get an earmark that begets other earmarks, when you are funding organizations set up with the express purpose of getting other Federal moneys or other earmarks, there is something wrong with that picture. There is something wrong with that. Where does that end? That is simply not right.

I would ask the gentleman, this is not the gentleman's earmark. Is the sponsor of the earmark not here to defend the earmark today?

Mr. SERRANO. I am sorry?

Mr. FLAKE. The sponsor of the earmark is not here to defend the earmark today?

Mr. SERRANO. The sponsor is not on the floor, but his trusted companion is on the floor.

Mr. FLAKE. That sponsor is Mr. MURTHA?

Mr. SERRANO. You have said that.

Mr. FLAKE. According to the certification letter released, it is Mr. MURTHA of Pennsylvania. As I mentioned, this is the second year that I have challenged the same earmark. This is an earmark that begets earmarks. This is going to a business organization whose job it is to receive other Federal moneys. There have been many stories written over the past several weeks about organizations like this that exist to draw other Federal moneys. I don't think that you can put it in terms of this Member knows that district and is trying to alleviate poverty or a situation like that.

This is a situation, it seems to me, where earmarks are begetting more earmarks. We simply can't sustain that. With the deficit that we have, with the situation we are in with the Federal Government, we can't sustain doing this for much longer.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act (including funds made available in title IV or VIII) may be used for a project for Barracks Row Main Street, Inc.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Thank you, Mr. Chairman.

This amendment would prevent the Barracks Row Main Street Organization from receiving $.5 million. The certification letter provided by the sponsor of this earmark indicates that these funds will be used to redevelop the Eastern Market Metro Plaza and the triangle park adjacent to it. This is in Washington, D.C., not far from us here on Capitol Hill.

According to its Web site: "The mission of Barracks Row Main Street is to revitalize 8th Street Southeast as a vibrant commercial corridor reconnecting Capitol Hill to the Anacostia River using historic preservation and the arts and economic development tools."

In case you weren't aware, Mr. Chairman, Barracks Row was the first commercial center in Washington, D.C. In 1801, Thomas Jefferson selected the site of 8th and I Streets as the first post for the Marine Corps because of its close proximity to the Navy Yard and the U.S. Capitol in case it needed protection. I sometimes wish those marines were around to protect the taxpayer here or funds from flowing from this institution.

Also, according to the Barracks Row Web site, since 1999 there have been more than 50 facades restored, 40 signs replaced, 40 new businesses opened, three new buildings constructed and one streetscape reconstruction completed. All told, the total amount of public and private funds reinvested has been some $19 million. At least a portion of that $19 million has come through Federal earmarks.

The 2006 Transportation appropriation bill included a $750,000 earmark for the redevelopment of Barracks Row Main Street, Inc. That was apparently the same project included in the earmark that I seek to limit today, the redevelopment of the Eastern Market Metro Plaza.

I would submit that the redevelopment of the Metro Plaza would be more appropriately addressed by the authorizers. If the project were authorized, then we should allow the Transportation appropriators to do this bill.

I also note that this Metro Plaza may be about to receive at least its second earmark. How many more will be required? How much longer will we be doing this? I certainly hope that we are not approving a redevelopment earmark today to redevelop last year's redevelopment earmark.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I am the named sponsor of this amendment that Mr. FLAKE refers to. Before I continue with any comments about the amendment per se, I would like to, if I could, have a brief colloquy with the gentleman from Arizona.

Has the gentleman from Arizona spent very much time on Barracks Row, this new commercial center that you refer to?

Mr. FLAKE. No, I have not.

Mr. LEWIS of California. Have you been to Barracks Row, had a meal there perhaps?

Mr. FLAKE. I may have. I don't recall.

Mr. LEWIS of California. Have you been to the Marine barracks which are located on Barracks Row?

Mr. FLAKE. I believe I have.

Mr. LEWIS of California. Have you ever attended the Silent March that takes place on Friday evenings at the Marine barracks?

Mr. FLAKE. I have not.

Mr. LEWIS of California. You have not. I would suggest to the gentleman that probably one of the most important things that a Member of Congress should do is to go to the Marine barracks. On 13 Friday evenings annually, approximately 45,000 people enjoy absolutely the best of our Armed Forces displayed by the marches that take place on the Marine barracks on those Friday evenings, a phenomenal, phenomenal experience for those people who care about our Armed Forces, but also know the historic role that Washington, D.C. has played in terms of supporting and building our military.

8th Street is known as Barracks Row because of the Marine barracks. But over a number of years, indeed generations, Barracks Row, 8th Street, had deteriorated very, very significantly. The commercial values had all but been eliminated. And right in the heart of it was this fabulous headquarters of the National Marine Corps known as the Marine barracks.

It seemed to some of us some time ago that it was very logical to take advantage of that location and the Naval Yard's distance just to the south of it and indeed perhaps even create a Georgetown on Capitol Hill.

Over a number of years, with help on both sides of the aisle, the Congress has re-established Barracks Row as a phenomenal spot on Capitol Hill. Today, its commercial value has skyrocketed. It is having a phenomenal impact on the community. The allocation this year for continuing that process is approximately $500,000. We spend in this bill something like $650 million in our Capital Support funds overall. This is a minor piece of all of that.

Indeed, Georgetown on Capitol Hill is a very, very worthwhile project. It has been immensely successful. The return on the Federal investment that has taken place over the years is difficult to measure. But it is truly immeasurable in my mind's eye. The contribution it has made to the capital is a very significant one.

This amendment essentially would rifle shot at that very project. It is a project we all should, Members of the House, along with our staffs who work and live here, should be very proud as a result of this Federal expenditure.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the gentleman's amendment. I would like to direct my comments more on the sponsor than on the project, although I will speak about the project.

□ 1115

The gentleman is one of the most distinguished Members of the House, certainly a Member who knows the appropriations process, knows the pitfalls of this process called earmarks, and would not knowingly put forth a foolish or unworthy member-item before the House. So I take that very seriously. He is not a rookie who is trying to find his way around the House, as many do every day, but he is one who knows what is acceptable and what is proper and what is dignified, and that is what he is doing.

Secondly, and very important to note, we all have so-called earmarks for our district. This is for the Nation's Capital. This is not something he is bringing back to his district to score points with his constituents, which is proper. There is nothing wrong with that, letting your constituents know you are working in Washington on their behalf. But here he takes time, and, if I may say, dollars that he probably could have asked for his own district, to make sure that something in the Nation's Capital happens and happens properly.

I take that very seriously, because, as I said last night, Mr. REGULA and I are committed in this committee to making life and conditions in D.C. much better than they are.

So I commend the gentleman from California for thinking of a place outside his own district, and I am here in opposition.

I yield to the gentleman from North Carolina.

Mr. WATT. I thank the gentleman for yielding.

I wanted to make the point too that when I am in Washington, I live just across the line between Northeast and Southeast. On a number of occasions on Friday evenings, I have had the occasion to be just on the Southeast side of that line down in the area where these maneuvers are taking place.

I doubt that the gentleman could imagine the number of visitors that come into Washington for these events, for these maneuvers, along with the families of these service people. We regularly, as Members of Congress, get invited, though we are seldom here on Friday evenings to take advantage.

But if you look at the benefit that is probably coming out of these maneuvers and the participation of the public and the support it builds up for our military and for the economy in this area, it is just a dramatic illustration. I just wanted to make that point.

Mr. Chairman, this is not my earmark. I wouldn't even be the stereotypical supporter of this. But it is an illustration of the national value that this earmark would play.

Mr. SERRANO. Mr. Chairman, I yield back my time.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just as the chairman said, this is consistent with our goal in this committee to enhance this city and make it a capital that we can be proud of, and I congratulate the Member from California for putting in something that, while not affecting his area, will add great value to the city and to the people who live here.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. To hear this discussion, one would think we were funding the Marines somehow here. We are not. We are not. We are funding, according to the certification letter, "Funding is to be used for enhancing the Barracks Row Corridor by redeveloping the Eastern Market Metro Plaza."

This is a commercial development, a commercial venture. Home and retail properties in this area have skyrocketed in the past couple of years. The American way is to leverage the equity you have, either in your business or your home, and redevelop the area. That is how every other area in the country does it, almost all without Federal help.

Just because it is here, and I would like to get there and watch the Marines march, but let me say again, this has nothing to do with the Marines marching in Barracks Row. This has to do with subsidizing a commercial enterprise, one that could do just fine on its own, and particularly in this area. I couldn't think of buying in that area. It is far too expensive.

I appreciate the notion of helping out and the sentimentality of Marines marching, and all of us want to help the armed services, but that is not what this is about. This is about subsidizing a commercial venture, and it is not something we should be involved in in this instance.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that the Marine barracks are only a small piece of Barracks Row, as the gentleman has suggested. The plaza at the end of Plaza Row is one of the pieces that needed to go together to make this truly a very successful venture on Capitol Hill on behalf of our responsibility to make certain that Capitol Hill, beyond just our presence here, is a successful and vibrant community.

There is absolutely no question that what has happened on 8th Street has been a phenomenal change in the region. It goes beyond the Marine barracks, all the way to the Naval base. I think Members know that not very far away, a new baseball stadium is in the process of being developed. It is going to be a phenomenal region, and this is only one small piece of it.

I know the gentleman spends most of his time in commercial ventures in Arizona. I would suggest he might want to go to 8th Street and take a look at the restaurants. I might even buy you a meal there. It would be a wonderful exposure to a fabulous piece of our Nation's capital, and the Congress can be proud of the contribution they have made here.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

POINT OF ORDER

Mr. McCRERY. Mr. Chairman, I make a point of order against section 106 of this bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. McCRERY. Mr. Chairman, Clause 5(a) of rule XXI states that, "A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures."

H.R. 2829 is a general appropriation bill, reported by the Appropriations Committee, which, of course, does not have jurisdiction over tax or tariff measures.

Precedent under Clause 5 of rule XXI found in the most recent edition of the House Rules and Manual states, "A limitation on the use of funds contained in a general appropriation bill was held to violate this paragraph."

Further, the Manual refers to at least three rulings during consideration of a general appropriation bill where, "It was shown that the imposition of the restriction on IRS funding for the fiscal year would effectively and inevitably preclude the IRS or the Customs Service from collecting revenues."

In other words, there is ample and clear precedent, Mr. Chairman, that a limitation on funding on the IRS is a revenue measure when it inevitably leads to a reduction in tax revenues, and is therefore subject to a point of order under Clause 5.

Congress authorized the Qualified Tax Collection Contracts Program found in Section 6306 of the Internal Revenue Code to give the IRS additional tools to collect specified amounts of tax, not debt, and the program is thus distinguishable from other debt collection programs in the Federal Government.

To quote from the Internal Revenue Code, Section 6306(b)(1)(B) defines a qualified tax collection contract as one in which the contractor requests a "full payment from such taxpayer of an amount of Federal tax specified by the Secretary."

Legislative history of the American Jobs Creation Act of 2004 further bears this out. Citing the Joint Committee on Taxation's general explanation of tax legislation enacted in the 108th Congress, the provision's intent is to "locate and contact taxpayers owing outstanding tax liabilities of any type and to arrange payment of those taxes by the taxpayers. There must be an assessment pursuant to Section 6201 in order for there to be an outstanding tax liability. An assessment is the formal recording the taxpayer's tax liability that fixes the amount payable."

When authorizing the program, the Congress was specifically attempting to address a category of uncollected taxes, taxes that Congress believed could be more efficiently collected through the use of qualified tax collection contracts. To put it simply, the Congress felt that the IRS's existing authority should be augmented in order to increase tax compliance and tax collection.

Current estimates by the Joint Committee on Taxation, direct correspondence in both writing and recent congressional testimony from the IRS, and even the CBO baseline, indicate that the program is succeeding in collecting additional tax revenues, just as Congress had anticipated, and in excess of the tax revenues collected prior to enactment of Section 6306 of the Internal Revenue Code. Empirical evidence is clear: Enactment of section 106 would inevitably lead to a reduction in the collection of taxes.

The Congressional Budget Office estimates that the IRS plans to spend $15 million to administer this program in 2007. This has already led to the collection of $20 million in tax revenue in this fiscal year. For fiscal year 2008, the IRS requested $7.35 million in discretionary appropriations to administer the program. In addition, the Secretary of the Treasury, by the authority granted in Section 6306 of the Internal Revenue Code, is allowed to retain 25 percent of the taxes collected under the qualified tax collection contract. In fiscal year 2008, the IRS expects to retain $15 million with this authority.

Clearly, if section 106 of this bill is enacted, the broad reference to "any other Act" will eliminate the Secretary's authority to retain the taxes collected by the program that are necessary to run the program and collect additional taxes. In addition, a more than 95 percent decrease in funding would occur as a result of the limitation in section 106, and that would have the same effect as reducing the funding to zero. The CBO estimates that it expects the program to collect $80 million in fiscal year 2008, and the Joint Committee on Taxation expects section 106 to reduce revenues in 2008 by $69 million.

To substantiate this point and to illustrate that section 106 of H.R. 2829 restricts the ability of the IRS to collect taxes, I refer to a letter I received from the Joint Committee on Taxation: "Section 6306 of the Internal Revenue Code enacted in the American Jobs Creation Act of 2004, authorizes the IRS to enter into qualified tax collection contracts with private debt collection companies to locate and contact taxpayers owing outstanding tax liabilities and to arrange for the payment of those tax liabilities."

The letter goes on to say, "Under section 106 of H.R. 2829, not more than $1 million of the funds made available in this or any other Act may be used to enter into, renew, extend, administer, implement, enforce, provide oversight of or make any payment related to any qualified tax collection contract. We interpreted this language as a broad restriction on the use of any funds available to the IRS for administering the private debt collection program, including not only appropriated funds but also funds the IRS is permitted to retain under Section 6306.

"Because section 106 of H.R. 2829 prohibits the IRS from using any more than $1 million to operate the private debt collection program, which is significantly less than the projected amount of expenditures required by the IRS to operate the program, we expect that operation of the program would cease if the provision were enacted."

The Joint Committee goes on to provide a revenue estimate that details the annual loss of revenue to the Treasury. They estimate that H.R. 2829 would reduce revenues by $69 million in 2008, $507 million over the fiscal years 2008 through 2012, and by $1.086 billion over the fiscal years 2008 through 2017.

Mr. Chairman, I make a point of order against Section 106 of this bill.

Mr. SERRANO. Mr. Chairman, I concede to the point of order.

The CHAIRMAN. The gentleman concedes the point of order. The point of order is sustained. Section 106 is stricken from the bill.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we already know, I conceded that point of order so that issue is not before us. But I think it is important, nevertheless, to speak somewhat to the issue so that people fully understand what it was that this subcommittee was attempting to do.

The whole notion of having private debt collectors collecting taxes throughout this country does not sit well with a lot of people. It is not one of the most popular programs. In fact, it is a very unpopular program.

No one traditionally has liked the idea of somebody knocking on your door to collect your taxes in a dispute with the government. But at least historically we have had a situation where we knew that the person knocking at our door or on the phone was a member of the government, an employee of the government, who had been trained in how to deal with the public and who fully understood what was within the law allowed in that conversation and in that approach.

We now, in this wild desire to turn our backs on Federal employees and outsource, go out and get private employees to handle much of government's work, we decided to go and set up a system which is really very sad. We now say to a private debt collector, go and collect those taxes; and for doing that, we will give you 24 cents on the dollar.

The American people need to know that. They need to know that for every dollar that is owed to the government, the government is now saying we will hire an outside agency that will go after you, and we will let them keep 24 cents on the dollar. What a waste of government money. What a waste of the taxpayers' money.

It is interesting that we hear folks here get up and tell us we are wasting taxpayer dollars. In fact, in a few minutes the gentleman from Arizona will go back to that issue, although he was not involved in this other one and I don't want to bring him into it. But you talk about a waste of money. Rather than use government employees to go find these dollars, you are going to give away 24 cents on every dollar.

The point of order was based on a belief that this would lose revenue for the government because we would not hire these folks to go find the money, to go collect the money. The whole purpose of our bill was to go back to the day when the employees of the Federal Government would collect the dollars. Nowhere in this bill did it say that by not allowing outsourcing of these jobs, by not allowing private debt collectors, we are giving up on our hope to collect the dollars. That was not the purpose.

So, technically, the point of order was correct, and that is why we conceded it. But when you really analyze this, it would have been and it was a bad decision, because that was not the intent.

Lastly, the very famous hit show "The Sopranos" ended a couple of weeks ago. But had they known that this program was going to continue, they could have had another episode, because I predict that years from now we are going to be back here telling you horror stories about how private debt collectors are collecting those debts. They don't have to answer to the public or to the government, the way we have to, the way Federal employees have to. What they are going to start doing is using all kinds of tactics that we will live to regret. So there might yet be another Sopranos episode.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT NO. 21 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the San Francisco Planning and Urban Research Association, SPUR Urban Center.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

☐ 1130

Mr. FLAKE. Mr. Chairman, this amendment would prohibit $231,000 from going to the San Francisco Planning and Urban Research Association, otherwise known as SPUR. This organization claims to be San Francisco's preeminent public-policy think tank and claims that through research analysis, public education and advocacy, SPUR promotes good planning and good government.

The question we are asked today: Is it good government for the Federal taxpayer to be funding think tanks around the country? You can debate all day long, we only have a couple of minutes here, the merits or demerits of government planning, whether it is a good thing that the suburbs expand or that the policies that this organization promotes are better.

But the question is: Should we be sending Federal taxpayer dollars to an organization with policies that run counter to what some people across the country might think?

I think we should let think tanks think and produce ideas that they want, but let's not support them with Federal funds and take sides in this issue.

As for the specifics of this earmark, according to the sponsor's certification letter, the funding would go towards construction costs associated with a new resource center for small business and community groups in San Francisco. The new resource center will be called the SPUR Urban Center.

SPUR's Web site says, "As we head into the next 50 years of service to San Francisco, SPUR is proposing its most innovative solution yet: Constructing an urban center, the first of its kind in any city west of Chicago. To reach this goal, SPUR is embarking on a $10 million SPUR Campaign for the Urban Center."

I suppose this funding is meant to help that campaign to raise the $10 million necessary to build that urban center. The list of donors to this campaign is about four pages long. It includes very sizable donations from some very well-known corporations and organizations. It appears to me and to anyone who reads or looks at the Web site that this fundraising campaign is going fairly well.

Why again are we putting taxpayers on the hook to help with this effort? The organization and center look to have a local focus and policy approaches that too many taxpayers from across the country might have reservations about.

Now, I am familiar with the think tank world. Before coming to Congress, I spent 7 years at the Goldwater Institute in Phoenix. I suppose that there are a lot of people here who would be uncomfortable with the positions that the Goldwater Institute took. I would not presume to get Federal funding for the think tank that I used to work for or any other conservative think tank. That wouldn't be right. I don't think it is right here for any Member to seek money for a think tank at home that might or might not produce ideas that run counter or might be supported by Members here. Think tanks should think on their own without support from the Federal Government in this instance.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Since 1959, the San Francisco Planning and Urban Research Association, SPUR, has been one of California's preeminent public policy think tanks providing research, analysis and public education related to planning and good government.

It was originally formed to revitalize downtown San Francisco by channeling growth away from suburban sprawl and back into the urban core. SPUR provides a neutral educational forum to promote civic engagement, particularly among disadvantaged citizens, businesses operating in areas of high employment, and firms operated by low-income individuals.

SPUR is a widely sought-out resource for small businesses, concerned individuals, local government agencies and other nonprofits, offering educational programs, publishing a monthly journal with the latest information on urban planning and best practices, and convening 20 active policy committees where small business people and community members can become involved in local and regional public policy.

The funds included in the Financial Services appropriations bill are for construction costs associated with the new urban center. The center will allow SPUR to expand its educational and research programs related to key issues impacting urban businesses and communities.

You know, as I listen to the gentleman, I always know where he is going with his argument because his argument continues to be that only people in agencies know how to spend Federal dollars and that we, Members of Congress, do not. Obviously a program that has been around since 1959 in the City of San Francisco that has played a role in revitalizing the city and its growth, a city we are all proud of, is one that merits our support.

As I am reading what I have in front of me, I am thinking how in private industry we always hold up private industry and corporate America as the ones that do it on their own, and we don't want to do anything for community groups that may be trying to get some government help. But, you know, we have all kind of tax breaks and tax subsidies that we give corporate America to grow and invest. They have their think tanks, except we are talking about billions of dollars, so their think tanks are composed of people they deal with on a daily business.

Local folks, local small business people every so often need government to step in and give them a helping hand, not to carry them on their shoulders, but to help them grow. I think this is a fine example of a program that merits our support. For that reason, not only do I support it, but I respectfully rise in opposition to the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, may I ask the gentleman from New York, is this his earmark?

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from New York.

Mr. SERRANO. This is not my earmark. But you know something, as chairman of the committee that carries the earmarks, I respect the fact that every Member has a right to put them forth, and we looked at all of them, as did Mr. REGULA, and the earmarks that are here are earmarks that we feel are proper.

Mr. FLAKE. For the record, I believe this is the Speaker's earmark. It would have been nice to have a colloquy like we were having on this earmark with the sponsor of the earmark. That is what would be nice about this process, if we could actually have the sponsor of the earmark come and explain it.

I would like to know, for example, taking the example that the gentleman gave that I seem to be willing to let the Federal Government, the agencies, go ahead and spend this money, I would be upset if the Federal agencies designated this themselves. They shouldn't give out money like this.

If the Federal agencies responsible for disbursing this kind of money gave money to the Goldwater Institute, I would expect the gentleman and everybody else to say that is not a proper use of money. I would do that if it was put in by a Member as well. It is not who spends the money; it is whether this money should be spent by the Federal Government.

I am not defending the Bush administration's spending of money that is earmarked. I have noted many times that much of the money in the Homeland Security bill that is spent in my district is not a wise use of Federal taxpayer dollars. It shouldn't be spent.

The question is not who spends it. We shouldn't use that as an excuse saying that the Federal agencies will misspend the money, so we have a right to do that as well. We have a right to misspend that money and designate think tanks who should receive it just because they might do the same thing over there.

Our role is to authorize, appropriate, and conduct oversight. My issue is that we have done far too little authorizing, far too much appropriating, and far too little oversight. Oversight needs to be done.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Mitchell County Development Foundation, Inc. for the Home of the Perfect Christmas Tree project.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I can assure you that I have been called many things during this effort to shine the light on some Federal earmarks and to try to promote a little accountability. I am prepared after this amendment to answer to the name "Grinch" and head back up to my mountain just north of Who-ville.

This amendment would prevent $129,000 from being used by the Mitchell County Development Foundation for the Home for the Perfect Christmas Tree Project.

The Mitchell County Development Foundation is a nonprofit dedicated to creating jobs and strengthening the educational system, as well as promoting tourism in Mitchell County.

It has been reported that the Home of the Perfect Christmas Tree Project is an economic development initiative in economically distressed Mitchell County.

According to the project's Web site, author Gloria Houston gave the rights to her award-winning children's book, "The Year of the Perfect Christmas Tree," to the town of Spruce Pine, North Carolina, in 2003.

To help with the economic challenges facing the region following the loss of manufacturing jobs, the Home of the Perfect Christmas Tree Project was created to assist entrepreneurs selling handmade crafts and products based on the book.

The money included in this earmark would go towards doubling the retail space available for the gift shop selling products like Christmas tree ornaments, lanterns, handmade soaps, et cetera.

I have no doubt that Mitchell County is having tough times economically. I don't belittle that fact. It sounds like they are. And I don't dispute the fact that they may be home to the perfect Christmas tree either, although Arizona has some very nice ones.

What I do doubt is that there is a Federal role here in doling out funds to the Mitchell County Development Foundation.

First, from the sponsor's certification letter, we learn that these funds are requested because the project is expected to double to include 60 licensed product makers in 2007. If this project is successful, does it still need taxpayer assistance?

Additionally, according to the USDA's Economic Research Service, there are nearly 400 persistently poor counties in the U.S. These are counties with 20 percent or more of their populations living in poverty for the last 30 years. These counties comprise 12 percent of U.S. counties and 4 percent of the population.

Are we to assume that the taxpayers should dig into their wallets and find ways of providing hundreds of thousands of dollars for each of these counties as a means of dealing with economic hardship? We simply can't do that. We simply can't cure every ill out there.

I would submit it is often said that this bill has become a Christmas tree. Unfortunately, this bill has a Christmas tree. I would think it is simply not a good use of taxpayer dollars.

Mr. Chairman, I reserve the balance of my time.

Mr. McHENRY. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. McHENRY. Mr. Chairman, I thank my colleague and friend from Arizona for offering this amendment. It gives me an opportunity to explain the importance of this project and this funding to the Members of this body.

I am actually very much in favor of transparency through the appropriations process. I have spoken a number of times here on the House floor about that. I think it is important that Members can judge for themselves the funds that we are spending as the Federal Government. It is a very serious business we are in of spending taxpayer dollars, and I don't take that lightly.

I am thankful for the opportunity to talk about the Mitchell County Development Foundation and the problems and challenges that Mitchell County is going through, but their hope and the solution they are putting forward.

Mitchell County, as the amendment sponsor mentions, is a very hard-hit county. If you look at this graph of manufacturing jobs in North Carolina, we have been hard hit over the last 20 years in the loss of manufacturing jobs due to Federal trade agreements, to a large degree. We are going through a transition period of manufacturing jobs in North Carolina.

Furthermore, in Mitchell County, which was a manufacturing county, you can look at this listing of the job losses they have had over the last 10 years. In the last 5 years, Mitchell County has lost 2,500 jobs. Now, that may not seem like much to big city folks, but to a small, rural Appalachian county with a workforce of 7,500 people, it is devastating. It is absolutely devastating.

When you are in a rural community, you have to figure out ways to innovate, to actually keep your people making a living. What Mitchell County has done through their development foundation is come up with a way to do that, to take these craftsmen who worked in textiles and furniture, to actually help them create a small business. And through this project, 51 small businesses have been created, two-thirds in my district.

But this is a small, rural county, and they are trying to do the best they can through an innovative process. This small amount of Federal money will help them in a number of ways, such as access other grants and bring in more knowledge about this process and about what is happening in this county, to bring more funding and resources to bear for this county.

□ 1145

Mitchell County has the third highest unemployment rate in the State of North Carolina. It has a 38 percent dropout rate in their high schools. And what they're trying to do through this business incubator is create small businesses so that those unemployed can find employment. Beyond that, they are also trying to use the resources that they gain from selling their products to provide scholarships for these high school students, to encourage them to stay in school. This is a good project and is a worthy use of Federal taxpayer dollars and I'm proud to stand in the well of this House and to defend this and tell my colleagues that it's worthwhile for the taxpayers to spend this money.

With that, Mr. Chairman, I retain the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The CHAIRMAN. Both sides have 2 minutes.

Mr. FLAKE. May I yield 1 minute to the gentleman from Texas.

Mr. HENSARLING. I thank my friend from Arizona for yielding. I want to thank him for his amendment.

What we have before us is an earmark that is in a family of earmarks, where somehow we in Congress think it is advisable to take money out of local communities, give it a big haircut, and then send it back as local economic development. I question what does the Federal Government know about economic development to begin with. I am going to support the gentleman from Arizona's amendment, but I did want to say something about the gentleman from North Carolina. But for his leadership in coming to the floor to fight for transparency and accountability, he wouldn't have to be here today defending the earmark, and I wanted to congratulate the gentleman for being willing to submit his earmark to this process. Now, I don't think his earmark meets the taxpayer test of efficiency or accountability, but I did want to applaud his leadership in improving the process and bringing transparency and accountability to the floor.

Mr. McHENRY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 2 minutes.

Mr. REGULA. Would the gentleman yield for a question?

Mr. McHENRY. Absolutely.

Mr. REGULA. How much private investment in your judgment will this generate locally, knowing they're getting some assistance?

Mr. McHENRY. There's already been a real influx of interest in giving grants to this. Right now there's about three or $400,000 that is contingent upon this to a large degree.

Mr. REGULA. Thank you.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. I suggest to my colleagues that they pay close attention to their TV sets because I rise in opposition to the gentleman's amendment and in support of the gentleman's program. Now, I'm going to do that and try to remain serious, because I'm supporting an earmark by the gentleman who spent over 3 days beating the heck out of all the earmarks on the House floor and telling us that he had never seen an earmark that he liked. I obviously saw an earmark that I like, his earmark, and he saw an earmark that he liked.

Granted that it's got a pretty bad title because people think it's a Christmas tree and Christmas tree opens up a discussion for loading up and all kinds of other things, but we actually looked at it and it's a worthy project.

My point in diplomatically somewhat embarrassing him is the point that I can see in him an ability and a desire to help his community, and he could not see in us for 3½ torturous days our desire to help our community. And so I am rising as chairman of the committee asking both sides to go against Mr. FLAKE and support the gentleman's earmark because it indeed is one that helps his community and that's what it's all about.

But in the process of doing that, we also have to be careful what we say.

The gentleman from Texas said that he supported Mr. FLAKE but opposed your amendment but thanked you for making this process possible. I have a surprise for you. Even if you had said nothing against earmarks, Mr. FLAKE was going to say something about earmarks for as long as he could because he's known for that.

So this is a very convoluted situation that I find myself in. But I support your earmark, I want you to take full credit for it, I want you to put a press release out and if you don't, I will put a press release out naming your program because I think it's a wonderful program and you should be proud of it.

I yield to the gentleman from North Carolina.

Mr. WATT. I thank the gentleman for yielding.

I'm going to make it more convoluted, because I've actually read the book that this earmark is titled after. It is a wonderful, wonderful children's book, and I say that with all sincerity. It's unfortunate that the earmark was named after the Perfect Christmas Tree, but the book itself, written by a local author, has produced a substantial amount of employment and funds for this area of North Carolina.

And for us to demean the notion of a perfect Christmas tree, which is the title to the book, a children's book, further convolutes this. I find myself kind of defending the Perfect Christmas Tree.

Mr. SERRANO. And reclaiming my time, with all due respect to both gentlemen from North Carolina and Arizona, we know that the perfect Christmas tree only grows in upstate New York and that's a fact of life.

Mr. MCHENRY. If the gentleman will yield, I just wanted to correct the chairman on what I said over those torturous 3 days, in your words, on this House floor. I was simply asking for earmarks to be public.

Mr. SERRANO. Reclaiming my time, English is a second language to me, but I assure you that I know what you said and you were not saying that you just wanted information. You were saying these were bad things. Except that you found a good one and I support you on it. So as they say in the south Bronx, quit while you're ahead. Just take the earmark and publicize it.

I yield back the balance of my time.

Mr. MCHENRY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 2 minutes.

Mr. MCHENRY. I thank the chairman.

To close on this matter, Laura Bush, the First Lady, decides what the theme is for the White House Christmas, and she decided this last Christmas it would be the Year of the Perfect Christmas Tree, the Gloria Houston book that we're discussing here. Gloria Houston, who grew up in the mountains of western North Carolina, my district, who gave her book to this community for their business incubator, and it's unfortunate that there's so much discussion here on the House floor about this business incubator, but it does bring to light what is important for this community.

Laura Bush, the First Lady, said at the time: "This is a very wonderful American story. They all worked together, the people in the town, to figure out a new industry for themselves."

I'm trying to assist in that and I think the taxpayers should assist in that. And I'll tell you why. Mitchell County has been broken by trade agreements made here by the Federal Government. And when the Federal Government breaks it, they should help fix it. And that's all we're trying to do. This small amount of taxpayer dollars can help enormously.

I submit for the RECORD the USA Today story about Mitchell County and their recovery.

[From USA Today, Dec. 5, 2006]

TOWN HANGS HOPE ON HOLIDAY TREES

PROJECT SPRUCES UP MORALE AFTER LAYOFFS

(By Kathy Kiely)

WASHINGTON.—In Gloria Houston's 1988 children's classic, The Year of the Perfect Christmas Tree, a combination of pluck, tenacity and never-say-die optimism salvages the holidays for an impoverished little girl.

This year, residents of a small town in the same Appalachian hills that inspired Houston's story are hoping to reproduce its magic for their hard-luck community.

During the past four years, closings and layoffs at local textile and furniture mills have eliminated more than 2,500 jobs in western North Carolina's Mitchell County. "We have lost one-third of our manufacturing base," says Shirley Hise, director of the local Chamber of Commerce. "It has been devastating for our county."

Even so, the people of Mitchell County are experiencing what local congressman Patrick McHenry calls "a glimmer of hope." Houston's generosity and Hise's hard work are helping county residents tap a vein of creativity and find new ways to make a living. And this holiday season, Americans can help them out—and, at the same time, decorate their homes in presidential style.

Last week, when she hosted the annual unveiling of holiday decorations at the White House, first lady Laura Bush went out of her way to give a plug to the handmade ornaments provided by Mitchell County artists. "This is a very wonderful American story," she said. "They all worked together, the people in the town, to figure out a new industry for themselves, and they came up with making these wonderful ornaments."

The media-savvy first lady even provided some direction for the TV crews on hand: "When you're in the west reception hall or in the visitors' reception room on the east side, I hope you'll be able to get there to get some B-roll of those trees and see these beautiful, handmade ornaments."

Mitchell County's contribution to the White House holiday decor is the result of a brainstorm Houston had in 2003 after being invited to be grand marshal of the Christmas parade in Spruce Pine, Mitchell's county seat.

After hearing about the community's problems, Houston donated the rights of her book to Spruce Pine and suggested local officials market the town as "the home of the perfect Christmas tree." Last year, the community cut the ribbon on a retail store featuring handcrafted items inspired by the book. They're all made by local artisans.

These aren't amateur holiday fair items: The curvilinear red, green and walnut Carolina "snowflakes" hanging at the White House are the creations of Billie Ruth Sudduth, a basket weaver whose work is displayed at the juried Smithsonian craft show. The White House trees also feature handblown glass ornaments by Virgil Jones, whose work is on display in galleries in Asheville, NC.

Sudduth taught several local women how to make the snowflakes so they could help her keep up with demand. At a basket-weaving class she taught to raise money for the local homeless shelter, "I saw some talent," she says.

No one is suggesting a few cottage industries will replace the thousands of manufacturing jobs that once powered Mitchell County's economy. McHenry, who called the project a glimmer of hope, also notes it's not a light at the end of the tunnel.

But project participants say it has helped lift the gloom that enveloped Mitchell County after all the layoffs. "This project has really turned the county upside down with excitement," Sudduth says.

Patti Jensen, who manages the retail outlet in Spruce Pine, says her biggest problem initially was persuading local craftspeople to provide her with enough inventory to keep pace with sales.

"They were so skeptical . . . that anyone would want to buy what they make," Jensen says.

After one of Marquitta Holdsclaw's art glass plates sold for $600 at a local silent auction, Jensen says she found the artist in the parking lot in tears. "It just blew her away that anyone valued what she was doing," Jensen says. Holdsclaw's plates are available for as little as $39.50 through the Home of the Perfect Christmas Tree store. An online catalog can be found at homeoftheperfectchristmastree.org.

Working on their own poses challenges that employees of big companies never face, the artisans concede, especially "the very real problem of health insurance," says Sudduth, 61. She says it costs $700 a month to maintain her coverage.

Jim Buchanan, a woodworker who built the interior of the Perfect Christmas Tree shop and designs items for the catalog, estimates he's making half of what he did before the Henredon furniture plant where he worked was shuttered in 2004. But there are other compensations. "I'm making the type of furniture I like to make, so it's more enjoyable," Buchanan says.

Mike Queen, a local metal worker who is trying to grow his artisanal blacksmithing business, agrees. "I'm enthused about it," says Queen, who employs several people laid off from local plants. "It's good for the community. There's so many small towns in the country that seem like they're dying."

THE IDEA WENT BY THE BOOK

Gloria Houston, whose book inspired the Home of the Perfect Christmas Tree store in Spruce Pine, NC, says research she did as a graduate student prompted her to suggest the project.

Houston, a former Marjorie Kinnan Rawlings scholar at the University of South Florida, says she was researching the namesake of her fellowship when it struck her that Rawlings had inadvertently thrown a lifeline to her tiny Florida hometown, the setting for her classic novel, The Yearling. "I realized Cross Creek would have long since disappeared had it not been for The Yearling," Houston says. "Everything there had something to do with it."

Years later, she decided to see whether her 1988 children's book, The Home of the Perfect Christmas Tree, could do the same for her North Carolina Appalachian home.

Houston's parents operated a country store in western North Carolina for more than 50 years. In writing the book, she was inspired by stories of their circumstances (her father told her about once giving up his Christmas dime so his sister could have a doll).

Not wanting the same crushing poverty to reappear in the region, Houston donated rights to the book to Mitchell County, and the Christmas tree store project was born. "I'm so proud of the people here and their many skills and talents," she says. "Now they're being put to work in their own county."

In closing, I want to tell you, Mitchell County is going through struggles, and I appreciate this opportunity to bring attention to this. It is a worthwhile project. It is a worthy project. And I think worthy projects that have a Federal element to it should be funded by the Federal Government, and we should be interested in doing that. Not overspending, but spending wisely and allowing Members to step forward and publicly say what they think is a wise expenditure of taxpayer dollars. I care very much about that. And I care very much about helping Mitchell County rebound, to bring down that dropout rate in their high schools, to get businesses growing and to reduce their unemployment rate.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Arizona is recognized for the remainder of his time.

Mr. FLAKE. I thank the Chairman.

I think the spirit of Christmas seems to have broken out here, with Democrats agreeing with Republicans and dogs and cats living together and everything else. I'll probably get beat soundly on this amendment.

Let me simply say in defense of the gentleman from North Carolina, we would likely not be in this situation where we're debating earmarks on the floor had he not persistently for 3 days helped in the effort to make sure that there is transparency here. And you can be for earmarks or against earmarks. But I think we ought to all be for transparency, and I think that's the message that he helped and very persuasively brought to the floor during those 3 days. I appreciate his efforts there, all for the opportunity to be flogged in this fashion.

I would simply say, and, like I say, I don't want to belittle the economic problems in Mitchell County, but I should point out again there are 400 counties around the country comprising 12 percent of all U.S. counties, 4 percent of the U.S. population, that are in persistent poverty. When you pick like this, we're picking certain winners and losers who are to get Federal funding instead of recognizing that there is opportunity cost to funding as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. ELLSWORTH

Mr. ELLSWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. ELLSWORTH:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. ____901. None of the funds appropriated in this Act may be used to enter into a contract in an amount greater than the simplified acquisition threshold unless the prospective contractor certifies in writing to the agency awarding the contract that the contractor owes no Federal tax debt. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman's point of order is reserved.

Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Indiana (Mr. ELLSWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. ELLSWORTH. Mr. Chairman, I acknowledge the point of order and I will ask for unanimous consent to withdraw this amendment.

But before I do that, I would like to at least spell out what this amendment intends and what I intended with the amendment. We're talking about earmarks. This is an earmark of a little different sort. It's earmarking the collection of Federal taxes owed to this government. This amendment sought to ensure that none of the funds appropriated in this bill could be used to enter into a contract greater than the simplified acquisition threshold unless the prospective contractor certified in writing to the agency awarding the contract that they owed no Federal tax dollars and no Federal tax debt.

The Federal acquisition regulation already requires prospective contractors to certify within a 3-year period preceding the offer that they've never been convicted and had a civil judgment against them for various legal infractions such as tax evasion, forgery, or bribery. This amendment is very simple. It simply adds the following three tax debt-related offenses:

That the prospective contractor must certify that they have not ever been convicted of a civil judgment rendered against the contractor for violating any tax law or failing to pay any tax.

Have or have not been notified of any delinquent taxes for which liability remains unsatisfied.

Or, number three, have or have not received a notice of a tax lien filed against the contractor for which liability remains unsatisfied or for which the lien has not been released.

Very simply put, Mr. Chairman, it has come to my attention and the attention of many of my constituents that Federal contracts are being awarded to companies that have not paid their Federal taxes. This really isn't just a small matter. These are companies that continue to receive Federal contracts, 3,800 in fact, that owe $1.4 billion in Federal taxes.

Now, I pay my taxes every year. I'm sure everybody in this room does and I'm sure everybody up in the gallery does. To award a Federal contract to a company that fails to pay gives them an unfair advantage. The people in the Eighth District of Indiana don't expect us to do this, and I don't think anybody across the country expects us to continue to do this. Yet it continues to go on and on and on. I've offered this amendment in other bills and I'll continue to offer it until this Congress does its work and ensures this.

Not all contractors that receive Federal contracts are bad players, but when 3,800 don't pay $1.4 billion, we need to put a stop to it. At a time when our fiscal house appears to be in somewhat disarray and the deficit continues to grow, we can't continue to allow companies like this to receive Federal tax dollars and Federal contracts.

While I am withdrawing this amendment today, I respectfully ask the chairman to include this language in the eventual conference report.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 14 OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. WOLF:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. (a) There is hereby enacted into law H.R. 473 of the 110th Congress, as introduced in the House of Representatives on January 16, 2007, and appropriated for the Commission thereby established, $1,500,000.

(b) The amount otherwise provided in this Act for "**INDEPEDENT AGENCIES**—ELECTION ASSISTANCE—ELECTION REFORM PROGRAMS" (for the amount specified under such heading for programs under the Help America Vote Act of 2002) is hereby reduced by $1,500,000.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman's point of order is reserved.

Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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Mr. WOLF. Mr. Chairman, in the interest of time, I am going to withdraw the amendment, but I would be remiss if I didn't take this opportunity to call to the attention the financial storm and the tsunami that is off the coast ready to hit our Nation.

Our Nation's Federal fiscal policy remains unsustainable, and in last Thursday's Washington Post, Comptroller General David Walker referred to what called to a "tsunami of spending" that will result in "very rough seas, like we've never seen before in this country."

If Congress is not proactive in addressing the mounting entitlement costs and fiscal outlook 30 years from now, we won't be here deciding how to spend discretionary funds in an appropriations bill, there won't be any money left for anything. In 2006, Medicare, Medicaid, Social Security, consumed 40 percent of the budget. That percentage will jump to 51 percent in 10 years, and there will be a devastating impact on the country.

In less than 20 years, there will be no money for student loans, transportation funding, national parks or cancer research or autism research, just to name a few.

More than $2.6 billion a day is needed to fund the savings shortfall, which has left us with nearly 40 percent of our GDP in foreign hands. The Saudis hold a lot of our debt, the Saudis hold a lot of our debt. The Chinese hold a lot of our debt.

On Tuesday, the Budget Committee held a hearing on foreign holdings of U.S. debt, and the vulnerability of our economy. The CBO director testified that increases in foreign holdings accounted for about 86 percent of total Federal borrowing last year.

We should care about that. We should care that the Saudis hold this debt, the Chinese that hold this debt. China is the largest single source of financing for the current U.S. account deficit. While the U.S. falls deeper and deeper into debt, other countries are saving. Although China usually gets most of the attention, it's also Saudi Arabia. Fifteen of the hijackers for 9/11 came from Saudi Arabia, Iran and Kuwait.

This amendment incorporate to expedite a national commission, eight members from each side to come together. This place is a partisan, political pit. There is no opportunity in this Congress to resolve these issues.

We can't even decide when we are going to adjourn around here sometimes. So what we take is eight Republicans, eight Democrats come together, put everything on the table. Everything has to be on the table, including tax policy.

This Commission would make recommendations and would hold public hearings around the country where the American people could have input. They will come back.

What makes this different than most others is that this would be like the base closing commission. It would require a vote to be taken by the Congress.

But 10 years from now, 20 years from now, when many of our people are going to be sitting on the rocking chair, having served in this Congress, and editorials and the newspaper headlines say "Nation in crisis," we are going to ask, what did we do?

I have written a number of Dear Colleague letters. We are up to 31 cosponsors, Members cosponsored this. We need eight Members from each side, everything on the table, recommendations would come back, require the Congress to vote. But for our children and for our grandchildren, I would ask that we do this.

Mr. Chairman, I would ask to include a Washington Post article by David Broder and also some other material in support of the idea.

[From washingtonpost.com, Feb. 1, 2007]

DEFICIT DAY OF RECKONING

(By David S. Broder)

Next Monday is the real day of reckoning for President Bush and this new Democratic Congress. That is the day the president sends his budget for next year up to Capitol Hill, and you really will be able to judge by the reaction what will happen in Washington in the next 9 months.

Last year, when the budget came out, Democrats hooted in skepticism and many conservative Republicans expressed dismay at the size of the projected deficits. In the end, the House and Senate could not agree on a budget resolution, and the government went on autopilot in terms of domestic spending, continuing at the same level as the year before.

This year, as I learned from conversations with two senior White House officials last week, the president hopes his budget will become a starting point for serious negotiation—not a partisan football or simple laughingstock.

That hope was encouraged by a letter to the president last week from the Democratic leaders of the House and Senate, Rep. Nancy Pelosi and Sen. Harry M. Reid, and the chairmen of the two budget committees, Rep. John M. Spratt Jr. and Sen. Kent Conrad.

The first sentence said, "We are writing to express our strong interest in working cooperatively with you to address our Nation's fiscal challenges." It acknowledged that as the process unfolds, "Democrats and Republicans will disagree about particular priorities, and we will need to negotiate our differences in deciding how to allocate scarce resources."

But it put forward four principles that could lead to a successful budget outcome this year.

"The budget should account realistically for projected federal costs," including the billions needed for the wars in Iraq and Afghanistan and the adjustments needed in the alternative minimum tax, which otherwise would punish millions of middle-class families.

"The budget should realistically project short- and long-term deficits," as objectively as the calculations of the Congressional Budget Office, which show the prospect of very large deficits if current tax and spending policies are unchanged.

"The budget should provide detail throughout the entire budget period," making clear the hard choices that lie ahead.

"The budget should be based on fiscal discipline that is sustained over the long term," underlining the fact that it will take years of effort to repair the damage done to our fiscal condition in the past 6 years.

The House took an important first step in repairing our fiscal health last month by reimposing the "pay-go" rule, requiring any increase in entitlements or tax relief to be balanced with tax increases or spending cuts.

While not endorsing these specific principles, the White House officials with whom I met certainly pledged to make visible the costs of the war and to be specific about the trade-offs needed to maintain budget discipline, both in the short term and the long term.

They said that the economic assumptions underlying the president's budget are modest—if anything, an underestimate of the revenue likely to be produced by a growing economy. And the officials indicated that the president will recommend that, for a second year in a row, overall growth in discretionary domestic spending—the part separate from Medicare, Medicaid and Social Security—be held close to zero.

If Monday's budget fulfills those promises, the stage could be set for a serious effort to put the federal fiscal house in order.

But the warning voiced in an interview by Rep. David R. Obey of Wisconsin, the chairman of the House Appropriations Committee, must be borne in mind. Obey recalled that when the late Rep. Richard Bolling of Missouri invented the congressional budget process, he said, "It will work only if all the key players—in Congress and the administration—use honest figures and make a genuine effort to live within its discipline. Otherwise, the budget process will become a barrier to action."

If the congressional budget process breaks down, two Republicans, Rep. Frank R. Wolf of Virginia and Sen. George V. Voinovich of Ohio, have proposed a commission of legislators and experts to tackle the long-term budget challenges and bring back a plan that Congress would have to vote up or down, or substitute an equally effective blueprint

One way or the other, this problem must be faced. Monday's budget message could be the first step.

[From the South Florida Sun-Sentinel, Mar. 27, 2007]

NATIONAL DEBT

ISSUE: Comptroller warns of fiscal disaster.

The alarm clock is ringing. Time to wake up!

The "alarm clock" is David Walker, comptroller general of the United States and head of the Government Accountability Office. He's on a nationwide "Fiscal Wake-Up Tour," which he plans to continue through the 2008 elections.

His purpose is to warn Americans of the fiscal train wreck the Nation faces if it doesn't get its fiscal house in order. He's urging people to let the Federal government know they want something done about the problem.

That's crucial, because elected officials like to buy voter support with low taxes and big spending programs. That will never change unless the public lets its leaders know they can raise taxes and cut spending without being punished at the polls.

There's little choice. Things will grow exponentially worse as the Baby Boom generation begins collecting on entitlement programs. In the next few decades, the national debt, now at a record $8.8 trillion, could rise to more than $46 trillion.

Interest payments on a debt of that size would consume every cent the Federal government currently collects in taxes. It's conceivable that little or nothing would be left for national defense, roads and other infrastructure, entitlement programs, environmental initiatives, etc. The Nation can't operate that way.

Fortunately, Walker has help. He's accompanied on his tour by bipartisan representatives of leading think tanks, and recently U.S. Rep. Frank Wolf, R-Va., filed legislation to create a bipartisan commission to tackle the problem. Everything would be on the table, from taxes to entitlement spending. The bill would require Congress to vote on the commission's recommendations in their entirety.

If you want your country to remain strong and prosperous, let your members of Congress know you support this legislation. Self-indulgence got us into this mess. Only self-discipline can get us out.

BOTTOM LINE: The United States must attack this problem now, before it bankrupts the Nation.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 17 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Fairplex Trade and Conference Center, Pomona, California.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this is another rerun amendment, because this bill contains another rerun earmark. I came last year to challenge the same earmark, and it's back.

This is the Fairplex Trade and Conference Center. It's located in Pomona, California, and more than one Member has been involved in the effort to secure earmark funding for this conference center.

According to the Web site, "Fairplex is home to the annual L.A. County Fair and more than 300 other events each year. Included are consumer and trade shows, meetings, expositions, conventions, inter-track wagering, sporting events and agricultural events." Its Web site says that Fairplex is governed by the Los Angeles County Fair Association. The association is self-supporting and does not fall under the auspices of any county or State governmental body.

Now, Fairplex may not fall under the auspices of any county or State governmental body, but it has had its share of Federal funding over the years, which begs the question, is the association really self-supporting or not?

With a steady stream of earmark funding for the organization, I wonder if it is really dependent on this funding. Would Fairplex or the association be able to sustain its operation without annual earmarks? If it would, why do we need to do it in that case? Why would we have an organization that's either dependent on continued earmarks or one that could exist just fine without them?

Again, there are about 300 events at Fairplex every year. This year it hosted an international wine and spirits competition and an international extra virgin olive oil competition. It will have a 4th of July celebration next week. There is a Sheraton Suites hotel on the Fairplex campus.

With all of these sources of income, I really doubt that Fairplex needs a stream of taxpayer dollars that have come their way virtually every year. Why, this again begs the question, why are we doing this? Why is Federal money going here for a commercial venture? What makes Los Angeles County Fairgrounds more deserving than, say, Yazoo County, Mississippi; Cook County, Illinois or Slope County, North Dakota?

We certainly cannot fund every county fairground in the country. By choosing one or a few, we are picking winners and losers among them. I would appreciate an explanation as to how, out of the thousands of earmark requests that come, the committee narrows its list to a few hundred like this one in this bill.

Mr. Chairman, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. NAPOLITANO. Mr. Chairman, I yield myself such time as I may consume.

I am glad my colleague has stated the background of the fair, but I don't know if he knows it has been around for many decades. Yes, it is very well attended, hosts many functions, has all of the buildings that he is talking about. Yet it is still so old that a lot of it is in very, very serious stages of decay. By that, it needs some restructuring. But that's beside the point.

What this does is for a center to be made, and I'll read what it really is about. It's Fairplex Trade and Conference Center, will be 85,000 square foot, state-of-the-art conference and exhibition center, complete with broadband connectivity, campus-wide wireless integration, as well as satellite two-way communications gear, attracting and benefiting small business. It will have both small and medium-sized meeting rooms outfitted with high-tech equipment ideally suited to help small business during events.

This is an ideal setting to convene small businesses from my area and from outside of the United States to share their ideas and compatibilities to do business.

The amendment that is proposed by my colleague would strip the funding from the SBA account for construction of this non-profit entity, a building that will create jobs and provide businesses in a disadvantaged community. I am talking about the number one crime city in the State of California, that's Pomona.

Unfortunately, there has not been the foresight from the surrounding community to help combat crime or to try to provide more economic development. Pomona itself had not had a general plan of review in almost 30 years. They hadn't had new investments.

This will help bring all of that, not only to Pomona, but to the surrounding communities which Mr. DREIER, Mr. MILLER and Ms. SOLIS are around, would help foster that economic growth by bringing together small businesses, entrepreneurships and being able to do international trade.

The center itself is projected to provide roughly 1,700 jobs and provide economic stimulus. Already, 90 small businesses have registered to work.

Mr. Chair, the trade conference is scheduled to cost $25 million, minimum. Of that, Fairplex is putting in $5 million; City of Pomona, $7 million; EDA competitive grants, $5 million; SBA, which we are hoping to be able to get, $250,000; and the county and State, $6,750,000 with private sponsorship putting in the rest.

This project could be so beneficial to my whole area, not just my communities, but to the whole general area that is not really part of Los Angeles proper. It is more into the Inland Empire and has been, what I call, a neglected area of Los Angeles County. It enjoys a lot of respect and a lot of support from not only the communities, but the many cities around it.

As my colleague has aptly pointed out, it hosts a whole slew of activities for the whole southern part of California. It is used also for Federal events.

We have had at least two times a year 4,000 naturalization swearing-in ceremonies. Iraqi elections were held there 2 years ago. As representative for the city, I am proud to support this economic development issue and to try to bring more business and jobs to my area.

I urge my colleagues to vote "no" on my colleague Mr. FLAKE's amendment.

I also want to thank Mr. DREIER. This is not his bill nor his area, but he has always been very supportive of what we are trying to do. I certainly thank you for the time.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. I have great respect for the gentlelady, as she knows. This is just one of many projects like this.

Mr. Chairman, again, I would simply make the point that the gentlelady mentioned, that there are millions and millions and millions of dollars contributed by State and local governments to this effort. There are millions of dollars that come in commercial transactions of conferences that are presented. This is simply $250,000. Why are we doing it at all? It clearly isn't dependent on the $250,000, I believe. Last year, because we didn't do earmarks in many of these bills, it didn't receive the funding. It's still up and going just fine.

The question is why do we do this? Why does the committee feel it proper to actually designate funding for something like this when we have such dire needs elsewhere in the Federal budget?

That's what we are here for today. That's why we are challenging earmarks like this, particularly with this bill.

This bill, with financial services, in my view, it's kind of the soft underbelly of the earmarking world, where you have economic development earmarks, that you can justify economic development anywhere in the country. Spending money, by its very nature, generates economic activity. So you could justify any earmark anywhere if you simply say it generates economic activity, it's important to my district.

But when we do it in this fashion, we simply pick winners and losers out there. I wouldn't think that's our place.

Mrs. NAPOLITANO. Mr. Chairman, I certainly respect Mr. FLAKE's views. I certainly think he has every right to challenge. This has always been a very transparent earmark that we've had since last year, which was not approved last year. It will create jobs. I need those jobs in my area. Yes, there are many areas in the United States that could really be able to use funding from the committee.

However, if we don't help create those jobs, we can't spur the economy, and we can't help put more funding into the Federal budget.

Mr. DREIER. Mr. Chairman, I share Mr. FLAKE's commitment to reducing government spending and making sure taxpayer dollars are spent in the most efficient and effective way possible.

I would also like to say that I am a strong proponent of making earmarks more transparent by attaching Members' names to their sponsored projects. My feeling all along has been that if a member is not willing to defend their earmark on the floor of the House, then it was probably not worth the money. That is why I was so gratified to see the Majority include projects and their supporters in each appropriations bill. Especially, so that no member has to guess whose district each of these projects is in.

So now, I welcome the opportunity to support Fairplex, a non-profit institution that contributes every day to our local community. Fairplex, located in Pomona, CA, represented by my friend and colleague GRACE NAPOLITANO is host to over 300 events each year, and 2 years ago, they had the privilege of hosting out-of-country voting for the historic Iraqi elections. There is $250,000 provided in this bill for the Trade and Conference Center, which is an incredibly important addition to the Fairplex that will provide small businesses with a venue to operate, share ideas, and grow. This project is a model of the Small Business Administration's mission of facilitating the environment necessary for America's small businesses to succeed.

Mr. Chairman, 43 percent of the goods coming to and from the consumers and workers of the United States of America come through the ports of Los Angeles and Long Beach. One of the most important centers for trade, planning and strategic meetings has been held at the Fairplex. As we look at our quest of trying to open up new markets for U.S. goods and services all around the world and as we look at ensuring that American consumers can have access to the best quality product at the lowest possible price, the utilization of this trade and convention center is critically important.

As important as the issue of global trade is, I was really struck when the December before last, I had the opportunity to listen to a friend of mine who happened to be at the Fairplex Trade and Conference Center. I have shared this story before but it is worth reminding my colleagues. Leading up to the December 15, 2005 Iraqi elections, of the eight planned voting sites for the Iraqi people who are here in the United States of America, one of those had unfortunately and unexpectedly closed down.

And what happened? The people at the Fairplex Trade and Conference Center came forward, and literally at the drop of a hat, they were able to provide the chance for Iraqis who were in this country on that Election Day to exercise that right to vote. Their ability to be on the frontline to participate in the Global War on Terror is something that I believe is vitally important.

I was listening on the phone as applause went up every single time that a ballot was placed into that voting box, and it was a great moment. And as we look for continued progress in Iraq, I am reminded of each of those votes that were cast at the Fairplex Trade and Conference Center. This particular earmark is there helping us in the Global War on Terror and helping us remain competitive globally.

We in the House strive for Federal, State and local cooperation on a myriad of issues, from national security, to education to disaster response. Coordination and investment by all levels of government can give programs a much better chance for success. That is exactly what is happening at the Trade and Conference Center with all levels of government involvement and more important, private sector investment. It is worthy of this continued Federal partnership.

Mrs. NAPOLITANO. Mr. Chairman, I urge a "no" vote and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 28 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the Advantage West Economic Development Group, Certified Entrepreneurial Community Program.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this would prohibit $231,000 for Advantage West Economic Development Group, that's the Certified Entrepreneurial Community Program.

Many of the earmarks in this bill are for economic development organizations, business incubators, workforce development programs and the like. But just because there are hundreds of similar earmarks in this bill doesn't mean that providing this kind of earmark for economic development is okay.

In doing research on the different earmarks, many of them begin to sound very much alike. But this one, the Advantage West Economic Development Group stood apart. Its list of corporate sponsors reads like the "who's who" list of influential and well-heeled entities, Bankers Branch & Trust, BellSouth, Duke Energy, Grant Thornton, Qualcomm, Spring, UBS, Verizon, Wachovia and other well-known corporations.

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The listed funding partners are a very recognizable list as well, at least in Washington: The National Park Service, U.S. Department of Agriculture, National Endowment of the Arts, the U.S. Department of Commerce and, of course, through the virtue of this earmark, the U.S. Congress.

The Advantage West Economic Development Group Web site boasts that publications such as Money, Kiplinger's, Outside, American Style, Modern Maturity and Forbes have ranked western North Carolina as a top destination for living, working, recreation, arts, technology and retirement. That's pretty nice advertisement.

The group highlights the following among other achievements, this group receiving the earmark by the way. During 2005, 2006 the Advantage West Economic Development Group's efforts in the advanced manufacturing sector contributed to economic development announcements of 2,345 new jobs and $902.5 million in capital investments. That's a lot of money. And they do pretty well here.

The group helped increase the economic impact of tourism in western North Carolina 53 percent since 1995.

I would simply make the point, why in the world, with a group with these kinds of backers in the private sector, does the Federal taxpayer need to turn around and spend $231,000 of taxpayer dollars?

As I mentioned, there is opportunity cost when you take this money out of the hands of individual taxpayers, send it to Washington, and then let Washington decide who are the winners and who are the losers, who will receive these kinds of economic development earmarks. That's not a very efficient way to distribute money for capital investment. I am glad the sponsor of the earmark is here.

Mr. Chairman, I reserve the balance of my time.

Mr. SHULER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. SHULER. Mr. Chairman, I have great respect for the gentleman from Arizona, and I appreciate what he is doing.

No Member should ask to spend the people's money if he or she is not willing to come to the people's House and explain his or her request. That is why I'm so pleased to have this opportunity to talk about the good work that Advantage West is doing for the people of western North Carolina.

Communities that have been hit hard with plant closings and job losses have two choices: they can give up or they can look forward. The partnership between Advantage West and the Federal Government will provide local communities with the tools to make themselves "business ready."

This checklist includes broadband access, access to capital, streamlined permit systems, and cooperation with schools and universities.

This program is a great example of how the government can partner with distressed communities to offer a helping hand instead of a hand-out.

Mr. Chairman, without these types of funding and this type of work with our community, it would be nothing more than us having to give a hand-out. We're asking for a helping hand.

Advantage West has done an outstanding job of working, not only in the 11th District, but the 8th District and the 10th District of North Carolina, being able to help small businesses.

And I might add to my colleagues that 95 percent of new businesses in America today come in small businesses. Here's a situation where the corporations are helping. The community is helping. Our universities, our schools are helping to create these small businesses in our community so a husband and wife can fulfill a dream come true, that they can have the opportunity to purchase their new home and have a business that they can feel proud of and that they too could maybe pass down for generations to come.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I have great respect for the gentleman whose earmark this is. And I also have great fear. I stood in left field when he was at the plate earlier this week in the congressional baseball game, and I'm glad that I didn't have to experience anything hit out there.

But I would simply make the case again. The gentleman mentioned that small business makes up 95 percent of all business starts out there. And I would submit that 99 percent of those do it without any help from the Federal Government at all.

And when the Federal Government does put money out there, I mean, 95 percent, I don't know what percentage but an overwhelming percentage, certainly, without earmark help. But when we do this kind of earmark, we simply pick winners and losers out there. Certain sets of businesses, certain industries, certain individual businesses are helped when others are at a disadvantage because they don't receive that kind of help.

So I would simply say that we shouldn't be doing this as the Federal Government when we have such demand on our scarce budget here for other purposes. And we shouldn't be earmarking for this kind of purpose.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. I'm in opposition to the gentleman's amendment. And the gentleman continues to stay with the theme that these programs can operate without government assistance. Yet, the gentleman, on many occasions, votes, as we all do, for programs where corporate America and other parts of our economic community, of our corporate community, gets help from government in order to put forth their product, in order to put forth their growth.

What my colleague, our freshman colleague is doing, and I compliment him on that, on the fact that as a freshman Member of this House, he already has, obviously, a sense of what his community needs. And this earmark, this modest earmark that he has put in this bill is one to take back to his community and continue to help to build the kind of small business education and information centers that we need.

And so I not only rise in support of it, but I commend the fact that already, at such a short time tenure in this House, he has that full understanding, willing, incidentally, to stand up and defend an earmark, knowing that some people will criticize him for it. But he knows his community better than we do.

And that's my whole point, that there seems to be a prevailing theme that only bureaucrats and Federal agencies, who I support, know how to spend taxpayers' dollars.

Well, no, this is a fine example of a new Member of the House who has a full understanding of his district, who is willing to stand up and defend what is a good earmark. And that's what we should respect, the fact that when we look at the global situation, these Member-driven items are a small amount of dollars, Mr. Chairman, compared to the overall budget.

I mean, I don't want to continue to harp on it, but the kind of money we spend in Iraq, billions, hundreds of billions, of dollars, a lot of that, as we know, unaccounted for, special contracts that went out that we never knew a thing about. Who got rich, who didn't get rich? That's never an issue on the House floor. That's never an issue. A couple hundred thousand dollars to a good community group in North Carolina, that's an issue. Yes, it is an issue. It's a good issue. It's a positive issue. It's the way dollars should be spent.

I oppose the gentleman's amendment, and I support the gentleman's initiative.

I yield back.

The CHAIRMAN. The gentleman from North Carolina is recognized for the balance of his time.

Mr. SHULER. Mr. Chairman, I want to thank the gentleman from New York for his leadership and support through this bill and the hard work and dedication that the entire appropriations have put in this.

Once again, I do oppose this amendment. It is a very important piece of the economic structure for the people of west North Carolina. It gives them an opportunity in small business to create the economic structure that we need.

So many of our jobs, some 78 percent, of the textile industries in the State of North Carolina have been lost. We have to find other ways to create work, and I am so proud of the people of the mountains that they have that never-give-up attitude.

As always, I do appreciate the gentleman's, his hard work and his dedication. And so many times I do agree on so many of the issues, and I commend you for your efforts. Just at this time I would oppose this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 22 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act to the Small Business Administration may be used for the West Virginia University Research Corporation for renovations of a small business incubator.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funds in the bill from being used to pay for renovations to a small business incubator at West Virginia University.

Like so many of the other organizations listed in the earmark section of this bill, the purpose of this small business incubator is to promote economic development activities by supporting early stage businesses with space, facilities and support services.

The West Virginia University Small Business Incubator is over 5,000 square feet of renovated space in the Chestnut Ridge Research Building on the campus of West Virginia University.

The businesses that are tenants of the incubator program have access to the staff of professionals, trained interns and West Virginia University resources. Businesses receive guidance in the areas of accounting, advertising, graphic design, information technology, finance, corporate services, marketing, Web design and Web development.

That's a lot of advantages they have. I simply don't believe the Federal Government needs to be in the business of helping them further or funding private companies in this way. This is a form of corporate welfare that so many Members in other settings rail against over and over again.

The National Business Incubator Association is an organization that has 905 member organizations, mostly in the United States. There is certainly no reasonable argument that we should be funding all business incubators in this country. So how do we justify funding just a couple of them in this bill? How are they more deserving of the special treatment that we give them in this bill?

How should I explain to the taxpayers in my district, or other districts, that they're subsidizing business development projects in West Virginia, or any other State for that matter?

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I want to thank the gentleman for the opportunity to highlight a unique economic development opportunity in my district.

This funding would be used to renovate, as he suggested, a historic glass factory in Star City, West Virginia, just outside Morgantown. This location will serve as a business incubator for start-up artist businesses and will house the West Virginia University ceramics program and the West Virginia University Creative Arts Community Center.

To understand the importance of the project, you have to understand West Virginia. For decades, our economy has been focused on coal, timber and basic manufacturing, and those industries have suffered under unreasonable regulation, free trade agreements and unfair foreign competition.

I've worked hard and will continue to do so to keep those industries strong. But along the way, West Virginians have realized that we also need to diversify our economy to ensure a viable economic future.

Mr. Chairman, that diversification can occur in part by focusing on another sector of our rich history, our cultural history. This earmark provides that opportunity by nurturing new artists and businesses in cooperation with distinguished university programs and will develop Star City and the greater Morgantown area into a destination.

Star City has identified the arts project as an economic development model for the community. And this request responds to the importance the community has placed on redevelopment. I should also note that this Federal investment will be used to leverage funds from the State's Commission on the Arts.

Mr. Chairman, I am pleased the committee selected this project. I appreciate their consideration, and I appreciate the opportunity to speak on the floor about it.

□ 1230

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, again let me just make the point again that there are too many earmarks in this bill that are for business incubators. There are really in many cases earmark incubators. These are earmarks that beget other earmarks. Many are going to organizations that receive additional earmarks or are there for the purpose of receiving additional earmarks. This is one business incubator, and there are hundreds and hundreds of business incubators, 905 in the association. How do we choose to fund just this one? We are picking winners and losers here. We are deciding who is worthy and who is not, and I simply don't think that is fair. It is not a wise use of taxpayer dollars. This business incubator, given the other partners involved, it seems it would be fine without Federal involvement. And I think that we should test that proposition and not fund this earmark.

Mr. Chairman, I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Very briefly, Mr. Chairman, part of the argument that the gentleman from Arizona has been making in addition to the ones he has made before is how do we choose this particular program.

Well, that is where the wisdom of the local Member comes in. The Member is asked, is faced with these decisions, and that is how we make them. And, again, it seems to suggest that when grants are handed out at the Federal level, I mean, how many people apply for Federal grants? Hundreds of thousands? Millions? And only a handful get them. We don't question how those grants are handed out. We don't say necessarily that the Federal Government and that agency handed out the wrong grant. It was their decision to hand out that grant. No different, the wisdom used by the Member in his local community, her local community, to understand the needs and ask for a grant, ask for an earmark, and that is what the gentleman from West Virginia has done.

Mr. Chairman, with that in mind, I would like to yield to my colleague and classmate from New York, classmate in the State Assembly (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I want to thank my friend and colleague, the chairman of this very important subcommittee, for yielding.

I am very interested in the amendments that Mr. FLAKE is presenting and have been all of the time that he has presented them over the course of the last several years. Mr. FLAKE seems to be devoting his attention towards trying to make sure that as much of the spending in these bills as possible is not being done in a wasteful way, that it is being done appropriately. And if that is the motivation, then I think all of us would certainly appreciate that motivation. But the effects of the amendments, I think, are questionable.

First of all, basically, under our Constitution and the provision of law, it is quite clear that every Member of this House has a fundamental responsibility, first of all, to represent the people in their congressional district. And most of these earmarks, probably all of them now under the Democratic leadership, which is much more open, are designed to do precisely that, make sure that these budgets address at least to some small degree the needs in each of those congressional districts.

But if Mr. FLAKE and others on the other side of the aisle are truly interested in trying to regulate spending and make sure that it is done properly, I would ask them to focus their attention on other things that really need to be looked at.

For example, this administration is still spending something in the neighborhood of $8 billion a month in Iraq. We have spent now almost half a trillion dollars there on that illegal, elicit war and continuing disastrous occupation. None of these amendments are focused on that.

Let me just mention a new report by the House Committee on Oversight and Government Reform, which concludes, among other things, that the Bush administration has put forth a shadow government of private companies working under Federal contracts that have exploded in size. Between the year 2000 and 2005, while the Republicans controlled both Houses of the Congress here, procurement spending increased by more than $175 billion, making Federal contracts the fastest-growing part of the Federal discretionary spending. These huge government contracts are done at the expense of the taxpayers. And in this report, it is made clear that Federal spending by one particular corporation, Halliburton, which, of course, we know is directly connected to Vice President CHENEY, Federal spending to Halliburton increased more than 600 percent between 2000 and 2005.

Now, why aren't our friend on the other side of the aisle focusing their attention on this? We are. We are paying attention to it. We are trying to change the course of this government.

The Government Accountability Office recently found that the government has wasted at least $2.7 billion on Halliburton contracts which were overpriced contracts or had within them undocumented costs. $2.7 billion.

So while we are wasting all of this time on these little so-called earmarks where Members of the Congress are trying to do their job for the people they represent, people like Mr. FLAKE are ignoring things like $2.7 billion in overpayments and undocumented costs to companies like Halliburton. A record level of nearly 40 cents of every discretionary Federal dollar now goes to these private contractors.

Mr. Chairman, it is obvious we need a new concentration of attention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. DEFAZIO:

At the end of the bill (before the short title), add the following new title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available by this Act may be used by the Selective Service System to prepare for, plan, or execute the Area Office Mobilization Prototype Exercise.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, just to kind of give the gentleman good news and make him feel good, we are ready to accept his amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman, and I will be brief, given the generosity of the chairman.

This amendment would prohibit the Selective Service from conducting a full-blown nationwide exercise of a mock draft. This House just voted less than 2 years ago, 404–2, against reinstitution of the draft. There is no scenario under which the Pentagon, the White House, or this Congress believes we are going to return to a draft. These funds would be wasted with this exercise.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, we are also prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act to the Small Business Administration may be used for the Abraham Lincoln National Airport Commission.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this amendment would prohibit funds from being used for the Abraham Lincoln National Airport Commission in Illinois.

The committee report says that this earmark is providing $231,000 for this local project. According to the committee report in the letter requesting the earmark, the earmark has been requested by Congressman JACKSON of Illinois for the purpose of "minority and small business development and procurement opportunities."

According to the Web site for this organization, the organization was established by Congressman JACKSON, and the executive director currently is a gentleman by the name of Richard Bryant. Richard Bryant is apparently on the staff of Congressman JACKSON and is his deputy district administrator, according to records. Mr. Bryant has stated this week that he is not paid in his position as executive director of the airport commission and that he is there because of efforts to build a third airport in the Chicago area that is strongly supported by Congressman JACKSON. He also said that the money from the earmark would be used to study ways to make sure that local workers and minorities are hired when and if a new airport is actually built.

Also, Mr. Chairman, according to Mr. JACKSON's Web site, this organization exists to try to promote a third airport in the Chicago area and that last year many of its activities were related to advertising on behalf of that airport. To quote directly from the Web site, and this is from an article published in April of 2006: "Last month the commission called on the south suburbs to donate a total of $250,000 towards the advertising campaign scheduled to begin June 1." It goes on to say that about $40,000 is budgeted for billboards. The remaining funds would pay for direct mailings to voters in the region and radio commercials and for yard signs closer to election day.

So it would appear that the activities at least last year of this commission were related to trying to drum up support or actually lobbying on behalf of, or certainly advocating on behalf of, getting public support and, I presume, elected representative support for this airport.

I would also like to point out that there is a press release from Congressman JACKSON dated November 16, 2006, in which he says: "So even with the change of leadership in Congress, I won't pursue Federal funds for the Abraham Lincoln National Airport. Chicago's share of Federal dollars are already committed to O'Hare modernization."

Mr. Chairman, I would like to suggest that this earmark does not appear appropriate; that a Member of Congress directs money to an organization they set up, run by someone who is an employee of the office of that Congressman, and whose purpose appears to be to advocate on behalf of an airport that does not currently exist. If the airport does currently exist or whatever, also, it appears to be in contradiction to the Congressman's own statement as of November of 2006 that he would not pursue Federal funds for this airport in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. JACKSON of Illinois. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, I understand I have the right to close, and I am the only speaker. So I reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I fully understand the gentleman's desire to close, and I am happy to do that. But I believe that he should at least state some of the reasons that he believes this earmark is justified so I can at least have the opportunity to rebut those before he closes. But I am perfectly willing to allow him to have the last word.

I suppose I will anticipate, perhaps, what the gentleman is going to say. I understand that the gentleman from Illinois may suggest that the Ethics Committee has approved that his district employee be the executive director of this commission, and I would take him at his word and assume that is the case.

I don't think that is the issue here. We are talking about over $200,000 of taxpayers' funds here, and I think the question at issue is whether or not that is an appropriate use of Federal funds and what these Federal funds are going to be used for. If he is suggesting, as some of these reports indicated, that these are going to be spent on minority and business development procurement opportunities for an airport that doesn't yet exist, my question would be how can you have hiring or whatever opportunities for an airport that doesn't exist yet and won't exist even if it were approved today for some number of years?

☐ 1245

Is the gentleman willing to say that there will be no further advertising, no further lobbying, no further expenditures of that sort?

The CHAIRMAN. The gentleman's time has expired.

At this time the gentleman from Illinois is recognized for 5 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, let me thank the gentleman from California for offering his amendment and thus for the opportunity to defend an important project to the people of the State of Illinois and the Nation.

While the gentleman has served two terms in Congress, he has inadvertently entered in a three-decade-old conversation about expanding aviation capacity in Illinois. And his amendment profoundly impacts 12 years of my work in this body.

In fact, the development of a new airport to service the Chicago metropolitan area was first advanced by a well-respected Republican governor, Governor Jim Edgar.

Nationally, aviation is growing at roughly 4 percent, but in the Chicago region it's growing at only 2 percent. Because of capacity constraints at our existing facilities, Midway's runways are too short and O'Hare Airport reached operational capacity 10 years ago and is subject to annual review of capping the number of operations at this facility.

ALNAC is a local airport commission constituted under Illinois State law and comprised of 21 home-rule municipalities in Cook, Will and Kankakee Counties.

ALNAC has created an innovative public-private partnership to design, finance, build and operate a new commercial airport for the Chicago region located near University Park, Illinois.

ALNAC is a legitimate airport commission. In fact, the Governor of the State of Illinois in his State of the State address said specifically, "Congressman Jackson's plan to build the Abraham Lincoln National Airport at Peotone will not compete with O'Hare for needed Federal dollars, meaning the Airport Improvement Program, not small business or financial services problems, but the Airport Improvement Program construction funds.

His plan to use private investment is both a welcomed and innovative way to build an airport. I strongly support it, and I hope you do too."

The Illinois Department of Transportation said that "ALNAC is a local airport authority that was formed through an intergovernmental agreement between its constituent members comprised of 32 Illinois municipalities located in the Chicago region."

The Illinois Department of Transportation says that "ALNAC and its provide partners submitted a comprehensive layout plan to the FAA and to IDOT in July of 2004."

To give you some of the specific examples of the airport layout plan that we submitted to the Federal Aviation Administration that are presently before the FAA for review are under consideration as we await soon a record of decision.

And lastly, the Illinois Attorney General, in her most recent opinion, said that "ALNAC is a legitimate airport commission that only waits for the governor to lease its land to the State of Illinois or to the commission for the purposes of constructing an airport."

This grant allows ALNAC to partner with local universities and/or small business development centers to conduct a study on how the region can maximize job creation and retention and ensure minority participation for local residents during all phases of the airport project. Specifically, the study will produce recommendations and guidelines and benchmarks to do the following: assure maximum participation for local female, disadvantaged and minority businesses in airport construction and financing operations; identify regional job training needs and relevant job training programs; develop, grow and improve local small business opportunities. Support all aspects of entrepreneurial activities and monitor progress.

The gentleman might ask the question, why now? Many communities in the region have 60 people for every one job. Ford Heights, Illinois, according to

Money magazine, is "one of the poorest communities in America" and it abuts the airport, and they deserve to participate in the economic boom that this project will bring.

The Illinois Department of Transportation is in the process of submitting ALNAC's layout plan to the FAA for final approval. IDOT has said that a record of decision could come as quickly as 6 months. If that's true, now is the time to begin planning for local participation in the financing and the construction of this airport.

ALNAC's airport plan, Mr. Chairman, also known as the "Jackson Plan," has been repeatedly endorsed by every major newspaper in Chicago, including the Chicago Tribune, the Chicago Sun Times, the Chicago Daily Defender, the Chicago Daily Southtown. Every major newspaper in the Chicago region, through our very transparent process at the local level, fully appreciates the extent to which for the last 12 years we have invested our time in helping solve the Nation's aviation capacity crisis problem by building a third regional airport.

A 30-year conversation and a 12-year conversation for which I have almost been solely responsible for leading here in the Congress of the United States. In fact, I've been called a one-issue guy in the 12 years that I've been in Congress, and it's focused around this issue.

I strongly oppose the gentleman's amendment. I thank the chairman for his consideration of this earmark. I would strongly encourage Members to vote "yes" on this amendment.

[From the Chicago Sun-Times]

NO NEED FOR GREED

Since Rep. Jerry Weller (R-Ill.) is mum about his reasons for tacking to a defense appropriations bill an amendment that would give Will County officials a majority stake in running an airport at Peotone and controlling airport contracts, we can only go along with Rep. Jesse Jackson Jr.'s view that the move is designed to scare off private investors.

If that's indeed the case, then shame on Weller.

It's bad enough to be a Johnny-come-lately, but to act as saboteur on a project that could benefit the entire region is simply out of line. When few politicians gave Jackson much of a chance to succeed, he staked his career on building a third airport, even forging partnerships across party lines and finding entrepreneurs willing to do the project.

According to Jackson, Will County officials have already been offered five of the nine seats on the commission that would oversee every phase of the airport's development and operation. So what's the problem?

Rather than reach a compromise, Weller appears to be turning to political games to give Will County officials something—exactly what hasn't yet been disclosed. But any proposal that would undermine the work done thus far toward building a third airport should be viewed with a great deal of suspicion.

[From the Chicago Defender, Apr. 15, 2004]

CONGRESSMAN JACKSON'S AIRPORT PLAN IS FAR SUPERIOR TO WILL COUNTY'S

On April 12 the Will County airport authority floated its plan for building a South Suburban airport.

Eyeing the vast economic benefits and potential profits for businesses near a new facility in its area, Will County leaders made it clear why they want to get into the airport business.

Yet a facility to be located at Peotone is a far better idea. It's based on a superior plan, and it would bring 1,000 construction jobs to south Chicagoland by 2006. As envisioned by Congressman Jesse Jackson, Jr. (D 2nd), thousands of permanent new jobs would be created after construction if his airport plan were adopted.

It foresees the first scheduled takeoff for a day early in 2009. Based on a Federal Aviation Administration formula that factors in an airport's size and the number of its airport gates, 15,000 permanent jobs would result from Jackson's proposal.

And they would be good, high-paying jobs in industries such as hotels, restaurants, business supply centers an fuel companies.

Tuesday Jackson published an analysis of the differences between proposals for a Will County airport and his South Suburban airport concept. The comparisons are persuasive in favor of his South Suburban Airport Commission plan.

The Will County authority published no financial plan for investment in an airport. Instead, it would rely on financing from federal and state sources, both of which are experiencing severe budget problems. Beyond those unlikely sources of case, Will County officials are hopeful the airlines themselves, most of which are cash strapped, in bankruptcy, or both, would pay part of the costs.

Most objective observers believe that such wishful thinking will end in a simple result: the Will County plan nearly assures its airport will not get built. For one reason, it would compete with O'Hare and Midway airports for federal dollars, a precarious and probably quixotic endeavor, given Mayor Richard Daley's long reach toward Washington money.

Jackson's plan is realistic and sound. It calls for financing by private developers. The Congressman, a plain-talking man, made it plain: "Our plan is wholly financed by private developers, at no cost and at no risk to local taxpayers, federal or state governments, or the airlines."

Two development companies are signed on. They are companies that have built, financed and operated airports in places like New York, Paris and Vancouver. Jackson says they will use the same models they used in those successful airports at the Abraham Lincoln National Airport that his plan calls for at Peotone.

Abraham Lincoln National Airport?

The congressman has formally petitioned the F.A.A. for permission to use that as its name. His plan calls for dedication of the facility in 2009, the bicentennial of Lincoln's birth.

Jackson says the issue of shared governance with Will County leaders remains negotiable.

But, he says, "Our plan is far better than Will County's. The concept of a self-financing, public-private partnership that shares revenues with surrounding communities in South Cook, Will and Kankakee counties, and that opens by 2009, is a great one. That is not negotiable."

We concur with his approach and ask that a house now divided embrace it, for the good of the entire south Chicagoland area.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. EMANUEL

Mr. EMANUEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EMANUEL:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for any of the following:

(1) The care, operation, refurnishing, or improvement of the official residence of the Vice President.

(2) Any expenses of the Vice President, including the hire of passenger motor vehicles, official entertainment expenses, and services described in section 3109 of title 5, United States Code, and section 106 of title 3, United States Code.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Illinois (Mr. EMANUEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. EMANUEL. Mr. Chairman, I yield myself as much time as I may consume.

I offer a simple amendment that bars the executive branch from being used to fund the office that does not exist in the executive branch, the Office of the Vice President.

Last week, we all received a tutorial in U.S. Government history from the Vice President's office. Apparently his office is not an entity within the executive branch.

There have been 46 Vice Presidents in U.S. history, and not one of them knew this or ever claimed this position. Perhaps the Vice President thought he occupied an undisclosed fourth branch of government.

His claim flies in the face of the Constitution and was offered in an attempt to avoid following the rules governing the treatment of classified information and documents. This claim was particularly ironic this week, given the four-part series the Washington Post ran about the Vice President's role in this administration. And rather than claim that he wasn't part of the executive branch, it sounds like, from reading those stories, he is the executive branch.

Yesterday, the Vice President was forced to admit what even an eighth grade student knew, there is no "Cheney branch" of government.

While the Vice President's excuses may change, his desire to ignore the rule remains just as strong as ever. The Vice President is unwilling to risk that the documents detailing the flawed intelligence and faulty assumptions that led us into the war in Iraq. He has been held unaccountable for 6 years, and now he wants to be unaccountable in the historical record.

Whatever his reasons, this penchant for secrecy is not new. Shortly taking office, the Vice President, in meeting with oil and gas executives and not wanting to turn over that information, claimed he was part of the executive branch.

After the Vice President excluded himself from the executive branch, my amendment follows up on the Vice President's assertion and restricts the executive branch funding for the Vice President's office. It leaves intact his Senate presidency office. It delivers two messages. If the Vice President is not in the executive branch, then there is no executive branch office to fund. And perhaps more importantly, it underscores that the Vice President is not above the law and cannot ignore the rules. The law should follow him, whatever branch of government he chooses to hang his hat in.

Mr. Chairman, we have a duty to ensure that no individual in our government, no matter how powerful, is allowed to ignore the rules. And when the Vice President is avoiding accountability, it is the Congress' responsibility to demand that accountability.

The Vice President must know that no matter what branch of government he may consider himself part of on any given day or week, he is not above the law.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman and Members of this body, I am sure that the sponsor thinks he is going to improve the operations of the government, but I think this is probably offered for political purposes.

We cannot deal with the constitutional responsibilities in this bill, and the Vice President does have constitutional responsibilities as President of the Senate. The Senate Legislative Branch appropriations bill provides funding for his salary and legislative operating expenses. In fiscal year 2008, his requests equal $2.3 million.

I think it's important that I take time to oppose this amendment because it is setting a bad precedent. I think the sponsor must be making an assumption that they will never have a Vice President, because you are setting a precedent here that might come back to haunt you at some time in the future.

The Vice President's office also receives $4.8 million to fund the executive branch duties of the Vice President and pay for his residence. We decided that, for security reasons, the Vice President needs to have a residence. There was a time that that was not the case. And I don't think that because some Members may not like the current Vice President, or any future Vice President, doesn't mean Congress should use its power of the purse to eliminate funding for the office. That is not how the Founding Fathers envisioned the separation of powers operating.

Eliminating funding to maintain the Vice President's residence and the 25 Federal employees funded by this object is irresponsible. I think it is disrespectful of the Constitution and the Office of the Vice President. Whether we agree or not, the Vice President's office serves an important executive and legislative function.

And let me just say again to my colleagues, this sets a very bad precedent. Where do we stop if we determine that we're going to, by using the power of the purse, pass judgment on the policies of people that serve in government?

It's a political activity. It's a political attempt to embarrass the Vice President. I would hope my colleagues reject this.

Just remember, you may have a Vice President, too. And once you set a precedent, I'm not sure that you would want that to be part of your legacy.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman yield back his time? The gentleman had moved to strike the last word.

Mr. REGULA. I do claim the time in opposition to this amendment.

The CHAIRMAN. The gentleman is permitted to strike the last word and to claim time in opposition.

The gentleman is recognized for 5 minutes.

Mr. REGULA. And I reserve my time. Just let me say again, this is a bad, bad precedent. And it's an example, you better be careful what you wish for, because you may decide that it's not something you want to happen.

Mr. EMANUEL. I would like to say that it's true, there is an important constitutional precedent here, and that's why the Vice President should never have claimed that he wasn't part of the executive branch, something any eighth grader knows.

Mr. Chairman, I yield 30 seconds to my colleague from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman.

Responding to the gentleman's suggestion that we not do this because we may have a vice president one day, we may have a vice president one day, but that vice president will admit to being vice president. The current Vice President refuses to admit that he is Vice President.

□ 1300

Now, we have heard in Washington flimflam and rope-a-dopes and evasions and half truths. This one takes the cake. This turns the theory of plausible deniability into undeniable irrationality. The Vice President is part of the executive branch. If he is going to state that he is not part of the executive branch, he should act accordingly.

Mr. EMANUEL. Mr. Chairman, I yield 45 seconds to my colleague, the gentleman from Massachusetts (Mr. FRANK), the chairman of the Financial Services Committee.

Mr. FRANK of Massachusetts. The Vice President has violated a number of rules, maxims, constitutional provisions; but he has clearly violated one that I would have thought him wise enough and old enough to understand. No matter how difficult the situation in which your own misactions have put you, and no matter what kind of a corner you have gotten yourself into, try to avoid saying something that no one will believe.

When the Vice President offered his justification for his refusal to follow the fundamental principle of openness, he made a statement that no one would believe. Apparently, in this case, even he didn't believe him, which was a new reach for him. He is now trying to take it back.

The gentleman from Ohio said to be careful what you wish for. Well, here is what I wish for, I would say to my friend from Ohio: a Vice President of the United States who will follow the law, who will not show contempt for the norms of a democracy.

Mr. EMANUEL. Mr. Chairman, I yield my remaining time to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of Representative EMANUEL's amendment to allocate only the budget of the Senate president to Mr. CHENEY. We have known for the Vice President to go to undisclosed locations, but never to an undisclosed branch of government. I turned to my Constitution for some help. It looks to me like article II does include the Vice President in the executive.

The Senate itself seems confused, having subpoenaed Vice President CHENEY yesterday for records on the administration's spying program. The other body doesn't seem to appear to embrace Vice President CHENEY as one of its own. The Vice President can't have it both ways. This amendment helps him sort it out. We will defund his executive office, leaving him with a vastly reduced budget but giving him what he wants, at least on some undisclosed days.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, very briefly, this is a very interesting and important issue that the gentleman has brought up. I am just thinking, as I had prepared this bill, and sent it over to the executive for a signature, maybe I should declare myself as part of the executive for that period of time and get all the Secret Service protection and all that goes with it. If we start doing that, we could get to a big problem. He brings up an interesting point. It has to be dealt with. The Vice President has to decide if he is part of the Senate or is he a part of the executive branch. We can deal with it later once he tells us what he wants to do.

I yield to the gentleman from New Jersey.

Mr. ANDREWS. I thank the chairman for yielding.

Mr. Chairman, I support my friend from Illinois' amendment. Everybody, everybody, in our system is accountable. It doesn't matter what you call yourself. It doesn't matter how you define yourself. When it was convenient for him to avoid scrutiny over the energy bill, the Vice President in 2002 said he was a part of the executive branch and preserved by that privilege. When it was inconvenient for the Vice President to comply with everybody else's requirements regarding classified information in 2005 and 2006, he said he was not part of the executive branch, he was part of the legislative branch.

Under our Constitution, what you call yourself does not define your responsibility. What the Constitution says is your responsibility is your responsibility, even if you are Vice President of the United States.

Mr. SERRANO. Reclaiming my time, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman very much for yielding. I thank the Chair of the Democratic Caucus, Mr. EMANUEL, for his amendment, upon which I decided not to offer my amendment on this issue.

Let me explain why I believe that the American people understand that no one is above the law: secret energy task force; secret wiretapping of Americans in violation of the FISA Act; a clandestine campaign to gut critical environmental protections; and new rules developed in secret governing the treatment of foreign terror suspects held by the United States.

The Vice President said he is part of the legislative branch. That means we can expel him. But in this instance, I believe we must say to the American people, he is not above the law.

This is a nonfunding of the Vice President's residence on the basis of his declaration that he is not part of the executive. I think this is an appropriate vehicle. I think we must say to the American people that not one of us, not one legislator, not one executive person, none of us is above the law. I wholeheartedly support this amendment.

I am proud to join as a cosponsor with my good friend, the gentleman from Illinois, Mr. EMANUEL, in sponsoring this amendment to H.R. 2829, the Financial Services and General Government Appropriations Act of 2008. I also rise to commend Chairman SERRANO and Ranking Member REGULA for their leadership in shepherding this bill through the legislative process. I declined to offer the amendment that I filed so unity could be exhibited under one premise—no one is above the law—including the Vice President.

Among other things, this legislation provides funding for the Supreme Court and the Federal judiciary, the District of Columbia Government; and several independent agencies such as the Federal Trade Commission. The bill also funds the Executive Office of the President and other executive branch agencies, including the Treasury Department and the Internal Revenue Service.

While most Americans do not know that this legislation also provides funding to operate the official residence of the Vice President, they do know that the Vice President is a member of the Executive Branch of the Federal Government. This fact apparently is news to the current occupant of the office, Vice President CHENEY, who it has been reported resisted compliance with an executive order issued by President Bush in 2003 regarding the handling of classified information on the ground that the Vice President and his office is not a unit of the executive branch.

Mr. Chairman, if it were not so serious and not part of a long pattern of disturbing conduct, the Vice President's claim would be merely laughable and his weak grasp of the facts might even be charming.

But this Vice President has a long, disturbing, and disastrous record of asserting as fact things that he plainly knows to be untrue.

This is the same Vice President who said this about the war in Iraq: "I think it will go relatively quickly . . . [in] weeks rather than months." In the run-up to the war, this same Vice President went on national television and confidently assured the nation that there was a connection between 911 and Saddam Hussein's Iraq.

Vice President CHENEY proclaimed in March 2002 that Saddam Hussein's Iraq possessed "biological and chemical weapons," and confidently assured the nation less than a week before the launch of the Iraq War that, yes indeed, "we believe [Iraq] has, in fact, reconstituted nuclear weapons." In each instance, the Vice President was proven wrong by the facts.

With his preposterous claim not to be a member of the executive branch, history is repeating. But as the saying goes: "History repeats; the first time as tragedy, the second time as farce."

Indeed, perhaps the only person in the whole history of the United States who has been more wrong more often about more things of great consequence than the Vice President is the current President, who after all, is the nation's Chief Executive and Commander in Chief of the Armed Forces.

Let us set the record straight and get our facts right.

The Vice President is a creature of the Executive Branch of the Federal Government as Article II, section 1 of the Constitution makes clear. The Vice President is not a "member" of the Legislative Branch because membership in that branch is governed by the first clause in sections 2 and 3 of Article I. No member of Congress is elected to serve a four-year term as is the Vice President. And no member of Congress is provided an official residence as is the Vice President and the President.

A member of the Federal legislature can be involuntarily removed from office if his or her colleagues, by a ⅔ margin, vote to expel. The Vice President can be involuntarily removed from office after impeachment by the House and conviction in the Senate.

Mr. Chairman, the Vice President is extremely intelligent and no doubt knew his claim to be a member of the legislative branch was and is specious. The claim was simply a dodge to evade accountability and compliance with the requirements of the law. We have been down this road before: Secret Energy Task Force, secret wiretapping of Americans in violation of the FISA Act, clandestine campaign to gut critical environmental protections, new rules developed in secret governing the treatment of foreign terrorism suspects held by the United States.

Mr. Chairman, I am proud to have spent the majority of my time in Congress protecting and defending the separation of powers that is the hallmark of our democracy. I have consistently opposed this Administration's abuse of executive powers and prerogatives. That is why I introduced H.R. 264, the Congressional Lawmaking Authority Protection Act, challenging the president's misuse of bill signing statements.

Similarly, I introduced the Military Success in Iraq Act (MSIA or "Messiah") to deliver American troops from Iraq by terminating the authorization to use military force and requiring a new vote to continue offensive military operations in Iraq. A third example of my resistance to this Administration misuse and abuse of authority is H.R. 267, the Military Commissions Habeas Corpus Restoration Act of 2007, which I introduced to repeal the restriction on the jurisdiction of courts, justices, and judges to hear or consider applications for writs of habeas corpus filed by or on behalf of certain aliens detained by the United States.

Mr. Chairman, no person is above the law and certainly not Vice President CHENEY. That is why I joined with Congressman EMANUEL to resist his latest attempt to avoid accountability and evade responsibility.

The intent of the amendment is straightforward: To limit the availability of funds for the Office of the Vice President only to Vice Presidents who are members of the executive branch of the Federal Government and subject to the executive authority of the President of the United States. The appropriated funds are not available to members of the legislative branch. A person is a member of the legislative branch only if they are so qualified by virtue of compliance with Article I, section 2, clause 1 or Article I, section 3, clause 1. Acting as President over the Senate is not sufficient to make one a "member" of the Senate, and thus a member of the legislative branch.

Although our amendment will save the taxpayers $4.752 million from being used by the Vice President, it does not restrict funding for the Vice President's secret service protection and does not affect the funds CHENEY would receive as President of the Senate. The Senate version of the FY08 Legislative Branch Appropriations Bill provides the President of the Senate with $2.3 million.

Mr. Chairman, if the Vice President does not think he is a member of the executive branch there is no reason he should impose upon the taxpayers to fund the perquisites of his office. Democrats were entrusted by the voters with the majority to restore fiscal responsibility, oversight, and accountability to government. The new majority is committed to ensuring that government operates in an open, transparent, accountable and fair manner.

For all these reasons, Mr. Chairman, I urge adoption of the amendment. Let me again thank Chairman SERRANO and Ranking Member REGULA for their courtesies, consideration, and very fine work in putting together this excellent legislation.

Mr. SERRANO. Mr. Chairman, now that the gentleman from New Jersey has shot down any chance of me being part of the executive branch, reminding me that the Constitution doesn't allow it, I will just keep quiet on that and yield to the gentleman from Illinois (Mr. EMANUEL), our caucus chairman.

Mr. EMANUEL. Mr. Chairman, I want to make two closing points really quickly to my colleague from Ohio, if I can: one is I don't come to this amendment lightly. The Vice President's unprecedented act of declaring that he was not in the executive branch is the reason I submitted this.

To the second point, you had said, we may have a Vice President. Having worked in the executive branch, Vice President CHENEY is the Vice President of all of us. He is not yours. He is all of ours. That is why all of us were outraged by the position that he took that he was not part of the executive branch so he can avoid accountability. He is the Vice President of all of us. We ask him to abide by the law, to understand that when there is a rule in place that he is accountable and responsible to that, both for the historical purposes and when it relates to national security matters. That is why all of us were outraged when he made the decision to keep his meetings with oil executives secret.

At every step of the way, he has chosen secrecy over sunshine; obstruction over accountability. We would ask seriously that the Vice President operate with that seriousness.

We didn't come to this lightly. He took an unprecedented step. It is not one we would have done gingerly, messing with his office. But I want to remind everyone here, the reason we are speaking up is because he is our Vice President. We would like him to act accordingly, in the office that he has and the responsibilities that come with the office.

Mr. SERRANO. Mr. Chairman, in closing, the gentleman is correct. This is a very serious matter. This administration, this Vice President, whether on torture, whether on prisons, whether on their behavior in spying on Americans, has told us over and over that they are above the Constitution. What this says is that they are not above the Constitution. No one is. The Vice President certainly is not.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Number one, of course, you are going to abolish the residence. I assume you are going to get a Katrina trailer to provide for the Vice President, since we historically have provided housing and you don't offer any substitute for the existing residence. So I would think you would want to give that some thought.

Secondly, we have elections. This is not the place to establish an amendment to the Constitution or to define what you may or may not like about the operation of the Vice President's office.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished whip.

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Chairman, the Vice President is a talented man. He is a former Member of this body, a former whip of this body. I would like to think that any former whip of the body or current whip could confuse people as much as the Vice President appears to be able to do.

Certainly my good friend from Illinois is a smart man. He knows what branch of government the Vice President is a part of. There are only three, after all. We know he is not part of the judiciary. We know he is not part of the legislative. So he must be part of the branch that is funded in the bill.

This amendment may be lots of things, but it is not a serious amendment about really defunding the Vice President's office. It is an amendment about something other than that, and we know it. It has nothing really to do with moving this issue forward. There will be some discussion as the day goes on today about whether or not an amendment on our side was really an important part of the debate on the bill.

This amendment is an amendment in search of a press release. In fact, let me take that back. This amendment is an amendment that is following a press release. We have already had the press release. We have already had the comments to the press about how we take advantage of a moment about who has access to what records. We all know that defunding the Vice President's office is not the way to do that.

□ 1315

I was glad to hear my friend from Illinois say in his concluding remarks, or what I believe would have been his concluding remarks, I may find that was not right, is we understand the Vice President of the United States is our Vice President, we understand that his office is funded under this bill, and we understand that is the work that needs to be done by the Congress. We know what branch of government he belongs to. No matter how confusing that may seem, there are only three. We know which one he is part of.

Mr. EMANUEL. Mr. Chairman will the gentleman yield for a short question for the whip?

Mr. REGULA. I yield to the gentleman from Illinois to ask a short question of the whip.

Mr. EMANUEL. Mr. Chairman, question number one to the minority whip, I would say to you that, of course, there are three branches of government. I don't think anybody in room or in the Chamber needs that explanation. It is the Vice President's lawyer that needs that explanation.

Second, you do believe if he is in the Vice President's office, he should observe all the laws and regulations that come with that as it relates to the responsibility of that office.

Mr. BLUNT. Mr. Chairman, if the gentleman from Ohio will yield, based on the gentleman's time on the topic we are discussing, my personal view is that the Vice President and the President are bound by the same standards. But that is only my personal view. And, after all, we are not the judicial branch of government. Which branch of government would we be? The legislative branch. We know where the Vice President's office is. We know what branch he belongs to.

Mr. REGULA. Mr. Chairman, reclaiming my time, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I thank the gentleman.

Mr. Chairman, this is not a debate, not a legitimate debate, about whether or not the Vice President is in one branch or the other. After all, he presides over the U.S. Senate. So if we did not decide to put the funding into this particular appropriations bill, we would have to put it in the other.

This is a raw grab for power to defund an essential constitutional office, and it is wrong. And if it even comes close to passing, if it is not on a bipartisan basis defeated, the gentleman from Illinois will, in fact, have undercut the very underpinnings of the Constitution.

This is an important vote. It is an important vote because how dare we, how dare we use a maneuver like this, to try to stifle any constitutional officer, including our own.

I am ashamed to belong to a branch that would even consider this, and I am ashamed that the gentleman would do such a thing.

Mr. CLAY. Mr. Chairman, as chairman of the Oversight Subcommittee on Information Policy, Census, and National Archives, I rise in strong support of the amendment offered by my colleague from Illinois, Mr. EMANUEL.

In light of recent events, in which various Executive Branch officials, including the Vice President's former Chief of Staff, I. Lewis "Scooter" Libby, have acted with reckless disregard for the protection of classified information, I applaud Mr. EMANUEL's leadership in introducing this amendment.

This amendment would eliminate funding for the Office of the Vice President in light of the Vice President's refusal to comply with Executive Order 12958.

Executive Order 12958, as amended by President Bush in March 2003, requires the Information Security Oversight Office, ISOO, within the National Archives and Records Administration to establish a uniform system to protect classified national security information throughout the Executive Branch.

In 2004, the Office of the Vice President refused to submit to an on-site inspection. In doing so, it made the astonishing claim that it was not an Executive Branch entity and therefore not covered by the Executive Order.

The director of the ISOO wrote the Vice President's office to contest the claim and also asked the Department of Justice to evaluate the Vice President's argument. The Vice President and the Justice Department repeatedly ignored these communications. Moreover, we learned this week that the Vice President's staff has proposed amending the Executive Order to eliminate the ISOO.

Congress should not tolerate this effort by the Vice President to exempt his office from oversight and retaliate against the agency charged with maintaining our Nation's most sensitive secrets.

The Vice President is making a mockery of the law and our system of checks and balances.

If the Office of the Vice President insists upon defining itself as not being an Executive Branch entity, then clearly it should not be funded like one.

I urge my colleagues to support this amendment.

Mr. RUPPERSBERGER. Mr. Chairman, I'd like to address this important issue—accountability.

All of us in government service have an obligation to be accountable for our actions and we all take an oath to follow the laws of this country.

Unfortunately, it appears the Vice President believes he should be held to some different standard that applies only to him.

The news that the Vice President as advanced a legal argument that he is not a part of the executive branch and not a part of the legislative branch but has some special status which means he does not have to comply with Executive Orders or the law in safeguarding classified material is nothing less than shocking.

As a member of the House Intelligence Committee I can report to my colleagues that if we stand by and allow the Office of the Vice President to exempt itself from the same rules that apply to any employee in our intelligence services, we will deal a serious blow to the morale of these patriotic Americans defending our country.

I will therefore support every measure in this Financial Services Subcommittee bill, at every step in the process as it becomes law to compel the Vice President to follow the law of the land.

The Vice President should be leading by example. He should be setting the highest standards of conduct and accountability.

Ms. KILPATRICK. Mr. Chairman, I rise today in strong support of the FY08 House Appropriations Financial Services Subcommittee bill. As you know, this will be the first of the 11 bills that the House Appropriations Committee have considered that will have all of its earmarks in it as it first comes to the floor; and one in which all of its earmarks are publicly disclosed. We have ushered in a new era in Congress, and it is an era of which I am proud.

I have attended all of the hearings the subcommittee has had this Congress, and have enjoyed my work not only with Chairman JOSÉ SERRANO, but with his staff of Dale Oak, Bob Bonner, Frank Carrillo, Karyn Kendall, and Deborah Bilek. We have had to make many difficult decisions. But I am proud to say that we have been able to make some major accomplishments. Among them include: CDFI/Bank Enterprise Fund—$54,000,000.

Along with Chairman SERRANO, we were able to get an increase for funding for both the Community Development Financial Institutions Fund, CDFI, and the Bank Enterprise Fund. Both of these programs are of vital importance to our Nation's urban areas, and help improve access to a wider array of financial services in distressed communities. Fourteen million dollars of this fund is to go to the Bank Enterprise Fund.

II. SBA MICROLOAN PROGRAM AND MICROLOAN TECHNICAL SUPPORT—$17,000,000

Small businesses are the engine that drives the American economy. This supports funding of the Small Business Administration's Microloan program and technical support for the microloan program of the SBA. The microloan program will receive a total of $17 million ($2.5 million for loan subsidies and $14.5 million for technical assistance). The President's budget proposed to terminate technical assistance and to provide no subsidy for microloans.

I am also pleased that we were able to get report language that emphasizes and enhances the role of the Federal Communications Commission toward ensuring that all ethnic minorities, senior citizens and the disabled will not have blank television sets when the whole country goes from an analog signal to totally digital signals on February 17, 2009. Also, we were able to ensure that the Department of the Treasury step up their enforcement of companies that use predatory mortgages and loans on senior citizens, ethnic minorities, and the disabled. Not only do we have language in the report that emphasizes this need, we provide these agencies with the funding they need to do what America needs done.

Finally, I want to discuss one area of particular interest to me. The bill, under its section regulating the District of Columbia, has a cap on what attorneys can bill for families of disabled children who need assistance under the Individuals with Disabilities Education Act or IDEA. No where else in our country is this the case. This is a shame. During subcommittee and full committee consideration of the bill, I wanted to offer an amendment to remove this section. However, my staff and I have been working with Mayor Adrian Fenty, and will not advocate the removal of the provision this fiscal year. Mayor Fenty agrees with me that this provision should be removed; by the next fiscal year, language that does the least amount of harm to the citizens of the District of Columbia and which enhances the quality of life for all disabled children and their families should be completed. I ask unanimous consent to insert as part of the CONGRESSIONAL RECORD a letter dated June 26, 2007 that I received from Mayor Fenty addressing this problem, which will follow my remarks.

I would like to say one word about earmarks. What has been missed in this debate is the fact that in this bill, like most of the bills that have come to the floor with earmarks, a good number of these earmarks are earmarks requested by the President. This bill contains $1.3 billion worth of earmarks specifically requested by the President for a wide variety of projects throughout the nation, mainly for projects by the General Services Administration. It seems to me to be hypocritical for the minority to have so much energy to criticize the earmarks of other Members of Congress, especially those of us in the Majority, while offering not even a hint of outrage at the earmarks offered by the President.

This subcommittee covers over 700 individual agencies. We have so much authority, the Chairman has to give us cards with what it is over which we have jurisdiction. It is my desire that we can keep all amendments to this, and the rest of the bills that my colleagues and I have been working so hard on the House Appropriations Committee, to a minimum; that these bills move as quickly as possible through the House and Senate; and that President Bush signs these bills into law so that we can continue to work for the American people.

EXECUTIVE OFFICE OF THE MAYOR,
Washington, DC, June 26, 2007.

Hon. CAROLYN C. KILPATRICK,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KILPATRICK: I write today on an issue of great importance to my city, and about which I understand you have a particular interest—that is, inclusion by Congress of a cap on the amount of attorneys' fees that can be paid by the District of Columbia government in special education cases in our annual appropriations bill.

As you know, I opposed the cap when I was a member of the City Council, and, in principle, I continue to oppose the cap as a matter of policy. However, as Mayor, I am obligated to protect the fiscal health of the city, which was in such dire condition for a number of years in the 1990s that Congress intervened by creating the Financial Control Board, and I take that responsibility to my constituents very seriously. As part of that intervention, Congress also created an independent Chief Financial Officer for the District, who is required to certify that the District's local funds budget is balanced each year before it is sent to Capitol Hill. My FY08 budget has been by certified by the CFO.

In order to meet the deadlines of the House and Senate Appropriations Committees, as well as the Federal Office of Management and Budget, the District's local budget is normally developed a full year before Congress takes final action on it in the fall (or, as was the case last year, after the new fiscal year has begun). When a new mayor is elected, modifications to that budget are made during the transition and in January to reflect his or her priorities. Nevertheless, the District's local budget for FY08 was completed months before the potential for the attorneys' fee cap to be eliminated was raised in Congress. As a result, the budget that I submitted to the Council, and that was approved by that body in early June, does not include the multi-million dollar increase in attorney payments that the District would be required to pay if the cap is lifted this year.

I am deeply committed to improving the entire public education system in the District, so that every child in this city has the opportunity to reach his or her potential, in terms of personal fulfillment and financial independence. That desire extends one hundred . . . June 14, and I appointed a new chancellor, Michelle Rhee, on that same day. A key area that I identified when I hired her as one where significant progress must be made in her first year on the job was special education.

However, the improvements to the special education system that must be made to reduce the number of students and parents who are unsatisfied with the system and seek legal recourse as a result cannot be made overnight. In addition, because our local budget for FY08 is completed, if the cap is lifted now, we would have to reprogram much needed funds from other areas of the schools budget to cover the expected increase in attorneys' fees. For these reasons, I am asking that you allow the fee cap to remain in place for the coming fiscal year—so that, with the Council's help, I have the opportunity to develop a budget for FY09 that assumes removal of the fee cap, prospectively, and accounts for the cost of that policy change. At that point, I can assure you that I would support removal of the fee cap for special education cases brought after the beginning of that fiscal year.

I greatly appreciate your consideration of this request and would be happy to discuss the matter with you further at your convenience. Thank you for allowing me the opportunity to share my views on the policy, as well as its fiscal impact, with you.

Sincerely,

ADRIAN M. FENTY,
Mayor.

Mr. WAXMAN. Mr. Chairman, over the past week, the country did a collective double-take, as one commentator said, when they heard that Vice President CHENEY does not believe he is part of the executive branch. That's why Representative EMANUEL has proposed his amendment today.

This issue first came to the public's attention last week when I wrote to the Vice President asking why he blocked efforts by the National Archives to conduct security inspections of his office, as required by the President's own executive order. The response was that the Vice President's office was not an entity within the executive branch.

Legal experts ridiculed this argument, and late-night comics got some good new material. But the Vice President's extreme aversion to any oversight whatsoever, by Congress or even by his own Administration, is not a laughing matter.

The Vice President has claimed special privileges that even the President doesn't have. The Vice President has unilaterally claimed an absolute exemption from inspections, while other White House offices comply with the executive order. Take the National Security Council, which is an entity within the White House. It had the wisdom to allow an inspection.

The fact is, until the Vice President took this unprecedented stance, nobody at the White House had ever blocked any security inspections by the Archives.

And this is not the only time the Vice President has acted to prevent oversight. He went to court to stop GAO from examining the actions of his energy task force. He blocked the Secret Service from disclosing visitors to his residence. In fact, he even refused to provide information to Congress about his employees for the annual Plum Book.

His argument is—and I quote—"The Vice Presidency is a unique office that is neither a part of the executive branch nor a part of the legislative branch, but is attached by the Constitution to the latter." Even school children know this is preposterous.

The reality is that since 2002, there's been no oversight, no monitoring, and no reporting in the Vice President's office. That's an invitation to exactly the kind of leaks and criminal violations that have occurred in Mr. CHENEY'S office. We are a government of laws and rules, not arbitrary decrees.

The Vice President can't unilaterally decide he is his own branch of government and exempt himself from important, commonsense safeguards for protecting classified information. And he can't insist he has the powers of both the executive and the legislature branches, but the responsibilities of neither. The Vice President is not above the law.

Mr. VAN HOLLEN. Mr. Chairman, a funny thing happened during a routine security check on classified information in the Executive Branch. It was blocked by the Vice President of the United States. The fact that the Vice President refused to comply with a security requirement imposed by the President is deeply disturbing. However, what is more chilling is the fact is that he defended his action by maintaining that he is not really within the Executive branch and hence, not within the reach of the Executive Order. In classrooms throughout our country students are rightly taught that the American Constitution establishes three branches of government—the Executive, the Legislative and the Judicial. Despite his best efforts, there is no "Dick Cheney" branch of government.

So, I rise today in support of Mr. Emanuel's amendment to strip the funding for the Vice President's office within the executive branch based upon his assertion that it does not in fact exist. The Vice President's position that he is outside of the reach of the Executive Order adds another act in the Cheney Theater of the Absurd. The Vice President seems to believe that for every rule there is a "Cheney exception". He doesn't want to be bound by the same rules that apply to everyone else.

As highlighted by the ongoing Washington Post series on the Vice President, his worldview has infected the policies and practices of the entire Bush Administration. As a Federal Appeals Court noted, the Administration's attempt orchestrated by Mr. CHENEY to rewrite the Clean Air Act could be valid "only in a Humpty-Dumpty world" where everything is upside down. Nowhere has the Cheney approach had more impact and created more damage than in the area of national security policy. His blatant misrepresentation about the situation in Iraq before and during the war have weakened our national security and diminished our credibility around the world. After all it was DICK CHENEY who said: "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us." This statement we now know to be wrong.

Regarding Sadam Hussein's connections with Al Qaeda, despite repeated findings to the contrary by Executive branch agencies, bipartisan Congressional Committee and the Baker Hamilton Commission that there is no evidence of collaboration between Al Qaeda and Sadam Hussein, the Vice President continues to repeat the erroneous claim.

Once the war started he was equally wrong in his assessment of the war claiming two years ago that the Iraqi insurgency was in its "last throws".

Following a report in January of this year where the President finally acknowledged deep troubles in Iraq, the Vice President indicated that the Administration has achieved "enormous successes" in Iraq and declared that critics and the media "are eager to write off this effort or declare it a failure."

Regarding the conditions for detaining the Bush Administration's "enemy combatants" at Guantanamo Bay the Vice President said: "They got a brand new facility down at Guantanamo. We spent a lot of money to build it. They're very well treated down there. They're living in the tropics. They're well fed. They've got everything they could possibly want."

It has been difficult to determine which of the Vice President's unique traits epitomizes his arrogance of power more, his belief that he is above the law or his complete and utter disregard for the facts. This week however, a more disturbing tendency has emerged, his complete abandonment of reality.

Still if the Vice President insists that he is not a part of the Executive Branch then his office in the Executive Branch must be unnecessary and is no longer in need of funding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. EMANUEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. EMANUEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act to the Small Business Administration may be used for the Wittenberg University East Asian Study Center.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, this amendment would prohibit funds in the bill from being used for the Wittenberg University East Asian Study Center. The committee report provides there will be $500,000 spent on this local project.

Now, Wittenberg University is a private college. On all these earmark things that I am bringing up and that the gentleman from Arizona (Mr. FLAKE) has brought up, it is not an issue of whether this is a good university, I am sure it is a great university; or whether this is a worthy, charitable endeavor, I am sure it is a worthy, charitable endeavor. It is a question of whether or not it is appropriate for taxpayers' funds.

On the last amendment that I had talked about, the gentleman from Illinois (Mr. JACKSON) made a very eloquent report of why he believes there should be a third airport in Illinois. But that really wasn't the point, as to whether there should be a third. I am not qualified. I don't know whether there should be a third airport in Chicago or not.

The point was, is it appropriate to use Federal taxpayer funds to fund an organization that you set up that is for the purpose of basically applying political pressure to create this airport when it doesn't exist. I think that is clearly not appropriate.

In this case here, this is to be used "for the development of an undergraduate interdisciplinary program in international business, with a focus on the field of experience in Asia."

According to the Web site, this East Asian Studies Journal has existed for 27 years. This is the 27th consecutive annual edition of this particular publication. So this center, it would appear, has existed for 27 years in this university.

Again, Mr. Chairman, this is actually a Lutheran university. I am on the board of advisors of a Lutheran university in my district. I think they do very fine things. I just don't think it is appropriate to use taxpayer money.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. First of all, let me thank the chairman and the ranking member for putting together a good bill. I appreciate the hard work they have done on this bill and on approving this earmark.

Mr. Chairman, this amendment would strike $500,000 in funding to support the expansion of the East Asian Studies and International Business Program at Wittenberg University in my hometown of Springfield, Ohio.

This program will give Wittenberg business students the cultural background and hands-on experience they need to compete in the increasingly competitive global marketplace. It achieves this by providing college students a curriculum in which they can learn about Asian language, religion and cultures. This understanding is vital to establishing business relationships, especially abroad. This is an expansion of the program. In the past, this has been truly just a learning experience in an intellectual way, not focused on business.

They will immerse themselves in these programs while working for overseas companies through internships and study-abroad programs. In fact, in 1999, James Scott of Yale University and Timothy Cheek of Colorado College wrote that Wittenberg is unique among liberal arts schools in the accomplishments and intellectual breadth of its East Asian Studies program. No other peer school can offer such a distinguished curriculum, covering language, religion, classical civilizations, philosophy, history and the culture of all the major East Asian civilizations.

These business outreach programs are of enormous importance, as the global marketplace dramatically increases competition while rendering borders irrelevant. According to the United States Census Bureau foreign trade statistics, U.S. trade with China and Japan, the United States' second and fourth largest trading partners respectively, amounted to over $550 billion in 2006, representing approximately one-fifth of our total foreign trade.

I am confused, Mr. Chairman, on this amendment, because there is no reason really to oppose this program at this time, because we owe it to our students to equip them with every advantage as they prepare to face the challenges and opportunities of the global job market of the 21st century.

One of these tools we can offer our students is the opportunity to study abroad. The Institute For International Education of Students conducted the first large-scale survey exploring the lasting impact of study abroad programs on students' personal, professional and academic lives. The survey of IES alums found that experiences abroad positively affected their outlook and career choices and remained essential in their lives, even after graduation.

One of the most compelling reasons to fund business study abroad programs is to train future global commercial leaders to be more effective in operating in an increasingly interconnected world, taking into account foreign and international political and economic systems.

The IES survey found that 97 percent of the respondents said studying abroad increased their maturity; 96 percent reported improved self-confidence; 89 percent played a better role in their ability to handle uncertainty; and 95 percent stated their experience had lasting impacts on their worldwide view.

Mr. Chairman, before I entered public service, I was a small businessman. I can tell you there have been numerous occasions where my understanding, or lack thereof, of the background and experience of the person sitting across the table would have helped me much better in negotiating some of the things that I negotiated. A number of those people were from around the world. A better understanding of that, a better intellectual capability.

Expanding this program will help this small university in my district present a better challenge to the students that are there.

Therefore, Mr. Chairman, I urge everyone to be opposed to this amendment.

I reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I will just say that the certification actually says the funding will be used for the establishment of a center. Perhaps that is in error.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, I didn't select that language used in that.

Mr. CAMPBELL of California. It says for the establishment of a center. Whether it is the establishment or the expansion, I just respectfully suggest that this is more in the nature of support for a university rather, than support for a project which has a Federal nexus and requires Federal tax dollars.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. In closing, I would just say that I think this is an effective use of dollars to enhance these young people's education, give them the ability to improve the economy in this country, and I would urge everyone to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HOBSON. Mr. Chairman, I demand a recorded vote.

Mr. WICKER. Mr. Chairman, it was the understanding of all parties that there would not be a recorded vote on this motion.

Mr. Chairman, I ask unanimous consent to vacate the vote on this amendment and revote it de novo.

Mr. SERRANO. Mr. Chairman, can the gentleman clarify what it is he is asking for?

Mr. WICKER. Mr. Chairman, I will be glad to clarify it for my friend the chairman.

I am simply asking that the voice vote which was taken be vacated and that we retake the vote de novo. It is my hope that after so doing, we will be able to avoid a roll call.

Mr. SERRANO. Mr. Chairman, we have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi that the voice vote be vacated to the end that the question be put de novo?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the following:

Abraham Lincoln National Airport Commission
Adelante Development Center
Advantage West Economic Development Group
Alleghany Highlands Economic Development Corporation
ARISE Foundation
Career Center for the Northeast Central Ohio Bioscience Consortium
Barracks Row
Barry University for the Institute for Community and Economic Development
Ben Franklin Technology Partners
Boston Chinatown Neighborhood Center Workforce Development Initiative
Bridgeport Regional Business Council
Bright Beginnings, Inc.
Bronx Council on the Arts
Booklyn College's Entrepreneurial Center
Buffalo Niagara International Trade Foundation
California State University, Pasadena Biotech Training Facility
Caribbean American Chamber of Commerce and Industry
Catalyst, Washington, DC
Center for Economic Growth, Greene County, NY
Center for Inspired Teaching
Center for Women and Enterprise
Belvedere Business Park Project, City of Charlotte, NC
Angela Rudolph, Assistant to the Mayor, Chicago, IL
Grow Inglewood, City of Inglewood, CA
Adams-LaBrea Retail Project, City of Los Angeles, CA.
Colorado State University, Sustainable Biofuels Development Center
Columbus College of Art and Design
Community College of Philadelphia
Connected Technologies Corridor
Cuyahoga Community College
Dartmouth Regional Technology Center
Detroit Economic Growth Corporation
Detroit Renaissance
DuPage Technology Park
Earth Conservation Corps
Eastern Market, Washington, DC
Economic Development Coalition of Southeast Michigan
Entrepreneurial Development Center, Inc., Cedar Rapids, IA
Everybody Wins!
Excel Institute
Purdue Technology Center of Northwest Indiana
Experience Works, Inc., Richmond VA
Experience Works, Arlington, VA
Fairplex Trade and Conference Center
Federal HUBZone Incubator, Elizabeth City, NC
Friends of the Big South Fork
Greater Harlem Chamber of Commerce
Greater North Louisiana Community Development Corporation
Greystone Foundation
Hispanic Information and Telecommunications Network
Historic Congressional Cemetery
Valley Economic Development Center
Howard University College of Dentistry
Hudson Alpha Institute
Illinois Institute of Technology
Indiana State University, Center for New Business Development
Inquilinos Boricuas en Accion
Institute for Advanced Learning and Research
International Youth Service and Development Corps
John C. Calhoun Community College
Johnson and Wales University
Johnstown Area Regional Industries Incubator and Workforce Development
Kulanu Vocational Education Program
LaGuardia Community College
Lewis and Clark State College
Lorain County Community College
Louisiana Small Busilless Development Center
Louisville Medical Center Development Corporation
Macomb County Department of Planning and Economic Development
Marshalltown Community College
Office of Workforce Development, Medina County, OH
MenzFit, Washington DC
Mifflin Country Industrial Development Corporation
Mississippi State University
Mitchell County Development Foundation, Inc.
Montana State Univrsity
Montana World Trade Center
Montgomery College
National Association of Development Organizations
National Federation of the Blind
New College Institute
North Carolina Rural Economic Development Center
North Dakota State College of Science, Nanotechnology Applied Science Laboratory
North Iowa Area Community College
North Side Industrial Development Company
Northeast Entrepreneur Fund
Northwest Agriculture Business Center
Northwestern Univerity
Ohio University
Oil Region Alliance of Business
Operation New Hope, Florida
Peoria NEXT Innovation Center
Phoenix House
Portland State University
Ready to Work, Ohio
Rio Hondo College
Rochester Tooling and Machining Association
Rock Valley College
Rockford Area Ventures Small Business Incubator and Technology Commercialization Center
Rockland Small Business Development Center
Rowan University
San Francisco Planning and Urban Research Association
Sandoval County New Mexico
Seedco Financial Services Alabama Minority and Women-owned Business Enterprises
Southern and Eastern Kentucky Tourism Development Association
Sephardic Angel Fund, Brooklyn, NY
SER—Jobs for Progress National
Shawnee State University
Sierra College
Sitar Arts Center
Soundview Community in Action
South Dakota School of Mines
South Side Innovation Center
Southeastern University
Spanish American Merchants Association
St. Jerome's Church Community Center
STEEED Youth Program
University of Northern Iowa
TechRanch Technology Venture Center
Enterprise Center, Tennessee
Illinois Institute of Technology
University of Texas, San Antonio
Thomas More College
Thurgood Marshall College Fund
University of Connecticut, Avery Point
University of Maryland
University of Missouri, Kansas City
University of Notre Dame, Robinson Enterprises Community Learning Center
University of Pittsburgh
University of South Florida
University of Southern Maine
Lewiston-Auburn College
University of Texas, Brownsville International Trade Center
Urban League of Rochester
USS Saratoga Museum Foundation
Valley Economic Development Center
Vermont Small Business Development Center
Wallace State Community College
Department of Public Services, Wayne County, MI
Wayne County, New York
West Virginia University Research Corporation
Western Massachusetts Enterprise Fund
Williamsburg County, SC
Wittenberg University
Workforce Initiative Asociation, Canton, OH
Youngstown Edison Incubator Corporation

Youngstown Central Area Community Improvement Corps
Youngstown Warren Relational Chamber

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, I am very pleased to see the distinguished chairman of the Appropriations Committee, Mr. OBEY, here, because this is an amendment that he suggested right here on the floor of the House on June 13, earlier this month.

During debate that evening, which was the evening in which it was decided that we would make earmarks public and that they would be included in the bill, Mr. OBEY said, "I want to make clear, I hate the earmarking process. I absolutely detest it."

Further on in his comments, the gentleman from Wisconsin said, "And I am going to be very interested in seeing which Members vote for the amendment that I intend to attach to every appropriations bill which would call for a total elimination on earmarks. I want to see how many of you actually vote for it." Well, I want the chairman of the Appropriations Committee to know that I agree with his comments.

In the previous bill that we had before this House yesterday, the Interior bill, this amendment did not show up. So I took it upon myself to offer this amendment, which the chairman of the Appropriations Committee had suggested that he was going to offer on every appropriations bill. So that is, in fact, the amendment that I have offered.

What this amendment would do, Mr. Chairman, is it would strike all 148 earmarks that are currently in this bill from the bill, and thereby would save $33.71 million of taxpayer money.

I hope that the chairman will support me in this effort. Obviously I am offering this amendment. I intend to vote for this amendment, and I hope the good chairman of the Appropriations Committee would join me in this offering and in voting for it as well.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman is using a very interesting approach. He was part of a group that spent time questioning how we presented earmarks. At that time, we had already, under the leadership of Mr. OBEY, come forth with a proper plan where transparency was the order of the day, where vetting each program, each request, was the order of the day. But that was not enough for the gentleman. It was not enough for the group that stood here day after day badgering us about earmarks.

Now the approach is to say that notwithstanding the fact that the earmarks are part of a very open process, that not withstanding the fact that there is a new day in how we handle earmarks, that notwithstanding the fact that we have cut earmarks by 50 percent, notwithstanding any of that, no earmark is good and all earmarks should disappear.

What is sad about that is that is not what we were originally presented with. We were not presented with that. We were presented with a belief that we had to do things differently. Notwithstanding the fact that the chairman, Mr. OBEY, already had proposed a plan that was totally different from the past. They felt that it should be better or different or colored different, or whatever.

Now they want no earmarks. Well, people should be reminded that Member projects have been vetted through each Member's office. I have said over and over again that Members know the needs of their districts and Members know how to present an earmark through the committee staff to committee leadership.

Second, every item has been reviewed by the Appropriations Committee. The staff has taken long hours on both sides working in a bipartisan fashion to look at all requests and come up with the final list. We looked at your requests and you looked at our requests. We both looked at all of them. That is how we came to this. So we are pretty sure that everybody's concerns are taken into account here.

Members who sponsor these projects believe that they are worthy and that the taxpayers' money is being well spent. Again, whenever an agency spends money on giving out a grant to a community group, we don't have a discussion on the House floor, we don't have discussions on talk shows on TV or radio discussing those grants.

Billions of dollars are given out every year by the Federal Government to local groups and local projects, everything from building highways to supporting local initiatives. There is no discussion of that.

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There is no oversight of that as such. But here, when a Member decides that he or she knows what is good for their district, we have to attack it. But again, the important point to note here as far as making an argument is that the argument was made that the process was not right, notwithstanding Mr. OBEY having changed the system. Now we are being told that no matter what we do, the earmark is just not good.

I wonder if the gentleman is going to be supported by all other Members of his party who asked this chairman in writing for earmarks and were granted those earmarks. I wonder how they feel about this, and if they agree with you that all earmarks are bad.

Overall we have a diversity of projects in this bill. They touch urban and rural America, all regions of the country, women and minorities, as well as both sides of the aisle. We have technical assistance for start-up businesses, technology training, business attraction programs, small business incubators and job skills development. Members of this House have been able to identify many commendable projects.

The projects that the amendment's proponent is targeting are important projects to those Members and those communities.

I would say to the gentleman to really rethink this approach. If this approach is, with all due respect to him, a message for the 6:00 news, fine, I can't argue with that. You have done well, you have won on that issue.

This is really about saying that each individual colleague that surrounds you on your side and on this side does not know what is best for their district and that the process that we used to come to this point is a process that does not take into account everything that we could be worried about. Also, that it is not a process that has allowed Members to put forth their vision and at the same time have committee staff and other Members check to make sure. This may come as a shock to some Members, but there were projects where we felt either the vision or in some cases even the title had to be dealt with because we didn't want to do the wrong thing and we certainly didn't want to embarrass anyone. We did not accept every single project.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. Points I want to make; First of all, we have reduced the level of earmarks.

Number two, our title is Representative to the Congress. As such, we have a responsibility to represent the needs of our districts. Earmarks provide a vehicle to do that.

Third, earmarks if you follow them through, are great generators of private investment. It certainly happened in my district. A lot of good things get done because we have the stimulus of an earmark.

Fourth, we have a right to decide the priorities of our district. We are better equipped to do that than somebody in the bureaucracy and in the executive branch. Constitutionally, we have the responsibility to make policy. Their job is to execute policy downtown.

Fifth, Congress has a transparent and open process. This is the result of the efforts of the chairman of the Appropriations Committee. That was the discussion we had. We have accomplished that. This is why the gentleman from California can question this earmark, earmarks generally, because we have a transparent process. People know what the earmark is, what it does, and who sponsored it. We have had Member after Member come in and defend their earmarks today, and that is the way it should be. If you eliminate the earmarking process, you move it solely to the administration, and where is the transparency in the administration; or, we revert to the old days where a few people in conference were adding projects with very little opportunity for the Members of the body to look at them or challenge them.

I would think that the gentleman from California would be pleased that we have the transparency that is part of this and allows him or others to question earmarks. I think those who put in the earmarks have to be prepared to defend the validity of what they have offered. So this is a good process, and this is a result of our discussion.

Mr. CAMPBELL of California. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. CAMPBELL of California. Mr. Chairman, we did fight hard for this transparency, and I am glad we have this transparency. But the reason we have it is not simply to rubber-stamp every earmark that the Chairs of committees decide in their judgment to put in.

Let me quote again the chairman of the Appropriations Committee, Mr. OBEY, on June 13, 2007. He said, "The reason I hate earmarks is because they suck everybody in. They suck them into the idea that we have to be ATM machines for our districts."

Mr. Chairman, I don't think we want to be ATM machines for our districts. This amendment which has been suggested by Mr. OBEY, I don't believe he or certainly I necessarily think that all 148 of these are bad. However, if the chairman of the Appropriations Committee believes as he said, "I hate the earmarking process, I absolutely detest it," then maybe we should start to reform it. This is a way to reform it. This is a way to change it. Let's just take them all out for now, and let's talk about a way that perhaps something can be done in a way in which we are not ATM machines for our districts.

By the way, by doing that, we will save the taxpayers $33.7 million, which I would imagine they will be able to use in their pockets in their districts as they want to and I would argue in a better, more effective way than we will, even though we represent them.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to lay out the context for this debate. Here is the record of our Republican friends when they controlled the House on the question of earmarks. In the last year that our party controlled the House before the Republicans took over, if you take the largest four domestic appropriations bills, there was a total of less than 800 earmarks in those bills. In the last year of the Republican regime in those same bills, there were more than 8,000. That's a thousand percent increase.

In the Labor-Health appropriation bill, the last year I was chairman there were zero earmarks in that bill. The last year that earmarks were considered in the Labor-Health bill under the Republican leadership, there were over 3,000 earmarks.

In addition, earmarks were used for internal blackmail. On one occasion, every Democrat who voted against the Labor-Health-Education bill because it insufficiently funded education and health and job training saw their earmark projects eliminated in retaliation, and I called that at the time internal blackmail.

It was then that I had my staff prepare the first analysis of the growth of earmarks during Republican control of this House.

In addition, we saw earmarks used in order to change votes on Medicare part D, that famous night where the roll call was held open for 3 hours while promises were made in order to turn enough votes around to turn a defeat into a victory for that program.

After the Cunningham affair, our Republican friends announced they were going to attach the names of requesters to the earmarks. But they conveniently declined to make that effective on their watch. So when we came in, the first thing we did was to implement that proposal and require that names be attached to earmarks.

The second thing we did was to impose a moratorium on earmarks until we could straighten out the process.

The third thing we did was announce that we were going to cut them by 50 percent for the appropriate accounts, the nonproject accounts.

The fourth thing we did was to require a certification to make clear that no one had a financial interest in the earmarks that they were seeking.

Then we also provided that, unlike 2 years ago, no provision would be able to be put into a conference report without having a vote on the final product of that conference report by the conferees. That's what we did.

Now the gentleman is making a Federal case out of the fact that I had wanted more time to screen these earmarks which have grown exponentially in order to protect the House from bad choices. Folks on his side of the aisle objected to that, and so we relented and so we now have earmarks in the bill. And now the gentleman is squawking because we have earmarks in the bill just as loudly as he was squawking when we didn't. He's a very hard fellow to please.

Now, what I said a week ago was that I detest the earmark process, and I do. Why? For a number of reasons. Because it requires me as a conscientious chairman of this committee to spend a huge amount of my time simply reading through those things to try to make certain that the House is not embarrassed.

But the more fundamental reason I am frustrated by the process is because it makes so many Members focus so exclusively on the issue of earmarks that we never get a debate on policy, and I thought we came here to debate policy. And that's my problem. I don't think earmarks are evil. I think Members of Congress have a perfect constitutional right to request specific funding for a specific project, just as the executive branch does. And I would remind you that the executive branch directs eight times—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SERRANO. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Wisconsin.

Mr. OBEY. I have forgotten where I was, Mr. Chairman. It must be a sign of old age.

What bothers me is I thought we all came here to talk about policy. And so what I said on the floor is that I would like to see once and for all the House put up or shut up on this issue. I would personally prefer there be no earmarks. But as chairman of the committee, I have an obligation to try to find that balance point in the House that reflects the will of the House. I don't have the luxury of pursuing exclusively my own will on a subject. So I have been willing to support bills carrying earmarks even though I don't like what they do to my time and my disposition, to be frank.

So what I said, I want to see an up-or-down on all earmarks. I drafted an amendment to do so and was informed by the Parliamentarian that would be subject to a point of order, and so I chose not to offer an amendment that was an obvious waste of the House's time.

I will say that I am pleased that the gentleman has offered his amendment. Because while it does go as far as mine did, it will give the House an opportunity to decide once and for all, I would hope, whether it favors earmarks or whether it doesn't.

Rather than spending an inordinate amount of the House's time talking about individual earmarks and seeing vote after vote after vote to eliminate them go down to defeat, I think it is about time we find out what the will of the House is. I want to know whether the House wants to proceed with earmarks in these bills or not. I see no problem with their doing so.

But what I will say is if the House does vote for this amendment, then I will see to it that any bill that comes out from now on has no earmarks. So let's be clear about this. If Members don't want their earmarks, then they should vote for the gentleman's amendment. If they do want their earmarks, if they do think that they have as much right as the President of the United States to determine what happens in their district, then I would suggest that they vote against the amendment. But it is time to put up or shut up. It is time to see where the House stands on this issue.

□ 1345

The committee is trying to reflect the will of the House but we cannot go in both directions at the same time. It's time we find out which direction the House wants to go.

I thank the gentleman for the time.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. I yield to the gentlelady from Ohio.

Ms. SUTTON. Mr. Chairman, I would like to commend you for your work and leadership on this bill and especially for recognizing the important work of the Consumer Product Safety Commission and for providing the Commission with funds above the President's request.

Past fiscal irresponsibility on the part of the Republicans means that we've all been working with a tough budget situation this year. But even though we've had to make difficult decisions to get our economy back on the right path, we need also to make room for our most important priorities. I commend you on doing that.

Recent articles in The New York Times and USA Today called our attention to some disturbing trends. The number of recalls made by the CPSC reached a record of 467 last year, and 60 percent of those products were produced in China. This year, every single one of the 24 toys that were recalled for safety reasons by the Consumer Product Safety Commission was manufactured in China. Our children have been playing with toys whose hazards range from laceration, to choking, to severe burns. Several toys we've seen were made with lead paint whose hazards are particularly harmful to children. We also have seen them have the direst of consequences with deaths.

Imports from foreign countries have been growing at a staggering rate, Mr. Chairman, and many manufacturers from these countries fail to adhere to even basic safety standards. It is in this environment, and I know you know this, Mr. Chairman, that the work of the Consumer Product Safety Commission is absolutely critical. Consumer product safety is not an area we can afford to ignore, and the CPSC is not an agency we can afford to underfund.

We can't make up for the shortfalls, unfortunately, in funding that the agency has had overnight, but the funding in this year's Financial Services appropriations bill is a positive step in the right direction. I just want to thank you for your leadership on these issues and I look forward to working with you in the future to ensure that oversight agencies like the CPSC have the funds to do the important work that they are called to do.

Mr. SERRANO. I thank the gentlelady from Ohio for her comments and for raising these important consumer protection issues. I totally agree with her that this Congress must place a new emphasis on consumers and ensuring that defective and dangerous products, particularly from overseas, are kept from the marketplace. I commend the gentlelady for raising these issues. I look forward to working with you.

I may say that if you were to look at our bill and read through the language in the bill, the one thing you will see is a desire by this chairman and the subcommittee to begin anew to look at a whole new way of how consumers should be protected. I think that for too long in this country, we kind of pushed away consumerism as a true issue. We're coming back to that. This bill speaks strongly to that. I commend you for bringing up these issues.

Ms. SUTTON. I thank the chairman, and I look forward to working with you to take it in that direction.

AMENDMENT OFFERED BY MR. WICKER

Mr. WICKER. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WICKER:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used to implement section 5112(n)(2)(C) of title 31, United States Code.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman's point of order is reserved.

Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Mississippi (Mr. WICKER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. WICKER. I thank the chairman.

Mr. Chairman, this is a rather straightforward and simple amendment. It would simply restore to the face, or the obverse, of the dollar coin, the new dollar coin that is being minted now, the words "In God We Trust" and "E Pluribus Unum."

"In God We Trust" is the current national motto and has been our motto since 1956. "E Pluribus Unum" was actually suggested by the Congress to be on the seal of the United States of America as early as 1776. These two phrases have been a part of who we are and what we are about for as long as almost anyone within the sound of my voice can remember.

Now, I have in my hand here a United States quarter. On one side, it has "In God We Trust." You turn it over, and this happens to be one of the new quarters featuring a State, it happens to be Rhode Island, but still there's room on the other side of that coin for the term "E Pluribus Unum"—out of many, one people, as I say, a very significant phrase about who we are as a people.

You take the dollar coin, Mr. Speaker, and there's a picture of George Washington on the front, there is a likeness of the Statue of Liberty on the back, but if you're looking for the words "E Pluribus Unum" or "In God We Trust," it's not on either side. In order to find that, you have to look at the very edge of the coin and you have to get the light just right and there it is on the edge of the coin.

I think most people would agree with me, Mr. Chairman, in saying they would like to have these significant phrases returned to a position of prominence on the coin. Whether by design or by accident, whether purposely or unintentionally, the fact that these two important mottos are on the edge of the coin, I think it puts them in a less prominent place, and I think most Americans would appreciate it if we put them back where they should be.

With that, I would urge an "aye" vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition.

The CHAIRMAN. Does the gentleman continue his reservation on the point of order?

Mr. SERRANO. No, I withdraw my point of order.

The CHAIRMAN. The gentleman's reservation is withdrawn.

The gentleman is now recognized for 5 minutes.

Mr. SERRANO. It's somewhat a hesitant approach to being against it for the simple reason that we're not sure on this side if his amendment accomplishes anything. The way the amendment is written, some would argue that what the gentleman does is remove In God We Trust from the coin. But it doesn't say that it places it anywhere else. And I know that's not his intent, that surely would not be my intent, and that would be a terrible talk show topic.

Mr. WICKER. Would the gentleman yield on that point so that can be cleared up?

Mr. SERRANO. I yield to the gentleman from Mississippi.

Mr. WICKER. By designating that the part of the dollar coin statute that says it should be edged onto the edge of the coin, by removing that, we revert back to the original statute under which we've been governed all along, which has all of the coins from the half dollar down to the penny with "E Pluribus Unum" and "In God We Trust."

Mr. SERRANO. Reclaiming my time, the way the statute is written, it would not allow that to happen. And in this case, we're actually trying to help you. We're suggesting that what you are doing will in some if not all cases remove In God We Trust and does not make provisions to place it anywhere else. That's our interpretation. That's why I said reluctant opposition because otherwise I would not oppose it.

Secondly, your bill speaks to an item put forth by the mint. Nowhere in this bill does the Mint come up. We don't deal with that. And so that also is an issue. But it's a kind of thing where opposing it will be misunderstood as badly as what you're proposing is totally misunderstood on this side. Your effect may be that you will go down in history as the gentleman who took In God We Trust off the coins and didn't put it on anywhere else.

Mr. Chairman, I reserve the balance of my time.

Mr. WICKER. Mr. Chairman, at this point, I'm delighted to yield to my friend from Virginia (Mr. GOODE) a minute and a half.

Mr. GOODE. I want to thank and salute the gentleman from Mississippi for focusing on this issue.

Since the 1800s, In God We Trust has appeared on much of our money. It was even on the two-cent piece that was popular only for a few years in the 1860s.

I've had citizens come up to me and show me the penny, the nickel, the dime, the half dollar and they pull out the new dollar coin and say, "In God We Trust is not in a prominent place." It is on the edge of a coin. And I fully support the effort to take it off the edge and put it on the front.

I would point out having it on the edge or side of the coin has led to numerous mint errors. I have read some accounts that as many as 30,000 dollars do not have the etching on the side of In God We Trust or E Pluribus Unum. And then there have been instances where only the side was punched and that, of course, makes for a highly collectible item. But we need to focus on keeping In God We Trust in a prominent place. I hope it would be the pleasure of this body to support the amendment of the gentleman from Mississippi and put In God We Trust back where it belongs.

Mr. WICKER. I would inquire of the Chair as to whether he has any other speakers on this amendment.

Mr. SERRANO. No, but I would like to speak myself. I have no other speakers.

Mr. WICKER. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. I am informed that the original law was sort of set aside when the law was passed for these particular sets of coins. In other words, these coins speak to In God We Trust on their own in that law, as I understand it. If you now remove that language here, then nothing kicks in from the previous law and you end up with the possibility of no In God We Trust on the coin. Please understand, we're not arguing against putting In God We Trust on the coin. We support it. We're suggesting that your amendment as written may accomplish just the opposite of what you want to accomplish.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Mississippi is recognized for the balance of his time.

Mr. WICKER. My friend the gentleman from New York says there's the possibility that we might do something unintentional here. Really this is quite clear. And Members voting on this in a few moments should understand that it's quite clear. If you feel that "In God We Trust" ought to be put in a place of prominence on the dollar coin, you'll vote "yes" for the amendment. If you feel that the all inclusive phrase "E Pluribus Unum" should be put back on the dollar coin in a place where it can actually be read by people using it in commerce, then you should vote for the Wicker amendment.

If there is a question on interpretation, if there is this possibility that the chairman mentions, certainly that can be cleared up. This amendment has a little farther to go. The Senate may take up the appropriation bills. At some point we will have to come to some sort of agreement between the House and Senate on how to fund the Treasury and the departments dealt with in this appropriation bill.

I say the issue is clear. If you want "In God We Trust" on the dollar coin, it's a very simple question. Vote "aye" on the Wicker amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WICKER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WICKER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

□ 1400

AMENDMENT OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PENCE:

At the end of the bill (before the short title) add the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available by this Act may be used by the Federal Communications Commission to implement the Fairness Doctrine, as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees* (50 Fed. Reg. 35418 (1985)), or any other regulations having the same substance.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Indiana (Mr. PENCE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. PENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I come to the floor today, along with my partners in this amendment, Congressman JEB HENSARLING of Texas, Congressman JEFF FLAKE of Arizona, very much in a spirit of bipartisanship. We come to the floor in this moment, on this amendment, to be about that, which I think we are all about.

The freedom of speech and the freedom of the press is not a partisan issue in this Congress. We all live under and cherish that first amendment that says Congress shall make no law abridging the freedom of speech or of the press.

I, myself, Mr. Chairman, have worked in a bipartisan way in this Congress to fashion legislation that ensures a free and independent press. The amendment before this body today is simply an extension of that mission.

Our legislation would simply say that none of the funds made available in this act may be used by the Federal Communications Commission to implement the Fairness Doctrine, as repealed in 1985.

Now, the Fairness Doctrine actually came to pass in 1949, part of a regulation of a much older law. It required broadcasters to prevent controversial issues in a fair and balanced manner. That sounds reasonable enough. But because of the lack of clarity in the regulation, in the commission's rulings, broadcasters, during almost four decades, often opted not to offer any controversial programming whatsoever.

The FCC concluded that, in fact, by 1985, this regulation was having a chilling effect on the public debate and repealed it effective 1987. Since the demise of the Fairness Doctrine, talk radio particularly has emerged as a dynamic forum for public debate and, I offer, an asset to the Nation.

Our amendment, simply put, is an effort to maintain the status quo, to prevent this administration and this Federal Communications Commission, in this fiscal year about which we are debating, to use no funds to return the Fairness Doctrine.

Now, I want to acknowledge the fact that there are some who are skeptical about the need for this amendment. I have heard distinguished and respected Members of this body come to this floor and say that this is, quote, an issue which does not exist, and have seen writing, and I expect we will hear rhetoric to that effect, and I will respect the words of each person that utters that view, but I will differ.

Just for example, in the last 2 days, the Senate majority whip, the distinguished Senator from Illinois, RICHARD DURBIN, said, "It's time to reinstitute the Fairness Doctrine." That was yesterday. In the last several days, the chairman of the Senate Rules Committee, Senator DIANNE FEINSTEIN, said she was looking at reviving the Fairness Doctrine. The Democrat nominee for the President of the United States in 2004, the distinguished Senator JOHN KERRY, said, "I think the Fairness Doctrine ought to be there," and he went on to say, "I also think the equal time doctrine ought to come back." Most recently, the Center for American Progress, a liberal think tank, published an entire report on what it called the "structural imbalance of political talk radio."

So you will forgive me if many of us sense there is afoot in the Nation's Capital a bit of a cool breeze on the freedom of the press and the freedom of expression on the airwaves. So we seize this opportunity in the appropriations process, with my partners, JEFF FLAKE and JEB HENSARLING, and hopefully a bipartisan majority in this Congress, to say yes to freedom and to reject, in this fiscal year, the power that we have in the spending bill, any funds to be spent to bring back this unfairness doctrine to American broadcasting law.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I would just like to inform the gentleman that we will accept his amendment.

The CHAIRMAN. Who claims time in opposition?

Mr. OBEY. For purposes of debate, I would like to claim the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this issue is much ado about nothing. We have been subjected to filibuster by amendment all week, and now we are going to be subjected to 40 minutes of so-called debate on a nonexistent issue. Now, why is this issue here?

There isn't anybody in the Congress that I know of who is trying to legislatively resurrect the Fairness Doctrine, and, certainly, the totally Republican-dominated commission is not going to resurrect that doctrine.

What's at stake here is that a certain Senator, who evidently was afflicted by a bad case of being hit by sun spots so he no longer believes that there is anything like global warming, claims that he was in an elevator and overheard a couple of Senators talk about resurrecting the fairness clause. The two Senators involved say that's nonsense.

But what you have got going on here is an effort on the part of right-wing radio to gin up the folks by inventing a fight that doesn't exist. As far as I'm concerned, it's immaterial to me how people vote on this. If Members want the debate to go until 8:00 tonight instead of 7:00, fine, spend 40 minutes debating an issue that doesn't exist.

But what I do find interesting is that folks who scream every day of the week about that so-called "liberal press," all of a sudden they are now saying, "Oh, my God, can you imagine, somebody might force a fairness doctrine on us." Well, one would think that if they really do believe the press is liberal, that they would then want the protection that would come from the Fairness Doctrine.

I think the very fact that they don't want to see the Fairness Doctrine resurrected is, in fact, an open admission that they recognize the radio waves are largely and almost totally dominated by the right and the far right and the off-the-wall right.

I don't see any purpose in taking any more time.

Mr. Chairman, I reserve the balance of my time.

Mr. PENCE. Mr. Chairman, first let me acknowledge my gratitude that the chairman of this subcommittee will accept this amendment and has endorsed it on the floor.

Mr. Chairman, I yield 1 minute to my partner in this amendment, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

The gentleman from Wisconsin mentioned that he heard one Senator with sun spots overheard two other Senators talking.

Mr. OBEY. Would the gentleman yield?

Mr. FLAKE. Yes, I would.

Mr. OBEY. I didn't say he was from Arizona.

Mr. FLAKE. No, he wasn't from Arizona. The gentleman can be excused. He has been very busy, and I am glad he has been reading earmark request letters. There have been a lot of them, so he has been tied up.

But what he missed, as the good gentleman from Indiana mentioned, Senate Majority Whip DICK DURBIN from Illinois, not afflicted with sun spots, by the way, just yesterday said, "It is time to reinstitute the Fairness Doctrine." So I don't think that we are seeing things here. There is a move afoot.

Make no mistake, this is targeted at talk radios, where conservatives seem to have done a little better in the marketplace than the other side of the argument.

So forgive us for being skeptical that nothing is afoot. But when the majority leader in the Senate says it's time to reinstitute the Fairness Doctrine, I think we're right to be concerned.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio.

Mr. KUCINICH. I agree with my colleague from Wisconsin that this debate is a red herring, that it is an effort to perpetuate the abuse of the public trust by holing up the usual straw man to divert attention from the fact that our airwaves are being abused and our democracy is being eroded. It's an effort to fire up a base.

An informed electorate is essential to a strong democracy. One of the things that I would like to say to my colleagues, there is a conflation here where they are talking about freedom of the press. In the Constitution, freedom of the press relates to freedom that newspapers have.

The electronic media is governed by the FCC, and the 1934 act says that electronic media has to serve in the public interest, convenience and necessity. Just for the sake of keeping the record straight, you can talk about the freedom of the press and you may mean newspapers, radio and TV.

But it is a fact that the electronic media is governed by the FCC. Under the laws of the FCC, 1934, we are supposed to be operating a public interest, convenience and necessity.

Now, the proponents of this amendment and of right-wing corporate radio and TV are saying that they are threatened by this fairness doctrine because they think, incorrectly, it will require corporate radio and TV to be actually fair and balanced. I think they are probably threatened by such a prospect because they know that this particular type of radio and TV communication is not.

Now, any proposal to address the real issue here, restoring genuinely productive public debate, would need to restore accountability to those who use the publicly owned airwaves. The first step would be to reverse the extreme concentration of media ownership. Let's have this debate out in the open, not when some are trying to use a red herring to try to prevent reinstatement of a rule that this administration would never reinstate, never, not a way.

As Mr. OBEY said, what's this debate about? It's a debate about something that's not going to happen under this administration, but it may happen under a future administration.

Mr. PENCE. I think the gentleman from Ohio knows how much I respect his liberal passion and often feel it mirrors my conservative passion, but let me emphasize and agree with his final point.

It is precisely about the next administration that many here in this Chamber and many here in America are concerned with leaving in the Federal Communications Commission the resources or the authority to reregulate the public airwaves.

Mr. Chairman, I yield 1 minute to my partner in this amendment, the distinguished chairman of the Republican Study Committee, JEB HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding. I thank him for his leadership.

Mr. Chairman, there is no greater guarantor of our democracy and our freedoms than the first amendment. There is no greater threat to our first amendment, freedom of speech, than the resurrection of the so-called Fairness Doctrine. The use of the term "fairness doctrine" would make George Orwell blush. The use of the program would make Hugo Chavez jealous.

Fairness, fairness particularly, as defined and policed by government, is the absolute antithesis of freedom.

It is patently unfair, and there was a time in our Nation's history when liberals proudly spoke out and jealously guarded our first amendment rights, and now, as we have heard from others, they seek to shut it down.

If, in doubt, colleagues err on the side of freedom.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I find this very odd, this situation we are in.

We heard a number of our Republican colleagues come to the floor today to object to particular spending items in the bill, but this might be a first. Mr. PENCE has an amendment here to prevent spending on something that doesn't exist.

Mr. Chairman, I think it's worth us having a real debate on the need for a fairness doctrine. But before we get into the merits of the Fairness Doctrine, we should point out that the Fairness Doctrine has not existed since 1987, so that the argument that the Fairness Doctrine has somehow caused bias in America media is a complete red herring.

But I think we need to take a hard look at what happens to our public dialogue in this country when only six companies have dominion over public debate.

□ 1415

Mr. PENCE says he doesn't want the Federal Government deciding what is fair and what is not fair, but at least the Federal Government is accountable to voters. And so I think we need to get back to what is really fair in an open society. And I urge my colleagues to vote against the Pence amendment.

And I would urge Mr. PENCE to join us in working to open up a free, true market in American media. And I stand ready to work with you, Mr. PENCE, or any other Member of this House who wants to shift our public debate away from the centrally planned media environment we have today to a truly, functional, free market where new entrepreneurs have a chance to compete with established media companies and where new ideas have a chance to compete with the old and failed policies of the past.

Mr. PENCE. Mr. Chairman, I yield 3 minutes to the distinguished Republican whip of the House of Representatives.

Mr. BLUNT. I thank the gentleman for yielding, and I'm on the side that this debate does matter. And, in fact, I think I just heard debate begin, as our good friend just suggested that this doctrine does need to be looked at and does need to be changed.

I certainly think that this debate is more meaningful than whether the Vice President is part of the executive branch of government or not, and I'm grateful to Mr. PENCE and Mr. HENSARLING and Mr. FLAKE for bringing this issue to the floor today.

I'm also grateful, and appreciate the majority's willingness to accept this. And while this may not be an item that was on the House agenda last week, I think it's clearly an item on the agenda of debate in the country.

The fairness doctrine, or the so-called fairness doctrine is a clear and bald-faced attack on free speech. It's been declared such by the Supreme Court and the FCC, and just about every reasonable American who ever heard about it.

Proponents of the doctrine don't like what they hear on the radio, but instead of empowering the process by engaging the points with regular Americans, they prefer to empower a government agency to silence those voices.

This is a diverse country with rich and robust views on politics, on culture, on society, on the role of government. The right to vocalize disagreements on all those topics in whatever medium or whatever way is available, is fundamentally what differentiates us from the countries, the totalitarian views of regimes that our country has stood against for now 230 years.

But the fairness doctrine would limit those rights and submit private broadcasters to arbitrary rules of so-called fairness, rules, I suppose, that would change from year to year, depending on who controlled the Congress or who controlled the White House.

The content of radio and television shows should be directed by station managers, not by government bureaucrats. The success or failure of that programming should be determined by the marketplace of options and the marketplace of ideas, not by some arbitrary rule of a government agency.

Again, I want to thank Mr. PENCE, Mr. FLAKE and Mr. HENSARLING for offering this important amendment. I urge its support, both in the House today and in the debates that I believe are starting now.

It may have been in an elevator yesterday and a hearing room tomorrow and the FCC in the future, if we don't engage in this important debate again.

I'm grateful to the majority for accepting this amendment, but I urge all Members of the House to speak out loudly against this so-called doctrine as this debate continues.

Mr. SERRANO. I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. First of all, if this is not a political stunt for the public and for those talk shows to carry in support, then why are we debating for 40 minutes an amendment that I accepted at the beginning and almost interrupted the gentleman in accepting it?

Another thing that's very interesting, if you don't believe that you have great support in the electronic media right now, if you don't believe that those stations have gone out of their way to give the conservative point of view and leave out those of us who may be considered liberals and who consider themselves liberals, then why are you so afraid of something called the fairness doctrine? If there's nothing to get fixed because there's nothing broken, what's the concern?

Well, obviously, you must know that there's something that you may stand to lose, otherwise you wouldn't make a big fuss about it.

Now, let me tell you something. Probably any so-called liberal you would get on radio, if one was hired by any of those stations, would probably be a moderate. You have nothing to worry about. Mr. KUCINICH and I are not leaving Congress. We will not have a radio or TV show any time soon, and therefore, it won't be what you think it is. It'll be pretty moderate.

But, again, what is the problem with going against an issue where you claim that there's a problem and, in fact, we know no issue exists. Now, that seems to be a prevailing behavior here today. You have seen amendments and you will see more coming later that speak to something that's not an issue. It's not a problem. And this one, I'm actually accepting it. I'm saying let Rush and the other guys, you know, continue to be fair and balanced in their approach. That's fine with me. And here you want more and more and more of the same.

But, again, not to be flippant in any way, I assure you that neither in Spanish or in English have I been offered a radio show that would make your skin crawl moving it to the left where the debate should be at times. Have no fear, I'm staying in Congress for as long as I can be in Congress, and you have nothing to fear but your fears itself.

I yield back.

Mr. PENCE. Mr. Chairman, might I inquire how much time I have remaining?

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. PENCE. Mr. Chairman, and to the distinguished chairman of the subcommittee, I appreciate both the tone and the good natured aspects of his remarks. But I say very seriously when he asked the question rhetorically, he says you act as though there's something you would stand to lose.

Our view is, despite the gentleman's assurances that I completely accept as sincere, what we stand to lose is freedom. We have some of the most prominent and powerful Members of this Congress stepping forward and calling for the regulation of free speech on the air waves of America using this archaic doctrine dubbed as the fairness doctrine.

And today, with the support of the majority, we will send a deafening message that not on our watch will that occur.

Mr. Chairman, I yield 2 minutes to a former broadcaster, distinguished member of the Commerce Committee, Mr. WALDEN of Oregon.

Mr. WALDEN of Oregon. I am still a broadcaster, actually. My family has been in radio broadcasting for more than 20 years.

The CHAIRMAN. Will the gentleman suspend? The microphone is not on.

Mr. WALDEN of Oregon. Mr. Chairman, it seems rather cruel that a radio broadcaster would not have his microphone turned on. And so I stand here today in support of this amendment because it really is about the first amendment. And it is about the freedom of speech on the air waves. And if you don't think so, go back to what the U.S. Supreme Court said in Red Lion Broadcasting vs. FCC 38 years ago when they cautioned that while the doctrine may be constitutional, if it's ever used to restrain speech its constitutionality should be reconsidered.

1974, in Miami Herald Publishing Company vs. Torino, the Court concluded that the doctrine inescapably dampens the vigor and limits the variety of public debate.

Twenty-three years ago, in FCC vs. League of Women Voters, the court concluded the scarcity rationale underlying the doctrine was flawed, and the doctrine was limiting the breadth of public debate. The U.S. Supreme Court made that series of rulings and, as a result, the FCC overturned it. And as a result of overturning that, all of a sudden, the air waves blossomed with both conservative speech and liberal speech.

It's not my fault that Air America didn't find a huge audience out there and went bankrupt. There are others out there who have done very successfully. It has encouraged speech.

If the fairness doctrine is put back in place, as it was pre-1987, you will silence, not expand, public debate. I've been a broadcaster. I know what it was like when it was in place, and I know what it will be like again. And while I don't always agree with those who are on the air waves, I will always defend their right to speak their piece because it actually energizes people to get involved.

So yes, I have a talk radio station and yes, it does have Rush Limbaugh on it, and it does have Sean Hannity on it and Michael Reagan and others. And this is what American broadcasting is about, in part.

But what we're really about here is protecting the fundamental constitutional rights of first amendment speech that we stood on this floor and raised our hand to protect and uphold, and the courts have made it clear that reinstituting the fairness doctrine, if used to restrict speech, would be unconstitutional.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished Republican leader of the United States House of Representatives, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from Indiana for yielding, and thank he and his colleagues who have introduced this amendment for their work.

All of this talk about bringing back the fairness doctrine caused me to think about the whole idea of the Federal Communications Commission, set up in the 1930s to regulate the air waves and the spectrum that's out there so that we didn't have two radio stations on the same wave. This was set up in the 1930s.

And then in the 1940s we got into the idea that, well, there aren't that many options in TV and radio, and so maybe we ought to make sure that all of them, in terms of what they say, is fair.

Well, that might have been helpful in the 1940s and 1950s and 1960s, but my goodness, we're in the 21st century, where people get their news from thousands of different sources. It could be radio, from hundreds and hundreds of radio stations. It could be from TV, where we now have hundreds and hundreds of stations. It could be from the Internet. It could be from the newspapers. There's lots of places for people to get their news.

And at the end of the day, as I think about the fairness doctrine, I think about those of us in Congress. We get elected based on our constituents and what we're for and what we're against, whether they like us or they don't like us. And if they like us, they might vote for us again. And if they don't like us, guess what, they get to go punch the ballot for somebody else.

Well, when it comes to the issue of the fairness doctrine, when we're dealing with radio, they can go a lot of different places. And I think that the best way is to let the judgment of the American people decide. And they can decide with their finger. They can turn it off or they can turn it on. They can change channels or they can decide to go to their computer and read it on the Internet.

And the idea that people are calling for the fairness doctrine to be called back reminds me, once again, of why I came here. I came here because I thought government was too big, it spent too much, and no one was holding the government accountable.

Let's trust the American people to do what they think is best. Their finger can make all the decisions, all that they need to make on their own behalf. Let's trust them to do the right thing.

Mr. PENCE. With gratitude to the Republican leader for his eloquent remarks, I yield 1 minute to the distinguished gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I too want to thank Congressman FLAKE and the cosponsors of this amendment. Our friends on the Democratic side have two arguments. Number 1, they say this is a superfluous, it's a red herring because nobody's talking about it. But we've already had two of our colleagues on the Democratic side say that they like talking about and maybe rehabilitating the fairness doctrine, which is a bad misnomer. In fact, this is the leftist censorship doctrine, and we ought to refer to it as such.

The second argument that they give us is that Republicans ought to like the fairness doctrine because we're always complaining about liberal bias in the media. And to that I would say this: The difference is that Rush Limbaugh knows and admits he's a conservative.

□ 1430

Dan Rather and Katie Couric don't know and they don't admit that they are liberal. That is the difference. Rush will get regulated; the others will not. And I would tell you that the first amendment, freedom of speech, means nothing if it means the government can tell you what you must say or what you must publish. The freedom of speech inherently means the freedom not to say certain thoughts or certain words.

Supreme Court Justice Potter Stewart, no conservative, once said: "Censorship reflects society's lack of confidence in itself. It is a hallmark of an authoritarian regime."

In China, North Korea, and elsewhere, they have their "fairness doctrines." We don't need one.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to a member of the Appropriations Committee, the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank Mr. PENCE for bringing this amendment and I support it. I do not think that we should spend taxpayer dollars to resurrect the 1929 doctrine, which was imposed by the old Federal Radio Commission.

Several Senators now say they don't like free speech on radio and TV, and they are looking to exhume the body of a 1920s-era radio regulation because they do not want Americans to hear. This 1920s radio regulation, appropriately called a "doctrine," was put into law by President Herbert Hoover. Remember, during that time, Western powers also signed a Kellogg pact that outlawed war, Alaska and Hawaii were not States, Mickey Mouse got his first cartoon, and Joseph Stalin became the unquestioned ruler of the Soviet Union.

This 1929 radio regulation that these Senators want to dig up was written when there was no TV, no cable, no Internet, not to mention no satellite or MySpace or YouTube. As kids today would say, this doctrine is so 20th century, and it should not be part of our 21st century.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to the distinguished and eloquent gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, in just several days, America will be celebrating her birthday. As we enjoy the 4th of July, we recall the brave patriots who stood up to the biggest military power in the world and defended basic principles that they were willing to lay their lives down for. Their wives and their children suffered as well.

As they had a chance to develop a systematic form of government and to lay out the very most important things that they had suffered so hard for. The very first amendment to the Constitution was about free speech. The Founders believed that it was critical to protect property, and of all forms of property. The thing that issues from a man's heart is the most precious. For a person to be able to have a belief and to be able to speak that freely is a precious thing not only to our Founders but to all who have been defenders of the first amendment.

I thank our colleagues who have issued this fantastic amendment. I think we should support it with the last drop of our blood and the last farthing of our treasure.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to a force of nature on the House floor, the gentleman from Georgia, Dr. TOM PRICE.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman for yielding time and I appreciate his leadership on this.

Mr. Chairman, freedom is the foundational principle of our society. Our Founders were champions of this God-given right and charged future generations with eternal vigilance to protect it.

We are here today because some very prominent Democrat leaders, including the Senate whip, want Uncle Sam to start telling radio and TV personalities what to talk about, to limit their freedom and ours. Rather than fight in the marketplace of ideas, they want to bring back a 1929 radio regulation known as the Fairness Doctrine, which has nothing to do with fairness.

A so-called "fairness doctrine" today tramples upon freedom of speech and freedom of the press. It dictates to Americans that in an open and free and flooded marketplace of ideas, they need Washington politicians to sort it all out.

Mr. Chairman, real freedom means a government that listens to the people, not one that dictates to the people whom they must listen to.

Let's keep the Fairness Doctrine off our airwaves and in the history books where it belongs.

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I rise to strongly support this amendment by the gentlemen from Indiana and from Texas.

Fair and balanced media, truly a laudable goal. But, quite frankly, Mr. Chairman, we achieve that result when we do, in fact, let the public decide. They report; you do decide. That is more than just a catch phrase. That is what this American public is about.

You see, it is the market, and when I say the "market," I mean the American people, for they are the best arbiters of what a free press is and to obtain it and they are the best mechanism to achieve it in this Nation. It is not the unelected bureaucrats of a central government that we must look to. We must look to the American public.

So I rise to strongly support this amendment, this amendment that will guarantee us a free press.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I want to thank my friend from Ohio for yielding and my friend from Indiana for offering this amendment.

Let me say this: there seems to be some doubt over there or something from the subcommittee Chair and the full committee Chair about why we don't believe them. Well, in November they kind of snookered the public. They had told them that they were going to give more affordable health care to all Americans, which hasn't been done. They were bring gas prices down, which, hello, if you are out there at the pump, you know that's not true. And then we were going to get away from dependence on foreign oil, which last night we saw that we voted not to do that, but to be dependent on them.

So you fooled the public in November; so we don't want you to fool us this time. And I think it is evident that you are trying to trick us when you had two Members go down and talk about the only reason why you are not going back against the Fairness Doctrine is because you don't have the FCC.

And let me say you have said that the Republicans are calling this a red herring. Well, I want to say the majority party is looking at the Fairness Doctrine as the one that got away. The one that got away. You all want to recapture that one that got away.

So I hope that all of my colleagues will vote in support of this. I thank the gentleman from Indiana for offering it with Mr. HENSARLING and Mr. FLAKE.

And I thank the gentleman from Ohio for yielding.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the ranking member for yielding.

And I want to take this time to say how much I support the Pence-Flake-Hensarling amendment in regard to this so-called "fairness" issue. It would be patently unfair, this so-called doctrine.

Wouldn't it be nice if we could say the same thing to the editorial boards of the Los Angeles Times and the Atlanta Journal Constitution? Wouldn't it be nice if we could say the same thing to Hollywood in regard to all these movies that our young people are being exposed to? Wouldn't it be nice if we could say the same thing to our public universities and colleges in regard to the teachers of political science and the guest lecturers and those who give the baccalaureate addresses? But freedom of speech doesn't allow that.

I clearly endorse this amendment. The FCC should not spend one dime promoting this so-called "fairness doctrine," which is anything but fair.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, I thank the ranking member for yielding. I appreciate that very much.

The Fairness Doctrine is such a misnomer. It may be an oxymoron, if you would. But one of the great things about this country throughout our history since we became a country has been that rather than have another revolution, people can express their views. They can say what they want. The Fairness Doctrine suppressed that a great deal and it fomented a lot of agitation.

As long as people can get out there and express their views, we're going to be okay. We can disagree. We can fix things. We can complain about things. But when you run in and start saying you're talking too much about this issue, you're saying too much on this side, then we are looking for another revolution. I do not want to see that.

We don't need the Fairness Doctrine, this misnomer. It is time to set it aside for good and move forward with free speech.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the distinguished gentleman for yielding and for his support of this amendment. And I also wish to thank the gentleman from New York for accepting this amendment.

I believe what we will do in this legislation will demonstrate a bipartisan commitment to freedom on the airwaves at a time that intemperate remarks are being made by others in Washington, D.C., both within the Capitol Building and within the punditocracy that surrounds this Capitol Building.

This Congress in bipartisan numbers, and I trust the numbers will be large, will say "yes" to freedom on the airwaves, "yes" to the freedom of expression, and "yes" to the freedom of the press.

I urge my colleagues on both sides of the aisle to reject the "unfairness doctrine" and vote "aye" on the Pence amendment on behalf of my colleagues JEFF FLAKE and JEB HENSARLING.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as someone of note said a long time ago, it will be little noted nor long remembered what we say here today. Certainly this has not been one of the most scintillating debates in the history of the Republic.

But I do want to thank my friends on the right because if our folks on talk radio and yap yap TV, if they actually believed that there was a fiercely liberal press that dominated the country, then they would be running kicking and screaming, demanding a Fairness Doctrine. And the fact that the folks on talk radio and yap yap TV are doing just the opposite indicates to me that they are publicly admitting that they are not "fair and balanced."

A lot of fun has been made of the FCC. It started in 1929, Herbert Hoover. Herbert Hoover was a very unlucky President who happened to be a very fine man and who had, I think, for his long illustrious life, a pretty good understanding of what it takes to be basically fair in this country. You ought to go back and read some of Herbert Hoover's speeches. He takes a lot of guff, but he was a very impressive man, with a misguided economic policy, but he was a very impressive human being.

When the FCC was created, it was based on the idea that the airwaves, which were being licensed to private holders, were, in fact, property of the public and that it is sort of like our stewardship of the Earth. My religious beliefs tell me that we never really own property even if we have title to it. We lease it from God for a while and we have stewardship responsibility.

□ 1445

Now that, in my view, is the same view that the government had when they started licensing radio stations. What they said to people who stood to make a lot of money with those licenses is, "Look, if you're going to use the public airwaves, make sure that all sides get a fair shake of the argument. That's what it was all about. It has long since gone by the boards because of court decisions and other administrative actions by various administrations.

Right wing radio today looks at those airwaves as being their open private preserve, and they're not going to give them up at all. But don't worry, I would not, for a second, want to see Rush Limbaugh or good old Sean moderated. I want to see the real, raw Rush. I want him and folks like him to be thoroughly and fully exposed to the American listening audience in all of their bloviating glory. I want to let Rush be Rush. And that isn't going to bother me if he goes on for hours and hours with his one-sided diatribes. Everybody knows he's plugged directly into Republican national headquarters. And so in my view, he is virtually discredited, and I would like to keep it that way.

So all I guess I would say, Mr. Chairman, is that I think we ought to let right wing radio go on just as they do now. Rush and Sean are just about as important in the scheme of things as Paris Hilton. And I would hate to see them gain an ounce of credibility by being forced by a government agency or anybody else to moderate their views enough so that they just might become modestly influential or respectable.

With that, Mr. Chairman, could I inquire of how much time is remaining on the other side?

The Acting CHAIRMAN (Mr. McDERMOTT). The gentleman from Indiana has 1 minute.

Mr. OBEY. Mr. Chairman, I reserve the balance of my time and let the gentleman use his minute, and then I will close.

Mr. PENCE. There is no question that the chairman of the Appropriations Committee is a tough act to follow, but I appreciate his decorum, his demeanor and always his candor on this floor.

But let me reassure him and all of my colleagues on both sides of the aisle that the bipartisan vote that I expect will be recorded today will be an encouragement to people on the right, to people on the left, and people in the center, people in front of microphones and people listening to those people on microphones because this House will say what some in the other body are not saying, and that is, we believe in freedom on the airwaves. We reject the archaic doctrines of the past that would have this Federal Government manage political speech on the public airwaves.

It is time that we come together as a Nation, we move past the archaic rules of broadcasting fashioned for a Depression-era America, and we embrace the dynamic national conversation that is the American media today.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. May I inquire of the Chair how much time I have remaining?

The Acting CHAIRMAN. The gentleman has 8 minutes.

Mr. OBEY. I won't take the time, let me just simply sum up very briefly.

As the Chair knows, we've gone through the last 30 minutes debating a nonissue. The amendment has already been accepted by the committee. And I would expect that there will be an overwhelmingly vote for it because there is no prospect of any serious effort to revive the Fairness Doctrine, either legislatively or legally. And so, this has really been another political exercise.

I've almost given up expecting that substance will dominate legislative debate. We had a State senator by the name of Lynn Stalbaum, who served in Wisconsin many years ago. And the legislature was covered by a man by the name Aldric Revell. Aldric was an acerbic reporter who had the temperament of H.L. Menkin and a pen to match. And he wrote this about Stalbaum one day, he said, "Stalbaum is a superb legislator, but he has the maddening tendency to expect reason to dominate legislative debate."

I don't really expect, on issues like this, to have much common sense in the House. You get six like-minded people in this institution, they talk to each other in the cloakroom and they think they've conducted a public opinion poll.

So all I would say is, I fundamentally disagree with the gentleman who indicated that this is a highly important vote. I think, as another famous author once said, this is a lot of sound and fury signifying nothing.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana concerning the fairness doctrine.

I am opposed to this amendment. The amendment concerns an important communications policy issue that is properly addressed in the authorizing committee. This is a classic example, of which I have seen many, of an attempt to legislate on a spending bill.

The fairness doctrine is an important, complex issue. It concerns many of the core policy values that Congress assigns to local broadcasters. It concerns the First Amendment, and localism in the media. It is, in short, an issue that should first be considered by the authorizing committee. For that reason alone, I oppose the amendment.

Even if the amendment were not procedurally defective, the amendment is entirely unnecessary. I understand from the Federal Communications Commission (FCC) chairman's office that the FCC has no plans to even debate the issue, much less take action. In other words, there will be no action at the FCC on the fairness doctrine.

It is therefore unclear why the gentleman—who must know this fact—is even offering the amendment. I hope my colleagues consider that question as they vote on the amendment. I will vote against it.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PENCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. JORDAN of Ohio:

At the end of bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. Each amount appropriated or otherwise made available by this Act (including titles IV and VIII) that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 8.9 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. I thank the Chair.

And let me, as I did yesterday when I offered a similar amendment to the appropriations bill we dealt with then, let me start by thanking the chairman and the ranking member and the committee for their work. I have the utmost respect particularly for the ranking member. I have respect for the chairman as well, but particularly the ranking member, who comes from the great Buckeye State. I appreciate his service over the years to Ohio, not just in northern Ohio, but to our entire State.

I bring before the body again an amendment. This is the fifth time. And as I said yesterday, I don't do this to be a pain in the neck, I do it because I think government spends too much money.

In this particular bill, the increase over fiscal year 2007 spending levels to what's in front of us today and dominating our debate is a $2 billion increase. And so my amendment would simply say, let's not increase the budget by $2 billion in this appropriations bill. Let's simply do what all kinds of families are doing across this country, let's spend last year's level. Let's live within last year's budget as all kinds of taxpayers, all kinds of families, all kinds of business owners are having to do across this country. It's not too much to ask government to do the same.

Here is why it's important. It's important because there is a growing financial crisis coming for this country, which is the entitlement programs, which we're not even talking about today. Whether it's entitlement programs or discretionary spending, which we are focused on today, we've got to get a handle on spending. There is no better place to start than today and say, you know what, let's live with what we lived on last year.

The other reason it's critical that we do this, and this is just as sure as the sun is going to come up tomorrow, whenever you spend and spend and spend, it inevitably leads to tax and tax and tax. I've said every single time I've presented this amendment, and it's every bit as true today, that it's not tax and spend, it's spend and tax. Spending drives the equation. If we can hold the line on spending, we can keep taxes low on American families, on American taxpayers and on American business owners. That's why this amendment is so important.

Let me just point to a couple of specific things. The bill in front of us today increases spending 9 percent over last year's budget. Now again, there are some great things in this bill. And as I said earlier, I commend the chairman and the ranking member for the work they've done and the committee's work as well, but I want to point out some of the things that taxpayer dollars are going to be spent on.

First, the text of the bill weakens an existing provision in current law that prohibits funds from being used for any needle exchange program in the District of Columbia. Taxpayers might want to know that their dollars are going to be spent for something like that. The text of the bill weakens the existing provision in current law that prohibits Federal funds from being used for the District of Columbia Domestic Partner law, something taxpayers I know in the Fourth District in Ohio, but probably all across this country, would like to know.

And then the third one, and I will just point out, the IRS, that wonderful agency that so many Americans and so many taxpayers love, is going to get a $550 million increase over last year's budget, 5 percent over last year's budget. I said yesterday on the floor, in the course of our debate, that when you get all this additional government, all this new government, all this new spending, it reminds me of a statement from one of our great presidents, our third President, Mr. Jefferson. Mr. Jefferson said, "When government fears the people, there is a liberty. When people fear the government, there is tyranny."

Now, with that statement in mind, just ask yourself the simple question: American taxpayers can ask themselves a simple question; if next week when we're home someone knocks at our door and we answer the door and they identify themselves as, hello, I'm Mr. Smith and I'm from the IRS, is your first response, oh, joy, one of my government servants is here to help me today? I mean, that's what American taxpayers are in store for. That very agency that they have not the fondest respect for is going to get a 5 percent increase in this bill.

Again, Mr. Chairman, I don't think it's too much to ask for government to live on last year's budget. That's what this amendment does.

I appreciate, again, the work that the committee has done, but I think it's certainly within reason to say we can keep spending where it was last year again, like all kinds of families are having to do across this country.

With that, I reserve the balance of my time, Mr. Chairman.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. SERRANO. I yield myself such time as I may consume.

I was beginning to feel left out. We were moving along with this bill, and I had not seen the usual cast of very intelligent and proper folks come to the floor to attack the bill and to try to cut it. And I have to tell you, I'm a very sensitive guy, I was beginning to feel left out. But now I realize you care. Except that you care to an extreme. You want to cut this bill by 8.9 percent. And I noticed that you didn't say what you usually say, which is, that this is a small cut because you know that this is a devastating cut.

It is part of a mantra that's been taking place every day, where a group of you come and say that these bills are way over budget and they have to be cut. Now, I've been on the Appropriations Committee many years now. And during the 12, 14 years that the Republican Party was in control, just about every single year that I can remember every appropriations bill went up by a certain amount. And it was easy to see Republicans would have President Bush come in with a certain amount, and they would add more to it. And that's before it got to the Republican Senate. I'm not allowed to talk about the Senate, but you know what happens over there. But now, all of a sudden, these bills are way over budget, and you folks are so concerned.

Still, not a single one of you will vote for the real budget breaker, or against it, which is the war in Iraq. Yes, we have a deficit. But you know the truth, whether you like to admit it or not, when President Clinton left office, we had a surplus. That's not my comment, that's a fact. We had a surplus. We squandered that surplus. How? By going into a war built on lies and bad information, and now we're caught up to here in that war in many ways. The tragedy of lost life. But we're paying half a trillion dollars for it. No one on that side gets up to say that budget has to be cut. The budget that has to be cut is for the employees at the Treasury Department. It's for the FCC. It's for the Small Business Administration. It's for the agencies that help people in this country.

Now, interestingly enough, I thought that you were going to spare me, and I don't want to contradict myself that I felt left out, but that you were going to spare me because we came in below the President's request. Let's make that clear. Your President, my President, but your party's President, came in at $243 million above what we have in this bill. In other words, had I done exactly what President Bush wanted, this bill would be $243 million more. I came in at $243 million below, and you still want to cut it.

But you're not cutting it half a percent as some will do, or 1 percent, which is bad enough, but 8.9 percent. So what is this? Most of the funding in this bill, more than 80 percent, is for the administrative operations of about 25 Federal agencies. A cut of this magnitude called for in this amendment would devastate the Treasury Department, the judicial branch, and the Small Business Administration. Yes, the judicial branch. Our courts would be hurt.

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We are in a war against terror. Part of what the Treasury Department does is to follow the money to see where terrorists could be moving money around in this country and overseas, money that could hurt us.

You are trying to cut this by 8.9 percent. Then what you will do is you will say, well, this is one cut. But then if you add all the amendments on cuts today, it will be close to 15 percent if we were to approve all of them. Just like if you add all the cuts on all the bills, we would just have to close up the government and go home. That may be a good idea for some of you. But right now, the Yankees are not winning as much as I want them to, so I may not want to go home for a while.

But understand something. I may at times make light of some of this. It is not a desire to say that this is not important. It is a full understanding that what you are doing is just to score political points. Because you can't, on one hand, vote to continue to approve half a trillion for the war in Iraq and at the same time say that you want to cut money from the Treasury Department, the Small Business Administration, the Federal Trade Commission, and the Consumer Product Safety Commission.

On the other hand, you can't continue to support tax cuts that went to the richest people in the country and at the same time say that you want to cut this. It doesn't make any sense. Just the same way that you support tax cuts for the rich, but resisted until we had to drag you, kicking and screaming, to approve a minimum wage increase of a couple of bucks for people who haven't had one in 40 years.

So let's be honest. Let's be honest. You want to be serious? Let's be serious. Come to the floor and present some things that are serious in nature. You are devastating this bill. We are not going to stand for it. That is why we urge everyone to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would remind Members that remarks in debate should be addressed to the Chair.

Mr. JORDAN of Ohio. Mr. Chairman, before yielding to the distinguished ranking member, just let me say a couple of things in response to the chairman. We certainly care about the Chair, but, Mr. Chairman, we care about the American taxpayers as well.

Tax cuts go to taxpayers, not the rich. Tax cuts go to taxpayers. But we have had to debate this every single time we have brought these series of amendments forward when you talk about cutting the bills, drastic cuts, the-sky-is-going-to-fall cuts. All we are saying is, let's spend what we spent last year.

Now, only in Washington when you spend the same amount of money that you spent last year is that called a cut. Only in Washington. Back in Ohio, back in Urbana, back in Lima, back in Findlay, no one would call that a cut. They would say, you know what? The government is getting by on what they did last year. That is probably something they should do, when they're talking about a $3 trillion budget that they spend each year.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), the distinguished ranking member of the Budget Committee.

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment and the next couple of amendments. Just as the gentleman said, I would like to ask the gentleman from Ohio a quick question: Does this amendment propose that this bill spend less money this year than it spent last year?

Mr. JORDAN of Ohio. No, not at all, Mr. RYAN. The amendment would spend exactly what we spent last year.

Mr. RYAN of Wisconsin. Mr. Chairman, we hear this word "cut" all the time. Cut. Cut. Cut. Only here in Congress, only here in Washington is spending the same amount of money this year as we spent last year a deep horrible, awful, disastrous cut. We are proposing to spend almost 10 percent more next year.

How many family budgets went up by this much money, an 8.9 percent increase? How much did wages go up this year? How much did pay raises go up? Did they go up 8.9 percent for most families this year from last year? No. So why should we be giving government such a huge pay raise?

What we are doing by doing this is we are taking more money away from the paychecks of working men and women to give government a bigger paycheck, to give government a bigger pay raise.

Mr. Chairman, what this is about is about trying to bring discipline to the way we spend taxpayer dollars. The budget we are operating under today contains within it the largest tax increase in American history. The budget we are operating on today says that all those tax cuts that expire at the end of the decade, we want them to expire. And do you know what? We are going to start spending that money now.

So the reason this amendment is important, and other amendments like this are important, is we are trying to reduce the spending appetite of government, of Washington, so we can make sure that we don't raise those taxes. Because if the incumbent budget resolution actually fulfills its promise, this money will get spent and those taxes will get raised. That is what this is about.

It is different approaches, different philosophies. We don't believe in all these huge increases: triple the rate of inflation, triple the rate of our constituents' ability to pay their taxes. We believe government should live within its means.

Let me be the first to say that both parties have done a lousy job of keeping track of this over the years. Both parties have some of the blame to share. But in the last couple of years, this party, which is now in the minority, did do a better job of holding the line on domestic spending. This party did take on entitlements. This party did stand against tax increases.

So, Mr. Chairman, you see here an emerging difference between whether or not we ought to have the largest tax increase in history and whether or not we ought to be increasing spending, and not at the rate of inflation, not at twice the rate of inflation, but at three times the rate of inflation.

I am pleased that this committee allocation is under the President's request. I wish all the subcommittee allocations were underneath the President's request, including the Defense.

Mr. SERRANO. Mr. Chairman, I reserve the balance of my time. There will be more speakers on this side, but the gentleman has a wonderful cast over there. I am sure they could go for a while before we go over here.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I want to thank the gentleman from Ohio.

Mr. Chairman, I don't think of ourselves as a "cast." I think of ourselves as the people that we were sent here to be, representatives of the hardworking people of the United States and of our districts.

I think that particularly those of us in the Republican Party, most of us have led lives that keep us in touch with our constituents. We haven't spent a lifetime in Washington. We haven't advocated for being in Washington 5 days a week, out of touch with the American public.

There are a couple of things that have been said that I think have to be responded to today. They haven't been responded to properly in the last few weeks, I don't think.

One is the Clinton-squandered surplus. Let me remind the majority party that the reason we had a surplus during the third and fourth years of the Clinton administration was because there was a fiscally responsible Republican majority in the Congress. You cannot attribute the surplus to a President who has no control except to veto.

I want to say something about the waste of money on the war in Iraq. Were we not supporting those brave men and women who are currently serving not just in Iraq, but all over the world keeping us free, we wouldn't have the right to come to this floor and say the things that we say. The Federal Government was formed for the defense of this Nation. That is where money should be spent so we can maintain our freedom.

Nobody wants to be at war. I don't want to be at war. The President, I don't believe, wants to be at war. But we are at war because we were attacked. Those people have said repeatedly they want to destroy us; they want to destroy our way of life. We need to spend what we have to spend to keep our freedom. We don't have to raise these budgets by 10 percent to keep doing what we need to do for the American people.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I truly do apologize if the gentlewoman thought that the word "cast" was improper. I will speak to our Hollywood friends and ask them if it's improper to have a cast of individuals. It could be a cast of bad characters, or a cast of good characters. I am sure it is a cast of very dedicated folks who have a point to make and are trying to make it.

□ 1510

As far as whether or not we live away from our districts, any time that anyone on that side wants to compare backgrounds to how I grew up and how I got here and why I thank the good Lord that I am here every day, we can debate which public housing any member of the Republican Party grew up in, as I did, where they were born and how they grew up. So I take great pride in the fact that I managed to keep in touch, because it is very hard to lose your roots once you get to a certain place.

Now, the other thing we hear all the time is that whenever we say that we are wasting money in Iraq, that somehow is an insult on the troops. The greatest support we can give our troops is to bring them home tomorrow morning. That is the true support.

I want to see folks, 2, 3, 4, 5 years from now, when we have to pick up the tab and, rightfully so, deal with the wounded who come back from Iraq, if we are going to be standing here also trying to cut budgets the way we are now. But I suspect that it will be the same way that it happened after the Gulf War, where the folks who were all hot and bothered about sending folks off to war then didn't want to put any money into the Veterans' Administration or for services for our troops.

So using a phrase that my chairman would use, Mr. OBEY, don't lecture me, don't lecture any of us, on who cares for the troops. We all care for the troops. I would never question whether you care for the troops. It is just that we differ. You think that you care for the troops by keeping them there for as long as they have to be there, which may be 10 more years. I care for the troops by bringing them home tomorrow morning.

Lastly, it was my city that saw the largest part of the terrorist attack on September 11. The gentlewoman said we are in Iraq because we were attacked.

No. We are in Afghanistan, which I voted for us going there, because we were attacked. We are in Iraq because we were lied to and half the Congress believed it. And now no one, not even the administration, admits in any way, shape or form that Saddam Hussein or anything that happened in Iraq had anything to do with September 11th.

The American people know that. They may think that we have to stay there a little longer. They may have whatever opinion they have. But the American people know that there is no relationship between Iraq and September 11th, and that is a fact. So we can continue to talk about how we have to keep spending this money. Not true.

This cut is a devastating cut to this bill. This bill is a responsible bill. This bill did what you claim you wanted to do. It came in below the President's request. I haven't heard one person get up and say, "My God, the President wanted more than SERRANO. SERRANO gave less than the President wanted, so he did pretty good, because boy, that President is a big spender."

No. He continues to be the fiscal conservative, and somehow we are the big spenders.

Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, it is my pleasure to yield 3 minutes to the distinguished gentleman from Florida (Mr. PUTNAM), the Republican Conference Chair.

Mr. PUTNAM. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the landscape of Washington is littered with the broken promises of the Democratic majority. We have heard an awful lot about fiscal discipline, but we just haven't found it yet.

This bill increases funding for the Federal Government by almost 9 percent over last year. Very few other household budgets or business budgets or private sector budgets grow at that rate.

We heard a lot over the last year, a lot of bold talk that turned into empty rhetoric, about the concept of fiscal discipline. Apparently our definitions of that term differ greatly, because the Democratic budget that these appropriations bills are implementing includes the largest tax increase in American history.

But they didn't stop there. They went on to say, despite what we may have said during the campaign, we want a new policy on earmarks. We want a policy on earmarks that prevents the American people from seeing them and that prevents the Members of Congress from having to vote on them until they mysteriously appear in the middle of the night in the conference report.

Fortunately, 2 weeks ago this body walked them back from that ill-conceived policy. And today, you can now hold your Member of Congress accountable for each and every one of the votes that they take on earmarks.

But they didn't stop there. They also, to make their budget move forward, despite having the largest tax increase in American history, used these reserve funds that are empty. They have a Sticky Note in the bottom of them with an IOU.

They use these reserve funds to promise rural America, we will put $20 billion more into the farm bill. Here is our IOU. It hasn't materialized. They told Americans in need, here is an additional pot of billions of dollars to fund SCHIP. It hasn't materialized. They did that on over 20 occasions, these mysterious reserve funds.

This bill is just one example of the reckless fiscal policy that the Democratic majority has charted for this country, a 9 percent year over year increase for Treasury, Postal, executive branch, the IRS, all very popular agencies in the American psyche right now.

They have promised America the largest tax increase in American history. They have promised the different constituent groups reserve funds, secret slush funds and IOUs, but they have delivered no accomplishment, no substantive policy change, nothing in the first 6 months of their rule. America deserves better.

Mr. SERRANO. Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING), a leader on fiscal discipline.

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding. Again, I want to thank him for his leadership on this House floor in attempting to bring fiscal sanity in a place that desperately needs it.

Mr. Chairman, I listened very carefully to the gentleman from New York and his comments, and I certainly appreciate the wit that he brings to this debate. Perhaps with the exception of him, I am somewhat curious from time to time why so many Members on this side of the aisle appear to be so grumpy, since they did win the last election.

The gentleman said that early on that he wasn't sure if we cared. We certainly care about the gentleman from New York. We just care even more about hard-working taxpayers in our districts.

He talks about the devastating cut that an amendment to level-fund this bill would be to the government. A devastating cut, when you are giving them exactly the same amount of money this year that you gave them last year. Webster must be spinning in his grave. I have actually looked up the definition of "cut" and it means "to reduce." So for level-funding this bill, I fail to see this thing called a cut.

What I do know is being cut is the family budget, because, as the gentleman from Ohio has aptly pointed out, there is all of this spending, a 9.9 percent increase, and somehow it is devastating, devastating, anything less than a 9.9 percent increase in this agency.

Well, how about the $3,000 a year largest tax increase in history that this is part of? This spending, this 9.9 percent increase is being funded with this largest tax increase in history.

That is where the devastating cut is coming, Mr. Chairman, in the family budgets of American families all across the Nation. And that is what we are trying to prevent, and that is what we care about, and it is indeed a very serious subject.

Mr. SERRANO. Mr. Chairman, I believe I have the right to close, so I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just reiterate what the previous speaker said. Look, we heard the term "devastating cut." As the gentleman from Texas indicated, we want to level-fund. We don't want to give a $550 million increase to the IRS. We want to level-fund the IRS and other agencies contained in this bill. It is not too much to ask government to do the same thing that taxpayers and families do all the time.

Mr. Chairman, I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume in closing.

Mr. Chairman, much was said by the gentleman who spoke before about the earmarks once again. Well, he will have an opportunity, and so will all of us. There is an amendment by Mr. CAMPBELL pending striking all the earmarks from the bill. I certainly will be voting against that amendment, but I will be watching with much anticipation how folks on that side vote on that amendment, because that will get rid of every single earmark from the bill.

Secondly, it is a devastating cut. All of these are devastating cuts. Whether we like it or not, we will continue to remind you that the great amount of money that has been squandered here was the major tax cut that went to the wealthiest, the richest people in this country, and that you continue to support, and, secondly, the fact that you will not join us in getting out of Iraq so we can save that money that we are spending over there. That is a fact.

To bring that fight home on this bill, which came in below the President's request, is really a totally improper way to attack it.

Mr. Chairman, I hope every Member votes against this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA:

At the end of the bill (before the short title), insert the following:

TITLE IX

REDUCTION IN APPROPRIATIONS

SEC. 901. Appropriations made in this Act are hereby reduced in the amount of $214,340,000.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleagues, at least on this side of the aisle, for working as diligently as possible to introduce amendments that will result in fiscal responsibility, or at least the start of fiscal responsibility, here in Washington.

This amendment is affectionately known as the Hefley amendment. A former Member here from Colorado, Mr. Hefley often introduced an amendment that would reduce the increase in appropriations bills by 1 percent. I suspect we will hear another cry of "devastating cuts" from the majority party, but in fact, Mr. Chairman, this is a minimal reduction for the Federal budget, but a huge win for the American people.

When we talk about amendments that are reducing appropriately the spending that goes on by the Federal Government, it is always important to remember whose money we are spending. This isn't the government's money. This is the people's money, and they work extremely hard to make certain that they can make their ends meet. And in so doing, they generously, they generously, provide the Federal Government with the resources with which to run our government and our country. It is incumbent upon us to be as responsible as possible with that spending. I would suggest, Mr. Chairman, that we can be more responsible than we are being.

We have heard a lot of pronouns bantied about on the floor today, mostly "I" and "you." I wish, Mr. Chairman, we would have a few more "we's," because when we work together on behalf of the American people to decrease spending, to responsibly spend, what we do is come together in a way that I think the American people desire us to, and certainly I believe that is one of the messages they sent last November.

We have heard also discussions or comments saying this is a big waste of time. Well, Mr. Chairman, I would suggest to you that any time we are fighting on behalf of the American taxpayer, that is not time wasted. I would also suggest that they don't believe that fighting on their behalf to make sure that the Federal Government spends less than is planned by this majority, that that is a waste of time.

Now, what is the big picture in this bill? The big picture is that last year the programs under this bill spent $19.5 billion. The committee has come forward with a proposal to spend $21.4 billion, an increase of $1.9 billion, nearly 10 percent.

This amendment, this amendment that is before us right now, is to decrease that increase, that nearly 10 percent increase, decrease that increase by 1 percent. So it is not, it is not, something that could be described as a devastating cut.

The numbers again: Last year we spent $19.5 billion. The committee proposes $21.4 billion. When this amendment is enacted, we will spend $21.2 billion on behalf of financial services and general government operations.

Mr. Chairman, I would suggest that the American people have lost a great deal of trust, a great deal of trust, in our Federal Government, and part of that is the irresponsible way in which we spend the people's money. This is a small step, a small step forward in order to begin to regain that trust.

So I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will take a couple of minutes, and then what I want to do is reserve the balance of my time with the right to close, so there probably won't be a need to ask me if I have any more speakers for a while, or at all.

But this is, again, the same thing. It is yet another cut, another desire to say we should have gone deeper in our cuts. When I think of this, I wonder, if we should have come to where the President wanted. The President wanted $243 million more. We decided in a proper way to come below the request of President Bush. Maybe we should have come at President Bush's level, and then you would be cutting his request more and more, rather than what I bring you today.

But, again, this is a devastating cut. There is no other word for it. You are going after a bill that is a bare-bones bill. There is no fat in here. Mr. REGULA, who worked on this with us, knows there is no fat in here. The cuts just pile up, and I understand what you are doing.

With that, I just hope that everybody will vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1530

Mr. PRICE of Georgia. Mr. Chairman, before I yield 3 minutes to my colleague from Georgia, I would like to ask unanimous consent that the gentleman from Texas (Mr. HENSARLING) be allowed to control the time for the remaining portion of the time for the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. PRICE of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I thank the gentleman from Georgia (Mr. PRICE) for offering this amendment.

You know, this is what I call fuzzy math. I think, Mr. Chairman, we need to explain this to people because the chairman of the subcommittee just asked the question, maybe you wanted us to go deeper in the cuts. Well, let me explain to the people, Mr. Chairman, that this is a 9.9 percent increase in fiscal year 2007. This is not a cut. And what the gentleman from Georgia is saying, let's just take 1 percent. Let's give a haircut of 1 percent to this budget. If you do the 1 percent, you will have an 8.9 percent increase. So it is not a cut. That is fuzzy math. That is smoke and mirrors. That is more sleight of hand when you are presenting this that we are asking for more of a cut. All we are saying is let's not increase by 9.9, let's only increase by 8.9.

Mr. Chairman, the American people need to be aware that sometimes in Washington when people talk about a cut, they are actually saying they are not getting as much of an increase as they want to have. Now, in a year's time for somebody to get a 10 percent raise or for a family to say, you know what, we can spend another 9.9 percent because we need it, so we will just go borrow the money, the majority says we are not borrowing the money. Okay. Well, I will go out and get an extra job to get more revenue. But the majority says, no, we are not doing it that way either. We are not raising taxes.

Well, if you spend more, you've either got to make more money or you have to go in debt. Or you've got to get more taxes in. So I think that is where we have a little bit of a dilemma here. We see the final answer, but we don't see the solution in how to get there, the math problem in how to get there. I can tell you the math problem that is going to get there. It is going to be a problem for the American family and the small businessman, because where this result comes from is the largest tax increase in American history.

So don't go for the smoke and mirrors, don't go for the sleight of hand, don't go for the wonderful sales job of we're not going to increase your taxes or increase the deficit, we're just making it happen.

Well, that sounds like a fairy tale. Sometimes up here I feel like I am in Alice in Wonderland. I just want the American people to know that there is a group, that there are some of us that are trying to bring us back from Alice in Wonderland, trying to bring us back to a reality that we need to stop the big spending and the expansion of government.

Mr. HENSARLING. Mr. Chairman, how much time do we have remaining?

The Acting CHAIRMAN. The gentleman from Texas (Mr. HENSARLING) has 8½ minutes.

Mr. HENSARLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I thank my colleague from Texas for asking me to speak on this bill again.

A few minutes ago Mr. RYAN was here and he had his children. When I spoke, I wanted to say something about the fact that they were here and how good it is that we have children on the floor and that we have young people watching what we are doing. They are here to remind us that the actions we take now are so important in the future because we are setting the stage for their future.

The majority party made a lot of promises last year on a lot of little issues, in my opinion, but they have done nothing to really fulfill those promises. They particularly have done nothing to deal with the long-term liabilities that we have facing us. We know that pretty soon 70 cents out of every dollar coming into the Federal Treasury is going to be dedicated to Medicaid, Medicare and Social Security or we won't be fulfilling the obligations we have made. So those children are going to be faced with tremendous responsibilities in dealing with those issues, and I think it is important that we acknowledge that.

The other thing I want to say is that one of my colleagues talked about wanting to compare notes on having lived in public housing projects. Without realizing it, I think he made one of my points for me. One of the problems that we have in this country is that the Federal Government is funding things it has no business funding. If the States and the localities want to subsidize housing for people, that is one thing. But having the Federal Government absorb that kind of responsibility, in my opinion, is not right.

My family didn't grow up in public housing. We never asked for public assistance. We did it on our own. We did without a lot of things, but we did it on our own. And I think we have to look for ways to help the American people learn to live without subsidies from the Federal Government.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, you know, I have been in this House 17 years. During those years, I have done what comes natural to me, which is to be a gentleman. In addition, I have tried very hard whenever I know that you may lose your temper a little bit to be a diplomat. But I think when people try to twist people's words it is pretty sad.

The gentlewoman spoke about being out of touch. I said that when you grow up in a public housing project you stay in touch. She quickly did that right-wing thing about growing up on welfare. My parents worked hard. My father had 2 years of schooling. My mother was the highly educated one. She had 6. Both of them died before their 65th birthday.

They raised two kids. One has been with the Commerce Department, way before I got into Congress by the way, for many years; and this one is not doing too bad being a Member of Congress.

That wasn't welfare. It was a form of housing. To insult people who live in subsidized housing for the poor as some sort of welfare cheats is to demean the nature of the debate in this House.

I will always be proud of the years I spent in the Millbrook Projects in the South Bronx. I will be proud of my years in public school. I will be proud of the fact that I came to the United States not speaking English and that I learned to speak whatever it is that I speak now, whether it is good or bad English. I am proud of that.

But to suggest somehow that what we are doing here today in promoting expenditures in Iraq that are a waste of money, not in how we use them for the troops but how we got into that war, or suggesting that because in 2010 people making millions of dollars in this country may have a sunset provision which was set up by the Republican Party on their major tax break when it comes to an end so that they, the ones who make 20, 50, 100, 200 million a year, a billion, may have to pay a little more so that someone else can get a little health care, if that is what this debate is about, then we have reached a very, very low point.

Now, I probably will sit down after I speak and regret having said what I said because I don't like to engage on a personal basis, but if you ever want to know what public housing is like, it is not a vacation. It is not a cabin in the Catskill Mountains or on the Outer Banks of anywhere. It is a very difficult life, but a wonderful life because it teaches you a lot. I am the man I am today because I grew up in public housing. It was not welfare. It was not a gift. It was just the way it was. I resent personally anyone who tries to cheapshot this situation by hiding behind any comments that I might have made.

Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield myself 30 seconds.

First, clearly the gentleman from New York is listening to a different debate than I am listening to. I very much did enjoy hearing his story, a story I was unacquainted with. I certainly honor all of those who come from common circumstances and can better themselves.

But there are many of us on this side of the aisle who think that the best housing project, the best educational project, the best health care project is a job, and that is what the Republican budget helps create.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan, the Republican Conference Policy chairman, Mr. MCCOTTER.

Mr. MCCOTTER. Mr. Chairman, I wish to begin by echoing the sentiments of the gentleman from Texas. The distinguished gentleman from New York has much to be proud about, coming from humble circumstances and a difficult area, to come here to the people's House and serve his constituents. It not only shows the strength of character he has; it shows what the American Dream is all about. I give you your due, sir.

Talk about another man who came from humble circumstances, Dennis Vincent Patrick Mullen McCotter, my father. A man whose father was an Irish immigrant to this country, whose mother died when he was young and he and his brother and sister were sent to other families to stay, eventually winding up in the St. Francis Home for Boys. He got a football scholarship, worked his whole life to put his brother and sister through college, in addition to himself. He grew up and became a teacher, became a proud union Democrat.

He taught me something about government that I have never forgotten. He said government spends nothing. It is the American taxpayers who pay for everything. I recall a lot of talk last year about Federal spending being out of control. I could hear my father in my head reminding me that you are spending other people's money. The money does not belong to the government. And many people who have forgotten his simple wisdom paid a high price for that.

And yet today we find ourselves under the misconception that somehow this is money that belongs to the government as opposed to the people who pay the taxes. This is the only way I believe that we can come to logically reconcile the concept of a 9.9 percent increase in new domestic spending juxtaposed to the rhetoric that we heard so much last fall about trying to get Federal spending under control.

It would strike me that my father's advice on this would be: Remember, this is not your money. You are spending other people's money. And if you tell them that you are going to be fiscally responsible with the sweat of their brow, with their hard-earned money, you had better keep that promise. Because if you do not, another thing that my father, who continues to get much wiser as I get much older, taught me, fair is fair. And if the American people believe that the pines that were offered to fiscal sanity last year are not matched by the deeds in these appropriation bills, there will be many Members on the other side of the aisle who will find that they will forfeit a great deal for their lack of loyalty to their commitments.

Mr. HENSARLING. Mr. Chairman, how much time remains on our side?

The Acting CHAIRMAN. The gentleman from Texas (Mr. HENSARLING) has 3 minutes remaining.

Mr. HENSARLING. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

□ 1545

Mr. KINGSTON. I thank the gentleman for yielding.

I wanted to say, I believe that the chairman of this committee has worked hard on this bill and done a good job, but I also know as a member of Appropriations that often things are thrust upon you as a committee member which may not have originated in the Appropriations Committee. I don't know if that's the case, but I would say here's four areas where we could go to come up easily with over 1 percent of this money. Four specific areas.

Number one is in the regulatory agencies. There have been increases above the request for the FTC, the FEC, the SEC and the CPSC, all agencies in which there is more money than requested. That's number one.

Number two, there's $300 million in election assistance for States, unauthorized. There's already $1 billion in unobligated funds from past appropriations bills. I did not like it when the Republican Appropriations Committee put this money out there for local election assistance because I don't think the Federal Government needs to stick its nose in that tent, because once the Federal Government gets involved in local State elections, it's a one-way street and we will have the federalization of elections.

The third spot. There's $80 million in unrequested SBA subsidy. Now, the particular program has been run unsubsidized. The folks borrow the money. They pay it back. We are now creating a new subsidy for the SBA, $80 million.

But the one that really bothers me the most is actually a presidential request. Now, my friend from New York has said no one has accused the President of being a big spender, but I will say to you, I agree with you. I believe the President has spent more money than the American people want him to and I believe we as Republicans spent more money than the American people wanted us to. And because I'm such a good friend of yours, I want to prevent you from making the same mistake.

The President has requested $300 million in the new campus at St. Elizabeth's for the Department of Homeland Security. I want my friends in the RSC to know this is a $3 billion, 10-year request to build a huge campus for the Department of Homeland Security. We did not fund this last year. We should all join together and say "no" to the Department of Homeland Security on this $3 billion campus which is sure to become worse than the CVC in cost overruns over time.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think it's very important that we focus on exactly what the question is before us. The question before us, with the amendment from the gentleman from Georgia, is will we grow the Financial Services appropriations by 9.9 percent or will we grow it by 8.9 percent? So when you hear the discussion of the devastating cuts and what this will do to all these fundamental government programs, how many families in America would love to have a cut that resulted in an 8.9 percent increase in their family income?

Even more fundamental, Mr. Chairman, this amendment will set us on two paths. One path, if we reject this amendment, leads to the largest tax increase in American history, $3,000 per American family. The other path will lead us to a balanced budget, the Republican budget, without raising taxes on hardworking American people.

Let's support and approve the amendment from the gentleman from Georgia.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, these agencies, these regulatory agencies in this bill, are not very well known by the American people, but I think this amendment is consistent with the efforts made by Republican Congresses in the past 25 years to slowly but surely weaken and cripple the ability of regulatory agencies to keep the big boys honest and to protect the little people in this society from abuse and to protect legitimate capitalists from chiseling competitors.

If you take a look at what happened to the Federal Trade Commission and the Consumer Product Safety Commission, for instance, from 1980 on, the protective capacity of the antitrust division at the Department of Justice and the Federal Trade Commission was being shrunk at the same time that America experienced the greatest wave of corporate mergers and corporate acquisitions in the Nation's history. The staff of the Consumer Product Safety Commission during that time was cut in half, since 1980.

And as I said last night, the ability of the SEC to keep up with its workload was crunched because over that same period of time corporate filings reviewed by the Agency declined from 21 percent to about 8 percent in 2000. That means the rest of the filings never even got a look-see.

Now, the Federal Trade Commission: its job is simply to protect the consumers, to protect them against antitrust and a variety of noncompetitive practices. The SEC is charged with the responsibility of protecting investors, so we don't have more Enrons. And the Consumer Product Safety Commission does all these "terrible" things like protecting kids from flammable pajamas.

I would simply suggest that you can cut this bill by 1 percent and it won't be noticed much in any immediate year. But you do that for 4 or 5 years in a row and you allow inflation meanwhile to eat away at those regulatory agencies' budgets, and what you have is runaway, ragged individualism and you have the big boys and the big corporations in this society able to get away with murder. These are the agencies that keep those big boys honest.

Now, they say, "Well, this is just a small cut." I would submit we have already cut this bill 3 percent. We cut the President's budget by 3 percent.

And I would further make the point that I think it is a ludicrous joke for the people in this Congress who brought us $1.2 trillion in tax cuts, paid for with borrowed money, for the people who are willing to give $57 billion in tax cuts this year to people who make over a million bucks, with borrowed money, and for people who are willing to borrow $600 billion to finance the dumbest war in modern American history, and then they want to divert public attention by saying, "Oh, guess what, we didn't cause the $2 trillion increase in Federal debt. What caused it was these terrible Democrats who are in the coming year going to add $5 billion over the CBO baseline." That's all the budget does for this year, add $5 billion over the CBO baseline.

So I plead fully guilty of thinking that added investments in veterans, added investments in school kids, added investments in health care, added investments in science, added investments in budgets that help regulatory agencies keep the big boys honest, I plead fully guilty in supporting all of that. It's a whole lot better than their track record on fiscal responsibility.

It is a colossal all-time joke. Never again in my life will I take any lectures from any members of that party on fiscal responsibility after what they've done the last 6 years. You can rewrite history if you want, but ain't nobody gonna read it!

Mr. SERRANO. How much time do I have left?

The Acting CHAIRMAN. The gentleman from New York has 10½ minutes.

Mr. SERRANO. I won't take that, but I want to close. The gentleman has no more time on the other side, I understand?

The Acting CHAIRMAN. All time has expired on the other side.

Mr. SERRANO. I just want to follow up on what Chairman OBEY has said because that's the first thing that came to mind when I heard my friend, Mr. KINGSTON, make the comments that he made. One of the in-house publications said, and I'm trying to remember the headline, after reading our bill, said "Democrats move towards more consumerism," or "to protect consumers."

You know, Mr. Chairman, if we do nothing else in this subcommittee for the next 20 years and all we have, Chairman OBEY, as that headline says, that this subcommittee moved to protect the consumer, we did the right thing.

Under Chairman OBEY's leadership, we were asked to hold a series of thematic hearings. Those hearings were to see how government can come closer to the people and the people closer to the government. Those hearings were set out to find out the best way over a 5, 10-year span of time to see how we can begin to gear government to service the people.

So what did we do? Yes, we increased dollars for the agencies to protect the consumer. Agencies that have been devastated for the last few years. Devastated. And now we simply are saying that those agencies will now begin to pay more attention to the consumer. That is a good thing.

You've heard people on this House floor talk about issues having to do with products that come in from other countries that are not safe, everything from food items to toys to clothing. This is a good thing. And I tell you one thing. If you pay attention to what we do this year, if you pay attention to what we will try to do in conference, if you pay attention to next year's bill and the year after that, there will be a prevailing theme in language and in dollars, but mostly in language, directing the agencies to pay attention to the protection of the consumer.

We also did something else that goes hand in hand with that. We looked at the agencies and said, you know, there are things you can do to help the average American understand government and be serviced by government. So some people may take it lightly that we've asked all agencies to see how much time they can spend in the classroom, in schools, visiting schools, participating with the men and women of the future. They may say, "Well, that's not a function of government." It is. These agencies can go and participate in the schools.

We asked the Election Assistance Commission, for instance, to encourage schools at every level to use the same voting equipment that is used in local elections. Why do we do that? Because it's not improper to have a child in the eighth grade or in high school using the same equipment that he or she will be asked to use when they turn 18 and they're eligible to vote. These are not bad suggestions. These are pro-consumer suggestions. And so we stand proud behind them and we think it's a proper thing to do.

These cuts attack all of that. These cuts attack our vision for bringing government closer to the people. That's why I oppose this amendment, and I would hope all other Members do the same thing.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KINGSTON:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman has reserved a point of order against the amendment.

Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. What this amendment does, Mr. SERRANO and my fellow Members, it seeks to say that if you are doing business with the Federal Government, if you are a contractor building something or selling something to the Federal Government, then you should have a Social Security verification for your employees. This was inspired by two things: Number one, the fact that the American people have spoken. They do not want comprehensive immigration reform. They spoke so loudly and so well that even the United States Senate eventually heard their voices.

Now, we've heard their voices in the House and we have passed lots of immigration reform measures, such as fences, such as the REAL ID Act, some other things that we have put on all the bills on a bipartisan basis. What this says, though, is that if you're the contractor building the fence on the border, as we have had a real case, then you have to make sure that you have legal immigrants, legal people, working for you.

□ 1600

That's all it is. There are a lot of people who sell to the Federal Government in the school lunch program. There are a lot of people who work for the defense, a lot of people who work for these agencies, a lot of just different contractors who may have illegal aliens working for them on a Federal Government job, and the only thing that this does is says that those contractors have to be involved in the basic pilot program, which is a program in which technology enables these employers to check Social Security numbers for authenticity within about 90 seconds.

It's very simple, it's very clear. I hope that the gentleman will accept it.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI because it requires a new determination.

And I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on this point of order?

The Chair finds that this amendment includes language requiring a new determination with regard to an entity's participation in a certain pilot program.

The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 13 OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISION

SEC. 901. Each amount appropriated or otherwise made available by this Act (including Federal funds contained in titles IV and VIII) that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, my amendment to the Financial Services appropriations bill today would make a cut of just one-half of 1 percent in the overall funding of the bill.

Again, when I walk around the Halls of Congress, and I see signs on easels by Blue Dog Democrat doors and other individuals, it is pointed out to anyone that walks by that our national debt now is at $8.8 trillion.

I offer this amendment in the tradition of our former colleague, Joel Hefley from Colorado, who faithfully came to the floor on these appropriations bills and offered a 1 percent cut, just a 1 percent cut in our spending.

Government does not have a revenue problem. What we have is a spending problem.

You know, when I listen to my colleagues, my friends on the other side of the aisle, and heard the esteemed chairman of the Appropriations Committee talk, he said something, if we cut our spending, we would have, I believe his term was, exactly this, runaway rugged individualism.

You know, as we approach the 4th of July and this holiday that's coming up, the celebration of the Declaration of Independence, I think about what has made this country great. I think one of the main things that has made this country great is rugged individualism.

What you have here is two opinions, two views of what makes this country great, and what the role of government should be.

I don't think there are many Americans, when they really think about it, wanting the government to advise them on how to buy a car and how to make decisions for themselves. I think Americans can take care of these things themselves. But will we have a bill like this when we have a 9.8 percent increase in spending over last year's amount? That's $1.9 billion.

I wonder if the taxpayers think that they need to spend money in these kinds of ways. One of the things that caught my eye was a $550 million increase in funding for the IRS. That's a 5 percent increase over last year's budget figure. There's not too many of us that would want to go home and brag about that.

So I think that we need to tighten our belt. I think we need to think about the proper role of government, what government should really do, strong national defense, our roads and our infrastructure, and wonder how government got involved in all of this and why, in this year's appropriations bill, we have to increase spending by $1.9 billion.

My amendment would humbly take it from a 9.8 percent increase in spending to 9.3 percent.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. SERRANO. I will be brief, but I think part of what you hear from the other side is an innovative way of using the English language. So they speak about cuts and increases and tax increases and in a way which doesn't necessarily speak to reality. So let me try the same thing then. I might as well.

The President wanted $243 million more than this bill that comes to you today.

Therefore, I would say, I cut the President. But I haven't seen one of you get up to say that was a good thing.

The President wanted $243 million more in our bill than what we are presenting to you. Therefore, the President took a cut. Mr. Chairman, I know I am not supposed to speak to them, I want to see them do the same thing when the President proposes more money for Iraq and for that war that was based on lies and bad information, and see if you are willing to cut that.

Secondly, you keep saying that this bill is 8, 9, 10 percent above last year. Again, a play on the English language, because this bill did not exist last year.

This is a new subcommittee. This committee is composed of different agencies that were put together for this committee.

Therefore, technically speaking, this is the first budget we give you. Next year, you can either say that I cut it or I increased it, but not this year, because this bill did not involve anything from last year.

Now, you could say, now he is getting picky. But if you listen to their proposals for the last couple of weeks, that's what they have been doing. They have been discussing these issues that have nothing to do with anything.

Again, you are going after a bill that came in very tight, a bill that came in below the President's request, a bill that funds basic services, a bill that has 80 percent of its funding for administrative operations in 25 different agencies. There is no fat here; there is no waste of money here.

Do you want to discuss waste of money? Later on we can discuss the war in Iraq, and we can discuss the tax cuts for millionaires that we have in place. That is the real waste of money, but we won't touch that. We will continue to bash this poor little bill that came in under the President's request.

Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I recognize the gentlelady for Minnesota (Mrs. BACHMANN) for as much time as she may consume.

Mrs. BACHMANN. I want to thank the gentlelady from Colorado for yielding to me and for bringing this important measure forward.

I want to thank Ranking Member REGULA for the hard work that he has done on this bill, and also to the chairman for the work that he has done as well.

I have to say that I hope that my ears deceive me in the remarks that I just heard from the chairman. It almost sounded as though the chairman was calling the President of the United States a liar in his remarks. I certainly hope that that wasn't true. If so, I would call on him to take down his remarks, and I trust that that is not the intention of the chairman in his previous remarks.

Mr. Chairman, what I would like to say in the course of my moments before this body is that I believe that all of us are trying to do the best that we can for regular Americans. What the gentlelady from Colorado is trying to do is exceptional.

We had an amendment that was offered previously by Mr. JORDAN of Ohio, an excellent amendment that called to have spending at 2007 levels. That makes perfect sense for most of the people in this country, because many people, many businesses, don't have that opportunity to be able to increase their budget at all, let alone to this level of 9.9 percent.

In fact, I will tell you, just in my home State of Minnesota, we have Northwest Airlines, a wonderful, marvelous employer that's had to deal with unbelievable problems since 9/11.

With all of the events that have occurred, that have happened to airlines, their employees have had to endure incredible cuts in their salary. The pilots union, the mechanics union, the stewardesses union, all of them have had to endure cuts. They haven't even been able to stay the same at previous years' levels on their wages, much less increase by 9.9 percent their wages, or, as our colleague, Dr. PRICE, wanted to cut that increase by 1 percent, 9.9, back to 8.9. Now the gentlelady from Colorado wants to back it off just one-half a percent.

Surely this body should see the wisdom in the gentlelady's amendment. All she wants to do is just have a modicum of economy in her amendment. Surely we should be able to see the wisdom in that.

I have a businessman who has a legacy industry that feeds into the auto industry. He has a business in Minnesota, and he has had to cut costs so dramatically that their business will literally almost go by the wayside if they can't turn things around.

Again, what we are seeing, with businesses, with family, especially in my home State of Minnesota, businesses not only can't increase their expenses by 9.9 percent. They can't increase it by 9.5, 8.9 percent, they can't increase at all. They have to cut back. That's called productivity. That's what America is about. That's one thing Americans do so well. They find more economical ways to produce more with less.

Usually in the course of that, when businessmen are involved in that sort of an adventure, they are somehow able to pay their employees a little bit more by being more productive. They can't always do that, but sometimes that can occur.

Here in this situation, the gentlelady from Colorado just has a very simple goal, and that is just to decrease by 0.5 percent the amount that's being proposed.

The budget is all about people. At the end of the day, it's the people in my district and your district that are paying this big spending spree, almost 10 percent increase in spending over the last year. It's almost as though the people in Congress believe that if at the end of your name you have a comma, and the letters I-n-c period, that this body believes that there is an unending checkbook that this body can dive into and pull a wallet out of a business and say, you've got more.

So we year after year after year go back to the same well. We go back to the American taxpayer. We go back to American business, and we continue to put burdens on them such that we dig into their wallet and think there is more where that came from.

There is not more where that came from. We looked at the budget battle earlier in this year. In the budget that the majority proposed, there wasn't one attempt to address the problem that we have with unfunded net liabilities that are coming across this Congress in future years, unfunded net liabilities with Social Security, unfunded net liabilities with Medicare.

These are very real costs that we are going to have to deal with. This majority in Congress didn't look at that in its bill.

So it's almost as though this Congress is saying we are going to see no evil, hear no evil, speak no evil. We are making a conscious decision, it seems, to just ignore the very real threat of economic, unfunded net liabilities that are facing this Congress.

I submit again to this body that what the gentlelady is trying to do in her very forward-looking amendment is wise. She is saying let's just pull back a little bit on this grand spending spree and be kind to Americans. Let's be kind to American industry, kind to the American taxpayer and say we understand your plight. We understand that you do more with less, and we are going to do the same.

I would say let's not have the largest tax increase in American history that our friends across the aisle are proposing. Let's not have the largest spending increase in American history. Let's do what Americans do so beautifully, and that's let's be productive. Let's increase productivity, not by government spending more, but by making sure that we return more money to the American taxpayer and say, you know what? We can do what New Zealand did just very recently.

□ 1615

We can take reform. We can actually do something completely revolutionary, and it would be that we would look at every government program and say, justify what you're doing is right. Justify that what you're doing is helping the American consumer; you're achieving objectives. Instead of the other way around, which is continuing to add more money, in this case, 10 percent, almost 10 percent more increase in a program, without first causing those programs to justify that they're helping the American people.

And that's why I'm so proud of the gentlelady from Colorado (Mrs. MUSGRAVE). She's just trying to bring a very commonsense rationalization to the spending that's being proposed by this body.

If we can't do what Mr. JORDAN suggested which, in itself, was very wise, go with 2007 level of spending, which for a lot of American companies, they'd love to be able to have 2007 level of spending. They can't do that. They've got to cut back even more just to stay afloat.

Or do what was proposed by Dr. PRICE, which is cut back 1 percent of spending. We can't even cut back, as the gentlelady from Colorado proposes, by one-half a percent?

We can do better than that. In my short time here in Congress, one thing I've seen is that, no matter if it's on the Republican side of the aisle or the Democrat side of the aisle, there's a lot of really smart people in this chamber. And I believe that we can do better, Mr. Chairman. And I believe that the gentlelady has a very wise, very commonsense approach, and I would think that the majority body could certainly accede to the fact that we can cut back by one-half a percent, so that we're now going to be spending, then, about 9.4 percent increase.

Mr. SERRANO. Mr. Chairman, I still reserve.

Mrs. MUSGRAVE. Could I ask the chairman how much time remains for either side?

The CHAIRMAN. The gentlewoman from Colorado has 3½ minutes and the gentleman from New York has 12 minutes.

Mrs. MUSGRAVE. Mr. Chairman, I would like to yield 1½ minutes to our distinguished deputy whip from Virginia.

Mr. CANTOR. I rise in support of the gentlelady's amendment because, as has been so eloquently said prior, the fact that this amendment simply attempts to cut .5 percent from the extraordinary levels of expenditure in this bill. It amounts to a $107 million reduction in the rate of growth of spending. Again, a $107 million reduction in the rate of growth. So instead of the bill growing, since last year, by 9.9 percent, the bill will then grow by 9.4 percent. That's all we're talking.

Points have been made that if the average American family is faced with a requirement that they reduce their budget by .5 percent, I think everyone, everyone who has a job and can do that would do that. And that is the situation we're in.

I want to respond to some of the remarks that were made by the chairman when he said that this is just another effort by the GOP to somehow cripple agencies that help poor people, that help people who can't help themselves. You know, that is just not the case. We are in support and have continued to be, our side of the aisle continues to be supportive of American families to allow them to take control of their own future, and for us here in Congress to recognize that the government doesn't spend government money, it spends taxpayer money. That's the bottom line.

We cannot just sit here and think that we can solve everybody's problem just by having government step in and do it. So this is taking a very reasonable approach to say, okay, let's go ahead and cut by .5 percent.

Mrs. MUSGRAVE. Mr. Chairman, I would ask the chairman of the committee if he has any more speakers.

Mr. SERRANO. Just to close.

Mrs. MUSGRAVE. I would yield 30 seconds to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I just want to tell Mr. Chairman that I hope Mr. PRICE is listening because it is going to take a lot of truth squad to straighten this out.

The chairman over here mentioned the Iraq spending and wanted to see how much we would cut it. Well, when the President sent down the emergency Iraq spending bill the Democrats went "Yee-Haw," let's add $23 billion to it.

So I want to quote what the chairman and the subcommittee chairman has said. "Don't lecture me on spending on the war."

Mrs. MUSGRAVE. I would like to yield to the gentleman from Michigan (Mr. WALBERG) for the remainder of the time.

Mr. WALBERG. Mr. Chairman, I stand here today to say that it's amazing, as I listened on my TV in my room and then came over here and heard complaints about cutting just .5 percent. I heard talks about runaway rugged individualism. And I had to think that what we're talking here is concern runaway rugged individualism versus a nanny state regulatory state, a nanny state that says we can't do for ourselves what we could and should do for ourselves.

And to talk about cutting this miniscule cut that would at least start to establish for our taxpayers that we have heard to some degree, and .5 percent is what we could take away and indicate that if we want to move in that direction, not only will we say to the taxpayer, you will do well if we keep moving that direction, but I think we can prove to the regulatory mentality here that we can live without some of that.

We're talking about myself in a State of Michigan, where we are hurting for certain, and it's not because we don't have too little government. It's not because we don't have too little regulation. We've got too much. We've got too much taxation. We've got too much spending. We've got too much regulation that continues to break down what we should and could do for ourselves.

So I thank the gentlelady from Colorado for sponsoring this very reasonable amendment that just simply says, come on. We're still going to have a significant increase. Let's move forward. And I thank you for offering it.

The CHAIRMAN. The gentlewoman from Colorado's time has expired.

Mr. SERRANO. Mr. Chairman, in closing, I just want to, first of all, comment that I must have hit a nerve in telling the truth, because the gentleman from Georgia got so excited that he made some noise that I'm trying to figure out later what it means. Something, hee-haw or haw-hee or something. I'll try to figure it out later.

But anyway, the point is that no one is lecturing anyone. The ones who've been doing lecturing, Mr. Chairman, have been people saying that these bills have to be cut. These bills are bare-bone bills. This one in particular came in under the President's request, cut the President's request by $245 million.

We set out to help agencies to help people. We demand, we encourage them, actually, to come closer to the people. We do a lot to allow the District of Columbia to deal with some of its issues, something that Mr. REGULA and I believe in strongly. That's what this bill does.

But we still can't get away from the fact that when we deal with cuts, you could present it any way you want. There's only one cut where the American people will actually feel something happening, and that is if you cut this continued ability to allow only the richest people in the country, the millionaires and the zillionaires to get incredible tax cuts where they take home 160,000 more dollars than they took last year, or 220,000 more dollars than they took home last year; or if you ever get the courage to say to President Bush, this is your war, you started this war, we have to end the pain of the war, but in the process, we have to end the continuing waste. And I say waste, because it shouldn't have been there in the first place, of half a trillion dollars. That's a lot of money.

Cutting the Consumer Product Safety Commission, cutting the FCC, cutting the SEC, cutting the Small Business Administration, that's not going to make a difference, and you know it.

Let's have the courage to tell the President to get out of Iraq and save half a trillion dollars that he will now spend if we stay there, and then we're talking real dollars.

I hope that everybody will oppose this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. GOODE

Mr. GOODE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. GOODE:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the Federal funds made available in title IV or VIII may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (DC Law 9-114; DC Official Code, section 32-701 et seq.).

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODE. Mr. Chairman, under Federal law, and the law of most States, legal marriage is the union between a man and a woman. The U.S. House of Representatives should be on record supporting traditional marriage between a man and a woman and opposing alternative definitions of marriage.

Federal tax dollars are not used to extend employment benefits to domestic partners of Federal employees, and DC should not enjoy an exception to the rule.

Since 1992, Congress has prohibited the use of Federal funds from being used to implement the DC Domestic Partners Law. And I hope it will be the privilege of this body to adopt this amendment and keep a 15-year tradition in place.

I yield 2 minutes of my time to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, the vast majority of the American people believe that marriage is a sacred union between a man and a woman. This most basic social institution has been recognized by every culture and every serious religion in the history of mankind.

The Goode amendment protects and strengthens this important union between a man and a woman, and I rise in strong support of it.

The underlying bill before us today strips a 15-year Federal policy ensuring that American taxpayer dollars are not used to fund domestic partnership benefits. In defense of this longstanding policy, the President's senior advisors have made clear that they will recommend a veto if the bill reaches the President's desk in its current form, with this item in it.

Mr. Chairman, Federal funds have never been used for domestic partnership benefits in the District of Columbia. If this bill is not amended, the Federal Government will be forced, for the first time ever, to offer many of the same benefits for domestic partnership as it offers for marriage.

I oppose using government funds to promote nonmarital partnerships because I have tremendous respect for the traditional family. I believe that traditional marriage is the foundation of the family, and families are the foundation of healthy society. The Goode amendment protects these vital foundations which we, as the representatives of the people, should support. I strongly urge my colleagues to support it. It clearly defines the difference in the two parties here in the Congress. Please vote "yes" on the Goode amendment.

Mr. GOODE. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I was going to rise in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. And I guess for all intents and purposes, I have to do that, except that when I read the amendment, I realized that, with all due respect to the gentleman, it doesn't change anything because it speaks to something that doesn't exist. There's nothing in this bill that says that anything can be done that he doesn't want done.

I know that's confusing. I showed it to Chairman OBEY because I wanted to make sure. He agrees with me. I showed it to staff and, to my amazement, I was right with everybody. This amendment speaks to an issue that is not an issue; therefore, he's asking to undo something that is not done. Nothing's broken that needs to be fixed.

□ 1630

So with that, Mr. Chairman, I yield back the balance of my time.

Mr. GOODE. Mr. Chairman, based on what the gentleman from New York said, I hope it would be the privilege of this body to vote "yes" for this amendment to uphold traditional marriage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GOODE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. SERRANO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MCCOLLUM of Minnesota) having assumed the chair, Mr. HASTINGS of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. SERRANO. Madam Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 179) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 179

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 28, 2007, or Friday, June 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, July 10, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, June 29, 2007, Saturday, June 30, 2007, Sunday, July 1, 2007, or Monday, July 2, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 9, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 517 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2829.

□ 1635

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 32 by the gentleman from Virginia (Mr. GOODE) had been postponed.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used by the Internal Revenue Service to implement a Spanish-language version of the "Where's my Refund?" service.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 27, 2007, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment that none of the funds made available in this act may be used by the Internal Revenue Service to implement a Spanish language version of the Where's my Refund? service.

Mr. Chairman, the English language has been one of the strongest, most durable ties that unites us all as Americans. Yet today our unity in the English language is undermined by policies that require government agencies to communicate in an increasing number of foreign languages. It is not just one, two, or three. In some of the cases, it is five, and six languages.

So I rise today to offer an amendment to strike language in the underlying bill that would mandate even more government multilingualism. My amendment would prohibit the IRS from developing a Spanish language version of the agency's Where's my Refund? Web site, which is currently only offered in English.

So think about that. As it turns out now, if you want to get a refund, you go to the IRS Web site, and sure enough, you can find out how to do it. English is right there. You go through the procedure and understand it. But now in the bill, they want to put it into Spanish. So I am just saying let's continue with the status quo and keep it in English.

Taxpayers should not be required to pay the cost of translating information so that people can demand a tax refund in another language. This is our country and we want to promote English, and I am sure most people that want to get a refund, of all things, would like to learn English so they can get their refund. Generations of immigrants have made great sacrifices to learn English and assimilate into this great American "melting pot." This is what has allowed us to become the most successful multiracial and multiethnic Nation in the world.

Making exceptions now for another language I don't think is the right thing to do. It just assumes they are incapable of learning English like the previous generations. And many, many immigrants that came here learned English, and for all these years they have been able to determine what their refund was by going forward. So I think it is not a good idea to change this tradition. I realize that there are lots of people who don't agree with me, but I think we should have a vote on this to understand it and have the will of the House.

Now, California Governor Arnold Schwarzenegger knows something about the importance of learning English. He emigrated to the United States from Austria knowing very little English. He has said he immersed himself in American culture and made an effort to only speak English once he came to the United States. So he is a good example.

We should be encouraging immigrants to learn English, not enabling them by providing more and more government services in various foreign languages. It could be one language here, another language here, and pretty soon taxpayers are forced to deal with many, many languages just to get their refund.

Additionally, what makes Spanish speakers in this country more deserving than perhaps people from South Korea or people from Japan or people from China? I mean, is there one particular reason we are singling out this one language? If it is true we need to have this and I don't think we do, then I certainly think we should solve the problem of looking at all the languages.

The policy of our government should be to conduct official business in English and uphold the longstanding credo of "E Pluribus Unum": out of many, one. My amendment, I believe, simply would further this goal, and I urge my colleagues to support this amendment and help preserve our national linguistic unity and strengthen our democracy.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, this is the kind of amendment that shows up every so often. It plays to our patriotic feelings and to our feelings of wanting to be good Americans. So what you tell Americans is that if a language other than English is used anywhere in the country for any purpose, somehow, as the gentleman says, it attacks our democracy and threatens our democracy.

We are not saying that we want people to stay away from learning to speak English, and I think it is important to note that when people come into this country and what some folks go through to come into this country, that is a statement about how much they want to be in this country. Is it true that Mom and Dad may take a little longer to speak English? Absolutely. But the young man that comes in or the young woman that comes in at the age of 8, 9, 10, 12, whatever, I assure you that 10 months after they are here, they are acting very American and a year or two later they are speaking English. That's a fact of life.

In fact, I know this for a fact as one who spoke Spanish before he spoke English. When Hispanics sit around the dinner table and the issue of language comes up, it has never been a plot against the English language. It is usually the lament by the grandmother that the grandchildren no longer speak Spanish. That is the reality of America. That is how it has been from day one. That is how it is always going to be.

Now, what is it that we provide here? We are saying that if you still have not reached that point where you feel comfortable enough in English to deal with government services, you can go to a Web site, listen to this, and say, Where is my tax refund? That in itself makes a statement. It says you are working in this country, that you are paying taxes in the country, that you have a refund coming, and you want to know where your refund is. So to make it easier for you to communicate and get that service, the IRS has seen fit to put together that kind of a service.

Now, folks who deal with the IRS on a regular basis like the IRS National Taxpayers Advocate, in the annual report earlier this year, commended the IRS for the efforts to establish a Spanish-language version of Where's My Refund?

So if you don't like the fact that this service is provided, say that. That's fine. But don't make it sound like this is a threat to our democracy. This country is strong for what it is and who we are, not because we have a website that allows people, who speak Spanish and feel a little more comfortable as they transition into English, get this kind of information.

What is ironic is that we come to the House floor and make all these comments about government agencies offering Spanish as a language, but, Mr. Chairman, none of our colleagues from the other side ever get up and criticize their friends in corporate America who on a daily basis advertise in Spanish.

Do you know that there is an ESPN in Spanish, there is an ESPN Deportes in Spanish? There's a Fox, yes, a Fox News in Spanish. There's a Fox Sports, I said Fox, in Spanish. There's a People magazine in Spanish.

Now, is that government doing that or is that corporate America, who at times hangs out more with that side than this side, doing what they know is correct to sell their products? All these folks are saying is to give a service to the people, we will do it in Spanish too. Trust me, this does not threaten the democracy at all.

I am, on a personal level, kind of a little shocked at my friend, the only man who ever passed a ball to me in a congressional basketball game because he knows of my lack of talent, and he knows he's my friend, but you would think he comes from another State. He comes from Florida.

I don't know how you are going to explain this back home. I am trying to help you here. Maybe you want to withdraw this amendment so you can save a lot of headaches back home.

Mr. Chairman, I reserve the balance of my time.

□ 1645

Mr. STEARNS. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Mr. STEARNS. Let me just move to use the 1½ minutes I have remaining and say to my sage colleague from New York that I certainly respect him. He's one of my favorite Members. We have lots of fun together. And I remember when he made those three pointers in the congressional basketball team how surprised, and pleasantly surprised, I was that he made them. So I'm respectful of that.

But I ask him, shouldn't government treat everybody equally? I mean, here you're talking about setting aside a special program, Where is My Refund program, under the IRS for the Spanish language. But I call the gentleman's attention to New York City. There are Chinese, almost 400,000 Chinese; 300,000 Italians; there are almost 250,000 Russians, there's 152,000 Frenchmen, Polish is a language there. The French Creole is about 100,000. Korean is about 86,000, German is about 86,000. In fact, the total number of people speaking foreign languages in his area, New York City, other than Spanish is 1.7 million people. So why shouldn't the government treat everybody equal is the question for you?

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. May I inquire as to how much time I have left?

The CHAIRMAN. The gentleman from New York has 30 seconds.

Mr. SERRANO. Mr. Chairman, I move to strike the last word and yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we've just heard one of the least persuasive arguments that we have ever heard in this body. We hear them repeatedly. People who are opposed to doing something use the argument that we shouldn't do it, even though they're objecting to it on its own basic grounds because it doesn't go far enough. If, of course, it went far enough, they would be even more upset, Mr. Chairman.

The argument that if you cannot solve every problem for everybody, you should not try to improve the situation for large numbers of people is never what people really think. It is always advanced by people who don't want fully to defend the position they take. The objection is to accommodating the many millions of Americans for whom Spanish is the primary language.

I have to say, I do not understand the impulse to make life harder for others when making it easier for them has no cost to us. I represent a large number of people who speak English. Nobody has ever said to me, you know what? My life is now more difficult because people who speak primarily Spanish can get a refund.

What is the impulse that drives us to object to making life easier for many of our hardworking fellow citizens in some principle when it comes at no cost to us?

And by the way, I have a large number of people for whom Portuguese is a primary language. I do not think they will tell me, when I go back to march in parades in that area, we're very upset because you supported allowing tens of millions of our Spanish-speaking friends this advantage and you didn't do everything for us. It is, of course, reasonable for a community to take into account large numbers.

And so again, I am really troubled by this lashing out at our fellow citizens when it comes at no cost to the rest of us. You talk about benefit cost analysis. What is the cost, it's minimal, of letting people who work hard who have trouble with the English language?

And as the gentleman from New York has pointed out, overwhelmingly the younger people learn English. No one who has had any association with an immigrant community has any doubt about the accuracy of what he said. The young people learn English, they become the translators and interpreters for their parents and their grandparents.

There are people who came to America out of love for this country and they work hard, and they are much more comfortable, particularly reading sort of technical information, in the language they grew up with than the new language. Their children and those who come after will speak English. Why do we want to make their lives harder? Why this objection to trying to ease the transition for these people?

I very much hope this amendment is defeated. I would hope we would say we are a better country than to begrudge people who have taken the difficult decision to immigrate to make their lives better, this very small accommodation.

I thank the gentleman for yielding to me.

Mr. SERRANO. Reclaiming my time, the gentleman from Massachusetts, my friend, makes the best point of all. If you can just imagine, and I think you do because Lou Dobbs and other people show you all the time, what some people go through to get to this country, not to mention others who enter here with documents. You don't go through all of that to decide later that you don't want to be part of this society and not speak English. That is a fallacy. That is not true. And I can tell you firsthand it doesn't happen.

I can tell you that I go to community meetings now in my district where there is no need any longer to say a word in Spanish other than to sound cute at the beginning by saying, Hola. Como esta, Ustedes?

This is not a problem. And I am trying to save you, once again, from all this wrath you're going to get back in Florida for proposing this. So I still give you a chance to withdraw this. I hope everybody will vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank my distinguished colleague from Ohio for his kindness.

We can wrap up this debate and I will just try to answer the gentleman from Massachusetts and the gentleman from New York here.

What can be more of an incentive to learn English? But the IRS program Where is My Refund? You would think if you are getting money back from the government, isn't that enough of an incentive to learn English? Maybe we should not have Spanish on the IRS Web site so we can get people to learn English. I mean, I would think giving them money back would be a great incentive. I would think you would be for this amendment because people who have to speak Spanish would have an incentive to learn English. That's my first point.

Second of all, the gentleman from Massachusetts says it's a minor cost. We don't know if this is a minor cost. But as we take his argument a little further, he says that I have no right to say there's another 1.7 million people in New York who speak other languages, and because the perfect is the enemy of good, we've got to give it to all these people, which is an argument that makes it confusing to people and say well, you have to vote against Stearn's amendment because we're not doing it for all these people. There certainly would be a cost if we went ahead and did if for 1.7 million various languages in Italian, Russian, French, Polish, French Creole, Korean and German.

And I ask the gentleman from New York (Mr. SERRANO), why is one language selected to do this at the expense of another 1.7 million? Which goes to my point. We shouldn't do it for only one, we need not do it for any of them.

And so there is no reason to do the other languages here. They're getting money back. It would be very expensive if we did if for all the languages. And the cost here, we don't know what it's going to be. So I think the country is better off if we treat everybody equally.

The question you mention, Mr. SERRANO, about CNN and other news organizations, these are private companies, they are not taxpayers funded. This is taxpayers funded. And I would think if a person is speaking French Creole in New York, he would like to have it in his language for the tax refund program, also.

So, I mean, you really make a difficult argument if you're saying it's just for people who are Spanish and you're not recognizing all of them, which goes to the heart of my argument, which is, basically the United States Government should treat everybody equal. The language should be the English language, and particularly when you're talking about the Where is My Refund program with the IRS. Vote for the Stearns amendment.

And with that, Mr. Chairman, may I inquire as to how much time I have left of my own and how much time I left of Mr. REGULA? If that's possible to do that.

The CHAIRMAN. Mr. REGULA has 2 minutes left, and the gentleman from Florida has 30 seconds.

Mr. SERRANO. Will the gentleman yield?

Mr. STEARNS. I would be glad to yield Mr. REGULA's time if Mr. REGULA will yield.

Mr. REGULA. Yes, I would be glad to yield to the gentleman.

Mr. SERRANO. If you're willing to join me in a further amendment that says we should do 125 languages, I would be glad to join you because I believe in that. That's fine. That's because I don't know what you're really saying there.

Mr. STEARNS. Are you saying 25 languages?

Mr. SERRANO. 125, that's what you said; we should do it for everybody. So that's 125 languages.

My other point, because I don't want to take up your time, is, it's interesting to note how the language changes. Now you're saying they're getting money back from the government, they should be happy to do that in English. Just a few minutes ago, for 3 days, for 3 weeks we heard how the government only holds the money from the taxpayer. So only this group is getting money back from the government, the rest of the Nation is just having the government hold their money.

The CHAIRMAN. The gentleman from Florida is recognized for his final 30 seconds.

Mr. STEARNS. I would just say, if you're speaking French Creole in your congressional district and you got a refund, you would certainly want that to be in our language, too.

I think I've made the argument clear that with all these different languages, the government should not pick out any one and should just do it in the official language, which is English.

So with that, Mr. Chairman, thank you for your indulgence.

I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from New York has 30 seconds.

Mr. SERRANO. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I was struck when the gentleman of Florida said, why should we do this at the expense of other people? That's the crux of the disagreement between us. It doesn't come at the expense of other people. The fact that the largest single linguistic minority gets an ability to do this in their own language, which will, by the way, also probably increase tax collection, so it probably is an offset and it probably makes money for the Federal Government. But the gentleman's phrasing "at the expense of," that's what troubles me. It does not come at my expense if we reach out to hardworking people who have trouble with English.

Mr. FARR. Mr. Chairman, I represent a minority-majority district with a large Spanish-speaking population. These constituents work and pay taxes just like every Member of Congress. And, even if they are undocumented and work, they still pay taxes.

The IRS National Taxpayer Advocate has found that 6 percent of taxpayers do not speak English at home. For many of my hardworking constituents, having tax material in their native tongue greatly simplifies their ability to comply with the requirements of the IRS. This is the essence of good government and good citizenship. Isn't that what we want to encourage?

I commend the chairman for his foresightedness in directing the IRS to expand the availability of Internal Revenue Service forms and information in Spanish, the second most common language spoken at home by 28 million people. Let's face it—our very complex tax code takes an accountant to figure out. We could all use a little help.

Please oppose the Stearns amendment.

The CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SERRANO. I yield to our majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

First, I would like to congratulate Mr. SERRANO. This is his first bill that he has brought to the floor and handled, and he has done it very well. I want to thank him.

I also want to congratulate my good friend, RALPH REGULA. I had the great honor of serving for 6 years under his chairmanship of the Labor Health Committee of which I had the honor of serving. He did an outstanding job, he's done a good job with this bell as well. I thank him for facilitating consideration of this bill.

Mr. LEWIS of California. Will the gentleman yield?

Mr. HOYER. I will yield to the gentleman.

Mr. LEWIS of California. I simply want to say to the leader, I very much appreciate your taking the time to make those expressions. They've done a fabulous job on this bill, and it's an illustration of what can happen when we work so well together.

Mr. HOYER. Reclaiming my time, Mr. Chairman, at this time, however, I would like to mention a matter. I would have liked to ask for a unanimous consent. I will not ask for that unanimous consent because it has not been agreed to. And under our rules, I therefore am constrained to ask for the unanimous consent.

The Senate passed yesterday, by unanimous consent, without objection, obviously, by definition, the Transition Medical Assistance and Abstinence Education Program. That program is a program which provides for transitional medical assistance for those who transit from welfare to work. It's a very important program. It, unfortunately, expires on June 30. We will not be here on June 30. This could have been passed, and I would hope would have been passed by unanimous consent. Unfortunately, that has not occurred, and therefore I will not be offering, as I said, such request.

I would say, however, that it will be our intention to offer this as soon as we return the first week that we're back. We believe this is very important to pass. And as a result, we will move it as quickly as we can.

I thank the gentleman for yielding the time.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. CARDOZA of California.

Amendment No. 8 by Mr. DEFAZIO of Oregon.

Amendment No. 15 by Mr. PRICE of Georgia.

An amendment by Mr. TOM DAVIS of Virginia.

Amendment No. 1 by Mr. GARRETT of New Jersey.

An amendment by Mr. SOUDER of Indiana.

Amendment No. 18 by Mr. FLAKE of Arizona.

An amendment by Mr. FLAKE on Barracks Row.

Amendment No. 21 by Mr. FLAKE of Arizona.

Amendment No. 19 by Mr. FLAKE of Arizona.

Amendment No. 22 by Mr. FLAKE of Arizona.

An amendment by Mr. CAMPBELL of California regarding Lincoln Commission.

An amendment by Mr. EMANUEL of Illinois.

An amendment by Mr. CAMPBELL of California regarding earmarks.

An amendment by Mr. WICKER of Mississippi.

An amendment by Mr. PENCE of Indiana.

Amendment No. 31 by Mr. JORDAN of Ohio.

An amendment by Mr. PRICE of Georgia.

Amendment No. 13 by Mrs. MUSGRAVE of Colorado.

Amendment No. 32 by Mr. GOODE of Virginia.

An amendment by Mr. STEARNS of Florida.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

The Chair would also remind all Members that 2 minutes is going to be strictly adhered to. The Chair would ask Members to remain in the Chamber.

□ 1700

AMENDMENT OFFERED BY MR. CARDOZA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CARDOZA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARDOZA:

Page 65, line 17, insert after the first dollar amount "(reduced by $8,000,000)".

Page 65, line 25, insert after the first dollar amount "(increased by $6,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 144, not voting 12, as follows:

[Roll No. 584]

AYES—281

Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Flake
Frank (MA)
Gerlach
Giffords
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)

Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—144

Akin
Alexander
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Dicks
Doolittle
Doyle
Drake
Dreier
English (PA)
Fallin
Feeney
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Murphy, Tim
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Ryan (WI)
Sali
Schmidt
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Terry
Thornberry
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—12

Abercrombie
Bachmann
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Jones (OH)
LaHood
McMorris Rodgers
McNulty
Ortiz
Sessions

☐ 1723

Mr. HALL of Texas changed his vote from "aye" to "no."

Mrs. MILLER of Michigan and Messrs. McCOTTER, KUCINICH, MITCHELL, BERRY, TIAHRT, DOGGETT, TAYLOR, KINGSTON, RADANOVICH, REYES and ROYCE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair wishes to remind Members that the remainder of the votes, which are substantial in number, are going to be 2-minute votes. The Chair entreats Members to please stay in the Chamber. We intend to be strict with regard to the 2 minutes.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO:

Page 80, line 23, after the dollar amount, insert "(reduced by $10,000,000)".

Page 81, line 10, after the dollar amount, insert "(increased by $10,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 95, noes 320, not voting 22, as follows:

[Roll No. 585]

AYES—95

Arcuri
Baldwin
Berkley
Berry
Blumenauer
Bordallo
Braley (IA)
Camp (MI)
Carney
Carson
Christensen
Cohen
Conyers
Costello
Crowley
Davis (IL)
DeFazio
Duncan
Ellison
Engel
Faleomavaega
Farr
Filner
Frank (MA)
Garrett (NJ)
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Heller
Hinchey
Hodes
Holt
Honda
Hooley
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Kildee
Kingston
Kucinich
Lee
Loebsack
Lofgren, Zoe
McCotter
McNerney
Meehan
Melancon
Michaud
Miller, George
Moore (WI)
Moran (KS)
Nadler
Pallone
Paul
Payne
Perlmutter
Petri
Porter
Rangel
Rohrabacher
Royce
Rush
Sánchez, Linda T.
Schakowsky
Scott (GA)
Scott (VA)
Sensenbrenner
Shays
Sires
Skelton
Slaughter
Space
Stark
Stupak
Sutton
Tancredo
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Towns
Upton
Velázquez
Walden (OR)
Walz (MN)
Waters
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Young (FL)

NOES—320

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capps
Carnahan
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jindal
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Sullivan
Tanner
Tauscher
Taylor
Thornberry
Tiahrt
Turner
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walberg
Walsh (NY)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Yarmuth
Young (AK)

NOT VOTING—22

Abercrombie
Bachmann
Bartlett (MD)
Capito
Capuano
Cardoza
Clay
Davis (KY)
Davis, Jo Ann
Delahunt
Forbes
Fortuño
Hastert
LaHood
Markey
McGovern
McNulty
Neal (MA)
Ortiz
Pryce (OH)
Sessions
Tierney

ANNOUNCEMENT BY THE CHAIRMAN

The Chairman (during the vote). Members are advised 1 minute remains in this vote.

☐ 1727

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. PRICE of Georgia:

Strike section 738 (page 117, line 9, through page 124, line 13) and redesignate the succeeding provisions accordingly.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 268, not voting 11, as follows:

[Roll No. 586]

AYES—158

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—268

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rogers (AL)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—11

Abercrombie
Bachmann
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Hastert
LaHood
McNulty
Ortiz
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in the vote.

☐ 1732

Mr. STEARNS changed his vote from "aye" to "no."

Mr. MORAN of Kansas, Mr. SALI and Ms. FALLIN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TOM DAVIS OF VIRGINIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TOM DAVIS of Virginia:

At the end of the bill add the following new section:

TITLE ___

SEC. ___. the amount otherwise provided for under title IV for the Federal Payment for Resident Tuition Support is increased by $1,000,000 and the amount otherwise provided for Salaries and Expenses of the Office of Special Counsel is reduced by $1,000,000.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 279, not voting 12, as follows:

[Roll No. 587]

AYES—146

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boren
Boustany
Brady (TX)
Buchanan
Burgess
Burton (IN)
Calvert
Cannon
Capito
Carney
Castle
Chabot
Clay
Coble
Cole (OK)
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Dreier
Ehlers
Emerson
Eshoo
Fallin
Feeney
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hayes
Heller
Herger
Hobson
Hooley
Hunter
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo

Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McHugh
McKeon
Mica
Michaud
Miller (FL)
Miller, Gary
Mitchell
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce

Pence
Perlmutter
Peterson (PA)
Pickering
Pitts
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ryan (WI)
Saxton
Shadegg
Shays
Shimkus

Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—279

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castor
Chandler
Christensen
Clarke
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks

Dingell
Doggett
Doyle
Drake
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Flake
Foxx
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hensarling
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)

Kline (MN)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Platts
Poe
Pomeroy
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rodriguez
Rogers (KY)

Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter

Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)

Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Abercrombie
Davis (KY)
Davis, Jo Ann
Forbes

Fortuño
Hastert
Hinchey
LaHood

McNulty
Norton
Ortiz
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in the vote.

□ 1738

Mr. ETHERIDGE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members these are 2-minute votes. There are 17 votes that remain. The Chair would encourage and entreat all Members to stay in the Chamber.

AMENDMENT NO. 1 OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GARRETT of New Jersey:

AMENDMENT NO. 1 OFFERED BY MR. GARRETT OF NEW JERSEY

At the end of title VI, insert the following:

SEC. ___. None of the funds made available under this Act may be used by the Securities and Exchange Commission to enforce the requirements of section 404 of the Sarbanes-Oxley Act with respect to non-accelerated filers, who, pursuant to section 210.2–02T of title 17, Code of Federal Regulations, are not required to comply with such section 404 prior to December 15, 2007.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 267, noes 154, not voting 16, as follows:

[Roll No. 588]

AYES—267

Aderholt
Akin
Alexander
Allen
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Coble
Cohen
Cole (OK)
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)

Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce

Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—154

Ackerman
Altmire
Baca
Baldwin
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Bordallo
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Conaway
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
Meehan
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Snyder
Solis
Stark
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—16

Abercrombie
Burgess
Clyburn
Davis (KY)
Davis, Jo Ann
Emanuel
Forbes
Fortuño
Hastert
Kaptur
LaHood
Markey
McNulty
Norton
Ortiz
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1741

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOUDER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

At the end of the bill (before the short title), insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act (including funds made available in title IV or VIII) may be used by the District of Columbia for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 216, not voting 14, as follows:

[Roll No. 589]

AYES—208

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (AL)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—216

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Price (NC)
Pryce (OH)
Rangel
Regula
Reyes
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Abercrombie
Braley (IA)
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Hastert
LaHood
McCrery
McNulty
Nunes
Ortiz
Sessions
Spratt

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in the vote.

☐ 1745

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 335, not voting 15, as follows:

[Roll No. 590]

AYES—87

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Brown (SC)
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Graves
Hastings (WA)
Heller
Hensarling
Herger
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Nunes
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Souder
Sullivan
Tancredo
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOES—335

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Abercrombie
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Hastert
LaHood
McCrery
McNulty
Meek (FL)
Miller, George
Ortiz
Sessions
Tierney
Waters

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 1 minute to record their vote.

□ 1748

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Barracks Row on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 60, noes 361, not voting 16, as follows:

[Roll No. 591]

AYES—60

Bachmann
Barrett (SC)
Bilbray
Blackburn
Buchanan
Burgess
Burton (IN)
Campbell (CA)
Chabot
Coble
Conaway
Cooper
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gingrey
Goodlatte
Graves
Heller
Hensarling
Inglis (SC)
Jindal
Jordan
Kline (MN)
Lamborn
Linder
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Rogers (MI)
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOES—361

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand

Gillmor
Gohmert
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Abercrombie
Bachus
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
King (IA)
LaHood
McNulty
Neal (MA)
Norton
Ortiz
Sessions
Visclosky

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in the vote.

□ 1751

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 102, noes 317, not voting 18, as follows:

[Roll No. 592]

AYES—102

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Delahunt
Duncan
Ehlers
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Graves
Gutierrez
Hall (TX)
Hastings (WA)
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)
Young (AK)

NOES—317

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—18

Abercrombie
Davis (KY)
Davis, Jo Ann
Doggett
Forbes
Fortuño
Hastert
Herger
Hinojosa
Hoekstra
Jones (OH)
LaHood
Lee
McNulty
Nadler
Ortiz
Rush
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute left in this vote.

□ 1754

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 174, not voting 14, as follows:

[Roll No. 593]

AYES—249

Ackerman
Akin
Allen
Bachmann
Baird
Barrett (SC)
Barrow
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Blackburn
Blumenauer
Boehner
Boren
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Dicks
Dingell
Doggett
Doyle
Duncan
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Goodlatte
Gordon
Graves
Green, Al
Gutierrez
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Holden
Honda
Hooley
Hoyer
Inglis (SC)
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kanjorski
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McDermott
McGovern
McHugh
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Pearce
Pence
Perlmutter
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Rahall
Ramstad
Rodriguez
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sestak
Shadegg
Shea-Porter
Shimkus
Sires
Skelton
Slaughter
Smith (NE)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tierney
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Wamp
Waters
Waxman
Weiner
Westmoreland
Wexler
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth

NOES—174

Aderholt
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baker
Baldwin
Bartlett (MD)
Becerra
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blunt
Bonner
Bono
Boozman
Bordallo
Boucher
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Butterfield
Calvert
Cantor
Capito
Capuano
Carson
Carter
Cole (OK)
Conyers
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis, Tom
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Edwards
Ellsworth
Emerson
Etheridge
Everett
Faleomavaega
Fallin
Foxx
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Granger
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hastings (FL)
Herger
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holt
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Johnson, Sam
Jones (NC)
Kagen
Kaptur
Keller
Kennedy
Kildee
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lucas
McCollum (MN)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Michaud
Miller, Gary
Mitchell
Mollohan
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Napolitano
Norton
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Peterson (PA)
Pickering
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Roybal-Allard
Ruppersberger
Ryan (OH)
Sarbanes
Serrano
Shays
Sherman
Shuler
Shuster
Simpson
Smith (NJ)
Smith (TX)
Snyder
Thompson (MS)
Tiahrt
Tiberi
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (OH)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Abercrombie
Christensen
Davis (KY)
Davis, David
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McNulty
Ortiz
Reyes
Sessions

□ 1758

Mr. MARKEY, Mr. POMEROY and Mrs. JONES of Ohio changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. FLAKE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 101, noes 325, not voting 11, as follows:

[Roll No. 594]

AYES—101

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Dent
Duncan
Ehlers
Eshoo
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Granger
Graves
Heller
Hensarling
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Linder
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Upton
Walberg
Walden (OR)
Westmoreland
Wilson (SC)

NOES—325

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine

Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McNulty
Ortiz
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in the vote.

□ 1801

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) regarding Lincoln Commission on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 107, noes 318, not voting 12, as follows:

[Roll No. 595]

AYES—107

Akin
Bachmann
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Cooper
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Duncan
Ehlers
Feeney
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Upton
Walberg
Walden (OR)
Weller
Westmoreland
Wilson (SC)

NOES—318

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez

Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Abercrombie
Conyers
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McNulty
Ortiz
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in the vote.

□ 1804

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. EMANUEL

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. EMANUEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 217, not voting 11, as follows:

[Roll No. 596]

AYES—209

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—217

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Obey
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Abercrombie
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McNulty
Ortiz
Sessions

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute to record their vote.

□ 1808

Mr. GRAVES changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CAMPBELL OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) regarding earmarks on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 48, noes 372, not voting 17, as follows:

[Roll No. 597]

AYES—48

Bachmann
Burgess
Burton (IN)
Buyer
Campbell (CA)
Chabot
Coble
Cooper
Davis, David
Deal (GA)
Duncan
Flake
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Heller
Hensarling
Issa
Jindal
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
Mack
Marchant
McCarthy (CA)
Miller (FL)
Musgrave
Myrick
Pence
Petri
Pitts
Platts
Price (GA)
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Sullivan
Terry
Thornberry
Tiberi
Walberg
Westmoreland
Woolsey

NOES—372

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)

Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Abercrombie
Davis (KY)
Davis, Jo Ann
Ehlers
Emerson
Feeney
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McHenry
McNulty
Miller, George
Ortiz
Sessions
Shimkus

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains to record their votes.

□ 1811

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WICKER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. WICKER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 295, noes 127, not voting 15, as follows:

[Roll No. 598]

AYES—295

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Oberstar
Obey
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sali
Saxton
Schakowsky
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—127

Arcuri
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Boswell
Capps
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Crowley
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Ellison
Emanuel
Engel
Faleomavaega
Filner
Frank (MA)
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Jackson (IL)

Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kennedy
Kilpatrick
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Marshall
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
Meehan
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Solis
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Abercrombie
Buyer
Conyers
Davis (KY)
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McNulty
Norton
Ortiz
Sessions
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised they have 30 seconds to record their vote.

☐ 1814

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Chairman, for part of Thursday, June 28, 2007, I was absent from the House for a family medical emergency.

Had I been present I would have voted:

On rollcall No. 584—"no"—Cardoza Amendment to H.R. 2643.

On rollcall No. 585—"no"—DeFazio Amendment to H.R. 2643.

On rollcall No. 586—"no"—Price (GA) Amendment to H.R. 2643.

On rollcall No. 587—"no"—Davis (VA) Amendment to H.R. 2643.

On rollcall No. 588—"aye"—Garrett Amendment to H.R. 2643.

On rollcall No. 589—"aye"—Souder Amendment to H.R. 2643.

On rollcall No. 590—"no"—Flake Amendment to H.R. 2643.

On rollcall No. 591—"no"—Flake Amendment to H.R. 2643.

On rollcall No. 592—"no"—Flake Amendment to H.R. 2643.

On rollcall No. 593—"no"—Flake Amendment to H.R. 2643.

On rollcall No. 594—"no"—Flake Amendment to H.R. 2643.

On rollcall No. 595—"no"—Campbell Amendment to H.R. 2643.

On rollcall No. 596—"no"—Emanuel Amendment to H.R. 2643.

On rollcall No. 597—"no"—Campbell Amendment to H.R. 2643.

On rollcall No. 598—"aye"—Wicker Amendment to H.R. 2643.

AMENDMENT OFFERED BY MR. PENCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 309, noes 115, answered "present" 1, not voting 12, as follows:

[Roll No. 599]

AYES—309

Aderholt
Akin
Alexander
Altmire
Andrews
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Napolitano
Neugebauer
Norton
Nunes
Oberstar
Obey
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—115

Ackerman
Allen
Arcuri
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boswell
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Cappe
Capuano
Carney
Clarke
Clay
Cleaver
Clyburn
Conyers
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Dingell
Doggett
Doyle
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Harman
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hoyer
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
Meehan
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rangel
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Sestak
Slaughter
Solis
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Cohen

NOT VOTING—12

Abercrombie
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McNulty
Ortiz
Sessions
Tierney
Waxman

☐ 1820

Ms. MOORE of Wisconsin, Mr. MEEHAN, Mr. ALLEN, Ms. BERKLEY and Mr. TOWNS changed their vote from "aye" to "no."

Mr. LAMPSON, Mr. HASTINGS of Florida and Ms. JACKSON-LEE of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair corrects the previous announcement on the Wicker amendment. It was 295 ayes, 127 noes, and the amendment was agreed to.

AMENDMENT NO. 31 OFFERED BY MR. JORDAN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 276, not voting 12, as follows:

[Roll No. 600]

AYES—149

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)

NOES—276

Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—12

Abercrombie
Clarke
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McNulty
Ortiz
Sessions
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

☐ 1824

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 233, not voting 13, as follows:

[Roll No. 601]

AYES—191

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica

Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—233

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—13

Abercrombie
Davis, Jo Ann
Edwards
Forbes
Fortuño
Hastert
Hinojosa
LaHood
Maloney (NY)
McNulty
Ortiz
Sessions
Waxman

☐ 1827

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MRS. MUSGRAVE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 220, not voting 12, as follows:

[Roll No. 602]

AYES—205

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lampson
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—220

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires

Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Abercrombie
Davis, Jo Ann
Forbes
Fortuño
Hastert
Hinojosa
Kirk
LaHood
McNulty
Ortiz
Sessions
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that there is 1 minute remaining in this vote.

☐ 1830

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 32 OFFERED BY MR. GOODE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 200, not voting 13, as follows:

[Roll No. 603]

AYES—224

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Bordallo
Boren
Boucher
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norton
Nunes
Obey
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
English (PA)
Eshoo
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—13

Abercrombie
Davis, Jo Ann
Edwards
Forbes
Fortuño
Hastert
Hinojosa
LaHood
McNulty
Ortiz
Sessions
Waxman
Wu

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised they have 1 minute to record their vote.

☐ 1834

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. MARKEY was allowed to speak out of order.)

WISHING FAREWELL TO THE HON. MARTIN MEEHAN

Mr. MARKEY. Mr. Chairman, I rise so that we can note this important moment, and that moment is that, although it is with great sadness for this Chamber and the members of the Massachusetts delegation, but I think great joy for his family, the gentleman from Massachusetts (Mr. MEEHAN) is about to cast his final vote as a Member of this Chamber, and I would like to give the gentleman the proper farewell that he deserves because he has served well and long in this institution.

I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I thank the gentleman and I thank the dean of our delegation and all of my colleagues from Massachusetts and all of my colleagues in this House.

I have a plane to catch, so I will be brief.

I want to thank my wife, Ellen, and my wonderful family for all that they have had to tolerate over the years. I want to thank the people of the Fifth Congressional District of Massachusetts for the confidence that they have demonstrated in me in giving me this great honor to serve in this great institution.

I want to thank former staff members of mine, some of whom are here, for their dedication, their energy, their hard work day in and day out.

I want to thank my colleagues, Democrats and Republicans, that I have worked with. I have tried to work in a bipartisan way most of the time. I leave this House; it was the most difficult decision professionally that I have ever had to make because I love this House, I love the institution, I love the friendships and colleagues that I have been so honored to work with over the years.

But I also believe in the University of Massachusetts at Lowell. That is where I graduated. I walked in the door, one of seven children in a large family in Lowell, Massachusetts, and wouldn't have had the opportunity to go to college or to achieve things I wanted to achieve in my life without that institution. So as difficult as it is, I have a passion for the institution. I am going to leave.

So thank you very much for wonderful friendships. I will be back from time to time. Be careful you don't eliminate too many earmarks while you are at it here.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Without objection, 2-minute voting will continue.

There was no objection.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 257, not voting 15, as follows:

[Roll No. 604]

AYES—165

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Donnelly
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—257

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Flake
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Abercrombie
Davis, Jo Ann
Forbes
Fortuño
Gutierrez
Hastert
Hinojosa
LaHood
McIntyre
McNulty
Ortiz
Sarbanes
Sessions
Sherman
Waxman

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1841

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Financial Services and General Government Appropriations Act, 2008".

Mr. BRALEY of Iowa. Mr. Chairman, I rise today to voice my concerns about the way taxpayer funds have recently been spent at the General Services Administration (GSA). Today, the House is expected to pass H.R. 2829, a bill which makes appropriations for financial services and general government for Fiscal Year 2008, and which provides funding for the GSA.

If any agency should be trusted to spend American taxpayers' money responsibly, it is the GSA, the federal government's premier acquisition agency. Unfortunately, reports that current GSA Administrator Lurita Doan used federal government property and resources to engage in partisan campaign activities with political appointees of the GSA provide evidence that the head of this agency has placed the interests of the Republican party over the interests of the American public.

On January 26, 2007 Ms. Doan attended a meeting at GSA at which J. Scott Jennings, the Special Assistant to the President and the Deputy Director of Political Affairs at the White House, gave a 28-page PowerPoint presentation which reviewed the 2006 election results and outlined the Republican party's top targets in upcoming elections. According to several witnesses who attended the meeting, after this presentation Ms. Doan asked the more than 30 political appointees in attendance how they could use GSA resources to help Republican candidates win future elections. This presentation and Ms. Doan's comments are not only blatant violations of the Hatch Act, which restricts the political activities of Executive Branch employees, but are also a gross abuse of taxpayers' money and trust.

Ms. Doan has appeared twice before the Committee on Oversight and Government Reform, and claims that she cannot remember Mr. Jennings' presentation, or the comments she made. Despite the fact that the Office of Special Counsel found that Ms. Doan "violated the Hatch Act's prohibition against using [her] official authority or influence for the purpose of interfering with or affecting the result of an election when [she] solicited over thirty subordinate employees to engage in political activity," she also claims that she cannot answer questions about the legality or appropriateness of the briefing. In light of Ms. Doan's lack of contrition and apparent confusion about what constitutes an appropriate use of taxpayer dollars, it is understandable that many of us in the Congress would be concerned about the way the funds we are appropriating today to GSA will be used.

While I support the passage of this bill, I believe that we must continue to work to ensure that appropriated GSA funds are spent on legal and legitimate purposes—like managing federal buildings, buying government equipment and supplies, and working with other agencies to purchase goods and services for the government. I hope and trust that the funds we are appropriating to GSA today will be spent legally and responsibly, and I look forward to continuing our Congressional oversight of the GSA.

Mr. ORTIZ. Mr. Chairman, I rise in support of H.R. 2829, the Financial Services—General Government Appropriations bill. This bill enhances key American priorities, while providing less overall than the President requested for agencies in this bill.

We are committed to making our tax system fairer for millions of Americans—and to enhance enforcement to make sure everyone pays what they owe, not just those who play by the rules, while improving taxpayers' services. This bill will spur job creation and make the economy work for everyone—by restoring the President's cuts in small business loans, rejecting his efforts to slash capital and financial services available to underserved communities (CDFI), and by strengthening consumer protections.

We are also working to make sure that every vote counts in our elections, and to strengthen law enforcement, both against terrorism and in the war on drugs. This bill meets two key commitments of this Congress: it has complete transparency on its earmarks, and it also cuts the amount for earmarks in the bill in half.

Our bill lowers the cost of Small Business 7(a) loans and rejects the President's proposal to stop this program that helps small businesses start-up and grow. The 7(a) loan program accounts for roughly 30 percent of all long-term small business borrowing in America, and is the only source of affordable, long-term financing for many of our Nation's small businesses, including many in South Texas.

I'm pleased that the bill includes greater access to capital for economic development in disadvantaged and rural communities. We reject the President's proposal to cut by 50 percent the availability of credit, capital and financial services to underserved communities through the Community Development Financial Institutions Fund. Instead, our bill provides $46 million more than last year to support economic development and financial services in disadvantaged and rural communities through housing loans, micro-business loans, community development banks and credit unions.

The report lists the recipient and the sponsor for each earmark contained in the bill. Of the 165 earmarks in the bill, 148 were requested by lawmakers and 17 by President Bush. Furthermore, each sponsor has filed a certification that the sponsor and the sponsor's spouse have no financial interest in the earmark, which is publicly available.

I am pleased the committee included funding for the University of Texas at Brownsville's International Trade Center. Brownsville has always been the front door to international trade given its proximity to Mexico and the land and sea ports in the city. This funding will be used to establish an International Trade Center at the UTB International Technology Education and Commerce Campus (ITECC) which will house all of the services required to conduct international trade including: international law, accounting, banking, insurance, logistics services, export-import marketing services, U.S. customs, government trade services and industry showrooms for specific target sectors such as medical, communications, and computer technology.

By concentrating all of the components for trade in one location the ITC will generate significantly higher levels of international trade and associated jobs in Brownsville, making this an excellent investment in south Texas and the Nation.

Mr. SERRANO. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. HASTINGS of Florida, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 517, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill H.R. 2829 to the Committee on Appropriations with instructions to report the same back promptly to the House with an amendment designating funding for the Internal Revenue Service under such bill as available only for administering, implementing, and enforcing existing Federal taxes and tariffs as enacted on the date of the enactment of such bill.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Madam Speaker, the purpose of this motion to recommit is simple. It recommits the bill back to committee to make clear that the funding provided to the IRS in this bill is only available to administer, implement, and enforce existing tax laws.

The majority party's budget plan includes implementing the biggest tax increase in history, and this motion would prevent that from taking place.

While the economy is not functioning perfectly, the indicators show that the economy is strong. GDP in 2006 was 3.4 percent above 2005.

□ 1845

Capital investment increased by 6.8 percent in 2006. Unemployment is at 4.6 percent. Tax receipts increased by 11.8 percent in fiscal year 2006, on top of fiscal year 2005's increase of 14.6 percent. So while Congress and the administration have lowered taxes, the economy has grown and the tax revenues have increased. Implementing new tax increases, as the majority party's budget proposes, will have a chilling effect on our economy and the American family as more of their hard-earned money comes to Washington.

While the deficit, which is estimated to be $244 billion in fiscal year 2007, is very troubling, tax collections are at an all-time high. Instead of increasing taxes to address the deficit and possibly reversing economic growth and further burdening the American family, I believe we must put more focus on controlling spending, both mandatory spending, and discretionary programs as well.

This motion will prohibit the IRS from implementing new taxes, protecting the American family and our economy.

I urge a "yes" vote on the motion to recommit.

Madam Speaker, I yield back the balance of my time.

Mr. SERRANO. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SERRANO. I realize that with a house full of colleagues, I should make a profound and eloquent statement, but here it goes.

Madam Speaker, I would like to point out to the Members of the House that adoption of the motion to recommit offered by the gentleman from California will kill the bill. The motion instructs the committee to report the bill back promptly rather than forthwith.

Madam Speaker, section 1002(b) of the House manual states, "Unlike the case of the motion to recommit with instructions to report back forthwith, the adoption of which occasions an immediate report on the floor, the adoption of a motion to recommit with instructions to report back promptly sends the bill to committee, whose eventual report, if any, would not be immediately before the House."

Madam Speaker, a vote for this motion to recommit kills the bill. A vote against the motion will allow the bill to go forward to final passage.

I urge prompt defeat of the motion to recommit.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 199, nays 222, not voting 11, as follows:

[Roll No. 605]

YEAS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—222

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Abercrombie
Davis, Jo Ann
Forbes
Hastert
Hinojosa
LaHood
McNulty
Ortiz
Poe
Sarbanes
Sessions

□ 1905

Mr. BOEHNER changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 179, not voting 13, as follows:

[Roll No. 606]

YEAS—240

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney

Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Davis, Jo Ann
Forbes
Hastert
Hinojosa
LaHood
Marchant
McNulty
Ortiz
Poe
Sarbanes
Sessions
Whitfield

☐ 1911

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. WICKER. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2720

Mr. KIND. Madam Speaker, I ask unanimous consent that the gentleman from Texas (Mr. REYES) be removed as a cosponsor of H.R. 2720.

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL MIDNIGHT, MONDAY, JULY 9, 2007, TO FILE REPORT ON H.R. 2900, FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

Mr. PALLONE. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight on July 9, 2007, to file a report to accompany H.R. 2900.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, JULY 2, 2007

Mr. PALLONE. Madam Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 2 p.m. on Monday, July 2, 2007, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 179, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 11, 2007

Mr. PALLONE. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 11, 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IN MEMORY OF HANNAH CONGDON, BAILEY GOODMAN, MEREDITH McCLURE, SARA MONNAT AND KATHERINE SHIRLEY

(Mr. KUHL of New York asked and was given permission to address the House for 1 minute.)

Mr. KUHL of New York. Madam Speaker, we have been doing some serious work here. While the Members are departing for a district work period, I want to inform the rest of the House that 2 nights ago, a horrible accident happened in my district, in Canandaigua, New York, that took the lives of five young women from Fairport who were on their way to spend time on Keuka Lake, which is where I live.

All five of these young women were cheerleaders at Fairport High School and had just graduated from high school a week ago. They were all looking forward to a bright, fun summer together on the lake with friends, four of whom were riding in a car behind them and were, thankfully, uninjured.

Madam Speaker, I am here to mourn the loss of Hannah Congdon. Hannah was known by friends as "constant sunshine." She never said a negative word about anyone and was always smiling.

Bailey Goodman. The girls were headed to Bailey's family cottage on Keuka Lake. Bailey was the team's entertainment, according to her friends, and could always make her teammates laugh.

Meredith McClure. Meredith was known as the team's hardest worker, always the first one to try a new jump or a stunt.

Sara Monnat. Sara was jokingly referred to as the team "boss." She would motivate and encourage her team in an amiable way, and was a born leader.

And Katherine Shirley. Katie loved her friends. She would spend hours putting together scrapbooks and surrounding herself with photos of her and her friends.

I offer my prayers and condolences to the families, friends and neighbors of these beautiful young women who were so violently taken from us.

I also rise, Madam Speaker, to ask that the House pause for a moment of silence in remembrance of Bailey, Hannah, Katie, Sara and Meredith.

The SPEAKER pro tempore. Members will rise and the House will observe a moment of silence.

☐ 1915

COMMUNICATION FROM VICE CHAIRMAN OF JOINT COMMITTEE ON THE LIBRARY

The SPEAKER pro tempore laid before the House the following communication from the Honorable ROBERT A. BRADY, Vice Chairman of the Joint Committee on the Library:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to Section 801(b) of Public Law 101-696 (2 U.S.C. 2081(b)), the Chairman and Vice Chairman of the Joint Committee of Congress on the Library serve ex officio on the U.S. Capitol Preservation Commission, but each may designate another Member to serve in his or her place.

As Vice Chairman of the Joint Committee for the 110th Congress, I am designating Representative Michael E. Capuano of Massachusetts to serve on the U.S. Capitol Preservation Commission in lieu of myself in my role as Vice Chairman of the Joint Committee of Congress on the Library, as provided for in Section 801(c) of Public Law 101-696 (2 U.S.C. 2081(c)).

Thank you for your attention to this matter.

Sincerely,

ROBERT A. BRADY,
Vice Chairman,
Joint Committee on the Library.

APPOINTMENT OF HON. C.A. "DUTCH" RUPPERSBERGER AND HON. ELIJAH E. CUMMINGS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 10, 2007

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 28, 2007.

I hereby appoint the Honorable C.A. DUTCH RUPPERSBERGER and the Honorable ELIJAH E. CUMMINGS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 10, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 26, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to H. Res. 496, I was elected to the Energy and Commerce Committee on June 19, 2007, to fill the vacancy created by a Member's temporary absence. That Member's temporary absence is over and the Member is able to reclaim his seat. Therefore, I hereby resign from the Committee on Energy and Commerce, effective immediately.

This resignation does not. affect my own status of being on leave from the Energy and Commerce Committee, and I will retain my seniority upon returning to the Committee.

Thank you for your attention to this matter.

Sincerely,

PAUL E. GILLMOR,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore laid before the House the following privileged message from the Senate:

In the Senate of the United States, June 27, 2007.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1612) entitled "An Act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.", and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to, and S. 1612 will be returned to the Senate.

There was no objection.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena for documents issued by the Inspector General of the U.S. Department of Education.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIEL P. BEARD.
Chief Administrative Officer.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and a Concurrent Resolution of the House of the following titles:

H.R. 1830. An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

H. Con. Res. 179. Concurrent Resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

HONORING MATTHEW ALEXANDER OF GRETNA, NEBRASKA

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute.)

Mr. FORTENBERRY. Madam Speaker, Corporal Matthew Alexander of Gretna, Nebraska, died in Baqubah, Iraq, on May 6, when a improvised explosive device detonated near his military vehicle. He was 21 years old.

Matthew and his wife, Kara, wed on Valentine's Day of this year. Upon his death, Kara said, "Matthew made it his life's work to take care of those he loved. His heart was made of gold. Matt truly was our angel on Earth," she said.

Corporal Alexander was the son of Melvin and Monica Alexander of, Gretna, and the brother of Marshall.

As a young teen, he made clear his intent to serve others in the United States military. At his funeral, in a tremendous outpouring of support from the community, friends and neighbors gave testimony to his kindness and compassion, his dedication to the least among us.

His life and his death are marked by noble virtue. America is forever indebted to corporal Matthew Alexander.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

VICE PRESIDENT SHOULD RESIGN OR FACE IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, it is time for a new exit strategy, one that removes the Vice President of the United States from office, voluntarily, if he chooses, but by impeachment if he stonewalls.

The time has come for the Vice President to go. Our Nation and our national security interests at home and abroad cannot afford to have this Vice President one heartbeat away from the Presidency. As it stands now, the Vice President's damage to U.S. interests, security, system of government and our position at home and abroad will take years to overcome.

As my constituents in the State of Washington's Seventh Congressional District know, I have struggled mightily with this matter for a long time. In grave matters facing our Nation, I believe conscience and a deep respect for our system of government should guide our actions and words.

I didn't hesitate to speak the truth to power before the invasion of Iraq, despite the bitter partisan acts that I knew would follow. I have no doubt that I will be targeted for a new round of shelling after these remarks.

The intent of this administration and this Vice President has been to silence all dissent, and it always happens the same way; relentless attacks until people ask themselves, do I want to subject myself to that kind of hell if I speak out? Fear is what kept this administration in office in 2004, and fear is the only public discourse this administration understands and practices. Why debate, when you can dictate? Why follow the law, when you can act like you are above the law?

For months, I believed that impeachment was a dire course of action. Over these same months, I have seen the haven't repeatedly drive our Nation into increasingly dire situations in Iraq, Iran and within our country as he tramples on the Constitution like it was a doormat.

For months I have considered if America would best be served by bringing forth articles of impeachment against the Vice President. I kept asking myself, is the Vice President's conduct that dire, because impeachment is the closest thing there is to internment on political death row.

The Founders intended impeachment to be used when those running the government forgot that they worked for the people, and the Founders intended impeachment to be used when toughs running the government acted as though they were above the law.

When you look at the record, you have to conclude that the Vice President has placed himself above the law. He holds himself accountable only to special interests, who meet with him in secret with no record kept of who was there, what was discussed or what promises the Vice President made.

For the last 4 years, the Vice President has refused to allow routine office inspections by a Federal agency regarding the safe handling of America's secrets. The Vice President defies the Information Security Oversight Agency, claiming he is not part of the executive branch of government. When a sitting Vice President claims that he is not part of the executive branch of government to which he was elected, it is time to remove him.

The Vice President holds himself accountable to no one. He ordered the Secret Service to destroy visitors logs, and we have learned in the Washington Post recently, that the Vice President circumvented every check and balance inside the White House to force through his own agenda, to spy on Americans through illegal wire traps, creating the gulag at Guantanamo, and subverting civil liberties and free speech at every turn.

Since the President permits the flagrant disregard of the Constitution, it is up to the Congress to act and defend the American people. With each new revelation, America has seen only glints of what has been done totally in secret.

For all we don't know, this much we do know: The Vice President holds himself above the law, and it is time for the Congress to enforce the law. I believe the evidence is overwhelming and the articles of impeachment against the Vice President should be drawn up.

The Vice President likes to say the military option is on the table. Tonight it is time to say the impeachment option is on the table.

I am adding my name to H.R. 333, calling for the impeachment. For the good of the Nation, the Vice President should leave office immediately. Call it a medical condition, call it a political condition, call it what it is; the departure of a person who forgot that he works for the American people.

The Vice President must either resign or face impeachment.

Madam Speaker, I submit for the Record an article in Slate magazine dated 27 June 2004, entitled "Impeach Cheney."

[From Slate.com, June 27, 2007]

Impeach Cheney—The Vice President Has Run Utterly Amok and Must Be Stopped

(By Bruce Fein)

Under Dick Cheney, the office of the vice president has been transformed from a tiny acorn into an unprecedented giant oak. In grasping and exercising presidential powers, Cheney has dulled political accountability and concocted theories for evading the law and Constitution that would have embarrassed King George III. The most recent invention we know of is the vice president's insistence that an executive order governing the handling of classified information in the executive branch does not reach his office because he also serves as president of the Senate. In other words, the vice president is a unique legislative-executive creature standing above and beyond the Constitution. The House Judiciary Committee should commence an impeachment inquiry. As Alexander Hamilton advised in the Federalist Papers, an impeachable offense is a political crime against the nation. Cheney's multiple crimes against the Constitution clearly qualify.

Take the vice president's preposterous theory that his office is outside the executive branch because it also exercises a legislative function. The same can be said of the president, who also exercises a legislative function in signing or vetoing bills passed by Congress. Under Cheney's bizarre reasoning, President Bush is not part of his own administration: The executive branch becomes acephalous. Today Cheney Chief of Staff David Addington refused to renounce that reasoning, instead laughably trying to diminish the importance of the legal question at issue.

The nation's first vice president, John Adams, bemoaned: "My country has in its wisdom contrived for me the most insignificant office that ever the invention of man contrived or his imagination conceived; and as I can do neither good nor evil, I must be borne away by others and meet common fate." Vice President John Nance Garner, serving under President Franklin D. Roosevelt, lamented: "The vice presidency isn't worth a pitcher of warm * * *." In modern times, vice presidents have generally been confined to attending state funerals or to distributing blankets after earthquakes.

Then President George W. Bush outsourced the lion's share of his presidency to Vice President Cheney, and Mr. Cheney has made the most of it. Since 9/11, he has proclaimed that all checks and balances and individual liberties are subservient to the president's commander in chief powers in confronting international terrorism. Let's review the record of his abuses and excesses:

The vice president asserted presidential power to create military commissions, which combine the functions of judge, jury, and prosecutor in the trial of war crimes. The Supreme Court rebuked Cheney in Hamdan v. Rumsfeld. Mr. Cheney claimed authority to detain American citizens as enemy combatants indefinitely at Guantanamo Bay on the president's say-so alone, a frightening power indistinguishable from King Louis XVI's execrated lettres de cachet that occasioned the storming of the Bastille. The Supreme Court repudiated Cheney in Hamdi v. Rumsfeld.

The vice president initiated kidnappings, secret detentions, and torture in Eastern European prisons of suspected international terrorists. This lawlessness has been answered in Germany and Italy with criminal charges against CIA operatives or agents. The legal precedent set by Cheney would justify a decision by Russian President Vladimir Putin to kidnap American tourists in Paris and to dispatch them to dungeons in Belarus if they were suspected of Chechen sympathies.

The vice president has maintained that the entire world is a battlefield. Accordingly, he contends that military power may be unleashed to kill or capture any American citizen on American soil if suspected of association or affiliation with al-Qaida. Thus, Mr. Cheney could have ordered the military to kill Jose Padilla with rockets, artillery, or otherwise when he landed at O'Hare Airport in Chicago, because of Padilla's then-suspected ties to international terrorism.

Mr. Cheney has championed a presidential power to torture in contravention of federal statutes and treaties.

He has advocated and authored signing statements that declare the president's intent to disregard provisions of bills he has signed into law that he proclaims are unconstitutional, for example, a requirement to obtain a judicial warrant before opening mail or a prohibition on employing military force to fight narco-terrorists in Colombia. The signing statements are tantamount to absolute line-item vetoes that the Supreme Court invalidated in the 1998 case Clinton v. New York.

The vice president engineered the National Security Agency's warrantless domestic surveillance program targeting American citizens on American soil in contravention of the Foreign Intelligence Surveillance Act of 1978. He concocted the alarming theory that the president may flout any law that inhibits the collection of foreign intelligence, including prohibitions on breaking and entering homes, torture, or assassinations. As a reflection of his power in this arena, today the Senate Judiciary Committee subpoenaed Cheney's office, as well as the White House, for documents that relate to the warrantless eavesdropping.

The vice president has orchestrated the invocation of executive privilege to conceal from Congress secret spying programs to gather foreign intelligence, and their legal justifications. He has summoned the privilege to refuse to disclose his consulting of business executives in conjunction with his Energy Task Force, and to frustrate the testimonies of Karl Rove and Harriet Miers regarding the firings of U.S. attorneys.

Cheney scorns freedom of speech and of the press. He urges application of the Espionage Act to prosecute journalists who expose national security abuses, for example, secret prisons in Eastern Europe or the NSA's warrantless surveillance program. He retaliated against Ambassador Joseph Wilson and his wife, Valerie Plame, through Chief of Staff Scooter Libby, for questioning the administration's evidence of weapons of mass destruction as justification for invading Iraq. Mr. Cheney is defending himself from a pending suit brought by Wilson and Plame on the grounds that he is entitled to the absolute immunity of the president established in 1982 by Nixon v. Fitzgerald. (Although this defense contradicts Cheney's claim that he is not part of the executive branch.)

The Constitution does not expressly forbid the president from abandoning his chief powers to the vice president. But President Bush's tacit delegation to Cheney and Cheney's eager acceptance tortures the Constitution's provision for an acting president. The presidency and vice presidency are discrete constitutional offices. The 12th Amendment provides for their separate elections. The sole constitutionally enumerated function of the vice president is to serve as president of the Senate without a vote except to break ties.

In contrast, Article II enumerates the powers and responsibilities of the president, including the obligation to take care that the laws be faithfully executed. A special presidential oath is prescribed. Section 3 of the 25th Amendment provides a method for the president to yield his office to the vice president, when "he is unable to discharge the powers and duties of his office." There is no other constitutional provision for transferring presidential powers to the vice president.

Yet without making a written transmittal to Congress, President Bush has ceded vast domains of his powers to Vice President Cheney by mutual understanding that circumvents the 25th Amendment. This constitutional provision assures that the public and Congress know who is exercising the powers of the presidency and who should be held responsible for successes or failures. The Bush-Cheney dispensation blurs political accountability by continually hiding the real decision-maker under presidential skirts. The Washington Post has thoroughly documented the vice president's dominance in a four-part series running this week. It is quite a read.

In the end, President Bush regularly is unable to explain or defend the policies of his own administration, and that is because the heavy intellectual labor has been performed in the office of the vice president. Cheney is impeachable for his overweening power and his sneering contempt of the Constitution and the rule of law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the Vice President.

☐ 1930

WELCOME BACK SIMMONS COLLEGE OF KENTUCKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Madam Speaker, I rise in recognition of one of the most storied institutions in Louisville's rich history on this day of its rebirth as an independent liberal arts institution, as it was intended.

Shortly after the end of the Civil War, 12 forward-thinking former slaves gathered in Louisville, united by the understanding that education would be key to prosperity as free people in America. The institution of higher learning that opened its door 14 years later in 1879 was unique in its commitment to African American education.

While many similar institutions were the result of the efforts of white missionaries working to give recently freed people the advantages of American society, Simmons, known at that time as the Kentucky Normal Theological Institute in Louisville, was created in a collaboration that bridged the racial divide. Black Baptists and white Baptists, recently freed and those born of privilege, worked hand in hand in pursuit of equality in education.

Early leaders at the school came with impressive Ivy League pedigrees, but as the strength of the institution increased, they turned more and more to alumni that came from within. By the early part of the 20th century, it was difficult to find a finer education than that offered at Simmons College, earning it the nickname: "The Black Harvard of the South."

Within four decades of its inception and a half century removed from slavery, Simmons embodied the dream and exceeded the expectations of the dozen visionaries who foresaw education as the tools for equality. Louisville's Simmons College was a liberal arts college of national renown.

But like so many others, the economic hardships of the Great Depression devastated the school. The properties succumbed to foreclosure and the institution lost its independence. Despite meeting tremendous adversity, the determination that led Simmons' inception and incredible ascent drove its journey onward.

For decades and under several names, the school continued to exist. Most recently, the school specialized in theology, expertly training pastors at Simmons Bible College at 18th Street and Dumesnil.

But, Dr. Kevin W. Cosby, the latest in a great tradition of Simmons leadership dating back to Elijah Marrs, William Simmons, and Charles Parish, has led the way to a full restoration of Simmons' early success as, in his words, "the mother of black higher education in the State of Kentucky." Through his work as president of the school and as pastor at St. Stephen Baptist Church, Dr. Cosby has worked to expand the school to its original home at 7th Street and Kentucky, where, in conjunction with the current campus, it will once again operate as a fully independent liberal arts university.

In this capacity, Simmons will again offer students from around the country a chance to realize their potential and excel, giving hope to those who need it. I applaud the vision and fortitude that Dr. Cosby has shown in restoring this indispensable treasure, which is not just a shining light in Kentucky's history, but to the Commonwealth's present and future as well.

I hope that it is Simmons, not recent decisions in Washington that could indicate a slow retreat from our strides in civil rights, that portends the course our Nation now treads. It is my great honor to stand on the House floor in recognition of the tremendous national significance and benefit of Simmons College of Kentucky and to say: Welcome back.

IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, President Bush finds himself increasingly isolated on the issue of Iraq. Public support continues to evaporate. This week in a devastating blow to the President's policy, Indiana Senator RICHARD LUGAR, ranking member of the Foreign Relations Committee, a respected voice and, I might say, a very experienced voice on foreign policy for the past 30 years, publicly broke with the Bush administration on Iraq.

In remarks on the Senate floor which are prominently featured on the home page of his Web site, Senator LUGAR said: "Our course in Iraq has lost contact with our vital national security interests in the Middle East and beyond. Our continuing absorption with military activities in Iraq is limiting our diplomatic assertiveness there and elsewhere in the world. The prospects that the current "surge" strategy will succeed in the way originally envisioned by the President are very limited within the short period framed by our own domestic political debate. And the strident, polarized nature of that debate increases the risk that our involvement in Iraq will end in a poorly planned withdrawal that undercuts our vital interests in the Middle East. Unless we recalibrate our strategy in Iraq to fit our domestic political conditions and the broader needs of U.S. national security, we risk foreign policy failures that could greatly diminish our influence across that region and the world."

Senator LUGAR framed the debate in terms of U.S. interests in the Middle East and the world. He is correct to note that: "The current surge strategy is not an effective means of protecting those interests. Its prospects for success are too dependent on the actions of others who do not share our agenda. It relies on military power to achieve goals that it cannot achieve. It distances allies that we will need for any regional diplomatic effort. Its failure, without a careful transition to a backup policy, would intensify our loss of credibility. It uses tremendous amounts of resources that cannot be employed in other ways to secure our objectives. And it lacks domestic support that is necessary to sustain a policy of this type."

I would add several other observations: Rising casualties signal a strategy that is not working.

The U.S. death toll has risen to over 3,555 and there are that many Iraqis dying every month. President Bush himself has admitted his surge will result in more American casualties, a phenomenon we in Ohio know well as last week we lost another airman, F–16 pilot Kevin Sonnenburg, who was laid to rest.

Madam Speaker, I would like to place in the RECORD other important information about the situation in Iraq. Flexibility is not the President's strong suit, and it is time for President Bush to get in touch with reality before he does more damage to the position of the United States in the Middle East and before we lose more of our sons and daughters and the nation of Iraq loses more of its sons and daughters.

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RISING CASUALTIES SIGNAL A STRATEGY THAT IS NOT WORKING

When a U.S. soldier was killed recently by a roadside bomb in the southwestern section of Baghdad, the death toll for American service personnel reached 3,500 over the four years of this war.

The U.S. death toll has risen over 3555.

President Bush himself admitted his "surge" will result in more American casualties—a phenomenon that has become all too frequent as a result of the Administration's conduct of the war. Even now, Northwest Ohio is mourning the loss of an F–16 pilot from the 180th Fighter Wing out of Toledo.

We stand foursquare behind our troops. We will support them in every possible way.

Sooner or later, President Bush has to face the facts: the American people will not sacrifice their sons and daughters in a failed strategy.

SOLDIERS BECOMING INCREASINGLY DISILLUSIONED

Our armed forces are being stretched too thin, but the White House just won't listen. Senator LUGAR said in his speech: "The window during which we can continue to employ American troops in Iraqi neighborhoods without damaging our military strength or our ability to respond to other national security priorities is closing."

Tour after tour in Iraq are taxing the best troops in the world, our American soldiers, leaving them increasingly disillusioned with the mission.

Soldiers are home no longer than 24 hours before they receive a phone call telling them to change their plans because they are going back to Iraq.

Our troops have stepped up to the plate, they have served with honor, and now it is time for their Iraqi counterparts to step up.

> Our unit has already sent two soldiers in a box. My soldiers don't see the same level of commitment from the Iraqi Army units they're partnered with.—Captain Douglas Rogers of Delta Company.

Meanwhile, the line between ally and foe is continuing to be blurred as soldiers watch shadowy militia commanders installed as Iraqi Army officers, which places all our forces in a vulnerable position, heavily susceptible to internal as well as external terrorist attacks.

THE WAR IS CAUSING NEUROPSYCHIATRIC ILLNESS AMONG OUR TROOPS

The war in Iraq is taking a hidden toll on the American forces:

38 percent of soldiers, 31 percent of our Marines, 49 percent of our Army National Guard and 43 percent of our Marine reservists have reported symptoms of neuropsychiatric illnesses—PTSD, anxiety, depression.

Mental health care stigma remains pervasive and is a significant barrier to care.

Mental health professionals are not sufficiently accessible to service members and their families.

There are significant gaps in the continuum of care for psychological health.

The military system does not have enough resources, funding or personnel to adequately support the neuropsychological health of service members and their families in peace and during conflict.

There is a shortage of active-duty mental health professionals. The system has been stressed by repeated deployments and other frustrations, and psychologists and psychiatric nurses are leaving the military in growing numbers:

Air Force lost 20 percent of mental health workers from 2003–2007.

Navy lost 15 percent of mental health workers from 2003–2006.

Army lost 8 percent of mental health workers from 2003–2005.

> This report points to significant shortfalls in achieving goals and taking care of our service members and their families.—Dr. S. Ward Casscells, assistant secretary of defense for health affairs

> The current complement of mental health professionals is woefully inadequate.—MHTF Report.

CONCLUSION

Madam Speaker, flexibility is not President Bush's strong suit.

As his policy in Iraq continued to unravel, he dug his heels in and refused to listen to the generals, to the Congress or to the American people.

As the situation in Iraq continued to deteriorate, the President kept insisting that things were getting better and the violence was beginning to subside.

As civil society devolved into chaos, President Bush held onto the false hope that the Iraqi people were somehow prepared to take the necessary steps toward creating a democracy.

Madam Speaker, President Bush cannot sustain this charade any longer.

The "wise men" of the Republican Party, including Senator LUGAR, are calling into question the fundamental precepts of the Bush policy and calling for a major overhaul.

The president's Iraq policy stands discredited in the eyes of the world. At this point, only President Bush, Vice President CHENEY and Prime Minister Tony Blair seem to believe that the original mission has any chance of success.

It is time, Madam Speaker, for President Bush to get in touch with reality before he does anymore damage to the position of the United States in the Middle East and before we lose in the Middle East even more of our sons and daughters in this disastrous war.

DIPLOMATIC STRATEGY FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Madam Speaker, I rise to speak for a few minutes about Iraq. Every Member of the House brings their experience with them. Mine happens to be 31 years in the military, including leading men and women in war. I have operated with the Soviet Union, the People's Republic of China, entered the DMZ in North Korea, dealt with the Iranians at sea in the Persian Gulf.

When I saw us about to go into Iraq, I was concerned. I felt it was a tragic misadventure, not because of Iraq solely by itself, but because of what it would do to our strategic security around this globe.

I flew with my battle group over Iraq just prior to the war, after having left the war in Afghanistan. I have always been taken in the military by the power of our diplomacy, the power of our diplomats, because they are the ones who often have prevented us from having to use our military. I honestly believe there is a way to redeploy from Iraq that does not mean just getting out nor just bringing the troops home. Those are the wrong words.

Iraq is a set piece in a strategic environment around this world that the United States has interest in. And there is a way to end this tragic misadventure, to redeploy out of Iraq so we might place our men and women where they need to be in Afghanistan, the western Pacific, and here at home to improve the readiness of our Army that has not one, not one active Guard or Reserve unit that is in a state of readiness to deploy anywhere to any other contingency in this world.

And that strategy is really brought about by changing the behavior, in particular, of Iran, who I have operated with at sea, and Iraq and Syria, and the other nations in that region. We will not do that by doubling down once again on a bad bet with a surge of military forces. I know. I have watched it happen before.

This can only be resolved by a strategy that sets a date, a date within a year by which we will redeploy out of Iraq, because that date is not just for ending this war, it has the value of a different strategy to leave an unfailed state, as Iran, recognizing that we will no longer be in that state, but we will remain in the region at our bases that we do have in Qatar, Oman, Bahrain, the United Arab Emirates; and our carrier battle group and our amphibious ready group in that region because we have interests there.

But by that date we change the behavior of Iran who does not want to deal by itself with the 2 million Iraqis who have been dislocated from their homes and have yet to overflow their borders, as 2 million others have.

And Syria, that is Sunni, does not want as it fuels, after we leave there, a civil war, would be fueling the Sunnis against the Shia that the Iranians might be supporting. Neither nation wants a proxy war.

If we work diplomatically with a date certain, because they don't want us to remain in that nation, we have the ability to bring to the table the interested parties who can work on the extreme elements in that nation, Iran and Syria; and we deal with the center, the government of Baghdad, with a date certain that makes them recognize they must also step up to the plate and assume responsibility for the country which they have done and presently have to do as we keep a lid politically and militarily on a simmering pot.

There is a strategy which I believe we need to pursue, Republican and Democrat together, that sets a date of approximately a year, which gives us time to safely redeploy. Because, remember, it took us 6 months to redeploy out of Somalia with only about 8,000 troops, when we have 160,000 in Iraq with over 100,000 U.S. contractors. We need time to safely redeploy with a strategy that works to bring Iran and Syria to the table because they have interests in accommodating stability as we remain in that region because of our interests, providing air cover if necessary from above, from bases outside or Special Forces from outside, as we begin to address our other security interests around the world and here at home.

☐ 1945

STAND DOWN 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLEAVER) is recognized for 5 minutes.

Mr. CLEAVER. Madam Speaker, we are all concerned about the troops. I am extremely concerned about the troops when they return home.

On this past Saturday, June 23, I visited the 14th annual Kansas City Stand Down. This is a 2-day event, and it opened up in Kansas City on Truman Road, the road that Harry Truman's house sits on. It was open to homeless veterans. It provided a variety of services. This event is an opportunity for Americans to help Americans, Americans giving respect and dignity to their veterans who are down on their luck and in many cases homeless.

It is believed there are approximately 1,800 homeless veterans in Kansas City, Missouri's largest city. This year 800 homeless veterans attended the Stand Down and received assistance from 500 volunteers. It was a wonderful opportunity to meet and visit with veterans who proudly served the United States of America, and I want to also say at this time it was a proud opportunity for me to thank the volunteers who forfeited their time to make a difference.

One of the most popular contributors was Big Bubba's Barbecue, who fed a delicious barbecue lunch to over 700 people on Saturday. Grants were provided by Best Buy, At Home America, and the U.S. Department of Labor. These grants, combined with donations and countless volunteer hours, ensured that the Stand Down would be able to provide the necessary assistance to our homeless veterans.

When a homeless veteran arrives, they know that they will be greeted with respect and provided with shelter, shoes, showers, haircuts, blankets, clothing and hygiene products. Each veteran is given medical health screenings, eye care, dental care and if the veteran does not have identification, they are provided with a picture ID, assistance with legal problems, VA benefit counseling, general benefits counseling, including Social Security, food stamps, local health and human services, substance abuse counseling, mental health counseling, employment services which include job referrals, employment counseling, as well as housing services.

I wish the entire Nation could have seen Kansas City turn out to pay respect to their veterans and to provide them with care. I truly appreciate and congratulate the Vet Center, AmeriCorps Vista volunteers and the Stand Down steering committee for a job well done. If this is done all over America the way it was done in the Fifth District of Missouri, our veterans will know that we really do care.

HOUSE DEMOCRATS' TOP 100 BROKEN PROMISES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Madam Speaker, I appreciate this and I appreciate the minority leader asking me to lead this hour tonight.

I am going to have next to me here a little poster that I'm going to keep up during my talk. I am joined by a couple of my colleagues that I will recognize in just a few minutes. I have been blessed to be a part of an organization and a group that has come here on the House floor in the last 18 months or so called the Truth Squad, led very ably by our colleague, Dr. PRICE from Georgia. I think that we will add to our Truth Squad on a regular basis the group that will be talking about the House Democrats' Top 100 Broken Promises.

Last fall, the Democrats won a majority in this Congress, in the House and in the Senate, by making many promises to the American people. They have not kept these promises. At the beginning of the 110th Congress, the new majority came to power full of promises for a bipartisan working relationship and a landmark pledge to create "the most honest, most open and most ethical Congress in history." Unfortunately, the first 6 months of Democratic control have been marked by a long string of broken promises. Contrary to the pledges they made to the American people, the leaders of the current majority have delivered a more closed, intellectually dishonest, and ethically ambivalent House of Representatives. By decree instead of open debate, Democrats have attempted to weaken our national defense and legislate retreat from the global war on terror, impose the largest tax increase in American history, propose the most indiscriminate wasteful spending this Congress has seen in decades, craft multi-billion dollar slush funds for secret earmarks, make gas prices worse by raising taxes and increasing regulation, and cut Medicare at a time when our seniors are enjoying large savings in their prescription drug medicines. This is the wrong direction for the American people.

I am quoting from a new report that the offices of the Republican leaders have put together and will continue to do that throughout my comments tonight.

At the 6-month mark of the new majority, the report takes a look at the House Democrats' top 100 promises and how those broken promises have led to little if any accomplishments of note and a record of failure that has undermined the confidence of the American people in this Congress. As I said earlier, this report complements efforts that have been made by other House Republicans, including the Official Truth Squad, and the Truth Squad has been holding Democrats accountable for their promises. We're going to go over these promises one by one, point them out to the American people and show them what has not happened even though the Democrats made these promises in order to get elected last fall.

Let me start with Democratic Promise No. 1: Prepared to Govern and Ready to Lead: "Democrats are prepared to govern and ready to lead." Speaker-Elect NANCY PELOSI, D-CA, in a press release, November 8, 2006.

Now, let me tell you what the report is on that promise from the Chicago Tribune. The headline on the article, "Democrats Promised Way More Than They've Delivered So Far." June 21, 2007. And this is the quote from that article: "Six months after taking over Congress, Democrats find they have accomplished little of their agenda. Perhaps not coincidentally, Congress's job approval rating has reached a dramatic low. If they can't reverse the trend, some Democrats are starting to worry their majority could be short-lived."

Well, for the benefit of the American people who counted on the promises that the Democrats made and who promised a new bipartisan approach to governing, and with our assistance we could have accomplished a great deal in this 6 months, but because they have refused to uphold their promises, they have not been able to fulfill much, if anything.

I would now like to recognize one of my colleagues who's here with us tonight who's going to expand upon some of these promises and talk a little bit about how they have affected the American people and perhaps particularly those in her district, the gentlelady from Florida, Ms. GINNY BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentlelady from North Carolina.

I think Americans are disappointed. I think with the change in leadership in the House of Representatives as well as in the Senate, the people thought things were going to be improved. Kind of like when you buy a new container of detergent, it might say New and Improved. Well, I have to say, it's not improved and it certainly isn't new.

We were promised transparency. As you know, the gentlelady from North Carolina, if you recall, we had some language about making all earmarks transparent when we were in charge, when the Republicans were in charge. Well, a week and a half ago on this very floor, we found out that that promise of transparency was broken and the promise of transparency in earmarks just didn't happen. As a matter of fact, we were going to be asked to vote on a bill that we had no idea what the earmarks were going to be in. We would be told that when it came back from conference.

Well, that clearly, as my momma used to say, was buying a pig in a poke. You didn't know what you were getting and it was a very bad public policy. One of the Democrat promises was that they were going to promote smart and tough security. Let me read a direct quote: "Democrats are committed to protecting our country with real security initiatives that are smart and tough," then Minority Leader NANCY PELOSI said in a press release on October 25, 2006, before the November elections.

Well, what we find is that the Democrats brought legislation to the House floor supporting the transfer of responsibility for a critical national security program to, of all entities, the United Nations. And then 230 Democrats voted against a Republican motion to recommit which would have prohibited this transfer of responsibility and made clear that America's national security is and should be the responsibility of America alone. That happened to be a vote on January 4 of 2007.

In the Fifth Congressional District in Florida, which I represent, and I know, Ms. FOXX, in your district, too, protecting of our borders is so important. Let me read a quote from then Minority Whip STENY HOYER. The quote was made November 25, 2006: "I believe there is virtually unanimous agreement in the Congress that we must secure our borders and know who is entering our country."

Contrast that with May of 2006, and then what we have is a total change on June 15, 2007, when, just 6 months after the Democrats took power in the House, 214 Democrats voted against a Republican proposal to provide funds necessary for the construction of at least two layers of reinforced fencing, the installation of additional and physical barriers, road lighting, cameras and sensors, so that we could make our borders secure. This certainly is not the secure U.S. border promise that was made before the election.

The Fifth Congressional District has a large number of retirees in it and people who are relying on Social Security. They truly care about the future of our country and the absolute need to be very careful about protecting future generations.

Let me read a quote that was made and that is that they were going to reform entitlement spending to protect future generations. But here's where the broken promise came in. The Democrat budget actually puts off tough and divisive decisions. Democrats did not include proposals to control the growth of entitlement programs that are projected to swamp the rest of the budget. Again, another broken promise.

While you have a list there of 100 broken promises, whether it's the transparency issue or whether it is reforming entitlement spending, or let me end with one that is so important to my district and that is Social Security and the Social Security trust fund. I would like to read a quote, and this was in March 2007 by a member of the Democrat Party from New Jersey. He said, "We will not borrow the money from the Social Security trust fund and from other creditors around the world."

However, when there was a Republican proposal to prohibit increases in the authorization spending levels if the Social Security surplus has been spent the previous year, that same Member from New Jersey voted to virtually break his promise. That's what Americans are concerned about. That's exactly why the rating of Congress is down to 14. I think it's a combination of thus far the very, very serious broken promises and what the Senate was about to do on immigration.

□ 2000

Americans are very disappointed, and I thank the gentlelady from North Carolina for bringing this issue to the House floor. It's important that we remind the citizens, Republicans, Democrats and Independents of the broken promises that have only happened the first 6 months of the Democrat control of this House.

I thank the gentlelady for bringing this very important issue up.

Ms. FOXX. I thank my colleague from Florida, who also represents a fifth district, as I represent the Fifth District in North Carolina. We share our names together and the districts that we represent, and our respective States together.

I am going to speak a little bit more from this report, and then I am going to recognize one of my colleagues from Texas. I think it's important to sort of set the stage again for these comments. I am very grateful to my two colleagues for being with me tonight.

Democratic Promise No. 2, now, as my colleague from Florida said, there are a lot more than 100 of these promises. We have taken the Top 100. Between now and the next 6 months, we know there are going to be a lot more than that, but we only have time to deal with the first 100.

But this was Democratic Promise No. 2 that I want to highlight, "We will make this the most honest, ethical and open Congress in history," Speaker-elect NANCY PELOSI, press conference, November 8, 2006.

Broken promises, this is a quote from the Cleveland Plain Dealer editorial, June 10, 2007, entitled, "A Wake-Up Call for Congress. When Democrats recaptured the House last November after 12 years of the minority, they promised voters 'the most honest, the most open and most ethical Congress.' Five months after Nancy Pelosi and her leadership took control, that promise remains unfulfilled."

With so little in the way of accomplishments, is it any wonder that a new poll released by Gallup last week showed that just 14 percent of Americans have confidence in this Congress, an all-time low. The previous low point for Congress was 18 percent at several points in the time period from 1991 to 1994, the last time Democrats were in power.

Indeed, one of the only meaningful accomplishments of this Congress to date has been legislation enacted to fully fund American troops fighting the war on terror, a bill that was carried on the strength of a unified Republican Party. Nearly half of the 39 bills signed into law either named Federal property or billed a road.

In sharp contrast, Republicans have spoken with one voice and kept our promise made to the American people 6 months ago to return to our core principles and focus on a smaller, less costly, accountable government. Moreover, a unified Republican Conference has proven formidable, effective and successful in exposing flaws and strengthening Democratic legislation by passing 14 GOP motions to recommit in just 6 months, more than House Democrats were able to accomplish in their 12-year stint in the minority.

In many ways, the new Democratic majority has simply picked up where the old Democratic majority left off, a long list of broken promises, little in the way of accomplishments, and dangerously disconnected from the American people.

I came to Congress because I wanted to make changes in a positive way and represent the people of my district and the country in a very, very positive way. I think most Members came here for that. It troubles me to see an approval rating of only 14 percent. That is not good for this institution; it is not good for this country.

I want us to be able to revive the attitude of the American people toward the Congress. That is why we are holding up these promises that the Democrats have made and not fulfilled that let people know the difference between the Democrats and the Republicans in this body.

I would now like to recognize my good colleague from the State of Texas (Mr. CARTER), who is going to share some more insights into these broken promises.

Mr. CARTER. I thank my friend and colleague from North Carolina.

This is an interesting document that we have got here. I have got a copy, certainly a smaller version than is on the board there. These Top 100 broken promises, I thought it would just be interesting to just thumb through here and turn to a page and see if we can find one that we might find interesting.

I am just going to randomly look here. Let's see, energy policy, Energy Independence Day.

Promise: "We will make this 4th of July Energy Independence Day." That's coming up next week, I believe. That's from Speaker-elect NANCY PELOSI back on May 9, 2007, at a press conference. "The House energy bill has evolved into a heated internecine battle" that threatens to spoil Democrats' hope of passing an overall energy policy by July 4. "Pelosi versus Dingell Heats Up." "Energy Tension Rises At Meeting," Roll Call, one of our newspapers here on the Hill, June 13, 2007. "House Members will depart for the 4th of July district work period without passing independence energy legislation of any kind." That's a quick look through here.

Let's look over here at something else. "Eliminate Reliance on Foreign Oil," promise: "To free America from dependence on foreign oil, we will achieve energy independence for America by 2020 by eliminating reliance on oil from the Middle East and other unstable regions of the world."

"NANCY PELOSI, A New Direction for America," her speech, page 6. "During the first 6 months of the Democrat-controlled Congress, no energy independence legislation has been passed by the House, much less sent to the President's desk. But 228 Democrats voted to impose more than $6.5 billion in new taxes on small and independent American energy producers, which will lead to less domestic supply, higher prices for consumers, and an increase in America's dependence on foreign sources." That's also from Roll Call.

Let's turn over here a couple of more pages and look at what we can find.

Probably one of the things that Americans worry about most is their security for their families and their that children. You know, we don't ever want the United States of America to have to suffer the kind of terrorist activity that our friends in Israel suffer where, when you send your kids to the park to play ball or just swing or just visit with their friends, there is some idiot that wants to blow you up and kill you. We don't want that in this country. Homeland Security is important.

The Democrats, when they ran the last election, they made promises that they would implement all of the 9/11 Commission report. That was kind of their campaign.

"On the first day we control Congress, we will begin by passing all of the 9/11 Commission recommendations," that's what the then minority leader NANCY PELOSI promised in the last election cycle campaign.

Another part of that promise, "House Minority Leader NANCY PELOSI says she plans to pass all of the 9/11 Commission recommendations within 100 legislative hours of a Democrat takeover of the House of Representatives." That comes from Congressional Quarterly.

But, now, I am afraid that promise got broken. Let's see what they actually did here. "But the 9/11 package will not include a reorganization of congressional oversight of Homeland Security Department or an attempt to declassify the intelligence budget, despite the fact that those two were key recommendations. Although the Democrats pledged during the election to implement all of the Commission's unfulfilled recommendations, aides now concede that doing so will be harder than they thought," Congressional Daily, December 15, 2006.

"Pass clean spending bills without Iraq policy changes. House Defense Appropriations Subcommittee Ranking Member John Murtha, Democrat from Pennsylvania, told reporters last week that he would not use the spending bills to enact policy on Iraq, a war he strongly opposes." That's from Congressional Daily.

Then we have "A Broken Promise." An editorial in the Arkansas Democrat Gazette accused Democrats of using the supplemental spending bill to author resolutions that would severely restrict supplies and reinforcements for American troops in harm's way and would tie the President's hands by imposing all kinds of conditions on his ability to reinforce the troops. It comes from the Arkansas Democrat Gazette editorial, February 21, 2006.

CNN John Roberts questioned JOHN MURTHA, Democrat from Pennsylvania, about his slow-bleed scheme to undermine our generals and our troops on the ground on the American Morning, CNN, April, 2007. Mr. Roberts asked "You heard what President Bush said, that Congress shouldn't be micromanaging the war. What do you say?" JOHN MURTHA, "That's our job, John."

On the upcoming Department of Defense spending bill, it's clear that House Democrats and Representative MURTHA do intend to attach to the latest version of his slow-bleed scheme to undermine our troops. House Democrat leaders are considering votes next month on another legislative package aimed at changing course in Iraq and might announce those plans this week," said aides Monday. "The Iraq language would be an attached to the Defense Appropriations bill." This was June 26, 2007, "Democrats Weighing Attempt to Change Course of Iraq War," another broken promise.

Let's thumb over here just a little bit more and see what we can do. Something that—I just heard a lecture this morning by an expert from over at Georgetown University on international terrorism, where he told us in an hour-long lecture that the resources that we have on the ground, and the intelligence community and the special operations forces that operate are critical in being able to bring down al Qaeda, which is a world-wide network, and, quite frankly, very, very much still alive in countries like England and Western Europe, and their number one target is still to attack the United States of America.

He stressed that we have got to have intelligence at every level assisting us in finding these people. I think this was recognized when we started this session of Congress.

Here is a promise, "We all, Democrats and Republicans alike, take very seriously our responsibility to protect the American people. We know the important role that intelligence plays in that."

Another bill, another promise, "This bill contains robust funding for critical intelligence programs." The first quote was from NANCY PELOSI. This is from SILVESTRE REYES, chairman of the Intelligence Committee.

But here is the broken promise. "Democrats pledge to provide full funding for critical intelligence programs. But just months after taking power, they took precious resources away from critical intelligence programs and used the money to fund research on global warming instead. Led by U.S. Representative SILVESTRE REYES of Texas, a coalition of D.C. Democrats say national security will be better served if the CIA cash is used for global warming research, because apparently there just aren't enough people studying this issue out there." This is from an article that says Intelligence Committee Threatens National Committee, Detroit News editorial, May 13, 2007.

We can move on. This is fun. You just turn to a page and see what we have got here. I welcome anybody to come turn the page for me. I am not making these things up here.

"Reform Entitlement Spending to Protect Future Generations. This summer, Office of Management and Budget Director Rob Portman said the administration would return to entitlements and taxes in earnest following the elections. Senior Democrats on the House and Senate Budget Committees, Senator Kent Conrad of North Dakota, and Representative John Spratt of South Carolina, responded by saying Congress, not the administration, must drive these efforts." That's from The Hill newspaper.

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But the broken promises, but the Democrat budget plan puts off tough and divisive decisions. Democrats did not include proposals to control growth and entitlement programs that are projected to swamp the rest of the budget in coming decades as the baby boom generation retires.

That comes from Congressional Quarterly March 29, 2007. Democrat budget does nothing to curtail runaway entitlement spending, Tallahassee Democrat editorial April 16, 2007.

So we've just got promise after promise after promise. And as my colleague from North Carolina pointed out to us tonight, we've got an approval rating of this Congress at 14 percent, the lowest in the history of the United States Congress, by my understanding. The last time we were close to this low was back when the Democrats were last in power back just before 1994.

This is a sacred body here. And it's important to win elections, and people use a lot of tools to win elections.

But back where I come from, and where a lot of the folks around here come from, when you tell somebody you're going to do something, you ought to do it.

I once had a man tell me, if you ever serve in a legislative body, the greatest tool you take to that body is your word. And if you give somebody your word, you ought to keep it. And if you don't keep it, you ought to go home. And that's a man named Bob Johnson, who there now is an office building in the Capitol complex in Austin, Texas named after this great Texan. That is great advice. And that's why these broken promises, I think, should weigh upon all of us because, quite frankly, a man or a woman's word ought to be their bond. And if you say you're going to do something, you ought to do it, and if you can't do it, you ought to at least try. And if you're not going to try, then you've broken your promise. And that's really not what this House ought to be all about.

I know there's a lot of campaign rhetoric, but a lot of these things were not said in campaign and, in fact, many of them were said right on the floor of this House as a pledge to the colleagues in this House. These pledges shouldn't be broken. We have a duty to raise the level of honor that it now seems to be the American people seem to be perceived is lost in this House of Representatives. I hope we can all take my friend Bob Johnson, who's now passed away, his advice. Let's make our word our bond.

I'll yield back to my colleague from North Carolina.

Ms. FOXX. I thank the gentleman from Texas for coming over and helping shed some light on this subject. As he has pointed out, and our colleague from Florida pointed out, a lot of things have been said, not just in the heat of a campaign, but in very deliberate opportunities, either on the floor of the House or in plans that were drawn up, in press releases. These were not slips of the tongue that were made.

And let me point out to anyone who might have just joined us that, in addition to having the Official Truth Squad which has been operating for about 18 months here in the House to correct misstatements that are made by the people on the other side of the aisle so often, a group of us are going to be highlighting this new report which has just come out today, House Democrats Top 100 Broken Promises, put together by the Republican leaders offices here in the House of Representatives. We think it's important to highlight what was promised to the American people last year, this year and what have been the results of those.

In fact, while my colleague from Texas was speaking, I was just thinking about the fact that most of our colleagues have left the Chamber tonight, they're on their way home for the 4th of July recess. And I can remember, it has been just a short time ago, that the Democrats promised that they would get all the appropriations bills passed by the 4th of July recess. I'm not sure that that broken promise is even in here. But as of today, we passed 6 out of 12. So half of the appropriations bills got passed.

Now, I've even had some of them accuse us of being the problem in not being able to get the bills passed or not being able to go home on Friday afternoon. And I looked at one of my colleagues one day who said that, and I said, wait a minute; who's in charge here? You all blamed us last year for things we didn't accomplish. Now you're blaming us for things you don't accomplish. I find it very interesting that they're very good at doing that.

So our goal here is to simply hold them accountable. I think the American people want their government held accountable for what we promise to do. And as I said earlier, I'm very troubled by having come to a House that I revere so much, this House of Representatives, and find that the American people have such a low opinion of us, based partly, I think, on this very situation that we're faced with, promises made, promises broken.

I know when I was a child, and I know with my daughter and with my grandchildren, they take promises very, very seriously. And I think the American people take promises very, very seriously.

And I know that Republicans did not always live up to their reputation of being fiscal conservatives in the last 4 years, I would say, that they were in control of this House. But I don't think anybody can accuse us of having broken promises the way the Democrats have broken promises.

I, like most of my colleagues, want to work with the Democrats on getting things accomplished for the American people. But we find that difficult to do when we know that we can't count on their word.

I want to bring up a few more of these promises that have been made and broken that I think are going to be very, very good for the American people to be reminded of. I'm going to go in this report that's highlighted here to Democratic Promise No. 16, lower gasoline prices. I know this is a big concern in my district. It's a big concern to me. Promise: "Democrats have a plan to lower gas prices. Join Democrats who are working to lower gas prices now." That was said by then minority leader NANCY PELOSI, Democrat, California in a press release, April 19, 2006.

Broken promise: And I'm going to quote from USA Today, May 22, 2007. "The average price of gasoline hit $3.218 a gallon, up a stunning 11.5 cents the past week, and just half a penny shy of the inflation adjusted record the government reported. The average is almost certain this week to pass the inflation adjusted high of 3.223 recorded in May 1981 by the Energy Information Administration." And that comes from an article entitled Average Gasoline Price Nears 1981 Average. And as I said, it's from USA Today, May 22, 2007.

Democrats have been in power for 6 months and gas prices have gone up, not down.

Democratic Promise No. 17: Make energy reform a top priority. Promise: "Democrats promise to hit the ground running on energy issues if they win control of the House or Senate. Responding to voters concerns about $3 a gallon gasoline and the soaring cost of home heating oil, Democratic leaders in both Chambers have ranked energy as one of their top priorities for the next Congress." That's from an article entitled Energy Reserving a Front Burner, National Journal, September 9, 2006.

Broken promise: And this is a quote from Energy and Environment Daily, May 18, 2007. "House Speaker NANCY PELOSI, Democrat, California, issued a clear directive soon after Democrats took control of Congress this year, promising a comprehensive energy and climate change bill on the House floor by the 4th of July. But with five legislative work weeks to go before that deadline, House Democrats are still left with the task of cobbling together a bill from as many as 11 committees. As for the deadline itself, a House Democratic aide close to the process said the package will not arrive on the House floor before the July 4th recess."

Well, that aide was certainly correct. We just adjourned today for the 4th of July recess, and we certainly did not have an energy bill to vote on. And 6 months after the Democrats took power in Congress, no comprehensive energy reform has ever been passed by the House, much less sent to the Senate.

Democratic Promise No. 18: Make global warming a top priority. Promise: Again from Speaker NANCY PELOSI. "The most urgent environmental issue facing us today is global warming." And this comes from a piece attributed to the Speaker, a New Direction for America, page 9.

Broken promise: June 1, 2007, Congress Daily PM. "Pelosi says global warming bill might wait until next year. Doesn't sound like it's a very urgent issue if they're going to put it off for a year."

And the promises and the broken promises related to energy continue to go on and on and on.

Mr. CARTER. Will the gentlelady yield?

Ms. FOXX. I will be happy to yield to my colleague from Texas.

Mr. CARTER. And I thank the gentlelady for yielding to me.

As you were reading those interesting broken promises, I was thumbing through here and saw my name in one of them so I thought I might read about it. Broken promise No. 43: Protect U.S. Borders. Promise: "I believe there is virtually unanimous agreement in Congress that we must secure our borders and know who is entering our country." Then-House Minority Whip STENY HOYER, press release May 25, 2006.

Promise: "Democrats are for the rule of law. We want to get the border security right. We would do what's necessary to protect our borders." Then House Minority Whip STENY HOYER, press release December 15, 2005.

Broken promise: "Just 6 months after Democrats took power in the House, 114 House Democrats voted against a Republican proposal to provide the funds necessary for construction of at least two layers of reinforced fencing, the installation of additional physical barrier, roads, lighting cameras and sensors pursuant to section 102 (b)(1) of the Illegal Immigration Reform and Immigration Responsibility Act of 1986." This comes from the GOP Motion to Recommit, a rollcall vote, June 15, 2007.

Broken promise: "218 Democrats voted against an amendment by Representative John Carter, Republican, Texas to strike new bureaucratic hurdles in the Homeland Security Appropriations bill designed to undermine the Department's efforts to complete the construction of the fence along the border. As Brit Hume said recently on Fox News: 'House Democrats added more than a dozen new rules the administration must meet before it can spend more money on the border fence.' Special report, Brit Hume, Fox News, June 18, 2007." And I thank the gentlelady for yielding.

Ms. FOXX. Well, thank you for helping to get on the record these broken promises.

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I think over the next several months, we will do our best to make sure that we bring them out one after another, and I am sure we are probably going to have another hundred of them to be able to talk about in the next 6 months without any difficulty.

I want to talk about fiscal responsibility and taxes a little bit because I think this is something else the American people are quite concerned about. Let me talk about Democratic Promise No. 49, "Restore Fiscal Responsibility." Promise: "Democrats offer a New Direction which includes fiscal responsibility," Democratic Caucus Chairman JAMES CLYBURN, press release, October 10, 2006.

Promise: "We will work together to lead the House of Representatives with a commitment to integrity, to civility, and to fiscal responsibility," Speaker-Elect NANCY PELOSI, press release, November 16, 2006.

Promise: "It is imperative to the future of our Nation that we come together, Democrats and Republicans, and restore fiscal responsibility," Majority Leader STENY HOYER, Democrat, Maryland, press release, January 23, 2007.

Broken promise, and this comes from the Post and Courier in Charleston, South Carolina: "CLYBURN Defends Budget Earmarks," February 21, 2007. "Now Democratic Whip JAMES CLYBURN, Democrat, South Carolina, also said he loves appearing in the Citizens Against Government Waste Pig Book. 'I want to be there as often as I possibly can for as much money as I possibly can,' he said."

Folks, these are not conservative publications that are putting these quotes out and calling the Democrats to task. These are what we would generally call liberal newspapers. And there are lots of quotes from the New York Times. I just haven't gotten to them yet.

Broken promise relating to the promises I just read: "Democrats resorted to begging, threatening, and, worst of all, bribing Members for their votes with $21 billion in pork-barrel projects . . . Loading a bill that's supposed to keep our soldiers in bullets, boots, and beans, pork-barrel bribes for congressional colleagues must be a low point in the history of the U.S. Congress. This destroys any pretense Democrats have to being a party of fiscal responsibility and good government." This came from the Colorado Springs Gazette editorial, March 27, 2007, in an editorial entitled "Buying Votes; Military Funding Bill a Stain on Congress."

Broken Promise: "It's hard to say which is worse: Democratic leaders offering peanuts for a vote of this magnitude or Members allowing their votes to be bought for peanuts." This is from a USA Today editorial, March 22, 2007, entitled "Pork Has No Place in 'Emergency' War Bill."

These are the kinds of things that make the American public cynical about their elected officials. And it is nothing that the Republicans are saying about the Democrats. It is what the publications of this country are saying about them and showing over and over and over how they have broken their promises. I don't think that we could probably get into a stack up to here of all of the statements that have been made in all of the presses about the broken promises of the Democrats in the first 6 months of their majority reign, but I do think that it is important that we point out some of them so people can make the comparison between what has been said to them and what was promised to them.

Democratic Promise No. 57. It is entitled "Institute 'PAYGO' to Control Spending."

Promise by Speaker NANCY PELOSI on her Web site: "Democrats are committed to fiscal responsibility through pay-as-you-go budgets so that our children and grandchildren are not saddled with mountains of debt."

Broken promise, and again this is not coming from a Republican or conservative publication. This is coming from the San Diego Union Tribune in an editorial dated April 16, 2007. The quote: "In Washington . . . congressional leaders have imposed pay-as-you-go budget rules that exclude the existing entitlement programs, such as Medicare and Medicaid, which dominate Federal spending. So 'PAYGO' is really just political cover for new taxes to support new spending."

Some of the people in the country have gotten this other than the Republican Members of this Congress, and it is very important that these things be published so that people understand what they are doing.

Let me give you one more here. Democratic Promise No. 58, "Adopt Honest Budgets." Promise: "The new Democratic-led House takes America in a new direction, a fiscally responsible budget with the right priorities. Budget Committee Chairman JOHN SPRATT is a master of the budget, and he and his team have done an outstanding job reflecting the right American priorities and values," Speaker NANCY PELOSI, press release, March 21, 2007.

Broken promise: "American families don't have the option of using gimmicks to put their family budgets in order. But such rules weren't applied by House Democrats in crafting their budget, which is loaded with trickery that hardly reflects American priorities and values. The House and Senate versions of the budget depend on reserve funds to pay for additional spending. There is only one catch: The reserve funds are empty." And the title of this, "Democrats Banking on Empty Reserves." The source, Los Angeles Times, March 27, 2007. Again, hardly a conservative place to come up.

We talked earlier about earmarks, and I think that it is very important, again, that we talk a little bit more about the issue of earmarks because I think that was one of the more egregious of the promises that were made and then broken by the Democrats. And had we not called their hand on it 2 weeks ago in this very Chamber with our standing up and protesting what they were doing to keep the earmarks a secret so that the American people could not judge whether the votes we were taking on the bills were votes that we should be taking, but, no, the Democrats had promised transparency, but they weren't about to do it until we made them do it.

Democratic Promise No. 68: "Allow Lawmakers to Challenge Individual Earmarks." Promise: "I think, first of all, with any bill, any provision, whether it is an earmark or not, there should be transparency. So that is what we have said, and I hope you would agree, that before Members vote on a bill, there should be appropriate time for people to be able to read it, that it would be a matter of public record, and if there is an earmark that can stand the scrutiny, then that transparency will give the opportunity for it to be there," then Minority Leader NANCY PELOSI in a press conference, March 16, 2006.

Broken promise: "Rather than including specific pet projects, grants, and contracts in legislation as it is being written, Democrats are following an order by House Appropriations Committee chairman to keep the bills free of such earmarks until it is too late for critics to effectively challenge them." The title of the article: "House Democrats Sidestep Their Own Rule to Shield Lawmakers' Pet Projects From Scrutiny," Associated Press, June 3, 2007.

As I said earlier, we believe that it is our responsibility to bring to the American people a list of these broken promises, the promises made and then the promises broken, because the House Democrats haven't kept their promises to the American people, whether it is the result of inaction or an inability to govern. On issue after issue, the 110th Congress has failed to meet the needs of working families, soldiers battling radical jihadists, senior citizens, and others who are waiting for Washington to offer serious solutions to the problems facing the country. One look at the polls shows Americans are taking notice and they aren't pleased.

But where the majority is failing to lead, Republicans are stepping up. While Democrats broke their promise to operate the House floor in an open, fair, and bipartisan manner, Republicans have found ways to strengthen and expose flaws in Democratic bills. While Democrats broke their promise to lead the most open, honest, and ethical Congress in history, Republicans are pushing for commonsense ethics rules that hold lawmakers to a higher standard. While Democrats broke their promise to deliver transparency in spending taxpayer dollars, Republicans have forced the majority to restore GOP earmark reforms that bring greater transparency and accountability to Federal spending. While Democrats broke their promise to enact legislation that makes America energy independent, Republicans believe we can lower gas prices and reduce our dependence on foreign energy by increasing domestic energy supplies, conserving more, and investing in the technologies of tomorrow. While Democrats broke their promise to be fiscally responsible increasing taxes and spending in tandem, Republicans put forth a plan that balances the Federal budget without raising taxes. And while Democrats broke their promise to make national and homeland security a priority, House Republicans have stood united to provide our troops the resources they need to defeat al Qaeda and radical jihadists and are determined to secure our borders and enforce our immigration laws.

While Republicans are working to earn back the majority, Democrats are acting like the entrenched majority they led before, saying one thing to Americans outside of Washington and doing something different inside the Capitol building.

Over the next few weeks, every House Democrat must answer this key question: Why haven't you kept your promises?

I don't have a Web site available like some of the other groups do. But I can tell you that this publication, "House Democrats' Top 100 Broken Promises," will be available from any Republican Member of this Congress, and I am sure that we can make it available. I am sure it is on a Web site, probably on the Web sites of all of the leadership: Republican Leader JOHN BOEHNER, Republican Whip ROY BLUNT, Conference Chair ADAM PUTNAM, Policy Chairman THADDEUS MCCOTTER, Conference Vice Chair KAY GRANGER, Conference Secretary JOHN CARTER, Chief Deputy Whip ERIC CANTOR, Rules Committee Ranking Republican DAVID DREIER. My guess is that it can be found on any of their Web sites. I am going to make sure that it is on my Web site in the next few days.

But I think, again, it is important that we hold people to the promises that they have made and make sure that the American people don't continue to have this very negative opinion of the Congress of the United States. We want this House to be respected. We want the Senate to be respected. And we need to live up to our promises so that we can get on with the important work that the American people have sent us here to do.

This is the people's House, and I am extraordinarily proud to be a Member of this House. And I know I join with other Republicans in saying that we want to bring back respect and integrity to this House so it is not called a House of hypocrisy.

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AMERICA, MISSISSIPPI THANKS YOU

The SPEAKER pro tempore (Mr. HALL of New York). Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR. Mr. Speaker, I want to thank my colleagues for yielding me the time.

Mr. Speaker, as you know, about 22 months ago the Mississippi Gulf Coast was hit with the worst hurricane in our Nation's history. It was followed up by a disaster made by man, which was the insurance industry almost uniformly denying the claims of people who had paid their premiums for decades. So people who thought they were covered woke up the next day or the next week to discover that their house was gone, and that their insurance company that said they were in "good hands" or that might have been their "good neighbor" or were "on their side" weren't going to pay.

It has led to several problems, one of which will be addressed, we hope, in July with a promise by the Speaker PELOSI, Chairman FRANK, Chairwoman WATERS for a hearing in the Financial Services Committee to amend the National Flood Insurance Program to allow people to buy all-perils insurance through their Nation, something that will prevent the fight in the future in other areas of America where 52 percent of Americans live. So if they go through the same sort of tragedy that the people of Mississippi went through, that they will be paid. Because the only people who did pay their claims last time, uniformly, was our Nation through the National Flood Insurance Program.

One of the ways that the American people responded to that, Mr. Speaker, is that by the thousands, all the way from kindergartners to grandparents, volunteers that have come to south Mississippi, they volunteered their time, they have given of their own personal treasure to help the people of south Mississippi rebuild who should have been paid by the insurance industry but won't. We've had so many groups. And I wish I could name them all and I wish I could have thanked them all.

But one of the groups I did get a chance to visit with just recently was the St. Elizabeth Seton Catholic Church of Naperville, Illinois, again, one of the thousands of groups that have been to south Mississippi and continue to go to south Mississippi to help people rebuild their lives.

We want to thank them and all the groups, but I also want to recognize a letter that they sent to my office. And it's strange that they should even be thanking someone from my office, it is my office that should be thanking them. But I want to read their letter in gratitude for them, and thank them as a way of thanking all the people that helped.

"We are eternally grateful to you for sharing with us one of Mississippi's finest natural resources, Chris LaGarde." Chris is an employee in my office.

Since we first met Chris a year ago, we've come to know him as a dear friend, a counselor, a leader, a chef, a mentor and a pack rat. He is a great big energizer bunny in a bright orange jumpsuit, not only because he never stops, but because his presence energizes all of us. Chris is a man of compassion and passion. He is caring, loving, generous and the most humble man you could ever meet. He's an excellent chef and host.

Through all of the trials and tribulations of finding work for our 60 volunteers all week and feeding us twice this week, he always kept his composure, his sense of humor and his love for all of us. He is a role model not only for young adults, but for us older adults as well. He lends perspective to what is really important in all of our lives, not our iPods, TVs, cell phones, cars and homes, but our friends, family and fellow human beings.

Chris is the epitome of the face of Christ, of service, of love for his fellow man.

To the folks of St. Elizabeth Seton, know what you've said is really about yourselves and about the other people who've come to south Mississippi to help us out. And on behalf of the people of south Mississippi, I want to thank all of those volunteers for what they have done and what they continue to do. And on behalf of not only the people of south Mississippi, but all of our fellow Americans, I think our fellow Americans have truly risen to the occasion. And I, for one, am eternally grateful for their help.

ACCOUNTABILITY IN THE WHITE HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Hampshire (Mr. HODES) is recognized for 60 minutes as the designee of the majority leader.

Mr. HODES. Mr. Speaker, I'm here tonight with my distinguished colleague from Florida (Mr. KLEIN) to talk in this Chamber about accountability, and to talk about our security in the Middle East, our strategy for the war in Iraq, the problems the American people face with the leadership of this country, which does not seem, at the very top echelon, the President and the Vice President, to be able to respond to the clearly expressed will of the American people, the facts on the ground in Iraq, the advice from esteemed military commanders and generals who understand the situation in Iraq.

And, really, it all comes down to accountability. Because Mr. KLINE and I came to this body as a result of the elections of November 2006. And in those elections, the American people spoke loudly and clearly. In my home State of New Hampshire, they said we need a new direction in Iraq; our strategy is not working.

The war in Iraq has not made us safer. The war in Iraq is not enhancing American security. The war in Iraq is not stabilizing the Middle East and advancing our true national security interests. The war in Iraq is costing billions and billions and billions of dollars, sapping our military strength and readiness, and leaving us, as a Nation, poorer and unable to respond to conflicts around the globe and the urgent need of domestic priorities at home, the needs of working families here in America who need the kinds of funds that are being diverted into a war that is not working, that need to be used at home to help take care of Americans.

Now I'd like to yield to Mr. KLEIN.

Mr. KLEIN of Florida. I thank the gentleman from New Hampshire (Mr. HODES).

I appreciate the opportunity to be here tonight as members of our freshman class. We try to get together about once a week to speak to each other and to speak to the Members on the floor here about the importance of what we were elected to do, along with every other Member, Democrat and Republican, in this Chamber.

Certainly this last election had a lot to do with the war and the strategy of the war and whether waging the war in the way it was being waged was successful. And of course success, at least in my view and the people that I have spoken to, is what can we do to enhance and protect the American people? All of us, in our homes, our cities, our country, and certainly our friends abroad.

At this time, it seems pretty clear, and I think it's been pretty clear to the American people for a long time who have been ahead of the President and ahead of the Congress in their thinking about this, that the national security of our country, of course coming first, is not being enhanced by having our fighting men and women, our brave men and women fighting a war that by and large is the participation of a civil war, a civil war among groups of people that unfortunately have been fighting each other for a long, long time; that by us dropping in our own form of democracy in that region, it just doesn't necessarily work that way. Although we would like to believe as Americans, and we know that we have the best system in the world, it just can't be planted in some other part of the world and just accepted as it is.

So the reality is, what can we do? What are the choices? And I have not been one who said immediate withdrawal. There are some in this Chamber that believe in immediate withdrawal, there are some that say we should be there for 10, 20, 30, 50 years, as long as it takes.

I think the reality is, there has to be a better way. And I think that we've heard from many of our military experts. When President Bush says, let's listen to the military experts, I agree. But it's not just the military experts that are telling you what you want to hear, it's the military experts that have been our generals, people that have served in that region, continue to serve in that region, and not just as soon replace them if they don't agree with the present administration.

There are answers, just like anything else. It doesn't matter if it's health care or energy, there are answers to all these things. People solve problems all day long. Americans are very innovative, energetic people. There are answers to this one as well. They may not be the answers we're looking for that are the ultimate best answers, but there are ways that we can best protect our interests in the Middle East, our support of the State of Israel and other friends in that region, and then most importantly, the people that live in our country. And those may be redeployment, moving our troops out of harm's way and into areas where maybe the borders are secured; or maybe, as we know now, the major mistake was that the entire Iraqi leadership of its armed forces was basically eviscerated, they're gone and moved away. And so the result is you have an Iraqi Army that by and large is leaderless. And they've been trying to make amends on that and trying to deal with that, but they're still way behind their curve. We can probably provide some support in that area.

But we do also know at the same time, in terms of our national security interests, if we think about what brought us to this point so far and why we have this threat of terrorism, is because we were attacked on 9/11, nothing to do with Iraq, but Osama bin Laden and al Qaeda. That issue has to do with Afghanistan and maybe other areas of Pakistan. That's where our military might, our strength, our troops, our ability to build coalitions around the world, which we've lost along the way here, that's where we can have the most impact.

So Mr. HODES, I would just like to open with those thoughts. I know we're going to have a little bit of discussion on that. But I want the American people to know and I want our Members here in the Chamber to understand, there are choices; there are good choices, there are better choices, and there are choices to move forward. To stand still, to say the surge and all those things, we need to move forward and best protect our troops and best protect Americans.

Mr. HODES. Mr. KLEIN, one of the things I think about is the change in the dialogue that has occurred since the Democrats became the majority party here in the House of Representatives as a result of the elections of November 2006.

And I know that there are many people in this country who are extremely frustrated. More than 70 percent of the people in this country, the statistics now tell us, are committed to changing course in Iraq, despite the intransigence, the stubbornness, the refusal of the President to face reality, despite the refusal of the Vice President of this country to meet his own obligations to the people of this country. But the dialogue has changed.

It's very important, I think, to take stock of what has happened, where we are now and how we are moving forward, and also to talk about the accountability of the administration and the Republicans, our colleagues on the other side of the aisle, who have stood foursquare up until now with the failed policies of this President.

The picture that I have put up here is a picture of President Bush with virtually the entire Republican delegation standing with him when he rejected the Democrats' attempt to set reasonable guidelines for troop readiness, for benchmarks, for Iraqi accountability, and a timeline for the responsible, strategic redeployment of American troops to protect our security.

We've heard a lot in the past few days, in the past few months from our colleagues on the other side of the aisle who keep blasting Democrats. They say, well, we're not getting anything done. But Democrats have stood up time and time again to help push a new direction in Iraq. And frankly, and unfortunately, it's been our Republican colleagues on the other side of the aisle who have not helped move this along, who have not stood up to their President and said to our President, this is an American issue. We must all work together for a responsible strategy that protects American security.

Now, after 6 months in the majority, House and Senate Democrats really are changing the debate on the war. We're insisting that the Bush administration and the Iraqi Government be held accountable. We need benchmarks to measure progress, or the lack thereof. We need to challenge the stay-the-course strategy, and we will continue to challenge this President's stay-the-course strategy.

And what is not too surprising to me now, as we sit here today ready for the July 4th recess and about 6 months into the 110th Congress, under pressure from responsible Democrats and the American public, an increasing number of Senate Republicans are now distancing themselves from the President's policy, even as our colleagues on the other side of the aisle, our House Republicans, continue to cling to it. The question is, when will the rubber-stamp House Republicans face the reality, join the Democrats, together with the American people, in demanding a real change and a responsible, strategic redeployment of our forces from Iraq? That, as you said, doesn't necessarily mean and shouldn't mean, in my view, that we bring everybody home in a precipitous fashion. That's what the Republicans continue to claim Democrats are talking about, but nothing could be further from the truth. Because the Democratic Caucus and the American people understand that what is needed is a responsible, strategic redeployment to protect American security.

Mr. KLEIN of Florida. And Mr. HODES, I would absolutely agree with you. And I think the proof is in the pudding back home. When I go back home and I speak to folks in town hall meetings in Palm Beach County and Broward County in south Florida where I live, I've heard from Democrats, Republicans and independents. And nobody wears their party on their sleeve, you just hear from them and they explain how they feel. And they feel very strongly that, as former military, there are a lot of senior citizen veterans in my area, they fought so hard for our country and the values and the strength that they have for the belief in the military and the strength that they have for the belief in our country and doing the right thing as we did in World War II and as we've done so many times since then. And they feel that what is going on right now is weakening the military, weakening America, as a standard bearer for truth and strength in the world, and this hurts. This hurts them, as people who fought so hard for our country.

□ 2100

I am not 70 years old. I am not 80 years old. But I have so many people that have expressed that to me as they wear their hats, as they wear their uniform, as they come and talk about their own personal experiences. We certainly have that generation.

Then we have the generation of parents whose kids may enlist or are already in the military. Some believe that what the military is doing is just right. Some feel very bad and feel like, not that their sons and daughters aren't doing the right thing on behalf of the country, they just feel like the strategy is not what they have made that representation, that commitment about.

I also feel like you do, that I am beginning to see, and I know in some of the committee hearings we have had in the House of Representatives we have heard expressions by both Democrats and Republicans. We are starting to hear from Republicans, too, about questions raised and looking for that accountability.

The bottom line is this: This is the Iraqis' war. This is the Iraqis' responsibility to take their own country and build it back up. That is their civilian ability, their ability to put the electricity back on, build hospitals and create jobs for themselves and put down the terror and the people that are harassing them in the cities and the explosives going on. They have got to take their own bull by the horns and do something about themselves. We can't do that. They have to do that. So there is this responsibility that they have to stand up to themselves and recognize.

We did what we said we were going to do. We took out Saddam Hussein and gave them a fresh opportunity. Saddam Hussein was a tyrant. He was a bad guy. But let's now look to the next level. The next responsibility is for the Iraqi people to stand up for themselves. We can't fight their war for them. We can't fight that for them. We have our own responsibilities.

We have to deal with Iran right now. Iran is a serious threat to Israel and our interests around the world, North Korea, obviously, and Afghanistan. These are places where the United States military needs to be able to be strong and exert itself when needed.

Mr. HODES. Mr. KLEIN, I want to pick up on a few points you made, because as I have traveled around New Hampshire, I have met with numerous veterans and lots of folks in the active military. The people in New Hampshire are not especially liberal, left-wing people. They are Americans.

This issue is really an issue of what it means to be a patriot. Because we all want the best outcome we can possibly make for this country, for our troops, for our veterans, for our wounded warriors. We want to do the best we can for America. On whatever side of this debate about the proper policy, I think we all need to respect each other's views on that.

I find that in New Hampshire. But what I find is a deep yearning that this country is accountable to the American people, that our government is accountable to the American people in a way that sets us on a course for being number one.

Now, I don't mean that in any big, bullying way, but number one because, up until recently, in my years—I have been around for 56 years—this country stood on its values. We stood on the principles of truth, justice, fairness, equality, and opportunity for all. That is what the American people expect from their government. That is where they want our country to go. They see that the war in Iraq has diverted us from being as great as we can be, from fulfilling the true promise of America both in the blood and treasure of our brave soldiers lost in the sands of Iraq.

They also are very concerned. I speak to people about some of what happened and the mistakes that were made that produced the issues that we are in today. They are very concerned, for instance, that while 9/11 was caused by al Qaeda terrorists in Afghanistan with the Taliban, that the Bush administration not only implied but said that somehow, Saddam Hussein and Iraq were tied in with al Qaeda at the time of that attack. It just wasn't so.

We have made some serious mistakes that they see. They see that the object of going in, occupying Baghdad and immediately firing the civil service, de-Baathification, firing the Army, simply provided fuel for the insurgency, provided people and weapons to fight against stability in Iraq. They see those questions.

Now the question they are asking is, where to? Where do we go from here? The good news is that some of the Republican Senators have begun to see the light. I just want to quote one of our distinguished colleagues who is in the Senate Chamber, Senator RICHARD LUGAR, the distinguished Republican from Indiana, the ranking member on the Foreign Relations Committee, who said, "In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved. Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term. Our security interests call for a downsizing and redeployment of U.S. military forces to a more sustainable position." That was a speech by Senator LUGAR, a Republican from Indiana, on the Senate floor on June 25 of this year. He is beginning to face the reality and getting ready for a new direction in Iraq.

We have now been joined by our distinguished colleague, JASON ALTMIRE from Pennsylvania. We are delighted to have you with us. He often speaks with the 30-Something Group. It is a real treat to have him with the New Member Caucus tonight. The Class of 2006 welcomes you, JASON.

Mr. ALTMIRE. Thank you, Mr. HODES. It is an honor to see you here tonight, as well as Mr. KLEIN from Florida.

We are at our 6-month point. We have one of our freshman colleagues in the Chair tonight. Mr. HALL from New York is serving as the Speaker pro tempore this evening. We are in the Chamber here tonight; we are talking about the first 6 months. We are talking about what is certainly the most important issue facing the country, as anyone would agree, which is the war in Iraq. We are talking about accountability. As the gentleman pointed out, we have a President that seems to be struggling with accountability right now.

If you look at what has happened in Iraq, we talk about the surge. We are going to have this report in September on whether the surge has worked. We all pray that we get good news in September, that General Petraeus is going to come in and give us an accurate assessment and, hopefully, that assessment will be that things are turning around.

But it does not appear at this point that that is the case. In fact, as you well know, Mr. HODES, the last 3 months where the surge has been fully in effect and we have been over there, have been the bloodiest 3 months in the 4½ years we have been in Iraq. The last 3 months have been the worst 3 months. That does not bode well for the effectiveness of the surge.

As you said, we are over 3,500 now that have been killed and 25,000 injured, wounded and that is just a tragic situation.

I was able to tour Walter Reed soon after that incident came to light with the Washington Post, and perhaps you gentlemen did as well. What strikes you when you meet these men and women, they are the bravest and the brightest and the best this country has to offer. To think that we have a situation where we were giving them substandard care in a military hospital, and in the Department of Defense, we chronically underfund our VA health care systems all across the country. So you have the Defense health care system that Walter Reed was a part of, and that was a disgraceful situation; then on the other hand, for the past several years, we have chronic underfunding of the VA health care system.

So when we talk about this administration's record with regard to accountability and what happens after these brave men and women come home, we have the issue of multiple deployments where the Guard and Reserve families have to struggle with multiple deployments and extended deployments going from 1 year to 18 months. Some of these veterans are small business owners or work in small firms where they have to go to their employer and say, I have to go over to Iraq, I have to serve this country. Of course, the employer says, that is wonderful, you have my support. Then they have to go back a second time, maybe a third.

Again, for the ones that own their own business and are the person that is running the business, how are they going to keep that business afloat? It affects the family. It affects the children. This has so many repercussions. Every segment of our society is impacted by it. But we have a President that has been given the views of the American people—we are going to talk about that tonight—but they have been disregarded.

Sixty-nine percent of the American people think we are heading down the wrong road in Iraq and that we need to change course. Instead, we get more of the same. We have an administration that was given a blueprint for success by the Iraq Study Group 6 months ago now, 7 months ago. Instead of following it, or at least looking at it, it was promptly discarded.

We have an administration that has ignored the advice of his generals on the ground. Whenever they tell him something he doesn't want to hear, they have resigned or they are fired. So I lack the confidence that this administration is going to be able to view the Iraq situation as anything more than "stay the current course." We all know that we need a different course.

We were talking about accountability. I did just want to tell one story that is related to the way this administration views our men and women and the families that are serving this country. I had a constituent in town today. She is an 84-year-old Gold Star mother. Her son was killed in 1969 in Vietnam. She has not been to Washington, D.C. She has not seen the Wall with her son's name on it, the Vietnam War Memorial. She called our office 2 weeks ago and explained her situation. She said, "I am bringing my two daughters, who are obviously grown now. They are the sisters of the serviceman that was killed in 1969. They are going to come down together as a family for the first time." Her goal, her life-long dream, was to tour the White House. So we called the White House. As you certainly know, there is a 6-month waiting list. But there is an exception in special circumstances. One of those circumstances, we were told, you were probably told, were for Gold Star families.

□ 2115

They can get in and take that tour of the White House.

So we were told, sure, they are welcome. We sent the information over, and then we promptly got a phone call saying, well, no, no, that exception only works for Iraq and Afghanistan Gold Star families, not for Vietnam era families.

So we had to call back this 84-year-old woman who wanted to see the Vietnam War Memorial and her son's name on the wall for the first time, and wanted to tour the White House, it was her lifelong dream, and we had to tell her well, I am sorry, we are not going to be able to do that, because the White House does not allow that.

Then it came to my attention that we as Members of Congress in very rare circumstances are allowed to take groups down and put them in the line if we appear with them. So I called her and I said, you know, I am going to just do this myself.

So today we took her down and we put her in the line and she got her tour of the White House.

So I sent a letter to President Bush and I said, there is two issues here. One is this policy is ridiculous. How can you justify putting one group of families who have suffered the greatest loss imaginable in the service of our country ahead of another group of families? How can you put one generation of military Gold Star families ahead of another?

The second issue is, what is the policy? Can you explain it? What is the justification for it? And please change it. That was the situation. I was fortunate as a Member of Congress, I was able to get Ms. Boyer in. But, unfortunately, you wonder how many people around the country have made a similar effort and were unable to get in on this tour.

So, I really thought this was a disgraceful situation, and I did want to bring it to the attention of my freshmen colleagues, because this is something that just happened today. And I think it is indicative of the treatment that our military families are getting from this administration.

I talked about the fact that we have had 6 consecutive years prior to this one of chronic underfunding of our VA healthcare system. You see the result at Walter Reed, what happens when you don't provide enough funding for these institutions. Unfortunately, we as a nation were doing that over the last several years.

But this Congress took a step in the right direction to resolve that by providing the largest increase in the history, 77-year history of the VA health care system, and in the 6 months we have been here, we have voted for $13 billion in increased funding for the VA healthcare system.

We have also voted to increase screenings and treatment for traumatic brain injury, which is now the signature issue for the Iraq war veterans. Many of the people who would have perished in previous wars, because of increased technology and military equipment, we have a lot of amputees and we have a lot of head injuries. So the issues we face are different from issues we faced in previous wars with regard to treating the men and women that come home.

So we are going to screen them and we are going to treat them for traumatic brain injury and we are going to make that part of what we are doing in the VA healthcare system.

So this Congress has taken a step in the direction of honoring our Nation's veterans, and I am proud at our 6-month point of our first term in Congress that we can go home over the July 4th recess and talk about the fact that no Congress in the history of the Congress has ever done more for our Nation's veterans than we have, in just 6 months. So I am proud to talk about that.

Mr. KLEIN of Florida. Thank you. I appreciate your observing those things that we did, because I think every one of us believes it is the right thing to do. I know, just to share for a moment, the experience that all of us had at Walter Reed Hospital and the experiences that we have all had in visiting our veterans and our folks who have fought for you us so bravely back home.

The point you made is that many of these men and women back in Vietnam, back in other wars, would have died based on the injuries they have received. But instead, because of modern science, they are alive today, some of them. But the injuries are so substantial, loss of both legs, loss of arms, loss of major functions that they have, they are going to require a lifetime of care.

And every American needs to understand that is a responsibility we have. When we ask our men and women to fight for us, we better be prepared to make sure they have all the necessary cares, and their families get that same level of care. Because it is that support, that when we ask people to fight for the values and strength of our country, that needs to be there.

But that is a cost of this war. And the problem, of course, is that if in fact, as we started this conversation tonight, we are not achieving our national security interests, we are not making Americans safer at home or our friends overseas more secure, if we are not accomplishing any of that, and we are going to wait until September now, and unfortunately there may be another 300 or 400 of our brave men and women losing their lives for something that again is not accomplishing those goals, and we are spending another $40 billion or $50 billion, I think a lot of Americans are saying, what could we do with that amount of money? What could we do with those lost lives back here at home, those lost lives, the lost opportunities for the families and men and women fighting for us?

I know when I think about Florida where I am from, they already have 139 men and women killed. We have had 1,196 severely injured. These are our neighbors. These are our friends.

We had just tragically this past week, a young man, 25 years old, Daniel Agami, who, unfortunately, was killed recently by, of course, an IED. I know that every one of us in this Chamber, and I think out there in the country, they have been through this loss. They understand what that neighbor, that nephew, that son, that daughter, what it means.

A lot of Americans haven't been really affected by this war because maybe the numbers are not as significant as they were during Vietnam or during World War II. But it is an American. Every loss of life is an American, and I think we all share that sense of feeling and, of course, that empathy for the families.

The question we are raising now, of course, the national commitment we have to fight wars is there. The strength and understanding our military always has to be at the ready. But we should also understand that when we do fight wars, that we need to win, succeed, do whatever is necessary, but, at the same time, be smart about it. Accomplish the goals that we have and recognize that in this dangerous world that we live in today, in this present strategy that President Bush has executed and is unwilling to change to this point in time, we have made ourselves weaker in other theaters, in other places around the world. That is unacceptable to me. It is unacceptable to every person I would imagine who is concerned about the future of our country.

We are prepared to change that. I am very happy that Democrats have changed, as you said, Mr. HODES, the discussion in Washington, taking the discussion back in our streets at home, our main streets back at home up here, finding even Republicans now who I know believe and, of course, they want to do the right thing as well, but just a blind loyalty to the President's policy at this point is not the right thing to do. We need to think, use common sense, figure out the right way to redeploy, protect our men and women over there, do the right thing so the Middle East can be stabilized and we can fight our real battles and deal with Iran and Afghanistan and other places.

Mr. HODES. Mr. KLINE, thank you very much for those thoughts. I expect that over this July 4th recess, a number of our colleagues, especially those on the other side of the aisle, will probably be hearing from their constituents about their concerns about the current course in Iraq, the failure of this administration's strategy, with the surge and the way things have been handled, the numerous mistakes, both strategic and implementation and in conception have deeply, deeply hurt us.

I know the American people, as we are here in Congress, especially in discussions with Democratic Members on the Armed Services Committee, are deeply concerned that American readiness, that our readiness to deal with other conflicts that may arise, not be jeopardized, and we are going to take important steps and have taken important steps to improve the readiness that has been hurt by these deployments in Iraq.

At some point we are going to talk a little bit more about what it has meant for our veterans, but we have been joined by another distinguished colleague who I would like to introduce. JOE SESTAK, a member of the class of 2006 from Pennsylvania, came to this Congress with an extraordinarily distinguished career, serving our country in the military in the Navy.

He is a gentleman who understands military, military matters, military operations. He is deeply committed to American strategic interests and is in the forefront of those in the Democratic Caucus who are intent on seeing a new direction in Iraq.

I would like to now turn it over to you, JOE SESTAK.

Mr. SESTAK. I appreciate that from my colleague from New Hampshire.

I want to comment upon what all three of you brought out, and I thought brought out well. I would like to speak about it from my experience.

I remember being on the ground in Afghanistan 2 months after that war began. I had the opportunity during a very short period of time to see what needed to be done. I left, brought back an aircraft carrier battle group for that war. Then we brought that battle group into the Persian Gulf for what we thought would be the starting run of the Iraqi conflict, and thinking what a tragic misadventure this would be.

Those words were brought back to me as I thought about them 18 months later when I returned on the ground in Afghanistan and saw what had not been accomplished when I had known what had to be done. Because we diverted our attention and our resources, our Psychological Operations Forces, our Special Operations Forces, our Civil Affairs Forces and the attention of this Nation from Afghanistan to Iraq.

To me, Afghanistan is prey to terrorists now once again as the Taliban regain control in parts of the southern provinces. And as we look inserting more forces back into Afghanistan, it is a poster child for what Iraq is really about.

Iraq is a conflict, a civil war that has hurt our strategic security, and Afghanistan is merely a poster child for how the rest of our global security, as well as our homeland security, has suffered.

There is not one army unit here at home, not one, Army, Guard, Active Guard or Reserve, that is in a state of readiness, that is committed to deploy anyplace in the world, as was said earlier, to any contingency elsewhere, from Korea to the Western Pacific, to help our other forces. Nor are we engaged in this world where the true center of gravity, strategic gravity for the United States is over the next decade, the Western Pacific, nor in Southeast Asia, nor in the Middle East.

We have walked away from a strategy of engagement in this world as we have narrowed down to a conflict that is a civil war in one country. We need to step back and look at Iraq. Not as itself alone, but as a piece in our strategic template of how we look at the security environment across this world. Therefore, we need a change in this strategy.

It is not about getting out of Iraq, as you well said. It is not just about returning our troops home. It is about a proper redeployment of our forces in order to enhance the security of America.

I am not anti-war. I am pro-security. And the Democratic approach to this is one that recognizes and should recognize with the Republicans, because we need them and they need us, to define the end of what President Bush said on 10 January would not be an open-ended commitment.

We need to define that end as a certain date, a specific date, approximately a year, that says to everyone in that region that behavior now has the incentive to change, because we will no longer be in Iraq providing the political and military cover for this civil war to continue to simmer as the politicians in Iraq, failing to step up to the plate because they are pursuing their personal fiefdoms, their personal ambitions in the 32 ministries that they run, as we provide their security.

And of great importance is Iran. When I was there with Senator HAGEL a few months ago, everyone talked about the undue influence of Iran. Why not? We are in there bleeding, and that country wants us to bleed profusely. But if we were to set a date certain and to lead with confidence and engage Iran and Syria, to bring them to the table, our most senior political leader, U.S. political leader in Iraq said in response to a question, Iran does not want a failed state if we redeploy.

It may not want the government we want, but it does not want a failed state. It doesn't want the 2 million Iraqi refugees there that have not already overflowed Iraq's borders to continue to flow over Iran's. Nor does it want a proxy war between it, the Shi'as in Iran supporting the Shia in Iraq, and the Sunnis in Syria supporting the Sunnis in Iraq. Once we are out, they don't want that war to ensue.

So, what this future plan is to be about is a redeployment to enhance America's security by focusing where we need to in this world, beginning with Afghanistan, and a readiness here at home to bring it back up, to remain in that region on bases we already have and had before the conflict with troops there in Qatar, Oman, Bahrain, the United Arab Emirates, with a carrier battle group and amphibious ready group, and then deal with strength as we safely redeploy over a year's period, approximately. Because it took 6 months to redeploy out of Somalia with approximately 8,000 troops.

We have got 160,000 in Iraq and over 100,000 U.S. civilian contractors to safely redeploy. As we do this with a date certain and incentive to change the behavior of the Iraqis so they step up to the plate, knowing they must assume responsibilities, it brings the Iranians and Syrians together, with us remaining in the region, to have a strategy that leads to diplomacy, so that there is an accommodation for a non-failed state. A region we have our interests in, we will remain there, and a state that has brought the parties together under the incentive of a date certain to work towards stability.

I appreciate being able to make these comments which tonight's discussion I believe have really pointed us towards a strategic approach to a date to redeploy.

Mr. HODES. I thank you for those comments. Coming from someone with the kind of military experience you have, they ring especially true.

You know, often on the floor of the House of Representatives, what we have experienced in our first 6 months is political rhetoric that masks some of the deeper, more complex and nuanced issues that really are worthy of discussion in deciding as a nation how to move forward.

It is really what the American people have been asking, not only of us here in Congress, but especially of their President, their Vice President, the leaders in the White House, who have been responsible for this unfortunate failed policy. And what the American people, who are a generous, compassionate and patient people, have been deeply yearning for, is a real discussion of the kind we are having now, that points the way towards American security. Because, as you point out, we have created, unfortunately, more instability in the Middle East.

□ 2130

And now, however we got into it, we have to make the best of a bad situation because we are all in this together. That is the spirit with which we as Democrats are trying to talk to our Republican colleagues.

There has been a lot of name-calling on the floor. They call us cut-and-run and say this and that and the other thing. But as you have so well put, we are talking about a strategy. Strategy is the key word. It means a strategic redeployment to protect American security.

If we just step back for a moment, I want to share some of the thoughts of a very esteemed retired general, General William Odom, who addressed us recently about the situation there. He said, Look at the situation we are in. Our troops are in a sea of hostile people, approximately 7 million in number, and growing in hostility every day. Fully 80 percent of the Iraqis want the occupation to end. Fifty percent of them think badly enough about us that they would sanction violence against Americans.

We are surrounded in Iraq by unfriendly nations, Iran and Syria. We have problems with Hezbollah in Lebanon; Hamas and new issues for Israel. Israel's security has been threatened by the instability in the Middle East because, unfortunately, our misadventure in Iraq has emboldened Islamic jihadists in the region. It has not made us more safe, but has grown the Islam jihad movement. It has been the best recruiting device they have had.

So he understands the importance of what to do when American troops find themselves caught in the middle of not one civil war, as he put it, but in the middle of multiple civil wars. He addressed the concern, which is a valid concern on the part of all of us, of what will happen in Iraq when we redeploy in a planned strategic way. People are concerned. What will we leave?

We have a government at this point which is essentially not working. It is hardly a unity government. They can't get themselves together to have their army stand up or get the ministers to work together. They seem to have fallen into tribal allegiances.

But what General Odom pointed out in recent discussions with experts in the region, including generals of countries whom we have worked with, they have pointed out that it is highly likely that when we leave Iraq, when the American troop presence, which is the cause, in their view, of much instability, is gone, that Iraq—it is not going to be great, but the kind of cataclysmic events that people are predicting, in their view, won't occur because the Iraqis have had a long history of tribal conflict even within the Saddam Hussein regime. And remembering that Iraq was forged in 1916 out of separate tribal entities by the British and French in a grand deal, there has been an undercurrent of these tensions, which the tribal leaders, they believe, are going to work out.

Personally, I believe ultimately there will be a political solution in Iraq that the Iraqis must determine for themselves. Our military presence cannot impose a political solution; only they can. In my view, based on the research that I have done and based on discussions with experts in the region, I think it is highly likely that Iraq will devolve into some kind of autonomous regions, perhaps three autonomous regions. In Kurdistan, one representing the Sunnis, one representing the Shia, who then use the central government for certain federal purposes, but one which recognizes, as their constitution wants to go to, that a political solution, trying to hold together this government which isn't working, won't work for them, and they will find once we are gone and they no longer have us as a crutch, they will find the political solution they need to carry their country forward.

And if we, as a true world leader, redeploy strategically and wisely and then use our diplomatic resources to bring neighbors, allies, friends, reunite a real coalition in the world to help, we may be able to have the kind of result of a stable state that will help us not only in the region but around the world. And it is what the American people want.

It is this kind of discussion and this kind of thinking that the President ought to be having with his generals. I hope that as we sit here tonight talking about Iraq, and as we prepare to return home for July 4, I hope that President Bush is in the White House and I hope he is talking to his generals about what the plan ought to be for a strategic redeployment. But I fear that he is not doing that at this point.

Mr. ALTMIRE, why don't I throw it over to you.

Mr. ALTMIRE. I was struck in hearing my Pennsylvania colleague, the gentleman from Pennsylvania (Mr. SESTAK), I believe the highest ranking military officer ever elected to Congress; and so much of the rhetoric that revolved around the discussion that this House had on Iraq was, you guys don't have any experience, you don't know what you are talking about. All you want to do is tie the hands of the generals on the ground, and you need to leave this up to the experts.

What we have heard tonight is an expert, one of the military's foremost military experts that we are fortunate to have not only in this House of Representatives, but in our freshman class with us.

We heard a strategy for success, and we heard someone who has been there and seen it firsthand. What struck me was the fact that the President has probably had these discussions, and he has probably had people come to him and offer solutions. Maybe not the identical solutions that Admiral Sestak has, but differences of opinion. And the problem is, this administration has not shown a willingness to listen to differences of opinion.

I talked about it earlier. Generals are reassigned if they come in with a difference of opinion. Public opinion certainly doesn't matter. The facts on the ground certainly don't matter.

I was watching earlier, and I don't know if you had the opportunity to walk through some of the facts of what is going on on the ground in Iraq right now. We hear a lot of things on TV about, is the surge working, is it not working. I will let my colleagues decide.

In November of 2003, the number of insurgents in Iraq was 5,000. That is a pretty high number. In March of 2007, the most recent month for which data is available, there were 70,000 insurgents in Iraq as estimated by the Brookings Institution. So 5,000, 4 years ago; 70,000, today.

The number of multifatality bombings in May of 2004 was 9; in May of 2007, last month, it was 42. To me that does not indicate that we are making progress or there is a light at the end of the tunnel. And the numbers of people killed, both civilian and American servicemen, we talked about that earlier, it is exponentially more now.

Clearly, we need a new direction, and we need people like Admiral Sestak, like anyone who is willing to take a hard look at this and offer an alternative solution, like the Iraq Study Group. This is a group of experts who got together, spent a great deal of time studying this issue, making very thoughtful recommendations to the American people, to the White House, and they were promptly disregarded.

Not only were they disregarded, but the course of action that they recommended, diplomacy with the other actors in the region, a training force rather than an offensive force, these are things that we are going in the exact opposite direction. We didn't just discard it, we have gone opposite to what they recommended.

I would say once again that this discussion is healthy. We have four of us here that have opinions, and there are a lot of opinions, and that is the way it should be. I would agree with the gentleman from New Hampshire (Mr. HODES) that I hope the same type of discussion is taking place on the other end of Pennsylvania Avenue. Unfortunately, that does not seem to be the case.

Mr. KLEIN of Florida. I agree with you, Mr. ALTMIRE. Just the title "admiral" speaks of such respect that we have for Representative SESTAK. Those of us who did not have the privilege of serving in the military, as you can imagine, there are 435 of us on the floor, we look to each other for advice. We learn from each other.

I know I have spoken to you on a number of occasions to get your advice, to be an informed Member of Congress, and I do appreciate that because I think you not only have that lifetime of experience serving in the military, but as a leader, an admiral in the military, you have the high level of understanding of all the issues we are discussing right now. Of course, it is not the end-all, be-all, but it is a tremendous resource for all of us.

One of the committees that I serve on is Foreign Affairs, and that committee is responsible for working with the President and the State Department on our foreign policy, whether it is in the Western Hemisphere, Hugo Chavez in Venezuela, or in the Middle East or Russia or China.

Our country has been consumed with terrorism since we were attacked on our shores by Osama bin Laden. One of the biggest frustrations we have as Americans, the most powerful nation in the world with the highest level of information and intelligence and reach around the world, the fact that Osama bin Laden is still on the loose is beyond imagination. Every American should demand that that should have been and should continue to be a top priority.

I am pointing that out for a reason. That reason is, we took our eye off the ball when we got involved in this in the first place. That has been discussed and we understand that. But that doesn't mean that today we shouldn't still be focusing on where the real threat is. The threat relates to al Qaeda and Osama bin Laden and his henchmen. The threat relates to nuclear weapons. These are the significant challenges of our day. They are challenges as it relates to Russia and loose nuclear weapons. They are challenges as it relates to North Korea and containing North Korea.

There was an interesting story that Reuters produced. It talked about the estimated number of nuclear weapons that were likely to have been produced by North Korea during the last 6 years of the Bush administration. This is a rogue country by many discussions, by the United Nations and countries around the world, that has a nuclear weapon, possibly seven nuclear weapons that we know of, all within the last 6 years, which tells us once again that we took our eye off the ball of dealing with the true threats.

This is not a question of whether North Korea is going to shoot off an ICBM towards the United States. This is not a stable country and may provide that nuclear weapon to other groups, organizations, countries. That is a threat. That is where our focus should be. Iraq is a different situation.

We take a look at Iran and what we know about Iran at this moment. There are an estimated number of centrifuges in Iran, in their main nuclear facility producing reactor-grade uranium. There may be 1,300 of these spread out in Iran. Iran is a threat, in having a nuclear weapon, to Israel and to other countries in the Middle East, and for the same reason, to the United States.

This is a serious issue. This is where our foreign policy and military strength and the sharing of intelligence and confidence with other allies around the world, where we have always historically, American Presidents have always led, and we made sure that we had that authority. And it was in our country's best interests.

But today we find ourselves in a place because we are mired in Iraq where many countries around the world are not prepared to share that goal of nuclear containment. This is something that we need to focus on. This is another reason why we have to extricate ourselves in a responsible way from a war that is not achieving our national security interests, and refocus our attention on nuclear weapons that may be developed in Iran, and make sure that we are doing the right thing to protect the American people.

Mr. HODES. Thank you.

Admiral SESTAK, we have a few moments left. I turn it over to you for some of your closing thoughts and then I will wrap up.

Mr. SESTAK. If I may add onto comments made by the gentleman from Florida (Mr. KLEIN), the lack of a strategy of engagement by this administration where it became focused and stuck in Iraq has hurt our security tremendously. We outsourced our leadership during that period of time to others.

North Korea went to China. We gave Iran to the European Union. And I can't tell you who we gave the Middle East to.

Let's step back and look at what has occurred. A conflict in the Middle East where our Secretary of State stopped by for a photo-op and continued down, in the midst of that conflict, to Southeast Asia for a conference.

Iran, bent now upon a nuclear weapon. And North Korea, as you referenced, during that period of time as they called General Powell back, who tried to continue the negotiations that the Clinton administration had left the

Bush administration with an agreed framework not to have a nuclear reactor continue to produce fissile material. And a missile moratorium. They now at least have seven more nuclear weapons, if they care to build them.

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And they've exploded one of them. And they've broken the missile moratorium and only belatedly have they actually gone back now and agreed to the same agreement that the Clinton administration had.

Iraq is such a tragedy. Iran, when General Ikenberry was leaving, our three-star general from Afghanistan, he was asked, does Iran work toward our interest there? The answer was yes. You want stability in Afghanistan. It doesn't want the Taliban there or al Qaeda. So we step back and say engage, engage with consequences Iran, Syria, give them a date that we won't be in that state of Iraq and they with Iraqis and Saudis and Jordan must step up so we can be about this world and ensure our security elsewhere. That's what this debate is about.

Mr. HODES. I thank all my colleagues, Mr. SESTAK and Mr. ALTMIRE from Pennsylvania, Mr. KLEIN from Florida. It has been a truly interesting discussion tonight focusing on strategy, the complexity of a world that has changed but which Democrats are facing with boldness and leadership to help take our country and the world in a new direction, to reverse the damage that's been done by the administration and reassert our role as a leader in this world on our principles and our values, not merely our military might but only using our military might in service of the good judgment our leaders exercise in the pursuit of peace.

As we leave for our July 4 recess, I want to leave us with this thought. The Army says that it will leave no soldier behind. And as we discussed here tonight, the Democrats in Congress have committed to leaving no veteran behind. We have voted and passed the biggest increase in Veterans' Administration spending for health care and needed services in this country's history.

The chart I have here shows in dramatic form what has happened over the past few years. From 2003 to 2008, the VA is treating many, many more Iraq and Afghanistan war veterans. We've been in a conflict where our soldiers have been deployed, redeployed, redeployed and redeployed again, two times, three times, four times. Whereas compared to World War II, when their active duty tours were 180 days, they're now seeing 15 months, wreaking havoc on the soldiers and their families at the same time. As General Odom put it today, they're experiencing cataclysmic events every day, new kinds of injuries, polytrauma, traumatic brain injuries, PTSD have created great complexity in our VA system.

So as we go out on July 4, I would ask us all to think about what supporting our troops really means. In my view, supporting our troops means employing and following a course that is a real, smart, strategic effort to protect American security by redeploying our troops from the middle of a civil war in which they don't belong, number one. That is truly supporting our troops, because they are owed the policy that the civilian leaders should be following. That is what our troops are owed and our veterans are owed when they come home, the best that we can give them. No more broken promises from the White House. No more broken promises from the Republicans who have cut the budgets time and time again, who have cut health care in the VA, who have imposed fee increases on our veterans. No more. We will leave no veteran behind. The Democrats promise that. We have followed through on our commitment.

And I am so proud to stand with you all as Members of the 110th Congress to help lead this country in a new direction and be the kind of world leader that the American people expect and deserve.

Thank you very much and good night.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today after noon.

Mr. MCNULTY (at the request of Mr. HOYER) for today on account of a funeral of a war casualty from the district.

Mr. POE (at the request of Mr. BOEHNER) for today after 6:45 p.m. on account of official business.

Mr. GILCHREST (at the request of Mr. BOEHNER) for June 25 and 26.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. YARMUTH) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

(The following Member (at the request of Ms. FOXX) to revise and extend his remarks and include extraneous material:)

Mr. REICHERT, for 5 minutes, today.

ADJOURNMENT

Mr. ALTMIRE. Mr. Speaker, pursuant to House Concurrent Resolution 179, 110th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), pursuant to House Concurrent Resolution 179, 110th Congress, the House adjourned until Tuesday, July 10, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2339. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactofen; Pesticide Tolerance [EPA-HQ-OPP-2006-0178; FRL-8132-9] received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2340. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Pesticide Tolerance [EPA-HQ-OPP-2006-0968; FRL-8135-5] received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2341. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving [EPA-HQ-AR-2006-0897; FRL-8330-1] (RIN: 2060-AN44) received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2342. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Charlotte, Raleigh-Durham, and Winston-Salem Areas Second 10-Year Maintenance Plan for the Carbon Monoxide National Ambient Air Quality Standard; Clarification [EPA-R04-OAR-2005-NC-0002-200538C; FRL-8328-6] received June 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2343. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report on Audit Policy: Frequently Asked Questions for 2007; to the Committee on Energy and Commerce.

2344. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-61, "Cigarette Stamp Clarification Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2345. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-62, "District of Columbia

School Reform Property Disposition Clarification Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2346. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to rule XXVI, clause 1, of the House Rules; (H. Doc. No. —43); to the Committee on Standards of Official Conduct and ordered to be printed.

2347. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 2007 "Treasury Bulletin," pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Energy and Commerce, Education and Labor, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANTOS: Committee on Foreign Affairs. H.R. 2420. A bill to declare United States policy on international climate cooperation, to authorize assistance to promote clean and efficient energy technologies in foreign countries, and to establish the International Clean Energy Foundation; with an amendment (Rept. 110–215). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 1851. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; with an amendment (Rept. 110–216). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 1852. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; with an amendment (Rept. 110–217). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RUPPERSBERGER:

H.R. 2894. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the "Star Spangled Banner" and the War of 1812, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. GARY G. MILLER of California, Mr. RAMSTAD, Ms. VELÁZQUEZ, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, Mr. AL GREEN of Texas, Mr. SHAYS, Mr. MURPHY of Connecticut, Mr. DENT, Ms. LEE, Mr. RENZI, Mr. CLAY, Mr. SMITH of New Jersey, Mr. LYNCH, and Mr. HINOJOSA):

H.R. 2895. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Financial Services.

By Mrs. MCCARTHY of New York (for herself and Mr. TERRY):

H.R. 2896. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a volunteer teacher advisory committee; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Mr. WELLER, Mr. BISHOP of Georgia, Mrs. EMERSON, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. MCNULTY, and Mr. HINOJOSA):

H.R. 2897. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. DOOLITTLE, Mr. MARCHANT, Mr. CHABOT, Mr. GARRETT of New Jersey, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. POE, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. PITTS, Mr. KING of Iowa, Mr. GINGREY, Mr. MCHENRY, Mr. KINGSTON, Mr. NEUGEBAUER, and Mrs. DRAKE):

H.R. 2898. A bill to amend title 28, United States Code, to establish standards for impeachment of justices and judges of the United States; to the Committee on the Judiciary.

By Mr. BISHOP of Georgia (for himself, Mr. LEWIS of Georgia, Mr. WESTMORELAND, Mr. SCOTT of Georgia, Mr. GINGREY, and Mr. JOHNSON of Georgia):

H.R. 2899. A bill to designate the Department of Veteran Affairs outpatient clinic located at 417 West 4th Avenue in Albany, Georgia, as the "Walter Carl Jordan, Jr. Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. DINGELL (for himself, Mr. BARTON of Texas, Mr. PALLONE, Mr. DEAL of Georgia, Mr. WAXMAN, Mr. BARROW, Mr. BUTTERFIELD, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GORDON, Ms. SOLIS, Mr. MATHESON, Mr. INSLEE, Ms. ESHOO, Ms. HOOLEY, Ms. BALDWIN, Mr. FERGUSON, Mr. ENGEL, Mr. ROSS, Mr. TOWNS, Mr. ROGERS of Michigan, Mr. MARKEY, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. BURGESS, Mr. TERRY, Mrs. BONO, Mrs. MYRICK, Mrs. CAPPS, Mr. UPTON, Mr. MELANCON, and Mr. RUSH):

H.R. 2900. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 2901. A bill to amend the Internal Revenue Code of 1986 to establish a program demonstrating multiple approaches to Lifelong Learning Accounts, which are portable, worker-owned savings accounts that can be used by workers to help finance education, training, and apprenticeships and which are intended to supplement both public and employer-provided education and training resources, and for other purposes; to the Committee on Ways and Means.

By Mr. ALLEN (for himself, Mr. BISHOP of New York, Mrs. BOYDA of Kansas, Mr. BRALEY of Iowa, Ms. CASTOR, Mr. COHEN, Mr. ELLISON, Mr. HALL of New York, Mr. HARE, Ms. HIRONO, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. MCNERNEY, Mr. PERLMUTTER, Mr. SESTAK, Mr. WALZ of Minnesota, Mr. WEINER, Mr. MURPHY of Connecticut, Mr. WELCH of Vermont, and Mr. GENE GREEN of Texas):

H.R. 2902. A bill to amend the Internal Revenue Code to double the child tax credit for the first year, to expand the credit dependent care services, to provide relief from the alternative minimum tax, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. ETHERIDGE, Ms. CORRINE BROWN of Florida, Mr. MILLER of North Carolina, Mr. COHEN, Mr. MCINTYRE, Mr. DONNELLY, Mr. WALZ of Minnesota, Ms. CARSON, Mr. WATT, and Mr. BUTTERFIELD):

H.R. 2903. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for innovative teacher retention programs; to the Committee on Education and Labor.

By Mr. BOUSTANY (for himself, Mr. MCKEON, Mr. CASTLE, Mr. HOEKSTRA, Mrs. MCCARTHY of New York, and Mr. FORTUÑO):

H.R. 2904. A bill to amend the Elementary and Secondary Education Act of 1965 to reauthorize the laws relating to public charter schools to improve academic achievement of all students; to the Committee on Education and Labor.

By Mr. PENCE (for himself, Mr. WALDEN of Oregon, Mr. BOEHNER, Mr. BLUNT, Mr. HASTERT, Mr. PUTNAM, Mr. CANTOR, Mr. HENSARLING, Mr. FLAKE, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mrs. BONO, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANNON, Mr. CARTER, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DAVID DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mrs. DRAKE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. HASTINGS of Washington, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISSA, Mr. SAM

JOHNSON of Texas, Mr. JORDAN, Mr. KELLER, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LAMBORN, Mr. LATHAM, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MARCHANT, Mr. MCCARTHY of California, Mr. MCCRERY, Mr. MCHENRY, Mr. MILLER of Florida, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAUL, Mr. PEARCE, Mr. PITTS, Mr. POE, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. REYNOLDS, Mr. ROYCE, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. TERRY, Mr. TIAHRT, Mr. WALBERG, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Alaska, and Mr. UPTON):

H.R. 2905. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Energy and Commerce.

By Mr. KIRK:

H.R. 2906. A bill to establish a pilot program under which the Secretary of Education makes grants to establish and support the 10th Congressional District of Illinois School Conservation Corps; to the Committee on Education and Labor.

By Mr. KIRK (for himself and Mr. LIPINSKI):

H.R. 2907. A bill to amend the Federal Water Pollution Control Act to establish a deadline for restricting sewage dumping into the Great Lakes and to fund programs and activities for improving wastewater discharges into the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. SCOTT of Virginia:

H.R. 2908. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Mr. PUTNAM):

H.R. 2909. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Mr. MITCHELL, and Mr. WALZ of Minnesota):

H.R. 2910. A bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to members of the Armed Forces of tuition for programs of education delayed by military service, for deferment of students loans and reduced interest rates for members of the Armed Forces during periods of military service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ACKERMAN (for himself, Mr. GRIJALVA, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. CAPUANO, Mr. COHEN, Ms. ZOE LOFGREN of California, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Ms. LEE, and Mr. CLEAVER):

H.R. 2911. A bill to amend the Electronic Fund Transfer Act to provide similar protections under that Act for consumers as apply under the Truth in Lending Act, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York:

H.R. 2912. A bill to require the Administrator of the Federal Aviation Administration to finalize the proposed rule relating to the reduction of fuel tank flammability exposure, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER (for himself, Mr. HASTINGS of Florida, and Mr. KUHL of New York):

H.R. 2913. A bill to amend the administrative requirements for conservation programs administered by the Department of Agriculture to ensure a greater emphasis on increasing habitat for native and managed pollinators and establishing cropping systems, integrated pest management regimes, and other practices to protect native and managed pollinators, and for other purposes; to the Committee on Agriculture.

By Mr. BRADY of Texas (for himself, Mr. ISRAEL, Mrs. BLACKBURN, Mr. BURGESS, Mrs. CUBIN, Mr. ENGLISH of Pennsylvania, Mr. HERGER, Mr. HINCHEY, Mr. MEEKS of New York, Mr. MCNULTY, Mr. NUNES, Mr. PAUL, Mr. RAMSTAD, Mr. SESSIONS, Mrs. TAUSCHER, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, and Mr. YOUNG of Florida):

H.R. 2914. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to immune globulins; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself, Mr. CONYERS, Mr. EMANUEL, Mr. BOSWELL, and Mr. LOEBSACK):

H.R. 2915. A bill to amend the Public Health Service Act to reauthorize the National Health Service Corps Scholarship and Loan Repayment Programs; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 2916. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2008; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Ms. BERKLEY, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. WYNN, Mr. THOMPSON of Mississippi, and Mr. LEWIS of Georgia):

H.R. 2917. A bill to require the Federal Communications Commission to report on measures being taken to inform the public of the transition to digital format television broadcasting; to the Committee on Energy and Commerce.

By Mrs. CAPPS (for herself, Mr. THOMPSON of California, Ms. ESHOO, Mr. FARR, Ms. SOLIS, Ms. ZOE LOFGREN of California, Mr. SCHIFF, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Mr. HONDA, Ms. WOOLSEY, Ms. MATSUI, Mr. STARK, Mr. LANTOS, Ms. LORETTA SANCHEZ of California, Ms. WATSON, Mrs. NAPOLITANO, Ms. LEE, Ms. HARMAN, Mrs. TAUSCHER, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD, Mr. BERMAN, Ms. LINDA T. SÁNCHEZ of California, and Mr. SHERMAN):

H.R. 2918. A bill to permanently prohibit oil and gas leasing off the coast of the State of California, and for other purposes; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:

H.R. 2919. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Virgin Islands Military and Veterans Memorial, to be located in Frederickstad, St. Croix, U.S. Virgin Islands, as a unit of the National Park System; to the Committee on Natural Resources.

By Mrs. CHRISTENSEN:

H.R. 2920. A bill to convey certain submerged lands to the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Mr. COOPER:

H.R. 2921. A bill to require the Secretary of the Treasury to conduct a study on the feasibility of authorizing the Department of the Treasury to create and issue annuity products, and for other purposes; to the Committee on Financial Services.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. BECERRA, and Mr. KIRK):

H.R. 2922. A bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with pre-diabetes or with risk factors for developing type 2 diabetes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. REGULA, Mr. MCCRERY, Mr. JINDAL, Mr. HALL of Texas, Mr. BAKER, Mr. JEFFERSON, Mr. BOUSTANY, and Mr. MELANCON):

H.R. 2923. A bill to direct the Secretary of Defense to make a grant to the National D-Day Museum Foundation for facilities and programs of America's National World War II Museum; to the Committee on Armed Services.

By Mr. ELLISON:

H.R. 2924. A bill to amend the Internal Revenue Code of 1986 to expand expenses which qualify for the Hope Scholarship Credit and to make the Hope Scholarship Credit and the Lifetime Learning Credit refundable; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. MATHESON, Mr. ETHERIDGE, and Mr. GILLMOR):

H.R. 2925. A bill to provide a grant program for gifted and talented students, and for other purposes; to the Committee on Education and Labor.

By Mr. AL GREEN of Texas (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. HONDA, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. SIRES, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. PASTOR, Mr. ELLISON, Ms. SCHAKOWSKY, Mr. CAPUANO, Ms. MOORE of Wisconsin, Mr. LYNCH, Mr. CLAY, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. CLEAVER, Mr. WALSH of New York, and Mr. COHEN):

H.R. 2926. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes; to the Committee on Financial Services.

By Mr. HILL (for himself, Mr. TERRY, Mr. BARROW, Mr. BROWN of South Carolina, Mr. RYAN of Wisconsin, Mr. ROSS, and Mr. TOWNS):

H.R. 2927. A bill to increase the corporate average fuel economy standards for automobiles, to promote the domestic development and production of advanced technology vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HINOJOSA (for himself, Mr. BACA, Mr. BECERRA, Mr. GONZALEZ, Mr. SERRANO, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. FATTAH, Mr. LEWIS of Georgia, Ms. LEE, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 2928. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Education and Labor.

By Ms. LEE (for herself, Mr. ALLEN, Ms. WOOLSEY, Mr. PRICE of North Carolina, and Ms. WATERS):

H.R. 2929. A bill to limit the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAHONEY of Florida:

H.R. 2930. A bill to amend section 202 of the Housing Act of 1959 to improve the program under such section for supportive housing for the elderly, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY of New York (for herself and Mrs. CAPITO):

H.R. 2931. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 2932. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mr. GORDON, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. COOPER, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mrs. JO ANN DAVIS of Virginia, Mr. DUNCAN, Mr. ETHERIDGE, Mr. GALLEGLY, Mr. GERLACH, Mr. HINCHEY, Mr. HOLT, Mr. KIND, Mr. MARKEY, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PICKERING, Mr. POE, and Mr. ROSS):

H.R. 2933. A bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. MITCHELL:

H.R. 2934. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2008; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. TIAHRT, Mr. MOORE of Kansas, and Mrs. BOYDA of Kansas):

H.R. 2935. A bill to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Alabama, Mr. SAM JOHNSON of Texas, and Mr. RAMSTAD):

H.R. 2936. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain improvements to retail space; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2937. A bill to amend the Internal Revenue Code of 1986 to provide that management and administrative activities will not be taken into account in determining if an entity has sufficient business activities in a foreign country to avoid treatment as an expatriated entity; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 2938. A bill to authorize grants to upgrade agriculture and food sciences facilities at the District of Columbia Land Grant University, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 2939. A bill to prohibit the commercial harvesting of Atlantic blackfish in the coastal waters and the exclusive economic zone, and for other purposes; to the Committee on Natural Resources.

By Mr. PERLMUTTER (for himself, Mr. KAGEN, Mr. WALZ of Minnesota, Mr. KIND, Mr. COSTA, Mr. DAVID DAVIS of Tennessee, and Ms. MCCOLLUM of Minnesota):

H.R. 2940. A bill to amend section 212 of the Immigration and Nationality Act with respect to discretionary determinations waiving an alien's inadmissibility based on certain activities, and for other purposes; to the Committee on the Judiciary.

By Mr. POE (for himself, Mr. COSTA, Mr. CHABOT, Mr. HOLDEN, Mrs. NAPOLITANO, Mr. PAYNE, Mr. FORTUÑO, Mr. ABERCROMBIE, Mr. REICHERT, Mr. ORTIZ, Mr. MOORE of Kansas, Mr. PAUL, Mr. MCHUGH, Mrs. MALONEY of New York, Mr. SNYDER, Mr. HALL of New York, Ms. CARSON, Mr. CLEAVER, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. GRIJALVA, Mr. WELCH of Vermont, Mr. MCCAUL of Texas, Mr. WALZ of Minnesota, Mr. MICHAUD, Mr. GORDON, Mrs. GILLIBRAND, Mr. CARDOZA, Mr. MARSHALL, Mr. JEFFERSON, Ms. MATSUI, Mr. ETHERIDGE, Mr. SALAZAR, Mr. BRALEY of Iowa, Mr. ALLEN, Mr. RUPPERSBERGER, Ms. ROYBAL-ALLARD, Ms. KAPTUR, Ms. GINNY BROWN-WAITE of Florida, Ms. MOORE of Wisconsin, and Mr. MORAN of Virginia):

H.R. 2941. A bill to safeguard the Crime Victims Fund; to the Committee on the Budget, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself and Mr. HUNTER):

H.R. 2942. A bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. ALTMIRE, Mr. ANDREWS, Ms. BERKLEY, Mr. BISHOP of Utah, Mr. BOOZMAN, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. CASTLE, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mr. EHLERS, Mr. FILNER, Mr. GONZALEZ, Mr. HALL of New York, Mr. HARE, Ms. HIRONO, Ms. KAPTUR, Mr. KENNEDY, Mr. LOEBSACK, Mrs. MCCARTHY of New York, Mr. GEORGE MILLER of California, Mr. MILLER of Florida, Mr. PALLONE, Mr. PERLMUTTER, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. SHAYS, Ms. SOLIS, Mr. SPACE, Ms. SUTTON, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Mr. WELCH of Vermont, and Ms. DELAURO):

H.R. 2943. A bill to amend titles II and XVI of the Social Security Act to provide for treatment of disability rated and certified as total by the Secretary of Veterans Affairs as disability for purposes of such titles; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 2944. A bill to amend title II of the Social Security Act to provide that the eligibility requirement for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2945. A bill to amend part C of title XVIII of the Social Security Act to provide beneficiary protections against excessive cost-sharing under the Medicare Advantage Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. HOLDEN, Mrs. MCCARTHY of New York, Mr. SAXTON, Mr. PLATTS, Mr. SIMPSON, Mr. THOMPSON of Mississippi, Mr. PAUL, Mr. GRAVES, and Mr. CRAMER):

H.R. 2946. A bill to amend the accountability provisions of part A of title I of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL of New Mexico:

H.R. 2947. A bill to provide for the establishment of energy performance standards for new Federal or federally supported buildings, and major renovations of Federal or federally supported buildings, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG:

H.R. 2948. A bill to amend the Internal Revenue Code of 1986 to permit health insurance to be purchased from a health savings account; to the Committee on Ways and Means.

By Mr. WEXLER (for himself, Mr. GALLEGLY, and Mr. ACKERMAN):

H.R. 2949. A bill to authorize grants to the Eurasia Foundation, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. WILSON of New Mexico:

H.R. 2950. A bill to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Education and Labor, Transportation and Infrastructure, Natural Resources, Oversight and Government Reform, Financial Services, Foreign Affairs, Small Business, the Judiciary, Armed Services, Intelligence (Permanent Select), and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself and Mr. ELLISON):

H.R. 2951. A bill to amend the Internal Revenue Code of 1986 to modify the earned income tax credit for single, childless workers; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Mr. HASTERT, Mr. COLE of Oklahoma, Mr. PITTS, Mr. PUTNAM, and Mr. RUSH):

H. Con. Res. 178. Concurrent resolution expressing the sense of the Congress that the United States should expand trade opportunities with Mongolia by initiating negotiations to enter into a free trade agreement with Mongolia; to the Committee on Ways and Means.

By Mr. SERRANO:

H. Con. Res. 179. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Ms. KILPATRICK (for herself, Mr. CONYERS, Mr. GRIJALVA, Mr. SERRANO, Mr. COHEN, Mr. RUSH, and Mr. HASTINGS of Florida):

H. Con. Res. 180. Concurrent resolution supporting the goals and ideals of African American Bone Marrow Awareness Month; to the Committee on Energy and Commerce.

By Mr. ORTIZ (for himself, Mr. TOM DAVIS of Virginia, Mr. BRADY of Pennsylvania, Mr. TAYLOR, Mrs. BOYDA of Kansas, Ms. BORDALLO, Mr. HINOJOSA, Mr. ABERCROMBIE, Mr. ISSA, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. GOODE, Ms. KILPATRICK, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. SESSIONS, Mr. YOUNG of Alaska, Mr. FORBES, Mr. SPRATT, Mr. AL GREEN of Texas, Mr. SPACE, and Mr. WOLF):

H. Con. Res. 181. Concurrent resolution recognizing and commending all volunteers and other persons who provide support to the families and children of members of the Armed Forces, including National Guard and Reserve personnel, who are deployed in service to the United States; to the Committee on Armed Services.

By Mr. ALLEN:

H. Res. 525. A resolution expressing the sense of the House of Representatives that the United States should reaffirm the commitments of the United States to the 2001 Doha Declaration on the TRIPS Agreement and Public Health and to pursuing trade policies that promote access to affordable medicines; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H. Res. 526. A resolution supporting home ownership and responsible lending; to the Committee on Financial Services.

By Mr. MCDERMOTT (for himself, Mr. WELLER, Mr. STARK, Mr. PORTER, Mr. LEWIS of Georgia, Ms. BERKLEY, Mrs. BACHMANN, Mr. YARMUTH, and Mrs. DAVIS of California):

H. Res. 527. A resolution recognizing the month of November as "National Homeless Youth Awareness Month"; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut (for himself, Mr. COURTNEY, Ms. DELAURO, Mr. LARSON of Connecticut, and Mr. SHAYS):

H. Res. 528. A resolution commemorating the 300th anniversary of the Town of New Milford, Connecticut; to the Committee on Oversight and Government Reform.

By Mr. WELCH of Vermont:

H. Res. 529. A resolution commending Brigadier General George Stannard and the Second Vermont Brigade upon the 144th anniversary of the Battle of Gettysburg; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. BERRY, Mr. BLUMENAUER, Ms. GIFFORDS, and Mr. ISRAEL.

H.R. 154: Mr. DAVIS of Illinois.

H.R. 156: Mr. TIM MURPHY of Pennsylvania.

H.R. 180: Mr. PETERSON of Minnesota and Mr. JOHNSON of Georgia.

H.R. 219: Mr. ADERHOLT.

H.R. 241: Mrs. BACHMANN.

H.R. 245: Mr. DAVID DAVIS of Tennessee.

H.R. 303: Mr. GONZALEZ, Mr. LARSEN of Washington, Mr. SMITH of Washington, and Mr. HAYES.

H.R. 396: Ms. GRANGER.

H.R. 404: Mr. DUNCAN.

H.R. 418: Mr. KLINE of Minnesota, Mr. BACHUS, Mr. MILLER of North Carolina, and Mr. PETERSON of Minnesota.

H.R. 450: Mr. DICKS.

H.R. 462: Mr. HILL.

H.R. 468: Mr. SERRANO and Ms. ZOE LOFGREN of California.

H.R. 507: Mr. LEWIS of Kentucky.

H.R. 530: Mr. MCNERNEY and Mr. ALEXANDER.

H.R. 549: Mr. DAVIS of Kentucky.

H.R. 583: Mr. NEAL of Massachusetts and Mr. DAVIS of Kentucky.

H.R. 601: Mr. LATOURETTE.

H.R. 621: Mr. HODES and Mr. DENT.

H.R. 642: Mr. ALEXANDER.

H.R. 643: Mr. HARE and Mr. RAHALL.

H.R. 657: Mr. JOHNSON of Georgia, Mr. GORDON, and Mr. FRANK of Massachusetts.

H.R. 687: Mr. ALLEN.

H.R. 697: Mr. SULLIVAN.

H.R. 748: Mrs. MILLER of Michigan and Mr. PEARCE.

H.R. 758: Mr. ALEXANDER.

H.R. 782: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. LORETTA SANCHEZ of California.

H.R. 840: Mr. PASTOR.

H.R. 864: Mr. RAMSTAD and Mr. RUSH.

H.R. 867: Mr. WOLF, Mr. PETERSON of Minnesota, and Mr. LEWIS of Kentucky.

H.R. 928: Mr. CASTLE.

H.R. 957: Mr. FOSSELLA, Mr. COBLE, Mr. DENT, Mrs. WILSON of New Mexico, and Mr. CARTER.

H.R; 971: Mr. WELCH of Vermont.

H.R. 1023: Mr. RUPPERSBERGER, Mr. ROGERS of Kentucky, Mr. YOUNG of Florida, Ms. VELÁZQUEZ, and Mrs. BIGGERT.

H.R. 1030: Mr. WATT.

H.R. 1043: Mr. ELLISON.

H.R. 1076: Mr. FOSSELLA.

H.R. 1088: Mr. TIM MURPHY of Pennsylvania.

H.R. 1092: Mr. FRANK of Massachusetts.

H.R. 1102: Mr. SPACE and Mr. SCHIFF.

H.R. 1103: Mr. DAVIS of Illinois, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, and Mr. HONDA.

H.R. 1108: Mr. BISHOP of New York and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1110: Mr. BOSWELL.

H.R. 1112: Mr. CAMPBELL of California.

H.R. 1113: Mr. YOUNG of Florida, Mr. RENZI, and Mr. BURTON of Indiana.

H.R. 1120: Mrs.,BACHMANN and Mr. WAMP.

H.R. 1134: Ms. MCCOLLUM of Minnesota.

H.R. 1147: Mr. LEWIS of Georgia.

H.R. 1171: Mr. CLAY and Mr. GERLACH.

H.R. 1177: Mr. ETHERIDGE.

H.R. 1178: Mr. RAMSTAD.

H.R. 1193: Mr. TIM MURPHY of Pennsylvania.

H.R. 1197: Mr. SAM JOHNSON of Texas.

H.R. 1211: Mr. BRADY of Pennsylvania.

H.R. 1216: Mr. PRICE of North Carolina.

H.R. 1229: Mr. HOLDEN.

H.R. 1267: Mr. ALTMIRE and Mr. SPACE.

H.R. 1275: Mr. WAXMAN and Ms. WATSON.

H.R. 1282: Mr. DAVIS of Illinois.

H.R. 1304: Mr. CAMP of Michigan.

H.R. 1322: Mr. HASTINGS of Florida, Mr. BOUCHER, Mr. PASCRELL, and Mr. HONDA.

H.R. 1338: Mr. MITCHELL, Mr. SHULER, Mr. LIPINSKI, Mr. CARNEY, Mr. ELLSWORTH, Mr.

BOREN, Mr. PATRICK MURPHY of Pennsylvania, Mr. CUELLAR, Mr. ORTIZ, Mr. KLEIN of Florida, Mr. SHAYS, and Mr. MCINTYRE.

H.R. 1343: Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Ms. LEE, Mr. GERLACH, and Mr. CUMMINGS.

H.R. 1357: Mr. COBLE, Mrs. WILSON of New Mexico, Mr. CRENSHAW, and Mr. CARTER.

H.R. 1381: Mr. PAYNE.

H.R. 1398: Mrs. CAPITO, Mr. HARE, Mr. CALVERT, Mr. HOEKSTRA, and Mr. JOHNSON of Georgia.

H.R. 1399: Mr. GOHMERT, Mr. FLAKE, Mrs. MCMORRIS RODGERS, Mr. NUNES, and Mr. PAUL.

H.R. 1400: Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. STUPAK, Mr. CRENSHAW, Mr. MCKEON, Mr. MICA, Mr. KELLER, Mr. CUMMINGS, and Mr. MILLER OF FLORIDA.

H.R. 1415: Ms. DEGETTE, Ms. CLARKE, and Mr. BRADY of Pennsylvania.

H.R. 1416: Ms. CLARKE and Mr. BRADY of Pennsylvania.

H.R. 1418: Ms. DEGETTE.

H.R. 1419: Mr. SHAYS, Mr. JORDAN, and Mr. ELLISON.

H.R. 1420: Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, and Ms. LORETTA SANCHEZ of California.

H.R. 1422: Ms. HOOLEY, Mr. FARR, Mr. OLVER, and Mr. BROWN of South Carolina.

H.R. 1428: Mr. SMITH of Washington.

H.R. 1440: Mr. PORTER.

H.R. 1459: Mr. STUPAK, Mr. WELLER, Mr. SCOTT of Georgia, and Mr. DUNCAN.

H.R. 1464: Mr. GILCHREST, Mr. HOLT, Ms. LEE, Mr. MCDERMOTT, and Mr. ACKERMAN.

H.R. 1474: Mr. WELCH of Vermont, Mr. HINCHEY, Mr. MCCAUL of Texas, Mr. MELANCON, and Ms. VELÃZQUEZ.

H.R. 1506: Mr. ARCURI, Ms. CASTOR, and Ms. LINDA T. SÃNCHEZ of California.

H.R. 1507: Ms. MCCOLLUM of Minnesota and Mr. NEAL of Massachusetts.

H.R. 1514: Mr. LEWIS of Kentucky.

H.R. 1532: Mr. MCDERMOTT and Mr. FRANK of Massachusetts.

H.R. 1536: Mr. ARCURI.

H.R. 1537: Mr. MCKEON, Mr. RODRIGUEZ, Mr. PERLMUTTER, and Ms. SUTTON.

H.R. 1552: Mr. CUMMINGS, Mrs. CAPPS, and Mrs. MILLER of Michigan.

H.R. 1560: Mr. GOODE.

H.R. 1576: Mrs. BOYDA of Kansas.

H.R. 1584: Mr. MCINTYRE, Ms. HERSETH SANDLIN, Mr. REGULA, and Mr. HODES.

H.R. 1610: Mr. PASCRELL, Mr. CARTER, and Mr. BILBRAY.

H.R. 1629: Mr. LEWIS of Kentucky.

H.R. 1634: Mr. MORAN of Virginia, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. ENGEL, Mr. WAXMAN, Mrs. TAUSCHER, Mr. RUSH, and Mrs. CAPPS.

H.R. 1647: Mr. TIM MURPHY of Pennsylvania.

H.R. 1665: Mr. BISHOP of Georgia.

H.R. 1687: Ms. NORTON, Mr. LOEBSACK, and Mr. ALLEN.

H.R. 1699: Mr. DAVIS of Illinois, Mr. PRICE of North Carolina, and Mr. BRADY of Pennsylvania.

H.R. 1705: Mr. ARCURI and Mr. COHEN.

H.R. 1707: Mr. COSTELLO.

H.R. 1709: Mr. HOLDEN and Mr. KILDEE.

H.R. 1761: Mr. POE.

H.R. 1809: Mrs. MCCARTHY of New York.

H.R. 1845: Mr. REYES, Mr. BISHOP of Georgia, Mr. LANGEVIN, and Mr. PETRI.

H.R. 1846: Mr. SESSIONS.

H.R. 1856: Mr. BROWN of South Carolina.

H.R. 1871: Mr. WYNN.

H.R. 1872: Mr. DAVIS of Illinois.

H.R. 1881: Mr. DEFAZIO.

H.R. 1889: Mr. COURTNEY.

H.R. 1912: Mr. STUPAK.

H.R. 1927: Mr. DAVIS of Alabama.

H.R. 1937: Mr. SPRATT, Mrs. MYRICK, Mr. BLUMENAUER, Ms. FOXX, Mr. NUNES, Mr. STUPAK, and Mr. PORTER.

H.R. 1941: Mr. CUMMINGS.

H.R. 1943: Mr. JACKSON of Illinois and Mr. BUTTERFIELD.

H.R. 1953: Mr. BOREN.

H.R. 1956: Mr. BISHOP of New York.

H.R. 1957: Mr. DELAHUNT and Mr. HOLT.

H.R. 1968: Ms. ZOE LOFGREN of California, Mr. THOMPSON of Mississippi, and Mr. LEWIS of Georgia.

H.R. 1971: Mr. BUTTERFIELD and Mr. ALLEN.

H.R. 1983: Mr. LOBIONDO, Ms. CASTOR, and Mr. WEXLER.

H.R. 1990: Mrs. JONES of Ohio.

H.R. 2015: Ms. HARMAN, Mr. PERLMUTTER, Mr. RODRIGUEZ, Mr. WALZ of Minnesota, and Mr. HIGGINS.

H.R. 2027: Mrs. MCMORRIS RODGERS and Mr. DAVIS of Alabama.

H.R. 2036: Mr. HARE.

H.R. 2046: Mr. CARNAHAN and Mr. HASTINGS of Florida.

H.R. 2053: Mr. ROSKAM, Mr. MCNULTY, Mrs. BONO, and Mr. MURPHY of Connecticut.

H.R. 2054: Mr. COSTA.

H.R. 2060: Mr. GILCHREST.

H.R. 2069: Mr. GRIJALVA.

H.R. 2075: Mr. BACA.

H.R. 2091: Mr. DAVIS of Alabama and Mr. GILLMOR.

H.R. 2092: Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. ZOE LOFGREN of California, Mr. ALLEN, Mr. MORAN of Virginia, Mrs. MALONEY of New York, Mr. HONDA, Mr. PAYNE, Mr. FILNER, Ms. WOOLSEY, Mr. ROTHMAN, Mr. WAXMAN, Ms. WATSON, Mr. BLUMENAUER, Ms. JACKSON-LEE of Texas, Mr. POMEROY, Mr. SERRANO, Mr. BOUCHER, Mr. COHEN, Mr. BERMAN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. COURTNEY, and Mr. ANDREWS.

H.R. 2102: Mr. HASTINGS of Florida, Mr. DICKS, Ms. NORTON, Mr. WEXLER, Mr. MCCAUL of Texas, Mr. RYAN of Wisconsin, Mr. PAYNE, and Mr. WOLF.

H.R. 2103: Mr. COURTNEY.

H.R. 2122: Mr. BOSWELL, Mr. SHERMAN, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. MCCOLLUM of Minnesota, Mr. NADLER, Mr. CUMMINGS, Mr. ALLEN, and Mr. LOBIONDO.

H.R. 2123: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2125: Mr. GILLMOR.

H.R. 2138: Mr. TOM DAVIS of Virginia, Ms. HOOLEY, Mr. CULBERSON, and Mrs. BACHMANN.

H.R. 2149: Mr. ALEXANDER.

H.R. 2165: Ms. KILPATRICK and Mr. GONZALEZ.

H.R. 2216: Ms. CARSON.

H.R. 2217: Ms. CARSON.

H.R. 2228: Mr. WOLF.

H.R. 2231: Mr. HASTINGS of Washington and Mr. DUNCAN.

H.R. 2236: Ms. DEGETTE.

H.R. 2247: Mr. PASTOR and Mr. DEFAZIO.

H.R. 2255: Mr. DAVID DAVIS of Tennessee.

H.R. 2265: Ms. HOOLEY.

H.R. 2274: Mr. BARTLETT of Maryland, Mrs. MCCARTHY of New York, and Mr. DICKS.

H.R. 2280: Mr. MARSHALL, Mr. BOSWELL, and Mr. PLATTS.

H.R. 2289: Ms. LINDA T. SÃNCHEZ of California.

H.R. 2298: Mr. HIGGINS and Mr. GRIJALVA.

H.R. 2312: Mr. BAKER and Mr. MILLER of Florida.

H.R. 2332: Mr. COBLE, Mr. DOOLITTLE, Mrs. WILSON of New Mexico, and Mrs. JO ANN DAVIS of Virginia.

H.R. 2342: Mr. HONDA.

H.R. 2353: Mrs. CUBIN, Mr. RODRIGUEZ, and Ms. HIRONO.

H.R. 2361: Mr. MOORE of Kansas.

H.R. 2362: Mr. LEWIS of Kentucky and Mr. CROWLEY.

H.R. 2365: Mr. SHERMAN, Mr. PETERSON of Minnesota, Mr. GOHMERT, and Mr. CAMP of Michigan.

H.R. 2380: Mrs. BLACKBURN, Mr. HAYES, Mrs. SCHMIDT, Mrs. MILLER of Michigan, Mr. PLATTS, Mrs. CAPITO, Mr. ROHRABACHER, and Mrs. WILSON of New Mexico.

H.R. 2392: Mr. HARE.

H.R. 2416: Mr. WELDON of Florida.

H.R. 2417: Mr. STARK.

H.R. 2426: Mr. HILL.

H.R. 2435: Mr. LEWIS of Georgia and Mr. WYNN.

H.R. 2438: Mr. BAKER.

H.R. 2443: Mr. MCNULTY and Mr. BOREN.

H.R. 2447: Ms. CARSON, Mr. CLEAVER, Mr. CONYERS, Mr. KUCINICH, Mr. JEFFERSON, and Mr. HOLT.

H.R. 2458: Mr. ALTMIRE.

H.R. 2471: Mr. LEWIS of Kentucky.

H.R. 2504: Mr. LARSON of Connecticut.

H.R. 2510: Mr. WICKER and Mrs. BACHMANN.

H.R. 2512: Mr. LAMPSON.

H.R. 2548: Mr. SCHIFF and Ms. LORETTA SANCHEZ of California.

H.R. 2550: Mrs. DRAKE and Mr. MILLER of Florida.

H.R. 2578: Mr. YOUNG of Alaska, Ms. FALLIN, and Mr. ROGERS of Kentucky.

H.R. 2588: Mr. WELDON of Florida.

H.R. 2596: Mr. FILNER, Ms. BEAN, Mr. MOORE of Kansas, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. ELLISON, and Mr. DEFAZIO.

H.R. 2600: Mr. GOODE, Mr. DUNCAN, and Mr. ADERHOLT.

H.R. 2608: Mr. LEWIS of Georgia.

H.R. 2609: Mr. CHANDLER and Mr. HINOJOSA.

H.R. 2634: Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. STARK, Mrs. CAPPS, and Mrs. CHRISTENSEN.

H.R. 2639: Mr. WALBERG and Mr. BURTON of Indiana.

H.R. 2659: Mr. SMITH of Nebraska, Mrs. BOYDA of Kansas, and Mr. PLATTS.

H.R. 2668: Mr. ELLISON.

H.R. 2700: Ms. BORDALLO.

H.R. 2702: Mrs. CHRISTENSEN, Mr. SIRES, Mr. CARNAHAN, and Mr. STARK.

H.R. 2707: Mr. FOSSELLA.

H.R. 2723: Mr. RUSH, Mr. HALL of Texas, and Mr. BUTTERFIELD.

H.R. 2734: Mr. SULLIVAN, Mr. TIAHRT, Mr. LEWIS of Kentucky, Mr. MILLER of Florida, and Mrs. MCMORRIS RODGERS.

H.R. 2738: Mr. PENCE.

H.R. 2743: Mrs. CHRISTENSEN.

H.R. 2745: Mr. PAUL, Mr. LAMPSON, and Mr. ALEXANDER.

H.R. 2746: Mr. RUSH.

H.R. 2750: Mr. MARCHANT, Mr. PAUL, Mr. LEWIS of California, Mr. CUMMINGS, Mr. WEXLER, Ms. MATSUI, Ms. BORDALLO, Mr. SMITH of Texas, Mr. BAIRD, Mr. BOREN, Mr. BOSWELL, Ms. CASTOR, Mr. ELLSWORTH, Ms. ESHOO, Ms. GIFFORDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Mr. MITCHELL, Mr. RUPPERSBERGER, Ms. SHEA-PORTER, Mr. STARK, Mrs. TAUSCHER, Mr. TOWNS, Mr. PASCRELL, Mr. MICHAUD, Mr. SESTAK, and Ms. SOLIS.

H.R. 2758: Mr. HOLT, Mr. RUPPERSBERGER, Mr. TIERNEY, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. CRAMER, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. HONDA, Mr. LANTOS, Ms. LEE, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr.

MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. DEFAZIO, Mr. KENNEDY, Ms. WASSERMAN SCHULTZ, Mr. BAIRD, Mr. EMANUEL, Mr. UDALL of New Mexico, Mr. MARKEY, Mr. CAPUANO, Mr. LARSON of Connecticut, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Ms. SCHAKOWSKY, Mr. DELAHUNT, Ms. BERKLEY, and Ms. CASTOR.

H.R. 2762: Mrs. CUBIN, Mr. BACHUS, and Ms. DELAURO.

H.R. 2802: Mr. PAUL, Ms. SOLIS, Mr. PAYNE, Mr. HONDA, Mr. BARTLETT of Maryland, Ms. SCHAKOWSKY, Mr. TIERNEY, and Mr. FARR.

H.R. 2805: Mr. DOGGETT, Mr. DAVID DAVIS of Tennessee, and Mr. GORDON.

H.R. 2809: Ms. SCHWARTZ, Mr. GRIJALVA, Mr. KIND, and Mr. CARNAHAN.

H.R. 2818: Ms. CORRINE BROWN of Florida, Ms. CARSON, and Mr. GONZALEZ.

H.R. 2821: Mr. HERGER and Mr. JEFFERSON.

H.R. 2827: Mr. LOEBSACK.

H.R. 2831: Ms. WASSERMAN SCHULTZ and Mr. DAVIS of Alabama.

H.R. 2832: Mr. UPTON.

H.R. 2834: Mr. WELCH of Vermont and Mr. FILNER.

H.R. 2840: Mr. PAYNE.

H.R. 2842: Mr. CLAY.

H.R. 2852: Mr. CONYERS, Mr. ETHERIDGE, Mr. FOSSELLA, Mr. DELAHUNT, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. FARR, Mrs. MCCARTHY of New York, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2857: Mr. SARBANES, Mr. PAYNE, Mr. HARE, and Ms. CLARKE.

H.R. 2859: Mr. COHEN.

H.R. 2860: Mr. HOEKSTRA and Mr. HINOJOSA.

H.R. 2879: Mr. HASTINGS of Washington.

H.R. 2880: Mr. SAXTON, Mr. RENZI, and Mr. SESSIONS.

H.R. 2892: Mrs. MALONEY of New York.

H.J. Res. 45: Mr. DONNELLY.

H. Con. Res. 4: Mr. GORDON.

H. Con. Res. 102: Mr. SNYDER, Ms. ROYBAL-ALLARD, Mr. CONYERS, Ms. HOOLEY, Mr. CAPUANO, Ms. BERKLEY, and Mr. DAVIS of Illinois.

H. Con. Res. 136: Mr. UDALL of New Mexico and Mr. JONES of North Carolina.

H. Con. Res. 139: Mr. JOHNSON of Georgia.

H. Con. Res. 162: Mr. BRADY of Pennsylvania, Mr. DOYLE, Ms. MATSUI, and Mr. RUPPERSBERGER.

H. Con. Res. 169: Mrs. CAPPS.

H. Con. Res. 176: Mr. PETERSON of Pennsylvania.

H. Res. 32: Mr. BURTON of Indiana, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, and Mr. MCGOVERN.

H. Res. 34: Mr. RUSH, Mr. HONDA, Mr. LEWIS of Georgia, and Mr. MCGOVERN.

H. Res. 37: Ms. LEE and Ms. CASTOR.

H. Res. 106: Mr. BUTTERFIELD, Mr. BOYD of Florida, Ms. CARSON, Mr. WATT, Mr. CUMMINGS, Mr. SCOTT of Virginia, Mr. KAGEN, and Mr. LARSEN of Washington.

H. Res. 111: Mrs. MALONEY of New York, Mr. SPACE, Mr. ROGERS of Kentucky, Mr. WALZ of Minnesota, and Mr. MANZULLO.

H. Res. 140: Ms. SHEA-PORTER and Mr. BRADY of Pennsylvania.

H. Res. 145: Mr. CROWLEY and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 169: Mr. ALTMIRE.

H. Res. 208: Mr. WESTMORELAND and Mr. GALLEGLY.

H. Res. 231: Mr. BACHUS.

H. Res. 282: Mr. FOSSELLA and Mrs. DRAKE.

H. Res. 303: Mr. CONYERS and Mr. PAYNE.

H. Res. 326: Mr. SPRATT, Mr. ORTIZ, Mr. BRADY of Pennsylvania, Mr. MARSHALL, and Mr. SESTAK.

H. Res. 333: Mr. JOHNSON of Georgia and Mr. ELLISON.

H. Res. 338: Mr. DAVIS of Illinois and Mr. HASTINGS of Florida.

H. Res. 345: Mr. KILDEE, Mr. RYAN of Wisconsin, Mr. CASTLE, and Mr. DELAHUNT.

H. Res. 356: Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. DELAHUNT, Mr. WAXMAN, and Mr. RUSH.

H. Res. 476: Ms. ZOE LOFGREN of California.

H. Res. 489: Mr. AL GREEN of Texas, and Ms. KILPATRICK.

H. Res. 493: Mr. THOMPSON of California, Mr. DREIER, Mr. BERMAN, Mr. MCKEON, and Mrs. MALONEY of New York.

H. Res. 494: Mr. FILNER.

H. Res. 497: Mr. SMITH of New Jersey, Mr. FORTUÑO, Mr. MCGOVERN, Mr. MCCOTTER, Mr. MORAN of Virginia, Mr. FRANKS of Arizona, and Mr. HIGGINS.

H. Res. 499: Mr. KLINE of Minnesota, Mr. ELLSWORTH, Mr. DENT, Mr. KING of Iowa, Mr. LAMBORN, Mr. WAMP, Mr. SHAYS, Mr. CULBERSON, Mr. YOUNG of Florida, Mr. WILSON of South Carolina, and Mr. ALEXANDER.

H. Res. 500: Mr. WICKER and Mr. MCCOTTER.

H. Res. 506: Mr. BURTON of Indiana.

H. Res. 508: Mr. ROHRABACHER.

H. Res. 511: Mr. ROSKAM.

H. Res. 515: Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WU, and Mr. WALDEN of Oregon.

H. Res. 521: Mr. WEINER and Mrs. LOWEY.

H. Res. 523: Mr. ROTHMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2720: Mr. REYES.

H. Res. 106: Mr. WICKER.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

91. The SPEAKER presented a petition of the Democrats Abroad Munich, Germany, relative to a Resolution strongly supporting a political rather than a military solution to the civil war in Iraq involving a regional diplomatic effort including Iraq's neighbors, as military force cannot be the answer to communal violence; to the Committee on Armed Services.

92. Also, a petition of the Democrats Abroad Munich, Germany, relative to a Resolution calling on the Democratic National Committee to develop a United States Climate Change Policy by 2008 that includes the United States participation in multilateral efforts to slow, stop and reverse the increase of global GHG emissions; to the Committee on Energy and Commerce.

93. Also, a petition of the Democrats Abroad Munich, Germany, relative to a Resolution calling for a proactive policy on the part of the United States of America for the renewal of the Israeli-Palestinian peace process; to the Committee on Foreign Affairs.

94. Also, a petition of the Democrats Abroad Munich, Germany, relative to a Resolution urging the Congress of the United States to impress upon the President of the United States that the current crisis over Iran's enrichment of uranium and its alleged aid and assistance to the insurgency in Iraq should be solved through diplomacy and direct talks with the government of Iran; to the Committee on Foreign Affairs.

95. Also, a petition of the Democrats Abroad Munich, Germany, relative to a Resolution concerning the restoration of habeas corpus; to the Committee on the Judiciary.

96. Also, a petition of the Washington Democratic Town Committee, relative to a Resolution urgently petitioning the Congress of the United States to institute impeachment proceedings against the President of the United States and the Vice President for approving warrantless surveillance of United States citizens in violation of the Constitution; to the Committee on the Judiciary.

97. Also, a petition of the Democratic Party of Arizona, relative to a Resolution calling for an end to the United States presence in Iraq by limiting funding for the war and fully funding the safe and orderly redeployment and withdrawal of all troops from Iraq; jointly to the Committees on Armed Services and Foreign Affairs.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 550, passage of H.R. 2546, to designate the "Charles George Department of Veterans Affairs Medical Center" in Asheville, NC, I was unavoidably detained and unable to vote. Had I been present, I would voted "yea."

RECOGNIZING JORDAN JOSEPH GOSS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jordan Joseph Goss, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and in earning the most prestigious award of Eagle Scout.

Jordan has been very active with his troop, participating in many Scout activities. Over the years Jordan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jordan Joseph Goss for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING JENNY NEELEY

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to take the opportunity to honor an environmental leader who has given southern Arizona many reasons to be proud. Arriving to Tucson after years split between Hawaii and Flagstaff, AZ, Jenny received her masters degree in public administration from the University of Arizona.

In Tucson, Jenny fell in love with the Sonoran Desert, and dedicated her professional career to protecting the native ecosystems of the Borderlands region.

Ten years ago, Jenny began working for a diverse coalition of neighborhoods, community groups, and environmental organizations called the Coalition for Sonoran Desert Protection. Focused on producing the best Multi-Species Habitat Conservation Plan ever assembled under the Endangered Species Act, Jenny became a leader in advocating for sound public policy, the incorporation of science, and public oversight in Pima County's Sonoran Desert Conservation Plan.

Her contributions to the southern Arizona community and the U.S.-Mexico borderlands go much further. In 2001, Jenny took a position with Defenders of Wildlife, a nationally respected wildlife and habitat protection organization, in their southwest regional office. Over the last 6 years, Jenny has become a national leader in speaking out for wildlife and public lands in the ongoing immigration debate. She has continually advocated for an open and fair process behind the construction of border infrastructure, while pointing out the impacts that fence and wall construction have on the natural ecosystems that sustain our quality of life and environment.

Jenny builds alliances, and through her border wildlife work at Defenders of Wildlife, she brought together a diverse coalition of human rights, indigenous rights, environmental, and labor representatives to call for comprehensive immigration reform and the reversal of decisions to build walls on our southern border. In 2007, Jenny was honored with Derechos Humanos' Corazon de Justicia award for her commitment to justice and social change.

Jenny Neeley leaves her post as a professional land and wildlife conservationist this month as she heads to University of Arizona law school. Whether she returns to environmental advocacy work or not, she will leave a legacy that cannot be adequately expressed in words, and gives all of us that have known and worked with her hope that we can truly achieve the goals that we set out to accomplish together. The Tucson community and the wildlife of the Sonoran Desert will sorely miss Ms. Neeley, but I have no doubt she will go on to accomplish great things in her future endeavors. I wish her the best of luck.

RECOGNIZING THE AMERICAN LIBRARY ASSOCIATION OF CALIFORNIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to recognize the American Library Association for its annual conference being held this week in Washington, DC. I am also pleased to recognize Melinda Cervantes, County Librarian of Santa Clara County for representing our County librarians at this conference.

I have always supported America's public libraries and believe they are an essential part of building stronger and more educated communities. One of the basic tenets of democracy—equal access to opportunity—is played out every day in America's public libraries. Their doors are open and welcoming to anyone without having to show a diploma, a bank balance, proof of residency or any other qualifier. You can read, learn, think, create, analyze, research, and contemplate any topic that might improve your mind, your skills, your daily life, or your future. The wealth of knowledge and opportunity available at the fingertips of all who possess a library card is powerful.

IN RECOGNITION OF REBECCA LANIER

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in celebration of Ms. Rebecca Lanier. Ms. Lanier was born on March 24, 1892, in Mississippi and just celebrated her 115th birthday.

Ms. Lanier lived in Eutaw, AL, where her family sharecropped for most of her life. She moved to Birmingham in 1994, where she resided until 2004 when she unfortunately lost both of her daughters within three weeks of each other. Although Ms. Lanier outlived her daughters, she still enjoys her 7 grandchildren and "about" 30 great-grandchildren.

Ms. Lanier now lives with her grandson and his wife in Warrensville Heights, OH, a municipality in my congressional district. She has led a very healthy life and had actually never been a patient in a hospital until she suffered a fall 4 years ago. Ms. Lanier is very active. She walks with a walker and participates in Tai Chi for Health Class at the local Warrensville Heights Civic and Senior Center.

Although one of the oldest people in the world, Ms. Lanier does not have a birth certificate. Her grandson attested that when she was born, the State did not issue them. Rather, the record of her birth is written in an old family Bible. Ms. Lanier's zest for life is an inspiration to us all. Therefore, it is thus my pleasure, on behalf of the people of the 11th Congressional District of Ohio to recognize Rebecca Lanier as she celebrates 115 years of a truly blessed life.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING TYLER DON GUESS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Don Guess, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Don Guess for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMENDING THE LEADERSHIP TRAINING INSTITUTE OF AMERICA

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. BOOZMAN. Madam Speaker, I wish to recognize and commend the outstanding contributions of the Leadership Training Institute of America toward the development of the young leaders of America.

The Leadership Institute of America is an educational organization providing training and opportunity in leadership development and cultural dynamics. This organization's mission is to identify, inspire, and instruct students for leadership in society by equipping them with skills to allow them to defend their beliefs, including and understanding of why traditional values are vital to a free and secure society. It is these values that have, and continue, to make America great.

LTIA students receive exposure to the major world views, issues, and philosophies of today. They are encouraged to pursue careers in influential sectors of our society by applying the leadership, critical thinking, scientific, and historic training they receive at LTIA, which is grounded in the Biblical traditions of America's forefathers.

LTIA students represent future leaders in government, education, media, and business. They will be the backbone of our Nation and vital in sustaining its position as a world leader.

With great pride, I salute the Leadership Training Institute of America for its unrelenting dedication and commitment in training and equipping young leaders for the challenges they will face tomorrow in our dynamic and ever changing world.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. KIND. Madam Speaker, on Monday, June 25, 2007, I was detained in my district due to a canceled airline flight and was unable to have my votes recorded on the House floor for H. Res. 189 (Roll no. 549) and H.R. 2546 (Roll no. 550). Had I been present, I would have voted in favor of both measures.

TRIBUTE TO VANESSA BROWN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to the great accomplishment of one of my constituents, Vanessa Brown of Co-Op City, the Bronx. I wish to recognize Ms. Brown for her outstanding achievement in being selected the district winner in the 26th Annual Congressional Art Competition for her inspiring and uplifting piece entitled "A New Starry Night."

Ms. Brown is currently a high school junior attending Lehman High School in the Bronx. She has demonstrated a commitment to pursuing her gift and to further developing her abilities, making her a deserving recipient of this honor. I am proud that this year my district is well-represented in this competition by Ms. Brown's work and I look forward to viewing it in these halls for the months to come.

Each year, Congress affords our Nation's most talented and budding artists the opportunity to have their work displayed in the Cannon Tunnel leading to the U.S. Capitol. This beautiful display is experienced daily by Members of Congress, their staff, our country's residents, and welcomed visitors from all around the world who are awarded the privilege of witnessing our young people's artistic endeavors and talents.

Madam Speaker, I salute the authentic, creative voice of Ms. Brown and I wish her continued success and all the very best in the future.

SUPPORT FUNDING FOR THE NATIONAL ENDOWMENT FOR THE ARTS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. MITCHELL. Madam Speaker, I rise today in support of funding for the National Endowment for the Arts. Grants funding from the NEA reaches people of all races, classes and geographic areas.

I have been personally involved with Childsplay in Arizona for many years and have seen first-hand the impact the arts can have on the community and good work the NEA performs. Through NEA grants, the arts are shared with those at all income levels and in all communities.

I remember specifically the impact one Childsplay production had on the children who attended. Eric and Elliott, a play that received $23,000 in grant money from the NEA, dealt with teen depression and suicide. This play about hope shared the tools to recognize and cope with depression. It inspired young people to come forward to seek help.

Since its inception, Eric and Elliott has formed a unique partnership with the Mental Health Association of Arizona and a counselor now travels with the production to provide on-site counseling services to young people. The play earned the "Distinguished Play Award 2006" from the American Alliance for Theatre and Education.

This is just one example of many in which arts and arts education deeply impacts young people and adults.

Also, and importantly, where the Federal Government invests, the private sector and community follow. NEA funding from the Federal Government encourages the private sector and local communities to invest in arts organizations and signals that the arts are a worthy investment.

Millions of people have benefited greatly from NEA-funded programs over the last 40 years and I hope my colleagues will join me in supporting increased funding for this important organization.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Ms. CARSON. Madam Speaker, on Monday, June 25, 2007, I was unable to vote on rollcall Nos. 549 and 550. Had I been present, I would have voted "yea" on these bills.

TRIBUTE TO COLONEL BILL GORDON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor Retired Army Col. Bill Gordon of Fort Collins, Colorado.

Later today Colonel Gordon will receive the National Order of the Legion of Honor from the Government of France in recognition of his distinguished record of military service in France during World War II. The Legion of Honor is the highest honor conferred upon French citizens and foreign nationals by the French Government.

After playing on UCLA's first football team to compete in the Rose Bowl, Bill Gordon was commissioned through UCLA's Army ROTC Program in 1943. Following the 1944 D-Day invasion, Lieutenant Gordon was assigned as a replacement platoon leader in B Company of the 82nd Airborne Division's 507th Regiment.

In December 1944, the 507th was assigned to an area along the Meuse River just east of Nouzonville, France, to meet the onslaught of a German surprise attack in the Ardennes. After the Battle of the Bulge, Lieutenant Gordon was seriously injured during a parachute jump near the important German industrial City of Essen.

After the war Lieutenant Gordon was placed on reserve status in 1946, but was reappointed to the regular Army in 1949. Over the course of his 30-year career in the Army, Colonel Gordon served in both Korea and Vietnam. Among his many decorations are the Distinguished Service Medal, two Silver Stars, the Legion of Merit, the Bronze Star with V, two Purple Hearts, 14 Air Medals with V, and the Defense Meritorious Service Medal.

Following his distinguished military career, Colonel Gordon and his family settled in Fort Collins, Colorado, where he served as Director of the Larimer County Emergency Management System and as Larimer County Administrator.

The sacrifices he made to ensure the liberty and freedom of future generations will never be forgotten.

Madam Speaker, like so many other young members of this Greatest Generation, Colonel Gordon set aside his ambitions and risked his life to ensure the continued freedom of our great nation. I am both humbled by his selflessness and incredibly proud of his heroic patriotism. As he receives recognition today from the Government of France, I urge my colleagues in this House to join me in extending our gratitude to Colonel Bill Gordon.

RECOGNIZING THE ACCOMPLISHMENTS OF DERRICK BROOKS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the accomplishments of one of my constituents, Derrick Brooks of the National Football League's Tampa Bay Buccaneers. Derrick will be inducted to the City of Champions Wall of Fame exhibit at Pensacola Regional Airport. The Pensacola Sports Association will join Pensacola and Escambia County to honor the Pensacola native on Thursday evening at the Pensacola Civic Center.

At Booker T. Washington High School in Pensacola, Derrick excelled in both the classroom and on the field. By the end of his high school career he was named the USA Today High School Defensive Player of the Year, a Parade All-American, and was rated the best defensive player in the country by Super Prep magazine. Perhaps even more impressive for a football player of this stature, Derrick graduated with a 3.94 grade-point average.

Derrick was a 4-year letterman at Florida State University where he compiled 274 tackles, 5 interceptions, 8.5 sacks, 13 passes deflected, 4 forced fumbles, and 3 fumble recoveries. His senior honors included: First Team All-America by American Football Coaches, UPI and Walter Camp, GTE Academic All-America choice, First Team All-Atlantic Coast Conference, and Senior Bowl selection. Derrick was a finalist for the Vince Lombardi Award, symbolic of the Nation's top lineman/linebacker, for two straight years. As a junior, he was named First Team All-America by Football Writers' Association and Walter Camp, and he was a consensus First Team All-ACC choice and that conference's defensive player of the year. Derrick also earned Sophomore All-America honors from Football News and was a First Team All-ACC choice that year as well.

Derrick graduated from Florida State with a bachelor of arts degree in business communications and recently went back and earned his master's degree in the same subject.

Derrick is now the unquestioned leader of the Tampa Bay Buccaneers and arguably the most respected player in the NFL. Long considered the NFL's best linebacker, he has been selected to a team-record nine total Pro Bowls. Derrick was honored as the NFL's Defensive Player of the Year in 2002 and the 2006 Pro Bowl's Most Valuable Player.

Following the 2002 season, Derrick was the instrumental team captain that led the Buccaneers to their first Super Bowl championship, and he is ranked as the franchise's most prolific tackler with 1,775 stops.

Derrick has always given back to his community and he is considered one of the most philanthropic players in the NFL. In 2000 he was the co-recipient of the Walter Payton/NFL Man of the Year Award, and in 2004, was the winner of the prestigious 38th annual Byron "Whizzer" White Award for his dedication to serve his team, community, and country in the spirit of the late Supreme Court Justice. In March 2003 Derrick established his own foundation—Derrick Brooks Charities, Inc.—which focuses charitable endeavors on children and has done considerable work with March of Dimes, D.A.R.E., and the Belmont Heights, Ybor City, and Brandon Boys and Girls Clubs.

Derrick is constantly distinguishing himself with achievements that are unmatched by any other player in NFL history and the city of Pensacola is recognizing this great man by inducting him to the City of Champions Wall of Fame exhibit; an honor that is shared by only three other people: Don Sutton, Emmitt Smith, and Roy Jones Jr.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Derrick Brooks for his many outstanding accomplishments throughout his life, on and off the field, and wish him continued success throughout his career.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, on Friday, June 22, 2007, I was unavoidably detained due to a prior obligation. Had I been present and voting, I would have voted as follows:

1. Rollcall No. 543: "yes" on ordering the previous question.
2. Rollcall No. 544: "yes" on agreeing to H. Res. 502.
3. Rollcall No. 545: "no" on agreeing to the Flake amendment to H.R. 2771.
4. Rollcall No. 546: "no" on agreeing to the Jordan amendment to H.R. 2771;
5. Rollcall No. 547: "no" on motion to recommit H.R. 2771 with instructions.
6. Rollcall No. 548: "yes" on passage of H.R. 2771.

INTRODUCTION OF THE "ENHANCED FINANCIAL RECOVERY AND EQUITABLE RETIREMENT TREATMENT ACT OF 2007"

HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. DAVIS of Alabama. Madam Speaker, as a former assistant United States attorney, I am pleased to introduce the "Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007." This bill will enhance the Federal Government's capacity to collect unpaid judgments and restitutionary obligations owed to the United States and victims of crime, as well as strengthen the retirement benefits of assistant United States attorneys.

Madam Speaker, as you are aware, United States Attorney Offices are responsible for criminal and civil debt collection efforts that result annually in billions of dollars that are turned over to Federal agencies and crime victims. Unfortunately, however, there remain billions of dollars that go uncollected due to the competing demands on our law enforcement officers. "The Enhanced Financial Recovery and Equitable Treatment Act of 2007" will address this problem by improving the process by which the Department of Justice collects criminal and civil debts owed to the United States and the victims of crime.

But Madam Speaker, that is not all. The "Enhanced Financial Recovery and Equitable Treatment Act of 2007," in addition to improving debt collection, will also significantly aid our law enforcement efforts in another important way: it will ensure that assistant United States attorneys receive the same retirements benefits as all other Federal law enforcement officials, thereby increasing the retention of our career Federal prosecutors. Indeed, despite their vital role in prosecuting criminals, despite their vital role in defending the United States in litigation, despite their vital role in keeping America safe, assistant United States attorneys are unfairly shortchanged in the retirement benefits they receive once their public service is complete. The retirement benefits of AUSAs are considerably lower than their law enforcement colleagues within the FBI, Secret Service, DEA, U.S. Marshals Service, and Bureau of Prisons. The "Enhanced Financial Recovery and Equitable Treatment Act of 2007" corrects this glaring inequality.

Madam Speaker, I think it is fair to say that our career Federal prosecutors have been under tremendous pressure these past several months and their morale has been tested like never before. But in spite of that, day after day, week after week, month after month, these men and women vigorously prosecute those that would seek to undermine our democracy and further weaken our rule of law. Our AUSAs deserve better, and we deserve better. Passing the "Enhanced Financial Recovery and Equitable Treatment Act of 2007" is the least we can do for those that work so hard to keep us safe.

U.S.S. BUNKER HILL RECIPIENT OF THE 2006 SPOKANE NAVAL TROPHY

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mrs. McMORRIS ROGERS. Madam Speaker, I rise today to honor the U.S.S. *Bunker Hill*, the winner of the 2006 Spokane Naval Trophy. The U.S.S. *Bunker Hill*, a guided-missile cruiser homeported in San Diego, CA, was recently awarded the trophy for being the most combat ready ship in the Pacific Fleet.

The U.S.S. *Bunker Hill* was commissioned on September 20, 1986, and holds the longest active streak of Battle "E" awards for a guided-missile cruiser. Also known as "The Sword of the Fleet," the *Bunker Hill* is capable of maintaining herself at sea for months at a time. The mission of the ship is to conduct prompt and sustained combat operations at sea in support of U.S. national policy. Manned by nearly 400 officers and crew, *Bunker Hill* is readily equipped for immediate deployment in support of our national interests. The ship and its crew also provided humanitarian assistance and disaster relief to the victims of the December 2004 tsunami in Southeast Asia.

The trophy, which was commissioned by the citizens of Spokane in 1906 to embody the spirit of the Spokane community and their pride in the Navy, was originally presented to the first winning ship in 1907 by the city of Spokane and the Spokane Chamber of Commerce. At the time, the Spokane Naval Trophy was selected by the Secretary of the Navy to be awarded to the battleship or armored cruiser in the fleet that demonstrated the highest attributes in Naval gunnery marksmanship. Today, the Spokane Naval Trophy is stewarded by the Spokane Council of the Navy League of the United States. This year, as the Navy League celebrates the 100th anniversary of the Spokane Naval Trophy, they are proud of the excellence in combat systems readiness and warfare operations that the U.S.S. *Bunker Hill* has shown.

Madam Speaker, I invite my colleagues to join me in congratulating the U.S.S. *Bunker Hill* on receiving the Spokane Naval Trophy and thanking the Spokane community for their support of the Navy.

HONORING GARLAND MAYOR RONALD JONES

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. HENSARLING. Madam Speaker, today I would like to honor Mayor Ronald Jones of Garland, Texas, winner of the mayoral runoff election on Saturday, June 16.

Mr. Jones has served in public administration for 29 years. He has served as assistant city manager for more than 5 years and as city administrator before that, showing his devotion to the City of Garland.

Mayor Jones has served in Christian ministry and pastoral administration for over 40 years. He was an adjunct professor in the Dallas County Community College District, teaching business management courses, and is a published author. Working in the private sector, Mayor Jones directed several entrepreneurial endeavors. He is a certified mediator and a negotiator—a skill that will no doubt serve him well at City Hall.

Most importantly, however, Mayor Jones has been married to Peggy for forty years, and they are the proud parents of Ronald E. Jones, II, a practicing attorney, and Reverend Daryl L. Jones. They also have six grandchildren.

Mayor Jones recently described his own approach to public service: "We are just stewards. . . We are here for a particular time, and then we are gone. All I want to do is to leave things better than I found them. That's what it means to me. And I think it means a lot for the Garland community."

Madam Speaker, as a Representative of the City of Garland, it is my pleasure to congratulate Mayor Jones on his election victory.

DR. MURIEL PETIONI HONORED BY BARNARD COLLEGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. RANGEL. Madam Speaker, I rise today to share with my colleagues here in the House, wonderful news about one of my constituents—one of Harlem's most beloved living legends—Dr. Muriel Petioni.

In addition to her many accomplishments and awards, Dr. Petioni—noted physician, community activist and educator—recently received Barnard College's highest honor when she received the Barnard College Medal of Distinction at the College's 115th Commencement Ceremony. Located in my 15th Congressional District in New York, Barnard College is an independent liberal arts college for women affiliated with Columbia University.

Dr. Petioni was recognized for her commitment and tireless service to the Harlem community where she has worked for almost six decades to ensure that the residents receive the best quality healthcare possible. This remarkable woman is a true public servant, an advocate for all people, and a woman whom I am proud and honored to call my friend.

Dr. Petioni—congratulations.

[From the New York Beacon]

DR. MURIEL PETIONI RECEIVES BARNARD COLLEGE'S HIGHEST HONOR

Dr. Muriel Petioni, physician, educator, community activist, and Harlem living legend, received the Barnard Medal of Distinction—Barnard College's highest honor—at the College's 115th Commencement ceremony May 15. The ceremony took place on Barnard's historic Lehman Lawn in upper Manhattan.

Dr. Petioni was honored for her almost six decades of service to the Harlem community, where she has worked diligently to ensure that the underprivileged and underserved, especially women and children, receive proper medical attention and equal access to health care.

Accompanying Dr. Petioni to Barnard's commencement were the Honorable David N. Dinkins, 106th Mayor of the City of New York; the Honorable Percy Sutton, former Manhattan Borough President; Dr. James E. Gunther, pastor emeritus of the Transfiguration Lutheran Church in Harlem; Dr. Conrad Graves, founder and president of Central Harlem Inter-Agency Programs; her son Charles (Mal) Woolfolk; Hanif Shabazz, executive producer of Light Action Production; and Nicola Barlow Licorish.

"It is hard to believe that Dr. Petrioni celebrated her 93rd birthday this past January. She has managed to do so much and touch so many in such a short time," Mayor Dinkins said. "If asked, she will tell you that her secret lies in her ability to (as she says) 'go with the flow and ride with the tide.'"

In addition to honoring Dr. Petioni, Barnard College celebrated the achievements of distinguished actor and playwright Anna Deavere Smith; acclaimed writer Joan Didion; Pulitzer Prize-winning journalist Nicholas Kristof; and vice president of The Andrew W. Mellon Foundation and former president of Bryn Mawr College Mary Patterson McPherson. All five honorees were awarded the Barnard Medal of Distinction, and Smith delivered a rousing keynote address on the importance of art and activities.

This year couldn't be more appropriate for Barnard, the historic liberal arts college for women, to honor Dr. Petioni. 2007 marks the 70th anniversary of her graduation from Howard University Medical School, where she was the only woman in the College of Medicine's Class of 1937. This trailblazing accomplishment became only the first of many in an illustrious career dedicated to community health care and the advancement of women in medicine that has spanned eight decades.

"Dr. Petioni's career is simply remarkable—not solely for her extraordinary accomplishments and the many barriers she's broken through, but for all that she has given back, to Harlem, to medicine, and to generations of women who've followed her," said Judith R. Shapiro, president of Barnard College. "We at Barnard are honored and humbled to present Dr. Petioni with the Medal of Distinction."

The Barnard Medal is just one of many honors that have recognized Dr. Petioni's achievements.

The Dr. Muriel Petioni Hospital in Yele, Sierra Leone, West Africa was established and named after her in May 2006, and in April 2007, plans were announced for the creation of the Dr. Muriel Petioni Charter School for health, scholarship and community leadership in New York City, for students from first grade to high school.

Born in Trinidad and raised in Harlem, Dr. Petioni knew from an early age that she wanted to follow in the footsteps of her physician father. After graduating from medical school, interning at Harlem Hospital Center (one of the first white hospitals to integrate), and serving as a college physician at several universities around the country, Petioni returned to Harlem and set up a private practice in the same office her father had used on West 131st Street. She treated patients in the community for the next 40 years, sometimes making house calls, primarily to the poor, the underserved, mothers with small children, and the elderly.

In addition to her private practice, Dr. Petioni worked tirelessly to serve her community in other ways—serving for thirty years as school physician in Central Harlem for the New York City Department of Health, founding the Friends of Harlem Hospital Center in 1987 to raise funds and provide support for the 120-year-old hospital, and sitting on the boards of numerous worthy organizations, including the Harlem Upper Manhattan Empowerment Zone, the Columbia School of Social Work, the American Cancer Society, the Harlem Council of Elders, and the Handmaids of Mary.

Perhaps Dr. Petioni's greatest influence though has been felt by the generations of young female physicians she has mentored and encouraged. Dr. Petioni not only personally mentored countless individuals, but also built organizations dedicated to the advancement of women in medicine. In 1974, she founded the Susan Smith McKinney Steward Medical Society for Women, a professional association dedicated to the empowerment of black women physicians. In 1976, she established the Medical Women of the National Medical Association, now known as the Council for the Consensus of Women, and served as its first president. Dr. Petioni has also worked diligently with the Coalition of 100 Black Women for over 25 years, developing a mentorship program to guide young black women into careers in medicine.

The idea was bold for its time. Founded in 1889, Barnard was the only college in New York City, and one of the few in the nation, where women could receive the same rigorous and challenging education available to men. Today, Barnard is among the strongest liberal arts colleges in the country, and the most sought-after women's college.

INCREASING DIVERSITY IN HIGHER ED FACULTY REMAINS A CHALLENGE

(By Ami Burger)

Despite 30 years of affirmative action and hard work, the ranks of faculty of color in higher education remain frustratingly small.

In 2003 (the most recent year for which data are available), the Chronicle of Higher Education reported that less than 12 percent of full professors in America were people of color: six percent Asian, three percent African American, two percent Hispanic, and 0.3 percent Native American. For female faculty of color, the numbers are even more dismal: In 2003, only 1.2 percent of full professors were African American women, one percent were Asian women, 0.5 percent were Asian women, 0.5 were Hispanic women, and 0.1 percent were native American.

Closer to home, the outlook isn't much brighter. The University of Minnesota reported that four percent of its full-time tenured faculty were people of color that year, the same percentage as the University of Iowa, Purdue University, and the University of Chicago.

According to Nancy "Rusty" Barceló, the University of Minnesota's vice president and vice provost for equity and diversity, those low numbers reflect the academy's need for entirely new models in the faculty recruitment process. "Our advertising, our position postings, our mission statements, our compacts—all of our institutional documents and actions need to reflect that diversity is a core value in everything we do," Barceló says.

Faculty diversity at the University of Minnesota is at the heart of the U's "Keeping Our Faculties: Recruiting, Retaining, and Advancing Faculty of Color" symposium. Held at the University four times since 1996, Keeping Our Faculties is the Nation's only conference focused entirely on increasing faculty of color in colleges and universities. The 2007 conference, held April 12–14, attracted over 300 participants and presenters from 115 different institutions.

"The idea of merit is so ingrained into the culture of higher education, but who's deciding what is 'meritorious'?" asks Caroline Turner, who originated the idea of the faculty-of-color discussion while an assistant professor at the U of M and is now a professor at Arizona State University. "If we're going to increase the numbers of faculty of color, we need to redefine merit to include more than just these academic journals or only those graduate schools," she says. "The lens has to be widened."

One notable success story in the effort to diversify the faculty is the McNair Post-Baccalaureate Achievement Program, nine-week summer research-apprenticeships for undergraduates who are first-generation, low-income, or part of groups who are underrepresented in graduate programs. These research apprenticeships, which are directed by a faculty mentor, are designed to increase the rate of doctoral program completion by these students.

Hundreds of colleges and universities, including the University of Minnesota, participate in the program, which has shown significant success in building a "pipeline" of students of color into graduate school. In 2003–04, more than 2,100 students participated in the program, and of those students, more than 56 percent enrolled in graduate school in the fall of 2004.

The importance of mentoring graduate students and junior faculty of color was a common concern of symposium attendees. "If there was one theme I heard repeated throughout the conference, it was the need to provide mentoring for faculty of color," notes Barceló. A number of breakout sessions focused on mentoring programs at institutions including the University of Georgia, Creighton University, and Indiana University, which have found some measure of success in retaining faculty of color.

"I remember seeing a magazine ad years ago that said 'Great minds don't think alike,'" adds Turner, "and I thought to myself, 'Wow, they've got it right!' Academia will not be able to keep up with the global economy and the educational needs of our students if we don't have all our minds—the minds of women, of racial and ethnic minorities, of all underrepresented groups—at the table and in the classroom."

NATIONAL LIBRARY DAY

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. SARBANES. Madam Speaker, I rise to support National Library Day on the Hill and congratulate the Enoch Pratt Free Library on the grand opening of the new Southeast Anchor Library in the Highlandtown neighborhood of Baltimore, the first library to be built and open in the city in 35 years. I'm very proud to have attended the ribbon cutting ceremony recently and am thoroughly impressed by the depth of services that this new branch will offer our community. This 27,000-square-foot facility is state-of-the-art with an 80,000-volume collection. It will also have nearly 60 computers for public use, a self check-out counter, a drive-up window, a cafe, multi-purpose meeting rooms and a computer lab. To the community, the Southeast Anchor offers more than just a quiet place to read and learn. It offers a gathering place and an intellectual hub for the City of Baltimore.

In its annual State of American Libraries report last year, the American Library Association found that 92 percent of the population believed libraries were still needed despite technological advancements. It also found that 63 percent of all Americans have library cards and that public libraries are the primary point of online access for people without Internet connections at home, school or work. The Pratt system, now with a southeast presence, is indeed a reflection of Baltimore's thirst for learning. Through the Pratt, every Baltimorean has the opportunity to learn and gain knowledge otherwise not accessible.

The combined dedication of the staff and volunteer corps at the Enoch Pratt Free Library has made it possible for Baltimore's youth to truly believe that "Your Journey Starts Here". Madam Speaker, I know that the House of Representatives will join me in congratulating the library community on its tremendous accomplishment. It truly is the "Year of the Pratt".

CENTENNIAL CELEBRATION OF LEE COUNTY, NORTH CAROLINA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. ETHERIDGE. Madam Speaker, today I rise to honor the centennial celebration of Lee County, North Carolina, in my congressional district. Lee County was created from portions of Moore and Chatham Counties on March 6, 1907 and became an official county July 2, 1907.

Lee County was named for General Robert E. Lee commanding general of the Confederate forces during the American Civil War and it is North Carolina's 98th county. The city of Sanford, named in honor of railroad engineer Col. Charles Ogburn Sanford, is the county seat. The county's early economy centered on agriculture, naval stores, and an iron works. Just prior to the Civil War in about 1853, the first commercial exploration of the area's coal veins was begun in the community of Egypt, now Cumnock. During the war, the coal was transported to Fayetteville on the Western Railroad, which had been built by slaves and immigrant Irish laborers. Once in Fayetteville, the coal was taken by boat on the Cape Fear River to the port of Wilmington. The Western Railroad extended to the town of Jonesboro, named after Col. Leonidas Campbell Jones.

After the war, the Raleigh and Augusta Air Line Railroad built southward and crossed the Western Railroad tracks. At this junction and passenger point, the rail-born village of Sanford grew. The city was incorporated in Moore

County in 1874, and its population in 1880 was 236 persons. The County of Lee was formed through a bill passed by the General Assembly in 1907. Wagon and buggy travel through the sands from Sanford to Carthage, the county seat of Moore, was too laborious and time consuming for the busy people of the railway junction. A new county with a convenient governmental seat needed to be formed. This was given overwhelming approval by a vote of area residents. Sanford's population in 1910 totaled 2,262 persons.

After 1907, with railroad and a new county government, Lee County began a period of rapid growth. The economy flourished with new industries including tobacco harvesting, brownstone quarrying, furniture making, brick works, and later textiles. By 1930 the county population numbered 13,400 people. After World War II, in 1947, the cities of Sanford and Jonesboro merged. The 1950 census of the city counted 10,013 residents while the population of Lee County was 23,522 persons. Like much of my Congressional District, Lee County has experienced rapid growth in recent years, and today some 56,908 North Carolinians live there.

Madam Speaker, Lee County has always been dear to my family since it is the birthplace of my lovely wife Faye Etheridge. It is fitting that we take a moment today to honor the centennial celebration of Lee County.

HONORING AMERICAN VETERANS

HON. BOBBY JINDAL

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. JINDAL. Madam Speaker, our sovereignty is dependent upon the brave individuals who fight to preserve American values. In World War II, Cpl John Reilly fought courageously alongside his fellow countrymen in order to safeguard the integrity of our great Nation. In the midst of battle, he risked his life to save the life of another. Cpl John Reilly's selfless actions reflect the wealth of his character; he exemplified bravery and deserves to be honored and recognized as a hero. The men that served alongside John Reilly speak of his heroics on the battlefield. Marine Cpl Roland Chiasson praises Corporal Reilly for carrying him to safety during a firefight on Iwo Jima, ultimately saving Marine Cpl Chiasson's life.

I am grateful for the sacrifices women and men like Cpl John Reilly have given in order to protect our country and the freedom it provides. As we celebrate our Nation's birth, I am honored to recognize and give thanks to Cpl John Reilly and the other men and women who have so selflessly served our country in the Armed Forces.

Madam Speaker and my colleagues in the House, please join me in honoring Cpl John Reilly for his dedication to our Nation.

TRIBUTE TO BRITISH PRIME MINISTER TONY BLAIR

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. WESTMORELAND. Madam Speaker, people throughout Western Civilization owe a debt of gratitude to British Prime Minister Tony Blair, a courageous statesman and world leader, who resigned his office today.

Oftentimes, leaders of courage fare much more favorably in the eyes of history than they do in the opinion polls of their day. Like President Harry Truman and Prime Minister Winston Churchill, Prime Minister Blair will be remembered for his wisdom, his forbearance and his foresight.

The United States and free peoples throughout the world have had no truer friend than Tony Blair. Since he won the keys to No. 10 Downing Street in May 1997, he has steadfastly fought to promote human rights and to battle the scourge of terrorism. He has strived for peace in the Middle East, promoted Western aid to battle the AIDS epidemic and poverty throughout Africa and successfully argued for intervention against mass killings in the Balkans in the late 1990s.

After the horrors of Sept. 11, Blair recognized more quickly than most world leaders that the global fight against terrorism was not a battle for the United States to wage alone. Blair knew that all civilized nations had to stand together as one to battle the medievalism, violence and hate preached by al-Qaida and other Islamist groups.

Blair stood with the forces of freedom not just in word, but in deed. He committed British forces to serve with the U.S. military and other coalition forces in Afghanistan and in Iraq, and he bravely stood his ground against a rising tide of opposition among the British people.

I am proud to be a part of this body which several years ago bestowed Blair with the Congressional Gold Medal. I can think of no one more deserving.

Prime Minister Blair's visionary leadership will be missed on the world stage, but I trust that his vast talents will be put to good use in the pursuit of peace, justice and human rights for many years to come.

Madam Speaker, I want to personally thank the Prime Minister and let him know how much I respect the tremendous work he has done over the past 10 years. He has had a positive impact on his nation and on the world. May God continue to bless him in all his endeavors.

TRIBUTE TO INDIVIDUALS WHO WILL BECOME CITIZENS OF THE UNITED STATES OF AMERICA ON JULY 4, 2007

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and sincerity that I take this time to congratulate the individuals who will take their oath of citizenship on July 4, 2007. In true patriotic fashion, on the day of our great Nation's celebration of independence, a naturalization ceremony will take place, welcoming new citizens of the United States of America. This memorable occasion, coordinated by the Hammond Public Library and presided over by Magistrate Judge Andrew Rodovich, will be held at Harrison Park in Hammond, Indiana.

America is a country founded by immigrants. From its beginning, settlers have come from countries around the globe to the United States in search of better lives for themselves and their families. The upcoming oath ceremony will be a shining example of what is so great about the United States of America—that people from all over the world can come together and unite as members of a free, democratic Nation. These individuals realize the great things America has to offer. They realize that there is nowhere else in the world that offers a better opportunity for success and a good life than here in America.

On July 4, 2007, the following individuals, representing many countries throughout the world, will take their oath of citizenship in Hammond, Indiana: Daniela Gomez Alba, Vanhvilay Thongsawath, Fayez Ghaly Samaan, Sean David Sternfeldt, Maria Del Carmen Garcia, Khaled Abdullah Mohamed Alkadhi, Jovica Georgiev, Evica Jankovic, Khadija Nasreen, Muhammad Munawar Uddin, Ljubica Andonova, Yasser Yousof Hussein Alsalahi, Reina Ahmad Elabed, Heidemarie Nealon, Nidal Khaleel Bader, Rosa Navarro, Irma Guadalupe Gallegos, Victor Manuel Salas, Hildeberta Ignacio, Ivan Ignacio Esquival, Edgar Ignacio, Maria Gonzalez, Vassilka Ivanova Sokolova, Jose Ernesto Munoz Munoz, Margarita Lomeli, Rosalia Aguilar De Hernandez, Ramona Garcia, Hector Miguel Rivera Gallegos, Rafael Negrete Gentil, Stan Krzysztofiak, Juan Carlos Bustos, Angelina Rico De Becerra, Maria Teresa Paredes De Sanchez, Thomas William Fridel, Mirko Koceski, Zivka Koceski, Phuoc Hong Tran, Ramachandra Mukkamala, Cristina Chavez Melesio, Maureen Allyson Fridel, Omar Mehidi, Priya Venkata Vishnu Mukkamala, Kameswari Kalluri, Carlos Alberto Garcia Morales, Sonja Sabo-Djuric, Maria De Jesus Galvan Briseno, Paul Derek MacGregor, Layda Eunice Salazar, Mary Ortiz, and Nancy Takla.

Though each individual has sought to become a citizen of the United States for his or her own reasons, be it for education, occupation, or to offer their loved ones better lives, each is inspired by the fact that the United States of America is, as Abraham Lincoln described it, a country ". . . of the people, by the people, and for the people." They realize that the United States is truly a free Nation. By seeking American citizenship, they have made the decision that they want to live in a place where, as guaranteed by the First Amendment of the Bill of Rights, they can practice religion as they choose, speak their minds without fear of punishment, and assemble in peaceful protest should they choose to do so.

Madam Speaker, I ask you and my other distinguished colleagues to join me in congratulating these individuals, who will become citizens of the United States of America on July 4, 2007, the day of our Nation's independence. They, too, will be American citizens, and they, too, will be guaranteed the inalienable rights to life, liberty, and the pursuit of happiness. We, as a free and democratic society, congratulate them and welcome them.

NATIONAL HIV TESTING DAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. RUSH. Madam Speaker, today I rise in support of H. Con Res. 169, and in recognition of National HIV Testing Day. As I speak, it is estimated that 180,000 to 280,000 individuals nationwide are HIV-positive but unaware of their status.

Today we commemorate this day because the HIV/AIDS pandemic continues to plague our Nation. In Chicago, 22,000 people are living with HIV/AIDS, and more than 1,000 are infected annually.

And this disease is disproportionately impacting minorities. People of color account for 69 percent of the city's total population but represent 81 percent of recently diagnosed adult AIDS cases and 77 percent of recently diagnosed HIV cases.

Madam Speaker, these numbers continue to rise and we must do everything in our power to educate, prevent, treat and stop the spread of this deadly virus.

Madam Speaker, National HIV/AIDS Testing Day promotes awareness and empowers individuals to know their status, learn the facts about HIV and AIDS and take the proper steps to protect themselves and their communities.

In closing, I commend all of the organizations and individuals who participate in National HIV/AIDS Awareness day.

I encourage my constituents to get tested and I thank Fellowship Missionary Baptist Church, the AIDS Foundation of Chicago, Englewood Neighborhood Health Center, the South State Family Health Center, the Taylor Family Health Center and others for hosting confidential testing services today in Chicago.

RECOGNIZING THE 50TH ANNIVERSARY OF HURRICANE AUDREY

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. BOUSTANY. Madam Speaker, I rise today as a native of Southwest Louisiana to remember the lives that were lost 50 years ago today when Hurricane Audrey swept across the bayou. In the early morning hours of June 27, 1957, the Category 4 storm barreled ashore, claiming at least 500 lives in Cameron and Vermillion parishes. Two hundred of the storm's victims were children.

Hurricane Audrey is the seventh deadliest storm in the history of the United States. To date, Audrey remains the only storm of its size to make landfall in June. Too many of Southwest Louisiana's lifelong residents who had been seasoned by years of hurricanes did not heed the warnings to evacuate. Additionally, the storm struck the coast hours before its anticipated arrival, cutting off evacuation routes and trapping residents in the hurricane's path.

Unfortunately, we know that the kind of devastation and misery that Audrey brought to Louisiana are not isolated to that fateful day in 1957. Two years ago, when Hurricanes Rita and Katrina hit Louisiana, a new generation of Americans experienced first hand the destruction these storms can bring.

Powerful hurricanes continue to assault the shores of Louisiana. As we enter into the 2007 hurricane season, I urge Americans living along the Gulf Coast to take steps to protect their families and their property. Scientists predict that 17 named storms will develop in the Atlantic and Caribbean this year. Nine of these storms are expected to reach hurricane status.

Advanced preparation is key to weathering these storms. Let us take lessons from our past so we can minimize the potential for harm in the future.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. CARTER. Madam Speaker, on rollcall No. 550, I was unavoidably detained and unable to be present to vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 533 and 534, I was unavoidably detained and unable to vote. When submitting to the record how I would have voted, I inadvertently stated the rollcall numbers incorrectly as 553 and 554. Had I been present, I would have voted "no" on rollcall No. 533 and "aye" on rollcall No. 534.

RECOGNIZING CHARLES PAUL BUTLER JR., ON HIS EIGHTIETH BIRTHDAY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. BONNER. Madam Speaker, I rise today to recognize and honor Mr. Charles Paul Butler Jr., on the occasion of his eightieth birthday. Charley Butler, a long time resident of Brundidge, Alabama, in Pike County, has been widely recognized for his community service, and I am honored to add my recognition on the floor of the House of Representatives today.

Charley Butler and his family relocated to Brundidge, Alabama, in 1961. There began what would become a lifetime commitment to the Boy Scouts of America, Troop 34. That troop had been languishing for a number of years, but Mr. Butler spearheaded an effort to restore its vitality. He recruited a superb bullpen of adult leaders and lined up important sponsors such as the local Army National Guard Armory. The troop became the pride of the Alabama-Florida Council as one of the best equipped, most active troops in the region. Troop 34 consistently spent more days encamped than any surrounding troop and was the envy of all when it showed up at Camp Ala-Flo in its custom-painted Troop 34 school bus. Of most significance, Scoutmaster Butler was constantly teaching and imparting the values that are so important to the development of young men. During Mr. Butler's tenure as scoutmaster of Troop 34, seventeen members of the community earned the rare rank of Eagle, a remarkable achievement for a small troop from a small town.

Mr. Butler's contributions to the Boy Scouts have been widely recognized. The Boy Scouts of America awarded him the prestigious "Silver Beaver Award," top recognition for an adult volunteer leader. And in 1988, at "Scout Day" at the Brundidge United Methodist Church, he received a particularly fitting tribute. On that day, a group of his former Eagle Scouts gathered to present Mr. Butler with a statue of a scoutmaster as a simple expression of thanks for the important role he had played in each of their lives. Among the Eagle Scouts gathered that day were his own two sons, as well as several fatherless boys who considered him very much like a father.

Charley Butler has also been widely recognized by the broader community. He received the "Civic Achievement Award" for 2007 from the alumni association of Kettering University (formerly GMI Engineering and Management Institute) of Flint, Michigan. In 2003, he received the Brundidge Business Association "Humanitarian Award." Active for many years in the Brundidge Rotary Club, he has been recognized frequently by that organization. He is a three time recipient of the group's "Service above Self Award," a 2001 recipient of the "Rotary Special Service Award," and in 1986, the recipient of Rotary's highest recognition, the "Paul Harris Fellow Award." More recently, the Brundidge Rotary Club presented Mr. Butler a "Lifetime of Service Award" for his outstanding service from 1975 to 2007.

Madam Speaker, Charley Butler truly personifies the motto "service above self." His sacrifices of time, effort and energy have truly made his community a better place. His legacy is well-established and will be long-lasting. I am proud to add my name to the list of those recognizing him, and I offer him best wishes on his eightieth birthday.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. CARTER. Madam Speaker, on rollcall No. 549, I was unavoidably detained and unable to be present to vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. SIMPSON. Madam Speaker, on rollcall No. 284, passage of H.R. 1429, Head Start for School Readiness Act, I was unavoidably detained and unable to vote. Had I been present, I would have voted "aye."

CONGRATULATING BARBARA WHITNEY CARR ON HER RETIREMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. KIRK. Madam Speaker, I rise today to honor Barbara Whitney Carr, the president and CEO of the Chicago Botanic Garden for over a decade.

Barbara Carr presides over one of America's preeminent public gardens located in Glencoe, Illinois. For over a century, the Chicago Botanic Garden has been a sanctuary for over 2.2 million plants, including over 8,000 unique species. The 23 unique gardens spread over 385 acres include horticultural displays, natural habitats, and lakes that attract more than 750,000 visitors annually. By embracing its mission to promote the enjoyment, understanding, and conservation of plants and the natural world, the Garden has become one of the finest botanic displays in the country and one of the 10th District's most stunning features.

Barbara led a 10-year master plan for the garden and launched a capital campaign that saw 15,000 donors contribute a total of $148 million. This drive led to construction and renovation of eight new gardens and the restoration of nearly 6 miles of shoreline. She also oversaw completion of the Botanic Garden Center, Children's Learning Center and the renovation of the 100,000-square foot Regenstein Center.

Thanks to Barbara's leadership, the garden is now partnered with some of the leading academic institutions in Illinois. She created an academic affairs program that now offers a master of science in plant biology and conservation, a master of landscape architecture and a bachelor's degree in horticulture. Barbara spearheaded the effort to develop a partnership with the Royal Botanic Gardens in Kew, England, to preserve endangered prairie plant species and has launched a major science initiative including collaboration with leading organizations.

Madam Speaker, Barbara Whitney Carr is a remarkable woman whose dedication helped to make the Chicago Botanic Garden one of the finest institutions in the country and an essential place of tourism, education, and beauty within the 10th District. I wish her all the best in her retirement and thank her for her years of service.

RECOGNIZING THE OFFICIAL DEDICATION OF THE BETTY J. PULLUM FAMILY YMCA IN NAVARRE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the dedication of the Betty J. Pullum Family YMCA in Navarre, Florida.

This celebrated facility is named in remembrance of a tireless leader who devoted herself to improving her community and who saw the good in everyone. Ms. Betty J. Pullum was known to her family as "Big Deal." It was her vision and desire to give back to the Navarre community that has made it the close-knit community that it is today. Because of her generosity, it is only fitting that the Navarre YMCA is named in honor of her.

On August 19, 2006, the newly constructed Betty J. Pullum Family YMCA building opened to serve the community of Navarre, Florida. The state-of-the art facility was conceived by Bart Pullum, President of the Navarre Beach Area Chamber of Commerce. As a Navarre native he believed that the youth of Navarre needed a YMCA of their own where they could come together to have fun in a safe environment.

He brought the idea to his friend Henry Loper and they presented it to the directors of the Pensacola YMCA. It was there that the project grew. Bill and Jeannie Pullum donated the land for the project and the Bill and Martha Pullum Family Foundation donated a lead gift of half a million dollars. The rest of the fundraising was organized by groups and individuals in the community who loved the idea of having a family-oriented facility that promotes active and healthy lifestyles.

The Betty J. Pullum Family YMCA is the perfect place for a family to balance a healthy lifestyle with fun and games. All the exercise equipment is new and free fitness assessments and personalized exercise programs are offered. There are also gymnasiums for shooting hoops and a children's playroom that allows parents to exercise while children are supervised by the attentive staff. The YMCA also offers classes such as aerobic kickboxing and kids' cardio for children ages 3–6 to make a healthy and active lifestyle a lifelong habit. The biggest draw for children is the outdoor pool which features lanes for lap swimming, water slides and a wading section for small children featuring baby slides and fountains.

The Navarre YMCA has about 700 membership units, which represents about 1,600 individuals. Now that we are into the heat of summer, the Navarre YMCA is expecting its membership to grow. This facility will allow families to build healthy lifestyles together and have fun at the same time. It is a safe place for children to play and is an enormous benefit to the community of Navarre, Florida.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the dedication of the Betty J. Pullum Family YMCA in Navarre, Florida.

HONORING THE LIFE OF JOSEPH TORCASO

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. RYAN of Wisconsin. Madam Speaker, last week, Kenosha, Wisconsin, lost a longtime community leader—Joseph Torcaso, who has run Torcaso Shoe Repair shop on 52nd Street for over 60 years. A lifelong resident of Kenosha, he started learning the shoe repair business from his father in 1937, at the age of 9, and his shop is one of the touchstones of the Kenosha community. Joe passed away on Friday.

Everyone knew and liked Joe, and his lively wit and sense of humor brightened countless people's lives. He was known as the "Mayor of 52nd Street" or, by some, as the "Oracle of 52nd Street" for his knack at forecasting political victors.

More than just an exceptionally skilled craftsman and a small business owner, Joe was a man of great character. He helped give Kenosha its strong sense of community, and the city will sorely miss this devoted family man and friend who lifted so many customers' spirits. Joe was also a great friend of mine, and I will miss him deeply.

My thoughts and prayers are with his wife, children, and grandchildren during this difficult time.

PAYING TRIBUTE TO ALAN P. MINTZ, M.D.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Alan P. Mintz, M.D. who passed away on June 3, 2007.

Born in Chicago, Alan P. Mintz graduated from the University of Chicago and earned a doctor of medicine degree from the University of Illinois—School of Medicine. Prior to his postgraduate training in radiology, in which he later specialized, Dr. Mintz served as a physician in the U.S. Navy. Dr. Mintz was a highly respected professional in the field of radiology and served as a Diplomate of the American Board of Radiology, was board certified in radiology, nuclear medicine and radiation therapy, and was also appointed chairman of the

Department of Radiology for several Chicago-area hospitals.

Motivated by his passion for health and wellness, Dr. Mintz pioneered a new medical specialty with his work in age management medicine. He has become famous within the field for his controversial promotion in the use of steroids and human growth hormone as an anti-aging therapy for patients. Dr. Mintz cofounded and served as CEO and President of Medicon, Inc., the world's largest radiology management company. His inventive thinking stimulated the creation of Cenegenics Medical Institute, the largest age management medicine organization in the world. Although headquartered in Las Vegas, Cenegenics Medical Institute has offices in South Carolina, Florida, Hong Kong, and South Korea with service reaching more than 12,000 patients.

Madam Speaker, I am proud to honor the life and memory of Alan P. Mintz, M.D. Dr. Mintz lived his life according to his favorite maxim by Henry David Thoreau, "Go confidently in the direction of your dreams . . . Live the life you have imagined." Dr. Mintz clearly fulfilled this statement and will be missed by the many lives he touched.

CONGRATULATIONS TO STEPHEN PAUL POLLINGER, PHD

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, teaching is among the most noble and demanding of professions; and excellence in the delivery of education helps not only individuals, but the entire community, become more tolerant, knowledgeable, and strong. The effectiveness and efficiency of learning depends, in large measure, on those individuals who have dedicated their life to quality education, public service, and excellence. Recognizing one educator in particular, I would like to congratulate Dr. Stephen Paul Pollinger for his recent Law Teacher of the Year for Middle School Award, given to him by the American Bar Association. After receiving his doctorate in education from Fordham University in New York, he taught at several universities, most recently at Florida Atlantic University, while serving as the Middle School Administrator at Donna Klein Jewish Academy in Boca Raton, FL. Dr. Pollinger has also served as a staff developer for the Broward County School Board, curriculum designer in social science, principal at the elementary and middle school levels, and participated in creating Holocaust education that is now a part of the Florida curriculum.

After taking on the law program at Seminole Middle School in Plantation, FL, he involved the school in the Broward County Mock Trial program under the direction of Judge Robert Diaz. Seminole Middle School not only participated in the program, but they won the competition! It was the success of this program that led to Dr. Pollinger involving the students in the American Bar Association's mock trials competition. His participation and leadership in education led Dr. Pollinger to win the American Bar Association's Law Teacher of the Year for Middle Schools. He will travel to San Francisco in August to receive the award, while simultaneously representing Seminole Middle School, Broward County, the State of Florida, and of course my home district, Florida 20. With that said Madam Speaker, I am honored to recognize Dr. Stephen Paul Pollinger for his positive impact on the lives of others.

REMEMBERING DR. HANS SENNHOLZ

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. PAUL. Madam Speaker, I rise to recognize the life and achievements of Hans F. Sennholz. Dr. Sennholz was one of the foremost free-market economists of his generation and an inspiration to tens of thousands of people around the world.

Dr. Sennholz was born on February 3, 1922 in Germany in the midst of the German hyperinflation crisis and experienced firsthand the Great Depression and the horrors of Hitler's dictatorship. After receiving his master's degree from the University of Marburg and a doctorate in political science from the University of Cologne, Dr. Sennholz received a Ph.D. in economics at New York University, where he studied under the Austrian economist Ludwig von Mises.

In his 37 years as a professor of economics at Grove City College, Dr. Sennholz was a formative influence for over 10,000 students. During an era in which Keynesianism was the dominant economic ideology, Dr. Sennholz's efforts played a major role in keeping alive the flame of classical liberalism and market-based economics. Dr. Sennholz and his free market ideas were a perfect fit for Grove City, which is one of only two colleges in the United States which eschews federal education funding.

Dr. Sennholz later became President of the Foundation for Economic Education, reviving the institution and renewing its mission to advancing the ideals of private property, individual liberty, the rule of law, and the free market. He also served as an adjunct scholar at the Ludwig von Mises Institute, from which he received the Gary G. Schlarbaum Prize in 2004 for his lifelong dedication to the cause of liberty.

I first met Dr. Sennholz in the early 1970s during the campaign to legalize the private ownership of gold. He was a tremendous influence on me and introduced me to other eminent economists of the Austrian School. Dr. Sennholz consistently taught the beneficial effects of the gold standard and was a tireless opponent of inflation. He never ceased to persist in pointing out the problems of fiat currency, the evils of inflation, and the perils of the Federal Reserve's loose monetary policy.

Dr. Sennholz passed away on Saturday, June 23, 2007 at the age of 85, having lived a full and rewarding life. Generations of free-market economists are indebted to him, his spirited teaching, and his lucid writing for keeping free-market economic teaching alive during trying times. Congress would do well to heed his advice on the importance of free markets and the folly of fiat currency.

PERSONAL EXPLANATION

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. COSTELLO. Madam Speaker, I rise today to clarify my position on two votes taken during consideration of the State and Foreign Operations Appropriations bill for fiscal year 2008 and to reiterate my strong support of pro-life issues.

During consideration of the bill, I inadvertently opposed the Pitts amendment, which would have restored equal funding and a balanced approach in the President's Emergency Plan for AIDS Relief (PEPFAR), and voted yes on final passage. While voting via electronic device during two minute votes, I thought I had voted correctly but was recorded otherwise. By the time I had realized what had happened, the votes had been closed.

Madam Speaker, since coming to Congress, I have been a strong supporter of pro-life policies. For these reasons, I want to reiterate my support for the Pitts amendment and my opposition to final passage of the bill.

2008 MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS BILL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. HOLT. Madam Speaker, I'm pleased the House has acted on this important legislation.

I want to compliment my colleague, the chairman of this subcommittee, Mr. EDWARDS of Texas, for the work he and his colleagues put into this bill. The priorities in this bill send a strong message to our military servicemembers and our veterans that we are serious about honoring our obligations to them.

To help deal with the constant problem of medical inflation and the rising costs of health care, this bill provides $37,122,000,000 for the Veterans' Health Administration—an increase of $4,442,265,000 or 13.6 percent over the FY 2007 level and $2,509,329,000 more than the President requested. This increase is long overdue and vitally needed.

Since the attacks on 9/11, more than 1.5 million American military personnel have been deployed in support of Operations Enduring Freedom and Iraqi Freedom. When those men and women eventually separate from the service, a large number of them will require ongoing medical care for the wounds and injuries they've suffered in service to our country, particularly for mental health needs and traumatic brain injuries, TBI. This bill provides $604,325,858 to increase funding for treatment in these areas.

We all know that TBI has, tragically, become the signature injury of the conflicts in Iraq and Afghanistan. In addition to providing an overall higher level of funding for medical care for all veterans, this bill directs that all future budget requests include TBI as a Select Program—in other words, as a dedicated line item. That designation will help ensure that TBI treatment and rehabilitation programs receive the funding and focus required to meet the needs of veterans who are living with this life-altering injury.

This bill also recognizes that substance abuse and post-traumatic stress disorder, PTSD, are plaguing record numbers of veterans. The National Center for PTSD has reported that 58 percent of veterans who have substance abuse problems also have lifetime PTSD and are three times more likely to have PTSD than veterans who do not suffer from substance abuse disorders. To deal with this challenge, the bill provides $428,873,754 for the Substance Abuse Program, an increase of $70,880,754 over the President's request.

Finally, this bill contains an important accountability provision that the Bush administration opposed.

Specifically, the committee mandates in this bill that the Department of Veterans Affairs provide quarterly reports on the financial status and service level status of the VHA and each of its Veterans Integrated Service Networks, VISNs. The reports must contain the time required for new patients to get their first appointment, the time required for established patients to get their next appointment, the number of patients on wait lists for inpatient services or any mental health or substance abuse program, the number of staff shortages for mental health services, the planned and actual expenditure rates for contracted mental health care, and the number of unique veterans and patients being served. Specific reports on the blind rehabilitation service, OIF/OEF veterans, prosthetics, and substance abuse programs are also mandated in this bill.

I am pleased that Chairman EDWARDS and his colleagues are taking this approach to auditing the VA's programs. We all know that veterans are waiting longer to get their first or follow up appointments with their primary care providers. These provisions will help us establish just how serious the problem is and whether inadequate resources, poor management, or both are contributing to these delays in the delivery of vital health care services to our veterans. For these and the other reasons I've cited, I look forward to this bill's final passage by the Congress.

IN TRIBUTE TO COLONEL WARREN L. HENDERSON'S RETIREMENT FROM THE UNITED STATES AIR FORCE

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. TURNER. Madam Speaker, on the occasion of his retirement from the United States Air Force, I want to recognize Colonel Warren Henderson for his 26 years of dedicated service to our country. In his most recent assignment, he serves as the Chief, Weapon Systems Division, Office of the Secretary of the Air Force, Legislative Liaison. Colonel Warren Henderson is responsible for Congressional liaison and annual authorization of over $50B for all Air Force weapon systems, munitions, Science/Technology, Research and Development, and Special Access Programs. His Division is responsible for developing and executing strategies to best advocate for Air Force programs, and prepares AF senior leadership for testimony before House and Senate Armed Services Committees and Select Committees on Intelligence.

The colonel entered the Air Force in 1981 after receiving his commission from the U.S. Air Force Academy. He commanded the 23d Fighter Group "Flying Tigers" and the 494th Fighter Squadron, which, under his leadership, received the U.S. Air Forces in Europe Commander's Trophy as the top fighter squadron in the command. He is a command fighter pilot with approximately 4,000 flying hours and has flown combat missions over Iraq, Serbia, and Afghanistan.

I join my colleagues in expressing our sincere appreciation to Colonel Warren Henderson for his outstanding service to both the United States Air Force and our Legislative Branch. We wish him the best as he transitions into a new career. Colonel Henderson is a true professional and a credit to himself and the United States Air Force.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, I am listed as voting "nay" during rollcall vote number 529 on H.R. 2764, the "Department of State, Foreign Operations and Related Programs Appropriations Act, 2008" when it was before the House of Representatives on Thursday, June 21, 2007. This is an error. I support the Shays of Connecticut Amendment on the Iraq Study Group and want it noted that had my intention been properly expressed I would be recorded as having voted "aye."

INTRODUCING H.R. 2881, THE FAA REAUTHORIZATION ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 2007

Mr. OBERSTAR. Madam Speaker, I rise to introduce H.R. 2881, the "FAA Reauthorization Act of 2007", a bill that provides historic funding levels for the Federal Aviation Administration's ("FAA") capital Programs. Between fiscal year 2008 and fiscal year 2011, the bill provides $15.8 billion for the Airport Improvement Program ("AIP"), and nearly $13 billion for FAA Facilities & Equipment ("F&E"). These robust funding levels will enable the FAA to modernize our air traffic control ("ATC") system and make capacity enhancing improvements at our nation's airports. In addition, the FAA Reauthorization Act of 2007 also provides $37.2 billion—one-half billion more than the FAA's recommendation—for FAA Operations over the next four years.

ATC MODERNIZATION

Modernizing our air transportation system is a national priority. The FAA forecasts that airlines are expected to carry more than one billion passengers by 2015, increasing from approximately 740 million in 2006. The Department of Transportation ("DOT") predicts up to a tripling of passengers, operations and cargo by 2025. The FAA Reauthorization Act of 2007 applies a four-part approach to ATC modernization and the Next Generation Air Transportation System (NextGen), including more funding, authority, accountability, and oversight.

The historic funding levels authorized for the FAA's F&E account will: accelerate the implementation of NextGen; enable FAA to replace and repair existing facilities and equipment; and provide for the development and implementation of high-priority safety-related systems.

To increase the authority and visibility of the Joint Planning and Development Office ("JPDO"), which provides the plan for NextGen, the FAA Reauthorization Act of 2007 elevates the Director of the JPDO to the status of Associate Administrator for NextGen within the FAA. It also mandates that the JPDO develop a work plan that details, on a year-by-year basis, specific NextGen-related deliverables for the FAA and its partner agencies, and requires the Secretary of Transportation to report on the plan's progress each year. The FAA Reauthorization Act of 2007 contains provisions to hold the FAA's vendors accountable for providing safe, quality services to consumers and to protect the Government's interest in major NextGen-related acquisitions.

The FAA's ATC modernization program has historically experienced massive cost overruns and delays. The FAA Reauthorization Act of 2007 authorizes Government Accountability Office ("GAO"), Department of Transportation Inspector General ("DOT IG") and National Research Council audits and reports related to NextGen that will help Congress exercise its oversight responsibilities.

FINANCING

Due to the projected growth of Airport and Airway Trust Fund ("Trust Fund") revenue, I do not believe radical financing reform is necessary. I am recommending to the Committee on Ways and Means that the general aviation jet fuel tax rate be adjusted for inflation from 21.8 cents per gallon to 30.7 cents per gallon, and that the aviation gasoline tax rate be increased from 19.3 cents per gallon to 24.1 cents per gallon. I believe that the forecasted growth of Trust Fund revenues, coupled with additional revenue from the recommended general aviation fuel tax rate increases, will be sufficient to provide for the robust capital funding required to modernize the ATC system, as well as to stabilize and strengthen the Trust Fund.

AIRPORT FUNDING

Madam Speaker, in June, DOT reported that only 72.5 percent of domestic flights by the United States' 20 largest airlines arrived on-time in January, February, March, and April—the worst showing for those four months since DOT began reporting on-time performance in 1995. This is unacceptable. Robust investment in airport infrastructure is necessary to enhance capacity and combat delays.

According to the FAA, the majority of air traffic delays at the top 35 airports, which account for 73 percent of passenger enplanements, can be traced to inadequate throughput. To quote the FAA: "The construction of new runways and runway extensions are the most effective method of increasing throughput."

The FAA's 2007–2011 National Plan of Integrated Airport Systems ("NPIAS") states that during the next five years, there will be $41.2 billion of AIP-eligible infrastructure development, an annual average of $8.2 billion. This $41.2 billion includes approximately $18 billion in runway-related needs, including new runway, taxiway and apron construction. However, in March 2007, the FAA testified that the current NPIAS report may understate the true cost of needed capital investment, as sharp increases in construction costs occurring in the last half of 2006 were not fully reflected. The 2007–2011 Airports Council International—North America Capital Needs Survey estimates total airport capital needs—including the cost of non-AIP-eligible projects—to be about $87.4 billion or $17.5 billion per year from 2007 through 2011.

In March 2007, the American Association of Airport Executives testified that according to the January 1, 2007 Means Construction Cost Indexes, the average construction costs for 30 major U.S. cities have risen more than 24 percent in the past three years—at an average annual rate of more than 7.5 percent.

To combat inflation and to help airports meet increased capital needs, the FAA Reauthorization Act of 2007 would increase the Passenger Facility Charge ("PFC") cap from $4.50 to $7.00. According to FAA, if every airport currently collecting a $4.00 or $4.50 PFC raised its PFC to $7.00, it would generate approximately $1.1 billion in additional revenue for airport development each year. H.R. 2881 also provides significant increases in AIP funding for smaller airports, which are particularly reliant on AIP for capital financing.

SMALL COMMUNITIES

The FAA Reauthorization Act of 2007 rejects the Administration's proposal to cut funding for the Essential Air Service ("EAS") program by more than one-half, to $50 million, and instead increases the total amount authorized for EAS each year from $127 million to $133 million (including $50 million derived from overflight fees).

To improve the quality of air service received by EAS communities, the bill authorizes the Secretary to incorporate financial incentives into EAS contracts based on specified performance goals. In addition, to encourage increased air carrier participation in the EAS program, the bill authorizes the Secretary of Transportation to enter into long-term EAS contracts that would provide more stability for participating air carriers.

In contrast to the Administration's proposal to sunset the Small Community Air Service Development program on September 30, 2008, the bill extends the Small Community program through FY 2011, at the current authorized funding level of $35 million per year.

ENVIRONMENT

Being ever mindful of the obstacles that the United States still faces in trying to expand our airport capacity through infrastructure improvements, and balancing the needs of airport neighborhoods, the FAA Reauthorization Act of 2007 contains several environmental-related provisions, including a phase out of noisy stage 2 aircraft over the next five years; a pilot program for the development, maturing and certification of continuous lower energy, emissions and noise engine and airframe technology; as well as a program to fund six projects at public-use airports to take promising environmental research concepts into the actual airport environment to demonstrate the reduction or mitigation of aviation impacts on noise, air quality or water quality in the airport environment. In addition, the FAA is directed in this bill to establish a pilot program at five public-use airports to design, develop, and test new air traffic flow management technologies to better manage the flow of aircraft on the ground and reduce ground holds and idling times for aircraft with the goal of reducing emissions and increase fuel savings.

SAFETY

As to safety, the bill authorizes $570 million over four years to increase the number of aviation safety inspectors by more than one-third. The bill also provides robust funding to address runway safety issues, including $42 million over four years for runway incursion reduction programs; $74 million over four years for runway status light acquisition and installation, as well as requires FAA to report to Congress on a plan for the installation and deployment of systems to alert controllers or flight crews to potential runway incursions. In addition, the bill would require twice a year inspections of foreign repair stations. The very serious issue of flight crew fatigue is addressed in the bill by requiring the FAA to contract with the National Academy of Sciences to conduct a study on pilot fatigue, and then to consider the findings of the academy and update, where appropriate, its regulations with regard to flight time limitations and rest requirements for pilots. Importantly, H.R. 2881 also directs the FAA to initiate long-overdue action to ensure crewmember safety by applying occupational health standards onboard aircraft.

Finally, two very important issues will be considered during the Committee markup as amendments to the bill: the first will address the ongoing dispute between the National Air Traffic Controllers Association ("NATCA") and the FAA over failed contract negotiations by establishing a new dispute resolution procedure and requiring the parties to go back to the negotiating table; the second will address the disparate treatment of employees of express delivery companies under our nation's labor laws. Adoption of these amendments will go a long way toward restoring collective bargaining rights to this critical workforce.

Madam Speaker, this is a bill that will keep our skies safe and our passengers moving well into the future.

THE U.S.-KOREA FREE TRADE AGREEMENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. TOWNS. Madam Speaker, on Saturday, June 30, the United States and the Republic of Korea are expected to sign a Free Trade Agreement, the result of months of negotiations between our two countries. After the agreement is signed, Congress will have an opportunity to comprehensively review it, an opportunity that I wholeheartedly welcome.

The U.S.-Korea Free Trade Agreement holds both substantive and symbolic importance. for nearly a million Korean Americans, a large number of whom are my constituents, New York is home to many businesses, large and small, which focus on trade between the United States and the Republic of Korea.

The governments of our two countries did not pursue this agreement without the encouragement and input of several important organizations. Among these were the U.S.-Korea FTA Business Coalition, the U.S.-Korea and Korea-U.S. Business Councils, the American Chamber of Commerce in Korea and the Federation of Korean Industries. I would also like to recognize the efforts of my good friends at the Korea International Trade Association with whom I had the pleasure of meeting its Chairman and representatives on several occasions.

Madam Speaker, barely a half century ago, the Republic of Korea was an impoverished casualty of imperialism and war; it has now grown to be the 11th-largest trading nation in the world. The Republic of Korea is also the seventh largest trading partner of the United States, with nearly $80 billion in trade volume between our counties each year.

Credit for such remarkable development belongs in large part to the efforts of private businesses that saw potential in what cynics initially saw as a war-torn "basket economy." These businesses today, and the many others that followed, create jobs, produce desirable goods and services, offer investment opportunities, and provide mutual benefits in both of our countries.

Let me emphasize that, for all the obvious benefits that a free trade agreement between the United States and the Republic of Korea will provide, however, the language of any agreement must be scrutinized carefully to assure that American and Korean labor standards are upheld, that our environment is safeguarded, and that consumers are fully protected. I am a strong proponent of these important considerations.

Madam Speaker, I look forward to examining the text of the proposed U.S.-Korea Free Trade Agreement and to a productive and informative discussion about it in the weeks and months to come. I welcome the anticipated signing of the U.S.-Korea Free Trade Agreement this Saturday and encourage my colleagues to offer their own expressions of welcome and support for this historic event.

INTRODUCTION OF THE OSTEOPOROSIS EARLY DETECTION AND PREVENTION ACT OF 2007

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing bipartisan legislation, the Osteoporosis Early Detection and Prevention Act of 2007, along with my friend and colleague from West Virginia.

This important bill will ensure that individuals at high risk for osteoporosis have access to screening tests for the disease. The Osteoporosis Early Detection and Prevention Act of 2007 will require private insurance plans to cover bone mass (bone density) measurement testing for those at risk for developing the disease.

Approximately 44 million Americans suffer from osteoporosis or are at risk of developing it, and 80 percent of those at risk are women. Every year, there are 1.5 million bone fractures caused by osteoporosis. Half of all women and one-fourth of all men, age 50 or older, will suffer a bone fracture due to osteoporosis.

Since there is no known cure for osteoporosis, the most effective way to reduce the prevalence and cost of the disease is through prevention and early diagnosis. As a result, bone mass measurement tests are crucial to early detection because ordinary x-rays do not detect osteoporosis until the disease is so advanced that 25 to 40 percent of bone mass has been lost.

Osteoporosis is a disease that has no symptoms and usually remains undiagnosed until a fracture occurs. I am pleased to introduce a bill that requires private health insurance plans to cover a bone mass measurement test for qualified men and women who are at risk for developing osteoporosis. Bone mass measurement is a non-invasive, painless and reliable way to diagnose osteoporosis before costly fractures occur. I believe this legislation will make a huge difference in defending men and women from osteoporosis.

HONORING MICHAEL J. CZOPKIEWICZ, EAGLE SCOUT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor an outstanding constituent of my district, Michael J. Czopkiewicz, who will achieve the high rank of Eagle Scout on July 7th. Michael, a senior at Brother Rice High School, has demonstrated great dedication and commitment in the pursuit of this admirable goal.

Joining the Boy Scouts in first grade, Michael has met every test and challenge to pass through the six ranks of the Boy Scouts. Those aspiring to be Eagle Scouts must fulfill requirements in the areas of leadership, service, and outdoor skills. To demonstrate proficiency in certain Scoutcraft skills, each Boy Scout must achieve merit badges in the areas of First Aid, Citizenship in the Community, Environmental Science, Personal Fitness, Family Life, and many more.

As Michael passed through the ranks, he learned the important life skill of self-evaluation through his participation in Scoutmaster conferences. At these conferences, Michael took time to evaluate his past performances and look to the future to create new goals. He also demonstrated the worthy qualities of responsibility and maturity by holding leadership positions within his troop and participating in service projects.

Michael's hardworking nature also extends outside the Boy Scouts. By working three jobs during the summer and one job during school, Michael has demonstrated his ability to successfully take on a variety of responsibilities. As a hardworking intern in my district office, Michael shows great interest in civic affairs and the betterment of his community.

It is my honor to commend Michael J. Czopkiewicz for his achievement of the high rank of Eagle Scout. As a new Eagle Scout, Michael will join the ranks of fellow Eagle Scouts like former President Gerald R. Ford. Michael's devotion to the Boy Scouts for over a decade is laudable, and I congratulate him on his achievement. I thank him for his dedication to the community, and I know we can expect great things from him in the future.

RECOGNIZING THE 57TH ANNIVERSARY OF THE KOREAN WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize the 57th anniversary of the Korean War, also known as the "Forgotten War", which began on June 25, 1950. In honor of this event the Embassy of Korea held a wreath-laying ceremony at the Korean War Veterans Memorial in Washington, DC, on June 25, 2007.

As a decorated Korean War veteran I am proud that this ceremony has taken place to honor the brave soldiers that served and gave their lives while fighting this war. A conflict that started as a civil war became a war between 21 nations that served under the United Nations against communist North Korea. As a result of this 3-year war the United States lost about 33,741 casualties. But, this anniversary is not only about recognizing the American solders that were lost in this war, it is also a time to recognize the British, Australians, South Africans and the brave soldiers from other nations that served in this war, as well as, the families of these soldiers whose loved ones made the ultimate sacrifice.

I commend the organizers of this event for their efforts to coordinate this special ceremony. Although this war is known as the "Forgotten War" lets make sure that it is not forgotten. This wreath-laying ceremony and other events commemorating the anniversary of this war helps to ensure that our children and their children will not forget those that fought to protect our freedom and peace.

I ask my colleagues to join me in paying respect to the men and women who honorably served our nation in Korea and I urge you to also take a moment to honor the fallen heroes of the Iraq War as we celebrate our Independence Day next week.

NEW THREAT TO FREEDOM OF SPEECH AND PRESS IN INDIA AS WARRANT IS ISSUED FOR SIKH EDITOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. TOWNS. Madam Speaker, recently an arrest warrant was issued by the government of Punjab for Dr. Sukhpreet Singh Udhoke, a practicing physician, International Secretary General of Dal Khalsa USA, and Editor-in-Chief of the Sikh publication Shamshir-e-Qaum. Warrants were also issued for two of his associates. This is a blatant violation of the basic rights of freedom of speech and freedom of the press. Freedom of speech and freedom of the press are two of the rights that are basic to democracy, yet they can be suppressed at will in "the world's largest democracy."

Dr. Udhoke's crime was to publish articles in his magazine that criticized the Chief Minister of Punjab, Parkash Singh Badal, and advocated freedom for the Sikhs. For this, he is under the cloud of an arrest warrant. He has had to go underground to avoid arrest.

Madam Speaker, this is frighteningly familiar. It is reminiscent of the tactics of the Soviet Union, Nazi Germany, or any of the other totalitarian police states around the world which America has always opposed. How can any Member of Congress support such a blatantly authoritarian country?

I would strongly advise the Indian government to withdraw the arrest warrant against Dr. Udhoke. If it does not, it will confirm that it is the tyrannical, authoritarian, repressive regime that the minorities charge that it is, rather than the democracy it proclaims itself to be.

This is unfortunately just the latest chapter in a long line of repression against minorities. We have detailed for many years the tens of thousands of Christians, Sikhs, Muslims, Dalits, and other minorities who have been murdered at the hands of the Indian government, as well as the tens of thousands of political prisoners who are held in India, according to Amnesty International. Laws have been passed that prohibit anyone from converting from Hinduism to any other religion. Booklets have been published on how to implicate Christians and other minorities in false criminal cases. Sikhs have been arrested for marches and speeches. A Christian priest was forced to drink his own urine. And the arrest warrant for Dr. Udhoke shows that the repression goes on.

Madam Speaker, India's Constitution, like ours, guarantees freedom of speech and the Indian courts have ruled that peacefully advocating independence for Khalistan (or any other minority nation) is not a crime. So what was the basis for Dr. Udhoke's arrest?

I thank Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing the Udhoke case to my attention. The Council of Khalistan has issued a press release condemning the arrest warrant against Udhoke. I recommend it strongly to my colleagues. It shows the truth about how democracy is really practiced in India. The need for the Sikhs of Khalistan, the Christians of Nagaland, the Muslims of Kashmir, and the other minorities within India's artificial borders to claim their God-given right to be free could not be clearer. If they can be arrested for articles they publish, how can they count on the government to protect any of their rights?

It is time for us to speak up and take action. We can help by stopping aid and trade with India until the basic human rights and civil rights of all people are observed. India can start by withdrawing the arrest warrant for Dr. Udhoke and his associates. We should also put the United States Congress on record publicly in support of self-determination for the Sikhs of Punjab, Khalistan, the Muslims of Kashmir, the Christians of Nagalim, and all the people seeking freedom in South Asia in the form of a free and fair vote on their status. Isn't that the democratic way?

ARREST WARRANT FOR UDHOKE MUST BE WITHDRAWN

WASHINGTON, DC, JUNE 28, 2007.—The Council of Khalistan today demanded that the arrest warrant for Dr. Sukhpreet Singh Udhoke, International Secretary General of Dal Khalsa USA and Editor-in-Chief of the periodical Shamshir-e-Qaum, and two of his associates be withdrawn. The arrest warrant was issued by the government of Punjab after Dr. Udhoke printed articles about the persecution of the Sikh Nation and how the Sikh religion is being attacked by the RSS and its political arm, the BJP. He criticized Chief Minister Parkash Singh Badal in his articles. The Akali Dal government of Badal is in a political alliance with the BJP. Dr. Udhoke and his associates' persecution has been condemned recently by the World Peace Forum.

Dr. Udhoke is a medical doctor who takes care of the sick as well as being an activist for the interests of the Sikh religion and the Sikh Nation. Dr. Udhoke, a resident of the Amritsar district, has been forced underground. He is charged with treason and antinational activities. His magazine, which was on the stands for sale, was removed by the Badal government. This action is a threat to freedom of speech, of the press, and of religion, which are basic democratic and civil rights.

Badal is the Chief Minister. As such, he is responsible for law and order. Yet he was quick to put out an arrest warrant for Dr. Udhoke for exercising his freedom of speech, but he had to be pressured into prosecuting Ram Rahim, the fraudulent baba who was impersonating Guru Gobind Singh, and he has not yet arrested him. This shows what the Badal government's priorities and allegiances are. He is more concerned with arresting those who defend the interests of the Sikh Nation and the Sikh religion than those who violate it. Ironically, despite Badal's begging and pleading, Ram Rahim supported the Congress Party in the recent elections in Punjab.

"The arrest warrant against Dr. Udhoke shows that there is no freedom of speech in Punjab or in India," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "As the late General Narinder Singh said, 'Punjab is a police state.' Only a free Khalistan will allow Dr. Udhoke and all Sikhs to enjoy freedom of speech, freedom of the press, freedom of religion, and all the rights of free people, rights that are the birthright of all people," he said.

"Badal's conduct is shameful for a Sikh leader," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "He is the leader of a government of the Akali Dal, which was organized to protect the interests of the Sikh Nation, yet he is in bed with the Indian government that is oppressing the Sikhs. Badal is under the complete control of the Indian government, rather than working for the Sikhs. We must free ourselves of corrupt, anti-Sikh leaders like Badal and his friends by liberating Khalistan." he said. "As former Akal Takht Jathedar Professor Darshan Singh said: 'If a Sikh is not a Khalistani, he is not a Sikh.'"

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA) even though it expired in 1995. Many have been in illegal custody since 1984. There has been no list published of those who were acquitted under TADA and those who are still rotting in Indian jails. Additionally, according to Amnesty International, there are tens of thousands of other minorities being held as political prisoners in India.

The MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

"The Sikh masses and the Akali Dal must rise to the occasion and establish new leadership that works for the interest of the Khalsa Panth and abides by Sikh tradition," said Dr. Aulakh. "Badal and his government have betrayed the Sikh Rehat Maryada, Sikh principles, and Sikh tradition. Their leadership must be rejected for the interests of the Khalsa Panth," he said. "Remember Guru Gobind Singh's words: 'In grieb Sikhin ko deon patshahi.' It is time to realize Guru Sahib's blessing. Only a free Khalistan will put a stop to occurrences like the arrest of Dr. Udhoke," he said. "Without political power, religions cannot flourish and nations perish. The time is now to launch a Shantmai Morcha to free Khalistan."

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mrs. MALONEY of New York. Madam Speaker, on June 25, 2007, I missed rollcall votes numbered 549, a Resolution expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established and 550, a Resolution to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center."

Had I been present, I would have voted "yea" on rollcall votes numbered 549 and 550.

HONORING ST. SYMPHOROSA PARISH ON ITS 80TH ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor St. Symphorosa Parish in Chicago, IL. Two weeks ago, I had the privilege of participating in the 80th anniversary celebration mass at this distinguished parish, which has been a pillar of faith and service in Chicago since 1927. I am especially proud to thank St. Symphorosa for providing me with a strong moral and academic education in church and at the parish grammar school.

The Archbishop of Chicago established St. Symphorosa to provide a multi-ethnic, American parish for the Clearing neighborhood on Chicago's southwest side. Under the leadership and guidance of Father J. Leo Sharp, the new parish celebrated its first Sunday Mass on June 19, 1927.

Without a church of its own, the parish initially met in the Clearing Town Hall until construction of a new church could be completed in September 1928. Once the building complex was completed, St. Symphorosa School opened under the guidance of four Benedictine sisters. The parish and school have since changed locations, but the school remains open, educating and serving the community's youth.

The parish rendered noble service during the Great Depression. Although forced to sell some of the parish's land to keep the church open, Father Sharp and the Benedictine sisters ministered to needy families by collecting and distributing clothing. In 1943, the parish received a new pastor, Father Anthony Harte, who presided over the parish's expansion in the wake of World War II. By the time Father Harte retired in 1967, St. Symphorosa had added five buildings to the parish property, the parish population had tripled, and the school had over 1,600 students.

Father Francis Maniola became the parish's third pastor, and brought the changes of the Second Vatican Council to St. Symphorosa. To strengthen the parish's ability to serve its members and the community, Father Maniola added new programs to the parish that included the Super Club, the Altar & Rosary Sodality, and Widows and Widowers. His successors, Father John McNamara and Father Marc Pasciak, encouraged lay participation in the parish and established a parish council and staff.

Today, St. Symphorosa Parish is as vibrant as ever, and the parish continues to serve the worship needs of over 2,400 families in Clearing and surrounding communities. The St. Symphorosa Family Fest, its major celebratory event, has grown into one of the largest parish festivals in the Chicago Archdiocese.

It is my honor to recognize St. Symphorosa on the occasion of its 80th anniversary. The parish has fulfilled Father Sharp's vision of a proud community that works together, learns together, and worships together. With its legacy of remarkable pastors and committed parishioners, the parish has truly become a "Family Celebrating Faith."

TIME TO FOSTER GREATER COLLABORATION FOR OUR REGIONAL SECURITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. RANGEL. Madam Speaker, I am pleased to introduce the Joint Statement issued by the Bush Administration and the Caribbean Heads of State at the conclusion of the CARICOM summit. I cannot underscore enough the importance of a consistent and progressive relationship between the United States and the Caribbean. I am pleased with the success of the Conference on the Caribbean held in Washington DC, last week with the members of the Caribbean Community, CARICOM. To hold such a historic meeting during Caribbean-American Heritage Month speaks to the understanding of the administration to the importance of maintaining a fruitful partnership with our neighbors in the Caribbean.

During their visit to the United States the heads of states of CARICOM requested to meet with Members of the U.S. House of Representatives with whom they have worked on issues affecting the Caribbean and Members who sit on committees with jurisdiction over issues affecting the region. Fourteen members of the delegation, including the President of Guyana, Vice President of Suriname, Prime Ministers and Foreign Ministers of Antigua & Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines and Trinidad and Tobago met with members of the House Ways and Means Committee for an Executive Session that I organized. Among the topics we discussed during this executive session were the Caribbean trade preferences expiring next year and their possible extension, as well as the provision of enhanced assistance of the U.S. Government to the CARICOM Secretariat for capacity building to implement its single market.

In order to expand economic opportunities at home and in the Caribbean, there is a need to update and expand the Caribbean Basin Initiative. President Bush stated his intentions to work with Congress to extend the reach of the Caribbean Basin Trade Promotion Act as well as the 1991 Trade and Investment Framework Agreement, TIFA.

Expanding the TIFA to include services benefits our Caribbean neighbors in light of services being the backbone of CARICOM economies. At the forefront of the services offered by many CARICOM countries are professional financial services. Our support for recognizing the regulatory and transparency compliance of CARICOM countries—10 of which are listed alongside 34 nations in current tax haven legislation—should be addressed. By investigating and recognizing the compliance of these nations, in line with the Organization of Economic Cooperation and Development, OECD, definition of tax havens, legislators can remove their names from current bills that could prove detrimental to developing Caribbean economies if passed.

In addition to the House Committee on Ways and Means, the heads of states met with the House Foreign Affairs Committee and the Congressional Black Caucus. During the meeting with the Congressional Black Caucus, House Speaker NANCY PELOSI reiterated the commitment of the House leadership to address the challenges facing the nation of Haiti.

Having shared values and interests in regional security, the Caribbean Community and the United States can best achieve democratic aims by fostering regional understanding and accountability. Greater support for regional security goes beyond sharing resources and ideas to protect our borders, but it also encompasses the threat of HIV/AIDS. After Sub-Saharan Africa, the largest population of HIV/AIDS infected individuals resides in the Caribbean. In Congress, we continue to provide funding to assist nations in the region address this challenge. Haiti and Guyana are two of the nations that will benefit from the funding provided to the President's Emergency Plan for AIDS Relief, PEPFAR; we are also pushing to include funding to expand this initiative to all Caribbean nations.

While the national security threats of our countries are different in terms of scale, we must work to ensure cooperation in the fight against drugs, small arms, and transnational crime, all which threaten the entire region. Rising crimes rates in the Caribbean can be attributed to a deportation process that does not widely consider the negative impact on receiving countries. Criminal deportees sent to the Caribbean often have established themselves in the United States, and being sent to the Caribbean without financial or social support can foster poverty in the region. The situation of poverty, if left unaddressed, increases the transnational pressure to adopt extremist ideology. We must therefore be committed to decreasing the incidence of crimes leading to deportation through the sharing of resources and information. There must be a regional effort to address threats of terrorism in the United States and the Caribbean.

Supporting Haiti's reconstruction process should also be a priority of the U.S. government. As the second free-state in the Western Hemisphere, how we treat Haiti as a recovering democracy is how we treat ourselves. As Haiti makes efforts under the leadership of President Preval to rebuild, the U.S. can serve as an important bilateral partner. The need to grant temporary protected status (TPS) to Haitian nationals in the U.S. is urgent to ensure the protection of Haitians as well as remission preservation during the country's time of recovery. These remissions are crucial to the welfare and survival of Haiti from recent environmental and political difficulties.

As the cornerstone of development, educational collaboration should be sought in the Western Hemisphere to promote higher living standards and stronger democratic institutions. We must support increased exchanges between U.S. and Caribbean students. The Shirley A. Chisholm United States-Caribbean Educational Exchange Act of 2007 introduced by Congresswoman BARBARA LEE presents an opportunity to fund educational development and exchange programs between the U.S. and the Caribbean. I encourage my colleagues to support greater relationships with our friends in the Caribbean. The prosperity and security of our region depends on the decisions we make today to foster collaboration and effective communication between the U.S. and our CARICOM neighbors.

Overall, I believe that the members of CARICOM had very productive meetings in Washington, DC, and laid the foundation for future discussions and a commitment to help the CARICOM nations meet their 20/20 Vision.

JOINT STATEMENT: CONFERENCE ON THE CARIBBEAN

1. We, the Heads of State and Government of the United States of America and of the Caribbean Community Nations of Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago, meeting in Washington DC, on June 20, 2007, reaffirm our unequivocal commitment to a secure and prosperous region and future for the benefit of all of our citizens.

2. Recalling our shared history of democracy, respect for human rights, social justice, and cultural and ethnic diversity, we highlight the value of our enduring friendship and recommit ourselves to enhancing our partnership to reinforce the development aspirations that guide our mutual priorities.

3. We pledge to continue promoting the consolidation of democratic norms, values, and institutions throughout the hemisphere and to enhance accountability and respect for individual rights.

4. We agree to take steps to expand economic opportunities for our people, to address the threats of terrorism and crime, and to provide the benefits of democracy to all members of our societies, recognizing that democracy will best flourish if our societies are stable and our economies are prosperous.

5. We recognize the establishment of the CARICOM Single Market and Economy as a critical element of the growth and development strategy of the Caribbean Community.

6. We are determined to strengthen our existing trade arrangements. We acknowledge President Bush's announcement to work with Congress to extend and update the Caribbean Basin Trade Promotion Act and the 1991 Trade and Investment Framework Agreement. We further commit to the harmonization of customs procedures consistent with global standards and the advancement of technical trade cooperation.

7. We reiterate our support for Caribbean efforts to expand the services sector, and encourage a focus on the international financial services sector to facilitate a competitive means of economic diversification while remaining committed to the maintenance of appropriate regulatory and supervisory practices, consistent with the highest international standards.

8. Cognizant of the spread of HIV and AIDS and the impact on the economic and social development of our people, we pledge to deepen our cooperation in health and welcome the initiative to continue PEPFAR in the Caribbean.

9. Cognizant that more than 95 percent of CARI COM's energy needs are derived from

fossil fuels, we pledge to increase cooperation in this area to achieve sustainable, secure, and affordable access to energy for all our citizens.

10. We agree to increase cooperation efforts in the field of education and workplace training. We commit to strengthen teacher training by expanding the Caribbean Centers for Excellence. We also commit to strengthen human capacity in the Caribbean to meet the demands of a 21st century employment environment through partnering with academic institutions and non-governmental groups as well as through skills training for youth via the Entra-21 program.

11. We declare our intention to negotiate an agreement on cooperation in Science and Technology including Information Communication Technologies.

12. We recommit to our ongoing efforts of cooperation in the area of disaster preparedness, mitigation, and recovery.

13. We acknowledge the multidimensional nature of the security threats and challenges faced by our countries and pledge to continue to work together in the fight against terrorism, trafficking in persons, drugs and small arms, and transnational crime.

14. We also acknowledge the successful security partnership developed to secure the CARICOM Region during its hosting of the Cricket World Cup 2007. To this end, we agree to continue strengthening the Region's security infrastructure.

15. We recognize the need to work more closely on immigration security issues in a manner respectful of national laws and government services capacity and sensitive to the effects of human displacement. We will jointly work toward the expansion of the pilot reintegration program for deportees in Haiti to include other CARICOM member states. We will develop new ways to facilitate, coordinate, and communicate between our immigration services.

16. We are heartened by the substantial progress in Haiti made by the Government of President Préval, with the support of international partners. We recognize that Haiti will continue to require substantial regional and international support in the implementation of a consistent and long-term strategy of institution and capacity building, and pledge to work together with the three branches of the Haitian Government.

17. On the occasion of Caribbean-American Heritage Month, we pay tribute to the generations of Caribbean-Americans who have helped shape the spirit and character of the United States of America and who continue to contribute to the growth and development of the Caribbean.

FORMER MEMBER OF PARLIAMENT ARRESTED AGAIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. TOWNS. Madam Speaker, recently the government of Punjab erected a statue to honor Beant Singh, the late Chief Minister of Punjab, who presided over the murders of over 50,000 Sikhs and the secret cremations of Sikhs in Punjab at the behest of the Indian government. Longtime Sikh activist and former member of Parliament Simranjit Singh Mann showed up with some associates to protest the honor given to this brutal, barbaric ruler. During the protest, they tried to hang a picture of Dilawar Singh, who killed Beant Singh, on the statue. Dilawar Singh is considered by the Sikhs to be a martyr. For this act of protest, they were arrested.

Mr. Mann is also one of the people who was arrested in 2005 for the crime of making speeches in support of Khalistan, the independent Sikh homeland, and raising the flag of Khalistan. I fail to see what crime was committed in any of these acts.

Coupled with the recent arrest of Dr. Sukhpreet Singh Udhoke for publishing articles critical of the Chief Minister, Mann's arrest makes it clear that for minorities such as the Sikhs, free speech, free assembly, and a free press do not exist in India. For minorities such as Christians, Sikhs, Muslims, and others, India is far from the democracy it claims to be. For them, it's a police state just like the Soviet Union or Nazi Germany.

Mann's arrest and Udhoke's arrest violate India's constitution as well as all the principles of freedom and democracy. We cannot stand idly by and let these arrests go by without taking any action.

What can we do? We can and should cut off our aid and trade with India until all people there are allowed to enjoy basic human rights and civil rights. We can and should publicly demand self-determination for the Sikhs of Punjab, Khalistan, the Muslims of Kashmir, the Christians of Nagalim, and all the people seeking freedom in South Asia in the form of a free and fair vote on their status. Self-determination is the essence of democracy. Unfortunately, "the world's largest democracy" denies this essential right to its minority citizens. We have a strong voice. Let us raise it in support of these minorities.

The Council of Khalistan has issued a very informative press release on the arrest of Mr. Mann and his associates.

SIMRANJIT SINGH MANN MUST BE RELEASED

WASHINGTON, DC, June 28, 2007.—The Council of Khalistan today demanded the immediate release of former Member of Parliament Sardar Simranjit Singh Mann and his associates who tried to hang a picture of Beant Singh's assassin on the late—Chief Minister's statue in Jalandhar. Beant Singh, who received less than 7 percent of the vote, was installed as Chief Minister by the Indian government. He presided over the murders of more than 50,000 Sikhs. He was the person who instituted the policy of secret cremation, in which young Sikhs were arrested, murdered in police custody, then declared unidentified'' and secretly cremated and the families never received their bodies. This barbaric policy was exposed by human-rights activist Sardar Jaswant Singh Khalra. As a result of his report, Khalra was arrested and murdered while in police custody. His body was also secretly cremated and was never given to his family.

Recently, the Punjab government under Parkash Singh Badal erected a statue of Beant Singh in Jalandhar. Sardar Mann and his associates were arrested when they tried to hang a picture of his assassin, Dilawar Singh, on it.

"The arrest of Simranjit Singh Mann and his associates is another blow to freedom of speech and freedom of assembly in India. basic rights of free people," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "If a group of people can't even hold a peaceful demonstration without being arrested, then what rights do they really have? Where is India's often and loudly proclaimed commitment to democracy? Mann and his associates must be released immediately."

Mann was previously arrested in 2005, along with other Sikh activists, for making speeches in support of Khalistan and raising the Khalistani flag. He came to prominence after the Indian government's military attack on the Golden Temple and 37 other Gurdwaras in June 1984, in which over 20,000 Sikhs were killed, including Sant Jarnail Singh Bhindranwale. Mann resigned from the police, saying that he could not serve a government that would attack the Golden Temple. In 1989, Mann wrote to the chief Justice of India, "reiterating my allegiance to the Constitution and territorial integrity of India," according to Chakravyuh: Web of Indian Secularism by Professor Gurtej Singh IAS, which reprints the letter. He also served as a Member of parliament from Punjab around that time. In the mid-1990s, Mann was arrested for peaceful political activities by the Indian government and the Council of Khalistan secured his release. In 2000, Mann came to the United States with the blessing of the Indian government, escorted through the United States and Canada by Amarjit Singh of the Khalistan Affairs Center. He spoke to a group on Capitol Hill in Washington DC and while speaking in New York, he said that the office of the Council of Khalsitan in Washington, DC should be closed. Since then, he has continued his political activism in Punjab, Khalistan. Neither Amarjit Singh nor the Khalistan Affairs Center has uttered a word of protest against Mann's arrest. Mann's grandfather gave a siropa to General Dyer, the British general who was in charge of the army that massacred over 1,300 Sikhs at Jalianwalia Bagh. A few years ago, Queen Elizabeth apologized to the Sikhs for the massacre during her visit to Punjab.

"The arrest of Simranjit Singh Mann and his associates shows that there is no freedom of speech in Punjab or in India," said Dr. Aulakh. "This underlines the need for a free, sovereign, independent Khalistan. In a free Khalistan, no one would be arrested for peaceful political activity," he said. "In a free Khalistan, no one would erect a statue to honor those who carry out genocide against the Sikh religion and the Sikh Nation. These arrests should make it clear to Sikhs that even if you cooperate with India. they will use you and throw you away," said Dr. Aulakh.

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA), which expired in 1995. Many have been in illegal custody since 1984. According to Amnesty International, there are tens of thousands of other minorities being held as political prisoners in India. The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

"The arrests of Simranjit Singh Mann and Dr. Sukhpreet Singh Udhoke show that it is urgent to liberate Khalistan from Indian rule as soon as possible," said Dr. Aulakh. "The time is now to launch a Shantmai Morcha to free Khalistan."

IN HONOR OF DONALD MADER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. ISRAEL. Madam Speaker, I rise today to honor Donald Mader. He will be retiring from Underwriters Laboratories at the end of this month after a 42-year tenure. Mr. Mader is a veteran of the Vietnam war where he served as a commandant for the 73rd Signal Battalion of the Tropospheric Scatter Communications Equipment School, before working at the Pentagon with the Army Material Command, Advanced Ariel Fire Support System.

Upon completion of his service with the Army, Mr. Mader returned to my district in Melville, NY, to work as a Project Engineer. Over the next 42 years he went on to hold numerous officer positions including senior vice president of certifications operations, executive vice president of the Americas group and executive vice president of public safety and external affairs. Most recently he has served as executive vice president and chief technology officer. As the head of engineering at Underwriters Laboratories, Mr. Mader is responsible for technical excellence and driving technical innovation across the organization, including developing and implementing consistent, state-of-the-art testing, laboratory, calibration, and instrumentation policies, procedures and practices. His organization leads research efforts in key technological areas to UL and UL's constituencies and determines the appropriate standards strategy based on business relevancy and support of the UL public safety mission.

Mr. Mader is widely respected in his field and has been recognized by his peers. He is a Certified Product Safety Manager (CPSM) with the International Product Safety Management Certification Board and a senior member of the System Safety Society. He also holds memberships with the National Fire Protection Association, the International Association of Electrical Inspectors and the Instrument Society of America. I applaud Mr. Mader for his service to both the United States Army and Underwriters Laboratory.

HAPPY BIRTHDAY GOVERNOR EDWARDS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. WILSON of South Carolina. Madam Speaker, Sunday marked the 80th birthday of James Burroughs Edwards of Mount Pleasant, SC, who was instrumental in the Reagan Revolution which transformed the political system of South Carolina.

I learned firsthand his competence and integrity when I served as his assistant to organize the Charleston County Republican Party in 1964, when he selected me for the State Development Board in 1975, when he appointed me Congressional District chair for Gov. Ronald Reagan for President in 1976, and when he asked me to serve as Deputy General Counsel of the U.S. Department of Energy in 1981.

I will always be grateful for the positive impact he has had for me, my family, and our region. This appreciation is evidenced by a birthday tribute by Ron Brinson published June 24 in the Post and Courier, of Charleston, SC.

[From the Post and Courier, June 24, 2007]

FORMER GOVERNOR SHOULD WRITE A BOOK THAT DEFINES HIS LEGACY

(By Ron Brinson)

So I'm biased, but the facts speak for themselves. Jim Edwards was a darn good governor and is a genuine public leader with a knack for aligning principles and intellect to the congeniality of a very nice man.

Edwards celebrates his 80th birthday today, and, Governor, I have a suggestion, sort of a reverse birthday gift—write us a book. Your career and personal life include notable public achievements. It's a story that offers life-lesson insights about political patriotism and the values of civility. Your memoirs could provide inspiration and encouragement to others who might consider the path you took to public service. It would define your legacy and serve to control the rascals of revisionism in future generations. And if you write it in your usual communicative style, it will be an entertaining read about important stuff with many humorous anecdotes. Please don't leave out the stories about the rock barges and bootleggers.

Jim Edwards could write several interesting books that would link his Depression-era childhood, his World War II service as a merchant seaman, his high-achieving college and medical school days, a thriving oral surgery practice, and then a public service career that included some unusual stops and challenges. And, as he would quickly point out, along the way he "married well," and he and Ann Darlington Edwards built a home, restored another and nurtured a comfortable family life with their two children.

Edwards assumed personal risks and economic sacrifices when he answered the call of the political stage, and failure at any point would have squandered his sacrifice. In practice, his affability and humanism bracketed a huge intellect and driving determination to accomplish the right objectives the right ways. In political life, Jim Edwards didn't always win, but folks who disagreed with him often walked away wondering why.

In the late sixties, he carved time from his busy Charleston practice for leadership roles in the resurging South Carolina Republican Party. He was elected to the state Senate, then in a quirky stream of political drama in 1974, he became South Carolina's first Republican governor since Reconstruction. In 1981, he became U.S. Secretary of Energy and did some heavy lifting—and took some political body blows from The Washington Post—directing President Reagan's ill-fated idea to eliminate the Department of Energy. In 1982, he returned to Charleston and began a 17-year tenure as president of the Medical University of South Carolina.

An important chapter in the Edwards book would be his answer to the question, what motivates a highly successful surgeon approaching middle age and with a growing family toward the political arena? Political scientists would be interested and future generations would find his motivations relevant and inspirational.

Think about just a few of the possible chapter topics in the Edwards political career.

An oral surgeon and raw rookie state senator, he defeated Gen. William Westmoreland in 1974 for the Republican gubernatorial nomination. The drama was only beginning. State Democrats figured Edwards was simply the next token general election candidate. Only 35,000 South Carolinians had voted in the 1974 GOP primary; 341,000 cast ballots in the Democratic primary runoff that nominated Charles "Pug" Ravenel.

After residency challenges eliminated Ravenel, Dr. Edwards polled 266,100 votes and defeated Rep. William Jennings Bryan Dorn by three percentage points. In a swirl of political theater, Dr. Edwards suddenly became Gov. Edwards. Would Jim Edwards have defeated Ravenel? It's hard to say, but Dr. Edwards polled 79,000 more votes in the general election than Ravenel did when he defeated Dorn in the Democratic runoff.

As governor, Edwards and the small handful of Republicans serving in the General Assembly got along well with the Democrats who controlled the legislative process. Maybe they had no choice, but there was a nurtured mutual respect and civility even when their many disagreements were aired. In contrast, these days, it seems, Republicans who control just about every part of state government often have trouble getting along with themselves.

In 1975, Gov. Edwards vetoed appropriations for 1,600 new state jobs. Many agencies through their heads and their boards lobbied strongly. The veto was overridden. The nice-man governor struck back and with the support of Democratic Sens. Marion Gressette and Rembert Dennis, and the Budget and Control Board, Edwards pushed legislation that would prohibit state employees to lobby the legislature.

Edwards' marketing performance as governor has been grossly under-appreciated. There were many successes, including attracting the Bosch and Michelin operations to South Carolina. Many believe these two industrial giants provided the threshold for the BMW plant in Greer.

In 1980, Edwards supported Texan John Connelly for president, then ended up in President Reagan's Cabinet. It seems like the citizen politician had turned master politician. How did that happen? And was Reagan serious about abolishing the Energy Department, and was Budget Director David Stockman really as officious and bull-headed as many working in Washington back then thought?

At MUSC from 1982–1999, Edwards presided over dramatic growth. The school's budget increased from $148.3 million to $845.6 million. Dr. Edwards emphasized the school's enterprise operations and the state subsidy dropped from 45 percent in 1982 to 15 percent in 1999. The school's image soared and grant support increased nine-fold. The MUSC Health Services Foundation assets grew from $6.8 million to $152 million. That's impressive management in the dynamic universe of health care.

These days Jim Edwards promotes Mitt Romney's presidential campaign and tends to a variety of civic activities. Occasionally, he works from a MUSC office area shared with former Sen. Fritz Hollings. Imagine the fly-on-the-wall entertainment when the governor and senator share their experiences.

All that and more would make an excellent book, Governor, and maybe even a good movie. Too bad John Wayne is not available as leading man. But you should be sure to include a mini-chapter about the night you and Mrs. Edwards dined with the Duke. Remember? He didn't eat his asparagus.

WE MUST RECOVER OUR STUDENTS—ACKNOWLEDGING THE NEED TO SUPPORT NEW YORK CITY PUBLIC SCHOOLS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a two-part series published in the New York Daily News by Erin Einhorn and Carrie Melago entitled: Room 206: Then and Now. This series chronicles the challenges faced by twenty students who began together in gifted kindergarten class at Harlem's Public School 36 but have taken diverse paths in terms of academic and personal development. Many of these students are succeeding against the odds to earn high school diplomas, while others have become causalities of societal forces arising from circumstances in their homes and community which conspire to tear them down. Citing family support and self-motivation as building blocks for their perseverance, the students graduating from high school this year who were once in Room 206 represent what minorities in New York City can accomplish despite institutional inefficiencies and personal difficulties.

More than half of the African-American and Hispanic-American students who enter New York City public high schools do not graduate in four years. Some of the challenges faced by the students cited in the New York Daily News series included the lack of useful teaching and sufficient guidance counseling due to the overcrowding of schools, family tragedy, and peer pressure to join gangs. However, 16 of the 20 students interviewed will graduate this year on schedule from high school: 3 from public schools outside of the city, 2 from private city schools, and 11 from New York City public schools.

The series also illustrates the diverse paths two young men can take with similar family backgrounds but dissimilar backing in terms of academic and professional development. One student had the support of counselors, teachers, and a mentor, while the other student had none of the above and efforts to gain the attention of the under-staffed guidance office by his mother were fruitless. The first young man will graduate this year from high school and pursue a bachelor's degree in law or medicine, while the latter was pulled out of high school to protect his life from rival gang members and will attempt to complete a GED program for the third time this year.

Both young men aspired to earn high school diplomas, but the disparity of sponsors within the New York City public school system can be attributed to their contrasting positions. We must work to ensure that our students achieve academic success and do not become victims of circumstances that can divert their path of learning. I encourage my colleagues to support the enhancement of middle and high school curricula and human resources that can provide the greatest opportunity for minority students disproportionately affected by school inefficiencies.

ROOM 206: THEN AND NOW

(Erin Einhorn and Carrie Melago)

The year is 1994, and the kids gazing out at the camera for their annual class photo have just entered the New York City public schools. As the girls smile broadly and some of the boys try to look tough, they're captured at a time in their lives when the future seems so far away. But in the 13 years that followed, the 23 kids who had the good fortune to test into the gifted kindergarten at Harlem's Public School 36 would see their class splintered by adversity and fate. One of the girls would grieve the murders of both her parents. One of the boys would be arrested three times and spend a week on Rikers Island. One would get involved in a gang. Another would attend a city high school so violent she'd see four knifefights in four years.

Their very personal stories illuminate a sprawling public school system where some children find ways to flourish but many become lost. Nearly 60% of black and Latino New York City public school students don't earn a diploma after four years of high school. But somehow, most of the youngsters who donned navy blue uniforms with little red ties to pose with teacher Rhonda Harris would beat the odds.

"It's a very big struggle, very big, trying to give them a good education, trying to have them stay out of trouble," said Denise Ortiz, a mother of six whose daughter Estrella was in that class. The Daily News spent two months tracking down the children of Room 206, finding 21 of the 23. Eleven report they're graduating this month from New York City public schools, two from city Catholic schools and three from public schools in other cities.

Two are still enrolled and working toward diplomas, and three have drifted away from the daily grind of education, unsure if they'll find their way back. Kelvin Jones, who dropped out last year, is one of the lost. "Once you leave, you're going to get too used to this outside life, sleeping all day, doing what you're doing," he said. "You ain't ready to go back to school."

The children of Room 206 could be from any public school. The News chose them by chance, starting with a top Harlem high school, Frederick Douglass Academy, and asking to meet with top seniors. That led us to Kamal Ibrahim, a standout who plans to major in physics at Carnegie Mellon University. He gave us the name of Mrs. Harris, his kindergarten teacher. She led us to her 1994 class.

We found Kamal's classmates by word of mouth, public records and the Internet. Most agreed to tell their stories. Three refused. They made different choices along the way, but all of them started in the same place: a well-regarded school carved into a rocky bluff at 123rd St. and Amsterdam Ave., across from the Grant public houses.

The year the students of Room 206 started kindergarten, budget cuts meant students were crowded together in aging classrooms. Schools in poor neighborhoods were staffed with high numbers of uncertified teachers, and a lawsuit filed the previous year alleged that the average guidance counselor had to work with 700 kids. These youngsters were off to a good start at PS 36, a K-2 school, but there were problems ahead. Some of their families left town in search of better schools and safer streets. Some scraped together pennies for Catholic school tuition. Others used fake addresses or pulled strings to navigate a public school system that's as much a tale of inequality as the city itself.

In third grade, Jermaine Jackson enrolled at Harlem's PS 144, which was so chaotic the Board of Ed shut it down in 2001. In a crowded class there in 1997, he became distracted—and lazy, he said. He fell behind and had to repeat the third grade. "'It's not really their fault because I didn't try, either," he said.

Artavia Jarvis says she was hit by a teacher in the fourth grade at Harlem's PS 125. Her parents promptly enrolled her in parochial school, saying they'd rather remain in public housing so they could afford her tuition. Artavia doesn't think she would have graduated from public school. "I would have continued being bad," she said. Other kids fell off track in middle school or high school, including Morgan Hill, whose mother moved her to New Jersey in ninth grade. "I miss New York and that's where I want to go back to, but I think this was the time that I should have gone away," she said.

But Room 206 also produced public school success stories like Unique Covington, whose grades and writing skills got her into a small, creative sixth through 12th grade school in lower Manhattan called the Institute for Collaborative Education.

Her middle school classes had 17 students, enabling her to build close relationships with teachers. In high school, instead of exams, she wrote up to 20-page research papers and presented them to panels of teachers and students. Bound for the University of Hartford in the fall, she credits her success to great schools, an involved mother and herself.

And then there's Letricia Linton, who was 3 when she witnessed her mother's murder and 10 when her father was shot in the head by a mugger. She was raised by a powerhouse of a grandmother who pushed her to succeed and to draw on her past for strength. Tragedy "made me want to do more with my life because I see how short life is," she said.

Graduating Thursday from Frederick Douglass, Letricia knew she'd be successful because she had the right ingredients. "You have to have family support," she said. "You have to have a good relationship with teachers. You have to have motivation within yourself. . . . And you have to have hope."

They were smart children who tested into a gifted kindergarten at Harlem's Public School 36 in 1994, but Lance Patterson and Ronnie Rodriguez would each fall in with the wrong crowd. Lance would be arrested. Ronnie would join a gang.

Their challenges were similar, but they've ended up in very different places. One has a mother who will watch him don a cap and gown this week. The other has a mom who blames herself. "I should have kept a closer eye on him," Sandra Lugo said of her son, Ronnie. "I should have been on him maybe a little harder, been a little stricter." What happened to the two boys on their travels through the city's public schools tells an important story about the fates that divide kids into the half who graduate on time and the half who fall off track.

Lance and Ronnie are two of the 23 kids from PS 36 whom the Daily News tracked down 13 years after they entered school to see how they fared. Both boys are the sons of single mothers who dropped out of high school, but vowed their sons would succeed. Ronnie's mother lied about her address three times to get him into good public schools. Lance's mother enrolled him in the Boy Scouts and other activities to engage his mind. But when Ronnie started getting into trouble, his mother was the only one to notice. "No teacher ever called me to say he was failing or nothing like that," she said.

Lance, in contrast, was surrounded by supportive teachers, an attentive guidance counselor and an inspiring mentor who helped keep him on track. "There was always someone in his corner," his mother, Lorraine Patterson, said. "A lot of kids don't have that, but he was lucky to bump into people who said, 'I care. I think you can make it.'"

Ronnie was a good student until middle school, when he began to socialize more. His grades slipped and his only option for high school was Louis D. Brandeis High, a massive upper West Side school then known for its gangs and its large number of dropouts. "The classes were jokes," Ronnie said. "You'd go to class—it's everybody playing around, yelling, screaming, doing whatever they want, so if I'm not learning, I might as well just do what everybody else is doing." Everybody else was cutting, he said. A friend told him he'd be marked present if he attended just the first three periods of every day, so that's what he did. His mom arranged a meeting with a counselor to try to set Ronnie straight, but the meeting was chaotic, she said. "I understand they're short-staffed but. . . it wasn't a priority to have Ronnie motivated or to have him do better."

When he returned to school in September 2004, after being held back in ninth grade, Ronnie buckled down. "For that month, I was doing everything I needed to do," he said. But he had a poor academic foundation from middle school and began failing tests. "I'm thinking in my head: 'Why am I doing all this work if I'm not going to pass?'" That's when he gave up and joined a gang, he said, first a local school gang, then the Latin Kings.

His mother tried to get him a transfer to another school after he was chased one day by rival gang members with knives, but when that didn't work, she pulled him out of school. "I didn't want my son to end up getting stabbed or hurt or even killed," she said. Since then, he's tried two GED programs, but neither has been a good fit. He plans to try again next year so he can join the Army. "It's sad, because it's not what I want for him," his mom said. "I know college is not for everyone, but I thought he'd at least get a diploma." Brandeis Principal Eloise Messineo did not return calls seeking comment.

Lance, the class clown of his kindergarten, had strong elementary-school grades that got him into the well-regarded Frederick Douglass Academy in sixth grade. "He was a little pain in the neck," Principal Gregory Hodge said of Lance. "I think I met with his mother 10 to 15 times, on the low side." But Lance was bright, his teachers encouraged him and he looked forward to coming to school. He came every day, sometimes on Saturday, even after he got into trouble with police, he said. Juvenile records aren't public, but Lance says he was charged twice as a juvenile, once for stealing a woman's purse and once for picking a fight with a stranger on the street.

He was also arrested as an adult when he was 16. Those records have been sealed, but he said he was charged with a hate-crime assault that he wasn't involved in. The charges against him were dropped, but not until he'd spent a week locked up at Rikers Island, he said. It was one of the only weeks of school he's missed. "Actually, I think it was good for me," Lance said. "It clicked in my brain and made me want to do better, like, 'Oh, no, you can't do this. You've got to do better for yourself if you don't want to be in and out of jail. It's not fun.'"

The juvenile court assigned him to a program called Esperanza that paired him with a caring mentor three times a week for six months. The mentor, Laurence Fernandez, was the father figure Lance needed. Lance also had a guidance counselor who stepped in and teachers who cheered him on. But in the end, he did the hard work. He's bound for college in the fall and hopes to become a lawyer or a doctor. "I want to do better than to just sit at home, working a regular job," he said. "I want to do better for myself. I know I can do anything."

INTRODUCING A BILL TO REAUTHORIZE THE FAA

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. COSTELLO. Madam Speaker, today Chairman OBERSTAR, Mr. MICA, Mr. PETRI and I have introduced a bill to reauthorize the programs within the Federal Aviation Administration (FAA)—The FAA Reauthorization Act of 2007.

This legislation keeps our aviation system moving forward so that we can increase capacity and safety, modernize our air traffic control system, and continue to reduce energy consumption and improve our environment.

I have said time and again that I believe our Next Generation system can be absorbed by the existing FAA financing structure with a General Fund contribution that is consistent with, or even smaller than, recent General Fund contributions. That is what we have done here.

We are recommending to the House Ways & Means Committee that the general aviation jet fuel tax rate be adjusted for inflation from 21.8 cents per gallon to 30.7 cents per gallon, and that the aviation gasoline tax rate be increased from 19.3 cents per gallon to 24.1 cents per gallon. The forecasted growth of Trust Fund revenues, coupled with additional revenue from the recommended general aviation fuel tax rate adjusted for inflation, will be sufficient to provide for the historic capital funding levels required to modernize the ATC system, as well as to stabilize and strengthen the Trust Fund.

In addition to providing generous funding levels, aviation safety is extremely important and as a result, we have numerous initiatives and policies to make our system the safest it can be.

In particular, I want to highlight two issues that were recently raised in our NTSB Most Wanted hearing and are being addressed in this legislation. First, we are requiring the FAA to issue a final rule regarding the reduction of fuel tank flammability in aircraft no later than December 31, 2007. Second, we authorize $42 million for runway incursion reduction programs between FY08 and FY11. We also require the FAA to submit a report to Congress containing a plan for the installation and deployment of systems to alert controllers and flight crews to potential runway incursions and provide funding for runway status light acquisition and installation between FY08 and FY11.

Here at home and across the globe, more is being done to reduce energy consumption and emissions. Energy and its consumption are extremely important to our economy—we need it to drive a car; fly a plane; produce goods; and heat and light our homes and offices. We do, however, need to be responsible and aware of the environmental impacts of our energy use.

Within aviation, aircraft fuel efficiency has increased at roughly 1 percent per year, and research continues in engine efficiency, airframe aerodynamics, and the use of lighter materials, like composites currently used on the Boeing 787. Changes in a variety of other factors, such as operating procedures, aircraft routing, and load factors, can also have significant impacts on emissions.

Under this legislation, we establish new environmental provisions to help reduce emissions and energy consumption. I will highlight just a few provisions:

The CLEEN engine and airframe technology partnership which authorizes $111 million for cooperative agreements between the FAA and institutions or consortiums to research the development, maturing and certification of lower energy, emissions and noise engine and airframe technology.

Establishment of a pilot program that allows FAA to fund six projects at public-use airports that take laboratory proven environmental research concepts and implement them at actual airports. Eligible projects could include research that would measurably reduce or mitigate aviation impacts on noise, air or water quality.

Establishment of high performance and sustainable air traffic control facilities by implementing environmentally-beneficial practices for new construction and major renovation of air traffic control facilities. This provision is modeled after what is currently being done at O'Hare International Airport.

Finally, over the last eight months, passengers on our airlines have encountered delays and cancelled flights, resulting in lengthy tarmac delays. Voluntary efforts by the industry to improve airline service have come under strong criticism and I believe closer oversight of the aviation industry is needed. While I question a one-size-fits-all legislative approach to regulating consumer issues, changes must be made. During our April 2007 hearing, we learned that airlines and airports do not have emergency contingency plans in place.

I said then it should be a priority and that is why in this legislation, we require air carriers and large and medium hub airports to file emergency contingency plans with the Secretary of Transportation for review and approval. These plans must detail how the air carrier will provide food, water, restroom facilities, cabin ventilation, and medical treatment for passengers onboard an aircraft that is on the ground for an extended period of time without access to the terminal. The plans must also detail how facilities and gates will be shared. Fines will be imposed by DOT for any violations. Finally, the air carriers must update their plans every 3 years. The airports must update their plans every 5 years.

Madam Speaker, this legislation is the culmination of numerous hearings, indepth analysis, and a continued dialogue with the FAA, our colleagues, and stakeholders. These issues are important and difficult because our answers will determine our ability to continue to maintain the world's safest aviation system.

PERSONAL EXPLANATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. JOHNSON of Georgia. Madam Speaker, I regret that I was unable to vote on Thursday and Friday, the 21st and 22nd of June. Had I been present, I would have voted:

"Aye" on rollcall vote No. 536, and amendment to H.R. 2764 which would prohibit the use of funds for programs at the Western Hemisphere Institute for Security Cooperation located at Fort Benning, Georgia.

"Aye" on final passage of H.R. 2764, Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008 and "Aye" on final passage of H.R. 2771, Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008.

IN RECOGNITION OF WILLIAM STEARNS

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize the great efforts of one of my constituents, Mr. William Stearns. Mr. Stearns has gone to great lengths to promote a stronger sense of community in Greene County, Indiana, and his hard work provides us all a valuable resource. Mr. Stearns created and maintains the website gogreenecounty.com, which provides wonderful local information on a variety of topics. The website's forum provides a convenient place for local Hoosiers to discuss a variety of issues, and the community links expand the resources that community members can access from this one, convenient website.

As great a service as this website is to the people of Greene County, Mr. Stearns' work is all the more remarkable because he performs this great service despite being legally blind. When one considers the visual difficulties Mr. Stearns overcomes every day, the fact that he produces a valuable website for our community is especially noteworthy. I commend William Stearns for his tremendous service to Greene County, Indiana.

HONORING MANUEL RODRIGUEZ OF LAKE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Mr. Manuel Rodriguez of Lake County for his years of dedicated public service on behalf of the citizens of Lake County. He has ably worked in the Social Security Administration, assisting local residents in managing their benefits, and his work has been of great importance to many.

Mr. Rodriguez was born in Los Angeles, and served 5 years in the United States Air Force before receiving an associate of arts degree in history. He has worked for the Federal Government in the Social Security Administration for 28 years, during which time he has excelled in a variety of roles. His work for Social Security has been marked by an exacting attention to detail, and a commitment to ensuring that when interruptions do occur to a citizen's benefits, the problem is corrected as expeditiously as possible. His patience and work ethic have been of the utmost importance to many people who depend on his expertise to sustain their primary source of income.

Beyond his work in the office, Mr. Rodriguez has been an active member of his community, lending his efforts to a number of local organizations. He is a member of the Parish Council at the United Christian Parish in Lakeport, and has been a dedicated supporter of the many different programs this ministry offers. He has also been a longtime volunteer at the Lake County Passion Play.

In his retirement, Mr. Rodriguez looks forward to traveling with his wife Michele, and enjoying more time with his step-children, Grant and Terre Basham, who also live in Lakeport. He intends to return to school to obtain a minister's license.

Madam Speaker and colleagues, it is appropriate at this time that we recognize Mr. Manuel Rodriguez for his many years of service at the Social Security Administration. He has been a dedicated public servant of the highest caliber, and he has done exemplary work on behalf of the citizens of Lake County.

HONORING LT. COL. TOM CASTRIOTA FOR HIS EXEMPLARY MILITARY SERVICE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Tom Castriota, a marine who has served his country with honor and distinction for nearly 3 decades. Having retired from the Marines after 26 years in service to his country, Mr. Castriota was so moved by the attack of September 11 that he volunteered to re-enter active military service and join his fellow soldiers and help wage the Global War on Terror.

Following his return to the Marines, Lt. Col. Castriota was first assigned to Tampa's U.S. Central Command Post. Last October, he was notified that he was being called up for a six month stint in Iraq as part of Operation Iraqi Freedom. While in Iraq, Lt. Col. Castriota served as part of the Multi-National Security Transition Command. His duties included helping to coordinate the training of the Iraqi soldiers and police recruits, as well as a twice-weekly briefing that he gave to general David Petraeus on the progress of his training.

When he is not serving his country as an active duty member of the Marines, Lt. Col. Castriota and his family own a Chevrolet dealership in Hudson, Florida. working with his wife Anita, who is the daughter of a marine, and his 2 children Alex and Chrissy, Lt. Col. Castriota has built a second career helping area residents find the perfect car. True leaders in the Pasco County community, the Castriota family has worked hard to give back to Hudson and help make their neighborhood a better place to live and work.

Madam Speaker, it is military service members like Lt. Col. Castriota that help make our military the finest fighting force in the world. This Congress congratulates Lt. Col. Castriota for his outstanding sense of volunteerism and thanks him for once again joining the battle for freedom around the world. His story should serve as an inspiration to every American and each Member of the House and Senate.

HONORING THE NEW HAVEN COUNTY BAR ASSOCIATION AS THEY CELEBRATE THEIR CENTENNIAL ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Ms. DELAURO. Madam Speaker, it gives me great pleasure to rise today to join the community of my hometown, New Haven, Connecticut, as friends, colleagues, and community leaders gather to celebrate a remarkable milestone—the 100th anniversary of the New Haven County Bar Association. Founded in the late 18th century and incorporated in 1907, this organization serves as the professional association for judges, attorneys, and legal paraprofessionals throughout the greater New Haven area.

As one can see from the historical exhibition currently on display at the New Haven Museum and Historical Society, the legal community has long played a unique and integral role in the rich history of New Haven. From the earliest days of the colony and the Amistad case in the 1840s through the Black Panther trial in the 1970s and Connecticut v. Griswold in 1965, New Haven attorneys and judges have been at the center of legal decisions which have helped to define our Nation. Beyond those cases which garnered national attention, the exhibit also reminds us of the many local lawyers who had a significant impact on the character of our community. Theophilus Eaton wrote the laws of the New Haven Colony in the 1600s, Joseph Sheldon actively hired African-American law students in the 1880s and was influential in the development of the American Red Cross, George Dudley Seymour who was known for his dedication to civic duty in the 1900s, and Mary Manchester in 1938 was the first woman to be named a law partner in Connecticut.

Today, the New Haven County Bar Association is more than simply a professional association. It supports its members in many ways, including continuing legal education programs, new attorney mentoring opportunities, annual social events and working to foster relations between its members and the courts. The Bar Association is also the sponsor of the New Haven County Lawyer Referral Service—a not-for-profit public service that, for more than 50 years, has referred members of the public to private attorneys experienced in the appropriate field of law. The Bar Association also works closely with its charitable arm, the New Haven County Bar Foundation, Inc., which provides charitable outreach and educational programming.

As members gather this evening in celebration of the New Haven County Bar Association's 100th anniversary, we pay tribute to the many invaluable contributions the legal minds of our community have made locally, statewide, and nationally—but most importantly for the countless hours of hard work they do every day for their clients. While New Haven certainly has had its share of compelling legal cases which have caught the public's attention, more often than not, our lawyers, judges, and legal paraprofessionals are working on cases which—while they may not make national headlines—have a real impact on the lives of those they are representing. For the outstanding work they do every day and for the many contributions they make to our community, I am honored to stand today to extend my sincere congratulations to the New Haven County Bar Association and its membership as they celebrate their centennial anniversary.

HONORING CAPTAIN DON ORNDOFF, CIVIL ENGINEER CORPS, UNITED STATES NAVY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. WOLF. Madam Speaker, it is an honor to recognize Captain Don Orndoff, a native of Winchester, in the 10th Congressional District of Virginia, for his distinguished career as he retires from the United States Navy.

Captain Orndoff served our country not only as a Navy Civil Engineer Corps Officer for 29 years, but also as Naval Facilities Engineering Command Assistant Commander for Navy Public Works and Navy Public Works Business Line Leader. Captain Orndoff graduated from Virginia Polytechnic Institute and State University and has done tours in such places as Pearl Harbor, San Francisco and Yokosuka, Japan.

After being chosen to lead a Navy Installation Command and Naval Facilities Engineering Command transformation Captain Orndoff implemented a dramatic restructuring and transformation of all NAVFAC components. He reduced their required workforce by 1,100 civilian positions and increased productivity 13 percent, directly resulting in over $600 million in savings and creating the most comprehensive and fundamental reorganization of the command in more than three decades.

As the Navy Public Works Business Line Leader, Captain Orndoff successfully led over 9,000 civilian and military employees and contractors, executing an annual workload of $3.6 billion for the Navy's global shore installation system.

I am proud to call attention to Captain Orndoff's service to our country through a career marked by inspirational moral courage, exceptional vision and relentless leadership. I also commend him and his family for their dedication to patriotism and their contributions to the United States Navy, and wish them well in the future.

TRIBUTE TO CARTER GAMBLE

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. HILL. Madam Speaker, my hometown of Seymour, Indiana, has lost one of its finest. Although Carter A. Gamble, Jr. was born and raised in Georgia, he called Southern Indiana home for a short while. Carter Gamble was tragically killed in Iraq Sunday. My deepest condolences go to his family—his wife, Peggy, his children, including one on the way, his extended family, particularly Jackson County Sheriff Marc Lahrman and Carter's grandparents, Bob and Helen Lahrman. Carter served this country so notably and honorably. He was deployed to Iraq twice, the second time reenlisting in the Army knowing he would likely be sent to Iraq. I thank him for his unwavering commitment to our great Nation. I thank his family for loving and supporting him. Carter will be greatly missed and was taken much too soon from his young and growing family. Let us all keep Carter Gamble and his family in our constant thoughts and prayers.

INTRODUCTION OF ENERGY EFFICIENT BUILDINGS PROMOTION ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. UDALL of New Mexico. Madam Speaker, many of us recognize that one of the great challenges facing our nation today is combating global warming by reducing the greenhouse gas emissions responsible for the rapidly rising temperatures on our planet. What many may not realize, however, is that the largest source of emissions and energy consumption both in this country and around the world is buildings. Given this fact, any attempt to stem the tide of growing greenhouse gas emissions and improve energy efficiency must include the building sector. The federal government has an important role to play on this count, and must provide leadership to the rest of the country and world. To that end, I rise to introduce today the Energy Efficient Buildings Promotion Act of 2007.

This legislation takes up "The 2030 Challenge," issued by Ed Mazria of the organization Architecture 2030, who, I am proud to say, is one of my constituents and who was also instrumental in developing this legislation. The 2030 Challenge calls on the global architecture and building community to adopt targets to ensure that all new buildings, new developments and existing buildings undergoing major renovations, achieve carbon neutrality, or use no fossil fuel greenhouse gas emitting energy to operate, by 2030.

Organizations, architects, local governments, and individuals wanting to do their part have all taken up this challenge. The U.S. Conference of Mayors has adopted it for all buildings in all cities. It is time for the federal government to do so as well. In the United States, the building sector accounts for approximately 48 percent of all annual energy consumption and greenhouse gas emissions. Several states have implemented building standards for state government buildings, but the federal government needs to lead the rest of the nation by example, to encourage reduced fossil-fuel energy consumption and greenhouse gas emissions in the "built" environment.

My legislation ensures that the federal government answers Architecture 2030's call by establishing an energy performance standard for new federal or federally supported buildings. For new federal buildings and federal buildings undergoing major renovations, they must meet the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) silver level standards, or an equivalent standard approved by EPA. They must achieve at least a 60 percent reduction compared to the regional average energy consumption for that building type, and they must be built in a manner that will allow for declining fossil fuel energy consumption in amounts of 70 percent by 2011, 80 percent by 2015, 90 percent by 2020, and 100 percent by 2025.

In addition, my legislation establishes similar standards for new buildings and buildings undergoing major renovations that were built with at least 10 percent of federal funds. These buildings or renovations must be designed to achieve at least a 50 percent reduction compared to regional average energy consumption for that building type. Also, they must be built in a manner that will allow for declining fossil fuel energy consumption in amounts of 60 percent by 2011, 70 percent by 2015, 80 percent by 2020, 90 percent by 2025, and 100 percent by 2030.

Madam Speaker, I believe these two new standards and the improved energy efficiency that will result will be a strong marker of Federal leadership towards more environmentally friendly buildings.

It is not enough by itself, however. Another avenue for Federal leadership is the U.S. tax code. The Energy Policy Act of 2005 recognized this and established several very important tax credits and deductions to promote energy efficient construction and improvements to homes and commercial buildings. Many of these tax provisions are not only scheduled to expire in 2008, but in the estimation of many, were also set at amounts too low to spark the level of construction and efficiency improvements needed.

To that end, this legislation extends to 2013 and increases the Nonbusiness Energy Property Tax Credit from $500 to $1,000, it extends to 2013 and increases the New Energy Efficient Homes Tax Deduction from $2,000 to

$4,500 per unit, and extends to 2013 and increases the Energy Efficient Commercial Buildings Tax Deduction from $1.80 to $2.75 per square foot.

Madam Speaker, we must take steps to address the greenhouse gas emissions and energy inefficiencies in the building sector. The Federal Government has a unique opportunity to provide the leadership for the rest of the country and even the world in promoting greener building. I urge my colleagues to cosponsor this legislation and help begin stemming the tide of a significant portion of the greenhouse gas emissions contributing to the problem of global warming.

A TRIBUTE TO CHRISTOPHER WESTHOFF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SCHIFF. Madam Speaker, I rise today to congratulate Christopher Westhoff, Assistant City Attorney—Public Works General Counsel with the City of Los Angeles, California, who will become President of the National Association of Clean Water Agencies (NACWA).

Christopher Westhoff is an environmental champion for the City of Los Angeles, the State of California, and the Nation. He is an exceptional leader and public steward, dedicated to the improvement of Los Angeles' water quality and public health.

A former prosecutor with the Los Angeles City Attorney's office, Christopher has spent over 15 years serving as the General Counsel to the Board of Public Works. He has been the Public Works Department's legal counsel on environmental regulatory issues including wastewater treatment, air quality, and storm water management. He played a leadership role in guaranteeing clean and safe water for future generations of Californians by helping ensure the upgrade of the Hyperion Treatment Plant to full secondary treatment of its wastewater. Christopher helped to develop and defend policies that have helped clean up the Santa Monica Bay, and achieve 100 percent beneficial reuse of the city's biosolids. His negotiations in a landmark settlement agreement for Los Angeles' collection systems led to a reduction in sewer spills of more than 70 percent. Christopher also participated in the development and implementation of Proposition "O", which provided for $500 million in bonds for stormwater management improvements and green technologies.

In 1999, Mr. Westhoff was elected to NACWA's Board of Directors. He currently acts as the Association's Vice President and Chair of the Strategic Planning Committee. Later this month; Christopher will become NACWA's President. As the President of NACWA, he will build on its reputation as the leading advocate for responsible national policies that advance clean water and a healthy environment.

For his tireless commitment to ensuring that Los Angeles becomes an environmentally smart city, I ask all Members of Congress to join me in congratulating Christopher Westhoff on becoming President of the National Association of Clean Water Agencies.

IN HONOR OF THE MONTEREY SCOTTISH GAMES & CELTIC FESTIVAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. FARR. Madam Speaker, I rise today to honor the Monterey Scottish Games & Celtic Festival which is celebrating an outstanding 40-year tradition. A special Monterey County Celtic Week, with a variety of Celtic-themed activities and events, will commemorate this milestone. These events include a Caber Parade in Carmel; the 3rd Annual Monterey Bay School of Piping and Drumming; a performance by the Monterey Bay Pipe Band in the 4th of July Parade in downtown Monterey; a Celtic Concert with musicians and dancers; culminating in the 40th Annual Monterey Scottish Games and Celtic Festival on July 7th–8th.

Featuring fun activities for the entire family, the Monterey Scottish Games & Celtic Festival is a wonderful "festival for the senses" which includes authentic Celtic music, colorful Highland, Scottish and Irish dancing, athletic competitions such as the famous Caber Toss, massed pipe bands on parade, children's games, delicious food, great shopping, and more.

The Monterey Scottish Games & Celtic Festival not only is an exciting event to attend, it also raises money to benefit many local charitable organizations. Over the past 40 years, the Festival has donated thousands of dollars to various organizations such as Peninsula Outreach, Alliance on Aging, Monterey Schools, Meals on Wheels, Boy Scouts of America, and the Armed Forces Relief Fund.

The Monterey Scottish Games & Celtic Festival celebrates tradition and family by highlighting and creating music, dance and athletic competitions for the youth and participating community members of the Monterey Area. The festival keeps alive the Celtic culture in Monterey County, promotes the study of Celtic music and dance, and awards funds and youth scholarships to the Monterey School of Piping and Drumming.

Madam Speaker, the Monterey Scottish Games & Celtic Festival provides quality events in a unique, friendly setting to educate, entertain, and inspire the local Monterey community as well as attract visitors to the County. The contributions the Festival has made to the community are invaluable and I am honored to acknowledge July 1–8, 2007, as Monterey County Celtic Week.

PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BROWN of South Carolina. Madam Speaker, I am writing to notify you that I was absent for votes on June 22, 2007. The reason for my absence was that I was attending a memorial service for the nine firefighters who so bravely gave their lives in the line of duty on June 18, 2007, in Charleston, SC.

Regarding the votes that I missed, please see below how I would have voted had I been present:

Rollcall vote No. 543: On the Motion to Call the Previous Question for the Rule on H.R. 2771, The Legislative Branch Appropriation Act.—"nay."

Rollcall Vote No. 544: On the Motion adopting the Rule for H.R. 2771, The Legislative Branch Appropriation Act.—"nay."

Rollcall vote No. 545: On the Amendment offered by Mr. FLAKE of Arizona to reduce funding for the Government Printing Office by $3,200,000.—"yea."

Rollcall vote No. 546: On the Amendment offered by Mr. JORDAN of Ohio to reduce appropriations in the bill by 4 percent across the board.—"yea."

Rollcall vote No. 547: On Republican Motion to Recommit that would strike the $16 million included in the bill for the congressional takeover of the former FDA building.—"yea."

Rollcall vote No. 548: On Passage of H.R. 2771, The Legislative Branch Appropriations.—"nay."

TRIBUTE TO COMMISSIONER CONNIE HUGHES

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. FERGUSON. Madam Speaker, I rise today to congratulate Commissioner Connie Hughes for a long and distinguished career as she retires July 1, 2007, after more than 30 years of public service to New Jersey and its residents.

A commissioner with the New Jersey board of Public Utilities, Commissioner Hughes was appointed to the board in July 2001 by then-Governor Donald T. DiFrancesco. She also has served as board president.

She has held numerous senior positions within the National Association of Regulatory Utility Commissioners, including serving as its representative to the U.S. Department of Homeland Security's Government Coordinating Council for the Telecom Sector.

Before joining the New Jersey Board of Public Utilities, Commissioner Hughes served as then-Governor DiFrancesco's Chief of Management and Policy; ex-officio Commissioner of Higher Education; and on the New Jersey State Planning Commission, the New Jersey Commission on Science and Technology, the New Jersey Commission on Environmental Education, the New Jersey State Board of Human Services, and the New Jersey Commerce and Economic Growth Commission Board of Directors.

Known chiefly for her expertise in telecommunications policy, Commissioner Hughes focused her career on issues affecting New Jersey and its consumers. My staff and I, as a member of the Energy and Commerce Committee, had the pleasure of working with her on matters of mutual interest to the State.

Madam Speaker, please join me in congratulating Connie Hughes on her more than three decades of outstanding public service to my state of New Jersey and its residents.

THE MEDICARE ADVANTAGE TRUTH IN ADVERTISING ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. STARK. Madam Speaker, Medicare Advantage Plans—by name and by advertising—promote that they provide added value to the Medicare benefit.

But under current law, MA plans are allowed to manipulate cost sharing for Medicare benefits. In some instances, enrollees save compared to Medicare. In many other instances, they spend more than they would in the traditional Medicare program. Few seniors or people with disabilities understand that—depending on their health—they could spend far more in a Medicare Advantage plan than they would under traditional Medicare.

Beneficiaries are often charged more for home health, skilled nursing facilities, hospitalizations, durable medical equipment, Part B drugs (chemotherapy being the biggest service), and inpatient mental health services. These services are vital to millions of Medicare beneficiaries who face multiple chronic conditions and depend on affordable health care for their very lives.

As Barbara Kennelly, President of the National Committee To Preserve Social Security and Medicare so aptly puts it, "While MA plans are required to cover everything that Medicare covers, they do not have to cover every benefit in the same way."

The Medicare Rights Center emphasizes that, "On a daily basis, our counselors assist older adults and people with disabilities enrolled in these plans who run into unexpectedly high out-of-pocket costs for their health care."

In my district in California, one of the major MA plans in our community charges $275 a day for the first 10 days in the hospital. This compares to a single charge of $992 in traditional Medicare for a hospital stay of up to 60 days. That means patients in this so-called Medicare Advantage plan who have to go to the hospital for 10 days are paying $2750 instead of $992—that is not an advantage!

With regard to home health benefits, Medicare charges no copayment for these services as recipients tend to be the most frail, elderly women who are often widows and living on very low fixed incomes. Yet many MA plans charge a 20 percent copayment for home health. They also impose tough utilization review standards to further restrict access to this needed benefit for our most at-risk beneficiaries.

Attached is a chart which further highlights how beneficiary cost sharing for various services in a variety of MA plans surpasses Medicare's cost-sharing for those same services. It is just an illustrative sampling.

The Medicare Advantage Truth in Advertising Act would fix this problem. It would require MA plans to cover all of Medicare's benefits with no greater cost-sharing than is charged in the traditional fee-for-service Medicare program. It would preserve the ability of MA plans to use flat copayments and per diem rates in lieu of deductibles and co-insurance charged in traditional Medicare, but it would prohibit their costs from exceeding the overall fee-for-service cost. In other words, it holds private plans to their propaganda that they're an advantage.

This is a simple bill. It holds Medicare Advantage plans to their word and assures Medicare beneficiaries that they won't face higher out of pocket costs if they choose to join one of the private plan options so heavily promoted in Medicare today.

With thousands of different MA plans out there and numerous complaints being filed about inappropriate and illegal sales techniques, the least we can do is assure Medicare beneficiaries that they'll still be eligible for Medicare-covered services at no more than Medicare prices.

I developed this bill in direct response to testimony presented by Medicare beneficiary advocates before our Ways and Means Health Subcommittee this year. I am pleased that numerous groups support this bill, including the National Committee to Preserve Social Security and Medicare, the Medicare Rights Center, Consumers Union, the Alliance for Retired Americans, the Center for Medicare Advocacy, Families USA, the National Senior Citizens Law Center and California Health Advocates.

I urge you to join me in support of this common sense improvement to the Medicare Advantage program.

IN REMEMBRANCE OF EDOUARD BRUNNER

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today in remembrance of a dear international colleague who passed away this weekend.

A world renowned diplomat, Edouard Brunner began his career in the Swiss Foreign Ministry in 1956. Rising through the ranks, he served as the Swiss Secretary of State from 1984 to 1989. He then went on to serve as Ambassador to the United States from 1989 to 1993.

In 1991, U.N. Secretary-General Javier Perez de Cuellar appointed him to a parallel role as his special envoy to the Middle East, replacing Gunnar Yarring of Sweden. Following this position, he served as Special Representative of the Secretary General of the UN for Abkazia from 1993 and 1994, where he led a U.N. mission that brokered a truce ending 2 years of fighting between the Georgian government and separatists in the Black Sea province of Abkhazia.

He is often cited for coming out of retirement in 1998 to address concerns related to his beloved country during the Nazi era, which with his involvement, provided an acceptable solution to the international community.

However, it is through our work within the Organization for Security and Cooperation in Europe (OSCE) that I came to know him. Appointed to head the Swiss mission in 1972, Brunner played a key role within the Conference on Security and Cooperation in Europe (CSCE), which served as a multilateral forum for dialogue and negotiation between the East and West and culminated in the Helsinki Final Act in 1975. In 1994, the CSCE changed its name, becoming the OSCE. Over the years, in a testament to his dedication to the organization and its standing in the world, Brunner remained active within the OSCE both formally and informally.

In 2005, during my presidency of the OSCE Parliamentary Assembly, Brunner and I, in his capacity as chairman of the Swiss Foundation for World Affairs, held a Colloquium on the Future of the OSCE. A report on the findings of the colloquium was then provided as a report to the then-OSCE Chairman-in-Office, Slovenian Foreign Minister Dimitrij Rupel.

A major goal of the colloquium and subsequent report was to give new impetus to political dialogue and provide strategic vision for the OSCE. The initial purpose of the Helsinki Accords had been to expand cooperation in the areas of security, economic, and humanitarian affairs.

Additionally, for the first time, it afforded a systematic review of human rights practices in the Soviet Union and all other signatories of the accords.

With the collapse of the Soviet Union and the emergence of independent states from its territories, spanning from Europe into Asia, questions of the expanding role of the OSCE in politico-military, election observation, and relationships with other multilateral organizations were being raised.

Working together, Brunner and I were not only able to encourage and host the colloquium, but also actively succeeded in addressing those concerns, and establishing a path forward that addressed the new challenges of the 56 participating states of the OSCE.

In my current role as chairman of the Commission on Security and Cooperation Europe, I will sorely miss Brunner's counsel at the OSCE, but know that his memory will live on through his extraordinary contributions to this organization that has been instrumental to peace and security here in the United States as well as throughout Europe. He will not be forgotten.

HONORING NICK SWYKA FOR HIS DEDICATED SERVICE

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. CULBERSON. Madam Speaker, I rise to recognize and commend the tireless public service of a dedicated and talented member of my staff, Nick Swyka. Nick has worked in my office for 4 years, the first 2 as a Legislative Assistant and the last 2 as my District Director, and he is one of the most intelligent and hard-working staffers I have had the privilege to employ.

Nick was born and raised in Houston, attended St. John's School and graduated from Georgetown University's School of Foreign Service with a degree in International Political Economy. He was 1 of the approximately 650 students across the country who earned a perfect score on their SATs each year. Nick will be attending the Red McCombs School of Business at the University of Texas this fall and he will be sorely missed, but his contributions to his hometown and the people of Houston will not be forgotten.

Nick has carried on the tradition of outstanding public service established by my first District Director, Jan Crow. He has conducted himself with the same dignity and professionalism as his predecessor, and his calm demeanor and sharp wit have served him well in his role as my representative in the district. Nick brought the right mix of policy savvy, well-honed political instincts and strength of character to the job, and he excelled at building relationships throughout the district.

We, as Members of Congress, trust our staffs to handle many of the day to day operations of our offices. I was always confident that my district staff was setting new and higher standards for constituent service with Nick Swyka as my District Director. I am equally confident that Nick will achieve each and every goal he sets for himself, and that he will continue to be an active and engaged participant in our democracy.

SENATE—*Friday, June 29, 2007*

The Senate met at 9:45, a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the giver of true freedom, as Independence Day draws near, awaken in us a new appreciation for our Nation, that we apply ourselves to keeping alive a real sense of liberty. Thank You for our Nation's Founders, their ideals, their principles, and their sacrifices. Thank You for the long procession of statesmen and patriots who have guarded our rights and healed our land.

Give our lawmakers a vision so pure that they will not endeavor simply to build on the sands of time but on the sure foundation of honor and right. Look with favor upon the leaders of our executive, judicial, and legislative branches, imbue them with the spirit of wisdom, goodness, and truth. So rule in their hearts and bless their endeavors that law and order, justice and peace may prevail everywhere.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 29, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each. There will be no votes today. The next votes are expected to occur Monday, around 5:30; that is July 9.

As I said yesterday, the Senate will vote on the remaining four judicial nominations that are on the Executive Calendar. Also, on Monday, July 9, the Senate will begin consideration of the Defense Department authorization bill, an extremely important bill for all of our military servicemembers in Iraq, Afghanistan, North Korea, and all over the world.

So when the Senate leaves today for the Fourth of July recess and returns on July 9, Members should expect a very busy legislative work period during the month of July.

DELAY TACTICS

Mr. REID. Mr. President, we have tried and tried and tried to get the Republicans to allow us to go to conference on ethics, on lobbying reform and also on the 9/11 Commission recommendations. They have prohibited us from doing that.

In the Senate, there are procedural blocks that can be placed on measures, and they have done that. They have done it for reasons that are fleeting in importance. We were ready to do ethics and lobbying reform, and someone stepped in and said: Well, I don't like the earmark provision, I want them to be handled some other way—a diversion, a dilatory tactic to stop this Congress from doing what it needs to do regarding lobbying and ethics reform.

Republicans are trying to stop reform. We have lived in a culture of corruption during Republican leadership. For the first time in 131 years, someone working in the White House is indicted, the man is now in prison, Scooter Libby. Safavian, head of Government contracting for the President, appointed by the President, handles billions of dollars for the Government contracting, he was led away from his office in handcuffs; he is now in prison.

The majority leader in the House of Representatives was convicted three times within 1 year of ethics violations. He was indicted in the State of Texas. He resigned.

Another Member of Congress is serving jail time for corruption. Abramoff, whose tentacles seem to go throughout this town, is in prison.

Trips to Scotland to play golf, lavish gifts by lobbyists, parties by lobbyists, free travel on airplanes, the legislation that passed the Senate eliminates all that. I have only given a brief capsule of the corruption in this town under Republican leadership. I have only given a brief capsule of what they have done to prevent our going to conference.

I want all of the Republicans to know, I am not going to ask again for unanimous consent to go to conference. When they get ready to go to conference, they can come to us.

But everyone should understand that prior to the August recess, we are going to complete ethics and lobbying reform. We are going to do it if we have to spend nights, weekends, take days out of our August recess. Everyone has had fair warning.

It takes a lot of time to overcome the hurdles they have placed in front of us, but we are going to do that. It will eat up valuable Senate time, but we are going to do it. We are going to complete lobbying and ethics reform. That was the first bill we placed on the agenda, ethics and lobbying reform, to try to have the American people feel better about their Congress and what we do.

I can still remember 9/11. I was in S-219. I was the first one in that room that morning. It was a Tuesday morning. It is when Senator Daschle held his leadership meeting. Senator Breaux came in and said: Flip on the TV, something is happening in New York. We could see one of the buildings burning.

Without elaborating in great detail, the leadership meeting started, someone came and got Senator Daschle. There was an evacuation of this building that took place. There was a plane heading toward the Capitol.

It would take someone living in New York to understand the horror of that day, I believe. But it was a horrible day. There was a 9/11 Commission appointed after great turmoil and consternation. The President fought that for a number of months. Finally, it was done, a bipartisan commission. They came back with recommendations. It has been almost 3 years and those have not been implemented.

We passed in the Senate, as one of our top priorities, implementation of the 9/11 Commission recommendations.

Remember, that same commission graded the Bush administration on how they were implementing those recommendations: Ds and Fs.

With the legislation we passed, all As. Once again, the Republicans have stood in our way procedurally and will not let us go to conference. Yesterday someone came in and said: Well, I do not like what happens postaudit; we need to make sure that following the spending of those moneys the audit trail is appropriate.

So do I. So does every member of the Senate. We want this money spent wisely and properly. This is a diversionary, delaying tactic to stop us from doing this.

The President did not want the 9/11 Commission appointed in the first place. He wouldn't implement the recommendations. He is trying to stop the Congress from forcing him to sign a bill.

I will say the same thing on the 9/11 Commission recommendations that I said on ethics and lobbying reform. I am no longer going to come and beg the Republicans to do what is good for the country. It is up to them. When they get ready to do the 9/11 Commission recommendations, come to us and we will appoint conferees immediately and complete the conference within a matter of a couple of days.

Like ethics and lobbying reform, we are going to complete this before the August recess. Now, is that going to shorten the August recess? It is up to the Republicans. But we are going to complete this legislation. It is not right that two of the most important issues facing this country, ethics and lobbying reform—getting rid of the culture of corruption—and implementing the 9/11 Commission recommendations should not go into effect.

The 9/11 Commission recommendations, they are not just for the State of New York, they are for our country, to protect people in Las Vegas and Reno, to protect Hoover Dam, where millions of people cross that bridge every year, to make sure there is not some terrorist act, throwing something over that dam, disrupting power that is generated that goes, most of it, to California, or the water sources, most of which goes to California.

I think this is a very dangerous game the Republicans are playing, delaying the implementation of ethics and lobbying reform and the implementation of the 9/11 Commission recommendations.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The senior Senator from New York is recognized.

POLICY OF OBSTRUCTION

Mr. SCHUMER. Mr. President, I wish to salute our majority leader, Senator REID, for what he said. The bottom line is, these are two very important pieces of legislation.

The other side cannot come up with many substantive objections, none, as we have heard yesterday when they moved to block it. But they have had a policy of obstruct, obstruct, obstruct. Why, you might ask? How does it help a political party? How does it help a Senator to obstruct things that are motherhood and apple pie such as ethics and lobbying reform, the 9/11 Commission, things desperately needed, first by this town and second by the whole Nation and of course my State.

The answer is very simple. When you are divided, as the other side is on about every issue; when you can't lead, as yesterday's immigration bill showed, the President's No. 1 domestic priority—fewer than a quarter of the Senators on that side voted for it—there is only one answer that can unify; that is, obstruct.

There is one problem with that—there are two. The main problem is: It is wrong for America. It is wrong for America. The second is, it does not work politically. That is why we are seeing the fact that so many on the other side are so worried.

So I wish to salute our majority leader. I will—and I know all the Members on our side will—stand with him side by side. If we have to meet at 2 in the morning, if we have to go into the August recess to get these things done, we will.

The Senate gives the minority the power to lay down the gauntlet of cloture and filibuster. You cannot move unless you get 60 votes. Of course, we do not have them. But we are not powerless. The ability to push through those filibusters—even if it means some inconvenience for the Senators—is our right and I salute our majority leader for telling the other side, and more importantly the American people, we will use that right to move the Nation forward.

So I wish to thank our majority leader for doing this. It is the right thing to do. Everyone is put on notice. A little inconvenience for the Senators to make our country safe, to clean up the unethical swamp in Washington, it sure is worth it. I think the majority leader is absolutely correct. I hope the other side will not continue to obstruct. But if they do, we will get these things done because our country and the American people demand no less.

IMMIGRATION

Mr. SCHUMER. Mr. President, I would like to make one other point in morning business and talk about, very briefly, on the events of the day yesterday. Yesterday was a very sad day for America, in two instances, when an ideological extreme group set back our country on immigration.

On immigration, we had lots of prattling, lots of scare tactics. As a result, the immigration bill is paralyzed. That means something. It means that illegal immigrants will continue to flow into America. The number is 12 million; in 5 years, it will be 20 million. We will have done nothing. It will mean our legal immigration policies will be backward, and thousands of people who should be in this country, because of their skills and because we need them, will not be allowed to enter. We will lose competitive advantage. We hear it all the time, companies wanting to locate in America because they love our system but, because they can't get employees, going to Europe or Asia.

On the immigration bill, a great nation is able to deal with its problems. A great nation leads and overcomes narrow, partisan, and sometimes nasty division to move forward. A great nation fails when it becomes paralyzed. I hope, I pray that what happened yesterday on the immigration bill is not portentous of the future. I hope and pray what happened yesterday on the immigration bill does not portend that we will be tied in a knot on every single issue of major import—education, health care, energy, immigration—and not able to move forward.

The double whammy: Yesterday, the Supreme Court, a new majority—the two new members of the Supreme Court who had impressed upon us their fidelity to stare decisis, to the rule of law, judicial modesty—with one stroke of the pen threw out decades of progress on civil rights in a reading just about everyone who participated in Brown v. Board who is still alive commented on and said that the reading flies in the face of Brown v. Board, despite the fact that the Chief Justice said by allowing segregated schools to continue, he was helping implement Brown v. Board. That is doublespeak, if there ever was. The Nation was set back again.

What is happening? What happened here on the Senate floor yesterday and what happened across the street at the Supreme Court indicates that a narrow ideological minority is setting this country back, paralyzing this country. We live in a vast, changing global world where we need to move forward. We seem paralyzed because of a small ideological minority.

I hope the American people will understand what has happened. I hope the American people will voice their protest. I hope the Supreme Court will come to its senses and not continue on this path of rollback on civil rights. I hope the Senate will come to its senses and come together on a fair immigration bill that deals with our Nation's problems. I pray for the future of this country.

I yield the floor and suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION

Mr. WEBB. Mr. President, I would like to address a few things this morning, some in retrospect of what has been for all of us a pretty emotional couple of weeks of debate, and also looking forward to what is going to occur when we return after the July 4 work period.

The first thing I would like to point out is my admiration for our majority leader for how he handled the situation on the immigration bill. I think it was an extraordinarily difficult situation for our majority leader to have been in, and he did a great job with a very difficult assignment. I think we should back up and remember the bill that was put before us had not gone through debate. It was put together in a bipartisan way but removed from the committee process. In other words, people from both sides of the aisle, including some pretty strong members of the leadership on both sides of the aisle, got together and put together this extraordinarily complex bill, which the President himself wanted to see passed, and then it fell to our majority leader to attempt to get the provisions of the bill through the Senate. So we had a situation where there were members of the other party involved in putting together the components of the bill, we had a President who was urging that the bill be passed, and then our majority leader was the individual upon whom it fell to try to make this happen, with very little cooperation, quite frankly, from the other side.

So I would just like to express my admiration and support for the majority leader for the way he handled himself during this process.

Also with respect to the immigration bill, I think there has been a lot of rhetoric that has flown back and forth over the last 24 hours or so about motivations of individuals and what caused people to vote one way or the other. I think some of this is unfortunate. I think some of the people who have made some of the more extreme comments are going to be looking back at them 4 or 5 years from now and perhaps be a little bit embarrassed. This was an enormously complex piece of legislation. There were parts of the legislation which were very good, and hopefully we can find a way to bring them into law at another time. But there were parts in that legislation which needed to be fixed.

I, personally, as the Presiding Officer knows, attempted to get an amendment through the Senate that, in my view, would have brought fairness to the issue of legalization and practicality—fairness in the sense that the proposed bill was going to legalize every individual, virtually, who had come to the United States in violation of American laws by the end of last year—and I felt strongly for a good bit of time that those who came during a period of lax immigration laws and who were able to put roots down into the community should be provided a path toward citizenship. I made this case during the campaign last year, and by saying that last year, I was viewed to be sort of on the forward edge of where this debate was going to go. But this bill, by reaching out and including virtually everyone who had been here by the end of last year, inflamed the passions of a lot of people in this country who otherwise would support fair immigration reform.

At the same time, the amendment I offered also proposed to eliminate what is called the touchback provision, which would have eliminated—for those people who had been here for 4 years and had put down roots—the necessity for them to go back to their home country in order to apply for a green card.

I think that approach was fair. I regret that the amendment didn't pass. At the same time, I and a number of other people found it impossible for us to vote for the bill as it was coming up with the provision that was so much broader.

The bottom line on immigration now is there are laws on the books. We have seen a lot of talk over the past day or so that immigration reform is dead. These comprehensive immigration reform packages have a way of falling under their own weight because the issue itself is so complex. What we should be doing now, in the next year and a half or so, given that there is an election, is to do everything we can to enforce the laws that are on the books. One idea I like is the $4.4 billion recommendation that was put into title I of this immigration bill that just failed that would go toward border security, and employer certification could well be added to any appropriations bill, where the measure would be relevant and could help existing law.

So for those who are attempting to say that all immigration reform has now skidded to a halt because a flawed bill was not passed by this body, I say let's enforce the existing laws. There are a lot of laws on the books. One of the greatest problems we have had is particularly in the area of workers being hired by employers on a large scale who know they are here without papers. In those sorts of areas, there are laws on the books we need to enforce.

CONFIRMATION OF GENERAL LUTE

Mr. WEBB. Mr. President, yesterday, this body confirmed General Lute of the U.S. Army to be a Deputy National Security Adviser to cover the operations that are ongoing in Iraq and Afghanistan. I voted against General Lute.

I will explain why I voted against General Lute because I believe there is a pretty important principle at stake with respect to civil-military relations that I think has been ignored over the past 20 years or so. I have no problems with General Lute's qualifications. There was a letter from White House counsel on the issue of constitutionality, which indicated there is no constitutional preclusion from a uniformed officer serving as a political adviser to the President. I found that legal opinion incomplete.

We should understand that the legal opinion came from the counsel to the President. We could not exactly have expected that he would have said anything otherwise. But I find it incomplete in the sense that it did not address the true dangers if we continue to do this as we have been over the past 20 years.

The danger to our system is this: The U.S. military is a decidedly nonpolitical organization. I grew up in the military. At the time I was growing up, my father would not even tell me how he voted because he believed it violated his duty in terms of being a nonpolitical arm of the U.S. Government.

The difficulty, when a President brings an Active-Duty military officer inside the room, in an area where they are giving political advice—not military advice but political advice—unavoidably is that this particular individual then becomes a part of a political administration. If they keep the uniform on, when their tour is done and they go back into the military, they are inseparable from the political administration in which they served, particularly in the eyes of other military people.

So two things happen: One is you have a political entity inside the U.S. military that, in some ways, threatens open dialog inside the military because now you have a former member of a particular administration inside the uniformed circle.

Here is a good parallel. I was Assistant Secretary of Defense and then I was Secretary of the Navy. Let's say we allow military people who become Secretaries of the Navy to go back into uniform and compete for promotion among other uniformed people. It is a very difficult thing in terms of how it affects the neutrality of the American military, and also it creates, in many military people, the notion that they have to become political in order to succeed. We don't want that.

I would have voted in opposition to the other individuals who were named by Senator WARNER yesterday as people who have served in administrations and then returned to the military, including Colin Powell, whom I respect personally; General Scowcroft, whom I admire greatly; and, quite frankly, the sitting Director of the Central Intelligence Agency today.

I believe any uniformed officer who agrees to serve as a policy adviser inside an administration, with political implications to that job, should agree to take the uniform off and not return to the active military. I intend to pursue this over the coming years. This isn't related directly to General Lute. It is a principle that I think we need to establish here in the Congress.

TROOP ROTATION

Mr. WEBB. Mr. President, the third point I wish to make, looking forward, is that when we return, we are going to be looking at the Defense authorization bill. I am going to be introducing an amendment when this bill comes up that, in my view, speaks directly to the welfare of our troops and their families. After more than 4 years of combat operations in Iraq and Afghanistan, we still have not developed the type of operational policy that looks to the welfare of the people who are having to serve again and again. We have allowed the strategy, such as it is—which is all over the place—to define the use of our troops, and we have reached the point, as we work to resolve our situation in Iraq and dramatically reduce our presence—I hope—where we are burning out our troops.

The evidence is everywhere. We have a small group of people who have been carrying the load for this country. They have been going again and again. We are violating the normal rotation policies that we took great care to put in place over long years of experience. Traditionally, in the U.S. military, on the active side, there is a 2-for-1 ratio. If you are gone for a year, you are back for 2 years. If you deploy at sea for 6 months, you are back for a year. That is not downtime; that is well time. When I say it is not downtime, that means they are not sitting around doing nothing when they are back. When people return from deployment, they have to reacquaint themselves with their families and take care of those sorts of things. They have to gear units back up, get the equipment, train, lock on, and go to different training areas. So the 2 for 1 generally is split: A third gone, a third recuperating and getting ready, and a third getting ready to go.

What we have today in the ground forces of the active military is not even a 1 for 1. People are returning and immediately getting ready to go back. We are seeing the wear and tear of this on our Armed Forces. The West Point classes of 2000 and 2001 are the most recent "canaries in the coal mine," if you want to look at what is happening to the Active Duty military because of these continuous deployments. The time has not been made available to do other things when they return. The West Point classes have a 5-year obligation before an individual can leave the military. The West Point classes of 2000 and 2001—the two most recent classes—have an attrition rate that is five times as high as the attrition rates before the Iraq war. The West Point class of 2000 had lost 54 percent of its members from active duty by the end of last year. I don't know the number for today. The class of 2001, with an active obligation which ended as of last June—only last June—by the end of last year, within 6 months, had lost 46 percent of its class. You are seeing the same thing in the staff NCO ranks. We are starting to see it in a way that I cannot recall since probably the late 1970s, when the bottom fell out particularly of the U.S. Navy.

In the Guard and Reserve, the normal rotational cycle is 5 to 1. What we are seeing now in many units is less than 3 to 1. So I am going to introduce a bill that will basically say that on the active side, however long an individual has been deployed, they have to be allowed to stay home at least that long before you send them back. If you are Guard and Reserve, however long you have been deployed, you have to have been at home at least three times that length before you are sent back because of the nature of the Guard and Reserve.

In my view, this amendment is an absolute floor; it is our absolute duty as fiduciaries of the well-being of the people who serve that we don't let it go beyond that. As a point of reference again, in the Army right now, they have gone on 15-month tours with only 12 months at home. Historically, if you were gone 15 months, you should have 30 months at home. This needs to be fixed. I hope the Senate will overwhelmingly support us.

There are two questions about this policy that have come up in my discussions on the Armed Services Committee. The first question from some is, is it within the Constitution for the Congress to tell the Commander in Chief what the rotation cycle should look like? My answer is that it is clearly within the Constitution. Congress has the power to set these sorts of regulations. In fact, there is precedent. If you look at the situation of the Korean War, where because of the emergency of the attack from North Korea, we were sending soldiers into Korea who were not trained—they never fired a weapon before—because they had to fill the bill of going over there. The Congress stepped in and said you cannot send any military person overseas until they have been in the military for 120 days. That was the Congress properly exercising its constitutional prerogative in order to protect our troops. This is what we are going to do.

The second issue that has come up is whether this is micromanagement. Quite frankly, when the leadership of the U.S. military is not stepping up and defending their own people, we have a duty to slow this thing down. This war has been going on for more than 4 years. We have a lot of issues we are going to be discussing in this authorization bill that are designed to get a better policy that will reduce our footprint, that will enable us to fight international terrorism around the world, that will increase the stability of the region with proper diplomatic efforts and will allow us to address our strategic interests elsewhere.

But until that happens, we have to take care of the troops. This is the bottom line, the floor. This isn't some grand scheme of trying to push an ideal troop rotation scenario. This is the bottom line we owe to the people who have been sent into harm's way.

I may be one of the few people in this body who has had a father deploy, who has deployed, and who has had a son deployed. I think there are a lot of people in the country who are that way, who right now are looking at their level of being sent into harm's way. They are looking for somebody to put some logic into how their levels are being used. It is on us, Mr. President.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, while the junior Senator from Virginia is here, I wish to commend him. I wish to say, first of all, he is an exceptionally passionate and knowledgeable source of valuable information to us on the Armed Services Committee. The proposal he has outlined, which will be in the form of an amendment to the Department of Defense authorization bill, has exceptional common sense attached to it—that you don't deploy troops unless they are trained and unless they have enough time to reevaluate, reequip, rearm, and retrain.

I thank the Senator for his contribution. I am certainly inclined to support his amendment. This Senator from Florida will have an amendment that we have been trying for 7 years to pass to take care of the widows and orphans. Even President Lincoln, in his second inaugural address, said that one of the greatest obligations in war is to take care of the widow and the orphan. The U.S. Government ought to plan as an expense of the cost of a war taking care not only of the veterans but of their widows, widowers, and orphans.

What we have done in law is, where we provide for a survivor's benefit plan that the military member pays for out of their check, that plan, in fact, is offset by the disability compensation that family member gets from the Veterans' Administration. This Senator is going to continue this quest until we finally prevail to get that offset removed.

Of course, the objection to it is it costs $9 billion over 10 years. But is it an obligation of the Government to take care of the widow and the orphan as a result of war? This Senator passionately and firmly feels it is.

I wanted to lay that out as a marker, along with my congratulatory comments to the Senator from Virginia for his wonderful service in the Senate, his insightful service as a member of the Senate Armed Services Committee, and his very commonsense approach to this DOD authorization bill and the amendment he will be offering.

I will yield to the Senator if he wishes to make any followup comments. I wish to share with the Senate something that occurred in the Appropriations Committee yesterday that is quite disturbing.

Mr. WEBB. Mr. President, I thank the Senator, if he will yield for 2 minutes. I very much appreciate my good friend's comments in support. It means a lot to me that he has that kind of confidence in the approach I will be trying to take here.

Also, I am pretty familiar with how the survivor benefit program has been misused. My mother was a benefit of the survivor benefit program. I don't think there is a strong recognition up here that is a private insurance program that is paid into and is separate from other benefits. My father paid into that program more than $200 a month from 1969 until his death in 1997. Then when my mother got the benefit, they offset it at that time, I believe, from a Social Security payment that he also paid into.

There are inequities in how that program has been administered and how it interacts with other areas of Federal law. I will be happy to explore that with the Senator and see if we can't come up with some kind of solution.

Mr. NELSON of Florida. I say to the Senator, Mr. President, that the young corporals and privates who are not returning home from Iraq and Afghanistan, who leave widows and children who are paying today out of their own paycheck into that survivor's benefit plan, of which in that insurance program their survivors are entitled, that, in fact, because of the current law of the offset, they don't get that which has already been paid for by the active-duty military member because of the eligibility of the widow and the children under the indemnity compensation through the Veterans' Administration. The current law offsets one against another.

What is so sad is that the survivors, the widows and children of these young corporals and privates, are finding it very difficult to make financial ends meet as a result of that offset.

This Senator is going to give the Senate an opportunity to change that in 2 weeks when we are on the DOD bill. If the Senate responds as we did last year and the year before in passing it, then we are going to have to insist when it gets down to a conference committee with the House it doesn't get stripped out like the House leadership last year and the year before did in stripping out what the Senate has passed.

I share that with my friend from Virginia.

Mr. WEBB. I thank the Senator.

BREAKING THE AGREEMENT

Mr. NELSON of Florida. Mr. President, I wish to tell a story that is quite disturbing that happened in the Appropriations Committee yesterday. The Appropriations Committee, as reported to this Senator, had quite a row yesterday in the full committee in inserting a provision that will call for seismic exploration for oil and gas in the eastern Gulf of Mexico. It was such a row yesterday because it breaks the agreement that was made on the floor of the Senate last year in which the two Senators from Florida, this Senator and my colleague Senator MARTINEZ, had agreed to a plan by which there can be additional oil drilling and gas drilling in a lease sale 181 that would not be what was sought—about 2 million acres—but it expanded 8.3 million acres in an expanded lease sale 181, but that kept it away from the coast of Florida and away from the military mission line which is the boundary protecting the largest testing and training area for the United States military in the world.

Virtually all of the waters of the Gulf of Mexico off the State of Florida are this testing and training area. It is where we test our sophisticated weapons systems. It is where we test newly developed weapons systems. It is where we test weapons systems that have to go hundreds of miles, all of which these systems employ live ordinance under battlefield conditions in order to see that the equipment and the systems and the ordinance are all going to work.

Over and over, we have had letters from the Secretary of Defense to the Senate saying we cannot have oil and gas rigs on the surface in the Gulf of Mexico in the area where we are doing all this testing and training.

One wonders why, in the last round of the base realignment and closure, did the pilot training for the new FA-22 stealth fighter come to the Gulf of Mexico at Tyndall Air Force Base in Panama City. It is because that system now, in all pilot training, does dogfights at 1.5 mach. That is 1½ times the speed of sound. That is twice as much as the systems we have now, the F-16 and the F-15, twice as much that they do, the speed of air-to-air combat. As a result, they have to have so much wider area in which to have that turning radius as that weapons system is doing its practice in the dogfights shooting live ordinance.

Is it any wonder why, in the development of the new joint strike fighter, the F-35, that the F-35, once it is developed, all the pilot training for the Navy, for the Air Force, and for the Marines will take place on the gulf coast and it will take place at Eglin Air Force Base. Why? The same reason. We have that restricted airspace in the largest testing and training area in the world, and now we have a breaking of the agreement as a result of yesterday's Appropriations Committee action, a breaking of the agreement that we had last year when this Senator and my colleague from Florida agreed we would have the expansion of lease sale 181 when it would not intrude into the military mission area.

Now the Senator from Idaho, Mr. CRAIG, and the Senator from North Dakota, Mr. DORGAN, want to propose seismic exploration and inventorying of oil almost all the way up to the coast. Why do they want to do an inventory for oil unless they want to drill? This is exactly the situation that the oil industry will not give up. They want to drill, drill, drill, and that has been part of our problem for five decades as we have gone through this drill, drill, drill mentality without going to alternative energy sources. That is what has led us to the point we are today—so dependent on oil—and even to the point of now importing 60 percent of our daily consumption of oil is coming from places such as the Persian Gulf, Nigeria, and Venezuela, all very unstable parts of the world.

Back to the breaking of the agreement. It was broken with regard to what we agreed to last year, that it was over and done with. We were going to protect the military mission area. That was broken yesterday in the Appropriations Committee.

Another thing that was broken in the Appropriations Committee was the fact that in our agreement, the two Senators from Florida had clearly tried to protect a $57 billion a year tourist industry that depends on pristine beaches. Our tourism economy depends on those beaches not having oil slicks slapping up onto those pristine white sands.

Naturally, the Senators from Florida are going to protect that interest. People say: Oh, no, the spills that occur don't come from the oil rigs out there, they come from tankers. But isn't it interesting that we have so many photographs of oil rigs and oil slicks in the Gulf of Mexico as a result of Katrina raging across the Gulf of Mexico and ultimately hitting Mississippi and Louisiana? We have pictures of oil rigs that are up-ended on the shore. We have pictures of pelicans, hundreds of pelicans that are dying, covered in oil slicks as a result of that storm causing the spills from those oil rigs. Now, we don't want that in Florida. We want to protect our beaches.

It would be one thing if the geology showed there was a lot of oil and gas in the eastern Gulf of Mexico. But for the past 50 years, in the exploratory wells that have been there, there have been dry holes. The geology shows there is not that much oil and gas. Yet the oil industry never gives up, regardless of the agreements that have been made and were broken yesterday in the Senate Appropriations Committee. So it leaves no choice—no choice to the Senators from Florida. Senator MARTINEZ and this Senator will employ every available rule to us under the Senate Rules Committee to block the progress of that Energy appropriations bill as it comes to the floor.

There were representations made yesterday to this Senator and to Senator MARTINEZ that the leadership of the appropriations subcommittee will, in fact, strip out that part of the bill when it comes to the floor. I take those Senators at their word. If that is the case, we will not have a big fight on the floor of the Senate, and we can proceed and go about appropriating the monies that we need in an energy and water appropriations bill—much needed funding for so many projects.

Mr. President, it is with a realistic heart that I have to make this speech today. So it comes to this. I will take the word of those Senators, and I will rely on their word that we won't have to engage in all kinds of parliamentary maneuvers. But if that be necessary, it will be done.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

FIRING OF U.S. ATTORNEYS

Mr. SESSIONS. Madam President, we have had an unfortunate event occur. The Senate and House Judiciary Committees have issued subpoenas to the President for internal personal communications with the President's own personal staff and documents related thereto in a matter unrelated to a criminal investigation. A political inquiry is all this is about. Yesterday the President had to assert executive privilege and refuse to produce a very certain, limited number of documents relating to the replacement of U.S. attorneys around the country.

I served as a U.S. attorney for 12 years. I know U.S. attorneys serve at the pleasure of the President. I know U.S. attorneys on a few occasions actually try cases and get involved in cases. I did pretty often. I tried some fairly big cases. Most U.S. attorneys in larger offices preside over the office and career assistant U.S. attorneys and FBI agents and so forth and investigate cases and prosecute them. That is the way it goes.

The reality is that they can be removed at any time by the President. It is not a congressional function to determine whether or not a U.S. attorney is removed. The Congress is involved only in the confirmation of U.S. attorneys.

The President and Attorney General Gonzales did not handle the recent resignation of 8 U.S. Attorneys very well. I believe they thought they could do it and not really have much of a reason for it, yet say they thought performance was not good. Maybe they simply wanted to replace that attorney with someone else. But U.S. attorneys have friends in law enforcement. They have friends in the local community. They have Senators who recommend them and help them get confirmed. They have clout. It became a big brouhaha. There was a big dispute about it, and various accusations were made.

I was present for the hearings before the Judiciary Committee. Frankly, most of the accusations have been proven baseless. But in explaining it all, the Attorney General and some of his staff did not do a good job. They embarrassed the Department, frankly, and fed demands for more and more and more to keep this story alive, to keep this matter going. Now we are at the point where subpoenas have been issued.

The committee issued five subpoenas on June 13. Two of the subpoenas were issued to the White House for documents to be produced on or before June 28, 2007. A third subpoena was issued by the House Judiciary Committee to Harriet Miers for both documents and testimony, for a response by July 12. Harriet Miers was a lawyer for the President. She was White House Counsel. The fourth and fifth subpoenas were issued by the Senate Judiciary Committee to Sara Taylor for documents and testimony respectively and called for a response on or before June 28 and testimony for a hearing on July 11.

This is an overreach legally. It is an overreach insofar as the traditional comity that should exist between coequal branches of Government. Executive privilege is not a principle that should be lightly dismissed. It is a very real, legitimate principle that our Government has. What would we have next? Would we want to be subpoenaing the law clerks for Justice Stevens and Justice Ginsburg and Justice Roberts of the Supreme Court to see what those staffers told the judges before they rendered their ruling? What about Senators and our staffs? How about that?

This has not been a stonewalling by the administration on the U.S. attorneys issue. The Department of Justice has released or made available for review approximately 8,500 pages of documents. Top officials in the Department of Justice, including the Attorney General himself, the Deputy Attorney General, Paul McNulty, the Attorney General's former chief of staff, and many other officials have testified at public hearings and submitted themselves for on-the-record interviews to answer any questions. The President offered to go even further by providing Congress with additional documents, to make available for interviews the President's former Counsel, Harriet Miers; Karl Rove, his political counselor; Deputy Counsel, Bill Kelly; former Director of Political Affairs, Sara Taylor; Scott Jennings, Special Assistant to the President. All of those would be made available to be inquired of.

That was an effort by the executive branch to satisfy the curiosity of the legislative branch and to go as far and even further, maybe, in my view, than required by law. That was a genuine, generous suggestion as to how to handle this conflict between the two branches, our desire to look in there and see everything that went on and pry open the lid and probe and fish a little bit and see what we find and a legitimate right of a President to have a staff that responds to his or her demands and gives the President unvarnished advice, pointing out problems, honestly and openly, without any expectation it is going to be on the front page of the New York Times the next day, for heaven's sake.

So I just want to say, I am sorry and disappointed our chairman, Chairman LEAHY, has utilized the power the committee gave him to decide whether to issue a subpoena or not, to actually issue subpoenas.

So now what has happened? The President said: These subpoenas go too far. Even so, I am not afraid to have my people talk. The President has offered that Harriet Miers come to the Hill and be interviewed by the Judiciary Committee. But in preserving the historic integrity and confidentiality of a President and their own staff, the President does not want to produce confidential communications made to him by his staff. I think it would erode any President's legitimate prerogative, for time immemorial, if Congress were able to do that.

I would suggest we in this Senate can understand that. Who of us would want our chief of staff to be hauled in to some committee when there is no suggestion of a criminal offense having occurred and then being cross-examined on everything our chiefs of staff told us? I just met with my chief counsel, Cindy Hayden, and we talked about these issues. She is an excellent lawyer. We have recently met and talked about the immigration bill that the Senate was debating.

Maybe the White House, which took a different view than mine on immigration, would like to embarrass me by issuing subpoenas to see if they could find out something in memos or documents or conversations we had about the bill and the flawed legislative process that brought it to the floor.

The executive branch has the power of subpoena also. Would our Members over here on the Senate Judiciary Committee be happy if the White House issued subpoenas to find out if any of our Members may have delayed the confirmation process in order to impact the outcome of some case that might be pending before a court of appeals at a given time in a given State?

Would we want to have all that happen to us? If these are criminal things, you get to do that. If they are not criminal things, comity, respect between our branches would suggest that any leader have certain rights to have candid, confidential communications with their own staff about matters of great importance to our Nation. The courts have it. Congress has it. The executive branch has it. There is case law that has addressed this type of privilege. Executive privilege is not something that is made up; it is something that is very real.

Now, I am not one who would want to come in and predict how cases would come out, but based on the openness the President has shown with regard to providing to the Congress his staff people for interviews, I am not sure there is a legal basis for this.

Yes, in the meantime, it will look good politically. Those who issued the subpoenas—and are proud of themselves, knowing the President probably will never be able to accept this and would have to resist and have to object—can accuse him of hiding. They can accuse him of stonewalling. They can say he is in denial, that he will not cooperate with the Congress, that he is operating in secrecy. These baseless accusations will just further fuel the charges people have made about this good man who is trying to serve the country the best he can. I certainly believe that.

So here we are. Chairman LEAHY issued the subpoenas. Now the President has objected, which he has a perfect right to do. What happens now? There are several options, one of which is to litigate. If that path is chosen, a court will have decide it. It will go to the courts, and there will be an argument whether there is a legitimate evoking of executive privilege.

I wish it had not happened. That is all I am saying. We, I believe, have overreached in this instance. I cannot imagine we would want to demand that the President's own lawyer, Harriet Miers, be required to produce every memo she gave to the President and every conversation she had about any matter in the White House unless it amounted, as I said, to some criminal offense, which nobody is suggesting has occurred here. It is just not good policy, and we have to be bigger than short-term politics in this Senate. We have to be bigger than that.

I want to say, in my best judgment, we should not have shoved it this far. We have overreached. The President does have a legitimate claim of executive privilege. Over 8,500 documents and e-mails that went from the White House to the Cabinet Department, the Department of Justice, have been produced. It is only those conversations and communications between the President's closest advisers and the President himself which the White House feels should not be produced because of the historical implications of it for Presidents in the future. In this instance, I think the President is within his rights.

My best judgment, based on what I know today, is that this is not legitimate under our current law, and it is absolutely not justified under our discretion as Members of Congress. We ought to have more respect for the other branch than to push this request beyond the limits to the point we have today.

So, Madam President, I want to be on record to say that I understand why the President would object to making these disclosures of internal communications between the President and his own personal, closest staff, after, of course, having produced communications between he and his staff and the Department of Justice that have been produced and making those staff members available for private inquiry among the leadership of the Congress. I think that was a real strong gesture of openness, but that was promptly rejected because I think some in the Congress—Senate and House—would rather have a fight and try to make a political point than actually get to the truth of those matters.

Madam President, I thank the Chair and yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. REID. Madam President, this Sunday is the halfway mark of the year 2007. It is also the 2-month mark since President Bush vetoed the supplemental appropriations bill we sent to him which would have set a responsible path to reduce our combat operations, save lives, and finally change course in Iraq. President Bush called our bill a "recipe for chaos."

Now that 2 months have passed, here is what has happened under the President's escalation plan. It is clearly chaos: 126 brave Americans died in May alone, and more than 100 in June. This quarter has been the deadliest in the entire war. Sectarian killings have not declined. Yesterday, more than 20 Iraqis were beheaded. There is little evidence the Iraqi Government will meet any of the political benchmarks they have set for themselves. The surge was supposed to create the space for Iraq's political leaders to make the difficult decisions to unite their country. That has not occurred.

I have said from the beginning that as long as President Bush remains obstinate and the Republicans in Congress continue to toe his line, this tragic war will continue. There is no sign of President Bush awakening to the devastating reality of this intractable war. But this week, there is new reason for optimism in that my Republican colleagues in the Senate are finally willing to join in calling for a new direction.

A couple of days ago, on Tuesday, I congratulated the ranking member of the Foreign Relations Committee, Senator RICHARD LUGAR, for courageously breaking ranks with President Bush and calling for the war to end. Senator LUGAR said, among other things:

> Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I agree with those words.

The day after Senator LUGAR's comments, another distinguished Republican on the Foreign Relations Committee, GEORGE VOINOVICH, wrote a letter to the President. In the letter, Senator VOINOVICH urged the President to wake up to the truth that so many of us already know: that the war cannot be won militarily.

It can only be won politically. Yet another distinguished member of the Armed Services Committee, Senator WARNER, then said he expects the number of Republican defections with the President to rise.

I am encouraged by what we are hearing now from Republican Senators, even though it is only a handful. But when you join these three Senators with Senators SMITH and HAGEL, we are up to five. We still have 44 to go.

I said earlier this week that this could and should be a turning point. After the recess, we will turn to the Department of Defense authorization bill, which is our next chance to force the President to change course.

But we are still a long way from reaching our goal. More Republicans are saying the right things, but now we badly need for them to put their words into action by voting the right way also.

The current handful of Republicans isn't enough. We would not be able to get any legislation passed without 60 votes, but we are getting closer. We are not where we need to be yet.

In May, as I said, the President called our plan a "recipe for chaos." Each day that goes by we sink further and further into the President's escalation, and it becomes even clearer that the best way to ensure chaos, death, devastation, and destruction is to stick with the President's failed policy. Let's go with our plan, which is not chaos but stability and the saving of people's lives.

As we leave for the celebration of our Nation's birthday, the Fourth of July, I ask my colleagues to listen to the call of the American people. Choose the path that honors our troops, makes our country safer at home, and stronger abroad.

When we return next week, let's get to work on a responsible new direction that Americans demand and deserve and, in fact, is long overdue.

INDEPENDENCE DAY

Mr. BYRD. Madam President, next Wednesday is July 4, Independence Day, the grand national celebration of our Nation's beginning. The Senate and the House of Representatives will be quiet, in recess so that Members can join in Independence Day celebrations around the country with constituents, families, and friends.

On July 4, summer is approaching its zenith. The days are hot and sunny. Water in all forms lures children into the heat—in the country, shady streams offer relief; in urban areas, fountains or even fire hydrants answer the call, while across the country, swimming pools offer watery fun with an accompanying musical soundtrack of splashing and laughter. Even summer thunderstorms do their bit to cool things down while displaying nature's power and majesty as the lightning cracks and the thunder booms.

Fourth of July celebrations are a wonderful time to glory in all that is good about the United States. Flags and fireworks, picnics and parades, mellow afternoons and martial music—everything about Independence Day is grand. As we join together to remember the bravery that led our Founding Fathers to draft the Declaration of Independence, the long struggle to win our freedom, and the enlightened wisdom that resulted in our unique and wonderful Constitution, the love of our Nation that is the true spirit of patriotism is renewed. Surrounded by the happy faces of our diverse population enjoying their small town parades, music under the stars, family picnics and the grand finale of the fireworks displays, we can be sure that our Founding Fathers chose well when they gambled on a new nation in which "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

On Independence Day, when laughing children run with their sparklers to compete with the fireflies, we are also reminded of our own obligation to preserve for them all that is good about these United States. In this, we may also look to the Declaration of Independence, which ends with "a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

For our Founding Fathers, this pledge was not mere rhetoric—their signatures on the declaration that hot summer in 1776 put at risk their families, their fortunes, their worldly possessions, and their lives. Some, like Edward Rutledge, age 26, were young men, with all of their life's promise ahead of them. Others, like Benjamin Franklin, age 70, were no longer so young, and the prospect of being hunted down for treason could not have been very appealing. Still, he did not shirk from signing and has even been quoted as saying that "We must all hang together, or assuredly we will all hang separately," his witty way of warning the signers that any failure to remain united could result in each of them being tried and executed for treason. History has shown that his warning was not needed.

Through the years of war, even as some of the signers lost their homes or put their fortunes into the war effort, not one of them backed down. For that, we may all be thankful.

Even as the years of war passed, the signers of the Declaration of Independence continued to serve their new Nation. They served as ambassadors for the new United States, as Presidents and Vice Presidents, as Cabinet members, and as a source of inspiration and industry for the fledgling Nation into their old ages. It is fitting that Thomas Jefferson, author of the Declaration of Independence, third President of the United States, Vice President, Secretary of State, Minister to France, Governor of Virginia, colonial and State legislator, founder of the University of Virginia, farmer and philosopher, died at the age of 83 on the Fourth of July, 1826, on the 50th anniversary of the adoption of the Declaration of Independence. He worked and wrote prolifically until the very end of his life, always for the betterment of the Nation.

On the same day, July 4, 1826, John Adams passed away at the age of 91. President, Vice President, Member of the Continental Congress, farmer, and philosopher, Adams remains the longest lived person ever elected to both of the highest offices in the United States. Until his record was broken by Ronald Reagan in 2001, Adams was the nation's longest living President, at 90 years, 247 days. The record is currently held by former President Gerald Ford, who died December 26, 2006, at 93 years, 165 days. Adams and Jefferson's correspondence during their later years remains an invaluable historical record of the early days of our Republic, and their respect for each other was unmatched. Even as he died, Adams is said to have breathed, "Thomas Jefferson survives," in what may have been his final earthly comfort knowing that his friend remained to watch over the young Nation.

Madam President, it is a great privilege to be able to call oneself a citizen of these United States. It is my great privilege to serve the Senate and the people of West Virginia and the United States. I feel that privilege every day but especially on the Fourth of July. I am inspired by our Founding Fathers and by the great documents that are the Declaration of Independence and the Constitution. Like Jefferson and Adams, I am inspired to continue serving the land that I love to the very best of my abilities for the whole of my years.

Madam President, I close with a poem by Walter Taylor Field, entitled "Flag of the Free."

FLAG OF THE FREE

Look at the flag as it floats on high,
Streaming aloft in the clear, blue sky,
Rippling, leaping, tugging away,
Gay as the sunshine, bright as the day,
Throbbing with life, where the world may see—Flag of our country, flag of the free!

What do we see in the flag on high,
That we bare our heads as it passes by,
That we thrill with pride, our hearts beat fast, And we cheer and cheer as the flag goes past—The flag that waves for you and me—Flag of our country, flag of the free?

We see in the flag a nation's might,
The pledge of a safeguard day and night, Of a watchful eye and a powerful arm That guard the nation's homes from harm.
Of a strong defense on land and sea—
Flag of our country, flag of the free!

We see in the flag a union grand,
A brotherhood of heart and hand,
A pledge of love and a stirring call
To live our lives for the good of us all—Helpful and just and true to thee, Flag of our country, flag of the free!

Flutter, dear flag, o'er the lands and seas!
Fling out your stars and your stripes to the breeze, Righting all wrongs, dispelling all fear,
Guarding the land that we cherish so dear, And the God of our fathers, abiding with thee, Will
bless you and trust you, O flag of the free!

IOWA ARMY NATIONAL GUARD

Mr. GRASSLEY. Madam President, today I would like to take a moment to recognize a group of Iowans who distinguished themselves in their service on behalf of the security of the United States. Troop C, 1–113 Cavalry, of the Iowa Army National Guard, brought honor to itself and the State of Iowa while serving in support of Operation Iraqi Freedom. Troop C entered the Iraq theater of operations on October 30, 2005, and completed its mission on October 30, 2006.

Troop C, 1–113 Cavalry was based at Camp Ashraf in the Diyala Province of Iraq. Diyala is one of the most contested provinces in Iraq, and the mission of Troop C, 1–113 Cavalry was to provide perimeter defense at Camp Ashraf, reconnaissance and security patrols, improvised explosive device clearance missions, and convoy escorts. Troop C missions were conducted in such contested cities as Baghdad, Baqubah, and Khalis, as well as anywhere else required. Dangerous does not quite capture the situations that Troop C faced on a daily basis.

During this tour of duty, Troop C, 1–113 Cavalry conducted more than 3,000 missions, drove in excess of 150,000 miles on treacherous Iraqi roads, sustained over 50 improvised explosive devices strikes, discovered more than 25 emplaced improvised explosive devices and provided security while these devices were destroyed; and on a routine basis conducted security missions to Ashraf's West Water Pump Station. Troop C put themselves in harm's way to ensure continual water supply to Ashraf and the surrounding villages. For its actions while performing these missions, Troop C has earned to date eleven Purple Hearts and nearly one-hundred combat action badges.

Battlefield success came at a price. SGT Dan L. Sesker made the ultimate sacrifice, giving his life while conducting a convoy operation in Baghdad.

On May 29, 2006, members of Troop C arrived on scene immediately after 4th Infantry Division Soldiers and a Columbia Broadcasting System news crew were attacked while conducting Memorial Day interviews. The soldiers of Troop C heroically took up the security mission and provided first aid to the wounded Soldiers and news crew. The treatment provided to the correspondent, Kimberly Dozier, saved her life.

Troop C, 1–113 Cavalry deserves the highest praise of this body and the entire Nation. The courage, selfless sacrifice, and dedication to their mission displayed by Troop C exemplifies what is best in our brave soldiers and I am very proud to call them fellow Iowans. It is to the valor of those in Troop C and others like them past and present that we Americans owe our freedom and security today.

SUPREME COURT DECISIONS

Mr. KENNEDY. Madam President, over half a century ago, in Brown v. Board of Education, a unanimous Supreme Court stuck down laws requiring racial segregation in our public schools. Yesterday's decision limiting voluntary efforts to desegregate public schools is false to Brown's promise of equality by making it far more difficult for local school boards to bring students of different races together in the classroom.

The landmark decision in Brown v. Board of Education called on us to honor not only the requirements of the Constitution but also of our consciences. America was made stronger as a result. Although the Brown decision initially met with intense resistance in many parts of the country, it eventually came to be recognized as one of the Court's finest hours.

Yesterday's decision, however, makes it far more difficult to achieve equal educational opportunity for children of all races. Brown was a giant step in ending racially segregated public schools, but achieving integration takes more than a court decision. It takes good will, vision, creativity, common sense, and a firm commitment to the goal of educating all children, regardless of race. Above all, it takes a realistic assessment of local communities to determine what will work to bring students together.

That challenge is difficult to meet, because in many parts of the Nation, neighborhoods continue to be highly segregated by race and national origin. Without specific efforts by local school boards to promote diversity, public schools often reflect the same racial segregation as the neighborhoods around them. As over 500 prominent social scientists who have studied residential segregation explained in their brief in the Seattle and Jefferson County, KY, cases, without voluntary efforts, neighborhood schools cannot achieve the integration that we as a society recognize is so important.

The benefits of integration, both for individual students and for society, are enormous. Children who participate in classes attended by students of many races enjoy greater parental involvement in public schools, and greater cross-cultural understanding. It helps close the racial gap in education by helping African-American children achieve greater academic success. One of the Nation's leading conservative judges, Alexander Kozinski, described Seattle's integration plan as an "eminently sensible" "stirring of the melting pot," which helps children learn to interact as citizens of our common society. Without integrated schools, children will not learn these important lessons. That's a result we cannot afford.

Local school boards such as Jefferson County's have transcended the legacy of Jim Crow segregation to achieve not only enhanced opportunities for students but greater cooperation, participation, and genuine friendship between children of different races. We should honor that achievement. We should also ensure that school districts such as Jefferson County's, that do not want to return to the days of all-White and all-Black schools, receive the support and information needed to continue that success.

The Court's ruling undermines the important goal of racial integration by ignoring the real world consequences of its decision. Ironically, Chief Justice Roberts, who helped form the majority on this decision, stated at his confirmation hearing that this was something he would not do.

My first question to John Roberts at his confirmation hearing was about Brown v. Board of Education. I asked whether he agreed that the Court in Brown properly based its opinion on "real world consideration[s] . . . at the time of its decision." "Certainly, Senator," he responded, "you have to look at the discrimination in the context in which it is occurring."

Yet his plurality opinion in yesterday's decision ignores the context of Brown that Chief Justice Roberts said at his hearing was so important. In fact, Chief Justice Roberts would have gone even further than a majority of the Court and argued to outlaw virtually any use of race in voluntary efforts to integrate public schools.

The central tragedy in Brown was society's abandonment of African-American children to second-class schools. Every child relegated to such schools is harmed. Chief Justice Roberts' opinion disregards that reality by defining the only harm in Brown as the consideration of race in assigning children to school. The harm to these children is not less just because their segregation is the result of housing patterns rather than discriminatory laws. The cruel irony of the Chief Justice's view is that it would undermine Brown by ensuring that thousands of minority children would continue to attend segregated schools. Fortunately, a majority of the Supreme Court understood that we cannot afford to ignore the harm to students in segregated schools.

Despite professing moderation and promising to uphold precedent, the Court's newest members have already voted to radically limit the Clean Water Act. They have argued that the Environmental Protection Agency has no power to control air pollution, and overturned a 7-year-old precedent on a woman's right to choose. More recently, they cut back on workers' ability to hold companies responsible for pay discrimination, ignoring the intent of Congress by imposing unreasonably narrow deadlines for pay discrimination claims. But their decision striking down voluntary integration is the most sweeping proof that they failed to be candid about their extreme views when they testified before the Senate in their confirmation hearings.

Fortunately, the views of the newest Justices, which would have made voluntary integration almost impossible, were not shared by a majority of the Court. The majority recognized that local school boards have a compelling interest in preventing de facto racial segregation in public schools, so long as they do so in a way that is narrowly tailored to meet that interest. Although the majority wrongly concluded that the carefully crafted programs in Seattle and Jefferson County, KY, were not permissible, it made clear that local school districts still have the ability to create racially inclusive public schools.

Congress is not powerless to address this important issue. We should support school districts that desire to achieve diversity in their public schools within the limits of the Court's ruling. I plan to hold hearings in the Committee on Health, Education, Labor, and Pensions on the effects of the decisions. It is my hope that those hearings will shed new light on the best way to support schools that want to continue our national progress toward integration in public education.

The words of Brown ring as true today as they did half a century ago. On May 17, 1954, the Supreme Court declared that "education is perhaps the most important function of state and local governments. . . . It is the very foundation of good citizenship. . . . In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education," and that opportunity "is a right which must be made available to all on equal terms."

These words could have been written today. It is up to us to revitalize them for the years ahead. The promise of Brown will never be fulfilled until America opens opportunity to all, not just to some.

Brown showed that even against great odds, we can change America for the better. We must renew our commitment to genuine educational equality for all children in America. Despite yesterday's decision, we must not falter, now or ever. Separate can never be equal. We must continue the racial progress of the last 50 years. Only then will America truly become one Nation, under God, indivisible, with liberty and justice for all.

CURRENCY REFORM AND FINANCIAL MARKETS ACCESS ACT OF 2007

Mr. DODD. Madam President, I ask unanimous consent that the attached letter from the American Council of Life Insurers be printed in the RECORD, along with the materials I submitted for S. 1677, the Currency Reform and Financial Markets Access Act of 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON LIFE INSURERS,
Washington, DC, June 21, 2007.

Senator CHRISTOPHER DODD,
Senate Banking Committee, Dirksen Senate Building, Washington, DC.

DEAR CHAIRMAN DODD: I am writing on behalf of ACLI member companies to applaud the focus you have given to market access in Title II of the Currency Reform Act and Market Access Act of 2007. I commend your bipartisan efforts to introduce legislation that recognizes the importance of true and improved market access for all U.S. financial services firms to China's markets.

A more effective, modern and efficient financial sector in China is a prerequisite to successfully addressing a shift in China's export-driven economic stance globally, as well as to ameliorating issues that have complicated the U.S.-China economic relationship, China's WTO implementation and the trade imbalance.

For ACLI member companies, access to China's market cannot be overstated. China is the world's 11th largest insurance market by total premium volume (8th by life insurance), up from 16th in 2000, with premium volumes of almost $68 billion in 2006—life premiums accounted for the lion's share at $48 billion, a near threefold increase since 2001. Although ranked in the top ten globally, China's life market is under-penetrated. As China's burgeoning middle class grows, incomes grow, and consumptions patterns change, average yearly per capita expenditures on life insurance will surge—predictions are that China will rank among the world's largest life insurance markets by 2020.

While China has come a long way in opening up its life insurance market, in another arena, up until last year, there was no formal supplementary retirement savings program in China despite the fact that it began dismantling its "cradle to grave" social safety net beginning in the 1980s. Pensions are largely unfunded, under-funded or non-existent for scores of citizens. China is only now beginning to appreciate the critical role that enterprise annuities needs to play in providing retirement security to Chinese households.

To address the pension gap, Chinese regulators started in the spring of 2005 to establish an Enterprise Annuity Pension System (EA)—as a second pillar individual account, defined contribution retirement program (similar to our 401(k)). Conservatively, our estimates indicate that within 10 years the assets under management for this program should be close to $100 billion. Within 25 years they should reach $1 trillion. While a number of foreign firms have been licensed to provide custodial, trustee, management, and related services for pension assets, no American firm has been licensed to underwrite pension products directly.

Participating in the type of growth noted above is paramount for firms in worldwide life insurance and retirement benefits leadership positions. It is equally important for China's economic leadership, regulators and industry to view our greater involvement and participation as win-win for the economy, consumers, and capital markets generally.

For these reasons, I look forward to working with you on efforts such as this to shine light on market access issues that can be addressed in China to improve opportunities for ACLI companies to participate in the Chinese market.

Sincerely,

FRANK KEATING.

MESSAGES FROM THE HOUSE

At 9:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2829. An act making appropriations for Financial Services and General Government for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that, in accordance with the request of the Senate, the bill (S. 1612) entitled "An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes," and all the accompanying papers were hereby returned to the Senate.

The message further announced that pursuant to section 801(b) of Public Law 101–696 (2 U.S.C. 2081(b)), the Chairman and Vice Chairman of the Joint Committee of Congress on the Library serve ex officio on the U.S. Capitol Preservation Commission, but each may designate another Member to serve in his or her place; the Vice Chairman and the Joint Committee for the 110th Congress, ROBERT A. BRADY, hereby designates the following Member to serve on the U.S. Capitol Preservation Commission as Vice Chairman of the Joint Committee of Congress on the Library in lieu of himself, as provided for in section 801(c) of Public Law 101–696 (2 U.S.C. 2081(c): Mr. CAPUANO of Massachusetts.

ENROLLED BILLS SIGNED

At 11 a.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1830. An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 12:50 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2829. An act making appropriations for Financial Services and General Government for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1745. An original bill making appropriations for the Departments of Commerce and Justice, science, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–124).

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, with amendments:

S. 1547. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 110–125).

S. 1548. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 1745. An original bill making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1746. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1747. A bill to regulate the judicial use of presidential signing statements in the interpretation of Acts of Congress; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. DEMINT, Mr. MCCONNELL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. ISAKSON, Mr. CRAIG, Mr. CHAMBLISS, Mr. GRAHAM, Mr. CORNYN, Mr. BOND, Mr. MCCAIN, Mr. COCHRAN, Mr. VOINOVICH, Mr. THUNE, Mr. COBURN, Mr. ALLARD, Mr. ROBERTS, and Mr. KYL):

S. 1748. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL:

S. 1749. A bill to amend the Federal Rules of Criminal Procedure to provide adequate protection to the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. Res. 262. A resolution designating July 2007 as "National Watermelon Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 691

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 771

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1418

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1455

At the request of Mr. WHITEHOUSE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1455, a bill to provide for the establishment of a health information technology and privacy system.

S. 1459

At the request of Mr. MENENDEZ, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1471

At the request of Mr. WHITEHOUSE, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1471, a bill to provide for the voluntary development by States of qualifying best practices for health care and to encourage such voluntary development by amending titles XVIII and XIX of the Social Security Act to provide differential rates of payment favoring treatment provided consistent with qualifying best practices under the Medicare and Medicaid programs, and for other purposes.

S. 1593

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1624

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1624, a bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services.

S. 1677

At the request of Mr. DODD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1677, a bill to amend the Exchange Rates and International Economic Coordination Act of 1988 and for other purposes.

S. 1742

At the request of Mr. THUNE, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Colorado (Mr. ALLARD), the Senator from Arizona (Mr. MCCAIN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1742, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1746. A bill to provide for the recognition of certain Native communities and the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, at the very beginning of the Alaska Native Claims Settlement Act of 1971 there are a series of findings and declarations of congressional policy which explain the underpinnings of this landmark legislation.

The first clause reads, "There is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims." The second clause states, "The settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives."

Mr. President, 34, going on 35, years have passed since the Alaska Native Claims Settlement Act became law and still the Native peoples of five communities in Southeast Alaska—Haines, Ketchikan, Petersburg, Tenakee and Wrangell—the five "landless communities" are still waiting for their fair and just settlement.

The Alaska Native Claims Settlement Act awarded approximately $1 billion and 44 million acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands. The beneficiaries of the settlement were issued stock in one of 13 regional Alaska Native corporations. Most beneficiaries also had the option to enroll and receive stock in a village, group or urban corporation.

For reasons that still defy explanation the Native peoples of the "landless communities," were not permitted by the Alaska Native Claims Settlement Act to form village or urban corporations. These communities were excluded from this benefit even though they did not differ significantly from other communities in Southeast Alaska that were permitted to form village or urban corporations under the Alaska Native Claims Settlement Act. This finding was confirmed in a February 1994 report submitted by the Secretary of the Interior at the direction of the Congress. That study was conducted by the Institute of Social and Economic Research at the University of Alaska.

The Native people of Southeast Alaska have recognized the injustice of this oversight for more than 34 years. An independent study issued more than 12 years ago confirms that the grievance of the landless communities is legitimate. Legislation has been introduced in the past sessions of Congress to remedy this injustice. Hearings have been held and reports written. Yet legislation to right the wrong has inevitably stalled out. This December marks the 35th anniversary of Congress' promise to the Native peoples of Alaska, the promise of a rapid and certain settlement. And still the landless communities of southeast Alaska are landless.

I am convinced that this cause is just, it is right, and it is about time that the Native peoples of the five landless communities receive what has been denied them for going on 35 years.

The legislation that I am introducing today would enable the Native peoples of the five "landless communities" to organize five "urban corporations," one for each unrecognized community. These newly formed corporations would be offered and could accept the surface estate to approximately 23,000 acres of land. Sealaska Corporation, the regional Alaska Native Corporation for southeast Alaska would receive title to the subsurface estate to the designated lands. The urban corporations would each receive a lump sum payment to be used as start-up funds for the newly established corporation. The Secretary of the Interior would determine other appropriate compensation to redress the inequities faced by the unrecognized communities.

It is long past time that we return to the Native peoples of southeast Alaska a small slice of the aboriginal lands

that were once theirs alone. It is time that we open our minds and open our hearts to correcting this injustice which has gone on far too long and finally give the Native peoples of southeast Alaska the rapid and certain settlement for which they have been waiting.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) In 1971, Congress enacted the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) (referred to in this section as the "Act") to recognize and settle the aboriginal claims of Alaska Natives to the lands Alaska Natives had used for traditional purposes.

(2) The Act awarded approximately $1,000,000,000 and 44,000,000 acres of land to Alaska Natives and provided for the establishment of Native Corporations to receive and manage such funds and lands.

(3) Pursuant to the Act, Alaska Natives have been enrolled in one of 13 Regional Corporations.

(4) Most Alaska Natives reside in communities that are eligible under the Act to form a Village or Urban Corporation within the geographical area of a Regional Corporation.

(5) Village or Urban Corporations established under the Act received cash and surface rights to the settlement land described in paragraph (2) and the corresponding Regional Corporation received cash and land which includes the subsurface rights to the land of the Village or Urban Corporation.

(6) The southeastern Alaska communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell are not listed under the Act as communities eligible to form Village or Urban Corporations, even though the population of such villages comprises greater than 20 percent of the shareholders of the Regional Corporation for Southeast Alaska and display historic, cultural, and traditional qualities of Alaska Natives.

(7) The communities described in paragraph (6) have sought full eligibility for lands and benefits under the Act for more than three decades.

(8) In 1993, Congress directed the Secretary of the Interior to prepare a report examining the reasons why the communities listed in paragraph (6) had been denied eligibility to form Village or Urban Corporations and receive land and benefits pursuant to the Act.

(9) The report described in paragraph (8), published in February, 1994, indicates that—

(A) the communities listed in paragraph (6) do not differ significantly from the southeast Alaska communities that were permitted to form Village or Urban Corporations under the Act;

(B) such communities are similar to other communities that are eligible to form Village or Urban Corporations under the Act and receive lands and benefits under the Act—

(i) in actual number and percentage of Native Alaskan population; and

(ii) with respect to the historic use and occupation of land;

(C) each such community was involved in advocating the settlement of the aboriginal claims of the community; and

(D) some of the communities appeared on early versions of lists of Native Villages prepared before the date of the enactment of the Act, but were not included as Native Villages in the Act.

(10) The omissions described in paragraph (9) are not clearly explained in any provision of the Act or the legislative history of the Act.

(11) On the basis of the findings described in paragraphs (1) through (10), Alaska Natives who were enrolled in the five unlisted communities and their heirs have been inadvertently and wrongly denied the cultural and financial benefits of enrollment in Village or Urban Corporations established pursuant to the Act.

(b) PURPOSE.—The purpose of this Act is to redress the omission of the communities described in subsection (a)(6) from eligibility by authorizing the Native people enrolled in the communities—

(1) to form Urban Corporations for the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell under the Act; and

(2) to receive certain settlement lands and other compensation pursuant to the Act.

SEC. 3. ESTABLISHMENT OF ADDITIONAL NATIVE CORPORATIONS.

Section 16 of the Alaska Native Claims Settlement Act (43 U.S.C. 1615) is amended by adding at the end thereof the following new subsection:

"(e)(1) The Native residents of each of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, Alaska, may organize as Urban Corporations.

"(2) Nothing in this subsection shall affect any entitlement to land of any Native Corporation previously established pursuant to this Act or any other provision of law.".

SEC. 4. SHAREHOLDER ELIGIBILITY.

Section 8 of the Alaska Native Claims Settlement Act (43 U.S.C. 1607) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary of the Interior shall enroll to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell those individual Natives who enrolled under this Act to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, respectively.

"(2) Those Natives who are enrolled to an Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell pursuant to paragraph (1) and who were enrolled as shareholders of the Regional Corporation for Southeast Alaska on or before March 30, 1973, shall receive 100 shares of Settlement Common Stock in such Urban Corporation.

"(3) A Native who has received shares of stock in the Regional Corporation for Southeast Alaska through inheritance from a decedent Native who originally enrolled to the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell, which decedent Native was not a shareholder in a Village or Urban Corporation, shall receive the identical number of shares of Settlement Common Stock in the Urban Corporation for Haines, Ketchikan, Petersburg, Tenakee, or Wrangell as the number of shares inherited by that Native from the decedent Native who would have been eligible to be enrolled to such Urban Corporation.

"(4) Nothing in this subsection shall affect entitlement to land of any Regional Corporation pursuant to section 12(b) or section 14(h)(8).".

SEC. 5. DISTRIBUTION RIGHTS.

Section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606) is amended—

(1) in subsection (j), by adding at the end thereof the following new sentence: "Native members of the Native Villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell who become shareholders in an Urban Corporation for such a community shall continue to be eligible to receive distributions under this subsection as at-large shareholders of the Regional Corporation for Southeast Alaska."; and

(2) by adding at the end thereof the following new subsection:

"(s) No provision of or amendment made by the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act shall affect the ratio for determination of revenue distribution among Native Corporations under this section and the '1982 Section 7(i) Settlement Agreement' among the Regional Corporations or among Village Corporations under subsection (j).".

SEC. 6. COMPENSATION.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new section:

"URBAN CORPORATIONS FOR HAINES, KETCHIKAN, PETERSBURG, TENAKEE, AND WRANGELL

"SEC. 43. (a) Upon incorporation of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, the Secretary, in consultation and coordination with the Secretary of Commerce, and in consultation with representatives of each such Urban Corporation and the Regional Corporation for Southeast Alaska, shall offer as compensation, pursuant to this Act, one township of land (23,040 acres) to each of the Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, and other appropriate compensation, including the following:

"(1) Local areas of historical, cultural, traditional, and economic importance to Alaska Natives from the Villages of Haines, Ketchikan, Petersburg, Tenakee, or Wrangell. In selecting the lands to be withdrawn and conveyed pursuant to this section, the Secretary shall give preference to lands with commercial purposes and may include subsistence and cultural sites, aquaculture sites, hydroelectric sites, tidelands, surplus Federal property and eco-tourism sites. The lands selected pursuant to this section shall be contiguous and reasonably compact tracts wherever possible. The lands selected pursuant to this section shall be subject to all valid existing rights and all other provisions of section 14(g), including any lease, contract, permit, right-of-way, or easement (including a lease issued under section 6(g) of the Alaska Statehood Act).

"(2) $650,000 for capital expenses associated with corporate organization and development, including—

"(A) the identification of forest and land parcels for selection and withdrawal;

"(B) making conveyance requests, receiving title, preparing resource inventories, land and resource use, and development planning;

"(C) land and property valuations;

"(D) corporation incorporation and startup;

"(E) advising and enrolling shareholders;

"(F) issuing stock; and

"(G) seed capital for resource development.

"(3) Such additional forms of compensation as the Secretary deems appropriate, including grants and loan guarantees to be used for planning, development and other purposes for which Native Corporations are organized under the Act, and any additional financial compensation, which shall be allocated among the five Urban Corporations on a pro rata basis based on the number of shareholders in each Urban Corporation.

"(b) The Urban Corporations for Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, shall have one year from the date of the offer of compensation from the Secretary to each such Urban Corporation provided for in this section within which to accept or reject the offer. In order to accept or reject the offer, each such Urban Corporation shall provide to the Secretary a properly executed and certified corporate resolution that states that the offer proposed by the Secretary was voted on, and either approved or rejected, by a majority of the shareholders of the Urban Corporation. In the event that the offer is rejected, the Secretary, in consultation with representatives of the Urban Corporation that rejected the offer and the Regional Corporation for Southeast Alaska, shall revise the offer and the Urban Corporation shall have an additional six months within which to accept or reject the revised offer.

"(c) Not later than 180 days after receipt of a corporate resolution approving an offer of the Secretary as required in subsection (b), the Secretary shall withdraw the lands and convey to the Urban Corporation title to the surface estate of the lands and convey to the Regional Corporation for Southeast Alaska title to the subsurface estate as appropriate for such lands.

"(d) The Secretary shall, without consideration of compensation, convey to the Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, by quitclaim deed or patent, all right, title, and interest of the United States in all roads, trails, log transfer facilities, leases, and appurtenances on or related to the land conveyed to the corporations pursuant to subsection (c).

"(e)(1) The Urban Corporations of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell may establish a settlement trust in accordance with the provisions of section 39 for the purposes of promoting the health, education, and welfare of the trust beneficiaries and preserving the Native heritage and culture of the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, respectively.

"(2) The proceeds and income from the principal of a trust established under paragraph (1) shall first be applied to the support of those enrollees and their descendants who are elders or minor children and then to the support of all other enrollees.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as shall be necessary to carry out this Act and the amendments made by this Act.

By Mr. SPECTER:

S. 1747. A bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress; to the Committee on the Judiciary.

Mr. SPECTER. Mr President, I seek recognition today to offer the Presidential Signing Statements Act of 2007. The purpose of this bill is to regulate the use of Presidential Signing Statements in the interpretation of acts of Congress. This bill is similar in substance to the Presidential Signing Statements Act of 2006, which I introduced on July 26, 2006. The Senate Judiciary Committee also held a hearing on this topic on June 27, 2006.

I believe that this is necessary to protect our constitutional system of checks and balances. This bill achieves that goal in the following ways.

First, it prevents the President from issuing a signing statement that alters the meaning of a statute by instructing Federal and State courts not to rely on Presidential signing statements in interpreting a statute.

Second, it grants Congress the power to participate in any case where the construction or constitutionality of any act of Congress is in question and a presidential signing statement for that act was issued by (i) allowing Congress to file an amicus brief and present oral argument in such a case; (ii) instructing that if Congress passes a joint resolution declaring its view of the correct interpretation of the statute, the court must admit that resolution into the case record; and (iii) providing for expedited review in such a case.

Presidential signing statements are nothing new. Since the days of President James Monroe, Presidents have issued statements when signing bills. It is widely agreed that there are legitimate uses for signing statements. For example, Presidents may use signing statements to instruct executive branch officials how to administer a law. They may also use them to explain to the public the likely effect of a law. And, there may be a host of other legitimate uses.

However, the use of signing statements has risen dramatically in recent years. When I introduced the Presidential Signing Statement bill last year, I noted that as of June 26, 2006, President Bush had issued 132 signing statements. Since then, he has issued an additional 17 statements, for a total of 149 to date. In comparison, President Clinton issued 105 signing statements during his two terms. Moreover, President Bush's signing statements often raise objections to several provisions of a law. For example, a recent report by the Government Accountability Office released June 18, 2007, found that, for 11 appropriations acts for fiscal year 2006, President Bush issued signing statements identifying constitutional concerns or objections to 160 different provisions appearing in the acts. While the mere numbers may not be significant, the reality is that the way the President has used those statements threatens to render the legislative process a virtual nullity, making it completely unpredictable how certain laws will be enforced.

The President cannot use a signing statement to rewrite the words of a statute nor can he use a signing statement to selectively nullify those provisions he does not like. This much is clear from our Constitution. The Constitution grants the President a specific, narrowly defined role in enacting legislation. Article I, section 1 of the Constitution vests "all legislative powers . . . in a Congress." Article I, section 7 of the Constitution provides that when a bill is presented to the President, he may either sign it or veto it with his objections. He may also choose to do nothing, thus rendering a so-called pocket veto. The President, however, cannot veto part of bill, he cannot veto certain provisions he does not like.

The Founders had good reason for constructing the legislative process as they did: by creating a bicameral legislature and then granting the President the veto power. According to The Records of the Constitutional Convention, the veto power was designed by our Framers to protect citizens from a particular Congress that might enact oppressive legislation. However, the Framers did not want the veto power to be unchecked, and so, in article I, section 7, they balanced it by allowing Congress to override a veto by two-thirds vote.

As I stated when I introduced the Presidential Signing Statement bill last year, this is a finely structured constitutional procedure that goes straight to the heart of our system of check and balances. Any action by the President that circumvents this finely structured procedure is an unconstitutional attempt to usurp legislative authority. If the President is permitted to rewrite the bills that Congress passes and cherry pick which provisions he likes and does not like, he subverts the constitutional process designed by our Framers.

The Supreme Court has affirmed that the constitutional process for enacting legislation must be safeguarded. As the Supreme Court explained in INS v. Chahda, "It emerges clearly that the prescription for legislative action in article I, section 1 and 7 represents the Framers' decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure."

So, while signing statements have been commonplace since our country's founding, we must make sure that they are not being used in an unconstitutional manner; a manner that seeks to rewrite legislation, and exercise line item vetoes.

As I have previously explained, President Bush has used signing statements in ways that have raised some eyebrows. An example is the signing statement accompanying Senator McCAIN's “anti-torture amendment” to the Department of Defense Emergency Supplemental Appropriations Act, otherwise known as the “McCain Amendment.” In that legislation, Congress voted by an overwhelming majority, 90 to 9, to ban all U.S. personnel from inflicting “cruel, inhuman or degrading” treatment on any prisoner held anywhere by the United States. President Bush, who had threatened to veto the legislation, instead invited Senator MCCAIN to the White House for a public reconciliation and declared they had a mutual goal: to make it clear to the world that this government does not torture and that we adhere to the international convention of torture.”

Now from that, you might conclude that by signing the McCain amendment into law, President Bush and his administration have fully committed to not using torture. But you would be wrong. After the public ceremony of signing the bill into law, the President issued a signing statement saying his administration would construe the new law “in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power.” This vague language may mean that, despite the enactment of the McCain Amendment, the administration may still be preserving a right to inflict torture on prisoners and to evade the International Convention Against Torture.

Now, the National Defense Authorization Bill, like the McCain amendment, has a crucial provision regarding torture: it provides that the Combatant Status Review Tribunals, CSRTs, in Guantanamo Bay “may not consider a [detainee's] statement that was obtained through methods that amount to torture.” See section 1023(4)(e). But who knows how this provision will be enforced if deemed inconsistent with the unitary executive theory?

And, the McCain amendment is just the tip of the iceberg: On close examination of the same signing statement, we see that President Bush has declared the right to construe the entire Detainee Treatment Act and all provisions relating to detainees, in a manner consistent with the unitary executive theory and with his powers as Commander and Chief. This is extremely troublesome. Like the DTA, this bill has crucial sections relating to detainees. Specifically, this bill contains much-needed provisions that protect detainees' due process rights in CSRT procedures, including allowing detainees a right to legal counsel, a right to compel and cross examine witnesses, and a right to have their status determined by a military judge. Should a similar signing statement be issued to S. 1547, that all sections related to detainees will be construed in a certain way, there is really no way to know how these crucial provisions will be enforced.

We must ensure that such provisions, and for that matter, any and all provisions in this bill, are not subject to revision by a Presidential signing statement.

In addition to these examples, I have noted another instance in which a questionable signing statement was issued, for the PATRIOT Act. We passed the PATRIOT Act after months of deliberation. We debated nearly every provision, often redrafting and revising. Moreover, we worked very closely with the President because we wanted to get it right. We wanted to make sure that we were passing legislation that the executive branch would find workable. In fact, in many ways, the process was an excellent example of the legislative branch and the executive branch working together towards a common goal.

In the end, the bill that was passed by the Senate and the House contained several oversight provisions intended to make sure the FBI did not abuse the special terrorism-related powers to search homes and secretly seize papers. It also required Justice Department officials to keep closer track of how often the FBI uses the new powers and in what type of situations.

The President signed the PATRIOT Act into law, but afterwards, he wrote a signing statement that said he could withhold any information from Congress provided in the oversight provisions if he decided that disclosure would “impair foreign relations, national security, the deliberative process of the executive, or the performance of the executive's constitutional duties.”

As I noted last year, during the entire process of working with the President to draft the PATRIOT Act, he never asked the Congress to include this language in the act. At a hearing we held last June on signing statements, I asked an executive branch official, Michelle Boardman from the Office of Legal Counsel, why the President did not ask the Congress to put the signing statement language into the bill. She simply didn't have an answer.

Given this backdrop, I believe this bill is necessary. As I noted when I introduced the Presidential Signing Statement bill last summer, this bill does not seek to limit the President's power, and it does not seek to expand Congress's power. Rather, this bill simply seeks to safeguard our Constitution.

This bill will provide courts with much-needed guidance on how legislation should be interpreted. The recent GAO report on Presidential Signing Statements found that Federal courts cited or referred to presidential signing statements in 137 different opinions reported from 1945 to May 2007. It also shows that the Supreme Court's reliance on presidential signing statements has been sporadic and unpredictable. In some cases, such as United States v. Lopez, 115 S.Ct. 1624 at 1631, 1995, where the Court struck down the Gun-Free School Zones Act, the Supreme Court has relied on Presidential signing statements as a source of authority to interpret an act, while in other cases, such as the military tribunals case, Hamdan v. Rumsfeld, 126 S.Ct. 2749 (2006), Scalia dissenting, it has conspicuously declined to do so. This inconsistency has the unfortunate result of rendering the effect of Presidential signing statements on Federal law unpredictable.

As I stated when I initially introduced the Presidential Signing Statements Act of 2006, it is well within Congress's power to resolve judicial disputes such as this by enacting rules of statutory interpretation. In fact, the Department of Defense Authorization bill already contains at least one “rule of construction” provision. See section 845(e). This power flows from article 1, section 8, clause 18 of the Constitution, which gives Congress the power “To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.” Rules of statutory interpretation are “necessary and proper” to execute the legislative power.

Several scholars have agreed: Jefferson B. Fordham, a former dean of the University of Pennsylvania Law School said, “[I]t is within the legislative power to lay down rules of interpretation for the future;” Mark Tushnet, a professor at Harvard Law School explained, “In light of the obvious congressional power to prescribe a statute's terms, and so its meaning, congressional power to prescribe interpretive methods seems to me to follow;” Michael Stokes Paulsen, an associate dean of the University of Minnesota Law School noted, “Congress is the master of its own statutes and can prescribe rules of interpretation governing its own statutes as surely as it may alter or amend the statutes directly.” Finally, J. Sutherland, the author of the leading multivolume treatise for the rules of statutory construction has said, “There should be no question that an interpretive clause operating prospectively is within legislative power.”

Furthermore, any legislation that sets out rules for interpreting an act makes legislation more clear and precise, which is exactly what we aim to achieve here in Congress. Congress can and should exercise this power over the interpretation of Federal statutes in a systematic and comprehensive manner.

Put simply, this bill seeks to implement measures that will safeguard the constitutional structure of enacting legislation. In preserving this structure, this bill reinforces the system of checks and balances and separation of powers set out in our Constitution, and I urge my colleagues to support it.

By Mr. COLEMAN (for himself, Mr. DEMINT, Mr. MCCONNELL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. ISAKSON, Mr. CRAIG, Mr. CHAMBLISS, Mr. GRAHAM, Mr. CORNYN, Mr. BOND, Mr. MCCAIN, Mr. COCHRAN, Mr. VOINOVICH, Mr. THUNE, Mr. COBURN, Mr. ALLARD, Mr. ROBERTS, and Mr. KYL):

S. 1748. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Commerce, Science, and Transportation.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadcaster Freedom Act of 2007".

SEC. 2. FAIRNESS DOCTRINE PROHIBITED.

Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present opposing viewpoints on controversial issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in *General Fairness Doctrine Obligations of Broadcast Licensees*, 50 Fed. Reg. 35418 (1985).".

By Mr. KYL:

S. 1749. A bill to amend the Federal Rules of Criminal Procedure to provide adequate protection to the rights of crime victims, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise to introduce The Crime Victims' Rights Rules Act, which would continue the work started in The Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act.

The bill would make comprehensive procedural changes to the Federal Rules of Criminal Procedure to protect crime victims' rights throughout the federal criminal process, thereby guaranteeing that crime victims' rights will be fully respected in our federal courts.

As one of the Senate sponsors of the CVRA, I know that Congress intended the Act to bring dramatic changes to the way that the federal courts treat crime victims. Fortunately, in the two-and-a-half years since that legislation became law, positive strides have been made for crime victims. For example, with funding provided by act, the National Crime Victims Law Institute has been able to support crime victims' legal clinics around the country. I am also encouraged that court decisions have recognized the importance of crime victims' rights in the process.

But while progress has been made in implementing the CVRA, at least one important step remains to be taken: The Federal Rules of Criminal Procedure must be comprehensively amended to recognize the rights of crime victims throughout the process.

The Federal rules have been described as "the playbook" for Federal judges, prosecutors, and defense attorneys. Currently, the Federal rules make virtually no mention of crime victims. If crime victims are to fully integrated into the daily workings of our criminal justice process, then their role in that process must be fully protected in the Federal rules.

I am encouraged to see that the Federal courts have been taking some modest steps toward protecting crime victims in the Federal rules. Federal district court judge Paul Cassell initiated the process by recommending rule changes to the Advisory Committee on Criminal Rules. His comprehensive set of useful proposals appeared in an excellent law review article published in The Brigham Young University Law Review in 2005. In recent months, the Advisory Committee has adopted a few of his proposals to implement some aspects of the CVRA. These changes are expected to take effect next year.

These amendments are positive, but far more remains to be done. The Advisory Committee's six proposed amendments, five changes to existing rules and one new rule, do little more than reiterate limited parts of the statute. Crime victims have been treated unfairly in the Federal criminal justice system for far too long to be left to rely on a handful of minimal protections. To respect crime victims' rights fully in the process, it is necessary to take more decisive and comprehensive action to thoroughly amend the rules.

When Congress passed the CVRA in 2004, it promised that crime victims would have rights throughout the criminal justice process. Of particular importance, the CVRA guaranteed that crime victims would have the right to be treated with "fairness." My proposed amendments would add to the Federal rules the changes needed to treat crime victims fairly. These changes to the rules would provide vital protections for crime victims without interfering with the rights of criminal defendants or the need for Federal judges to manage their dockets effectively.

One example of the bill's changes is the amendment to Rule 50 to protect the victims' right to a speedy trial. The bill would amend Rule 50 to provide: "The court shall assure that a victim's right to proceedings free from unreasonable delay is protected. A victim has the right to be heard regarding any motion to continue any proceeding. If the court grants a motion to continue over the objection of a victim, the court shall state its reasons in the record."

It is hard for me to see how anyone could object to this procedural change. The CVRA promised to crime victims the right "to proceedings free from unreasonable delay." The bill would place that right into the Federal rules.

Another example of the kind of change that the bill would make is its amendment of Rule 21 to protect crime victims' rights in transfer decisions. In some situations, federal courts can transfer a criminal case from one district to another. The bill would amend Rule 21 to provide: "The court shall not transfer any proceeding without giving any victim an opportunity to be heard. The court shall consider the views of the victim in making any transfer decision."

It is again hard to understand how anyone could object to the requirement that a judge give a crime victim the chance to be heard before a case is transferred to a distant location. For example, the bill would have protected the right of the Oklahoma City bombing victims to present to the trial judge their views on whether the trial should have been transferred out of Oklahoma and, if so, to where.

The bill does not mandate any particular substantive result, leaving it to the trial judge to make the ultimate determination about whether to transfer a case. But the bill would change the process by which such decisions are made, ensuring that victims are treated fairly by giving them an opportunity to provide their views to the judge.

A further example of the changes in the bill is the amendment to Rule 48 to protect the victim's right to be heard before a case is dismissed. The bill would provide: "In deciding whether to grant the government's motion to dismiss, the court shall consider the views of any victims."

With this procedural change, the victim would have the opportunity to present the court any reasons why a case should not be dismissed. This right is implicit in the CVRA's mandate that crime victims be treated with fairness. It is hard to understand how a crime victim is treated with fairness if the court dismisses a case without considering the victim's position on the dismissal.

Indeed, the only case to have considered this issue reached exactly this conclusion. As United States v. Heaton explains,

> When the government files a motion to dismiss criminal charges that involve a specific victim, the only way to protect the victim's right to be treated fairly and with respect for her dignity is to consider the victim's views on the dismissal. It is hard to begin to understand how a victim would be treated with fairness if the court acted precipitously to approve dismissal of a case without even troubling to consider the victim's views. To treat a person with "fairness" is generally understood as treating them "justly" and "equitably." A victim is not treated justly and equitably if her views are not even before the court. Likewise, to grant the motion without knowing what the victim thought would be a plain affront to the victim's dignity. *U.S.* v. *Heaton*, 458 F. Supp. 2d 1271, 1272 (D. Utah 2006).

I agree with Heaton that the CVRA requires that crime victims have the opportunity to submit their views to the court on any dismissal. That is why this bill would place this right specifically into the federal criminal rules.

One particularly important part of the bill is its change to Rule 17 to protect the confidential and personal records of crime victims. The Advisory Committee itself proposed an amendment to Rule 17 to create specific procedures for subpoenas directed at confidential and private information concerning crime victims.

This change was designed to prevent a recurrence of the problems that recently occurred in the Elizabeth Smart kidnapping case in Salt Lake City. My colleagues may remember this case, which involved the abduction of a teenaged girl from her home. Fortunately, she was found a year later and the suspected kidnapper apprehended. In the state criminal proceedings that followed, defense attorneys subpoenaed confidential school and medical records about Elizabeth. Because these subpoenas went directly to Elizabeth's school and hospital, she was never given the opportunity to object to them, and some confidential information was improperly turned over to defense counsel.

The Advisory Committee has recognized that this same "end run" around the victim could occur under the federal rules. It has therefore adopted a rule requiring notice to crime victims before their personal and confidential information is subpoenaed.

But this seeming protection has a catch: a defendant can avoid giving any notice to victim by arguing to a court, in an ex parte proceeding, that exceptional circumstances exist.

This kind of ex parte procedure raises serious ethical concerns. In fact, the American Bar Association wrote to the Advisory Committee in February urging it to make certain that crime victims receive notice and an opportunity to be heard before such subpoenas issue. As Robert Johnson, Chair of the ABA's Criminal Justice section explained, the canons of judicial ethics forbid ex parte contacts with judges on substantive matters. Mr. Johnson went on to urge the Advisory Committee to give careful consideration of the ethical violations that might occur from ex parte subpoenas:

> While the proposed amendment to Rule 17 is intended to protect the interests of crime victims, the ABA urges the Committee to carefully examine the proposal to determine if the proposal regarding Rule 17 would be contrary to the Court's responsibility under Canon 3(B)(7) in allowing ex parte contact on a substantive matter. Even if the Committee decides that it is not a substantive matter, the Committee should consider whether the proposed rule would allow a tactical advantage as a result of the ex parte communication and the judge is required to promptly notify the other party of the substance of the ex parte communication and allow an opportunity to respond.

It seems that the Advisory Committee's proposed rule permitting ex parte subpoenas of personal and confidential information of crime victims in some situations might run afoul of these ethical rules. Accordingly, under the bill, crime victims would enjoy an absolute right to notice before such information as psychiatric and medical records could be subpoenaed. This is the standard process that our adversary system of justice uses.

The CVRA promised crime victims that they would enjoy "the right to be treated with fairness and with respect for the victim's dignity and privacy." My bill would respect victims' dignity and privacy by giving them a court hearing before any of their confidential records could be turned over to an offender accused of victimizing them. This is not to say that such information will never be disclosed to the defense. A judge will have to make the determination whether disclosure is appropriate. But the judge would make that determination only after hearing from the prosecutor, defense counsel and most important of all the crime victim whose privacy rights are directly affected.

One of the most significant parts of the bill is its creation of a new Rule 44.1, which would provide: "When the interests of justice require, the court may appoint counsel for a victim to assist the victim in exercising their rights as provided by law."

This important change builds on existing Federal law. Title 28 already permits the court in a criminal case to "request an attorney to represent any person unable to afford counsel." For criminal cases involving child victims, Title 18 U.S.C. section 3509 allows the appointment of a guardian to represent the child's interests. Although the statutes provide these rights, they have yet to be actually implemented so that crime victims can actually take advantage of them.

I want to be clear that I am not proposing that all crime victims should have counsel appointed for them. At the same time, though, I would think all could agree that there are situations where a trial court ought, as a matter of discretion, to have the ability to appoint legal counsel for a crime victim. For example, a crime victim might present a novel or complex claim that the courts have not yet considered. Or a crime victim might suffer from physical or mental disabilities as a result of the crime that would make it difficult for the victim to be heard without the help of an advocate.

For many years, courts have had the ability to appoint counsel for potential defendants on a discretionary basis. My bill would allow that same, well-recognized power to be used to appoint counsel for crime victims.

One last section of the bill deserves special note because it demonstrates the need for Congress to step into the rules process. The bill would amend Rule 32 to guarantee victims the right to speak at sentencing hearings.

This is a change from the more limited right that the Advisory Committee has given victims the right "to be reasonably heard." The Advisory Committee's note to this provision seemingly suggests that courts would not have to give all victims the right to speak at sentencing. This more limited right runs counter to the legislative history as to how the CVRA was to operate. While the CVRA gave crime victims the right to be reasonably heard, it was the undisputed legislative intent that victims would have the right to speak. I explained on the Senate floor at the time the act was under consideration that:

> It is not the intent of the term "reasonably" in the phrase "to be reasonably heard" to provide any excuse for denying a victim the right to appear in person and directly address the court. Indeed, the very purpose of this section is to allow the victim to appear personally and directly address the court.

My colleague Senator FEINSTEIN remarked at that time that my understanding was her "understanding as well."

The Advisory Committee's action also contravenes at least two published court decisions on this issue. In United States v. Kenna, Judge Kozinski wrote for the Ninth Circuit that the CVRA's legislative history reveals "a clear congressional intent to give crime victims the right to speak at proceedings covered by the CVRA." And in United States v. Degenhardt, Judge Cassell reached the same conclusion writing for the District of Utah.

My bill would provide the right of victims to speak at sentencing hearings. Of course, prosecutors, defense counsel, and defendants have on enjoyed this right. Crime victims, too, deserve the opportunity to speak to the court to "allocute" as this right is called and to make sure that the court and the defendant understand the crime's full harm.

I will not take the time here to go through all of the other provisions of the bill. But I did want to highlight one important note about the appropriateness of Congress acting to amend the rules to protect crime victims. Congress enacted the CVRA in October 2004. In the almost 3 years since then, I have waited patiently to give the federal courts the first opportunity to review the need for rule changes. At the same time, though, I have made clear my position, as one of the cosponsors of the CVRA, that Congress expected significant reforms in the Federal rules. As I explained to my colleagues at that time, the crime victims' community in this country was looking to the CVRA to serve as a model for the states and a formula for fully protecting crime victims. It was because the CVRA was expected to have such a far-reaching impact that the crime victims' community was willing to defer, at least temporarily, its efforts to pass a constitutional amendment protecting victims' rights.

I made this point directly to the advisory committee in a letter I sent to Judge Levi on February 15 of this year. Thus, several months ago, I placed the Advisory Committee on notice that, if it failed to act to fully protect crime victims, Congress might step into the breach.

A few weeks ago, Judge Levi replied to my letter, and I greatly appreciate his comments and explanations. In his reply, he acknowledged that many of the proposals were worthy of close attention. He indicated, however, that the Advisory Committee was going to delay action on them for some indefinite period of time. The reasons he gave for the delay were to:

> 1. gather more information on precisely how the proposals would operate in specific proceedings and what effects they might have, 2. obtain empirical data substantiating the existence and nature of any problem or problems that could be addressed by rule, and 3. provide additional time for courts to acquire experience under the CVRA and to develop case law construing it.

Judge Levi also suggested that some of the proposed rule changes would have created, in his view, new "substantive rights" for crime victims that went beyond the CVRA.

Judge Levi's letter demonstrates why the Rules Enabling Act wisely left the final decision on how to structure rules of evidence and procedure to Congress. The letter refers to the need to "gather more information" and "empirical data" on crime victims" issues before proceeding. While some might point out that the Advisory Committee has already had more than 2½ years to collect such data, I can appreciate the difficulty that a court rules committee can have in assessing the scope of a national problem. Congress, however, is already well-informed on the need for protecting crime victims' rights. Congress adopted the CVRA only after 8 years of legislative efforts and hearings on the Crime Victims Rights Amendment. This record leaves Congress well positioned to recognize the need for prompt and effective action to protect crime victims.

The letter also refers to the need for courts to develop case law construing the CVRA. The problem with this approach is that the anticipated case law may never develop. Most crime victims are not trained in the nuances of the law and lack the means to retain legal counsel. Victims are often indigent and are frequently emotionally and physically harmed by the defendant's crime. They are then involuntarily forced into the middle of complicated and unfamiliar legal proceedings. To expect that in these circumstances, crime victims will often be able to undertake the kind of sophisticated and pathbreaking litigation that would be necessary to establish crime victims seems unreasonable. One of the main reasons for the CVRA was to change a legal culture that has been hostile to crime victims. To expect that this legal culture will somehow, on a case-by-case basis, welcome crime victims is unlikely. Indeed, it is ironic that while waiting for case law to "develop," the Advisory Committee refused to add to the Federal rules a provision confirming the existing discretionary right of trial judges to appoint legal counsel for crime victims who need legal assistance on complicated issues.

The wait-for-caselaw approach is also troubling because it assumes that Federal court litigation will serve sufficiently to clarify the rights of victims in the Federal system. But the Federal Rules of Criminal Procedure form the template for rules of criminal procedure in states throughout the country. One of the main purposes of the CVRA was to create a model for protecting victims in the criminal justice system. Unless the text of the Federal rules themselves protects crime victims, the states will not have a model they can look to in drafting their own rules to guarantee victims fair treatment.

The final reason given for deferring action on rules changes is that the Advisory Committee thought that some of the changes might create new substantive rights better left to Congress. It's a bit of an Alphonse-and-Gaston situation: Congress says "after you" to the Advisory Committee, only to have the Advisory Committee say "after you." To avoid an impasse that leaves crime victims unprotected, obviously someone needs to take the lead. That is why I am today introducing The Crime Victims' Rights Rules Act.

One last provision in the bill is also worth highlighting. The bill includes a sense of the Congress provision that crime victims ought to be represented on the Advisory Committee on Criminal Rules.

This point was called to my attention by Professor Douglas Beloof, a distinguished law professor at the Lewis and Clark College of Law and the Director of the well-regarded National Crime Victims Law Institute. Professor Beloof testified before the Advisory Committee in January.

He was surprised to discover at that time that, while the Justice Department, the defense bar, and judges are all represented on the Committee, there is no representative for crime victims. Not only does this leave crime victims organizations without a liaison for bringing information to the attention of the Committee, but, more important, it deprives the Committee of the valuable perspective that such a representative could bring on the rule change issues the Committee regularly considers.

With the passage of the CVRA, crime victims, no less then the Justice Department and the defense bar, became participants with recognized rights in the criminal justice process. They should, therefore, be represented directly on the Advisory Committee on Criminal Rules.

When Congress passed the CVRA, it made a commitment to crime victims that they would no longer be overlooked in the criminal justice process. Nowhere is that commitment better exemplified than in the CVRA's promise that victims will be given "the right to be treated with fairness and with respect for the victim's dignity and privacy." Until the rules governing criminal proceedings in our Federal courts fully protect crime victims, that important goal will not be achieved.

I urge my colleagues to carry forward the promises made in the Crime Victims Rights Act. Crime victims' rights must be respected throughout the Federal Rules of Criminal Procedure. The Crime Victims' Rights Rules Act would amend the rules to ensure that crime victims are no longer overlooked in the federal criminal process.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 262—DESIGNATING JULY 2007 AS "NATIONAL WATERMELON MONTH"

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 262

Whereas watermelon production constitutes an important sector of the agricultural industry of the United States;

Whereas, according to the January 2006 statistics compiled by the National Agricultural Statistics Service of the United States Department of Agriculture, the United States produces 4,200,000,000 pounds of watermelon annually;

Whereas watermelon is grown in 49 States, is purchased and consumed in all 50 States, and is exported to Canada;

Whereas evidence indicates that eating 2½ to 5 cups of fruits and vegetables daily as part of a healthy diet will improve health and protect against diseases such as cancer, high blood pressure, stroke, and heart disease;

Whereas proper diet and nutrition are important factors in preventing diseases such as childhood obesity and diabetes;

Whereas watermelon has no fat or cholesterol and is an excellent source of the vitamins A, B6, and C, fiber, and potassium, which are vital to good health and disease prevention;

Whereas watermelon is also an excellent source of lycopene;

Whereas lycopene, an antioxidant found only in a few red plant foods, has been shown to reduce the risk of certain cancers;

Whereas watermelon is a heart-healthy food that has qualified for the heart-check mark from the American Heart Association;

Whereas watermelon has been a nutritious summer favorite from generation to generation; and

Whereas it is important to educate citizens of the United States regarding the health benefits of watermelon and other fruits and vegetables: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Watermelon Month";

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities; and

(3) designates July 2007 as "National Watermelon Month".

Mr. CHAMBLISS. Mr. President, I rise today to introduce a resolution that will recognize July 2007 as "National Watermelon Month." Watermelon production is a vital part of our Nation's agricultural sector and this resolution recognizes that fact.

According to statistics released by the National Agricultural Statistics Service of the U.S. Department of Agriculture in January 2006, the United States produces 4,200,000,000 pounds of watermelon annually. This amount of annual production is remarkable when you consider the number of actual watermelons it represents. Watermelon varieties range in size from 5 pounds to over 40 pounds, so the number produced, consumed, and exported each year is truly amazing.

Research has shown that the inclusion of fruits and vegetables in our diets is vitally important for a healthy lifestyle. Evidence indicates that eating between 2½ and 5 cups of fruits and vegetables everyday will improve health and protect against many of the diseases, especially those influenced by diet, that afflict our Nation. Watermelon provides many of the vitamins, fiber and nutrients which help prevent many of these diseases. Watermelon is also a good source of lycopene, an antioxidant that has been shown to reduce the risk of certain cancers. The health benefits associated with watermelon are so outstanding that the American Heart Association has certified watermelon as a heart-healthy food, thereby qualifying it for the heart-check certification mark.

I cannot address this body without mentioning the importance of the watermelon to my home State of Georgia. The University of Georgia College of Agricultural and Environmental Sciences Center for Agribusiness and Economic Development recently released its 2006 Georgia Farm Gate Value Report. Watermelon ranked 16th among all Georgia commodities with a farm gate value of a little over $111 million from almost 24,000 acres of watermelon. I am also proud to represent Cordele, Georgia, which is known as the, "Watermelon Capital of the World."

Recognizing July as "National Watermelon Month" will provide the watermelon industry with many avenues to not only market their product but also educate the public about the health benefits associated with consuming watermelon through different watermelon related programs and activities. Watermelon enjoys a long history as one of our Nation's favorite foods. As Mark Twain once said, "When one has tasted watermelon he knows what the angels eat." I encourage my colleagues to join me in acknowledging the wisdom of Mark Twain by supporting this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2001. Mr. WEBB (for himself, Mr. DURBIN, Mrs. MCCASKILL, Mr. TESTER, Mr. KENNEDY, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2002. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1610, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

TEXT OF AMENDMENTS

SA 2001. Mr. WEBB (for himself, Mr. DURBIN, Mrs. MCCASKILL, Mr. TESTER, Mr. KENNEDY, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (2) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (2) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY THE MILITARY CHIEF OF STAFF.—The chief of staff of the Armed Force concerned may waive the limitation in subsection (a) or (b) with respect to the deployment of a member of the Armed Forces specified the applicable subparagraph under such subsection upon the voluntary request of the member.

SA 2002. Mr. REID (for Mr. DODD (for himself and Mr. SHELBY)) proposed an amendment to the bill S. 1610, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposed; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Investment and National Security Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. United States security improvement amendments; clarification of review and investigation process.
Sec. 3. Statutory establishment of the Committee on Foreign Investment in the United States.
Sec. 4. Additional factors for consideration.
Sec. 5. Mitigation, tracking, and postconsummation monitoring and enforcement.
Sec. 6. Action by the President.
Sec. 7. Increased oversight by Congress.
Sec. 8. Certification of notices and assurances.
Sec. 9. Regulations.
Sec. 10. Effect on other law.
Sec. 11. Clerical amendments
Sec. 12. Effective date.

SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMENDMENTS; CLARIFICATION OF REVIEW AND INVESTIGATION PROCESS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (a) and (b) and inserting the following:

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COMMITTEE; CHAIRPERSON.—The terms 'Committee' and 'chairperson' mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

"(2) CONTROL.—The term 'control' has the meaning given to such term in regulations which the Committee shall prescribe.

"(3) COVERED TRANSACTION.—The term 'covered transaction' means any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

"(4) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

"(5) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

"(6) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means, subject to rules issued under this section, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

"(7) CRITICAL TECHNOLOGIES.—The term 'critical technologies' means critical technology, critical components, or critical technology items essential to national defense, identified pursuant to this section, subject to regulations issued at the direction of the President, in accordance with subsection (h).

"(8) LEAD AGENCY.—The term 'lead agency' means the agency, or agencies, designated as the lead agency or agencies pursuant to subsection (k)(5) for the review of a transaction.

"(b) NATIONAL SECURITY REVIEWS AND INVESTIGATIONS.—

"(1) NATIONAL SECURITY REVIEWS.—

"(A) IN GENERAL.—Upon receiving written notification under subparagraph (C) of any covered transaction, or pursuant to a unilateral notification initiated under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee—

"(i) shall review the covered transaction to determine the effects of the transaction on the national security of the United States; and

"(ii) shall consider the factors specified in subsection (f) for such purpose, as appropriate.

"(B) CONTROL BY FOREIGN GOVERNMENT.—If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

"(C) WRITTEN NOTICE.—

"(i) IN GENERAL.—Any party or parties to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

"(ii) WITHDRAWAL OF NOTICE.—No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review, unless a written request for such withdrawal is submitted to the Committee by any party to the transaction and approved by the Committee.

"(iii) CONTINUING DISCUSSIONS.—A request for withdrawal under clause (ii) shall not be construed to preclude any party to the covered transaction from continuing informal discussions with the Committee or any member thereof regarding possible resubmission for review pursuant to this paragraph.

"(D) UNILATERAL INITIATION OF REVIEW.—Subject to subparagraph (F), the President or the Committee may initiate a review under subparagraph (A) of—

"(i) any covered transaction;

"(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

"(iii) any covered transaction that has previously been reviewed or investigated under this section, if—

"(I) any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A);

"(II) such breach is certified to the Committee by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and

"(III) the Committee determines that there are no other remedies or enforcement tools available to address such breach.

"(E) TIMING.—Any review under this paragraph shall be completed before the end of the 30-day period beginning on the date of the acceptance of written notice under subparagraph (C) by the chairperson, or beginning on the date of the initiation of the review in accordance with subparagraph (D), as applicable.

"(F) LIMIT ON DELEGATION OF CERTAIN AUTHORITY.—The authority of the Committee to initiate a review under subparagraph (D) may not be delegated to any person, other than the Deputy Secretary or an appropriate Under Secretary of the department or agency represented on the Committee.

"(2) NATIONAL SECURITY INVESTIGATIONS.—

"(A) IN GENERAL.—In each case described in subparagraph (B), the Committee shall immediately conduct an investigation of the effects of a covered transaction on the national security of the United States, and take any necessary actions in connection with the transaction to protect the national security of the United States.

"(B) APPLICABILITY.—Subparagraph (A) shall apply in each case in which—

"(i) a review of a covered transaction under paragraph (1) results in a determination that—

"(I) the transaction threatens to impair the national security of the United States and that threat has not been mitigated during or prior to the review of a covered transaction under paragraph (1);

"(II) the transaction is a foreign government-controlled transaction; or

"(III) the transaction would result in control of any critical infrastructure of or within the United States by or on behalf of any foreign person, if the Committee determines that the transaction could impair national security, and that such impairment to national security has not been mitigated by assurances provided or renewed with the approval of the Committee, as described in subsection (l), during the review period under paragraph (1); or

"(ii) the lead agency recommends, and the Committee concurs, that an investigation be undertaken.

"(C) TIMING.—Any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date on which the investigation commenced.

"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding subparagraph (B)(i), an investigation of a foreign government-controlled transaction described in subclause (II) of subparagraph (B)(i) or a transaction involving critical infrastructure described in subclause (III) of subparagraph (B)(i) shall not be required under this paragraph, if the Secretary of the Treasury and the head of the lead agency jointly determine, on the basis of the review of the transaction under paragraph (1), that the transaction will not impair the national security of the United States.

"(ii) NONDELEGATION.—The authority of the Secretary or the head of an agency referred to in clause (i) may not be delegated to any person, other than the Deputy Secretary of the Treasury or the deputy head (or the equivalent thereof) of the lead agency, respectively.

"(E) GUIDANCE ON CERTAIN TRANSACTIONS WITH NATIONAL SECURITY IMPLICATIONS.—The Chairperson shall, not later than 180 days after the effective date of the Foreign Investment and National Security Act of 2007, publish in the Federal Register guidance on the types of transactions that the Committee has reviewed and that have presented national security considerations, including transactions that may constitute covered transactions that would result in control of critical infrastructure relating to United States national security by a foreign government or an entity controlled by or acting on behalf of a foreign government.

"(3) CERTIFICATIONS TO CONGRESS.—

"(A) CERTIFIED NOTICE AT COMPLETION OF REVIEW.—Upon completion of a review under subsection (b) that concludes action under this section, the chairperson and the head of the lead agency shall transmit a certified notice to the members of Congress specified in subparagraph (C)(iii).

"(B) CERTIFIED REPORT AT COMPLETION OF INVESTIGATION.—As soon as is practicable after completion of an investigation under subsection (b) that concludes action under this section, the chairperson and the head of the lead agency shall transmit to the members of Congress specified in subparagraph (C)(iii) a certified written report (consistent with the requirements of subsection (c)) on the results of the investigation, unless the matter under investigation has been sent to the President for decision.

"(C) CERTIFICATION PROCEDURES.—

"(i) IN GENERAL.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be submitted to the members of Congress specified in clause (iii), and shall include—

"(I) a description of the actions taken by the Committee with respect to the transaction; and

"(II) identification of the determinative factors considered under subsection (f).

"(ii) CONTENT OF CERTIFICATION.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be signed by the chairperson and the head of the lead agency, and shall state that, in the determination of the Committee, there are no unresolved national security concerns with the transaction that is the subject of the notice or report.

"(iii) MEMBERS OF CONGRESS.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be transmitted—

"(I) to the Majority Leader and the Minority Leader of the Senate;

"(II) to the chair and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of any committee of the Senate having oversight over the lead agency;

"(III) to the Speaker and the Minority Leader of the House of Representatives;

"(IV) to the chair and ranking member of the Committee on Financial Services of the House of Representatives and of any committee of the House of Representatives having oversight over the lead agency; and

"(V) with respect to covered transactions involving critical infrastructure, to the members of the Senate from the State in which the principal place of business of the acquired United States person is located, and the member from the Congressional District in which such principal place of business is located.

"(iv) SIGNATURES; LIMIT ON DELEGATION.—

"(I) IN GENERAL.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be signed by the chairperson and the head of the lead agency, which signature requirement may only be delegated in accordance with subclause (II).

"(II) LIMITATION ON DELEGATION OF CERTIFICATIONS.—The chairperson and the head of the lead agency may delegate the signature requirement under subclause (I)—

"(aa) only to an appropriate employee of the Department of the Treasury (in the case of the Secretary of the Treasury) or to an appropriate employee of the lead agency (in the case of the lead agency) who was appointed by the President, by and with the advice and consent of the Senate, with respect to any notice provided under paragraph (1) following the completion of a review under this section; or

"(bb) only to a Deputy Secretary of the Treasury (in the case of the Secretary of the Treasury) or a person serving in the Deputy position or the equivalent thereof at the lead agency (in the case of the lead agency), with respect to any report provided under subparagraph (B) following an investigation under this section.

"(4) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

"(A) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States posed by any covered transaction. The Director of National Intelligence shall also seek and incorporate the views of all affected or appropriate intelligence agencies with respect to the transaction.

"(B) TIMING.—The analysis required under subparagraph (A) shall be provided by the Director of National Intelligence to the Committee not later than 20 days after the date on which notice of the transaction is accepted by the Committee under paragraph (1)(C), but such analysis may be supplemented or amended, as the Director considers necessary or appropriate, or upon a request for additional information by the Committee. The Director may begin the analysis at any time prior to acceptance of the notice, in accordance with otherwise applicable law.

"(C) INTERACTION WITH INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to the Committee of any additional relevant information that may become available during the course of any investigation conducted under subsection (b) with respect to a transaction.

"(D) INDEPENDENT ROLE OF DIRECTOR.—The Director of National Intelligence shall be a nonvoting, ex officio member of the Committee, and shall be provided with all notices received by the Committee under paragraph (1)(C) regarding covered transactions, but shall serve no policy role on the Committee, other than to provide analysis under subparagraphs (A) and (C) in connection with a covered transaction.

"(5) SUBMISSION OF ADDITIONAL INFORMATION.—No provision of this subsection shall be construed as prohibiting any party to a covered transaction from submitting additional information concerning the transaction, including any proposed restructuring of the transaction or any modifications to any agreements in connection with the transaction, while any review or investigation of the transaction is ongoing.

"(6) NOTICE OF RESULTS TO PARTIES.—The Committee shall notify the parties to a covered transaction of the results of a review or investigation under this section, promptly upon completion of all action under this section.

"(7) REGULATIONS.—Regulations prescribed under this section shall include standard procedures for—

"(A) submitting any notice of a covered transaction to the Committee;

"(B) submitting a request to withdraw a covered transaction from review;

"(C) resubmitting a notice of a covered transaction that was previously withdrawn from review; and

"(D) providing notice of the results of a review or investigation to the parties to the covered transaction, upon completion of all action under this section.".

SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (k) and inserting the following:

"(k) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

"(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States, established pursuant to Executive Order No. 11858, shall be a multi agency committee to carry out this section and such other assignments as the President may designate.

"(2) MEMBERSHIP.—The Committee shall be comprised of the following members or the designee of any such member:

"(A) The Secretary of the Treasury.

"(B) The Secretary of Homeland Security.

"(C) The Secretary of Commerce.

"(D) The Secretary of Defense.

"(E) The Secretary of State.

"(F) The Attorney General of the United States.

"(G) The Secretary of Energy.

"(H) The Secretary of Labor (nonvoting, ex officio).

"(I) The Director of National Intelligence (nonvoting, ex officio).

"(J) The heads of any other executive department, agency, or office, as the President determines appropriate, generally or on a case-by-case basis.

"(3) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of the Committee.

"(4) ASSISTANT SECRETARY FOR THE DEPARTMENT OF THE TREASURY.—There shall be established an additional position of Assistant Secretary of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary appointed under this paragraph shall report directly to the Undersecretary of the Treasury for International Affairs. The duties of the Assistant Secretary shall include duties related to the Committee on Foreign Investment in the United States, as delegated by the Secretary of the Treasury under this section.

"(5) DESIGNATION OF LEAD AGENCY.—The Secretary of the Treasury shall designate, as appropriate, a member or members of the Committee to be the lead agency or agencies on behalf of the Committee—

"(A) for each covered transaction, and for negotiating any mitigation agreements or other conditions necessary to protect national security; and

"(B) for all matters related to the monitoring of the completed transaction, to ensure compliance with such agreements or conditions and with this section.

"(6) OTHER MEMBERS.—The chairperson shall consult with the heads of such other Federal departments, agencies, and independent establishments in any review or investigation under subsection (a), as the chairperson determines to be appropriate, on the basis of the facts and circumstances of the covered transaction under review or investigation (or the designee of any such department or agency head).

"(7) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the chairperson, without regard to section 552b of title 5, United States Code (if otherwise applicable).".

SEC. 4. ADDITIONAL FACTORS FOR CONSIDERATION.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) is amended—

(1) in the matter preceding paragraph (1), by striking "among other factors";

(2) in paragraph (4)—

(A) in subparagraph (A) by striking "or" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) identified by the Secretary of Defense as posing a potential regional military threat to the interests of the United States; or"; and

(D) by striking "and" at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(6) the potential national security-related effects on United States critical infrastructure, including major energy assets;

"(7) the potential national security-related effects on United States critical technologies;

"(8) whether the covered transaction is a foreign government-controlled transaction, as determined under subsection (b)(1)(B);

"(9) as appropriate, and particularly with respect to transactions requiring an investigation under subsection (b)(1)(B), a review of the current assessment of—

"(A) the adherence of the subject country to nonproliferation control regimes, including treaties and multilateral supply guidelines, which shall draw on, but not be limited to, the annual report on 'Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments' required by section 403 of the Arms Control and Disarmament Act;

"(B) the relationship of such country with the United States, specifically on its record on cooperating in counter-terrorism efforts, which shall draw on, but not be limited to, the report of the President to Congress under section 7120 of the Intelligence Reform and Terrorism Prevention Act of 2004; and

"(C) the potential for transshipment or diversion of technologies with military applications, including an analysis of national export control laws and regulations;

"(10) the long-term projection of United States requirements for sources of energy and other critical resources and material; and

"(11) such other factors as the President or the Committee may determine to be appropriate, generally or in connection with a specific review or investigation.".

SEC. 5. MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(l) MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.—

"(1) MITIGATION.—

"(A) IN GENERAL.—The Committee or a lead agency may, on behalf of the Committee, negotiate, enter into or impose, and enforce any agreement or condition with any party to the covered transaction in order to mitigate any threat to the national security of the United States that arises as a result of the covered transaction.

"(B) RISK-BASED ANALYSIS REQUIRED.—Any agreement entered into or condition imposed under subparagraph (A) shall be based on a risk-based analysis, conducted by the Committee, of the threat to national security of the covered transaction.

"(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

"(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

"(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

"(ii) specific time frames for resubmitting any such written notice; and

"(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the transaction, before the notice referred to in clause (ii) is resubmitted.

"(B) DESIGNATION OF AGENCY.—The lead agency, other than any entity of the intelligence community (as defined in the National Security Act of 1947), shall, on behalf of the Committee, ensure that the requirements of subparagraph (A) with respect to any covered transaction that is subject to such subparagraph are met.

"(3) NEGOTIATION, MODIFICATION, MONITORING, AND ENFORCEMENT.—

"(A) DESIGNATION OF LEAD AGENCY.—The lead agency shall negotiate, modify, monitor, and enforce, on behalf of the Committee, any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction, based on the expertise with and knowledge of the issues related to such transaction on the part of the designated department or agency. Nothing in this paragraph shall prohibit other departments or agencies in assisting the lead agency in carrying out the purposes of this paragraph.

"(B) REPORTING BY DESIGNATED AGENCY.—

"(i) MODIFICATION REPORTS.—The lead agency in connection with any agreement entered into or condition imposed with respect to a covered transaction shall—

"(I) provide periodic reports to the Committee on any material modification to any such agreement or condition imposed with respect to the transaction; and

"(II) ensure that any material modification to any such agreement or condition is reported to the Director of National Intelligence, the Attorney General of the United States, and any other Federal department or agency that may have a material interest in such modification.

"(ii) COMPLIANCE.—The Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately assure compliance, without—

"(I) unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice has been filed pursuant to subsection (b)(1)(C), and if necessary, reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason; or

"(II) placing unnecessary burdens on a party to a covered transaction.".

SEC. 6. ACTION BY THE PRESIDENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (d) and (e) and inserting the following:

"(d) ACTION BY THE PRESIDENT.—

"(1) IN GENERAL.—Subject to paragraph (4), the President may take such action for such time as the President considers appropriate to suspend or prohibit any covered transaction that threatens to impair the national security of the United States.

"(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to paragraph (1) not later than 15 days after the date on which an investigation described in subsection (b) is completed.

"(3) ENFORCEMENT.—The President may direct the Attorney General of the United States to seek appropriate relief, including divestment relief, in the district courts of the United States, in order to implement and enforce this subsection.

"(4) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by paragraph (1), only if the President finds that—

"(A) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security; and

"(B) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security in the matter before the President.

"(5) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under paragraph (1), the President shall consider, among other factors each of the factors described in subsection (f), as appropriate.

"(e) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under paragraph (1) of subsection (d) and the findings of the President under paragraph (4) of subsection (d) shall not be subject to judicial review.".

SEC. 7. INCREASED OVERSIGHT BY CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(g)) is amended to read as follows:

"(g) ADDITIONAL INFORMATION TO CONGRESS; CONFIDENTIALITY.—

"(1) BRIEFING REQUIREMENT ON REQUEST.—The Committee shall, upon request from any Member of Congress specified in subsection (b)(3)(C)(iii), promptly provide briefings on a covered transaction for which all action has concluded under this section, or on compliance with a mitigation agreement or condition imposed with respect to such transaction, on a classified basis, if deemed necessary by the sensitivity of the information. Briefings under this paragraph may be provided to the congressional staff of such a Member of Congress having appropriate security clearance.

"(2) APPLICATION OF CONFIDENTIALITY PROVISIONS.—

"(A) IN GENERAL.—The disclosure of information under this subsection shall be consistent with the requirements of subsection (c). Members of Congress and staff of either House of Congress or any committee of Congress, shall be subject to the same limitations on disclosure of information as are applicable under subsection (c).

"(B) PROPRIETARY INFORMATION.—Proprietary information which can be associated with a particular party to a covered transaction shall be furnished in accordance with subparagraph (A) only to a committee of Congress, and only when the committee provides assurances of confidentiality, unless such party otherwise consents in writing to such disclosure.".

(b) ANNUAL REPORT.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(m) ANNUAL REPORT TO CONGRESS.—

"(1) IN GENERAL.—The chairperson shall transmit a report to the chairman and ranking member of the committee of jurisdiction in the Senate and the House of Representatives, before July 31 of each year on all of the reviews and investigations of covered transactions completed under subsection (b) during the 12-month period covered by the report.

"(2) CONTENTS OF REPORT RELATING TO COVERED TRANSACTIONS.—The annual report under paragraph (1) shall contain the following information, with respect to each covered transaction, for the reporting period:

"(A) A list of all notices filed and all reviews or investigations completed during the period, with basic information on each party to the transaction, the nature of the business activities or products of all pertinent persons, along with information about any withdrawal from the process, and any decision or action by the President under this section.

"(B) Specific, cumulative, and, as appropriate, trend information on the numbers of filings, investigations, withdrawals, and decisions or actions by the President under this section.

"(C) Cumulative and, as appropriate, trend information on the business sectors involved in the filings which have been made, and the countries from which the investments have originated.

"(D) Information on whether companies that withdrew notices to the Committee in accordance with subsection (b)(1)(C)(ii) have later refiled such notices, or, alternatively, abandoned the transaction.

"(E) The types of security arrangements and conditions the Committee has used to mitigate national security concerns about a transaction, including a discussion of the methods that the Committee and any lead agency are using to determine compliance with such arrangements or conditions.

"(F) A detailed discussion of all perceived adverse effects of covered transactions on the national security or critical infrastructure of the United States that the Committee will take into account in its deliberations during the period before delivery of the next report, to the extent possible.

"(3) CONTENTS OF REPORT RELATING TO CRITICAL TECHNOLOGIES.—

"(A) IN GENERAL.—In order to assist Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall include in the annual report submitted under paragraph (1)—

"(i) an evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

"(ii) an evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies.

"(B) RELEASE OF UNCLASSIFIED STUDY.—All appropriate portions of the annual report under paragraph (1) may be classified. An unclassified version of the report, as appropriate, consistent with safeguarding national security and privacy, shall be made available to the public.".

(c) STUDY AND REPORT.—

(1) STUDY REQUIRED.—Before the end of the 120-day period beginning on the date of enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study on foreign direct investments in the United States, especially investments in critical infrastructure and industries affecting national security, by—

(A) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which comply with any boycott of Israel; or

(B) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which do not ban organizations designated by the Secretary of State as foreign terrorist organizations.

(2) REPORT.—Before the end of the 30-day period beginning upon the date of completion of each study under paragraph (1), and thereafter in each annual report under section 721(m) of the Defense Production Act of 1950 (as added by this section), the Secretary of the Treasury shall submit a report to Congress, for transmittal to all appropriate committees of the Senate and the House of Representatives, containing the findings and conclusions of the Secretary with respect to the study described in paragraph (1), together with an analysis of the effects of such investment on the national security of the United States and on any efforts to address those effects.

(d) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950, as in effect on the day before the date of enactment of this Act.

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General, to the chairman and ranking member of each committee of the Senate and the House of Representatives having jurisdiction over any aspect of the report, including, at a minimum, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives.

SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(n) CERTIFICATION OF NOTICES AND ASSURANCES.—Each notice, and any followup information, submitted under this section and regulations prescribed under this section to the President or the Committee by a party to a covered transaction, and any information submitted by any such party in connection with any action for which a report is required pursuant to paragraph (3)(B) of subsection (l), with respect to the implementation of any mitigation agreement or condition described in paragraph (1)(A) of subsection (l), or any material change in circumstances, shall be accompanied by a written statement by the chief executive officer or the designee of the person required to submit such notice or information certifying that, to the best of the knowledge and belief of that person—

"(1) the notice or information submitted fully complies with the requirements of this section or such regulation, agreement, or condition; and

"(2) the notice or information is accurate and complete in all material respects.".

SEC. 9. REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(h)) is amended to read as follows:

"(h) REGULATIONS.—

"(1) IN GENERAL.—The President shall direct, subject to notice and comment, the issuance of regulations to carry out this section.

"(2) EFFECTIVE DATE.—Regulations issued under this section shall become effective not later than 180 days after the effective date of the Foreign Investment and National Security Act of 2007.

"(3) CONTENT.—Regulations issued under this subsection shall—

"(A) provide for the imposition of civil penalties for any violation of this section, including any mitigation agreement entered into or conditions imposed pursuant to subsection (l);

"(B) to the extent possible—

"(i) minimize paperwork burdens; and

"(ii) coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law; and

"(C) provide for an appropriate role for the Secretary of Labor with respect to mitigation agreements.".

SEC. 10. EFFECT ON OTHER LAW.

Section 721(i) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(i)) is amended to read as follows:

"(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any other authority, process, regulation, investigation, enforcement measure, or review provided by or established under any other provision of Federal law, including the International Emergency Economic Powers Act, or any other authority of the President or the Congress under the Constitution of the United States.".

SEC. 11. CLERICAL AMENDMENTS.

(a) TITLE 31.—Section 301(e) of title 31, United States Code, is amended by striking "8 Assistant" and inserting "9 Assistant".

(b) TITLE 5.—Section 5315 of title 5, United States Code, is amended in the item relating to "Assistant Secretaries of the Treasury", by striking "(8)" and inserting "(9)".

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall apply after the end of the 90-day period beginning on the date of enactment of this Act.

FOREIGN INVESTMENT AND NATIONAL SECURITY ACT OF 2007

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 197, S. 1610.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (S. 1610) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Madam President, section 721 of the Defense Production Act, also known as the Exon-Florio amendment, Exon-Florio, established a statutory framework for the U.S. Government to analyze foreign acquisitions, mergers, and takeovers of privately owned entities within the United States to determine whether such transactions affect the national security of the United States. The Foreign Investment and National Security Act of 2007 amends section 721 for the purpose of strengthening the process by which such transactions are reviewed and, when warranted, investigated for national security concerns. In addition, the act provides for a system of congressional notification so that Congress is able to conduct proper oversight of the national security implications of foreign direct investment in the United States to ensure that it is beneficial and has no adverse impact on U.S. national security.

Exon-Florio established a four-step process for examining a foreign acquisition: (1) voluntary notice by the companies; (2) a 30-day review to identify any national security concerns; (3) an optional 45-day investigation to determine whether identified concerns require more extensive mitigation efforts or a recommendation to the President for possible action; and (4) a Presidential decision to permit, suspend, or prohibit an acquisition in those instances where potential national security concerns cannot be mitigated.

During the standard review period, CFIUS conducts a national security analysis to determine whether any national security issues exist with a particular transaction, and if so, whether those concerns can be mitigated. In practice, companies sometime "pre-file" with CFIUS, providing information about the transaction in order to ensure that CFIUS has all necessary information during the formal review period. Further, companies may withdraw from the formal review in order to address concerns on the condition that they re-file promptly with CFIUS or abandon the transaction.

Therefore, while the vast majority of CFIUS transactions are approved by the end of the 30-day review, the total time devoted to transactions is sometimes longer. If national security concerns have not been resolved during the 30-day review, CFIUS can extend its review to a second stage 45-day investigation. At the end of a 45-day investigation, the transaction is sent to the President for a decision, accompanied by a CFIUS report and recommendation. Any transaction that goes to the President must be reported to Congress. Transactions that enter investigation may also be terminated before reaching the President, with the companies voluntarily withdrawing and abandoning the investment. Presidential decisions are also avoided in cases where a mitigation agreement has been reached during the investigation period and the companies withdraw from investigation and immediately refile.

Mitigation agreements, which are contracts with CFIUS or CFIUS agencies entered into by the parties to the transaction, are an important element of the CFIUS review and investigation process. These agreements are intended to mitigate possible national security threats posed by a transaction short of requiring that the parties abandon the transaction altogether. The Department of Defense, hereafter DOD, has for many years used various types of mitigation agreements under existing DOD authority and regulations such as the National Industrial Security Program Operating Manual, NISPOM, to address the impact of foreign ownership and control over companies that have classified contracts with the Pentagon or intelligence agencies. In recent years, the Departments of Justice and Homeland Security have also done so.

S. 1610 reinforces CFIUS's capacity to refuse, suspend, modify or reverse any transaction if a written notice of such transaction is not filed with CFIUS or if there is an intentional material omission or falsehood in connection with a completed CFIUS review or investigation, or an intentional material breach in any posttransaction mitigation agreement, and establishes a formal requirement that all filings with CFIUS must be complete and accurate to the best of the filing party's ability. Thus, the committee establishes a clear signal that all violations of such notice certification should be considered in the context of title 18, section 1001, and all intentional breaches or misstatements could also lead to severe modification or divestment of an acquisition of a previously reviewed transaction at any time.

The bill also establishes a mechanism by which CFIUS can unilaterally reopen a transaction that had previously been approved. My expectation is that this authority will only be used in exceptional circumstances when no other remedies exist and where there has been an intentional breach that affects national security. For that reason, the bill requires important procedural safeguards to ensure that this authority is not used lightly—among other safeguards, it requires, for example, that the decision to reopen a case is made at the same level of seniority as is required in the bill for the approval of transactions. The bill makes clear that CFIUS can only reopen a transaction if these threshold tests are met.

Of necessity, the reviews and investigations, which contain classified evaluations of national security vulnerabilities as well as extensive proprietary business information, remain highly confidential. Given this lack of transparency, there have been concerns over the years about CFIUS's accountability to Congress and to the public, particularly with regard to fundamental questions of whether CFIUS policies are consistent with the statute, executive orders, and regulations that govern its operations and whether CFIUS policies are applied consistently from transaction to transaction.

CFIUS has explicit authority in the regulations to open a case in the event that CFIUS discovers there has been a material misstatement or omission in the information provided by the parties to the transaction. CFIUS agencies also have all of the remedies that are normally available under a contract in order to enforce the terms of the mitigation agreement. In addition, in a large number of CFIUS cases, and particularly those involving the Defense Department, CFIUS approvals can be effectively nullified simply by ending the federal agency's contracting relationship with the company. Defense-related contracts are often a central element of CFIUS transactions, so the threat of being denied a contract going forward ensures compliance with the terms of mitigation agreements or other conditions agreed to by the foreign investor.

On October 6, 2005, under the leadership of then-Chairman RICHARD SHELBY, the Committee on Banking, Housing, and Urban Affairs conducted a hearing into the findings of the GAO report. Discussion between the GAO witnesses and Banking Committee members further highlighted deficiencies in implementation of Exon-Florio and the level of dissatisfaction with the lack of communication between CFIUS and the appropriate oversight committees of Congress. That hearing was followed on October 20, 2005, by another hearing that allowed the Banking Committee to hear directly from many of the agencies that comprise CFIUS, including the Department of the Treasury, which has the lead role in implementing Exon-Florio, as well as private sector representatives.

In late January 2006 congressional offices became aware of the proposed acquisition of terminal operations at a number of U.S. maritime ports by Dubai Ports World, hereafter DPW, an established port operator owned by the government of the Emirate of Dubai. Concern within Congress about a transaction that would transfer control of terminal operations to a company owned by a Persian Gulf emirate through whose financial system funds had been transferred to the terrorists who carried out the September 11, 2001, attacks upon the United States, and that had been a central conduit for nuclear weapons components being smuggled to hostile regimes, provided further impetus for review of the manner in which foreign transactions were being analyzed by CFIUS.

That senior White House officials, and the Secretaries and Deputy Secretaries of the Departments of the Treasury and Homeland Security were unaware of the Dubai Ports World transaction, combined with the fact this transaction was not subjected to a formal investigation in violation of the Byrd amendment, compounded congressional concerns about the nature of the underlying transaction.

In response to congressional criticism related to the DPW case in 2006, CFIUS agencies pledged to address flaws in the CFIUS process identified by Congress. There were 113 transactions filed with CFIUS in 2006, up 74 percent from the previous year. Because companies seek CFIUS consideration voluntarily, this increase reflected greater sensitivity among foreign investors, which in turn may reflect a more aggressive stance from CFIUS. CFIUS conducted seven second-stage investigations, the same number of investigations that had been conducted over the previous five-year period. There was also an increase in the number of companies withdrawing from CFIUS reviews and investigations, which suggests a higher degree of scrutiny: either companies withdrew for the purpose of terminating the underlying transaction or in order to restructure the transaction to address CFIUS concerns.

The number of cases in which CFIUS approved transactions with conditions attached through mitigation agreements also increased. CFIUS has also increased its Congressional outreach, notifying the Congressional leadership and committees of jurisdiction upon completion of CFIUS action on each transaction. Treasury also finally produced the long-overdue quadrennial report on CFIUS-related issues as mandated by the Defense Production Act of 1950.

In response to continued concerns regarding implementation of Exon-Florio, on April 30, 2006, the Committee on Banking, Housing, and Urban Affairs reported an original bill, S. 109-264, which made significant amendments to Section 721 to strengthen the review and oversight process. Senate bill 109-264 passed the Senate on July 26, 2006. On the same day the House passed its own reform legislation, H.R. 5337. No further action occurred on the bills prior to the adjournment of the 109th Congress.

On February 28, 2007, The House once again passed legislation amending section 721 to strengthen the foreign investment review process, H.R. 556—The National Foreign Investment Reform and Strengthened Transparency Act of 2007. On May 16, 2007, the Senate Committee on Banking, Housing and Urban Affairs convened to consider and report an original bill—the Foreign Investment and National Security Act of 2007—Proposed by Chairman CHRISTOPHER J. DODD, working closely with Ranking Member RICHARD SHELBY and drawing upon the extensive work that members of the committee had undertaken on this subject in the 109th Congress.

Let me offer a brief summary of the most important provisions of the bill.

The Foreign Investment and National Security Act of 2007—

Establishes the membership of the Committee on Foreign Investment in the United States, CFIUS, in statute;

Strengthens the role of the Director of National Intelligence, hereafter DNI, by making the DNI an ex-officio member of CFIUS and requiring that the Director undertake a thorough analysis of the transaction with respect to any national security implications, engage the intelligence community, and report the DNI's findings to the committee within 20 days of the commencement of the CFIUS review. Requires the DNI to update CFIUS with any additional relevant intelligence information that becomes available during the course of a review and/or investigation;

Mandates the designation of a lead agency or agencies for each covered transaction, in addition to the Treasury Department, charged with negotiating any mitigation agreement or other conditions to ensure that national security is protected, and for follow-up compliance with the terms of the agreement after the transaction has been approved by CFIUS;

Provides for the 30-day review of covered transactions by CFIUS to determine its effects on national security, and for sign-off at the assistant secretary-level, or above, that there is no threat to national security by the proposed transaction;

Provides for the 45-day investigation of covered transactions that threaten to impair national security, including transactions involving foreign government-owned companies and control of critical infrastructure, and for sign-off at the Deputy Secretary level that there is no threat to the national security by the proposed transaction;

Provides for certain exceptions for the requirement that a state-owned entity automatically go to the investigation stage if the Secretary or Deputy Secretary of the Treasury, and the equivalent level official in the lead agency, determine after review of the transaction that national security will not be impaired by the transaction;

Requires assessment of a country's compliance with U.S. and multilateral counterterrorism, nonproliferation and export control regimes for acquisitions by stateowned companies in the investigation stage;

Provides authority to the President to suspend or prohibit a covered transaction if there is credible evidence that such transaction threatens to impair U.S. national security;

Provides authority to CFIUS, or the lead agencies acting on behalf of CFIUS, to negotiate, impose and enforce conditions necessary to mitigate any threat to national security related to a covered transaction;

Adds to the list of factors that CFIUS should consider in the conduct of its reviews and investigation to include among other things consideration of the potential impact of a transaction on critical infrastructure, energy assets, or critical technologies;

Provides for written notice, to the Congress at the conclusion of the CFIUS process for both reviews and investigations, providing details about the transaction, including written assurance that the transaction does not threaten to impair national security or that any initial concerns have been mitigated through binding agreements between the parties and CFIUS, or the lead agency or agencies designated by the Chairman of CFIUS;

Provides for detailed annual reports to Congress on the activities of CFIUS, including information concerning the transactions that have been reviewed or investigated during the previous 12 months;

Provides for an investigation by the Inspector General of the Department of Treasury to determine why the department failed to comply with provisions of the Defense Production Act with respect to certain reporting requirements related to potential industrial espionage or coordinated strategies by foreign parties with respect to U.S. critical technology by foreign parties; and

Provides for the issuance of regulations and guidance to carry out the provisions of the Act.

Madam President, Ranking Member RICHARD SHELBY and I believe that Senate passage of S. 1610 as amended by the Dodd/Shelby substitute amendment, which is largely technical in nature, will not only implement needed reforms and thereby strengthen national security, but also provide more transparency and predictability to the CFIUS process that is important to ensuring that the U.S. economy continues to benefit from the fruits of foreign direct investment. We strongly urge our colleagues to support this important legislation.

Mr. SHELBY. Madam President, I rise in support of the Senate's passage of the Foreign Investment and National Security Act of 2007. This important bill reforms the process through which the Committee on Foreign Investment in the United States reviews foreign investment in our country. It establishes a process for reviewing foreign investment transactions that thoroughly examines issues relating to national security, involves clear lines of responsibility, and is flexible to meet the demands of the market.

I appreciate the leadership and hard work of Chairman DODD on this matter.

LABOR MANAGEMENT RIGHTS

Mr. CRAIG. Madam President, I rise today to commend Chairman DODD and Ranking Member SHELBY on their work regarding the Committee on Foreign Investment in the United States, CFIUS.

Last year, a company called Dubai Ports World sought to purchase labor management rights to several U.S. ports, a proposal that was approved by CFIUS. However, numerous Members of Congress, the media and the American public quickly and loudly voiced concerns over the way in which the CFIUS process had occurred. Because of the enormous outcry, Senator SHELBY, then Chairman of the Banking Committee, worked with then-Ranking Member Senator Sarbanes, to make the CFIUS process more transparent and much more effective.

I want to commend both Senators for their work on this legislation, and I believe that their hard work has produced legislation that will bolster American support for foreign investments.

Many different agencies within the Federal Government have the responsibility to investigate foreign investment proposals before they can be approved. Those agencies, including our intelligence community, have a serious responsibility to ensure that each proposed foreign investment in our country will not jeopardize national security. It is my understanding that currently, the Director of National Intelligence has the authority to tap any of the intelligence agencies within our Federal Government to conduct analysis of technology transfers and economic impacts of any foreign investment proposals. Senator SHELBY, is that your understanding of the responsibilities held by the Director of National Intelligence?

Mr. SHELBY. The Senator is correct. Currently the DNI can use different intelligence agencies to conduct economic analysis, including technology transfers, to ensure that such foreign investment proposals will not jeopardize our national security.

Mr. CRAIG. I thank the Senator. Madam President, the reason I bring up that concern is that I do not believe that such analyses are occurring, or that very little economic analysis is being conducted by our intelligence communities.

I am hopeful that this legislation crafted by Senators SHELBY and DODD will pass the Senate quickly and that it can be signed into law, because America should be a country that welcomes foreign investment. However, we must be absolutely certain that any investment into our country will not have a negative economic impact or impair our national security. I sincerely hope that the Director of National Intelligence will participate fully in the CFIUS process and use all available resources to ensure that all foreign investment proposals receive very thorough and timely analysis to ensure congressional and public support for increased investment in our country, while at the same time ensure our national security is not placed in jeopardy.

Again, I would like to commend the chair and ranking member of the Senate Banking Committee for their hard work and dedication to this legislation and I will strongly support its passage.

Mr. REID. Madam President, I ask unanimous consent that a Dodd-Shelby substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time; further, I ask unanimous consent that the Banking Committee be discharged from the consideration of H.R. 556, and the Senate proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 1610, as amended, be inserted in lieu thereof; the bill, as amended, be read the third time and passed, and the motions to reconsider be laid upon the table, without any intervening action or debate; that S. 1610 be placed back on the calendar; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2002) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 556), as amended, was read the third time and passed.

PASSPORT BACKLOG REDUCTION ACT OF 2007

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 239, S. 966.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (S. 966) to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Department of State Crisis Response Act of 2007".

[SEC. 2. REEMPLOYMENT OF CIVIL SERVICE ANNUITANTS.

[Section 61(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)) is amended—

[(1) in paragraph (1), by striking "To facilitate" and all that follows through ", the Secretary" and inserting "The Secretary"; and

[(2) in paragraph (2), by striking "2008" and inserting "2010".

[SEC. 3. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

[Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

[(1) in paragraph (1)(B), by striking "to facilitate" and all that follows through "Afghanistan,"; and

[(2) in paragraph (2), by striking "2008" and inserting "2010".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passport Backlog Reduction Act of 2007".

SEC. 2. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "; or" and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new subparagraph—

"(C)(i) to provide assistance to consular posts with a substantial backlog of visa applications; or

"(ii) to provide assistance to meet the demand resulting from the passport and travel document requirements set forth in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note).";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to paragraph (1)(C) shall terminate on September 30, 2010.".

Mr. REID. Madam President, I ask unanimous consent that the committee-reported amendment be considered agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table; and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 966), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Passport Backlog Reduction Act of 2007".

SEC. 2. REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "; or" and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new subparagraph—

"(C)(i) to provide assistance to consular posts with a substantial backlog of visa applications; or

"(ii) to provide assistance to meet the demand resulting from the passport and travel document requirements set forth in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note).";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to paragraph (1)(C) shall terminate on September 30, 2010.".

ORDER FOR STAR PRINT—S. 1710

Mr. REID. Madam President, I ask unanimous consent that S. 1710 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Madam President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Madam President, I ask unanimous consent that the Senate committees may report legislative and Executive Calendar business on Tuesday, July 3, from 10 a.m. to 12 noon, notwithstanding a recess or adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Madam President, I ask unanimous consent that the RECORD remain open until 2 p.m. today for the introduction of legislation, submission of statements, and adding cosponsors, notwithstanding adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 9, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, July 9; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time of the two leaders reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that at 3 p.m., the Senate proceed to consideration of H.R. 1585, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I mentioned this morning, and I will reiterate now, Madam President, on Monday, July 9, at 5:30 p.m., Members should expect a number of rollcall votes on judicial nominations.

ADJOURNMENT UNTIL MONDAY, JULY 9, 2007, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the provisions of H. Con. Res. 179.

There being no objection, the Senate, at 12:51 p.m., adjourned until Monday, July 9, 2007, at 2 p.m.

EXTENSIONS OF REMARKS

SENATE IMMIGRATION BILL (S. 1639)

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. DENT. Madam Speaker, I rise today to express my concerns over the Senate's Immigration bill.

I am disappointed that the Senate continues to maintain a "Z" visa program within the text that would reward illegal behavior. Not withstanding how its proponents choose to characterize this plan, it represents de facto amnesty and is unfair to those who have patiently pursued the citizenship process legally.

We have some 12 million illegal aliens in this country. Granting amnesty will only push those numbers up, not down, as we saw after the implementation of Simpson-Mazzoli.

The White House and the Senate just do not seem to recognize the fatal flaw in their so-called immigration "compromise": If we cannot control our borders now, then how can we reasonably expect to manage future immigration programs that will inevitably increase the numbers of individuals seeking to enter this country illegally? The end results of this bargain, I fear, will be compromises to the rule of law and to the security of the homeland. And those we most certainly do not need.

INTRODUCTION OF THE DISTRICT OF COLUMBIA LAND GRANT ENHANCEMENT ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Ms. NORTON. Madam Speaker, I am pleased today to introduce legislation that would put the University of the District of Columbia (UDC) on par with all of the other land grant universities around the country.

Land grant institutions play a significant role in ensuring that our nation remains the world leader in the production of food, fuel and fiber. Through a wide range of research and extension activities, U.S. citizens gain useful knowledge on the latest changes in agriculture-based technology that keeps our food supply safe while providing for critical health information on food and nutrition.

Congress authorized land grant status to the University of the District of Columbia in 1974, and since that time the University of the District of Columbia has played a major role in these efforts from an urban point of view as the only all urban land grant institution in the country.

Many are not aware that the University of the District of Columbia is an 1862 Land Grant Institution with specific legislative authority to participate in various United States Department of Agriculture (USDA) research and extension programs. More particularly, the University has specific statutory authority to participate in research funding programs under the Hatch Act, similar to the authority given to other 1862 Land Grant Institutions. This is not the case, however, for the University's extension service activities.

Extension services at the University are awkwardly authorized under Section 208(c) of the District of Columbia Higher Education and Post Secondary Act of 1974, rather than Section 3 of the Smith-Lever Act. While Section 208(c) of the District of Columbia Higher Education and Post Secondary Act of 1974 incorporates by reference the specific extension activities under Section 3 of the Smith-Lever Act, this outdated statutory scheme presents significant barriers to the University's ability to effectively carry out extension activities. The barriers resulting from this statutory scheme present themselves in form and substance while raising issues of equity and fairness. USDA's implementation ofthe Expanded Food and Nutrition Education Program (EFNEP) best highlights this inequity.

EFNEP is a formula-based nutrition education program authorized under Section 3(d) of the Smith-Lever Act. In Fiscal Year 2006, the Congress appropriated $62 million for the EFNEP program and USDA disseminated these funds, without any nonfederal matching requirement, to the various land grant institutions in the states and territories, except for the University of the District of Columbia. Under current law, Smith-Lever EFNEP funding is made only conditionally available to the University of the District of Columbia through Section 208(c) of the D.C. Postsecondary Education Act, which requires UDC to provide 100% matching funds for its EFNEP funding. UDC is the only 1862 Land Grant Institution required to do so. The language requiring the 100% match for District of Columbia EFNEP programs is clearly a relic of the budget and political climate that existed at the time the EFNEP provision was enacted for the District of Columbia in 1974.

Moreover, as a critical threshold issue, the University does not currently have access to any EFNEP funding because UDC is not in the Smith-Lever Act that guides the appropriations process; no one looks to the D.C. Postsecondary Education Act, so UDC is overlooked in the EFNEP funding allocation.

There is no reason why the District of Columbia's children should have less access to nutrition education programs than children in the states and U.S. territories. It is long overdue to remove this inequitable financial barrier. Neither the continued exclusion of the University from the EFNEP program nor the mandatory matching requirement is supported by USDA's policy goal of ensuring that the EFNEP program reaches all predominantly minority low-income youth and families with nutrition education that leads to sustainable behavior changes.

The legislation that I introduce today corrects this problem along with other barriers to the University's participation in the agricultural research and extension programs, and provides the authority needed for the University to participate in capacity building and facilities programs now being administered at the United States Department of Agriculture. The University of the District of Columbia functions with very limited resources in comparison to the large endowments of most other land grant institutions. Accordingly, a reduction in the current matching requirements for the Hatch Act state agricultural experiment station programs and the other Smith-Lever extension programs, similar to the reduction and waiver provisions authorized in the 2002 Farm Bill for some of the smaller 1862 Land Grant Institutions would be equitable and fair. For this reason, this legislation would allow the Secretary of Agriculture to reduce and waive the nonfederal matching requirement if the Secretary finds that the University will not be in a position to secure nonfederal funds.

Finally, this legislation would allow the University to participate in USDA's competitive capacity and facilities grant programs. Participation in these grant programs would significantly enhance the University's teaching and agricultural research capacity building resources, and its ability to upgrade its research, teaching and extension facilities, thereby recognizing the importance of the University as the only all urban land grant institution performing valuable urban agricultural research and extension services to the District of Columbia community and a predominately African American student population. It is only fair that the University of the District of Columbia is afforded the same opportunity to compete for capacity building and facilities opportunities that the other small, minority-serving institutions are eligible to pursue.

I urge my colleagues to support this legislation.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. AL GREEN of Texas. Madam Speaker, I inadvertently voted "no" on Rollcall No. 573, the Inslee amendment to H.R. 2643. I intended to vote "aye" on this amendment, which would have prohibited the use of any funds in the bill to issue permits for importation of any polar bear or polar bear part. Protection of our threatened species is a critical objective and I believe that this amendment, had it passed, would have greatly assisted our efforts to protect the polar bear.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMENDING THE GLADES COUNTY VOLUNTEER FIREFIGHTERS

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise tonight to pay tribute to the brave men and women of my district. Recently there was an outbreak of fires along Lake Okeechobee, Florida's largest lake. The fires started on May 27, 2007 along the Pierce Canal in Glades County, Florida. Boundary fires were created to protect the area.

Glades County EMS Director, Bob Jones, coordinated the mission and had everyone in place. Glades County Sheriff, Stuart Whiddon made his deputies available to help. Lighted signs were posted on the road and volunteers went house to house to warn people of the fires. The highway was closed and one family had to evacuate due to health reasons. No one was taken to the hospital or needed EMS assistance during the six days the fire burned.

Glades County is made up of all volunteer fire departments. Firefighters from Glades County Communities including Buckhead Ridge, Lakeport, Moore Haven, Palmdale, Ortona and Muse responded. These men and women were on site 24 hours a day. In order to protect the area, the volunteers inhaled smoke, and were surrounded by threatening flames. They were assisted by the following departments from neighboring Lee County: San Carlos, Port Authority, Bonita Springs, North Fort Myers, Estero, Fort Myers City, Bayshore, and Cape Coral. In addition, they were also assisted by the Brighton Seminole Fire Department.

I commend Glades County Manager Wendell Taylor, Deputy County Manager, Larry Hilton, and the members of the Glades County Commission, Butch Jones, Chairman, Paul Beck, Vice Chairman, Donna Storter Long, Russell Echols, and Bob Geisler for their presence and constant concern for the citizens of Glades county. I also commend Glades County staff who lent a helping hand.

Many firefighters lost days of pay in order to fulfill their obligation to protect the residents of Glades County. These brave men and women are a tribute to their communities and I commend them for their terrific hard work in battling these fires.

Glades County may be one of the poorest counties in the district, but the people who live and work there are what makes it rich.

PAYING TRIBUTE TO JOAN LOLMAUGH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Joan Lolmaugh for her tireless efforts on behalf of the Clark County community through her work with Clark County Department of Parks and Recreation.

Joan started her career with Clark County in 1992 as Manager of Clark County's Cultural Affairs Division. Over the course of her tenure with Clark County, Joan has overseen Winchester Cultural Center, the Clark County Museum and Aviation Museum, the Special Events unit which produces large community events such as the Renaissance Festival; the Summer Concert Series at the Government Center Amphitheater; the Galleries and Art Education Program and the Wetlands Interpretive Program, among other functions. Furthermore, Joan was appointed by former Governor Kenny Guinn to the board of the Nevada Arts Council, and in 2002 was honored by the Governor, receiving the Governor's Art Reward for service to the arts.

Prior to her time in Las Vegas, Joan served as assistant director at the Oregon Arts Commission and Director of the Idaho Commission on the Arts. She was director and assistant professor of a graduate arts program at the University of Illinois-Springfield. She has served on the boards of the Western States Arts Federation and National Assembly of State Arts Agencies, and is currently a member of the Death Valley National Park Advisory Commission. She has also been involved in a number of statewide arts organizations across the country.

Madam Speaker, I am proud to honor Joan Lolmaugh. Her dedication to enriching lives through the arts is laudable and has enriched countless lives. I applaud her efforts and wish her the best in her future endeavors.

RECOGNIZING ST. JOSEPH THE WORKER CHURCH

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today in recognition of the St. Joseph the Worker Church, in Fallsington, Pennsylvania, for its 50 years of service and continued dedication to the Bucks County community.

The St. Joseph the Worker Parish was founded by Archbishop—and future Philadelphia Cardinal—John F. O'Hara on October 1, 1956. A church that once consisted of a small group meeting in a local elementary school has now developed into a vibrant and growing congregation. In the spirit of St. Joseph, the parish church and school are committed to hard work for the betterment of their community—for the religious and laity alike.

Madam Speaker, a strong community can shape the lives of children and young adults—something I saw first hand growing up in a working class family in Northeast Philadelphia. The St. Joseph the Worker Parish School educates 165 pre-kindergarten through eighth grade students of the Parish community. Through quality education and service projects, St. Joseph students learn how to help others and become the leaders of the future.

Over the past 50 years, the parish has helped create a new St. Joseph's Home for Boys and the Martha's Cupboard food pantry. The food pantry's 12 hardworking volunteers service between 10 and 20 families each week with a 2-week supply of non-perishable food. The food is contributed largely from parishioners, in addition to school and community food drives. In conjunction with other organizations, parishioners package and deliver meals, and purchase Christmas gifts for local needy families.

Madam Speaker, the St. Joseph Church and its congregation have long served as a model for community service, proving that the efforts of the few have profound effects on the many. I offer my congratulations as the parish welcomes Cardinal Justin Rigali of Philadelphia and concludes their 50th anniversary ceremonies on Sunday, September 30, 2007.

The motto for the 50th anniversary events, "Celebrating the Past and Embracing the Future," embodies the true mission ofthe St. Joseph the Worker Church. Madam Speaker, I am honored recognize the church's years of history and I thank the parishioners and clergy for their ongoing efforts to educate the youth and improve our society. I wish them another 50 years of success.

INTRODUCTION OF RETAIL DEPRECIATION BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce legislation to help our nation's 1.5 million retailers. The bill that I am filing today, along with my Committee colleagues Representatives PHIL ENGLISH, ARTUR DAVIS, and SAM JOHNSON, would provide a quicker cost recovery for improvements to retail-owned property.

Already, retailers or other commercial entities that rent, rather than own their property can recover the costs of improvements over 15 years. Owners of retail property, however, must write-off these same improvements to their property over 39 years. There is little reason for such a distinction; the wear and tear on the property is the same. In fact, studies by the Congressional Research Service, the Treasury Department, and other private economists have found that the current asset lives assigned to buildings and improvements are far too long.

Many small retailers own their buildings and are unable to afford the space in the more desirable malls. One of my constituents, Dave Ratner of Dave's Soda and Pet City in Agawam, MA, testified before Congress earlier this year on this issue. Dave employs 86 people in western Massachusetts at his four locations. He competes with the major pet care chain stores, which often lease pricey space in the malls. Because their property is leased, it is eligible for the quicker cost recovery, providing a significant tax advantage over Dave's shops.

Since half of retail space is owned and half is rented, Congress should try to create parity within this industry. Our retailers employ one in five American workers and generally must remodel their stores every five to seven years in order to keep up with customers' tastes and needs. These retail owners, the majority of whom have less than five employees, are often all you see along Main Street in the small cities and especially in rural areas. Ownership signifies a long-term commitment to the community. We should at least level the playing field for these community-based businesses.

We urge you to join us in supporting legislation to allow a quicker cost recovery for improvements to retail-owned property. It is one way to help retailers remain competitive and stay on Main Street.

IN RECOGNITION OF FIRST CLEVELAND MOSQUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize First Cleveland Mosque on the occasion of its 70th Anniversary, and to celebrate all their contributions toward creating a more diverse and inclusive Northeast Ohio.

Founded in 1937 by Imam Al Hajj Wali Akram, First Cleveland Mosque is one of the oldest Muslim institutions in America. The Mosque has faithfully guided Cleveland Muslims, holding fast to the ideals of peace, equality and social harmony central to their faith.

As our world struggles to understand its beautiful religious diversity, the First Cleveland Mosque, since its inception, has been a force for ecumenism, encouraging dialogue between faiths and reaching out to their non-Muslim neighbors. The result has been a Cleveland faith community rooted in understanding and mutual respect.

Madam Speaker and colleagues, please join me in recognizing the First Cleveland Mosque on the occasion of its 70th Anniversary. May all their efforts toward ecumenism continue to create a more peaceful Northeast Ohio and world.

THE GREAT LAKES WATER PROTECTION ACT H.R. 2907

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. KIRK. Madam Speaker, today I am pleased to join with Congressman LIPINSKI to introduce the Great Lakes Water Protection Act. This bipartisan legislation, supported by the Alliance for the Great Lakes, National Resources Defense Council, National Wildlife Foundation, National Parks Conservation Association, Great Lakes Aquatic Network, Audubon Society and more, would set a date certain to end sewage dumping in America's largest supply of fresh water, the Great Lakes. More than forty million Americans depend on the Great Lakes for their drinking water, food, jobs, and recreation. We need to put a stop to the poisoning of our water supply. Cities along the Great Lakes must become environmental stewards of our country's most precious freshwater ecosystem.

The Great Lakes Water Protection Act gives cities until 2027 to build the full infrastructure needed to prevent sewage dumping into the Great Lakes. Those who violate EPA sewage dumping regulations after that federal deadline will be subject to fines up to $100,000 for every day they are in violation. These fines will be directed to a newly established Great Lakes Clean-Up Fund within the Clean Water State Revolving Fund. Penalties collected would go into this fund and be reallocated to the states surrounding the Great Lakes. From there, the funds will be spent on wastewater treatment options, with a special focus on greener solutions such as habitat protection and wetland restoration.

This legislation is sorely needed. Many major cities along the Great Lakes do not have the infrastructure needed to divert sewage overflows during times of heavy rainfall. More than twenty-four billion gallons of sewage are dumped into the Lakes each year; Detroit alone dumped over thirteen billion gallons of sewage into Lake Huron in 2005.

These disastrous practices result in thousands of annual beach closings for the region's 815 freshwater beaches. Cook County beach closings nearly tripled from 213 in 2003 to 613 in 2004. According to the National Resources Defense Council, in a 92-day period from June 1 to August 31 in 2005, there were 87 days of beach closings in my District alone. This trend is echoed throughout the Great Lakes region and is one we need to reverse.

Protecting our Great Lakes is one of my top priorities in the Congress. As an original cosponsor of the Great Lakes Restoration Act, I favor a broad approach to addressing needs in the region. However, we must also move forward with tailored approaches to fix specific problems as we continue to push for more comprehensive reform. I am proud to introduce this important legislation that addresses a key problem facing our Great Lakes, and hope my colleagues will support me in ensuring that these important resources become free from the threat of sewage pollution.

HONORING HERB CROUTHAMEL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Herb Crouthamel for nearly half-a-century of service to the families of Bucks County. On Friday, June 15—after 46 years of driving a school bus for Central Bucks West and Our Lady of Mount Carmel schools—Mr. Crouthamel drove his final route. During those 46 years driving the bus and the 81 years he has been a member of our community Mr. Crouthamel has developed lasting, personal relationships but most importantly, he has protected our children.

Madam Speaker, Mr. Crouthamel served our country as a member of the U.S. Navy in World War II and went to school on the GI Bill after his return. He started his route by chance, supplementing his work as a car salesman, but soon it became one of his life works.

Students, parents and school administrators all hail Mr. Crouthamel's devoted commitment to students. He impresses the students he drives by knowing all of their names and his record shows his dedication to student safety, both on and off the bus.

Mr. Crouthamel may be giving up the bus route but he isn't giving up his service to our community. He plans to continue work for his local country store and he will also volunteer at the Doylestown Hospital after his retirement.

Madam Speaker, Mr. Crouthamel's commitment to children and the community is an inspiration. His years of service come with public acclaim for his attention to both safety and the lives of local families. On behalf of the community and all the lives he has touched and protected, I would like to thank Mr. Crouthamel for his life-long commitment to excellence and service.

INTRODUCTION OF CORPORATE ANTI-INVERSION BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise to introduce legislation today to shut down a potential loophole in the anti-inversion provisions of the tax code. As many of my colleagues will remember, I lead the charge back in early 2002 to shut down the so-called "corporate expatriate" loophole. Corporate expatriates trade in their U.S. citizenship for citizenship in certain no-tax or low-tax havens through reincorporation or a corporate "inversion." These corporate expatriates often have little or no presence in these haven jurisdictions; some merely rent a mailbox to establish their new headquarters.

Following the attacks of September 11, 2001, some aggressive tax advisors were telling their clients that the climate was ripe for inversions as most stock prices were depressed. The only tax paid when a corporation departed was a tax on the gain of the stock or assets transferred to the new foreign parent company. As one tax advisor put it, "Maybe patriotism needs to take a back seat to improved corporate profits."

Despite the outcry from shareholders, taxpayers, and many of us in Congress, the leadership of the prior Congress fought enactment of a loophole closer. It was not until late in 2004, in the American Jobs Creation Act, that corporate expatriation was finally put to a halt. That bill used the same formula of my original bill—simply stating that if almost all of the shareholders of the new foreign company were the same as under the old American company and if the company had little real business in the host foreign country, then the corporate expatriate would be taxed as if it were still a U.S. company.

That new law put a chill on the market for corporate expatriation. However, earlier this year, one American company stated it was moving the headquarters of the operation to a foreign country with no corporate income tax.

The company is not really changing its residency. Many have speculated that this is really a two-step process: move some administrative functions abroad to establish a minimal presence, and then give up U.S. corporate citizenship.

I think this would circumvent the intent of the original law and that is why I am filing legislation today to close that loophole. My bill would exclude any management or administrative functions, including the corporate headquarters, from the calculation of what constitutes substantial business activities in the foreign country. I am sure that many CEOs would not think it too much a sacrifice to relocate their office to the sunnier climes of some of these havens and thereby shave millions off of the company's tax bill. I urge my colleagues to support my legislation to prevent this type of tax avoidance.

I would also add that I do not view these events in a vacuum. Clearly, this Congress needs to look at more incentives to keep American companies and jobs here. I have discussed with Chairman Rangel holding hearings on how our tax code treats both domestic and foreign sources of income to make sure American companies can successfully compete in a global market. However, until such changes are made, I will continue my efforts to prevent "self-help" maneuvers, such as the fiction of corporate expatriation.

A summary of my bill follows:

BILL SUMMARY

PRESENT LAW

Section 801 of the American Jobs Creation Act of 2004 (AJCA) added section 7874 to the Internal Revenue Code. Section 7874 provides certain rules designed to remove incentives for corporations to engage in inversion transactions. However, the anti-inversion rules do not apply if the expanded affiliated group (EAG) of the corporation has business activities in the foreign country in which, or under the laws of which, the acquiring foreign entity was created or organized and such business activities are substantial when compared to the total business activities of the EAG. (For purposes of section 7874, the EAG is similar to the affiliated group permitted to file a consolidated federal income tax return, except that companies are considered to be in the expanded affiliated group if they are more than 50 percent owned by the common parent or other members (the consolidation rules required 80 percent) and foreign corporations may be included in the expanded affiliated group.) In explaining the reason for this legislative change, the "Blue Book" compiled by Joint Tax states, "The Congress believed that inversion transactions resulting in minimal presence in a foreign country of incorporation were a means of avoiding U.S. tax and should be curtailed." Staff of Joint Comm. on Taxation, General Explanation of Tax Legislation Enacted in the 108th Congress, at 343 (Comm. Print JCS-5-05).

On June 5, 2006, the Department of the Treasury and the Internal Revenue Service issued Temporary and Proposed Regulations that, among other things, provide certain rules regarding the substantial activities test (T.D. 9265). The regulations provide both an all-facts-and-circumstances test and a bright-line safe harbor test to determine whether an EAG has substantial business activities in the acquiring foreign entity's country of incorporation when compared to the total business activities of the EAG. Under the general rule of the all-facts-and-circumstances test, the determination of whether the EAG has substantial business activities in the relevant foreign country, when compared to the total business activities of the EAG, is based on an analysis of all the facts and circumstances of each case. The regulations set forth a non-exclusive list of factors to be considered in the analysis. The weight given to any factor depends on the particular circumstances. The listed factors include, among other factors, the EAG's local employee headcount and payroll, property, and sales; the EAG's historical presence in the foreign country; its management activities in the country; and the strategic importance to the EAG as a whole of the business activities in that country.

The regulations state that the presence or absence of any factor, or any particular number of factors, in the list is not determinative, and that there is no minimum percentage of the group's total employee headcount, payroll, assets, or sales that must be shown to be in the foreign country.

The safe harbor test is satisfied if the EAG satisfies three conditions, relating to employees, assets, and sales. The first condition is that the group employees based in the foreign country account for at least 10 percent (by headcount and compensation) of total group employees. The second condition is that the total value of the group assets located in the foreign country represents at least 10 percent of the total value of all group assets. The third condition is that the group sales made in the foreign country accounts for at least 10 percent of total group sales.

THE BILL

The bill provides that for purposes of the substantial activities test of section 7874, any management or administrative activities, including the location of any corporate headquarters, taking place in the foreign country in which, or under the law of which, the inverted entity is created or organized shall not be taken into account as business activities. Under the bill, for example, if a U.S. company inverts to country X, and its management is located in country X or performs much of its management activities there, the activities of its management in country X are not taken into account for purposes of determining whether the activities of the EAG in country X are substantial when compared to the total worldwide business activities of the EAG. On the other hand, under that example if any management activities of the EAG take place outside of country X, such management activities are taken into account in applying the substantial activities test.

The bill modifies the statutory substantial business activities test, and accordingly limits the application of both the all-facts-and-circumstances test and the safe harbor of the regulations.

Under the bill, the term "management activities" includes any management activities, and therefore extends beyond top corporate management. For example, it would include management activities relating to operational units. Similarly, the term "administrative activities" includes departments whose function is essentially administrative in nature, such as accounting, as well as administrative activities relating to or performed by operational units.

IN CELEBRATION OF CLARA BELLE LACEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Clara Belle Lacey, on the occasion of her 80th birthday, and to celebrate her lifetime of contributions to Northeast Ohio.

Clara is fiercely dedicated to her family and her community. She helped her parents raise her siblings, and as a young working woman, she always ensured that they had extra presents and candy on the holidays. Clara's affection for and loyalty to her family and friends never wavers. She has boundless energy. Indeed, just being around her, one cannot help but be uplifted and touched by her radiance.

Clara has never been one to restrain her affection and concern for others. For decades she has been an outspoken community activist, committed to making Northeast Ohio a more peaceful, more equal, and more just community. She has been an invaluable asset to literally hundreds of organizations, grassroots movements, and city ward clubs. Her contributions to our community have been immeasurable.

Madam Speaker and colleagues, I have known Clara for decades, and I have been consistently blessed by her presence in my life. Please join me in honoring Clara Belle Lacey on the occasion of her 80th birthday. May we all aspire to be as caring and as loyal as she.

10TH CONGRESSIONAL DISTRICT OF ILLINOIS SCHOOL CONSERVATION CORPS ACT OF 2007

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. KIRK. Madam Speaker, I am pleased to introduce the 10th Congressional District of Illinois School Conservation Corps Act of 2007, a bill crafted by America's future leaders. I believe it is critical to engage younger generations in our civic process in order to help them begin to build a better tomorrow.

Earlier this year, I invited students from all across my district to participate in a Model Congress. The best and brightest high school students from around northeast Illinois turned out to spend a weekend listening to expert testimony, debating policy, and passing legislation on climate change and environmental conservation.

One of the bills the students considered establishes a pilot program in the 10th District of Illinois for the Secretary of Education to launch and support a School Conservation Corps. Any group of 10 students and an advisor may form a chapter of the Corps to receive grants to participate in various environmental protection and restoration activities. Assuming the roles of actual Members of Congress, the students debated many provisions of the bill, including the types of activities that shall be performed, the amount of initial and matching grants that may be made available, and the parameters of the program's evaluation and expansion.

I am proud to announce that with minor drafting changes, the bill I rise to introduce today is the same bill passed by the talented students of the 10th District on April 22, 2007. I want to recognize Lauren Blake and Will McGauran who played the majority and minority leaders of this Model Congress. These students, who will both be seniors at New Trier High School next fall, worked hard to build partnerships and find compromises to pass the legislation before them.

The complete Model Congress comprised of the following students, who each played a critical role in the proceedings: Edward Alvarez, Charles Arnowitz, Frank Austin, Carolyn Barnett, Andrew Barr, Steven Blumental, Josh Brown, Emily Buehler, Melissa Burns, Arvin Canda, Lauren Cannizzaro, Douglas Carr, Amy Cleveland, Angelica Cleveland, Simone Coburn, Bruce Codell, Jordan Cohen, Elyse Conklin, Dan Cowin, Semeka Cunningham, Joseph Delvin, Peter Drogos Phyall, Ellen Eichner, Gustavo Esquivel, Maria Estrada, Teresa Fabila, Brad Fink, Kevin Finkle, Sherrie Fortson, Stephanie Fortson, Rebecca Fowler, Rachel Fybel, Roberto Garcia, Ana Gaytan, Aaron Goldstein, Alex Gordon, A. William Greene, Jake Grubman, Ray Gu, Robbie Gustafson, Patrick Hamann, Ryan Hamilton, Jacob Hanson, Brad Heinz, Adam Herbert, Jordan Heyman, David Isaacson, Joshua Jackson, Rachel Jackson, Lauren Jensen, Ari Kasper, Ruth Kee, Courtney Kennedy, Jacob Klein, Julia Kohn, Noah Kraff, Noam Kupfer, Geno Kurolapnak, Jake Lapping, Alex Lazakis, Austin Lin, Tyler Litke, Thomas Lovinger, John Maigler, Lauren McCall, Michael McCall, Monte Monaco, Neal Muller, Brooke-Lynn Navarro, Ariel Olswanger, Lauren Olswanger, Aaron Parker, Ami Pekaj, Stacey Podovik, Kiran Pookote, Jonathan Prohov, John Reid Sidebotham, David Reiss, Nils Robbins, Ben Rose, Ari Ruffer, Maya Samuel, Matt Schuelke, Ayal Sharvit, Samara Silverman, Matt Skalski, Matthew Sloan, Sarah Smith, Karolina Strack, Ilana Strauss, Kathryn Swanson, Gideon Sylvan, Steve Tapas, Lindsey Taylor, Anne Tomsky, Sam Travers, Roxanne Tully, Maddi Vering, Robert Wald, Rachel Weiss, Lauren Whalley, John Yang, Gale Young, Dominique Young, Jonathan Youshaei, John Zender, and Michael Zucker.

Members of the United States Congress should take cues from all these students on how to work in a more bipartisan manner to accomplish the most pressing issues that face Americans. I urge my colleagues to support this legislation and invest in tomorrow's leaders.

PERSONAL EXPLANATION

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SARBANES. Madam Speaker, on vote No. 563, an amendment offered by Mr. ANDREWS, I was recorded as "nay." I intended to be recorded as "aye." I thank the Speaker for providing me with the opportunity to correct the record.

TRIBUTE TO VASIL AND FLORENCE RUCHO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. McGOVERN. Madam Speaker, I rise today to congratulate Vasil and Florence Rucho of West Boylston, MA, on the occasion of their 50th wedding anniversary. Mr. and Mrs. Rucho's life together exemplifies the finest qualities of the institution of marriage, and their commitment to their family, their faith and each other should serve as an example to us all.

Vasil married the former Florence George at St. Nicholas Romanian Orthodox Church on June 30, 1957. The young couple met while working at the Table Talk Pie Company in Worcester, MA, and romance soon blossomed. Shortly thereafter, they married and were blessed with two wonderful children, Melanie and Christopher.

Despite the demands of raising a young family, Vas and Flo always found time to help others and gave freely to their church, their family and their friends. They never failed to lend a helping hand to a neighbor in need, and were there to celebrate the joyous moments as well as to lessen the burden in times of pain and sorrow.

Together Vas and Flo share an extraordinary work ethic and devotion to their family that is altogether too rare in these more modern times. After they were married, Vas continued to work at the Table Talk Pie Company while taking on a second job at the family business, Dian's Flower Shop. Mrs. Rucho was widely known in the close-knit Main South neighborhood as one of the first women to work at the local McDonalds. Her friendly face and warm smile graciously welcomed countless families that came to dine at the restaurant. Despite their rigorous work schedules, Vas and Flo made certain that every summer their family vacationed together with friends on Cape Cod for 2 weeks. Those vacations are fondly remembered by all.

In later years as their children married, Vas and Flo became "Maya" and "Papu" to their five beautiful grandchildren. Their daughter Melanie and her husband Fr. Peter have two children, Nicholas and Alexandra. Their son Christopher and his wife Julie have three sons, Matthew, Brian and William. Family dinners at Vas and Flo's home are a feast to savor. Neighbors and family members alike eagerly look forward to the magnificent array of Christmas decorations adorning their yard each holiday season. For Vasil and Florence, there is no greater joy in life than to be surrounded by their children and grandchildren, especially during the holidays.

Madam Speaker, too often in this Chamber we take notice of world leaders and historic events without recognizing the families that are truly the bedrock of America. Vasil and Florence Rucho have together over half a century demonstrated they are one such family. It gives me great pleasure to humbly ask that the United States House of Representatives join me in congratulating Vasil and Florence Rucho on the occasion of their 50th wedding anniversary. I look forward to joining them and the entire Rucho family this Saturday evening, June 30, at a celebration in honor of this tremendous milestone in their remarkable life together.

THE MILLENNIUM CHALLENGE CORPORATION IN AFRICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SMITH of New Jersey. Madam Speaker, this afternoon the Subcommittee on Africa and Global Health held a hearing on the Millennium Challenge Corporation in Africa. The MCC program, which was announced by President Bush on March 14, 2002 and established in January 2004, marked an incredible new approach to U.S. foreign assistance. It is based on the principle that assistance is most effective when it promotes good governance, investments in people, and economic freedom. Its goal is to reduce global poverty through the promotion of sustainable economic growth.

Grants from the Millennium Challenge Account are limited to countries with a per capita income less than $3,465. In addition, eligible countries must have an established record that satisfies 16 performance indicators in the three areas I just noted. One of the most important is a pass/fail test for fighting corruption. Seven grants—called compacts—have been signed so far for countries in Africa, with a total value of about $2.4 billion. Additional compacts are pending for the Continent.

The establishment of the Millennium Challenge Account is innovative in several respects. For one, it mandates that program proposals be developed solely by qualified countries themselves with the involvement of a broad base of their civil society. It also provides assistance to countries without regard to U.S. strategic foreign policy objectives, providing an opportunity to countries that may normally be overlooked by the United States as well as other bilateral donors. However, it cannot be said that the MCC for that reason does not serve U.S. interests. In fact, authentic development as envisioned by the MCC principle leads to a more prosperous, peaceful, and just world for all of us.

Finally, I would assert that MCC is most laudable because it recognizes the potential of the poor to lift themselves and their country out of the clutches of poverty if they are provided with the necessary infrastructure and tools. An important correlative to this is the incentive provided by MCC to the recipient country's government to focus on and respond to the needs of the poor segment of their population. The MCC provides an important means of empowerment for those who have the greatest difficulty attaining it.

A glance at the various compacts and threshold programs in Africa highlights the extraordinary needs and the necessity of expanding those programs. The subcommittee held a hearing on Africa's water crisis just a few weeks ago on May 16th, where we lamented the fact that over 1.1 billion people in developing countries do not have adequate access to safe water and approximately 2.6 billion people live without basic sanitation. We heard testimony that the reasons for these deficiencies are rooted in inequalities. The poor not only have significantly less access to water, but even when they do have access, they pay significantly more for it. The MCC with its focus on programming for the poor is one mechanism that the United States is utilizing to address this issue at its root cause.

On the political level, it is worth noting that our parliamentary colleagues in developing countries do not always have the resources they need to fulfill their role in a democracy. The MCC threshold program in Malawi will provide the National Assembly of that country with the capacity for all 13 committees to meet and perform their oversight function—a first in Malawi's history.

As with all new programs, the MCC has encountered challenges in Africa that we examined in the course of the hearing. One of the greatest has been providing disbursements in a timely manner while ensuring accountability and sustainability. Another that we are encountering time and again in numerous development efforts for Africa, including programs for HIV/AIDS, is partner country capacity. It is extremely difficult to implement country-driven initiatives when the country itself is lacking educated, experienced personnel to do the work. However, neither of these or other challenges warrant scaling back on MCC programming, but instead provide the opportunity to search for solutions to these issues together with the recipient country government as well as other bilateral and multilateral assistance donors. The MCC is not the total solution to African development, but it is an important and significant contribution, both in terms of resources and philosophy, to a more global strategy.

VETERANS EDUCATION TUITION SUPPORT ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Veterans Education Tuition Support Act of 2007 or the VETS Act to address some of the difficulties our military personnel when they are activated while attending college.

Thousands of military reservists have been activated to fight in Iraq and Afghanistan directly from their college campuses. Unfortunately, students who serve in the military face unique hardships when called upon to defend the United States.

Most colleges and universities refund tuition and fees to students when the activation occurs during the academic calendar. However, instances have occurred when a servicemember has not been reimbursed.

Servicemembers have also been known to face difficulties reregistering for classes after returning home after activation. In addition, activated military personnel have received collection notices for student loans while serving in combat zones.

The goal of the VETS Act is to provide our servicemembers with certain rights when they must delay their educational pursuits to defend our country.

The legislation requires colleges and universities to refund tuition and fees for unearned credit, and in addition, guarantee our servicemembers a place when they return home.

The bill would also amend the Servicemembers Civil Relief Act to treat student loan debt the same way it treats other forms of debt by capping interest at 6 percent during deployments.

Finally, the legislation would give servicemembers 13 months to begin paying their student loans after an activation should they decide not to return to school immediately.

The deferment will give them time to readjust back to civilian life should they decide they need extra time to go back to school.

Senator SHERROD BROWN has introduced the VETS Act in the U.S. Senate and I am proud to introduce companion legislation in the House of Representatives.

The VETS Act is centered on the recommendations made by the Iraq and Afghanistan Veterans of America (IAVA) based on the experiences of the group's members.

Madam Speaker, I urge passage of this legislation to give rights and protections to the servicemembers activated while attending a college or university.

INTRODUCTION OF THE POLLINATOR HABITAT PROTECTION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BLUMENAUER. Madam Speaker, today I am introducing, along with my colleagues, ALCEE HASTINGS and RANDY KUHL, the Pollinator Habitat Protection Act. This legislation amends the Department of Agriculture's conservation programs to put a greater emphasis on increasing habitat and establishing cropping and integrated pest management practices to protect native and managed pollinators.

The bill also states that the Secretary of Agriculture should designate pollinator protection as a "national priority resource concern" for the conservation programs administered by the Department.

As Congress prepares to reauthorize our national agricultural policies, raising awareness and placing a greater emphasis on pollinators and their habitat could not come at a more important time—particularly as research and newspaper headlines continue to highlight the collapse of bee colonies and general population declines and threats to pollinators.

The risks to our food supply and ecosystems from which pollinators are declining cannot be underestimated. Pollinators are integral to the very survival of an astounding number and variety of plant life that sustains us. The numbers tell the story—nearly 75 percent of the world's flowering plants, more than two-thirds of the world's crop species, and one out of every three mouthfuls of food have a direct connection to pollinators. Disruptions of localized pollinating systems and declines of certain species of pollinators have been reported on every continent except Antarctica.

Populations of a variety of pollinator species have been declining in recent years, due to a loss of habitat, improper use of pesticides and herbicides, and replacement of native plant species with non-native or engineered plants. The introduction of non-native, invasive species—either by accident or through farming practices—has significantly contributed to this problem.

I introduce this bill as one important step to address these problems by recognizing the contributions that pollinators make to our agricultural production and our food supply. Another step is the legislation of my colleague ALCEE HASTINGS, H.R. 1709, which I support and which authorizes research funding to strengthen native bee, as well as honey bee, populations. I look forward to working with the Agriculture Committee and the House to ensure pollinators and their habitats receive further attention and protection as we reauthorize the Farm Bill in the coming weeks.

IMMIGRATION REFORM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Ms. GIFFORDS. Madam Speaker, I rise today deeply disappointed that proposed legislation to deal with our failed immigration laws fell short today on a procedural vote in the other body.

An impressive bipartisan coalition of Senators—including Arizona Senators KYL and MCCAIN—worked tirelessly for the past several months to craft immigration reform legislation. Unfortunately, their efforts were not fruitful.

Doing nothing to address our nation's immigration crisis is irresponsible. The Federal Government cannot continue to shirk its responsibility to protect our borders. Today's failure leaves the burden of dealing with illegal immigration on State and local governments.

My district in Southern Arizona deals with the negative impact of illegal immigration every day. I will not relent in my efforts to find ways to remove the unfair burden placed on local law enforcement, health and social service agencies and our public schools.

I urge my colleagues and the leadership of the House to come together in a bi-partisan fashion to craft smart immigration reform that is tough, practical, and effective. We must roll up our sleeves and exhibit the leadership that is needed on this critical issue.

The House has already made some progress. I applaud our efforts to address the problems we face along our border in our Homeland Security Appropriations bill. This includes adding more border patrol agents and increasing the use of technology to secure our border. I also urge fully fund federal programs, such as SCAAP, that reimburse local law enforcement agencies for the apprehension and detention of illegal immigrants.

The cost and burden of illegal immigration remains primarily on the shoulders of local and state governments, especially those on the border. The fight for comprehensive immigration reform goes on and it must remain a top priority in Congress. We must pass comprehensive immigration reform.

IN TRIBUTE TO BILLY E. SHIELDS ON THE OCCASION OF HIS RETIREMENT

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. MITCHELL. Madam Speaker, this past week the nation commemorated the bravery and heroism of firefighters who risk their lives every day to protect the lives and safety of others. I would like to turn my colleagues' attention to the accomplishments of Phoenix firefighter Captain Billy Shields, who is leaving the ranks of his brother and sister firefighters this Friday, June 30, to start a new phase of his life.

When Captain Shields retires from the Phoenix Fire Department and the United Phoenix Firefighters Association Local 493, where he served as president, he will do so with a long record of accomplishments. He has been a stalwart advocate for his fellow firefighters, and as president of United Phoenix Firefighters Association, advanced improvements in fire health and safety standards for firefighters, ambulance and emergency response personnel in Arizona.

Since 1997, Captain Shields has led the way in negotiating contracts for the United Phoenix Firefighters Association that protected the job rights of firefighters and the security of their families. He worked with management; city officials and other community stakeholders and reached a consensus to enhance fire and emergency response capabilities. Because of his work, Central Arizona's fire services are state of the art.

It is important to recognize that Captain Shields is unique among union leaders in his commitment to working closely with the business community to improve the local economy. He was appointed to the Greater Phoenix Economic Council where he serves on its Executive Committee. He has labored to advance an economy for a new generation. He was one of the visionaries who helped advance the biotechnology industry in Arizona with the establishment of the Translational Genomics Research Institute, which is known to Arizonans simply as T-Gen. He partnered with others to improve education at all levels—preschool, primary, secondary and higher education. To help accommodate the explosive growth we are facing in Central Arizona, he has played an instrumental role in the development of our transportation infrastructure and the expansion of transportation options.

All Arizonans who have had a chance to work with Captain Shields are indebted to him for his commitment to make our communities a better place to live, work and raise a family. I've seen this commitment first hand. I worked closely with him as Mayor of Tempe and as an Arizona State Senator, and came to rely on him as a friend and counselor. It has been a pleasure to work with him and I look forward to the chance to collaborate with him as he undertakes new challenges.

Captain Shields, I am proud of your service. Arizona is proud of your service, and forever indebted to you for making our communities stronger, safer and more secure. Marianne joins me in wishing you and your family the very best in this new chapter of your life.

HONORING THE 50TH ANNIVERSARY OF THE BOYS AND GIRLS CLUBS OF SOUTH ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BONNER. Madam Speaker, today I rise to pay tribute to the Boys and Girls Clubs of South Alabama on the occasion of their 50th anniversary.

For five decades, the Boys and Girls Clubs of South Alabama have provided safe, positive places for children and adolescents. B.R. "Babe" Wilson Jr., Arthur Tonsmeire, and Jack Harris formed the area's first Boys Club of Mobile on McDuffie Island with 20 boys as members. Today, the Boys and Girls Clubs of South Alabama have 11 clubs and a 150-acre day camp.

The clubs are open year-round and offer members help with homework, classes on computers, organized athletics, arts and crafts, and life-skill programs such as the Job Ready Program. In 2006, there were over 17,000 registered members, and youth served in Mobile and Baldwin counties through the Boys and Girls Clubs' community outreach.

The Boys and Girls Clubs of America began in Hartford, Connecticut, in 1860. At a time when parents labored 12 hours a day, six days a week, many of their children were left unsupervised. Elizabeth Hamersley, along with sisters Mary and Alice Godwin, encouraged others to invite these boys into their homes for refreshments—an effort which eventually grew into the Dashaway Club. In 1906, 53 of the organizations united in Boston to form the Federated Boys' Clubs, now known as the Boys & Girls Clubs of America.

It is my sincere hope that the Boys and Girls Clubs of South Alabama will continue its vital service to the children of south Alabama for another 50 years. I ask my colleagues to join me today in recognizing the Boys and Girls Clubs of South Alabama, along with executive director Mary Zoghby, the staff and many volunteers for their dedication and hard work as well as for being a positive influence on the lives of so many young men and women throughout south Alabama.

IN HONOR OF SERGEANT BRUCE HORNER, UNITED STATES ARMY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of one of the bravest and most dedicated heroes of our Nation.

Sergeant Bruce Horner was part of the search and recovery operations for American soldiers captured by Al Quaida terrorists in southern Baghdad when he was killed by an enemy sniper on June 1, 2007.

An 18-year veteran of the Army, Bruce Horner was a proud non-commissioned officer, mentor and leader to younger soldiers.

He came from a family with a long tradition of military service and did not take his responsibilities to lead younger soldiers lightly.

Sergeant Horner is survived by his wife, parents and the soldiers he left behind, who are continuing the hard work of protecting our Nation's freedoms in Iraq.

SGT Bruce Horner is gone, but he will never be forgotten.

His memory lives on through the family he left behind and in the soldiers that he so ably led.

Our community and Nation honor Sergeant Horner's memory and we are grateful for his 18 years of faithful and distinguished service to America.

COURTNEY AMAYA CROWDER MAKES HER MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate Courtney Crowder, formerly of my staff, and his wife Byinna on the birth of their first child, Courtney Amaya Crowder. Courtney was born on June 17, 2007 and weighed 8 pounds. Faye joins me in wishing Courtney and Byinna great happiness during this very special time in their lives. A Raleigh native, Courtney served on my district staff in several capacities with distinction and will always remain a member of team Etheridge.

As a father and grandfather myself, I know the joy, pride, and excitement that parents experience upon the entrance of their child into the world. Representing hope, goodness, and innocence, a newborn allows those around her to see the world through her eyes as a new, fresh place with unending possibilities for the future. Through a child, one is able to recognize and appreciate the full potential of the human race. I know Courtney and Byinna look forward to the changes and challenges that their new daughter will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch her grow.

I welcome young Courtney into the world and wish Courtney and Byinna all the best as they raise her.

HONORING BRODIE CLARK

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Brodie Clark, a student at Greenwood High School in Kentucky's Warren County School District. Brodie is the recipient of the spring 2007 Outstanding Student Award from Carnegie Learning, a publisher of research-based math curricula for middle school and high school students. Brodie received this award for his success in math, and also for his ability to appreciate the practical applications of math concepts—not just memorized formulas—in his everyday life.

Brodie is a 10th grade Algebra II student, and enjoys using the Carnegie Learning curricula in Ms. Lee's Algebra II class. Brodie has excelled beyond Ms. Lee's expectations and has challenged himself to complete every Algebra II unit before the end of the school year; a task which is nearly complete. He has emerged as a leader in his Algebra II class, helping other students understand the material and stay on task.

In his spare time, Brodie enjoys playing disc golf, a sport in which he constantly uses math. "Whether I am trying to figure out the distance to the basket, or my score, addition and subtraction are constantly being performed. I have to think about the angle I am going to throw the disc, and what speed I want to throw it," said Brodie. "Thanks to math, I am able to do all of this in my head with ease. Playing disc golf and doing math allows me to combine my two favorite things."

Brodie received the Outstanding Student Award from Carnegie Learning, a developer of math programs for middle school, high school, and postsecondary students. Carnegie Learning is helping students across the Commonwealth of Kentucky increase their achievement in math, and in a recent evaluation by the Kentucky Committee for Mathematics Achievement, was the only one of nine curricula to receive the top ranking in every category in the committee's assessment of intermediate and middle grades math intervention programs.

Madam Speaker, I urge my colleagues to join me in recognizing Brodie's achievement in math education, and in encouraging more students to appreciate the importance of math and science education. In the global economy of the 21st century, knowledge of math is absolutely critical. While our Nation is concerned by reports that our students are falling behind in basic math skills, Brodie Clark is proving that our students can succeed if they have access to quality resources, and the support of dedicated family and teachers. I would also like to thank Carnegie Learning for recognizing his exceptional efforts.

HONORING LINCOLN FALLS AND MILLVIEW WESLEYAN CHURCH

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. CARNEY. Madam Speaker, I rise today to recognize the Lincoln Falls and Millview Wesleyan Church and their commitment to serving the Sullivan County area for well over 100 years.

The Millview Church was established in 1843 and Lincoln Falls was established in 1877. They celebrated their first annual Camp Meeting in 1907. On July 15, they will celebrate that 100th anniversary.

Dr. Harry F. Wood, the district superintendent, will speak at the celebration service. An old-fashioned picnic will follow.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing the Lincoln Falls and Millview Wesleyan Churches for their 100 years of joint camp meetings and for over 100 years of distinguished service to Sullivan County, PA, and the United States of America.

NATIONAL HERITAGE FELLOW HAZEL DICKENS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. RAHALL. Madam Speaker, I rise today in recognition of the 25th anniversary of the National Heritage Fellowships.

The National Heritage Fellowships are a proud tradition that honors our Nation's diverse cultural heritage and West Virginia has been truly blessed by the music of Heritage Fellow Hazel Dickens, who was awarded this lifetime achievement recognition in 2001.

As we celebrated West Virginia's birthday last week, the words of Hazel Dickens were close to all of our hearts, "Oh the green rolling hills of West Virginia, Are the nearest thing to heaven that I know."

Hazel is a living legend, a spirited, talented daughter of West Virginia, and an important part of our musical heritage. Her legacy will be preserved for future generations when our efforts to create a Mountain Music Center are completed.

There is something about her plain and sometimes painful poetry that makes us all think, if just for a moment, what a treasure home is, especially West Virginia.

To Hazel, and all of the Heritage fellows, I extend my greatest thanks for their continued contributions to our Nation's arts heritage. They have given us a great gift.

IN RECOGNITION OF HERBERT WOODARD, SR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BUTTERFIELD. Madam Speaker, on July 8, 2007 there will be a grand celebration honoring the 100th birthday celebration of Mr. Herbert Woodard, Sr., a resident of my Congressional District—Wilson, North Carolina. On this special occasion, Mr. Woodard's family, friends and members of the community will join together to pay special tribute to this extraordinary man.

Mr. Woodard is a remarkable person with an entrepreneurial spirit. Although he only received a fourth grade education, his work ethic demonstrates that diligence and determination produce lifetime rewards. As a self-employed businessman, Mr. Woodard's businesses have ranged from that of a gas station to baseball parks and hotels. He sold and delivered coal to local businesses, and has even cleaned septic tanks. As an accomplished and humble businessman, he has gained the respect and admiration of his community.

Madam Speaker, although a skilled and savvy businessman, Mr. Woodard always makes a practice of giving back to the community. Each holiday season, Mr. Woodard gives turkeys to senior citizens at his church. He also donates to charitable organizations that provide services to children and veterans.

It is with great pride that I acknowledge the achievements of Mr. Woodard. His many accomplishments have made him a well recognized figure in Wilson, North Carolina. It is with sincere pride that I ask my colleagues to rise and join me in marking this monumental occasion in the life of Mr. Herbert Woodard, Sr.

HONORING FORMER CONGRESSMAN GUY ADRIAN VANDER JAGT

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. HOEKSTRA. Madam Speaker, I rise today to honor former Congressman Guy Adrian Vander Jagt, who passed on June 22 at 75 years old.

Although I prevailed in a contested primary election with Congressman Vander Jagt in 1992, I hold him in the highest regard for his gifted oratorical skills and his ability to advance the cause of the Republican Party.

Congressman Vander Jagt was born in Cadillac on Aug. 26, 1931 to Dutch immigrant Harry Vander Jagt, a livestock dealer and rancher, and his wife Marie.

He began preaching at Tustin Presbyterian Church while still a student at Cadillac High School.

By the time he graduated from our mutual alma mater, Hope College in Holland, Michigan, in 1953, he had won the National Oratorical Championship, was undefeated in four years of unscripted speaking competitions at the state and national level and won the Michigan Debate Championships a record three years in a row.

Congressman Vander Jagt's first job after graduating from Hope was as news director and anchor for WWTV in Cadillac. In 1958 he left for Washington, D.C. to accept a position as a public relations assistant to Michigan Congressman Robert McIntosh and commenced the study of law at Georgetown University Law School.

He left Washington shortly thereafter to study law full time at another mutual alma mater of ours, the University of Michigan, where he received his juris doctorate degree in 1960.

After passing the Michigan bar, he entered private practice in Grand Rapids, and in 1964 married Carol Dorn. That same year he began his career in public service by winning election to the Michigan Senate.

In 1966 he went on to win a special election to the U.S. House of Representatives. He worked hard to win the confidence of his Congressional colleagues. In 1974, they reposed such confidence in him that he was elected to lead the National Republican Congressional Committee, working throughout the United States to elect Republican candidates to Congress.

He would tirelessly lead the NRCC, becoming the longest-serving national political party committee chairman in American history.

In what was surely one of the greatest moments in his career, in 1980 he was chosen personally by Governor Ronald Reagan to deliver the keynote address at the Republican National Convention in Detroit. Reagan would later write: "My desire was simple. I wanted the best—Guy Vander Jagt." He was even considered a potential candidate for vice president at the time.

Congressman Vander Jagt would serve 27 years in the House, and when he retired in 1993, he returned to private law practice and became a premier attorney with his firm.

Madam Speaker, the thoughts and prayers of my wife, Diane, and I are with the friends and family of Congressman Vander Jagt at this difficult time.

I respectfully request that my remarks be accepted into the RECORD.

HOUSE FELLOWS PROGRAM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SAXTON. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program on the completion of their weeklong program. As an initiative of the Office of the Historian, this has been a unique opportunity for a select group of secondary education teachers of American history and government.

This weeklong workshop is designed to help educators improve the knowledge and understanding of the "People's House." One of the goals of the program is to develop curricular materials on the history and practice of the House for use in schools. Each Fellow prepares his or her brief lesson plan on a congressional topic of their choosing, and these plans become part of a teaching resource database on the House.

During the school year following their participation in the House Fellows Program, each Fellow will have the responsibility to present their experiences and lesson plans to at least one in-service institute for teachers of history and government. Over the next 5 years, in selecting a teacher from every congressional district, the House Fellows Program will be able to impact over 10,000 high school teachers, providing an inside account of how the House of Representatives functions, and energizing thousands of students to become informed and active citizens.

I know that all Members will join me in congratulating the following teachers who have successfully participated in this week's program: Ms. Lee Adelizzi, Toms River High School South, Toms River, New Jersey (NJ03, SAXTON). Mr. Anthony Escalera, Montclair High School, Montclair, California (CA26, DREIER). Mr. Matthew Carter, Rialto High School, Rialto, California (CA41, LEWIS). Mr. Herbert Fischer, Wadleigh High School of Performing Arts, New York, New York (NY 15, RANGEL). Mr. Scott Kaplan, Largo High School, Largo, Florida (FL10, YOUNG). Mr. Kent Padgett, Jefferson City Public School District, Jefferson City, Missouri (MO04, SKELTON). Ms. Elaine Tubb, Charles County Public Schools, LaPlata, Maryland (MD05, HOYER). Mr. David Williams, Prince William County Public Schools, Manassas, Virginia (VA10, WOLF). Ms. Valerie Ziegler, Abraham Lincoln High School, San Francisco, California (CA12, LANTOS).

I thank the Office of the Historian for sponsoring this program. Under the leadership of Dr. Robert Remini and Dr. Fred Beuttler, along with their staff, the Office of the Historian is dedicated to preserving, presenting, and fostering the history of the House of Representatives, the "People's House."

COMMEMORATING THE FIFTIETH ANNIVERSARY OF THE HARRY S TRUMAN PRESIDENTIAL MUSEUM AND LIBRARY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. CLEAVER. Madam Speaker, I rise today in recognition of the 50th Anniversary of the Harry S Truman Presidential Museum and Library. Fifty years ago, on July 6, 1957, former President Harry S Truman, the "Man from Independence, Missouri," proudly dedicated his library. The 33rd President of the United States was not a wealthy man, but through his efforts and determination, he helped raise over a million dollars to build a place to store and exhibit his presidential papers, letters, artifacts, photos, interviews, historical records, and scholarly collections.

After leaving office, people could still visit with President Truman at the library where he greeted library patrons and easily conversed with visitors. Often, he would arrive earlier than the staff and was even known to pick up the phones and supply directions to the library. He was a beloved figure who was always seen walking with a cane in his hand and a smile on his face. It is no surprise that C–SPAN recently did a survey and Harry S Truman ranked fifth on the list of most popular Presidents.

When you enter the library, you are met with an amazing mural painted and designed by the famed Missouri artist, Thomas Hart Benton. The mural captures the history of our area with images of American Indians, settlers, scouts, and the common man forging and founding Independence and the Opening of the West. At one point, Benton wanted to include President Truman in the mural but Truman would have none of this. He stayed true to his character, only offering his distinct brand of criticism to the working artist rather than his likeness. That is until Benton challenged Truman to climb the scaffolding and paint alongside him. Truman responded heartily by picking up a paintbrush.

The Harry S Truman Library was the first Presidential Library to be created under the provisions of the 1955 Presidential Libraries Act. It was established to preserve administrative correspondence and historical materials relating to former Presidents. Truman's vision was to raise funds for the building and then transfer the land, the building and all its contents to the government. Due in large part to Truman's efforts, the public now has access to numerous Presidential documents that give insight into the personal lives and roles of our country's past and present leaders. Many Presidents have followed suit, and the Truman Presidential Library is one of twelve presidential libraries in our Nation operated by the Federal Government.

Mr. Truman, or "Mr. Citizen" as many came to call him, cared deeply for the American public. As a former farmer, soldier, and businessman, he drew on these experiences to become a well respected United States Senator and President. If you visit the library in person or delve into Truman's life on the library's website, you come to learn fascinating things about his life.

You discover that he was a modest man who endured great disappointments and recovered from each with greater vigor and success. In his lifetime, Truman was denied entry into West Point because of his poor vision, yet he demonstrated unforeseen courage and leadership on the battlefield during World War I. He had the daunting task of becoming President after Franklin D. Roosevelt's unexpected death during World War II, yet he rose to the difficult challenges and saw the Marshall Plan put in effect and the allies of NATO join forces. Many of his Fair Deal initiatives, while positive and groundbreaking, stalled, but his Civil Rights victories forced our Armed Forces and Federal Government to halt and make illegal any further discriminatory practices.

As a proponent for self education, President Truman's vision for the library was to make these materials available to the people in a place suitable for exhibit and research where anyone could come and learn about the government and the presidency. His reason was that, "the papers of the Presidents are among the most valuable sources of material. They ought to be preserved and they ought to be used." His common sense attitude and foresight are gifts that have proven to be invaluable.

It is with great appreciation and high regard that I congratulate and thank the Truman Presidential Museum and Library for an amazing 50 years. Under the Truman Library Institute Board and the leadership of Directors Philip C. Brooks, Benedict Zobrist, Larry Hackman and now Michael Devine, the Truman

Presidential Museum and Library has hosted Presidents, heads of state, and many dignitaries. All visitors are assisted by a professional staff that provides expertise and a wealth of experiences for amateur historians, young people, and industrious scholars seeking information about President Harry S Truman, his life and times. They amazingly seem to know where to retrieve documents and photographs; they meticulously recreate rich and detailed displays, and are the stewards of priceless artifacts and information.

Madam Speaker, please join with me as we commemorate the 50th Anniversary of the Harry S Truman Presidential Museum and Library that has fulfilled the 33rd President's wish to make available America's history to America's people.

IN HONOR OF CITY OF HASTINGS, NEBRASKA

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. SMITH of Nebraska. Madam Speaker, it is with great pleasure that I rise today to honor a community in Nebraska's Third Congressional District, the City of Hastings, for being named the Greenest City in America by Yahoo! Incorporated. The contest to be the Greenest City in America began on May 14 and ended earlier this month.

Residents of Hastings made an online pledge on Yahoo's website to live their everyday lives in a more environmentally-friendly way and then followed through on their pledges. I am proud Hastings earned this title, and I look forward to its ongoing efforts to make the City as eco-friendly as possible.

This contest and the improvements Hastings made on its way to the top are perfect examples of an effective and fun way to protect our environment and learn about activities which can improve our lives. This is also a perfect example of how a private company—not a government mandate—can encourage cities throughout America to improve their local communities. This was not a government program compelling improvement, it was a private company helping towns and cities do what is right, and I commend both Hastings and Yahoo for their stewardship.

I hope other companies follow Yahoo's lead, as I hope other communities in our country follow Hastings' example.

RECOGNIZING "NATIONAL HOMELESS YOUTH AWARENESS MONTH"

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. WELLER of Illinois. Madam Speaker, today Representative MCDERMOTT and I introduced a resolution to designate November as national homeless youth awareness month.

Earlier this month the Ways and Means Income Security and Family Support Subcommittee on which I serve as Ranking Member held a hearing on "disconnected youth." That's a group that includes young people who often drop out of school, don't work, and wind up on the streets. These young people may have family conflict issues, may experience abuse and neglect, or may be or have been in the past involved in the foster care system. Research completed by the University of Chicago suggests there were nearly 25,000 homeless youth in Illinois in 2004, including 6,353 in the northern Illinois region where the Congressional district I represent is located.

Despite an infusion of millions of dollars in Federal assistance and the dedicated efforts of many interested adults, too many children are troubled, homeless, and disconnected from their families and others who would like to help. Federal initiatives such as the Runaway and Homeless Youth program, the Education for Homeless Children and Youth program, the Family Violence Prevention and Services Discretionary Grants program, and the Chafee Foster Care Independence program have been directed at these problems in recent years.

Yet better serving these children and preventing more youth from winding up on the streets will require better use and coordination of current program funds. We also need to recognize, as one witness at out recent hearing put it, that "strengthening families is the best way to prevent the suffering and social disconnection among our young people." Even as we applaud those young people, including foster youth, who overcome tremendous challenges to succeed in school and beyond, it is hard to overstate the importance of strong families to the raising of young people who grow up to be productive adults. Last year in the Deficit Reduction Act we included specific funds to support private groups that work to strengthen families and promote healthy marriage, which is the foundation for raising healthy children. I am eager to see how those efforts pay off, including to reduce the turmoil in homes that results in too many children ending up on the streets.

We also must acknowledge that kids are connected, and especially as they get older, through their schools. That really means through the circle of friends, teachers, coaches, and other mentors they rely on as they become more independent and develop the habits and skills needed for life on their own.

Kids in foster care already have suffered the trauma of being removed from their own parents. In addition to being bounced from home to home, many foster children suffer the additional turmoil of being bounced from school to school. Studies show high school students who change schools even once are less than half as likely to graduate as those who don't change schools. So it is no wonder there is "a 20 percentage point difference between the high school graduation rates of foster youth and their peers," according to the Kids Count organization.

At this hearing, we heard from Rep. MICHELE BACHMANN of Minnesota. She and her husband have helped raise 23 foster children, and she discussed the importance of achieving stability in their lives, and especially stability in home and school. I have attached her testimony as further evidence of the importance of such stability, and the need for programs to promote it.

In addressing the issue of youth homelessness, we should start by doing whatever we can to ensure that young people in the foster care system complete at least high school, vastly improving their chances of getting a decent job and supporting themselves. One way to do that would be to provide more foster youth especially the opportunity to stay better connected to their schools, including by remaining in a single school whenever possible. That might mean offering scholarships so those in private schools can stay there, or so those who might benefit from private school could do so. Or it could involve something as mundane as bus vouchers so kids can continue going to their current public or private school even if they are sent to live in a foster home across town.

Such efforts will increase the chances foster youth graduate and can create the foundation for a productive and happy life that is the American dream. That will also mean far fewer wind up on the streets, as is the goal of the resolution introduced today. We should all support that.

[Statement of the Honorable Michele Bachmann, a Representative in Congress from the State of Minnesota, June 19, 2007]

TESTIMONY BEFORE THE SUBCOMMITTEE ON INCOME SECURITY AND FAMILY SUPPORT OF THE HOUSE COMMITTEE ON WAYS AND MEANS

Mr. Chairman, Congressman Weller, and members of the Subcommittee, thank you for inviting me to discuss the educational challenges faced by disconnected and disadvantaged youth, specifically foster children.

I am Michele Bachmann, a first-term Member of Congress serving Minnesota's Sixth District. I have a special interest in the quality of education received by foster children because over the course of six years, my family cared for 23 high-need teenagers through the Lutheran Social Services' Treatment Foster Care program.

I believe every child deserves the chance to gain a high-quality education. Growing up, I attended public schools where I was taught using a rigorous curriculum despite the fact that my community was not particularly affluent. While I was in school, my parents divorced and almost overnight my stable, middle-class family was changed forever. Although times were extremely tough, whenever my three brothers and I would become frustrated my mother would tell us to concentrate on our schoolwork, because no matter what happened, no one could ever take our educations away from us. She was right—I left my public high school with a quality education and went on to graduate from college, then law school, and finally to earn an L.L.M. in tax law.

Years later, when my family began to take in foster children, I felt that although our circumstances were very different, I could identify with their pain and frustration. All of them had challenges considered serious enough that they were unable to be placed through the traditional county foster care systems, and our family's role was to provide them with a safe home and see them through to their high school graduations.

We quickly learned that our foster children had very different needs than most children. Almost all of them had been given Individualized Education Plans—individual plans designed for students with special educational needs. Many of the kids had been under the care of counselors, many suffered from eating disorders, and others had difficult behavioral or learning issues. All of them had switched schools at least once, and as a result of their tumultuous home lives, none of them had very strong educational backgrounds.

While through the years some of our foster children performed better in school than others, my husband and I noticed some common problems. Many times, we got the impression that the kids were seen by both their peers and their teachers as if they were only going to be there short term. Although their teachers were welcoming, little special attention was provided to ensure that they caught up to their classmates, and their other needs were often not considered because there were so many other students to attend to. They became small fish swimming in a very large pond.

We also began to notice that not all of our foster children were presented with the quality of coursework we had thought they would receive. Many of them were placed in lower-level classes, as if they were not expected to succeed. One of the kids remarked to me once that she was in "stupid people math." Another brought home an 11th grade math assignment that involved coloring a poster. Yet another told me she had spent an entire week of classes watching movies, and others were being selected for the "School to Work" program, in which high school students attended classes for half of the day and were then sent to work minimum-wage jobs at local businesses. Although it had been evident to us from the beginning that because of their backgrounds, our foster children were going to struggle in school, it was frustrating to see that rather than being given the leg up they needed, so many of them felt that they were being left behind. Unfortunately, national studies indicate that this is an extremely common experience for foster children.

What made this experience so heartbreaking is we could clearly see that despite our wishes, our foster children did not get the same opportunities or attention that our biological children received in their school. Our biological children's classes were smaller and more rigorous, the teachers knew all of the students, the students knew each other, and parents were able to be much more involved in their children's educations—all goals which are not always attainable in a large school, but which could have done wonders for our foster children.

As a result of these experiences, I believe it is imperative that Congress examine creating a federal school choice program for foster children, through which foster parents are given the option to place children in their care in either a public or private school long-term, depending on their specific needs. Such a plan would allow foster children requiring more individual attention to attend a school better equipped to help them. Just as important, for the first time in their lives, these children who have become so used to being uprooted would have the chance to be placed in an environment where they could have their special educational needs met and feel as if they belong, where they could remain enrolled even if their homes changed.

Currently, the federal government operates a program for older foster children—the Chafee Foster Care Independence Program—which assists them in transitioning from foster care to life on their own. Among other things, the Chafee Program provides vouchers of up to $5,000 to foster children ages 16 through 18 for education and training. Congress should consider extending this voucher program to foster children of all ages, so foster parents are able to best meet the educational needs of the children in their care by either allowing them to choose a private school or providing them with the funds necessary to transport their children to their original school even if it is outside of their immediate area.

Additionally, Congress should consider extending the extremely successful D.C. school choice program aimed at low-income students, which has drawn more than three times the number of applications as there are available spots. Creating a similar program to serve D.C. foster children as well as those who come from low-income families would be an important step in the direction of giving the option of school choice to all foster children.

In closing, even if placed in the best families, foster children often face the possibility that they will have to change homes, and as a result they must find a safe place of their own where they can become accepted and gain a sense of stability. Although for many foster children school can be such a place, the cases of many others show that under the current system, this is not always possible. I hope my family's experiences highlight the special challenges facing foster children as well as the need for an examination of whether limiting their educational options is truly in their best interests. I thank the Subcommittee for holding this hearing, and I thank you, Mr. Chairman, Congressman Weller, and Subcommittee members for the opportunity to share our story today.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BRALEY of Iowa. Madam Speaker, on rollcall 564, the Brown-Waite of Florida Amendment, I was not present. If I had been there, I would have voted "no."

On rollcall 565, the Campbell of California Amendment No. 51, I was not present. If I had been there, I would have voted "no."

UNITED STATES-KOREA FREE TRADE AGREEMENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. BURTON of Indiana. Madam Speaker, this House recently approved H. Res. 295, sponsored by my good friend and colleague from New York, Rep. PETER KING, as well as 35 other Members from both sides of the aisle, to recognize the strong alliance between the Republic of Korea and the United States and to express the House of Representatives' appreciation to the Republic of Korea for its contributions to international efforts to combat terrorism. This resolution properly acknowledged the longstanding and heartfelt friendship between our two great countries.

This coming Saturday, June 30, 2007, marks the 125th anniversary of the Korean-American Treaty of Amity and Commerce, which was signed in 1882, and the 50th anniversary of the Treaty of Friendship, Commerce, and Navigation between the Republic of Korea and the United States, which was ratified in 1957.

Saturday June 30th will also mark another historic milestone in the ever growing relationship between the people of the United States and the people of the Republic of Korea when, in a ceremony to be held right here on Capitol Hill, representatives of both governments are expected to sign the United States-Korea Free Trade Agreement.

The proposed Free Trade Agreement—which still requires Congressional approval before coming into force—is a natural extension of the strong affinity between our two countries, marked by extraordinary diplomatic, political, military, and economic cooperation. Although the devil is always in the details, I understand that this agreement could potentially be the most commercially significant free trade agreement signed by the United States in more than a decade. As many of my colleagues already know, South Korea is already the United States' seventh largest export market and sixth largest market for U.S. agricultural products. In fact, according to the latest statistics, our annual bilateral trade totals nearly $80 billion. Any agreement that can open up more Korean markets to U.S. goods and services can only have a positive effect on the American economy by creating more and better jobs, enriching consumer choice, and boosting U.S. industry and manufacturing.

But there's more at stake here than just economic growth; this FTA recognizes our special relationship with South Korea and reinforces the message that the United States stands squarely behind our friends and allies. I would ask my colleagues to consider just a couple of points:

South Korea is the fifth largest tourism generating country to the United States (with over 800,000 Koreans visiting the U.S. annually);

South Korea has the largest foreign student population in the U.S.;

Nearly 2 million Americans of Korean descent live in communities all across our nation—which is why I support giving serious consideration to South Korea's entry into the Visa Waiver Program;

South Korea is a strong, unwavering ally in the U.S.-led Global War on Terror, having dispatched troops to Iraq (the third largest contingent after the United States and Great Britain), and Afghanistan (where a South Korean soldier was killed during hostile action), and to Lebanon in support of peacekeeping operations; and,

South Korea is a key partner in the Six-Party Talks to resolve North Korea's nuclear issue.

Madam Speaker, I believe that South Korea may be the premier success story of U.S. foreign policy in the post-World War II period. Having assisted South Korea in transforming itself from a war-torn, impoverished economy into a successful democracy with a free enterprise economy (the world's 11th largest), South Korea is now an indispensable partner with the United States in promoting democracy and free market economic principles.

The anticipated ceremony marking the conclusion of negotiations toward a U.S.-Korea

Free Trade Agreement will be another opportunity to celebrate and honor the 125 years of friendship and cooperation between the Republic of Korea and the United States. Whether you're for free trade agreements or against them, I ask all my colleagues to join me in recognizing the historic significance of the U.S.-Korea alliance and its growing importance in the years to come.

STATEMENT AGAINST CONGRESSIONAL PAY INCREASE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. MORAN of Kansas. Madam Speaker, I rise to oppose the current system of administering pay increases for Members of Congress. Since I was first elected by Kansans to represent them in our Nation's capital, I have opposed the hidden process by which Members of Congress receive an annual pay raise.

Right now, the House Agriculture Committee is reauthorizing the farm bill. For Kansans and rural citizens across the country, this is perhaps the most significant piece of legislation Congress will consider this year. Unfortunately, the Democrat-crafted budget does not include enough funding to meet the needs of our Nation's agricultural producers, fulfill the environmental and conservation needs of our country and carry out food stamp and nutrition programs. Congress has been irresponsible with taxpayer dollars for too long and the limitless spending is catching up with us. Vital legislation, like the farm bill, that supports millions of Americans does not have the money available to it to meet the needs of our country.

Members of Congress should not receive a pay increase when the federal budget is this tight. Congress needs to follow the lead of American families and cut out spending that is unnecessary. We should begin today by cutting out the automatic pay raise for Members of Congress.

TO COMMEMORATE CHANGE OF COMMAND, COAST GUARD STATION, HOUSTON, TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. LAMPSON. Madam Speaker, I would like to take the opportunity today to commemorate the Change of Command at the Coast Guard Air Station located at Houston's Ellington Field. Captain Norman S. Schweizer was relieved of his command by Commander Sean M. Mahoney on Monday, June 25, 2007.

Captain Schweizer was born and raised in Miami, FL, and graduated from Florida State University in 1984, earning a bachelor of science degree in accounting. Following Officer Candidate School in 1984, his first assignment was as the Assistant Operations Officer at Group Key West, FL. After 20 years of service, Captain Schweizer assumed the duties of Commanding Officer of the Coast Guard Air Station in Houston, TX. His accomplishments include two Meritorious Service Medals, four Coast Guard Commendation Medals, two Coast Guard Achievement Medals, and the Commandant's Letter of Commendation.

The Air Station's new commander, Sean M. Mahoney, is a native of Fishkill, NY, and a graduate of the U.S. Coast Guard Academy where he received a bachelor of science degree in government. His first assignment was as a Deck Watch Officer aboard the *USCGC Morgenthau* in Alameda, CA. Due to honorable service, his decorations include the Air Medal, Coast Guard Commendation Medal, Commandant's Letter of Commendation, and two National Defense Service Medals. He is also a recipient of the Air Force Association of Canada's Air Search and Rescue Award.

Captain Schweizer has played an integral role in leading Air Station Houston in its service to a wide range of Coast Guard missions including search and rescue, homeland security missions, environmental protection, and maritime law enforcement cases. Over the past 2 years alone, Air Station personnel flew over 4,445 flight hours. "Always Ready" flight crews supported nearly 1,000 hours in support of President Bush, homeland security patrols, and military escorts. Houston's personnel responded to over 300 search and rescue cases, saving or assisting nearly 1,100 lives, including an outstanding effort to rescue 890 individuals following Hurricanes Katrina and Rita.

Again, I am privileged to recognize Captain Norman S. Schweizer, Commander Sean M. Mahoney, and Air Station Houston for outstanding service to our country.

TRIBUTE TO THE BLUE NOTES DRUM AND BUGLE CORPS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor a musical group from my district that, for the past 50 years, has traveled Michigan's Upper Peninsula, U.P., entertaining crowds with traditional drum and bugle corps music. The Blue Notes Drum and Bugle Corps began in Ishpeming, MI, on Halloween night in 1957 as an all-boy junior corps. Founded by two dedicated young men, Joe Mayrand and Jim Medlyn, the Blue Notes and Drum Bugle Corps performed in local parades for the first time in the summer of 1958.

In 1959, the Blue Notes Drum and Bugle Corps was expanded and an all-girl color guard was added, under the direction of Mary Blight. In 1960, women were accepted into the Blue Notes horn line for the first time.

Over the next few years, with strong support of hard working parents and the entire Ishpeming community, along with sponsorship by the American Legion Post 58, money was raised to purchase new uniforms and instruments. With a proud community behind them, the Blue Notes soon grew into a competitive drum and bugle corps, well known throughout the Midwest.

During their 20-year existence as a competitive junior drum and bugle corps, the Blue Notes won numerous titles, including 9 State championships. The Corps participated in contests across the Midwest and Canada. Sadly, despite their successes, interest in the Corps dwindled and, in 1977, the junior corps disbanded. Drum and bugle corps music was absent from the Ishpeming area for the next 7 years.

However, in 1984, a group of junior corps alumni, then in their twenties and thirties, came together to consider reviving the corps. After discussions and practice, the group gathered and marched through the July 4th parade in Ishpeming, to honor the high school's 100-year reunion celebration.

The alumni corps' performance electrified the crowd. Having received such a tremendous reception, the alumni group decided to officially reunite and, since then, the revived Blue Notes Drum and Bugle Corps have been performing every year since.

The revived Corps expanded its membership to include not only Blue Notes alumni, but other drum corps alumni and any musicians interested in sharing their talents. Today, the Blue Notes Drum and Bugle Corps has members from across Michigan's western U.P., including the communities of Ishpeming, Negaunee, Marquette, Gladstone, Gwinn, Ontonagon, Kingsford, Iron Mountain, and even Hurley, WI.

The Blue Notes Drum and Bugle Corps' membership level has fluctuated throughout the years. While having only 8 members in 1984, the Corps boasted 54 members in 1999. Due to these changes in membership, members of the Corps came to realize that the group's continued existence would require a strong recruiting drive. A committee was formed to concentrate on recruiting new members. They targeted younger musicians, those aged 18 to 21, in order to ensure the Corps would remain vibrant even after its older members leave the group.

The recruiting committee's efforts successfully brought several younger members into the group. After seeing the enthusiasm these young people brought to the drum and bugle corps activity, the Blue Notes Drum and Bugle Corps extended membership to high school students.

Today, the 2007 Blue Notes "50th Anniversary Corps" has members ranging in age from 14 to 60. They come from all walks of life, but are united by a passion for drum and bugle corps music. Marquette County's only drum and bugle corps, and one of two active drum and bugle corps in the Upper Peninsula, the Blue Notes Drum and Bugle Corps are the pride of Ishpeming. Every summer, they conduct 20 performances across Michigan's Upper Peninsula, participating in parades, playing at community celebrations and keeping the drum and bugle tradition alive throughout the U.P.

Madam Speaker, the Blue Notes Drum and Bugle Corps' stalwart members, who revived the group after the junior corps disbanded in 1977 and their current members, should be commended for their dedication. This month, the Blue Notes Drum and Bugle Corps celebrates its 50 year anniversary. As the Ishpeming community and Michigan's U.P.

honor the Blue Notes Drum and Bugle Corps I would ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in saluting them, congratulating them on 50 musical years and wishing them many more years of spreading drum and bugle music throughout our Upper Peninsula.

SALUTING FRED RASCHKE: GALVESTON CHAMBER OF COMMERCE'S BUSINESS LEADER OF THE YEAR

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

Mr. PAUL. Madam Speaker, the Galveston Chamber of Commerce has chosen Mr. Fred Raschke as its Business Leader of the Year because, as Galveston Chamber of Commerce President Gina Spagnola said, "Fred is an extraordinary man who is committed to his family, his faith, his friends as well as service to our community."

Mr. Raschke is an honors graduate of the University of Texas and a graduate of Texas Tech University School of Law. He is a partner of the Mills Shirley law firm and a member of numerous legal organizations including the Fifth Federal Circuit and American Bar Association, the State Bar of Texas, and the Texas Association of Defense Counsels. His legal practice areas include defense litigation, negligence defense, personal injury defense, toxic tort defense, premises liability, gas, and electric utilities.

In addition to his professional accomplishments, Mr. Raschke's commitment to community service has made him a partner with all the people of Galveston. Mr. Raschke is very involved with several different community organizations including the Salvation Army, Boy Scouts of America, the Galveston Chamber of Commerce and the Galveston Historical Society. He has also served on boards of various Galveston area organizations, including the UTMB School of Nursing Alumni, Development and Community Relations Advisory Council, the Galveston County Economic Alliance, and the Galveston Rotary Club.

Madam Speaker, I am pleased to take this opportunity to join my friends at the Galveston County Chamber of Commerce in saluting Fred Raschke for both his professional accomplishments and his dedication to the Galveston community.

SENATE—*Monday, July 9, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of our lives, we confess that we have often been too distracted by busyness to hear Your words of truth. Keep us from being pressed by the insignificant. Instead, help us to take time to listen to the whisper of Your spirit. As the tender tug of time reminds us of our beginning and our end, teach us to embrace Your truth which transcends life and death.

On this first day returning from recess, give our Senators strength for all they will encounter today. May they feel Your power keeping them from stumbling and slipping. Remind them that You are the final judge of their leadership and the only one they ultimately need to please. Use them for Your glory.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 9, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today, following any time utilized by the two leaders, the Senate will be in a period of morning business until 3 o'clock, with the time equally divided and controlled between the two sides. At 3 p.m. today, the Senate will proceed to H.R. 1585, the Defense Department authorization bill. We all know how important this legislation is. The Senate will carefully and thoughtfully and thoroughly debate issues associated with our military servicemen at home and abroad. Senator BILL NELSON will be here to manage the bill for Chairman LEVIN, who will be in a hearing until later this afternoon. As I indicated prior to the recess, this period will be a very busy legislative period.

Members should be prepared for votes occurring whenever the Senate is in session unless I make an announcement to the contrary.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 263 submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 263) to authorize testimony and legal representation in the State of Iowa v. Chester Guinn, Brian David Terrell, Dixie Jenness Webb, Kathleen McQuillen, and Elton Lloyd Davis.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in criminal trespass actions in Iowa District Court for Polk County in Des Moines, IA. In this action, antiwar protestors have been charged with criminally trespassing in the Federal building housing Senator CHUCK GRASSLEY's Des Moines office on February 26, 2007, for refusing repeated requests to leave the premises. Trials on charges of trespass are scheduled to commence on July 9, 2007. Two members of the Senator's staff who had conversations with the defendant protestors during the charged events have been subpoenaed by the prosecution and the defense. Senator GRASSLEY would like to cooperate by providing testimony from these two members of his staff. This resolution would authorize those staff members to testify in connection with this action, with representation by the Senate Legal Counsel.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 263) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 263

Whereas, in the cases of State of Iowa v. Chester Guinn (SMAC288541), Brian David Terrell (SMAC288544), Dixie Jenness Webb (SMAC288545), Kathleen McQuillen (SMAC288543), and Elton Lloyd Davis (SMAC288539), pending in Iowa District Court for Polk County in Des Moines, Iowa, testimony has been requested from Robert Renaud and Janice Goode, employees in the office of Senator Chuck Grassley;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it Resolved that Robert Renaud and Janice Goode, are authorized to testify in the cases of State of Iowa v. Chester Guinn, Brian David Terrell, Dixie Jenness Webb, Kathleen McQuillen, and Elton Lloyd Davis, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Robert Renaud and Janice Goode in the actions referenced in section one of this resolution.

MEETING THE SENATE SCHEDULE

Mr. REID. Mr. President, it wasn't too many years ago that sessions of the Senate were much shorter than they are now. During the summertime, the months of July and August, people went home because it was so hot. They simply couldn't handle the heat in this building and this town. But that has changed now with air-conditioning.

We still traditionally take August as our break. We do it for good reason. There are a lot of things we have to do to catch up on work at home. Senators have to travel throughout their States to catch up on things. The State of Nevada, for example, is the seventh largest State area-wise in the country. Seventy percent of the people live in Las Vegas; 20 percent live in Reno. But the other 10 percent are entitled to representation in the Senate, as are the two metropolitan areas. In addition, we have important obligations around the world. August is set aside as a time when Members travel around the world to check assets our country has and obligations through treaties and other things.

The reason I mention that is we have a lot of work to do. This is a work period of 4 short weeks, and we hope it is 4 short weeks. It wasn't but a month ago when Members of this body and the House were criticizing the Iraqi Parliament for taking their summer vacation because they hadn't done the work they were supposed to do. The American people are looking at us—not the Iraqi Parliament, the American Congress—to make sure we also do our work. We have a schedule during this 4-week work period we have to meet. If we don't do that, the August recess period is going to be shorter. Everyone should understand that. I know I have come to the floor earlier in the year talking about the need for us to do different things, and it has worked out very well. We have worked only one weekend. We have spent a few nights but not too many because Members have, on most occasions—when it comes time to finish our work before a work period ends, we are able to complete the work. I hope that will continue. We have a lot to do.

I think this could be one of the most, if not the most, important work periods of the year. It was reported in the press today that we, the majority, have filed 42 cloture motions this year already. Why? Because everything we have had to do—motions to proceed, basically everything—the Republicans have had us go that route procedurally to try to invoke cloture to move forward. We have not always been successful, but most of the time we have because it was simply stalling when it came right down to it. On many occasions, the Republicans voted with us, but they still got their 30 hours to slow things down.

In spite of that, we have been able to accomplish a lot. We, of course, passed an increase in the minimum wage for the first time in 10 years. As a result of the supplemental appropriations bill the President gave us, we were forced into that legislation, not only the minimum wage bill but disaster relief which is 3 years overdue for ranchers and farmers. We were able to, for the first time over the President's objections, get extra money for homeland security. We got a billion dollars there. We were able to finally get money for the gulf, $7 billion. The President had gone there 22 times, but the money had never been forthcoming. We were able, in the supplemental appropriations bill, to force that in. We were also able this year to pass a budget, a good budget. We think it will set the pattern for what needs to be done this year.

We have had other accomplishments. We also have things we have to do. That is why this work period is so important. The Defense authorization bill is one thing. This gives us a chance to support our troops with a readiness amendment, which will be the first amendment up, which requires that active-duty troops have at least the same amount of time at home as the length of their previous tour overseas. This will also be our chance to force responsible action in Iraq that the President up to this point has refused.

We have had, during the week we have been gone, a number of Republicans of good will who have spoken out for the need to change policy in Iraq. I appreciate very much their stepping forward, as do the American people, Democrats and Republicans.

Second, we are going to do everything we can during this work period to reauthorize the State Children's Health Insurance Program which provides health insurance to 6 million children. SCHIP must be reauthorized before it expires. I hope we can all agree to this as important to keep the children healthy. We are also going to turn to the Higher Education Access Act, a bill that will help more Americans afford college by addressing the alarming rise in tuition costs. It could be and will be the most significant change in higher education since the GI Bill of Rights. It is going to change programs. It is going to take moneys used to pay people who provide these loans, who are getting, in the minds of many, outrageous profits from the money they give to young people to go to school, take that and put it into something that will really educate children.

Fourth, we are going to tackle appropriations bills. The first bill I want to do is Homeland Security. This bill strengthens airport, seaport, and water security, supports our first responders, and plugs security gaps that have been ignored for far too long.

Finally, we are going to send the 9/11 and ethics bills to conference. As I said during the last day we were here, no longer am I going to come here and hope that the good will of the Republicans will allow us to go to conference. We are going to finish these bills. If it means I have to file cloture to get conferences, that is what we will do. It is too bad because on the ethics bill, it is important that we do this. It is so important that we do ethics and lobbying reform to address the culture of corruption. This legislation passed the House and the Senate with minor differences. We should complete them. We almost got there the last week we were here, but at the last minute somebody stepped in and wanted to stop us from doing this—always some diversionary tactic. As to 9/11, we got another letter today from the 9/11 families saying do something about this.

Here is our work schedule. Let's make sure everybody understands what we need to complete during this work period: Defense authorization; we are going to work hard at SCHIP; we are going to finish the conference reports on 9/11 and ethics and lobbying reform. We are also going to do the Defense authorization bill, as I talked about. We are going to do the reconciliation on the Higher Education Access Act, and we are going to do an appropriations bill or more, if we can. I repeat: It is time that we start legislating for the American people. The minority has certainly proven that they can slow things down here, and 42 times we have had to file cloture. I hope we don't have to continue doing that. We will address the issues I have talked about before we end the work period and break for the August recess.

The recess is important. I repeat: It gives Members the opportunity to travel home and abroad, which is so important. It widens our understanding of the issues we face. Two of our colleagues, for example, both former members of the military, Senators MCCAIN and REED, traveled to Iraq during this Fourth of July work period. They will have a lot to report. I have already met with JACK REED, and I have had a wonderful conversation with him. I don't think there is anyone in the Senate who has traveled there more than he has. I am quite sure that is true. The August recess is also a time to meet with constituents. That is also important.

We are sent here for one reason above all others; that is, to legislate. That is what we must do. So I say as respectfully as I can to my friends, Democrats and Republicans, who are Senators, you need to keep your August travel plans flexible. I believe we can address each of these issues I have mentioned in the next 4 weeks and complete our work. The conference reports could go very quickly, but it is not just up to me, as we move this calendar along at a pace that allows for fair debate but not obstruction. In recent weeks, we have seen some of our Republican colleagues filibuster even issues that it appears they support, which is hard to comprehend, but that is what we have seen. That is their right, but I don't think it is good for the country, and we are simply going to do what we can to move this body along so we can accomplish passage of legislation.

President Wilson said on one occasion:

> The commands of democracy are as imperative as its privileges and opportunities are wide and generous. Its compulsion is upon us.

So, Mr. President, the compulsion to get the job done is upon us now, and I look forward to a very successful work period. We are going to have to put in some long hours, but certainly that should not be a hindrance to our work.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ADVANCING THE ISSUES

Mr. McCONNELL. Mr. President, I listened with interest to my good friend, the majority leader. Let me make a few random observations before making some remarks about the Defense authorization bill.

He indicated there have been 42 cloture motions filed. That is quite a lot, no question about it. The reason that was necessary, of course, is because the majority was trying to truncate the legislative process, which, in the Senate, unlike the House, gives the minority considerable opportunity to offer amendments.

Typically, the way these things are done is to be worked out. Cloture motions do not always produce the desired result of the majority, and we look forward to having fewer cloture motions, not more, as a better way to actually pass more legislation.

With regard to the August recess, I certainly would be prepared to stay here and work. I recall the majority leader and I were here the last time that was tried in 1994, when we stayed here 2 weeks into the August recess, to try to pass the national health care plan supported by then-President Clinton and his First Lady, HILLARY CLINTON. After 2 weeks of frustration, Senator Mitchell gave up and the recess began. Sometimes that kind of device would be helpful; other times it may not be.

I worry a good bit about the fact we have not done any appropriations bills yet. The basic work of the Government is to fund the agencies of Government. We do it through 13 appropriations bills. We have not passed any yet. I do worry we will end up with a process that could lead us in the direction we went last year under my party and in 2002 when the Democrats were in the majority, which led to kind of a total meltdown of the appropriations process. I hope that can be avoided. There will be a lot of cooperation on this side of the aisle to prevent that from happening. But we do need to schedule the bills and actually pass them if we are going to have a chance to have anywhere near a normal appropriations process.

With regard to the 9/11 bill, as my good friend the majority leader knows, we were prepared to go to conference on that bill the Friday before the recess. No request to go to conference was actually propounded on that day. I think if we can have our staffs exchange some language, there is no good reason why we cannot go to conference on the 9/11 bill very shortly, maybe even including today.

With regard to the lobbying bill, it was my intention to go to conference on the lobbying bill. We had an objection on this side of the aisle. The objector came over here, made the objection, and that is the way the Senate works. There is still strong support for that bill on this side of the aisle. It was the first bill the majority leader brought up, with my concurrence and cooperation. We passed it with only two dissenting votes, and I am very optimistic we can get that to conference as well.

So there will be a lot of cooperation on this side of the aisle to try to advance the issues the majority leader believes we ought to address.

DEFENSE AUTHORIZATION

Mr. McCONNELL. With that, Mr. President, let me make some observations about the Defense authorization bill.

What Republicans would like to see is an open and comprehensive debate. We know this debate is going to include a discussion of our policy in Iraq. We welcome that too. There are a variety of different proposals on both sides of the aisle about how we ought to go forward on that most important issue. Nobody has any doubt that is the No. 1 issue in this country, and we are certainly prepared to offer our suggestions, as well as to react to the Democratic suggestions about where we should go from here.

But a couple of words of caution are in order as we proceed. Everyone should know from the outset that Republicans will expect and insist on the freedom to improve this bill with our own amendments. We will be offering them and expect to have them voted on, as well as Democratic amendments.

Democrats have continually tried to block our efforts at improving legislation earlier in this session, as evidenced by the record pace of cloture motions we have been discussing on the floor that have been filed since January. I know there has been an effort to attempt to paint this record-setting pace of cloture motions as a reaction against alleged Republican intransigence, but, frankly, that is simply not the case. It is an effort to try to truncate the legislative process in such a way that works to the disadvantage of the minority.

The Senate has always been a place of cooperation. Most of us on both sides have been in the majority and minority recently. We know the different proposals that tend to please one and inhibit the other. The Senate is a ponderous place on purpose. It is exactly what Washington and the Founders predicted.

Republicans have insisted on our right to improve everything from ethics reform to the minimum wage bill this year. We have improved, we believe, everything we have touched, and we will continue to insist on our rights to do that.

Specifically, on this bill, the DOD authorization bill, which we will turn to at 3 o'clock, we will insist on amendments that respond aggressively and practically to the ongoing terrorist threat both here and abroad.

It is important to remember whom we are fighting. General Petraeus has said that 80 percent to 90 percent of the suicide bombers in Iraq are from outside the country, outside of Iraq. We are fighting al-Qaida, other terror groups, and the states that support them.

We cannot allow these terrorists to gain a new sanctuary even closer to the United States than Afghanistan or to gain access to other ungoverned areas in the Middle East that will give them a new stage to carry out their attacks.

It has always been in the U.S. interest, and it remains in the U.S. interest, to maintain stability in the Persian Gulf. It is important not to forget that either. We need to guard against an emboldened Iran, which is facilitating and capitalizing on the weakness of Iraq for its own advantage on the world stage. We must reassure our allies in Iraq, the Middle East, and the world that America remains committed to fighting terrorism wherever it is found.

Finally, as we proceed, we must remember we are at war and that our enemies will use any means at their disposal to harm us. They intend to strike us at home and abroad. They will exploit any opening we give them, and they will use every tool at their disposal.

Everyone in this Chamber has America's best interests at heart. But it will fall on Republicans in this debate to be particularly awake to the complexity of the terrorist threat.

Now, it is no accident we have not been attacked at home in nearly 6 years. We have kept terrorists at arm's length by bringing the fight to them. Republican amendments will build on the lessons we have learned over the past 6 years. They will reflect our commitment to security and continued vigilance, and we will insist they be heard. Republicans will succeed in improving this bill in ways that improve our warfighting ability and our counterterrorism tools.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I appreciate not only the comments of my distinguished counterpart, the senior Senator from Kentucky, but the manner in which they were offered, the tone. I would hope we can work together to get some of these things done, starting with this bill, the Defense authorization bill.

We have two wonderful Senators who are the managers of that bill, Senators LEVIN and WARNER. They have worked together in that committee for 25 years and are both dedicated patriots. They will do a good job managing this bill, no matter what happens on the floor.

I would also say that, coincidentally, I had a meeting today with the president of the American Medical Association. He came to talk about the SCHIP bill and how important it is we get that passed.

Also, in speaking with physicians about the Clinton health care plan that we did spend a lot of time on, as everyone knows, that legislation started out with 80 percent of the American people supporting a change in the health care policy in this country. With the huge amounts of money spent by mainly the insurance industry, with their "Harry and Louise" ads, that reversed, when it was all over, with less than half the people supporting that legislation. Huge amounts of money were spent denigrating that legislation.

Right now, as with the people who met with me today, they sure wish that legislation passed. It would have solved a lot of the problems we deal with here: medical malpractice and allowing the pooling of small employers so they can compete with large employers and have affordable insurance. But hindsight is 20/20. That was not accomplished. Hopefully, we can, with SCHIP, set a tone for what we can do with legislation as it relates to health care.

With the 9/11 and the ethics and lobbying reform, the proof is in the pudding. Are we going to have more delays? As my distinguished friend has indicated, if Republican staff comes to our staff and says: We are ready to go to conference, we will go, just like that. But I am not going to come out here anymore and have somebody come out and sideswipe it: We cannot do it because of this or that, always something standing in the way of it.

The American people are watching us. We are going to finish those two pieces of legislation before we leave in August. It is not a threat. It is what we have to do. The American people need us to do certain things. Can't we certainly pass ethics and lobbying reform? Can't we certainly pass the 9/11 Commission recommendations, which are 3 years old? The administration has not implemented those. In fact, as we know, we talk about one reason it passed overwhelmingly here and in the House is the Bush administration is given Ds and Fs on the implementation of this. We need to get this passed, and we need to get ethics reform passed. We need to get the 9/11 bill passed. I hope we can do that.

Mr. MCCONNELL. Mr. President, will the majority leader yield for a question?

Mr. REID. Mr. President, I am happy to yield.

Mr. MCCONNELL. Mr. President, I do not know if the majority leader was preoccupied or not, but let me say again, we were prepared to go to conference on the 9/11 bill the Friday before the recess, and the request was not made by my good friend, which is fine. I would say, again, we are prepared to go to conference on the 9/11 bill. I would suggest we have our floor staffs work out the language. I do not think there is any reason why we could not do that today.

Mr. REID. Mr. President, I am happy. I am happy. I so appreciate that, very much appreciate that. I think it is good we try to have a good work environment the next few weeks. We have a lot of things to do. We have been through one of the most difficult issues that has ever faced this body, ever, in the 200-plus years we have been a country; that is, immigration reform. Friends against friends, it was a very difficult issue.

So I think it is time we are able to do what the Senate can do by unanimous consent. So I appreciate very much what my friend said. I look forward to that. I think it will be something the American people can look at and say: You know, those guys don't disagree on everything.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1 and that the Senate then proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 4, as passed the Senate on March 13, 2007, be inserted in lieu thereof; that the bill be read the third time, passed, and the motion to reconsider be laid on the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that it not be in order to consider the conference report if it contains collective bargaining provisions which I have committed to drop, as has the Speaker.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, finally, again, I want the record spread with how much I appreciate this. I know the families of 9/11 appreciate Democrats and Republicans coming together and agreeing to complete this legislation, which we will complete very quickly.

The bill (H.R. 1), as amended, was read the third time and passed.

WAR ON TERROR

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, most of the activity with regard to the terrorist plot in Great Britain occurred while we were on our breaks back home. I wanted to briefly discuss that today.

It seems to me that the terror plots in Great Britain must serve as a wake-up call to those of us in the United States who perhaps have been too complacent about the terrorist threat. These plots remind us of the dangers we really face each and every day, and we need to employ all possible intelligence and follow-up action in order to stop the attacks and roll back these terrorist groups.

The war against terrorists and on the radical ideologies that drive terrorism will go on and is going to go on for a long time, and attacks will not occur every day. So we have to remain resolute in the face of this long-term threat, never allowing temporary respites from violence to tempt us into thinking the terrorists have stopped recruiting and plotting.

Abroad we must confront the challenges not just of terrorist networks but of states like Iran and Syria that provide funds and equipment for the terrorists. At home we have to have adequate intelligence to find, monitor, and disrupt terrorist cells that could strike at any time. It requires vigilance and cooperation among many enforcement entities and, importantly, the support of the American people. Against this threat, to say "out of sight, out of mind" can have no place.

Now, the first point I would like to make today is that as the plot in Great Britain revealed, this is not about grievances. This is about ideology.

There are those at home who are members of what is called the Blame America First crowd, which was a term coined by my friend, the late Ambassador Jeane Kirkpatrick, who say the Islamists hate us because of what we do. They allegedly hate us because we don't do enough to fight poverty, because of the Israeli-Palestinian conflict, because of Iraq, or because of the latest Danish cartoon, or whatever. Of course, this is nonsense.

The radical ideology that spawns this terrorism has nothing to do with such grievances or poverty. The perpetrators of the plots in Great Britain were doctors, not individuals radicalized by unemployment or poverty-stricken slums. These plots certainly were not the result of British policy. They unfolded on the very day that Gordon Brown, a critic of Britain's roles in the 2003 invasion of Iraq, took office. Nor did they have anything to do with American policy. From what we know of the individuals involved, it appears the motivation was the same as all of the other acts of terrorism in the name of militant Islam.

This radical doctrine had its roots in the early 20th century and gained momentum through the writings of radical Islamists such as Sayyid Qutb in the 1950s and 1960s, long before the Iraq war. It has everything to do with the hatred of our values, our freedoms, all that we stand for, and we see the hatred in attacks that go back several decades.

Review them: The 1979 takeover of our Embassy in Tehran; the 1983 Hezbollah bombing of the Marine barracks in Beirut; the 1993 bombing of the World Trade Center; the 1996 bombing of Khobar Towers; the 1998 Embassy bombings in Kenya and Tanzania; the 2000 attack on the USS *Cole*; September 11, 2001, and all of the attacks since then, including Beslan, Madrid, London, and elsewhere. In every case, the rationale was the same—advancement of the radical ideology of militant Islam; a perversion of the faith, to be sure, but based on their concept of the faith nonetheless.

The sheer evil of the acts and the perpetrators shocks our souls, especially because it is allegedly grounded in religion. People trained as doctors—those who are supposed to value and preserve life—were at the center of the plot in Great Britain to destroy innocent life.

We in the West, who believe in reason and rationality, have trouble comprehending the mentality of radical Islam and those who subscribe to it. But we need to understand it, to call it what it is, and not too shrink from this honesty because the terrorists and their sympathizers hide behind a great religion. Importantly, we must not seek to rationalize and explain the views and the behavior of our enemies through our values and experiences. Militant Islam seeks not to change our policies but to destroy our very way of life and replace it with a Taliban-like society ruled by Sharia law and its enforcers. Militant Islam has declared war on the West—be very clear about it. It is fundamentally at odds with freedom, with democracy, with the inherent humanity of the individual, with critical thinking, and rational decisionmaking, not to mention all other religious beliefs.

While it might be fueled by grievances, it is not caused by the West but, rather, by the very backwardness and ideological rigidity that they would impose on others.

The second point is this: We should be clear that militant Islam, though bound together by common ideology, comes in various stripes, including al-Qaida, responsible for 9/11 and which may have inspired the recent terror plots in Great Britain; Iran's radical regime, whose leader promises to "wipe Israel off the map" and envisions a "world without America," and which is speeding toward the development of nuclear weapons; the Wahabbism of Saudi Arabia, which is funding radical ideology in mosques and madrassas all over the world, including here at home; groups like the Muslim Brotherhood, which cloaks its radical ideology in a new veneer of tolerance while its activities support terrorist groups like Hamas and many others.

But state-sponsored testing of the United States and the West is also in full force. Iran is testing our resolve in Iraq where it is using its Revolutionary Guard and its terrorist client, Hezbollah, to train and arm those who are fighting our soldiers. Iran is testing the resolve of U.S. and NATO forces in Afghanistan where it is providing support to al-Qaida. Syria is testing our resolve in Lebanon, where it is assassinating anti-Syrian officeholders while serving as a conduit for the weapons that are rearming Hezbollah. Hamas is testing our resolve in Gaza where it launched a successful coup against the Palestinian Authority of Mahmoud Abbas.

Third, successful American response depends on resolve and support of the American people. We must understand the nature of our enemy and its ideology, confronting them head-on, with full confidence in the rightness of our cause. This is not a matter of moral relativism. We must not allow ourselves to be gagged by faux political correctness. We can say that these terrorists were bound together and motivated by a hateful ideology grounded in their interpretation of Islam without condemning any other Muslims. We must not embrace groups who tell us they stand for peace without renouncing violence in the name of Islam. We must not reward evil with retreat from any of the battlefields where the fight is raging, including Iraq and Afghanistan. And we must be willing to support intelligence and enforcement activities, including incarcerating those who have plotted against or attacked us.

As we celebrate the success of protecting our homeland since 9/11 and preventing loss of life from the attempted attacks in Great Britain, let our words and actions prove that we have not forgotten the resolve that we displayed six years ago today, and let us not fall into the temptation of blaming ourselves for the actions of those who, inspired by hatred, have declared war on us. It is not grievances which have spawned this hatred and these attacks but, rather, the hateful ideology of militant Islam.

I ask unanimous consent to have printed at this point in the record a New York Post op-ed by Irshad Manji, dated July 9, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Post, July 8, 2007]

ISLAM'S PROBLEM

(By Irshad Manji)

Last week, two very different Brits had their say about the latest terrorist plots in their country. Prime Minister Gordon Brown told the nation that "we have got to separate those great moderate members of our community from a few extremists who wish to practice violence and inflict maximum loss of life in the interests of a perversion of their religion." By contrast, a former jihadist from Manchester wrote that the "real engine of our violence" is "Islamic theology."

Months ago, this young man informed me that as a militant he raised most of his war chest not from obscenely rich Saudis, but from middle-class Muslim dentists living in the United Kingdom. There's sobering lesson here for the new prime minister.

So far, those arrested in connection to the car bombs are, by and large, medical professionals. The seeming paradox of the privileged seeking to avenge grievance has many champions of compassion scratching their heads. Aren't Muslim martyrs supposed to be poor, disenfranchised, and resentful about both?

We should have been stripped of that breezy simplification by now. The 9/11 hijackers came from means. Mohamed Atta, their ringleader, earned an engineering degree. He then moved to the West, pursuing his post-graduate studies in Germany. No servile goat-herder, that one.

In 2003, I interviewed Mohammad Al Hindi, the political leader of Islamic Jihad in Gaza. A physician himself, Dr. Al Hindi explained the difference between suicide and martyrdom. "Suicide is done out of despair," the good doctor diagnosed. "But most of our martyrs today were very successful in their earthly lives."

In short, it's not what the material world fails to deliver that drives suicide bombers.

It's something else. And, time and again, the very people committing these acts have articulated what that something else is: their religion.

Consider Mohammad Sidique Khan, the teaching assistant who master minded the July 7, 2005 transit bombings in London.

In a taped testimony, Khan railed against British foreign policy. But before bringing up Western imperialism, he emphasized that "Islam is our religion" and "the Prophet is our role model." Khan gave priority to God, not to Iraq.

Now take Mohammed Bouyeri, the Dutch-born Moroccan Muslim who murdered Amsterdam film director Theo van Gogh. Bouyeri pumped several bullets into van Gogh's body. Knowing that multiple shots would finish off his victim, why didn't Bouyeri stop there? Why did he pull out a blade to decapitate van Gogh?

Again, we must confront religious symbolism. The blade is an implement associated with 7th-century tribal conflict. Wielding it as a sword becomes a tribute to the founding moment of Islam. Even the note stabbed into van Gogh's corpse, although written in Dutch, had the unmistakable rhythms of Arabic poetry .

Let's credit Bouyeri with honesty: At his trial he proudly acknowledged acting from "religious conviction."

Despite integrating Muslims far more adroitly than most of Europe, North America isn't immune. Last year in Toronto, police nabbed 17 young Muslim men allegedly plotting to blow up Canada's parliament buildings and behead the prime minister. They called their campaign "Operation Badr," a reference to the Battle of Badr, the first decisive military triumph achieved by the Prophet Mohammed. Clearly, the Toronto 17 drew inspiration from religious history.

For people with big hearts and good will, this has to be uncomfortable to hear. But they can take solace that the law-and-order types have a hard time with it, too. After rounding up the Toronto suspects, police held a press conference and didn't once mention Islam or Muslims. At their second press conference, police boasted about avoiding those words.

If the guardians of public safety intended their silence to be a form of sensitivity, they instead accomplished a form of artistry, airbrushing the role that religion plays in the violence carried out under its banner.

They're in fine company: Moderate Muslims do the same.

While the vast majority of Muslims aren't extremists, a more important distinction must start being made—the distinction between moderate Muslims and reform-minded ones. Moderate Muslims denounce violence in the name of Islam—but deny that Islam has anything to do with it.

By their denial, moderates abandon the ground of theological interpretation to those with malignant intentions—effectively telling would-be terrorists that they can get away with abuses of power because mainstream Muslims won't challenge the fanatics with bold, competing interpretations.

To do so would be to admit that religion is a factor. Moderate Muslims can't go there.

Reform-minded Muslims say it's time to admit that Islam's scripture and history are being exploited. They argue for re-interpretation precisely to put the would-be terrorists on notice that their monopoly is over. Re-interpreting doesn't mean re-writing. It means re-thinking words and practices that already exist—removing them from a seventh-century tribal time warp and introducing them to a twenty first-century pluralistic context.

Un-Islamic? God no. The Koran contains three times as many verses calling on Muslims to think, analyze, and reflect than passages that dictate what's absolutely right or wrong. In that sense, reform minded Muslims are as authentic as moderates, and quite possibly more constructive.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

HEALTH CARE

Mr. WYDEN. Mr. President, like all of us in the Senate, I have just come back from a great week in Oregon. We own the summer. It is just wonderful to be home during these warm days and cool nights. Other parts of the country may have beautiful months other times in the year, but nobody can beat an Oregon summer.

I want to talk a little bit about what I heard as I moved around the State. What I heard again and again is that folks at home want the Senate to change course in Iraq, and they want us to fix health care. We are going to start on the first item today in a few minutes when we go to the Defense authorization bill. I believe very strongly that we don't support our courageous troops in Iraq by forcing them to referee a civil war there. I think it will become clear this week that there is growing and bipartisan interest in the Senate to set a specific deadline to force the Iraqis to make the decisions for themselves about how they will govern their Nation.

So what I want to do is talk for a few minutes about health care—something I know the President pro tempore of the Senate has a great passion about as well, and certainly folks are talking about today—because the need to fix health care is so great. Of course, many have flocked to the Michael Moore movie as well, generating additional debate about this issue.

The first matter on the health care agenda to come up is going to be the Children's Health Insurance Program. In my view, passing a strong program for kids is about erasing a moral blot on our Nation. It is unconscionable that millions of kids, youngsters in Rhode Island and Oregon and across the country, go to bed at night without good, quality, affordable health care. In a country as rich and strong as ours, as the majority leader, Senator REID, noted earlier this afternoon, clearly we can do this, and we can do it in a bipartisan way.

The Senate Finance Committee is not going to pass a children's health program that becomes a Trojan horse for government-run health care. That is not going to happen in the Senate Finance Committee. The Senate Finance Committee is going to work in a bipartisan way under the leadership of Senator BAUCUS, working with Senator GRASSLEY and Senator ROCKEFELLER and Senator HATCH, and I am very hopeful that there will be bipartisan agreement over the next few days that targets the desperately needy youngsters in our country and is responsibly funded. I am hopeful that will come together this week, and members of the Senate Finance Committee will be working throughout the week on a bipartisan basis to bring that about.

But it is also very clear, in my view, that the State Children's Health Insurance Program was not created to solve our Nation's health care crisis. In fact, I think when we get on the floor debating the children's health program, the Senate will see and the country will see that this debate illustrates how broken our health care system is. We are clearly spending enough money; we are just not spending it in the right places.

For example, for the amount of money we are spending this year, our country could go out and hire a doctor for every seven families in the United States and pay that doctor $200,000 a year to care for seven families. Whenever I bring this up with the physicians, they always say: Ron, where do I go to get my seven families? So, clearly, we are spending enough money, and we are going to use the dollars even more efficiently, as the Senator from Rhode Island brings us his very constructive proposals as they relate to better use of health information technology.

Second, I believe we have the possibility of a real ideological truce now in health care. As the distinguished Senator from Rhode Island knows from our hearing in the Senate Budget Committee, we saw a real consensus emerging just in the course of that hearing. I think it is very clear that Senators of both political parties understand that to fix health care, we must cover everybody. If we don't cover everybody, people who are uninsured shift their bills to folks who are insured. So colleagues on my side of the aisle who made the point about getting everybody coverage, in my view, have been accurate, and clearly the country and citizens of all political persuasions have come around to that point of view.

But as we saw in our hearing in the Senate Budget Committee just recently, there is also strong support for something the Republicans have felt strongly about, and that is not having the Government run everything in health care. There ought to be a role for a healthy private sector, one where there is a fairer and more efficient market, and there ought to be more choices; in fact, a system much like Members of Congress enjoy today.

I am very pleased that I could join with Senator BENNETT of Utah, a member of the Republican leadership, in offering a bill based on just those principles. It is S. 334, the Healthy Americans Act, and it is the first bipartisan universal coverage bill in more than 13 years.

The distinguished President pro tempore of the Senate might be interested in some history. The last bipartisan, universal coverage health bill was offered by the late Senator Chafee—not his son but the late Senator Chafee—more than 13 years ago. So now we do have the opportunity for the Senate to come together on a bipartisan basis and deal with the premier challenge at home, and that is fixing American health care.

I and Senator BENNETT also believe there are some key challenges to bringing this country together to fix health care, and we believe through our legislation we have been able to address it. The first is how do you make sure folks who do have coverage today—and that is the majority of the people of our country—have a system that works for them. So often in the past they have said: Well, we are not exactly pleased with what we have, but the devil we know is better than the devil we don't know, and those folks in Washington, we don't know if they can organize a two-car parade, let alone fix American health care.

So the first thing Senator BENNETT and I said is for people who have insurance today, in Rhode Island, in Oregon, and elsewhere, we are going to take several steps to assure them that as part of fixing health care, we understand their needs.

The first is with the initial paychecks that are issued. If the Healthy Americans Act is adopted, workers win and employers win. Workers win because they will have more cash in their pocket, and they will have more private choices in a fixed marketplace where insurance companies can't cherry-pick. And they will have lifetime security where no one can ever take their coverage away. Employers will win with the first paychecks as well because they will get out from under the staggering rates of cost growth in American health care.

We all know that employers in Rhode Island and Oregon and elsewhere see their premiums go up more than 13 percent annually—far in excess of the rate of inflation. We cannot have our employers compete in tough global markets when they sustain those kinds of premium hikes and the competition they are up against internationally has the benefit of government-run health care.

I think Senator BENNETT and I have been able to make the kinds of changes in our bill that show we have learned from some of the mistakes in the past—most recently in 1993 and 1994, when Congress last tried to fix health care. One area we focused on is to make sure we can get the savings through cost containment right at the outset.

A group called the Lewin Group—considered the gold standard of health policy analysis—has looked at our legislation, and they found we generated savings through our legislation with the cost containment needed to fix health care. First, we redirect the money that is spent in the Federal Tax Code. Today, more than $200 billion is sent out through the Federal Tax Code so that if you are a high-flying CEO, you can go out and get a designer smile plastered on your face and write off the cost of that operation on your taxes. But if you are a hard-working woman who works at the corner furniture store in Rhode Island and your company doesn't have a health plan, you don't get anything. That is not right. So Senator BENNETT and I redirect the money under the Federal Tax Code to give the bulk of the relief to people in the middle-income and lower middle-income brackets, and the Lewin organization found significant savings in our doing that.

They also found significant savings on the administrative side because we have a one-stop sign-up process, and all of the essential transactions are done through technology transfers. Once you sign up, you are in the system forever. They found significant administrative savings through that.

The third area they found specific savings in is what is called the disproportionate share program, where hospitals and the Government have to pick up the bills for folks who come to hospital emergency rooms and have no coverage. Clearly, it would be much better to have those folks having private coverage targeted at outpatient services so they can get their health care in a way that is better for them and better for their finances than to have them all flocking to hospital emergency rooms.

The fourth area in which we generate savings is by redirecting dollars that are now spent on the poor. In Oregon, we have more than 30 categories of coverage for poor people under Medicaid, so that poor people literally have to find a way to squeeze themselves into one box or another in order to find coverage—wildly inefficient and, frankly, pretty dehumanizing to those who participate.

The better way to go is to make coverage for low-income people automatic. Those who are of modest income would be eligible for a subsidy, but it would be for private coverage.

Finally, we secure savings through significant reform of the private insurance sector. Today, private insurance companies can cherry pick and take healthy people and send sick people to Government programs that are more fragile than they are. That would be barred under our legislation. There would be guaranteed issue. They could not discriminate against people with illnesses, so that in the insurance sector, under our bipartisan legislation, private insurance companies would compete on the basis of price, benefits, and quality, rather than who can find the healthiest people.

I see another colleague on the floor. I ask unanimous consent for an additional 60 seconds to wrap up. If my colleague will indulge me, I would appreciate it.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I talked with our colleague about health care, and I know he has an interest in a bipartisan effort. If the Senate begins with the children's health insurance program and we make it clear this is not some kind of Trojan horse for a Government-run health plan, but something that secures the needs for children, I think we can do this in a bipartisan way and then, in effect, segue into another bipartisan effort to fix health care that would get all Americans under the tent for quality affordable coverage.

Senator BENNETT and I have brought before the Senate a proposal, particularly on the basis of the hearing in the Senate Budget Committee 2 weeks ago, that we think can bring the Senate together, go where no Congress has been able to go since 1945, when Harry Truman made an effort to do it, and that is a rational system so that all Americans have quality affordable coverage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, before I begin my statement, I commend Senator WYDEN on his vision for helping health care and his passion for helping to equalize our Tax Code in a way that would help every American buy private health insurance.

EARMARK REFORM

Mr. DEMINT. Mr. President, I rise today to speak about the Senate earmark transparency rules that have not been implemented after so many months. As my colleagues know, we passed two new Senate rules back in January that would shine some light on the earmarking process. It would require us to be open and honest about how we spend American tax dollars.

Unfortunately, these Senate rules, which have nothing to do with the

House of Representatives, have been held hostage so they can be gutted in secret when no one is looking. That is right; there are some in this Chamber who don't want to disclose their earmarks, don't want to certify in writing that they will not benefit financially from their earmarks. There are some who want to be able to continue the practice of adding secret earmarks to our bills in closed-door conference committees.

The earmark disclosure rule was originally offered this year as an amendment to S. 1, the lobbying and ethics reform bill. I offered this amendment because the disclosure requirements the majority leader included in his ethics reform bill only covered 5 percent of earmarks that we pass every year. I believed then, as I do now, that disclosure of only 5 percent of our earmarks is not reform and represents business as usual.

As my colleagues know, the leadership on the other side of the aisle originally opposed my amendment and actually tried to kill it. They said it was too broad and that the language, which came directly from Speaker PELOSI in the House, was rushed and therefore flawed.

The majority leader said on January 11:

> . . . the distinguished Senator from South Carolina has said this is exactly like the House provision. I say to my friend that is one of the problems I have with it because I, frankly, do not think they spent the time we have on this.

The same day Senator DURBIN said:

> But the DeMint language is actually unworkable because it is so broad. . . . Frankly, it would make this a very burdensome responsibility.

Fortunately, the Senate refused to table the amendment and the Democratic leadership was forced to support full earmark disclosure. To save face, the other side came with a slightly modified version that they said was better than the House language because it required 48 hours of notice on the Internet of all earmarks. We all agreed to this language and passed the Durbin Amendment 98 to 0.

The Democratic leadership immediately changed their tune once the bill was passed. The majority leader said on January 16:

> In effect, we have combined the best ideas from both sides of the aisle, Democrat and Republican, to establish the strongest possible disclosure rules in this regard.

Senator DURBIN said:

> I am pleased with this bipartisan solution. . . . I believe it reflects the intent of all on both sides of the aisle to make sure there is more disclosure.

Later in the debate, the Senate unanimously accepted an amendment prohibiting the practice of what we call airdropping earmarks in conference; that is, adding earmarks that were not included in either the House or the Senate versions of the bill. Again, we all agreed to this language and accepted it unanimously.

Unfortunately, that is when the public eye turned away from this issue and when the bipartisan support for earmark reform ended.

I came to this floor on Thursday, March 29—70 days after we passed the Senate earmark transparency rules—and asked for consent to enact them. But a Senator on the other side objected. The reason for his objection, according to several news reports, was that the other side of the aisle was caught off guard and was not properly notified.

Well, that sounded somewhat plausible, so I came back to this floor on Tuesday, April 17—89 days after we passed the Senate earmark transparency rules which, again, have yet to be enacted. A Senator on the other side still objected. But this time it was Senator DURBIN who objected—the very Senator who worked with me to author the new earmark disclosure rule. He objected to his own amendment being enacted. He said he did so because he didn't believe we should enact ethics reform in a piecemeal way.

But then the majority immediately announced it would self-enforce some of the new earmark transparency rules in a piecemeal way. They said they would allow each committee to decide if and how to disclose their earmarks.

The Congressional Research Service recently provided me with a review of all earmark rules being used in the Senate committees. The analysis shows that the rules have not been applied in many committees, and even those that have been created informally cannot be enforced on the Senate floor. According to CRS, only 4 out of 18 committees have even created an informal rule.

This shows what we all know to be true: The rules are being implemented in a piecemeal way, which is exactly what the other side said they wanted to avoid. It is clear we need a formal rule in place that applies to all committees. That is what we voted for at the beginning of the year when we wanted to show Americans we were going to address the culture of corruption in Washington, and that is what we need to do now.

I came down to this floor shortly before the July 4 recess to talk with the majority leader about these earmark rules. He wanted to go to conference with the House bill, S. 1, the ethics and lobbying reform bill, and I wanted to get his personal assurances that these earmark rules would not be watered down or eliminated behind closed doors. Unfortunately, the majority leader told me he could not give me those assurances, which was a clear sign that the folks working on this bill had plans to weaken the earmark transparency rules we adopted in January.

I tried again to get consent to enact these rules on Thursday, June 28, 161 days after they had passed, and again the other side objected. The reason this time, which was a complete departure from what they said before, was that the other side planned to work with the House to change the rules and that it was unreasonable for me to demand that they be protected.

The majority leader said:

> There will be some things that will wind up being a Senate rule. Some things will wind up being a House rule. That is part of what the conference is going to work out. No one is trying to detract from anything that the distinguished Senator from South Carolina wants. But just because you want something doesn't mean that you are necessarily going to get it.

Senator SCHUMER echoed their desire to change the rules by saying:

> . . . maybe there are things that other people might add; maybe there will be the kinds of legislative tradeoffs that will make a stronger ethics bill. We all have no way of knowing . . . To get 90 percent or 95 percent of what is a good package, most people would say yes.

And Senator DURBIN sought to belittle my effort to protect the earmark rules, saying:

> It would seem that the Senator from South Carolina is carping on a trifle here.

And I was carping on his bill. There are three words to describe what is going on here, Mr. President: business as usual. This is one of the worst flip-flop reversals I have ever seen. Even the Senator from Illinois, the very person who had previously praised the new rules, minimized their importance and supported efforts to change them.

I realize the other side never liked these rules to begin with. After all, they did try to kill them. But I thought they had come around and were now supportive. I thought we agreed that earmark transparency was a reasonable step to begin changing the way we spend American tax dollars and to end business as usual. It now appears I was mistaken.

Mr. President, 172 days have now gone by since we passed the Senate earmark transparency rules, and yet a few in the Chamber still refuse to enact them. Instead, these objections offer more excuses—excuses that keep changing as time passes.

First they said the rules were too broad and the House wrote them incorrectly. Then, after the Senate leadership revised the rules to their liking, they support them. But now, after 6 months have passed, they are saying the rules need to be fixed again, and this time by the House. I am sorry, I realize this may seem like a joke, but I am not making it up.

What we have here is obstruction, pure and simple. It has been 172 days since we passed these earmark transparency rules, and the majority will still not allow them to be enacted. Several Senators on the other side are determined to block these rules and prevent them from ever being implemented. They have now publicly acknowledged that they intend to change the rules behind closed doors and, according to several media reports, the majority leader is even willing to cancel the entire August recess to force those of us who want earmark reform to capitulate. He wants us to stop fighting for the American taxpayers. That is not going to happen. So the quicker we end the obstruction of these earmark reform rules, the quicker we can get on to other business.

I intend to fight for these rules even if it means staying here every day in August. In fact, that might mean the best outcome of all. We need to have a national dialog in this country about how Congress spends Americans' hard-earned tax dollars. I think it would be good for those in this Chamber to explain to the American people why they don't want to be transparent in how we spend their money. That is a discussion we need to have here.

I am now going to seek consent one more time to enact these important disclosure rules. And I ask the majority, if they don't like the language they developed, then make suggestions of how they want to change it. But in the meantime, I think we should go to conference on this lobby and ethics reform bill.

I ask unanimous consent that the Rules Committee be discharged from further consideration and the Senate now to proceed to S. Res. 123 and S. Res. 206, the earmark disclosure resolutions, all en bloc; that the resolutions be agreed to and the motions to reconsider be laid upon the table. I further ask that the Senate then proceed to the immediate consideration of H.R. 2316, the House-passed ethics and lobbying reform bill; that all after the enacting clause be stricken and the text of S. 1, as passed by the Senate, be inserted in lieu thereof; that the bill be read a third time, passed, and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 4 to 3.

The PRESIDING OFFICER (Mr. WEBB). Is there objection?

The majority whip.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I seek recognition.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, so we understand what happened, the Senate passed an ethics reform bill. It is a big bill. There are a lot of provisions in the bill that we felt were necessary because of some of the wrongdoing that occurred in Washington over the last several years. We went after the Jack Abramoff scandal. Remember that lobbyist? He is in prison. He had a pretty sweetheart arrangement here. He was sticking things in bills. It went on and on. I will not go into all the gruesome details, but we decided to break this kind of cozy relationship between lobbyists and some Members on Capitol Hill. And then we started to take a look at some of the other aspects of things that were troubling people.

We went into the question of gifts, how much can a Senator receive.

We went into the question of leaving the Senate and picking up a big-paying job as a lobbyist, within a few months making a lot of money. That has happened too often. We said, let's slow down this revolving door.

We went after the disclosure of private employment negotiations that Senators and Congressmen were entering into while they were still sitting in the House of Representatives and in the Senate.

We expanded lobby disclosure requirements. We went to great lengths and said lobbyists have to tell us a lot more about what they are doing with their money and time.

Then we went into prohibiting the old K Street Project. Unless you are a real insider on Capitol Hill, you may not remember that one, but they used to have—I am not kidding now—weekly meetings in the office of a U.S. Senator where the lobbyists would come in and tell them the amendments they wanted, and then the Senators would tell them what fundraisers were coming up. I don't know if there was any connection, but some people thought there was a connection. We put an end to that practice.

Then we talked about Members who were convicted of certain crimes losing their pensions. Understandable, if you are guilty of felonious conduct relating to official duties, that might follow.

Then we talked about the integrity of the process so Members couldn't dump little things in at the last minute in conference reports that hadn't been considered in the House and Senate.

And, of course, we went to the question of earmarks. That was an important part of this bill, but it sure wasn't the only part. Listen to everything I read.

So now we are trying to get this bill to conference. We want to take this bill to conference and work with the House and pass the most significant ethics reform bill in the history of Congress. It is long overdue. I think most Americans would say: Why haven't you done it already? I can tell you why for 12 days we haven't done it: Senator DEMINT of South Carolina has objected. Senator DEMINT, the man who took the floor and used my name a dozen times, as a great ethics reformer is the Senator who objects to going to conference to make these proposals which passed the Senate—similar measures passed the House—the law of the land. Why? Because he picked one paragraph out of the bill related to earmarks and he wants a guarantee that is going to come out of the conference without a change. I believe it probably will. Mr. President, do you know what the final vote was when it passed the Senate? It was 98 to 0. It is a pretty good indication he is going to see either the exact language he proposed or something very close to it. But unless he gets a locked-down guarantee to get every word of that, he is going to stop all of these efforts at ethics reform. He is going to stop the efforts to put an end to the K Street Project, he is going to stop the efforts of more disclosure, he is going to stop the effort to eliminate outrageous gifts between Members of Congress and lobbyists, and he does this in the name of ethics. I don't follow this at all.

For 12 days now, Senator DEMINT has held up our effort to take the ethics bill to conference. For 12 days, he has come to the floor and has said it is because he really believes in ethics. It doesn't track. It doesn't follow. It doesn't wash in Illinois or in South Carolina. I wish he showed a little more humility in this process. That he is going to stop the whole ethical reform because of his section—he is worried about his section I don't think is right. I think he should trust in the substance of his earmark reform, trust in the fact that 98 Senators supported it, trust in the fact that in the end it was a bipartisan agreement. I offered an amendment on the Democratic side to his amendment on the Republican side. What I offered was an amendment calling for more disclosure. Put all the earmarks on the Internet so the whole world can see them. I think that is the way it should be.

I chair a subcommittee of the Appropriations Committee. My staff has been working long and hard over the last several weeks to put a bill together. We were on the phone late last night putting all the finishing touches on it. It is going to be the most transparent appropriations bill covering these agencies in the history of the United States, and that is the way it should be. Every Member who has asked for anything in this bill, whether it is in bill language or committee report language, is going to be disclosed. Every Member has to stand by every request they make, and it is printed right there for the world to see. That is the way it ought to be. That isn't enough for the Senator from South Carolina. I am not sure what he wants beyond that. We are already putting into practice what the Senate has virtually accepted, with some slight modifications but nothing of substance. Yet he wants to stop the whole ethics process. I suppose that is his idea of reform, to stop reform. But it is certainly not my idea of reform.

Mr. President, I ask unanimous consent that the ethics bill that has passed the Senate and the House be sent to conference for consideration.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. On behalf of the junior Senator from South Carolina, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I acknowledge my colleague on the other side of the aisle is standing in for the Senator from South Carolina, but if we are ever going to get to ethics reform, we clearly have to move to conference, and conference is going to require agreement on both sides of the aisle and the understanding—incidentally, the Senator from South Carolina characterized the conference committee as the secret conference committee. He is caught up in the old way of doing things. The new way is that the doors will be open. He can come. In fact, I hope the Republican leader will appoint him as a member of the conference committee. Regardless, it is going to be open for him to come and at least observe, if not participate, in this process.

It is a new day for the conference committees, and I certainly hope the Senator from South Carolina will reconsider, will stop his ethics filibuster, the DeMint ethics filibuster, which is now in its 12th day, and allow us to move to this ethics bill for its consideration.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2011

Mr. NELSON of Nebraska. Mr. President, on behalf of Senator LEVIN, I call up his substitute amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for Mr. LEVIN, proposes an amendment numbered 2011.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. NELSON of Nebraska. Mr. President, I wish to begin my comments on this year's National Defense Authorization Act by thanking the members of the Personnel Subcommittee, and I would especially like to thank Senator LINDSEY GRAHAM. He and I have worked together for several years on the Personnel Subcommittee.

Mr. WARNER. Would the Senator yield, so I might propose a unanimous consent request?

The PRESIDING OFFICER. Will the Senator from Nebraska yield?

Mr. NELSON of Nebraska. Yes.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, following the remarks of the Senator from Nebraska, I would like to ask unanimous consent that I be recognized so I can speak on behalf of the ranking member, Senator McCAIN, with regard to the bill which is now being brought up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Senator WEBB be recognized after Senator WARNER for Senator WEBB's comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, as I was saying, Senator GRAHAM and I have worked together over these past several years—he has been chairman and I have been the ranking member—and I have always found our time on the subcommittee to be decidedly nonpartisan. All members of the Personnel Subcommittee have tried to do what is right by the servicemembers and their families. We are always focused on how best to serve those who serve us. So I say to Senator GRAHAM: Thank you very much.

This year, as in past years, the Personnel Subcommittee focused on improving the quality of life of the men and women in the armed services, including Active-Duty, National Guard and Reserve personnel and their families. There is an old axiom in the military that you recruit the soldier, sailor, airman or marine, but you retain the family. In the wake of the difficulties exposed at Walter Reed, we felt especially compelled this year to focus not just on the servicemember but also on his or her family and I am pleased with the bill and recommend it to my fellow Senators.

The bill before us authorizes $135 billion for military personnel, including pay, allowances, bonuses, death benefits, and permanent change of station moves. The bill contains many important provisions that will improve the quality of life of our men and women in uniform and their families.

First and foremost, the bill authorizes a 3.5 percent across-the-board pay raise, which is half a percent higher than the average pay raise in the private sector as measured by the Employment Cost Index. It is also half a percent higher than the administration's proposal of a 3-percent increase in pay. This increased pay raise recognizes the outstanding service and the sacrifice of the men and women of the armed services and their families.

The bill also addresses the administration's request to increase the end strength of the Army and the Marine Corps. The committee supports the requested increases in end strength for the coming fiscal year but funds the entire authorized end strength in the base budget rather than in a combination of the base budget and the war-related supplemental. The committee believes the increases in end strength are no longer uniquely tied to the war effort. The bill authorizes fiscal year 2008 end strengths of 525,400 for the Army and 189,000 for the Marine Corps.

The bill would expand combat-related special compensation to all servicemembers eligible for retirement pay who have a combat-related disability. This special compensation is currently denied to our wounded warriors who are medically retired with less than 20 years of service.

The bill would also reduce below age 60 the age at which reservists may begin to receive their retired pay by 3 months for every aggregate of 90 days of active duty performed under certain mobilization authorities.

The bill authorizes all servicemembers to carry up to 90 days of leave from one fiscal year to the next and allows certain servicemembers to sell back up to 30 days of leave under special leave accrual provisions affecting deployed servicemembers.

The bill would change the death gratuity and survivor benefit plan to allow servicemembers to choose to leave death benefits to a guardian or a caretaker of their minor child or children.

The bill also amends the Immigration and Nationality Act to make it easier for spouses and children accompanying servicemembers assigned overseas to qualify for citizenship.

The bill includes provisions that would allow the Department of Defense to continue to provide top quality health care to servicemembers and their dependents. The bill authorizes $24.6 billion for the Defense Health Program and takes steps to ensure that TRICARE is available to beneficiaries who desire to use it.

The bill enhances the ability of the services to attract critically short health care personnel by authorizing a new bonus for referring to military recruiters an individual who is commissioned in a health profession, by authorizing an increase from $50,000 to

$75,000 in the maximum incentive special pay and multiyear retention bonus for medical officers and by authorizing the Secretary of Defense to pay an accession bonus of up to $20,000 to participants in the Armed Forces Health Professions Scholarship and Financial Assistance Program.

The committee rejected the administration's proposal to give DOD broad authority to increase the cost of TRICARE for military retirees and their families and authorized the use of Federal pricing to reduce the cost of pharmaceuticals dispensed through the TRICARE retail pharmacy program.

Finally, the bill authorizes $50 million in Impact Aid to local school districts, including $5 million for educational services to severely disabled children and $10 million for districts experiencing rapid increases in the number of students due to rebasing, activation of new military units or base realignment and closure.

Before closing, I would like to say a few words about the Dignified Treatment of Wounded Warriors Act. The committee unanimously reported out this legislation on the 14th day of June as a stand-alone bill. It is very important to ensure that our wounded heroes and their families are provided the very best in medical care and transition services the Government can provide. I understand the Dignified Treatment of Wounded Warriors Bill will be offered as an amendment to this bill, so I encourage all my colleagues to support this extremely important and timely piece of legislation.

Again, I would like to thank Senator GRAHAM and all the members of the Personnel Subcommittee. I look forward to working with our colleagues to pass this important legislation as promptly as possible.

Mr. WARNER. Mr. President, I would like to say what a pleasure it is to join my good friend from Nebraska, a member of the Armed Services Committee, on the floor on the occasion of the 29th authorization bill that I have been privileged to join with other colleagues on the floor submitting to the Senate. Earlier today, I had a lengthy meeting with Senator LEVIN, our distinguished chairman, and I have also had the benefit of a report from the distinguished ranking member, Senator MCCAIN, who has returned from a trip to Iraq. So on behalf of our two principals, we are here today to initiate consideration of this all-important bill at a very critical juncture in the history of our great Nation.

I am privileged to rise in support of this piece of legislation, Mr. President. The bill was voted out of our committee unanimously, and that has usually been the case. I say that with a sense of pride through the many years I have served on the committee, over half that time as either the chairman or the ranking member. Our committee is proud of the fact that members of the committee, as well as our respective professional staffs, work together to try to achieve the highest possible degree of bipartisanship, given that we are entrusted, under the Constitution, the Senate, and the Senate has entrusted our committee with bringing forth each year the recommendations on behalf of the men and women in the Armed Forces.

I commend our distinguished chairman, Mr. LEVIN, and Mr. MCCAIN, the ranking member, for the markup session, which my colleague and I were in attendance I think throughout. It was done expeditiously, fairly, and openly, in terms of all Senators being given every possible option to present their views in preparing for the bill that is now on each Senator's desk. So again, I thank and join my colleague from Nebraska in thanking the chairman and ranking member and our staffs because I think we have achieved a truly bipartisan endeavor on behalf of the committee and forwarded to the Senate.

As the ranking member, Mr. MCCAIN, and I worked with our subcommittees, and indeed Mr. LEVIN. I attended a number of subcommittee meetings. We were fortunate to have strong chairmen of the subcommittees and ranking members, as my colleague from Nebraska mentioned in his opening statement, together with a strong professional staff, and their reports, by and large, were incorporated in the bill. Therefore, the committee has met its responsibility and fully funded—I repeat, fully funded—the President's $648 billion budget request for national defense.

As Members of the Congress, funding our Nation's defense is a fundamental responsibility. We must ensure our military is prepared, well trained, and well equipped to defend us and our allies in today's very complex world of threats. We must provide the best resources with the best value for our Armed Forces. We owe that to our service men and women, to their families, and, indeed, to the taxpayers. I am proud to say that, in my judgment, this bill meets those criteria.

The bill approves $2.7 billion for items on the Army Chief of Staff's Unfunded Requirements List, including $775 million for reactive armor and other Stryker requirements, $207 million for aviation survivability equipment, $102 million for combat training centers, and funding explosive ordnance disposal equipment, night vision devices, and other weapons. These are critical items in our fight against al-Qaida, the Taliban, and other threats throughout the world. Given the dangers we face as a nation, our men and women in uniform should want for nothing in our battle against terror.

I selected the Army to start with because I am very admiring of the Chief of Naval Operations, who is alleged to have said recently that while he is proud to be Chief of the Navy, his biggest concern today is that of the needs of the U.S. Army, and, indeed, the President has recently indicated that if all goes well in the course of the hearings in the Senate and our committee and the Senate confirms Admiral Mullins to be the next Chairman of the Joint Chiefs, he truly inherits that mantel of heavy responsibility showing equal regard for our services. But he did single out the Army as an institution at this time badly in need of the attention, not only of the Chairman of the Joint Chiefs office but indeed of the Congress of the United States.

I believe with the increase in the end strength of the Army, we have met the President's request to do what we can at this critical time to keep our Army strong, particularly for those families who at this very moment—thousands and thousands of families—have their loved ones serving abroad in Iraq and Afghanistan.

Likewise, the committee approved for the Navy the first next generation—that is the first ship in the next generation of our carriers, proudly named, in large measure by the urging of the Senate, the U.S.S. *Gerald Ford* for the former President of the United States, the former Republican leader in the House of Representatives.

It has also restructured the littoral combat ship program to achieve maximum value and accountability. Moreover, we approved $4.1 billion of Mine Resistant Ambush Protected—that is the MRAP—vehicles for all the services.

The committee also decided to assign fixed-wing, intra-theater airlift functions and missions to the Air Force and shift Army aircraft funding in 2008 to the Air Force, which was unusual but necessary to achieve improved efficiency and synergy in our airlift capability.

While weapons and equipment are critical in any conflict, it is the support we give our soldiers, sailors, airmen, and marines that determines success or failure.

We are asking more of our troops today than we did a generation ago—with longer and successive deployments. Our troops deserve our respect and gratitude for the countless sacrifices they and their families make daily. I welcome the committee's decision to approve a 3.5 percent across-the-board pay raise for all military personnel and the authorization of $135 billion in allowances, bonuses and other benefits. We are improving the quality of life for our men and women in uniform while enhancing our future readiness.

The committee has approved measures that satisfy our current and future requirements. We've increased the end strengths of the Army and the Marines to 525,400 and 189,000, respectively. By boosting the Army's and the Marines' numbers, I hope we can build a more flexible active-duty force and deploy reservists more prudently.

I thank the chairman for his leadership. The committee has approved a bill that meets the President's request, the needs of our troops and is fiscally responsible to our constituents. I hope my colleagues will join me and members of the committee in supporting this year's Defense authorization bill.

I wish to draw the attention of the Senate at this time to the following. We today start this bill amidst great concern. We start very important legislation at a time in our history unlike any I have witnessed. I share the privilege of being among the elder Senators in this Chamber. The conflict in Iraq in particular is posing extraordinary challenges both to our President, the Commander in Chief of the Armed Forces, and to the Congress which must provide the needed support. Indeed, we owe no less than the greatest obligation to the many people of our United States of America whose families, one way or another, are involved in these conflicts—largely by virtue of proudly wearing the uniform of one of our services—but there have been literally tens of thousands of other Americans who are taking risks in these conflicts to give support to the men and women of our Armed Forces.

Many colleagues over the recess period have expressed their concerns, quite properly, about certain directions that our Nation could be taking and is now taking, and otherwise, to address the conflicts—primarily in Iraq. I anticipate a number of amendments will be brought forward in the coming days—weeks, perhaps—as the Senate debates this bill. I encourage that. I thoroughly believe the depth of the complexity of the Iraq situation deserves the attention of each and every Senator. I hope they will avail themselves of such opportunities as they can to address their fellow Senators and convey their thoughts.

Several have recently spoken out very strongly on this issue. I personally have commended each and every one, even though I may not fully agree with all of their statements. This is a critical time in America's history. That is the purpose of this Senate, which is recognized perhaps as the one forum among the legislative branches throughout the world where there is literally almost total freedom for any Member of this body to come forward and address his or her fellow Senators and express his or her views.

I look forward in the coming days and weeks to engaging in debates. A number of us—I don't single myself out, but quite a few—have been asked by the press, do we have views at variance with the President's, at variance with those of some of our colleagues. I am speaking only for myself. I have decided to withhold some of the views I currently am looking at. I spent a good deal of time in the recess period visiting personally at the various agencies and departments of our Federal Government entrusted with intelligence responsibilities, security responsibilities, and other responsibilities with regard to these conflicts. I profited greatly. Each time, while I may not have agreed with everything that was related to me, I was certainly impressed by the quality of people and their professionalism throughout the Civil Service ranks of our Federal Government with regard to their discharging their individual responsibilities at this point in time in our history on issues which are extremely complex to resolve.

I also briefly responded to press inquiries this morning about the timing of what thoughts I may have, and when I might share them with my colleagues. I am frequently—today being an example—speaking privately with a number of colleagues in this body on their views. But publicly I have decided to withhold some ideas I may have which may be incorporated in one or more amendments until such time as the President has had the opportunity to address the Nation.

I wish to go back in a very respectful way and remind the Senate of the legislation, the appropriations bill passed some 6 or 7 weeks ago. That bill included a bill that I and others brought to the Senate floor. It received, I think, over a majority of votes. That bill that I brought to the floor together with a number of cosponsors—indeed, my distinguished colleague from Nebraska was very much an active party with it—that bill was embraced in the final version of the appropriations bill which became the law of the land.

In that bill the provisions that we discussed and debated here in the Senate, and indeed which had passed by a majority vote, required as follows. I wish to read the "Reports Required" portion.

> The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

I had the opportunity this morning to join his senior staff at the White House and discussed my views with them. We discussed this report. I left that meeting this morning with the definite impression that the White House and other elements of our Government are approaching this legislative requirement—which originated in this Chamber and was adopted by this Chamber and eventually became law—they are approaching that responsibility with an absolutely sincere depth of commitment.

I was asked by the press whether I thought they would brush it off. I resoundingly replied, "No." As a matter of fact, I have reason to believe that the Secretary of State and the Secretary of Defense are very actively working with senior White House staff and others—the Director of our Intelligence, the Director of the CIA—they are all actively working in preparation of that report.

I read the next provision in our bill.

> The President, having consulted with the Secretary of State, the Secretary of Defense, the Commander of Multi-National forces—Iraq, and the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit [it] to the Congress.

Paragraph 3:

> If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group—commonly referred to as Baker-Hamilton—as he deems appropriate.

No. 4:

> The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above.

No. 5:

> The reporting requirement detailed in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived. . . .

—given that these reports are going to be put in.

Speaking only for myself, I am going to withhold any comments I have specifically in large measure out of deference to exactly what we asked the President to do and exactly which I feel the President is about to do. I have reason to believe and it is my hope that it is done possibly a little earlier than the 15th, since the 15th falls on a day this weekend, thereby giving Members the opportunity to see exactly what he has done in response—again I reiterate—to the law as written by the Congress and a law that originated in this Chamber.

With that, I look forward to the week, working with my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The junior Senator from Virginia is recognized.

AMENDMENT NO. 2012 TO AMENDMENT NO. 2011

Mr. WEBB. Mr. President, I call up a bipartisan amendment with 29 of my colleagues that is focused squarely on supporting our troops who are fighting in Iraq and Afghanistan. I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Virginia, Mr. WEBB, for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER,

Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU proposes an amendment numbered 2012 to amendment No. 2011.

Mr. WEBB. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom)

At the end of subtitle C of title X, add the following:

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY MILIARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

Mr. WEBB. Mr. President, I wish to point out as of this point there are 29 cosponsors on this amendment. They include our majority leader as well as Senator HAGEL as the lead Republican cosponsor, Senator LEVIN, the chair of our committee, Senators OBAMA, CLINTON, DURBIN, TESTER, BYRD, MCCASKILL, KENNEDY, SALAZAR, KERRY, HARKIN, FEINSTEIN, SCHUMER, BROWN, PRYOR, SANDERS, MURRAY, KLOBUCHAR, BOXER, MIKULSKI, CANTWELL, STABENOW, AKAKA, DODD, BIDEN, and LANDRIEU.

This is an amendment that is focused squarely on supporting our troops who are fighting in Iraq and Afghanistan. It speaks directly to their welfare and to the needs of their families by establishing minimum periods between deployments for both our regular and reserve components.

I offer this amendment having grown up as a military family member, having watched a father deployed, as one who has served as a marine and been deployed, as one who has had a family member deployed in this war, and also as someone who, for 3 years, was privileged to oversee our National Guard and Reserve programs as Assistant Secretary of Defense, during which time I also spent a good bit of energy looking at mobilization issues, including how manpower flow issues were predicted to have occurred if we went to war.

The manpower policies that are feeding the situations in Iraq and Afghanistan presently are unprecedented in our history. This not only involves the repeated use of a small pool of active Army and Marine Corps forces, it also regards the use of the National Guard and Reserves at a tempo that we never could have anticipated when we were designing the total force concept.

It also involves the use of contractors doing so-called security work, performing missions that historically have been the responsibility of American military men and women. Now in the fifth year of ground operations in Iraq, this deck of cards has come crashing down on the backs of our soldiers and marines who have been deployed again and again, while the rest of the country sits back and debates Iraq as an intellectual or emotional exercise.

These men and women are doing a wonderful job. They are also paying a heavy price. That price became clearer in a wide variety of statistics, which I will address momentarily, as well as in the personal stories that we who have positions of authority are hearing on a daily basis. I and other supporters of this amendment believe no matter what one's view is of America's involvement in Iraq, the time has come for the Congress to place reasonable restrictions on how America's finest, our military men and women, are being used.

Stated simply, after more than 4 years of ground operations in Iraq, we have reached the point where we can no longer allow the ever-changing nature of this administration's operational policies to drive the way our troops are being deployed. In fact, the reverse is true. The availability of our troops should be the main determinant of how ground operations should be conducted.

Other amendments will be debated during the days ahead relating to the withdrawal of our forces from Iraq, the proposed timetables and future course of the war, but this is one area where we all, as Democrats and Republicans, should be able to come together. This relates in some measure to what the distinguished senior Senator from Virginia was talking about a few minutes ago—whether there is a report coming out in a week, whether there is an evaluation taking place in September. And no matter what any of us believe about the future conduct of the war or about this timetable or that timetable, we owe it to our troops and to their families to establish a minimum floor for their combat deployments.

If we are serious about supporting our troops, there is no better place to start than to correct the current troop rotation policy by requiring a minimum amount of time between deployments. I said this in the Chamber in March: The motivation behind this amendment is simple. It is the same motivation that impelled me more than 30 years ago when I first started working on veterans issues: How do we support the troops? What does that mean? Who speaks for the troops?

Like you, I listen to what they are saying. Here is what a constituent in Virginia wrote to me recently. Her husband is an Active-Duty Infantry officer who is presently deployed in Iraq. She wrote:

> As an Army wife I brace myself for the possibility that he may be extended for a few months based on the recent troop surge, and, of course, he was. This morning on the news I heard that President Bush is extending the Army troops again. Enough is enough.

She wrote.

> I am a patriotic American and an Army wife, but even we have our limits. My husband has lost numerous soldiers, we have dozens of amputees at Walter Reed and elsewhere, and morale is dropping. These men need to come home. Please speak out against another extension. Please bring our overextended soldiers home.

After 4 years of combat, we must provide our troops and their families with a predictable operational tempo that has adequate dwell time between deployments. We owe this to our active participants but also to the participants in the National Guard and Reserves.

Why is this bipartisan amendment so important? We all know the reason well enough: a small group of people is answering the call time and again. The result is that our ground forces in particular are being burnt out. The evidence is everywhere. We see it in falling retentions of experienced midgrade officers and noncommissioned officers. The increasing attrition rate among Army company-grade officers is serious enough that our committee, the Senate Committee on Armed Services, included a reporting requirement on the Army's retention programs and incentives in the authorization bill that is now before us.

We see it in the West Point classes. In 2000 and 2001, the most recent classes that finished their initial 5-year obligations, we are told that their attrition is five times the level that it was before Iraq for such classes. The statistics we have been shown indicate that 54 percent of the West Point class of 2000 left the Army by the end of last year, and 46 percent of the class of 2001 left the Army by the end of last year.

Senator WARNER mentioned Admiral Mullen who is a longtime friend, a Naval Academy classmate, now waiting for confirmation as the next Chairman of the Joint Chiefs of Staff. He was recently asked what was the thing about which he was most concerned. He said, "The Army." And we are not talking about equipment. We are talking about the Army.

The Marine Corps is also seeing an upward trend in the loss of critical midgrade noncommissioned officers. We also find new evidence of troop burnout in more numerous mental health issues arising from multiple combat deployments. These are statistically observable. There is a new report by the Department of Defense that documents a higher rate of mental health issues for servicemen deploying multiple times or for more than 6 months. A survey of servicemembers after their deployments found that 38 percent of our soldiers, 31 percent of our marines, and 49 percent of the National Guard report psychological problems following their combat deployments.

The failure of current rotation policies to protect the welfare of our troops and their family members in both Regular and Reserve components is well documented. This is an example drawn from the pages of our servicemembers' own newspaper, the Stars and Stripes.

Last week, the paper described how Army SGT Troy Tweed, newly assigned to the 2nd Brigade of the 1st Armored Division, is slated to deploy to Iraq before a full year of dwell time at home. Sergeant Tweed returned home 5 months ago from his last deployment to Iraq. He is one of many former members of his old brigade who is slated to deploy 3 to 4 months early because they received a new assignment. This will be Sergeant Tweed's fifth deployment to Iraq or Afghanistan.

He says to the Stars and Stripes:

> It feels like the individual situation of soldiers isn't taken into account, you are just like a number.

The newspaper said it best.

> Soldiers like Tweed fall through the cracks.

Closer to home, the Virginia Army National Guard, roughly 1,400 members of the 116th Infantry Brigade Combat Team, the famous Stonewall Brigade, has been mobilized. I would point out as an aside that this is a brigade with a long history that dates back to the Civil War, and, in fact, one of my ancestors fought in that brigade during the Civil War, was wounded at Antietam, and lost his life at Chancellorsville.

The brigade presently is in training in Mississippi and will deploy to Iraq in September. Deploying with this brigade are 700 members of the 3rd Battalion who returned only 2 years ago from a deployment in Afghanistan. Forty percent of this battalion will be making its second combat deployment in less than 3 years as members of the National Guard.

One colonel, a brigade commander stationed in Iraq, recently described his soldiers this way: They have spent the last 4 years on a continuous cycle of fighting, training, deploying, and fighting, and they see no end in sight. They have seen their closest friends killed and maimed, leaving young spouses and children as widows and single-parent kids. They want time for themselves and time to raise families for a while.

When they look forward to a 15-month deployment with 12 months in between, they see their home station time as being compressed, with intensified training, which means more time away from families and personal pursuits.

I know my colleagues on both sides of the aisle have heard similar stories. I would just like to point out that this cycle, the strategy driving our troop rotation, must be reversed. The bipartisan amendment I introduced this afternoon takes a modest step to reverse this practice by establishing a floor for minimum periods between deployments for both units and members.

It says if a unit or member of a Regular component deploys to Iraq or Afghanistan, they will have the same time at home, dwell time, before they are deployed; for Guard and Reserves, they will have three times the amount of time that they were deployed.

This is not a grand scheme to achieve an ideal troop rotation scenario. The ideal rotation scenario is two to one for Active, and five to one for Guard and Reserves, which we put in this amendment as a goal. What we are attempting to do is to put a floor under this and state what would be optimal. I would point out that the Adjutant General of my State of Virginia, MG Robert Newman, told us today that it is important to consider alternatives like this, like a minimum dwell time that will provide this sort of predictability.

Active Army units now deploy for 15 months with a 12-month period between deployments. Many Active Marine Corps units are also below the one-to-one rotation cycle. Individual soldiers and marines who have recently returned from deployment are also reassigned as backfills to new units marked for deployment.

Dwell time is not downtime. It entails frequent absences as units retrain, refurbish, reequip, and assimilate new members. After the first month at home, for example, a marine generally spends 48 days in the field away from family, firing on the rifle range, or on weekend duty.

This amendment provides for fair and reasonable waivers. It gives the President the waiver authority in the event of an operational emergency that poses a vital threat to our national security. This is a low threshold. It will allow the President to respond to any emergency operational requirement, including those in Iraq and Afghanistan by certifying a need to waive the amendment's limitations.

It provides military departments the authority to waive individual volunteers. In other words, if you want to go back sooner you can.

Contrary to some critics, the amendment does not micromanage the President in his role as Commander in Chief, nor does it tie the hands of our operational commanders in theaters. A more predictable dwell time will be transparent to our forward-deployed commanders. Military departments have long experienced managing people as individuals. We fought the Vietnam war on an individual rotational policy, before the widespread use of today's information technology systems that make it far easier for us to monitor when an individual returned from a deployment so that you have a date certain for when his dwell time would expire.

There was some comment about constitutional authority. The constitutional authority of this amendment is clear. Article I, section 8, of the Constitution empowers the Congress to make rules for the Government and regulations of the land and naval forces.

As Acting Secretary of Army Geren stated during his confirmation hearing last month:

> Article I of the Constitution makes Congress and the Army full partners.

There are precedents for this action. Congress has acted in a similar way in the past. The best recent example was in 1961 during the height of the Korean war when Congress intervened to ensure our servicemembers were not sent to war before they were properly trained. The Selective Service Act was amended to provide that every person inducted into the Armed Forces would receive full and adequate training for a period not less than 4 months.

The law also stipulated that no personnel during this 120-day period would be assigned for duty outside the United States.

It could have been argued in the Korean war that we had manpower requirements that should have allowed the Department of Defense or the operational commanders or the President as Commander in Chief to send military people outside of the country before they had 120 days of training. But the Congress intervened and said: No; 120 days is essential for the well-being of our troops, just as this amendment today says that dwell time, time back home, is essential for the well-being of our troops.

This Chamber has a clear duty to assert our authority to prevent further damage to our military. The current strategy, the current operational policy does not justify the way we are deploying our troops.

I urge my colleagues to recognize this common interest we share in addressing the welfare of our troops and their families. I have been encouraged to hear sentiments echoed recently by some of my colleagues on the other side of the aisle who are equally interested in forging a new road to the future, including Senators LUGAR, DOMENICI, VOINOVICH, COLLINS, and even my senior colleague from Virginia, Senator WARNER. They have studied the course of the war in Iraq. They ask the same questions that trouble us all: How can we continue to ask our troops to sacrifice indefinitely while the Iraqi Government is not making measurable progress, and many other questions.

The bottom line in all of this is that as we move forward responsibly to relocate our military from Iraq over a period of time, we cannot continue to do what we are doing to the troops we are sending over and over again. We seek a conclusion at the end of this engagement that will enable us to withdraw our combat forces from Iraq, that will lead to progressively greater regional stability, that will allow us to fight international terrorism more effectively, and that will enable us to more fully address our broader strategic visions around the world. The American people expect us to do that, to move our country forward in a collaborative way, but they also expect us to use our troops in a way that addresses their welfare and uses them in a way that is more properly related to the tasks at hand in Iraq and Afghanistan. So we can no longer continue to place such a disproportionately large burden on the shoulders of so few people. We need a balance. It is up to the Congress to establish that balance.

As a young Army wife wrote to me recently: Enough is enough.

I thank my colleagues who have signed on as original cosponsors, and I urge all colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Florida.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that at 4:30, the Senate proceed to executive session; that there be 1 hour for debate equally divided between Senators LEAHY and SPECTER or their designees; that at 5:30 p.m., the Senate vote on Calendar No. 138, followed by 20 minutes for debate on Calendar No. 140, equally divided between Senators LEAHY and BROWNBACK; that at the conclusion or the yielding back of that time, the Senate vote on Calendar No. 140; that if Calendar No. 140 is confirmed, the Senate then vote on Calendar Nos. 139 and 154; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent to add Senator HAGEL as a cosponsor to my amendment No. 2000 to the 2008 National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2013 TO AMENDMENT NO. 2012

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Florida [Mr. NELSON] proposes an amendment numbered 2013 to amendment No. 2012.

Mr. NELSON of Florida. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the amendment add the following:
>
> This section shall take effect one day after the date of this bill's enactment.

Mr. NELSON of Florida. It is my understanding Senator HAGEL wants to speak on an amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2012

Mr. HAGEL. Mr. President, I appreciate the time.

I rise to support the Webb amendment on troop readiness. The distinguished junior Senator from Virginia has taken, once again, an important leadership role on an issue that is as important to our country, to our military, and their families as any one issue, and that is readiness, because it is the men and women whom we ask to fight and die for this country who must always be our highest priority. The men and women who serve this country in uniform and their families deserve a policy worthy of their sacrifices. I appreciate the leadership of my friend from Virginia on this issue. This is part of an amendment Senator WEBB and I had introduced a couple of months ago.

In February of this year, GEN Peter Pace, Chairman of the Joint Chiefs of Staff, reported to Congress that there is now, in his words, "significant" risk that our military will not be able to respond to an emerging crisis in another part of the world. Since that time, the United States has sent more of our soldiers and more of our military equipment to Iraq.

The war in Iraq has pushed the U.S. military to the breaking point. I, like most of my colleagues, have been told by military leaders, both on active duty and those who are retired, that we are doing tremendous damage to our Army and to our Marine Corps, as well as our Army National Guard. Our troops are being deployed longer than they should be, more frequently than they should be, and without full training and equipment. We are eroding our military power at a time when our country faces an increasing arc of challenges and threats across the globe. We are abusing our all-voluntary force in a dangerous and irresponsible way. Senator WEBB recited a number of the facts—facts, not interpretations, not subjective analysis, but facts—as to what is happening to our military today because of the burden we are placing on them in Iraq, our fifth year in Iraq, our sixth year in Afghanistan.

This amendment goes to the heart of ensuring the readiness of our military and the time between deployments. This amendment will ensure that all Active units that have deployed to Iraq or Afghanistan have time at home that is at least equal to the length of the previous deployment. If we can't commit at least that to our forces, then what can we commit to them? For the National Guard and Reserves, our amendment establishes a minimum 3 years between deployments. Longer and more predictable dwell time will allow soldiers to rest, reequip, retrain, and return to their families. Our amendment has waiver authority because there can be extraordinary circumstances that require extraordinary use of our military. We have used that over and over and over in Iraq.

Today, in our fifth year in Iraq, in the middle of a civil war, we must return to the standards that allowed us to create the finest military force the world has ever known, the best led, the best educated, the best trained, the best equipped, and the most committed military the world has ever known. You can't make those kinds of militaries. You can't build those kinds of militaries overnight or even over 5 years. It took some of this country's greatest military leaders post-World War II—more importantly, post-Vietnam—such as General Powell, General Schwarzkopf, and many others, to commit their lives, 35 years of their lives to rebuild a broken military after we broke it in Vietnam. We are headed in the same direction unless we get control of this disaster now. Nothing is more important to our country, to our society than our people.

I urge my colleagues to support this important amendment. I appreciate the leadership of the junior Senator from Virginia who knows something about the military, who knows something about war.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I express my appreciation to the Senator from Nebraska for his leadership on this issue and his support for this amendment. It is my firm hope that people on the other side of the aisle will understand this amendment for what it is and, no matter what their views of the propriety of the war in Iraq or the direction of the President's strategy, will understand this is a minimum bottom line in terms of how the U.S. military is used around the world.

For the record, Senator HAGEL and I, to my knowledge, are the only veterans of ground combat in Vietnam in this body. It is a privilege and a pleasure to have him with me on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I commend Senator HAGEL and Senator WEBB. I was serving as a lieutenant and a captain in the U.S. Army during Vietnam. I was not sent to Vietnam but clearly dealt with all of its aftermath in the duties I did carry in the military. I support the Webb amendment and appreciate his statement and the heartfelt statement of Senator HAGEL.

Earlier, Senator HAGEL had joined me in being an original cosponsor of an amendment the two of us will be offering later having to do with widows and orphans. Senator HAGEL is a longtime supporter of the effort to repeal this offset to the Survivor Benefit Plan by the dependent indemnity compensation.

What we have is Active-Duty servicemembers who pay for an insurance plan called the Survivor Benefit Plan. If they are killed in active duty, their families have some subsistence to carry on which they have provided for because they did that additional paying for what is in effect an insurance plan. In another part of the law under the Veterans' Administration, there is something known as the dependent indemnity compensation, and it, too, takes care of survivors and families. The problem is, the two offset each other and, as a result, particularly with some of the privates and the corporals and the young sergeants who have provided for their families when they are deceased, those young widows are having difficulty making financial ends meet. We have to correct this.

Isn't it interesting all this goes back to statements made by President Abraham Lincoln during the Civil War. In his second inaugural address, he said that one of the greatest obligations of war was to take care of the widow and the orphan. If we look at the cost of war—guns, ammunition, tanks, trucks, airplanes, body armor, all of that is a cost of war. Transportation, logistics, all of that is a cost of war.

Well, there is another cost of war, and it is the cost of war in taking care of the survivors. The U.S. Government ought to plan on, as a cost of the wars in Iraq and Afghanistan, taking care of our veterans and their widows, widowers, and orphans.

So as we get into this Defense authorization bill, we are going to have the privilege of honoring the men and women and families who have given the ultimate sacrifice in service to this Nation. We are going to have the opportunity to remove the injustice facing our veterans. That injustice is this offset which offsets the indemnity compensation—a benefit from the Veterans' Administration—with the Survivor Benefit Plan, which is paid for by our veterans.

So when a veteran, as an Active-Duty military member, has paid out of their own paycheck into the Survivor Benefit Plan—it is similar to an insurance program—they do not get the full benefit because of the surviving spouse's and the children's eligibility under the Veterans' Administration program, the Dependent Indemnity Compensation program.

Now, to offset those two is not right. So this amendment, No. 2000, is going to end that injustice. Senator HAGEL and I will be offering it later on, as we get on in this next 2 weeks, down the road on this Defense authorization bill. But for 7 years, this Senator has been trying to pass this legislation that will remove this offset.

Last year, we passed it in the Senate by a whopping vote of 92 to 6, only the leadership in the conference down in the House whacked it out last year. We are going to try to prevent that from occurring. The objection to it is it costs $8.2 billion over 10 years. But isn't it an obligation of the U.S. Government to take care of the families of their loved ones? I believe it is.

When the Senate passed this amendment that left out some beneficiaries and required repayment of funds in the past, it was even more. It was $9.6 billion. Well, it has now been calculated right at $8 billion.

So that is coming down the road, and I am looking forward to getting into it. I am looking forward to getting a lopsided, whopping vote again in the Senate that will send a strong message to the conference committee to reconcile the House-passed and Senate-passed versions.

Now, I rise in my capacity as chairman of the Strategic Subcommittee of the Senate Armed Services Committee. This overall bill is a good, balanced bill, and it works to ensure the troops are trained, equipped, and supported. The bill was reported favorably to the Senate with a unanimous vote by our committee. It is a good indicator of the bipartisan support for the bill and a reflection of the manner in which this committee has been led by Senator LEVIN, the chairman, Senator McCAIN, the ranking member, and Senator WARNER, the immediate past chairman, who has stepped in so often for Senator McCAIN, as he is right now but 7 or 8 feet from me in overlooking and managing this legislation.

I wish to discuss the work of the subcommittee. The Strategic Subcommittee had a good year, and it has been a considerable pleasure for me to work very closely with Senator SESSIONS of Alabama, as the ranking member. Last year it was reversed. Senator SESSIONS was the chairman, and I was the ranking member. So we have worked together for several years with very difficult issues, sometimes contentious, but they did not become contentious this year. We worked out almost all of them.

We held five hearings and several briefings on a wide range of issues. These issues cover everything from space and intelligence, strategic systems, such as bombers, submarines, ground-launched ballistic missiles, the nuclear weapons programs, the missile defense program, and the bulk of the Defense-funded activities of the Department of Energy.

In the last several days, I have had the privilege of visiting our three major National Defense Labs that concentrate on Department of Energy nuclear weapons programs: first, Sandia and then Los Alamos—both of them in New Mexico—and then on to Lawrence Livermore in California. I would commend to all Senators to go and see the work and be briefed on the extraordinarily important stuff that is going on in these national labs, being done by extraordinary people.

In the area of missile defense, this committee, our subcommittee, has continued implementing a policy we established last year, placing a priority on the development, testing, fielding, and improvement of effective near-term missile defense capabilities, particularly to protect forward-deployed U.S. forces and allies against existing threats from short-range and medium-range ballistic missiles.

Where are the threats? The threats the ballistic missile defense is being developed for now are different than what was announced 20 years ago by President Reagan. After President Reagan and Gorbachev was—well, then he was the head of the Communist Party, and I do not remember if his title was President. But he was, in effect, the leader of the Soviet Union. After their meeting at Reykjavik, Iceland, they started to bring down the numbers of these strategic systems, such as the missiles and the warheads.

Later, President Reagan offered to Mikhail Gorbachev: Well, we will develop this system of national missile defense and we will give it to you and we can both then have, in effect, two systems that assure mutually assured destruction because of so many thermonuclear warheads that we can have to blunt each other.

Well, things changed along the way. The Soviet Union crumbled. But the bulk of all that capability in the Soviet Union is retained by Russia. Happily, there has been the continued progress on the dismantling of the warheads in both the United States and Russia.

But as to the ballistic missile defense program, which had fits and starts, the technical requirements are exceptional, and it has been very difficult to achieve. The requirements of using it changed, and so, in effect, it is being developed now to protect against missiles that may be launched by North Korea against us or against any allies—and Iran. Looking into the future, Iran does not have this real capability today, but we are concerned they will in the future, particularly if their nuclear program continues as they are threatening it will. So the ballistic missile defense program has considerably shifted over the last two decades into a different kind of program.

Now it is facing a crucial test coming up this next month. We will see if all it has been advertised to be able to do, in fact, is done through this test that is going to try to calibrate if, with kinetic energy, with an incoming missile warhead, we can have a ballistic missile defense system that can hit in outer space that incoming warhead and/or warheads—you can imagine what kind of accuracy that has to be—in the midcourse phase in outer space or in the reentry phase, as it is coming back through the Earth's atmosphere.

In order to provide protection against these existing or near-term missile threats, our committee, in the bill, has authorized an additional $315 million to increase or accelerate work on the near-term missile defense capabilities. That includes $255 million for the Aegis BMD, the Patriot PAC-3, and the THAAD systems, which I will describe in a minute. It also authorizes an additional $60 million for the joint Israel-U.S. work on the Arrow missile defense system and on the short-range missile defense. These increases are offset by reductions in far-term and lower priority programs.

With respect to the overall funding, our committee authorized a total of $10.1 billion for the ballistic missile defense programs. That is a net reduction of $231 million below the budget request for the Missile Defense Agency. That is a 2-percent reduction.

Let me summarize what is in the bill. The bill is going to authorize the entire Army funding request for the Patriot PAC-3 program, including funding for its "Pure Fleet" initiative. The committee also authorized an additional $75 million to procure 25 additional PAC-3 missiles.

The Patriot PAC-3 system is our only ballistic missile defense system that has already proven to be effective in combat, and we do not have enough PAC-3 units or missiles to provide the capabilities our combatant commanders need today. The committee authorized an additional $75 million for the Aegis ballistic missile defense program to increase the production rate of Standard Missile 3 interceptors, procure 15 additional SM-3 missiles, and accelerate the work on the Aegis BMD single processor and open architecture program.

Now, in a unanimous consent request I previously made to go into executive session at 4:30, since I am not through with my statement, what is the pleasure of the Presiding Officer?

The PRESIDING OFFICER. It is up to the Senator to ask for unanimous consent at this point if he wants to continue speaking and to revise the earlier unanimous consent request.

Mr. WARNER. Mr. President, reserving the right to object, I understood that at 4:30 the Senate was to turn to the debate on the pending judicial nominations which will be voted on at 5:30. Now, the two Senators who were to come to the floor at this appointed time—

Mr. NELSON of Florida. Mr. President, why don't I suggest to the Senator that I continue with my statement until the Senators arrive.

Mr. WARNER. I wish to speak to the judicial nominees. I will tell my colleague what I will do to accommodate the Senator, if he will give me a few minutes and I will put this into the RECORD.

Mr. NELSON of Florida. Mr. President, why don't you, since I am in mid sentence, let me take about 5 more minutes and complete my statement.

Mr. WARNER. Mr. President, I want to accommodate my good friend in any way he wishes to be accommodated, if that is his desire, but with the appearance of one of the Senators on the floor, I hope I can get in under this unanimous consent agreement.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to proceed for 5 more minutes, to be followed by the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, the Aegis BMD program provides an important and improving missile defense capability of $105 million, and that is to increase the missile production rate. The THAAD system has shown good success in its testing program thus far. The bill offers $25 million new for the coproduction of the Arrow system and $10 million to study the suitability of the THAAD missile to serve as a follow-on to Israel's Arrow system. We also have an increase of $25 million for the accelerated joint development of short-range ballistic missile defense, and that is for Israel.

In our bill we had a budget request, and it included $310 million for the proposed development of long-range missile defenses in Europe. That was 10 interceptors in Poland and a large radar in the Czech Republic. The U.S. is just starting negotiations with those nations, and it appears unlikely there are going to be any final agreements before 2009. The proposed interceptor has not yet been developed and is not planned to be tested until 2010. As a result, the proposed construction and deployment activities are premature. So what we do in the bill is reduce the request $85 million for construction activities, and we fence the remaining 2008 funds requested for deployment until two things happen: No. 1, that the host nations have approved any missile defense deployment agreements; and No. 2, that the Congress receives an independent assessment examining the full range of options for missile defense in Europe.

Let me tell my colleagues about the airborne laser. This is a program that has been in some difficulty. What we did was reduce the funding of $548 million requested by $200 million. We discussed it at length in the markup. The airborne laser is a very expensive, high-risk technology demonstration program of a chemical laser, and you have to take huge quantities of chemicals and put them in a 747. There is excellent technology that is being developed on a solid-state laser system, which would fill the volume only from me to Senator WARNER. It could easily be put into an airplane, but we think the cost of this program is exceptionally high. It is going to cost $5 billion; $3.5 billion has already been spent. We felt to hold back on this development by only $200 million out of $548 million would be wise. I will go into more detail at a later time.

We also authorized provisions to improve acquisition and oversight of ballistic missile defense programs, and I won't go into the details on that.

I will tell my colleagues, in conclusion, on our strategic forces with regard to the B-52 bomber modernization program, we had unanimity.

With regard to the space programs where there has been difficulty with a number of them, we had unanimity on that in the committee, and we bring that forth in the report. I will provide those issues later.

Then on nuclear weapons issues, the reliable replacement warhead, we continue unanimously through the next year in what is called the phase II activities. Then an evaluation can be made as to whether to go forward in phase III. But there is a great deal of promise that is shown in the reliable replacement warhead, which has a great deal of promise of being safer and more secure and less explosive power, more geared to today's targets.

So that is the report from our committee.

Mr. President, following the bloodiest of America's wars, President Abraham Lincoln, in his second inaugural address, said that one of the greatest obligations in war is to take care of the widow and the orphan. The U.S. Government ought to plan, as a cost of the wars in Iraq and Afghanistan, for taking care of our veterans and their widows, widowers, and orphans.

Over the days ahead, this body will have the privilege of honoring the men, women, and families who have given the ultimate sacrifice in service to the Nation. We will have the opportunity to remove the last injustice facing our veterans. That injustice is the one that offsets dependents indemnity compensation, a benefit from the Veterans' Administration, with the Survivor Benefit Plan, which is paid for by our veterans. Those who pay out of their own paycheck into the Survivor Benefit Plan, which is like an insurance program to which survivors would be entitled, don't get the full benefit because of the surviving spouses' and children's eligibility under the dependents indemnity compensation through the Veterans' Administration.

I have filed amendment 2000 to end that injustice. I am pleased that Senator HAGEL will join me in this endeavor as an equal cosponsor. For 7 years I have been trying to pass this legislation that will remove this offset to take care of the widows, widowers, and orphans who have lost a loved one to combat- or service-connected injuries. Last year, this body passed a similar amendment by 92 to 6. I hope that all of my fellow Senators and the majority of the House will pass this amendment to the 2008 National Defense Authorization Act.

Some who object to this amendment will say the cost is too high, $8.2 billion over 10 years. But to those who object, isn't it an obligation of the Government to take care of the families affected by the loss of their loved ones? This Senator passionately and firmly believes it is. Last year, when the Senate passed this amendment that left out some beneficiaries and required repayment of refunds, the cost was $9.6 billion. Now, the cost is lower, all beneficiaries are covered, and the beneficiaries will not have the burden of repaying refunds that should not have been required in the first place. There should never have been an offset.

However, because of the offset, airmen, seamen and privates will find it difficult to make financial ends meet. I say that the families of the men and women who do not return home from Iraq and Afghanistan, who have already lost so much, should not have to endure financial hardships because of this benefits offset.

Now, the Senate has an opportunity to change this injustice as we debate the National Defense Authorization Act. If we respond as we did last year, passing this legislation with overwhelming support, then when it gets down to a conference committee, we must insist that the House support this provision in conference.

Mr. President, I wish to speak on the Senate Armed Services Committee bill being considered by the Senate, S. 1547, the National Defense Authorization Act for Fiscal Year 2008. Overall it is a good, balanced bill that works to ensure the troops are trained, equipped, and supported. The bill was reported favorably to the Senate on a unanimous vote of the committee, a good indicator of the bipartisan support for the bill and a reflection on he manner in which the committee operates under Senator LEVIN's leadership, and Senator WARNER's leadership before that.

Specifically, however, I wish to discuss the work of the Subcommittee on Strategic Forces, which I have had the privilege of chairing this year. The Strategic Subcommittee had a good year and it has been a real pleasure to work with Senator JEFF SESSIONS and his staff. We have worked together to resolve a number of difficult issues.

The committee held a total of five hearings and several briefings covering the wide range of issues under the jurisdiction of the subcommittee. This includes space and intelligence programs, strategic systems such as bombers, and submarine and ground-launched ballistic missiles, nuclear weapons programs and issues, the missile defense program, and the bulk of the defense-funded activities at the Department of Energy.

In the area of ballistic missile defense, the committee continued implementing the policy we established last year—placing a priority on the development, testing, fielding, and improvement of effective near-term missile defense capabilities, particularly to protect forward-deployed U.S. forces and allies against existing threats from short- and medium-range ballistic missiles.

In order to provide protection against existing and near-term missile threats to our forward-deployed forces, allies, and friends, the bill would authorize an additional $315 million to increase or accelerate work on near-term missile defense capabilities. This includes $255 million for the Aegis BMD, Patriot PAC-3, and THAAD systems, which I will describe shortly. It also authorizes an additional $60 million for joint US-Israeli work on the Arrow missile defense system and on short-range missile defense. These increases are offset by reductions in far-term and lower priority programs.

With respect to the overall level of funding, the committee authorized a total of $10.1 billion for the ballistic missile defense programs of the Missile Defense Agency and the Army. That is a net reduction of $231 million below the budget request for the Missile Defense Agency, just barely 2 percent.

In terms of specific budget actions, let me summarize what is in the bill. The bill would authorize the entire Army funding request for the Patriot PAC–3 program, including funding for its "Pure Fleet" initiative. The committee also authorized an additional $75 million to procure 25 additional PAC–3 missiles.

The Patriot PAC–3 system is our only ballistic missile defense system proven to be effective in combat, and we do not have enough PAC–3 units or missiles to provide the capabilities that our combatant commanders need today.

The committee authorized an addition of $75 million for the Aegis Ballistic Missile Defense, BMD, program to increase the production rate of Standard Missile-3, SM–3 interceptors, procure 15 additional SM–3 missiles, and accelerate work on the Aegis BMD Signal Processor and Open Architecture program.

The Aegis BMD program provides an important and improving missile defense capability to our regional combatant commanders to defend against existing short- and medium-range missile threats. But our senior military leaders responsible for missile defense have acknowledged that we need more of the SM–3 interceptors.

The committee approved an increase of $105 million for the Terminal High Altitude Area Defense, THAAD, system to increase the missile production rate, begin the upgrade of the evolved THAAD interceptor, and to conduct an additional test.

The THAAD system has shown good success in its testing program so far, and it holds significant potential to defend many regions against most ballistic missiles. But again, the Department has not planned or budgeted for enough THAAD missiles or systems to provide the capability our combatant commanders need.

The bill would add $25 million for coproduction of the Arrow missile, and added $10 million to study the suitability of the THAAD missile to serve as a follow-on to Israel's Arrow system.

The bill authorizes an increase of $25 million for accelerated joint development of a short-range ballistic missile defense, SRBMD, system for Israel. This is intended to provide a capability to defend against the type of short-range missiles and rockets that were fired at Israel last summer from Lebanon.

I mentioned that the funding for these additions was offset by reductions in funding for lower priority, high-risk, or far-term programs. I want to describe two of these reductions in the bill.

The budget request included $310 million for a proposed deployment of long-range missile defenses in Europe: 10 interceptors in Poland and a large radar in the Czech Republic. The United States is just starting negotiations with those nations, and it appears unlikely there will be any final agreements before 2009. In addition, the proposed interceptor has not yet been developed, and is not planned to be tested until 2010. As a result the proposed construction and deployment activities are premature.

In the bill the subcommittee reduced the $85 million requested for construction activities and fenced the remaining fiscal year 2008 funds requested for deployment until two things happen: 1) The host nations have approved any missile defense deployment agreements; and, 2) The Congress receives an independent assessment examining the full range of options for missile defense in Europe. All other activities could continue, such as studies, planning, and design activities, and negotiations.

The bill would reduce funding for the Airborne Laser Program by $200 million from the $548 million requested. This is an issue we discussed during the markup, and I want to provide some background on the committee's decision to reduce ABL funding.

The Airborne Laser is a very expensive, high-risk technology demonstration program that is not scheduled to provide an operational capability before 2018. So everyone should be clear that it is NOT a near-term system.

The cost of the ABL program is very high, and the capability it might be able to provide—if the technology can even work—appears rather limited. The program has a history of cost overruns and schedule delays.

Since the program started, the total cost of the development program to complete the first ABL shoot-down test in 2009 has ballooned to be $5 billion. And the Congressional Budget Office has an initial cost estimate that the ABL program could cost as much as $36 billion to develop, build, and operate a fleet of just seven Airborne Laser aircraft.

For that huge sum of money, we could fund a very robust set of missile defense capabilities with near-term programs like PAC–3, Aegis BMD, and THAAD.

The funding reduction in the bill would not terminate the ABL program, but it would cause some delay in the program. There have already been four delays in the planned date of the first shoot-down test, and this would probably mean an additional delay.

The policy we established in law last year makes it clear that our priority is on near-term, effective missile defense systems that can provide needed capabilities against existing and near-term threats. The bill authorizes additional funding for exactly such systems, and reduces funding for systems like the Airborne Laser to offset the increases.

The committee considered this matter during our markup, and defeated an amendment to restore the $200 million to the ABL program. I anticipate that we will consider the ABL again and at some length.

The committee also authorized provisions to improve acquisition and oversight of ballistic missile defense programs. For example:

The bill would extend by 5 years the requirement for the Comptroller General to assess the ballistic missile defense program annually.

The bill would require the Department of Defense, starting in fiscal year 2009, to submit the budget request for the Missile Defense Agency using regular budget categories (research and development, procurement, operation and maintenance, and military construction), and make certain acquisition and oversight improvements.

Until now, DOD has requested and Congress has approved MDA's use of exclusively RDT&E funds for all MDA activities, including fielding, operating, and building of missile defense systems. This is the only program for which this exception has been made, and it is no longer necessary.

The bill would also ensure that the Director of Operational Test and Evaluation has full access to missile defense test and evaluation data, just as is the case for all other major defense acquisition programs.

In the area of strategic forces, the bill includes additional funds to continue the B–52 Bomber modernization program and consolidates funds for prompt global strike into a single defense-wide account. Moving the money from the Navy and Air Force lines to the combined line for prompt global strike should allow a more focused approach to the technology challenges, such as thermal protection, and allow more options to be explored, such as the Army's approach to prompt global strike, which is currently not funded. In addition, consolidation should allow the Strategic Command to have a more balanced program that more closely meets the command's requirements. The bill also includes a 3-year extension of the annual prompt global strike report.

The space programs continue to be one of the more difficult areas for the subcommittee. Although there has been improvement in the management of most of the many space programs, the scope of the programs continues to challenge both the services and the contractors. All of the communication; missile warning; position, navigation, and timing—GPS; and weather satellite systems have simultaneous modernization programs under way. In some instances the move to the next generation of programs is occurring before the current modernization program is in place, and in some cases the current modernization program is being terminated early to start the next one. All of this activity serves to exacerbate financial, technical, and schedule pressures on all of the programs.

The Transformational Communications Program, T-Sat, the Global Positioning Satellite III and the Space-Based Infrared Satellite program—SBIRS—are all systems that fall into the category of multiple upgrade programs.

The bill includes additional funds for several satellite programs that are being terminated early and where there is very high risk that the follow-on program might not be ready on time. To alleviate the risk of these programs' gaps, funds are included to buy a fourth Advanced Extremely High Frequency communications satellite to ensure that there is no communications gap if there is an issue in the T-SAT program, and for the third SBIRS missile warning satellite program, to ensure that there is no gap in missile warning capability.

The T-SAT program itself is fully funded. While there is hope that the first T-SAT will launch on time in fiscal year 2016, I would note that there hasn't been one satellite to make its scheduled launch date 8 years in advance.

The bill also terminates the space radar program and provides funds for alternative approaches for space radar capabilities.

For the past several years the subcommittee has addressed a variety of contentious nuclear weapons issues. Again this year, the subcommittee is faced with a difficult decision. The Departments of Defense and Energy, through the Nuclear Weapons Council, have approved the start of a Reliable Replacement Warhead, RRW, program. This new warhead could eventually be a replacement for the current W-76 warhead in the reentry vehicle for the Trident D-5 missile on ballistic missile submarines.

The Department of Energy, National Nuclear Security Administration, NNSA, budget request for fiscal year 2008 includes a request for funds for the RRW for phase 2A and phase 3 activities. At the time the budget was submitted, the NNSA thought that it would be further along with phase 2 activities than it is, and considered the possibility of moving to phase 3 in fiscal year 2008. The bill includes funding for the RRW, consolidated in a single line, but $43 million less than the $238 million requested. The bill clearly limits the work by the NNSA and the Navy to activities for RRW to phase 2A activities.

Let me explain what I mean by limiting activities to phase 2A activities and why we took this action. The nuclear weapons acquisition process is organized in a phased approach from phase 1 to 7, with 6 being deployment and 7 being dismantlement. Any decision to manufacture or deploy an RRW, which would occur at phases 5 and 6 respectively, will no doubt be very controversial. Over the course of the next 4 to 5 years significant policy and technical discussion and debate will surely take place on the RRW.

To begin the discussion, however, the bill recommends a cautious first step, recognizing that many questions need answers before any final decisions are made. The bill does not decide the fate of the RRW. That is a decision for a future Congress and a future administration.

The bill also includes a requirement for new nuclear posture review and a sense of the Congress to help frame the nuclear policy debate for the next administration. To ensure that weapons dismantlements continue, the bill includes an increase of $20 million to the budget request of $52 million to support nuclear weapons dismantlement.

I would like to note that last night I returned from an extensive 4-day visit to all three of the Department of Energy nuclear weapons laboratories. While I discussed many issues with the laboratory directors and their staff, including nonproliferation issues, we spent a considerable amount of time on the RRW. Most of the discussions were highly classified, and so I cannot go into substantial detail here. But I want to ensure my colleagues that the progress made by the laboratories under the Stockpile Stewardship Program is remarkable and that there are many new opportunities to improve the safety, security, and reliability of nuclear weapons, which in turn should lead to very substantial reductions in the overall size of the stockpile—without a return to nuclear weapons testing.

Wrapping up the balance of the Department of Energy issues, the bill includes two provisions that would task the GAO to review two significant areas of concern at DOE. The first study is on the structure and management of the protective forces at DOE sites, and the second one on the future plans for the environmental restoration programs.

In closing, the Strategic Subcommittee has a broad area of responsibility, much of it controversial, but working with Senator SESSIONS, we have been able to resolve the issues so the national security interests of our country are foremost.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF LIAM O'GRADY TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of Liam O'Grady, of Virginia, to be U.S. District Judge for the Eastern District of Virginia.

The PRESIDING OFFICER. Unless the Senator from Virginia wants to modify the pending unanimous consent request to make certain that this nomination is called at 5:30, there is now 1 hour of debate equally divided on the nomination under the previous unanimous consent request, which would mean the vote would likely be in the range of 5:40.

Who yields time?

Mr. WARNER. Mr. President, I yield to the distinguished chairman of the committee.

Mr. LEAHY. Mr. President, I am sorry, I was off the floor for a moment. I hesitate to interfere with my Senator away from home. What is the order?

The PRESIDING OFFICER. Under the pending unanimous consent request, the debate was to begin at 4:30, with a vote at 5:30 on the judicial nomination. Senator NELSON asked unanimous consent and received it to proceed to speak and spoke until just a moment ago. So if we project 1 hour from now the debate for the judicial nominee, the vote is likely to occur near 5:40.

Mr. LEAHY. And the distinguished senior Senator from Virginia wishes to take time for the Republican side?

Mr. WARNER. Well, actually, I had hoped to do it on the time of the Defense bill, but I yielded to the request of my colleague.

Mr. LEAHY. We will work out the time.

Mr. WARNER. Mr. President, I need 3 minutes.

Mr. LEAHY. I yield to the Senator from Virginia such time as he needs.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the Judiciary Committee. He is always very courteous to the Senator from Virginia and I am appreciative of that.

I rise with a sense of great pleasure to support an outstanding Virginian, Judge Liam O'Grady, who has been nominated by the President to serve as an article III judge on the United States District Court for the Eastern District of Virginia. I am pleased to note that Judge O'Grady also enjoys the support of my distinguished colleague, Senator WEBB. Senator WEBB, upon joining the Senate, has worked with me, as we do on many things, in a very cooperative spirit to provide nominations to the President with respect to the judicial vacancies as they exist in our United States District Court in Virginia and to the Fourth Circuit, of which Virginia is one of the States served on that distinguished judicial panel, which largely resides in Virginia. I thank my distinguished colleague, Senator WEBB, because he has become a very fast learner about the judicial process and we have worked together, and we now have nominations pending before the President with regard to the vacancies on the Fourth Circuit.

Turning to Judge O'Grady, he has been nominated to fill the seat that was vacated by Judge Claude Hilton. For more than 20 years, Judge Hilton served with distinction as an active judge in the Eastern District of Virginia. We are fortunate he is continuing to serve on the court in senior status. In my view, we are equally fortunate to have a nominee such as Liam O'Grady who is willing to continue his public service on the bench.

Since joining the Virginia bar in 1978—quite a few years ago—Judge O'Grady has worked as a sole practitioner, as assistant Commonwealth's attorney, as an assistant United States attorney, as a partner in an international law firm, and for the last 4 years, he has worked with the Eastern District of Virginia as a magistrate judge. Magistrate judges perform a very valuable function for our district courts.

His career has provided him with a wide array of experiences. As a solo practitioner, he worked as a court-appointed criminal defense lawyer. As an assistant Commonwealth's attorney, he tried upwards of 100 jury trials. As an assistant United States attorney, he focused on narcotics and organized crime cases. As a partner at a well-known law firm, he worked extensively on patent and trademark cases for a number of major industrial organizations in our country. As a magistrate judge, he has seen firsthand the extraordinary variety and volume of cases that come before a district judge serving not only in Virginia but elsewhere in America.

Equally impressive is that despite the rigors of his career, he always found time to give back to his community. He has helped shape young legal minds through the instruction of law at both George Washington University and George Mason University. Moreover, while in private practice, he set up a pro bono legal clinic in his law firm and took court-appointed cases serving those in need.

It is clear to me that this outstanding nominee, now to be voted on shortly by the Senate, is eminently qualified to serve on this prestigious court. In addition to having the support of his home State Senators, Judge O'Grady received the highest—I repeat, the highest—recommendation of the American Bar Association and was equally recommended by a number of the bar associations of the Commonwealth of Virginia.

I thank the distinguished chairman, Senator LEAHY, and Senator SPECTER for providing the Virginia Senators an opportunity to present Liam O'Grady to the committee and for the committee to act in a very expeditious way and now to bring this nomination to the floor.

Mr. WARNER. I yield the floor and thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the Presiding Officer. I want the distinguished senior Senator from Virginia to know that, of course, I will be supporting his nominee, Judge O'Grady. This is an example of how quickly we can move judges when Senators work together. In this case, one of the most distinguished Republican Senators, combined with a distinguished Democratic Member, helped move Judge O'Grady to the top of the list. I predict within the next hour or so he will be confirmed.

Mr. WARNER. Mr. President, I thank my colleague for the kind remarks.

Mr. LEAHY. Mr. President, the Senate continues to make progress today with what I anticipate will be the confirmation of four more lifetime appointments to the Federal bench. Along with Judge O'Grady's nomination to the District Court for the Eastern District of Virginia, we consider three nominations for lifetime appointments to the District Court for the Western District of Michigan, those of Janet T. Neff, Paul Lewis Maloney, and Robert James Jonker. All four nominations are for judicial emergency vacancies, and they all have the support of their home State Senators.

I thank Senators LEVIN, STABENOW, WARNER and WEBB for their work in connection with these nominations.

It is unfortunate that the three nominees for the Western District of Michigan are not already on the bench helping to ease the backlog of cases in that district. All three were reported out of committee last fall, but were left pending on the Senate's Executive Calendar when some on the other side of the aisle blocked their nominations. All three are for vacancies that are judicial emergency vacancies—three emergencies in one Federal district.

The Senators from Michigan had worked with the White House on the President's nomination of three nominees to fill those emergency vacancies. Working with then-Chairman SPECTER, the Democratic members of the committee cooperated to expedite their consideration and reported them to the Senate last year.

But last year Republicans were objecting to Senate votes on some of President Bush's judicial nominees. According to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination, apparently related to her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts.

The Michigan nominations were not returned to the Senate by the President at the beginning of this year. Instead, their renominations were inexplicably delayed for months.

When they were renominated, Senator BROWNBACK sought another hearing on the nomination of Judge Neff. As chairman, I honored his request. At that second hearing in May, Senator BROWNBACK again questioned Judge Neff extensively about her attending the commitment ceremony of a family friend. I then placed the nomination on our agenda and the Judiciary Committee reported it favorably for a second time.

It is time to act on the group of Michigan nominations at long last. There is a dire situation in the Western District of Michigan. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to us about the situation in that district, where several judges on senior status—one over 90 years old—continue to carry heavy caseloads to ensure that justice is administered in that district. Judge Bell is the only active judge.

The four nominations before us will bring this year's judicial confirmations total to 25. It is our first day back after the Fourth of July recess, and we have already confirmed one and a half times as many judges as were confirmed during the entire 1996 session when President Clinton's nominees were being reviewed by a Republican Senate majority. That was the session in which not a single circuit court nominee was confirmed.

We have already confirmed three circuit court judges in the early months of this session. As I have previously noted, that also puts us well ahead of the pace established by the Republican majority in 1999 when to this date not a single circuit court nomination had yet been confirmed. This also exceeds the total of 22 judges confirmed in all of 2005.

With these confirmations, the Senate will have confirmed 125 judges while I have served as Judiciary chairman. During the more than 6 years of the Bush Presidency, more circuit court judges, more district court judges, and more total judges have been confirmed while I served as Judiciary chairman than during the tenures of either of the two Republican chairmen working with Republican Senate majorities.

I have listed another four judicial nominations on the agenda for our business meeting later this week and will be noticing another hearing on judicial nominations on July 19. I do not intend to follow the Republican example and pocket filibuster more than 60 of this President's nominees as they did President Clinton's nominees.

The Administrative Office of the U.S. Courts lists 47 judicial vacancies after these nominations are confirmed, yet the President has sent us only 22 nominations for these vacancies. Twenty-five of these vacancies—over-half have no nominee. Of the 13 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 8 of them. That means over half of the judicial emergency vacancies are without a nominee.

Of the 15 circuit court vacancies, two-thirds are without a nominee. If the President had worked with the Senators from Rhode Island, New Jersey, Maryland, California, Michigan, and the other States with the remaining circuit vacancies, we could be in position to make even more progress.

As it is, we have cut the circuit vacancies nearly in half, from 26 to 15. Contrast that with the way the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees resulted in circuit court vacancies increasing from 17 to 26 and beyond. During most of the Clinton years, the Republican-led Senate engaged in strenuous efforts to keep circuit judgeships vacant in anticipation of a Republican President. To a great extent they succeeded.

The Judiciary Committee has been working hard to make progress on those nominations the President has sent to us. Of course, when he sends us well-qualified, consensus nominees with the support of his home-State Senators like those before us today, we can have success.

Judge O'Grady is a Magistrate Judge in the U.S. District Court for the Eastern District of Virginia, where he has sat since 2003. Previously, he was a partner in the intellectual property law firm of Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP, an assistant U.S. attorney in the Eastern District of Virginia, an assistant commonwealth attorney for the Commonwealth of Virginia, and a sole practitioner.

Judge Neff has been a judge on the Michigan Court of Appeals, Michigan's intermediate appeals court, since January 1989. Previously, she worked in private practice for several law firms and served as an assistant U.S. attorney for the Western District of Michigan, a commissioner for the Michigan Supreme Court, and an assistant city attorney for the city of Grand Rapids.

Judge Maloney has been a circuit judge on the Berrien County Trial Court in Saint Joseph, MI, since 1996 and previously served as a district judge in the same county. Before taking the bench, he served as special assistant to the director at the Michigan Department of Corrections, a deputy assistant attorney general in the criminal division of the U.S. Department of Justice, and a prosecuting attorney at the Berrien County Prosecutor's Office in Michigan.

Robert James Jonker is a partner at the Grand Rapids, MI, law firm of Warner Norcross & Judd LLP where he has worked since serving as a law clerk to Judge John F. Feikens in the U.S. District Court for the Eastern District of Michigan from 1995–1997. I congratulate Judge O'Grady, Judge Neff, Judge Maloney, Mr. Jonker, and their families, on their confirmations today.

EXECUTIVE PRIVILEGE

Mr. LEAHY. Mr. President, I have a very serious matter that I will discuss at this time in my capacity as chairman of the Judiciary Committee. The Presiding Officer is one of the most distinguished members of the Judiciary Committee.

Today, House Judiciary Committee Chairman CONYERS and I received another letter from White House Counsel Fred Fielding responding to duly authorized subpoenas with a blanket assertion of executive privilege.

I had hoped that the Judiciary Committee subpoenas would be met with compliance, not with confrontation. But instead they have been met, yet again, with Nixonian stonewalling that shows this White House's disdain for our system of checks and balances. This is more stonewalling for a White House that believes it can unilaterally control the other coequal branches of Government. It raises this question: What is the White House trying to hide by refusing to turn over this evidence?

From the outset of this scandal, the President spoke about the firing of U.S. attorneys as if it were a matter handled and decided by the Attorney General, and something Mr. Gonzales would have to explain to Congress and the American people. The President was hands off and arms' length. He had to ask others whether anything was improperly done and relied on a review by White House lawyers for his assertion that nothing improper was done.

This President and the Attorney General have both from time to time expressed confidence that the Congress would get to the bottom of this as if they themselves had no idea what had transpired.

Are we now to understand from the White House claims of executive privilege that, contrary to what the President said, these were decisions made by the President? Is he taking responsibility for this scandal, for the firing of such well-regarded and well-performing U.S. attorneys?

When we had the Attorney General testify under oath, he didn't know who added U.S. attorneys to the list of those to be fired, or the reasons they were added. Somehow they mysteriously arrived on the Attorney General's list. You know, it occurred to me when I flew down from Vermont today and I was looking in the paper, the latest Harry Potter movie is coming out. These mysterious lists sound like something would you see in that movie, not in the White House or the Attorney General's Office.

Indeed, the bottom line of the sworn testimony from the Attorney General, the Deputy Attorney General, the Attorney General's former Chief of Staff, the White House liaison, and other senior Justice Department officials was that while the President was not involved in the decisionmaking that led to the unprecedented firings of several well-performing prosecutors, these people were not responsible either. So I ask, who made these decisions? Was it the political operatives at the White House who set out to severely damage the careers of well-performing U.S. attorneys?

Even this White House cannot dispute the evidence we have gathered to date showing that White House officials were heavily involved in these firings—not only heavily involved in these firings and in the Justice Department's responses to inquiries that I made, the distinguished Presiding Officer made, and others, Republicans and Democrats alike made, about them.

The White House continues to try to have it both ways, but at the end of the day it cannot. The White House cannot block Congress from obtaining the relevant evidence and credibly assert that nothing improper occurred. They are just saying: Trust us, we did nothing wrong.

Trust us? With the revelations that come out almost every single day of things that tell the American people they should not trust them. What is the White House hiding? Was the President involved, were his earlier statements to the American people therefore misleading and inaccurate? Is this an effort by the White House legal team to protect the White House political operatives whose partisan machinations have been discovered in a new set of White House horrors?

Several weeks ago, after Mr. Fielding first conveyed the President's blank executive claim—and I have yet to hear directly from the President—Chairman CONYERS and I sent a letter to the White House asking for a specific factual basis regarding each document withheld and the normal privilege log that would be shown at the time. I asked the White House to provide this information so that it could substantiate its claim.

For months—and I have not done so precipitously but carefully—I have been giving the White House every opportunity to provide voluntarily the information we have sought. For months the only answer we have received is the same unacceptable "take it or leave it" offer. I have tried to give the White House every opportunity to explain its claims. A serious assertion of privilege—one they honestly believed in—would include an effort to demonstrate to the committee which documents and which parts of those documents are covered by any privilege that is asserted and why. But it is apparent this White House is contemptuous of the Congress and believes it doesn't have to explain itself to anyone—not to the people's Representatives in Congress, but worse yet not to the American people.

The White House's refusal to provide a listing of those documents on which it asserts privilege, and a specific factual and legal basis for the assertion of executive privilege claims, raises even more questions. What is the White House so intent on hiding? What is it they are so afraid of becoming public that they cannot even identify the documents or the dates, authors, and recipients? Would we see the early and consistent involvement of the White House political operatives in what should be independent and neutral law enforcement decisions? Would we see early and consistent involvement of White House political operatives who are trying to manipulate law enforcement?

Nor is the White House content with blanket assertions of privilege regarding matters in its control. It has now reached outside the White House to direct the Republican National Committee not to provide information it has to Congress and has today instructed a former White House official, Sara Taylor, not to cooperate with the investigation by testifying to the best of her knowledge.

Mr. President, let me explain our attempts to procure the e-mails that White House officials sent using Republican National Committee accounts. At first, they gave the impression that we would be happy to give you those 60,000 of her e-mails, or 130,000 of Karl Rove's but, of course, they were all erased, so we cannot give them to you. When I and others suggested that you cannot erase e-mails like that and that they are in a backup system somewhere else, they sent somebody who works in the White House Press Secretary's Office out to tell the American people that this is a ridiculous claim and that we now have Senators pretending to be computer experts. Actually, no, that is an answer any 12-year-old could have given. What happened? Suddenly, they found, yes, they do have the e-mails. And as we had said, and as any 12-year-old would have said, they weren't erased.

Ms. Taylor is scheduled to testify on Wednesday to comply with a subpoena authorized by the committee. It is unfortunate that the White House is trying to interfere with Ms. Taylor's testimony before the Senate, and they are trying to interfere with Congress's responsibility to get to the truth behind the unprecedented firings of several U.S. attorneys.

Let's review the facts. Sometimes it is good to get outside the hyperbole of politics and just talk about the facts. There is clear evidence that Sara Taylor is one of several White House officials who played a key role in these firings and the administration's response to cover up the reasons behind them when questions first arose. The question I have is this: Why were they so eager to cover up what they did?

There is also clear evidence that Ms. Taylor was part of 66,000 RNC e-mails being kept from the public as part of a White House effort to avoid oversight by ignoring the laws meant to ensure a public record of official Government business. Basically, they are saying the law applies to everybody else, but they are above the law.

I am willing to discuss the matter in good faith with the White House. I have been trying to engage the White House for months in discussions to come to some sort of accommodation. I hope we can do that. I am reluctant to agree to anything, though, that prevents Congress from doing our oversight job effectively. I have been here with six administrations, with Republicans and Democrats alike, and we found ways to work with Congress. Ultimately, even the Nixon administration—the administration that was here before I arrived—found ways.

This administration, unlike all those others, wants to obstruct and obfuscate. We should not lose sight of the fact that this is a serious matter. This is about improper political influence on our justice system. It is about the White House manipulating the Justice Department into its own political arm. It is about manipulating our justice system to pursue a partisan political agenda. It is about pressuring prosecutors to bring cases of voter fraud to try to influence elections—of sending a partisan operative like Bradley Schlozman to Missouri to file charges on the eve of an election, in direct violation of their own Justice Department guidelines.

It is about high-ranking officials misleading Congress and misleading the American people about their political manipulation of justice. It is about the unprecedented and improper reach of politics into the Department's professional ranks, such as the admission by the Department's White House Liaison, Monica Goodling, that she improperly screened career employees for political loyalty and wielded undue political influence over key law enforcement decisions and policies.

It is about political operatives pressuring prosecutors to bring partisan cases and seeking retribution against those who refused to bend to their political will, such as the example of New Mexico's U.S. attorney, David Iglesias, who was fired a few weeks after Karl Rove complained to the Attorney General about the lack of purported "voter fraud" enforcement cases in Mr. Iglesias's jurisdiction.

Along the way, this subversion of the justice system has included lying, misleading, stonewalling, and ignoring the Congress in our attempts to find out what happened. We know White House officials are involved, but it is difficult to get the facts when the White House, even as of today, refuses to provide even a single witness or a single document.

This administration has instituted an abusive policy of secrecy aimed at protecting themselves from embarrassment and accountability. Apparently, the President and Vice President think they are above the law. In America, nobody is above the law, not even George Bush or DICK CHENEY.

The President has sought to make the Vice President's former Chief of Staff above the law when he granted him a form of amnesty last week. The President chose to override a prosecution, jury trial, conviction, and prison sentence and to excuse his lying to Federal investigators and a grand jury and his perjury, and to reward his silence by giving Mr. Libby what commentators have called a "get out of jail free" card.

The lack of accountability for anyone in the Bush administration has reached new heights—or lows. It is not often that the New York Times and the Washington Times editorial boards agree, but they did about this President's abrupt commutation of Mr. Libby's 30-month prison term for perjury and obstruction of justice. The Washington Times opined that President Bush's action is "neither wise nor just," and it continued in its Independence Day editorial by saying:

> Perjury is a serious crime. . . . The integrity of the judicial process depends on fact-finding and truth-telling. A jury found Libby guilty of not only perjury but also obstruction of justice and lying to a grand jury.

I would add that the widely respected trial judge, who was nominated by President Bush and confirmed by the Senate at the time I chaired the committee in 2001, imposed a reasonable sentence which was actually at the lower end of what the prosecutor recommended, and the DC Circuit refused to stay the sentence pending appeal in accordance with the law.

The New York Times in a July 3 editorial entitled "Soft on Crime" called the President's action a "baldly political act," noting that "[a]s president, he has repeatedly put himself and those on his team, especially Mr. CHENEY, above the law." They noted that the President "sounded like a man worried about what a former loyalist might say when actually staring into a prison cell."

That Presidential act sent the message that silence, bad memory, and abject loyalty would be rewarded, just as the mass firings of U.S. attorneys sent the message that all remaining Federal prosecutors and law enforcement had better knuckle under to the political agenda of the administration.

Untoward White House interference with Federal law enforcement is a serious matter. It corrupts Federal law enforcement, threatens our elections, and has seriously undercut the American people's confidence in the independence and evenhandedness of law enforcement.

Despite the attitude of the current administration, our Constitution does not include the phrase "executive privilege" or "unitary executive." What the U.S. Constitution does provide in the oath of office is that the President has to swear to "faithfully execute the Office of President of the United States" and "preserve, protect and defend the Constitution of the United States." His essential duties require him to "take care that the Laws be faithfully executed." I have grave concern with regard to how this administration is fulfilling these sworn and essential duties. The political intrusion into the law enforcement functions of the Government through the scheme to fire and replace our U.S. attorneys is a key part of that concern.

Congress will continue to pursue the truth behind this matter not only because it is our constitutional responsibility but because it is the right thing to do.

I hope the White House stops the stonewalling. I hope they accept my offer to negotiate a workable solution to the committee's oversight needs so we can effectively get to the bottom of what was done wrong and what has gone wrong.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, the existing order is to have consideration of four nominees for the U.S. district court. I urge my colleagues to confirm all of them.

The first is Liam O'Grady for the Eastern District of Virginia. I am pleased to see that there are substantial Pennsylvania connections with these nominees. Liam O'Grady received a bachelor's degree from Franklin & Marshall College in Lancaster. I am interested to see his diversification of employment. He was a pension examiner for the United Mine Workers of America, Welfare and Retirement Fund, as well as other outstanding credentials, and was rated unanimously "well qualified" by the American Bar Association.

I ask unanimous consent to have the full records of these nominees printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, I think it is unnecessary to speak at length about any of these nominees because they all passed unanimously from the Judiciary Committee, and it would be my expectation, based on prior practices, that they would all be confirmed. I would be surprised if there were any negative votes at all. It may be even possible to abbreviate the proceedings today with some voice votes. That is the decision for the distinguished chairman. We will come to that later.

Mr. LEAHY. I am sorry, what was the question?

Mr. SPECTER. I was commenting that all were passed out unanimously by the Judiciary Committee. I said it was my expectation from prior practice that they would probably be confirmed unanimously. I would be surprised if we have a dissenting vote among the four. And I said I am not going to speak long. I am putting their records into the RECORD. I said it might even be possible to abbreviate the rollcalls. That is the chairman's call.

Mr. LEAHY. Madam President, I will be very happy to do that. I think there are a lot of people who have stacks of paper since we have been gone who would probably be happy to have one or two rollcalls.

Mr. SPECTER. I am sorry, I didn't understand.

Mr. LEAHY. Some may be happy to have one or two rollcall votes and get out of here.

Mr. SPECTER. In accordance with the practice Chairman LEAHY and I adopted in the good old days.

The second nominee, Janet Neff, in the court of the Western District of Michigan, was born in Wilkinsburg, PA, is a University of Pittsburgh graduate, and is rated "majority qualified" and others rated "well qualified." She has an outstanding academic and professional record.

The third nominee is Paul Lewis Maloney, again for the Western District of Michigan, again a Pennsylvania connection. He received a bachelor's degree from Lehigh University. His ABA rating was unanimously "well qualified."

The fourth nominee is Robert James Jonker, again from the Western District of Michigan. I am not distressed, but I note no Pennsylvania connection here. But I know the distinguished presiding Senator from Michigan will be relieved to have these three nominees confirmed because there has been a judicial emergency, and on occasion the Congressman from the area has been on the Senate floor urging us to confirm these nominees. I think we will get there today.

EXHIBIT 1

LIAM O'GRADY

UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

Birth

September 24, 1950; Newark, New Jersey.

Legal Residence

Virginia.

Education

B.A., Franklin & Marshall College, 1973.

J.D., George Mason University School of Law, 1977.

Employment

Pension Examiner, United Mine Workers of America, Welfare & Retirement Fund, 1973–1975.

Attorney Advisor and Law Clerk, Administrative Law Judge George Koutras, Departments of Interior and Labor, 1976–1979.

Sole Practitioner, Private Practice, 1979–1982.

Assistant Commonwealth's Attorney, Office of the Virginia Commonwealth's Attorney, 1982–1986.

Assistant U.S. Attorney, Department of Justice, 1986–1992—Chief of the Narcotics Section (four years); Acting Chief of the Criminal Division (one year).

Adjunct Professor, George Washington University, Columbia Graduate School for Forensic Sciences, 1986–1994.

Partner, Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP, 1992–2003.

U.S. Magistrate Judge, U.S. District Court, Eastern District of Virginia, 2003–Present.

Selected Activities

Member, Virginia State Bar.

Member, American Bar Association.

Member, George Mason Inns of Court.

Member, American Intellectual Property Law Association.

Member, Arlington County Bar Association.

Coach, McLean Youth Soccer.

ABA Rating

Unanimous "well qualified."

LIAM O'GRADY—U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

Magistrate Judge Liam O'Grady was initially nominated to be a U.S. District Judge for the Eastern District of Virginia on August 2, 2006. No further action was taken on his nomination in the 109th Congress. Judge O'Grady was re-nominated on January 9, 2007. He received a committee hearing on May 10, 2007, and was favorably reported on May 24, 2007.

He comes before the committee with an impressive resume.

He received a B.A. from Franklin & Marshall College in 1973 and a J.D. from George Mason University School of Law in 1977.

After graduating from law school, Judge O'Grady briefly worked as an attorney advisor to Administrative Law Judge George Koutras in the Departments of Interior and Labor.

In 1979, Judge O'Grady entered private practice as a sole practitioner. His focus was on domestic relations cases, real estate closings, bankruptcy proceedings, criminal cases, and general civil disputes.

After three years of private practice, Judge O'Grady became an Assistant Commonwealth's Attorney for the Commonwealth of Virginia. He was the liaison to robbery homicide squad at the police department, and handled many of the homicide cases.

From 1986 to 1992, Judge O'Grady served as an Assistant United States Attorney for the Eastern District of Virginia. In that capacity, he focused on drug conspiracies, drug related homicides, and organized crime. For a one-year stint, as Acting Chief of the Criminal Division, he supervised the criminal cases for the whole district.

Meanwhile, from 1986 to 1994, Judge O'Grady was an adjunct professor at George Washington University's forensic sciences graduate school, teaching courses in criminal law, evidence, and trial advocacy.

In 1992, Judge O'Grady returned to private practice as a partner for Finnegan, Henderson, Farabow, Garrett & Dunner LLP. As chief litigator, he handled patent, trademark, copyright, and trade secret cases for Fortune 500 clients in courts around the country and the world.

In 2003, Judge O'Grady became a Magistrate Judge for the United States District Court for the Eastern District of Virginia.

The ABA has unanimously rated Judge O'Grady "well qualified."

JANET T. NEFF

UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Birth

April 8, 1945, Wilkinsburg, Pennsylvania.

Legal residence

Michigan.

Education

B.A., cum laude, University of Pittsburgh, 1967.

Omicron Delta Epsilon, National Economics Honor Society.

J.D., Wayne State University Law School, 1970.

Employment

Tax Examiner, Internal Revenue Service, 1970.

Research Attorney, Michigan Court of Appeals, 1970–1971.

Assistant City Attorney, City of Grand Rapids, 1971–1973.

Associate/Partner, VanderVeen, Freihofer & Cook, 1973–1978.

Commissioner, Michigan Supreme Court, 1978–1980.

Assistant United States Attorney, Western District of Michigan, 1980.

Associate, William G. Reamon, P.C., 1980–1988.

Judge, Michigan Court of Appeals, 1989–Present.

Selected Activities

Member, U.S. District Court Professional Review Committee.

Member, Michigan Bar Association.

Member, Grand Rapids Bar Association.

Member, Michigan Trial Lawyers Association.

Member, Women Lawyers Association of Michigan.

Member, Association of Trial Lawyers of America.

Member, American Bar Association.

ABA Rating

Majority "qualified"/minority "well qualified."

JANET T. NEFF—U.S DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Janet T. Neff was nominated to be a U.S. District Judge for the Western District of Michigan on June 28, 2006. A hearing was held on her nomination on September 19, 2006, and it was reported out of Committee on September 29 by voice vote. The Senate was unable to act on her nomination before the end of the 109th Congress.

President Bush re-nominated Judge Neff on March 19, 2007. A second hearing was held on her nomination on May 10, 2007, and she was favorably reported on May 24, 2007.

She comes before this Committee with a distinguished record of public service.

Judge Neff received a B.A., cum laude, from the University of Pittsburgh in 1967 and a J.D. from Wayne State University Law School in 1970.

Following law school, Judge Neff worked briefly as an estate and gift tax examiner for the Internal Revenue Service (IRS). This position involved review and audit of Federal estate and gift tax returns.

In 1970, Judge Neff accepted a position as a research attorney for the Michigan Court of Appeals, where she reviewed briefs and lower court records.

Beginning in 1971, Judge Neff served as an Assistant City Attorney for the City of Grand Rapids. As Assistant City Attorney, she prosecuted offenses ranging from drunk driving to assaults.

Judge Neff entered private practice in 1973, when she worked as an associate and then a partner at Vander Veen, Freifoher & Cook. She had a broad and varied practice that included insurance, products liability, criminal defense, domestic relations, commercial litigation, bankruptcies, and the representation of numerous municipal governments.

In 1978, Judge Neff became a Commissioner of the Michigan Supreme Court. In that capacity she worked as a staff attorney to the court, conducting research and reviewing applications for leave to appeal, motions, and other matters.

She served as an Assistant U.S. Attorney for the Western District of Michigan in 1980.

From 1980 until 1988, Judge Neff was as an associate with William G. Reamon, P.C., where she handled personal injury cases.

In 1988, Judge Neff was elected as a Judge of the Michigan Court of Appeals where she continues to serve today.

A substantial majority of the American Bar Association Standing Committee rated Judge Neff "qualified," and a minority rated her "well qualified" for service on the Federal bench.

The seat to which Judge Neff is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts.

The Chief Judge of the U.S. District Court for the Western District of Michigan, Judge Robert Bell, has written the Committee to impress upon us the need to provide his court with another judge. According to the Chief Judge, "with the present three vacancies [he] is the sole active judge." The Western District of Michigan has the weightiest docket per authorized judgeship in the Sixth Circuit.

PAUL LEWIS MALONEY

UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Birth

December 15, 1949; Cleveland, Ohio.

Legal Residence

Michigan.

Education

B.A., Lehigh University, 1972.

J.D., University of Detroit School of Law, 1975.

Employment

Assistant Prosecutor, Berrien County Prosecutor's Office, 1975–1981; Prosecuting Attorney, 1981–1989.

Deputy Assistant Attorney General, Criminal Division, United States Department of Justice, 1989–1993.

Special Assistant to the Director, State of Michigan, Department of Corrections, 1993–1995.

District Judge, Berrien County, Michigan, 1995–1996.

Circuit Judge, Berrien County, Michigan, 1996–Present.

Selected Activities

Member, Michigan Prosecuting Attorneys Association.

Member, Michigan District Judges Association.

Member, Michigan Judges Association (Board of Directors Member for one year).

Member, Michigan Bar Association.

Member, American Bar Association.

Member, Berrien County Bar Association.

Member, Knights of Columbus.

President, Catholic Community Education Commission.

ABA Rating

Unanimous "well qualified".

PAUL LEWIS MALONEY—U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Paul Lewis Maloney was initially nominated to be a U.S. District Court Judge for the Western District of Michigan on June 28, 2006. A hearing was held on his nomination on September 19, 2006, and he was reported out favorably on September 29, 2006, by a voice vote. No further action was taken on the nomination before the 109th Congress adjourned.

Judge Maloney was re-nominated by the President on March 19, 2007, and reported favorably by the Committee on May 24, 2007.

Judge Maloney has an impressive resume reflecting a devotion to public service.

He received a B.A. from Lehigh University in 1972 and a J.D. from the University of Detroit School of Law in 1975.

Following law school, Judge Maloney began working as an assistant prosecutor for the Berrien County Prosecutor's Office. In 1981, he was appointed the county's Prosecuting Attorney and was re-elected in 1982, 1984, and 1988.

In 1989, Judge Maloney left the Berrien County Prosecutor's Office to serve as a Deputy Assistant Attorney General for the Criminal Division of the United States Department of Justice.

Following his work at the Department of Justice, Judge Maloney returned to Michigan to serve as Special Assistant to the Director of Michigan's Department of Corrections.

In 1995, Judge Maloney was appointed District Judge for Berrien County. He held this position for a year, before he was appointed to be Circuit Judge of Berrien County, where he continues to serve.

The American Bar Association rated Judge Maloney unanimously well-qualified, its highest rating.

This vacancy has been designated a "judicial emergency," and, indeed, the Western District of Michigan is in dire need of judges. Currently, there is only one active judge—Chief Judge Bell—out of the four judgeships authorized for the district. Chief Judge Bell wrote letters on December 28, 2006, and April 18, 2007, explaining that he and the senior judges are "exhausted."

ROBERT JAMES JONKER

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

Birth

March 9, 1960, Holland, Michigan.

Legal Residence

Michigan.

Education

B.A., with honors, Calvin College, 1982.

J.D., summa cum laude, University of Michigan Law School, 1985; Order of the Coif; Robert S. Feldman Labor Law Award.

Employment

Law Clerk, Honorable John F. Feikens, U.S. District Court for the Eastern District of Michigan, 1985–1987.

Associate, Warner Norcross & Judd LLP, 1987–1993; Partner, 1994–Present.

Selected Activities

Fellow, Michigan State Bar Foundation.

Member, Federal Bar Association, Western District Chapter; President-Elect, October 2006; Vice President—Operations, 2 years; Treasurer, 2 years; Executive Board Member, 1999–2006.

Chairperson, Judicial Code Committee of the Christian Reformed Church.

Listed in Best Lawyers in America for Business Litigation.

Member, Grand Rapids Bar Association.

Member, Michigan Bar Association.

Member, American Bar Association.

ABA Rating

Unanimous "well qualified".

ROBERT JAMES JONKER—U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Robert James Jonker was nominated to be a United States District Judge on June 29, 2006. A hearing was held on his nomination on September 19, 2006. His nomination was favorably reported out of the Judiciary Committee on September 29, 2006; however, the Senate failed to act on his nomination prior to the adjournment of the 109th Congress. President Bush renominated Mr. Jonker on March 19, 2007, and the committee favorably reported him on June 7, 2007.

Mr. Jonker received his B.A., with honors, from Calvin College in 1982 and his J.D., summa cum laude, from the University of Michigan Law School in 1985, where he was elected Order of the Coif.

Upon graduation from law school, Mr. Jonker served as a law clerk to the Honorable John F. Feikens of the U.S. District Court for the Eastern District of Michigan. His clerkship lasted from 1985 to 1987.

Following his clerkship, Mr. Jonker accepted an associate position with the Michigan law firm, Warner Norcross & Judd, where he focuses on complex business and environmental litigation.

In 1994, Warner Norcross made him a partner, a position he holds today.

For 6 years, Mr. Jonker has served as chair of the professional staff committee of Warner Norcross, which is responsible for the recruitment, development, retention and review of associate attorneys.

Mr. Jonker was recognized in the Best Lawyers in America for his business litigation expertise.

The American Bar Association has unanimously rated Mr. Jonker "Well Qualified" to serve as a Federal district court judge.

This vacancy has been designated a "judicial emergency." In fact, the Western District of Michigan has the highest weighted case filings in the Sixth Circuit. Currently, there is only one active judge—Chief Judge Bell—out of the four judgeships authorized for the district. Chief Judge Bell wrote letters on December 28, 2006, and again on April 18, 2007, explaining the dire need for judges in the Western District and that he and the senior judges are "exhausted."

EXECUTIVE PRIVILEGE

Mr. SPECTER. Madam President, I wish to make a comment or two on the subject broached by the distinguished chairman of the committee on the current issue with the challenge on executive privilege where letters were received today from the White House Counsel indicating that executive privilege would be asserted. It is my hope that we will yet be able to resolve this controversy because of the importance of getting the information which the Judiciary Committee has sought in its oversight capacity.

We are dealing with a Department of Justice which I think, fairly stated, is dysfunctional. We have seen the Attorney General of the United States come before the Judiciary Committee and say he was not involved in discussions, not involved in deliberations, and then was contradicted by three of his top deputies, contradicted by documentary evidence in the e-mails.

I think it is generally conceded that the President of the United States has the authority to remove U.S. attorneys for no reason, just as President Clinton did when he took office in 1993, but you cannot remove a U.S. attorney for a bad reason.

There have been questions raised as to the request for the resignation from the U.S. attorney from San Diego, that she perhaps was hot on the trail of confederates of former Congressman Duke Cunningham, who is serving 8 years in jail. I do not know whether that is true. We have yet not had an explanation from the Department of Justice as to why her resignation was requested.

Similarly, a cloud has existed over the reasons for the requested resignation for the U.S. attorney from New Mexico, with some suggestions that he was asked to resign because he would not bring prosecutions for vote fraud when he thought there was no basis, and some of us thought there was a basis. That has not yet been explained, and the request for resignations generally has not been explained.

The Department of Justice is second only to the Department of Defense in importance to the United States. The Department of Justice has the responsibility for investigating terrorism, has the responsibility for investigating and prosecuting drug dealers in international cartels, the responsibility for investigating and prosecuting organized crime and violent crime. Yet it is pretty hard to make a more conclusive description than to say that the Department of Justice is dysfunctional, and the Attorney General insists on staying. I think, as to his own decision, it is a matter for him personally. I am not going to tell him what to do, nor am I going to make a recommendation to the President. Under separation of powers, it is the President's call. I don't want the President to tell me how to conduct my office in the Senate and I am not going to impede upon his executive authority, but I do believe that the inquiry which the Judiciary Committee is conducting might produce facts, if we get to the bottom of things, find out what they are, which would lead us to a new Attorney General, which I think is very much in the national interest.

So I am hopeful we can yet avoid the confrontation. I think, candidly, there is a lot of posturing on both sides. I don't think it is realistic to seek a contempt citation brought against the President—that is newspaper talk—contempt citation brought against anybody in the executive branch, because there are arguments on both sides of this issue. I hope we can work it out so that we don't test the good faith of the executive branch in asserting privilege or the good faith of the legislative branch, the House of Representatives Judiciary Committee and the Senate Judiciary Committee, in seeking facts as part of our oversight responsibility. I hope we can work it out.

I said a long while ago I would be prepared to accept the President's terms, with only one exception, and that was the importance of having a transcript as to what happens. The President made an offer on national television months ago saying he would allow White House personnel to come in and be informally questioned, but he did not want to have them under oath, and I would prefer to see them under oath. But I would give on that issue, because what they say is subject to a criminal prosecution with a 5-year penalty, the same as a perjury conviction for a false official statement under 18 U.S. Code 1001.

Mr. LEAHY. Will the distinguished Senator yield for a question on that point?

Mr. SPECTER. I yield.

Mr. LEAHY. Would the distinguished Senator accept the offer of the President, if the rejoinder of the President was if we did it the way you describe—transcript, knowing that the criminal code applies—but once you have done that, there would be no followup? Even if you were to find something out during that meeting, there would be no followup; there would be a promise of no subpoenas, there would be no further proceedings?

Mr. SPECTER. I will be pleased to respond to that relevant inquiry. Senator LEAHY and I have discussed this before. We have discussed just about everything, because we do things on a joint basis—about as pure as Ivory Snow, 99.4. We have some disagreements, but we try to work them out on a bipartisan basis because we think it is the right way to approach it.

The Senator from Vermont has said he thinks we would be barred from a followup, and I don't know whether that is part of the offer which the President has made, but we can get it clarified further. I do not think we could make the commitment not to pursue a subpoena at a later time if we felt the informal interviews were insufficient. I don't think we can give up our authority in that process, and if we could, I wouldn't agree to that because I don't know what the informal interviews are going to produce and I would want to retain the right to exercise our right to subpoena. I would acknowledge at the same time that if we exercise our right to a subpoena that the President could exercise whatever rights he has on executive privilege. We would be back to square one, but at least we would have the advantage of the questioning. I know the questioning of Senator LEAHY, a tough prosecutor from Burlington, VT. I have been there. And on an informal basis, Senator LEAHY can extract quite a lot of information, and Chairman CONYERS has the capacity to extract a lot of information. I might even have a relevant question or two to ask in the course of the proceedings.

I think we can get a lot of information. I want to have that information. I want to find out as much as I could before I go to court on what is going to be a 2-year battle. It is going to outlast the President's term. It is going to outlast Attorney General Gonzales's tenure. I don't think the next President is going to reappoint Attorney General Gonzales.

Let the record show there is a smile from staff in the back. It was intended to be not serious.

Then the President doesn't want there to be these witnesses to go before both committees, and that is all right. I think Chairman CONYERS and Chairman LEAHY, in consultation with their ranking members, can work out a smaller group from the House and Senate, bipartisan, bicameral, sufficient to ask the questions. Then I would prefer that it be public. But as long as the transcript is published, I would give that up as well.

I think it is so important that we get to the bottom of this important issue so we can have the Department of Justice function in the interest of the public that I am prepared to make those concessions, but I want a transcript. I would even be willing to give up the transcript if I am compelled to. I would take the interviews rather than have nothing. It would be at least something. But I would say to the President, the executive branch, that the transcript protects not only the questioners but the persons being questioned so there is no doubt as to what was said. I have been in closed-door meetings and had a number of participants walk out and, in perfectly good faith, have different versions as to what occurred. That happens when you are in a closed session. That happens when you are in a closed meeting, in perfectly good faith. That is why a transcript would protect Sara Taylor. It would protect Ms. Harriet Miers. It would protect the people who are being questioned.

It is my hope we can yet work this out. Before taking the floor, I asked Senator LEAHY if he would be willing to accept—he doesn't want to go as far as I do, and I can understand why he would insist on a transcript—I say I would like to have a transcript—but rather than have nothing, I would be willing to go into a closed session and have Senator LEAHY question, Chairman LEAHY question, Chairman CONYERS question, and I question, some others question, to find out what we can. If at the end of that process we feel it is necessary to revert to subpoenas, we cannot, I think—but in any event should not—give up that power that resides with the legislative branch. I don't think we have the authority to give it up, but if we had the authority to give it up, I wouldn't want to give it up.

But I want to pursue this matter and I want to get the information. When you talk about a criminal citation, a citation for criminal contempt, you are talking about a very serious matter. I have great empathy for the witnesses, Sara Taylor and Harriet Miers, who have been subjected to these subpoenas. If they assert executive privilege, and I agree that they are compelled to, I think once they are instructed by the President that the work they did for him is subject to his executive privilege, as he sees it, I think they have no choice. But when you bring a criminal contempt citation against Sara Taylor, people aren't going to understand she is an innocent pawn in the midst of this proceeding. If you bring a criminal contempt citation against anybody, there is an inference of some wrongdoing. You don't have a criminal charge customarily unless there is probable cause to believe a crime has been committed. That is when you have a warrant of arrest. That is when you have an indictment. Of course, a contempt citation is different, but if you call it a citation for criminal contempt, that has a tarring effect which is very serious and which is very profound.

The U.S. attorney has to bring the charge, and the U.S. attorney has discretion. It is not an automatic matter that if the Congress refers the issue for a criminal contempt citation, it is mandated. U.S. attorneys have discretion as to what they do. They can bring it or not, depending upon their conclusions, upon their allocation of resources. And they can bring it on what they want to do. I could see how a U.S. attorney might not want to spend a whole lot of time on this matter. I can see how the taxpayers of the United States wouldn't like to spend a whole lot of time on this matter. But that is where we are heading if this posturing continues.

Most importantly, we will not find out the underlying facts on the request for the resignations of these U.S. attorneys, and that is important to do so we can make a final evaluation by the Judiciary Committee as to what our conclusions are on this matter, and it would bear heavily on the continued service, the continued activity, by Attorney General Gonzales in holding that position.

Madam President, I see the distinguished Senator from Kansas on the floor, and we have a short time left until the votes start at 5:30, but I yield to Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I wish to address the nomination of Janet Neff, who is the second nominee to come up. I can do so now or wait until after the first vote. I would defer to my colleague from Pennsylvania, if he wants to do it that way, or if there an order established on the vote or for debate on the second nomination.

The PRESIDING OFFICER. There are 10 minutes provided to the Senator from Kansas after the first vote.

Mr. BROWNBACK. I would be happy to take my time at that point in time, and I yield the floor.

Mr. SPECTER. Madam President, I think there is going to be real interest on the part of the body in moving to the second vote, but there are 10 minutes for the Senator from Kansas after the first vote?

The PRESIDING OFFICER. That is correct.

Mr. BROWNBACK. I would be happy, if I could, Madam President, to take that time now. It won't be the full 10 minutes, but I wish to be able to discuss this. This is a matter of some concern. It has been pending for over a year, and I think it is meritorious of the nominee that it be brought forward.

Mr. SPECTER. Madam President, I would ask the Senator from Kansas if he would be willing to take 5 minutes and delay it to that extent.

Mr. BROWNBACK. Let us see if I can cover it, but if I can't, I will take some time before the second vote occurs. This has been pending for a year's period of time, and it is a significant matter.

Mr. SPECTER. Madam President, I suggest we proceed to regular order then.

The PRESIDING OFFICER. The Senator from Pennsylvania has time remaining, if you choose to yield that to the Senator or yield it back.

Mr. SPECTER. How much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. SPECTER. Ten minutes. I yield to the Senator from Kansas on the understanding that will be the time he would have had otherwise, and that we may proceed then to the sequence of votes.

Mr. BROWNBACK. That is acceptable to me.

The PRESIDING OFFICER. Without objection, it is so ordered. There are 9 minutes remaining.

Mr. BROWNBACK. I thank my colleague from Pennsylvania for accommodating me. Also, we wish to accommodate the other Members who will come in and I think will want to vote in a series of votes. I think that is perfectly fine.

I wish to address the second nominee who will be up today, Janet T. Neff, for the District Court of the Western District of Michigan. The Presiding Officer has had an interest in this matter, as well as many others. Alexander Hamilton, in Federalist 78, said this about judges:

> The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it proves anything, would prove that there ought to be no judges distinct from that body.

As we consider judicial nominees, we must consider whether they have the temperament, disposition, and ideology to interpret the law without regard to their own personal will. Because I am not convinced Judge Neff can do that, I cannot support her nomination.

I wish to give the body some background on this matter. On June 28, 2006, Judge Janet Neff was nominated by President Bush for a seat on the U.S. District Court for the Western District of Michigan. I wish to point out that she was part of an overall package of judges that was put forward and that the Michigan Senators were part of this discussion of her nomination. I do not know if she would have been the top pick of the President, but this is where we work together in this body, trying to get district judges the Senators from that State would support. These were supported by my two distinguished colleagues from Michigan. They were for Judge Neff.

In September of 2006, following her hearing before the Senate Judiciary Committee, I became aware of Judge Neff's participation in a same-sex commitment or marriage ceremony in Massachusetts in 2002. This was reported in the New York Times.

This concerned me. I placed a hold on Judge Neff's nomination in order to ascertain her role in the ceremony and her position on the constitutional validity of State bans on same-sex marriage. That is the core issue. No. 1, factually, what is it that took place that she participated in and, No. 2, what is her view of the constitutionality of same sex marriages? She would be going on to the Federal bench and this issue is likely to come in front of her.

With regard to her involvement in the 2002 Massachusetts commitment ceremony, Judge Neff first responded to my concerns in a letter. She described the context of the ceremony itself but declined to answer questions regarding the legality of traditional marriage laws and initiatives. For that reason, I requested a second hearing with Judge Neff, which was held on May 10, 2007. My distinguished colleague from Vermont, the chairman of the committee, accommodated that hearing, and I appreciate that he did. At that hearing, Judge Neff testified she attended the commitment ceremony in Massachusetts as a close friend of one of the women involved. She stated she did not "lead" the proceeding, as the New York Times reported but, rather, participated as the homilist in the formal ceremony itself. Judge Neff testified that when she was asked to deliver the homily, she was pleased to do that.

I spent much time considering whether her role as a homilist can fairly be described as leading the ceremony. It is my belief, whether she led the ceremony, she was an active participant and not a mere bystander.

I wish to make clear my decision to oppose Judge Neff's nomination is not based merely on her involvement in this ceremony. Rather, her participation in this ceremony was simply the means I became aware of her approach to interpreting same-sex marriage laws, which are likely to come in front of her or have a good possibility of coming in front of her were she to be placed on the Federal bench.

After discussing her role in the ceremony, I asked about her understanding of the law regarding same-sex marriage. When asked whether she feels the Constitution creates a right to same-sex marriage, Judge Neff said that is a "continuing legal controversy."

When asked what her understanding is regarding Michigan statutory defense of marriage law, she said, "I really don't have an understanding of it."

I would note for the record the State of Michigan passed a constitutional amendment by a vote of the people in 2004, 59 percent to 41 percent, defining marriage as a union of a man and woman. But prior to that, in 1996, prior to this commitment ceremony in 2002, the legislature passed a State law defining marriage as between a man and a woman—clearly the law of Michigan.

When asked her understanding regarding the law in Michigan, she said, "It's not entirely settled," even though the legislature had passed this in 1996 and by 2004 the people of Michigan had passed a definition of marriage.

These answers of hers give me pause. Michigan's defense of marriage law, which has been on the books since 1996, says:

> Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this State has a special interest in encouraging, supporting and protecting that unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this State.

In addition to this statute, in 2004, the voters of Michigan passed a similar constitutional amendment defining marriage as a union of a man and a woman. In my opinion, the law of Michigan could not be more settled. The fact that Judge Neff feels the court has to weigh in before this issue is settled suggests a misunderstanding of the role of the judiciary. The people of Michigan have spoken, similar to those of 27 other States. The amendment was a direct statement by the people of Michigan. Never is it more important to respect the will of the people than with issues of fundamental family values. Those issues must be decided by the people and not by Federal judges.

Because I am not persuaded that Judge Neff will fairly uphold the law of the State of Michigan, I cannot support her nomination for a lifetime appointment to the bench.

This has been a long and arduous journey and I recognize that for Judge Neff and I recognize that for the State of Michigan. I appreciate her willingness to come in front of us in the confirmation process. But I believe one of the most important aspects of my job as a Senator is the consideration of judges for the Federal bench. I take the Senate's role in the judicial nomination process very seriously. Individuals who are put in these positions assume lifetime appointments. We have a responsibility to ensure they understand their role and are firmly rooted in the principles of law and justice and what they will do in interpreting the law, not writing the law. They must be committed to following the letter of the law without imposing their own ideologies.

Because I am not satisfied that Judge Neff can do this, on a very important, very controversial issue of our day, I cannot support her nomination. I have reached out. I met personally with Judge Neff. I met with the Senators from the State of Michigan. This has been a long ordeal.

It is my considered judgment that she is not well-set on her role as a judge and more willing to consider her role as an activist in this particular issue.

With that, I ask my colleagues and urge my colleagues to consider it and consider opposing and voting against Judge Neff's nomination.

I thank my colleagues for accommodating me. I urge a "no" vote on Judge Neff, the second nominee. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Vermont.

Mr. LEAHY. Madam President, does the Senator from Vermont have any time remaining?

The PRESIDING OFFICER. The Senator does not have any further time on this nomination.

Mr. LEAHY. Madam President, I ask unanimous consent that 3 minutes of the time I have reserved between this vote and the next vote be yielded to the distinguished senior Senator from Michigan at this point.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Madam Present, do I have any time remaining? The only reason I am asking this is—I think that is a fair request, but I would like to have a minute between the votes when our colleagues are gathered here. It seems it would be only fair.

The PRESIDING OFFICER. The Senator from Kansas has 45 seconds remaining.

Mr. BROWNBACK. If I could ask for a minute at that time, I would have no problem for 3 minutes for my colleague from Michigan. I think it is fair when our colleagues are present to hear some of this discussion.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Mr. LEVIN. I believe the Presiding Officer would also need some time between the votes, and I believe that is not impacted by the current request; is that correct?

Mr. LEAHY. I will take it off my time between the votes. But there will be time for both the Senator from Pennsylvania and the Senator from Vermont between the votes.

Mr. SPECTER. Is the Senator from Kansas asking for 1 minute?

Mr. BROWNBACK. I am.

Mr. LEVIN. Between the votes or no?

Mr. BROWNBACK. Between the votes. That is when your time would occur.

Mr. LEAHY. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, before the Senator from Michigan speaks, the first pending is who?

The PRESIDING OFFICER. O'Grady is the next.

Mr. LEAHY. Madam President, I ask it be in order to ask for the yeas and nays on both the O'Grady and the Neff nominations at this point.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays on those two and only those two.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered on the two nominations.

The PRESIDING OFFICER. The distinguished Senator from Michigan is recognized for up to 3 minutes.

Mr. LEVIN. I am pleased the long road to confirmation for three nominations for the Federal bench in the Western District of Michigan, Janet Neff, Robert Jonker, and Paul Maloney is apparently near the end of the road. Senator STABENOW and I worked with the White House on these nominations. Last year they were unanimously reported out of the Judiciary Committee and again this year. The confirmation of these nominees has been blocked since last November. The sticking point of the Senator who objected was that one of the nominees, Judge Neff, personally attended a same-sex commitment ceremony of a family friend who was a next-door neighbor of hers for 26 years.

When Judge Neff was asked to deliver some remarks, Judge Neff felt it was similar to being asked by one of her own daughters to be part of an important event in her life.

The ceremony was entirely private. It took place in Massachusetts, where Judge Neff has no official capacity. The ceremony had no legal effect. Judge Neff took no official role in the ceremony whatsoever.

Her qualifications are clear. She currently serves on the Michigan Court of Appeals, where she has served for a significant period of time.

Judge Neff graduated with honors from the University of Pittsburgh in 1967, then graduated from Wayne State University Law School in 1970. She has had a distinguished legal career. After law school, Judge Neff served as an estate and gift tax examiner for the Internal Revenue Service and then as a research attorney for the Michigan Court of appeals, before becoming an assistant city attorney for the city of Grand Rapids. Judge Neff has also worked in private practice, served as a commissioner for the Michigan Supreme Court and then as an assistant U.S. attorney. Judge Neff currently serves on the Michigan Court of Appeals. She has been granted numerous awards and honors, including the Outstanding Member for 2006 of the Women Lawyers Association of Michigan.

We are fortunate to have the opportunity today to confirm Judge Neff, along with two other qualified nominees, Robert Jonker and Paul Maloney.

I only hope now that we finally have an opportunity to confirm these three judges, that we will do so and do so overwhelmingly.

I yield the floor.

Mr. WEBB. Madam President, it is my distinct pleasure to offer my support—along with my colleague Senator WARNER—for the nomination of Magistrate Judge Liam O'Grady to be a judge on the U.S. District Court for the Eastern District of Virginia.

Since graduating from law school, Judge O'Grady's career has been as expansive as it has been distinguished. Judge O'Grady currently serves as magistrate judge in the U.S. District Court for the Eastern District of Virginia, where he has sat since 2003. Prior to taking the bench, Judge O'Grady was a partner at the law firm of Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP, 1992–2003, an assistant U.S. Attorney in the Eastern District of Virginia, 1986–1992, and an assistant Commonwealth Attorney for the Commonwealth of Virginia. Judge O'Grady began his career as a law clerk to an administrative law judge for the Department of Labor and the Department of the Interior, 1976–1979, and was subsequently a sole practitioner, 1979–1982.

Judge O'Grady has spent equal time in Federal and State courts and has spent equal time handling criminal and civil matters. Judge O'Grady has tried more than 100 cases before a jury. Moreover, he has authored and published several scholarly articles, and he has devoted countless hours in pro bono work for low-income and indigent clients. Judge O'Grady was unanimously rated "well-qualified" by the American Bar Association.

Judge O'Grady is married to Grace McPhearson O'Grady and has four children. He resides in McLean, VA. Judge O'Grady received a B.A. from Franklin & Marshall College, 1973, and a J.D. from George Mason University School of Law, 1977.

As I have previously noted, the Constitution assigns a pivotal role to the Senate in the advice and consent process related to Federal judges. These judgeships are lifetime appointments, and Virginians expect me to take very seriously my constitutional duties. In my mind, it matters not whether a nominee is a Republican or a Democrat, but rather whether the nominee will be respectful of the Constitution, and impartial, balanced, and fair-minded to those appearing before him. After careful deliberation, including conferring with Senator Warner, I believe that Judge O'Grady meets these high standards.

I thank the Chair for the opportunity to make these remarks about Judge O'Grady and for the expeditious way the Senate has moved his nomination through the process during the 110th Congress. Again, it is with pride that I join Senator WARNER in recommending Judge O'Grady to each of my colleagues in the Senate.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Liam O'Grady, of Virginia, to be U.S. district judge for the Eastern District of Virginia.

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from

Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. THUNE), and the Senator from Ohio (Mr. VOINOVICH).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 239 Ex.]

YEAS—88

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Vitter
Warner
Webb
Whitehouse
Wyden

NOT VOTING—12

Allard
Burr
Chambliss
Dorgan
Ensign
Inouye
Johnson
Lincoln
McCain
Obama
Thune
Voinovich

The nomination was confirmed.

NOMINATION OF JANET T. NEFF TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Calendar No. 140, which the clerk will report.

The bill clerk read the nomination of Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. I am about to yield momentarily to the Senator from Michigan. I know the Senator from Pennsylvania has assured, as I have, the Senator from Kansas that he will have a minute. Then I will yield back whatever time remains so we can go to a rollcall vote on this nomination. Neither the Senator from Pennsylvania nor I will ask for rollcall votes on the remaining nominations. They would then have a voice vote, assuming this one is confirmed.

I yield such time as the Senator from Michigan needs.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank Judiciary Chairman LEAHY and Ranking Member SPECTER for their assistance in moving forward the nominations of Judge Paul Maloney and Judge Janet Neff and Robert Jonker to the U.S. District Court for the Western District of Michigan.

Judge Paul Maloney has served as a circuit judge on the Berrien County Trial Court for over 10 years. Judge Maloney also brings a wealth of public service experience to the bench, including: working as a Berrien County prosecutor, a deputy assistant attorney general in the Department of Justice and as chairman of the Michigan Sentencing Commission.

Judge Janet Neff has served as a judge on the Court of Appeals for the Third District of Michigan for nearly 20 years. In addition to her distinguished career on the bench, Judge Neff has been an active leader in Grand Rapids, including serving as the first woman president of the Grand Rapids Bar Association.

Robert Jonker has been a partner at Warner, Norcross & Judd in Grand Rapids for over 12 years. A life-long Michiganian, Robert Jonker is a graduate of Calvin College and the University of Michigan Law School, and has served as a law clerk for U.S. District Court Judge Robert Feikens in the Eastern District.

This situation is critical for my State. Currently, the Western District has only one full-time judge hearing cases, and the Judicial Conference has declared it a judicial emergency. Even when the bench is full, this district presents logistical challenges because it covers Michigan cities all the way from Marquette to Benton Harbor—St. Joe.

I was deeply disappointed that in the last Congress, the Senate failed to act on these three nominees despite a bipartisan agreement between myself and Senator LEVIN and the administration.

I am pleased the full Senate will be voting to confirm the three nominees, who will all bring distinguished legal careers to the Federal bench.

This is an important example of how we can work together. I hope the administration sees the value of working together in a bipartisan fashion with the Senate to ensure an independent and impartial judiciary that is accessible to all.

Senator LEVIN and I have worked closely with the White House. While it has taken longer than we would have liked to come to this point, we are extremely pleased and grateful to our distinguished chairman, who has worked very hard on our behalf, Senator LEAHY, and the ranking member, Senator SPECTER. Both Senators have worked hard to bring these nominees forward. These are three very distinguished people from Michigan with tremendous credentials for the bench. They will serve ably, and I am proud to support them.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I urge my colleagues to vote against Judge Neff going onto the bench for a lifetime appointment. I have met directly with her. I have been present for two hearings where she has spoken on the controversial issue of same-sex marriage, which we all agree should be decided by legislative bodies and by the people, not by the courts. She has an activist view on this issue. She participated in a ceremony herself. Then, when asked about her view toward same-sex unions, she said she considers it a continuing legal controversy. Her words: I really don't have an understanding of it, concerning the Michigan law. In Michigan, the State has defined marriage as the union of a man and a woman, both by the legislature and the people. She says it is not entirely settled. Here is an activist on a core issue, a difficult issue, one I think we all believe should be decided by legislative bodies and not by the courts. She would be one who would have a tendency to rule from the bench.

I urge my colleagues to vote against Judge Neff.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, Judge Neff was voted out of the committee with strong bipartisan support and was on the agenda to be confirmed under Republican control of the Senate last year when we had the snag on judges. She has my strong support and the support of the committee. I urge that she be confirmed.

If nobody else is seeking recognition, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 4, as follows:

[Rollcall Vote No. 240 Ex.]

YEAS—83

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Durbin
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—4

Brownback
Bunning
Kyl
Martinez

NOT VOTING—13

Allard
Burr
Chambliss
Dorgan
Ensign
Inouye
Johnson
Lincoln
McCain
Obama
Thune
Vitter
Voinovich

The nomination was confirmed.

NOMINATION OF PAUL LEWIS MALONEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Calendar No. 139, which the clerk will report.

The assistant legislative clerk read the nomination of Paul Lewis Maloney, of Michigan, to be United States District Judge for the Western District of Michigan.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Paul Lewis Maloney, of Michigan, to be a United States District Judge for the Western District of Michigan?

The nomination was confirmed.

NOMINATION OF ROBERT JAMES JONKER TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Calendar No. 154, which the clerk will report.

The assistant legislative clerk read the nomination of Robert James Jonker to be United States District Judge for the Western District of Michigan.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Motions to reconsider are laid on the table.

The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Oklahoma is recognized.

TERRORISM

Mr. INHOFE. Mr. President, during the last week that we were not here during the Fourth of July recess, there was a lot of misinformation floating around about things that may or may not be happening concerning the war on terrorism. I would like to make some clarifications, if I could.

I think it is very significant that we understand what is really going on, not what some of the media tell us is going on. I have found through my experience—and I say this: I come to the floor with probably having made more trips to the Iraqi AOR, 14 in total, than any other Member, so I have been there quite a few times. I have watched the changes as the changes have taken place.

Let me share with my colleagues, first of all, a little background. The United States Code defines terrorism as premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents. Their goal is to inflict the maximum amount of damage and pain to civilians irrespective of age, race, gender, or religion. It will remain a global threat for the foreseeable future. It is global. I think a lot of people don't realize how global this is but, if we just look at the things that have happened recently, including terrorist attacks in Somalia, Kenya, and Tanzania. We remember in those places the Embassies being blown up. The United States, France, Morocco, Turkey, Spain, Indonesia, Great Britain, Jordan, Egypt, Saudi Arabia, Philippines, Algeria, Yemen, and Tunisia are just a partial list of some of the places where there have been terrorist attacks.

The National Counterterrorism Center reported approximately 14,000 terrorist attacks occurred in various countries during 2006. Over 50 percent of the attacks occurred in Iraq or Afghanistan. Reported incidents decreased for Europe, Eurasia, South Asia, and the Western Hemisphere.

Now, the following terrorist-related attacks occurred within the past 30 days outside of Iraq and Afghanistan. The mentality that somehow it is all happening in Iraq is false. There were some statements made in declaring certain areas in Iraq to potentially be the terrorism capital, but we will talk about that in a minute.

A car bomb exploded outside of the Somalian Prime Minister's residence killing six people. This is all in the last 30 days. A bomb exploded in front of a crowded tea shop in Thailand killing 1 woman and wounding 28 others. That was on June 8. An explosion outside the Ambassador Hotel in Nairobi, Kenya, killed 1 and injured 37. I might add that was a mere 3 days from the time I was actually staying in that hotel. A bomb exploded outside a clothing shop in Istanbul, Turkey, wounding 14 people. A car bomb in a Beirut seaside neighborhood killed 10 people and wounded 11 others. Suicide bombers drove an SUV into the Glasgow airport doors, injuring six people. A suicide bomber drove into a convoy of Spanish tourists, killing nine people and wounding five others. That is just what has been taking place in the last month.

In the United States, President Bush organized and energized the Federal Government to pass the PATRIOT Act which broke down the walls between Federal law enforcement and intelligence communities. It created the Department of Homeland Security, merging 22 different Government organizations. It created the position of Director of National Intelligence to seamlessly integrate operations of intelligence agencies.

We have had this problem for a long time. I recall when I was first elected, when I came from the House to the Senate, and my predecessor was David Boren, who is now the President of Oklahoma University, and the last thing he told me before I was sworn in was one of the biggest problems we have is in coordinating our intelligence communities so that everybody knows what everybody else is doing. We hadn't really done that until 9/11 came along and we started getting serious about it. I am sure President Boren will be very glad to know that this is an important improvement that has been made. We directed the National Security Agency to monitor terrorist communications and established a program to detain and question key terrorist leaders and operatives. I know there is a lot of talk about what is torture and what is not torture. But we do know that HUMINT, human intelligence, is very, very important. It is something we have to consider, the lives of those who would be lost versus the lives of criminals who are being interrogated.

We placed state-of-the-art equipment in major cities in the United States to detect nuclear and radiological weapons and biological agents. We placed advanced screening and equipment and Homeland Security personnel at foreign ports to prescreen cargo headed for the United States.

I think it is very interesting that a lot of people are talking about how much this has cost.

Everything I have read costs something. The question is, How many lives has it saved? That is something very difficult to ascertain. Fighting the terrorists is a coalition of more than 90 nations. It is not just the United States, it is the United States and 90 other nations—a coalition of nations that has sought to synchronize diplomatic, intelligence, law enforcement, economic, financial, and military power to attack terrorism globally. I believe it is working. As the President has recently said, to strike our country, the terrorists only have to be right once. To protect our country, we have to be right 100 percent of the time. As we learned on 9/11, and many times in other countries, it only takes one time for them to be successful. We know that some of the results are significant.

We captured an al-Qaida operative named Ali Saleh al-Marri in the United States, who we believe was targeting water reservoirs, the New York Stock Exchange, and the U.S. military academies in December 2001. This was the first post-9/11 plot that was thwarted. Al-Marri offered himself as a martyr to Khalid Shaikh Mohammed, the mastermind of 9/11. He was his No. 1 man. He sent him to the United States after he received training in poisons at an al-Qaida camp.

It is kind of interesting that people say there is no connection between Iraq and al-Qaida when, in fact, we know now and can release information on several training camps that were there. Very likely, he could have been trained in that particular camp.

The British authorities broke up a plot to blow up passenger airplanes flying to America, which could have rivaled 9/11. We know that happened. The plot was foiled in August of 2006. They planned to blow up as many as 12 U.S.-bound passenger jets. They planned to use liquid explosives hidden in carry-on luggage. U.S.-British authorities had a group under surveillance for many months, and many of the suspects were British citizens of Pakistani origin. They thwarted that. That didn't happen. That could have happened and, very likely, would have except for all these efforts of the United States and other countries.

We broke up two other post-9/11 aviation plots—one targeting the Library Tower in Los Angeles and the other targeting the east coast. An al-Qaida leader in Southeast Asia, known as Hambali, recruited Jemaah Islamiyah operatives of Asian origin. The plot was derailed early in 2002 with international cooperation. Library Tower is the tallest building west of the Mississippi, 1,018 feet tall. It is among the 25 tallest buildings in the world. That didn't happen. That was planned. It could have happened. It was stopped by this combined effort.

Four men were indicted in an alleged plot to attack John F. Kennedy International Airport by blowing up a jet fuel supply. They planned to hit the fuel farms and a 40-mile aviation fuel supply pipeline, and they specifically targeted the symbolism of JFK, sought to invoke emotional reaction saying, "It is like killing the man twice." That is their statement. Suspects were tied to extremist groups in South America and the Caribbean, specifically Guyana and Trinidad. One suspect was a former airport cargo worker. They sought massive disruption of the U.S. economy by cutting off this major artery of travel that connects the United States to the rest of the world—over a thousand flights a day, half of which are international, 45 million passengers and 1.5 million tons of cargo a year.

They disrupted a plot by a group of al-Qaida-inspired extremists to kill American soldiers at Fort Dix in New Jersey, which was the result of a 16-month investigation by the Justice Department and the FBI. Suspects had taken an incriminating video to the store to be transferred to DVD. The video showed calls for jihad and radical and violent ranting in Arabic, including images of the men firing assault weapons.

Terrorists attempted to detonate two car bombs using cell phones in London's West End. That happened over the last recess we had. It heightened public awareness and quick police action prevented detonations of two Mercedes car bombs. This was a concerted effort. We and the Brits were in on that. All others on this team worked very well and very effectively.

Now, in Iraq, we have had success that is critical to our long-term fight against terrorism. Osama bin Laden calls the struggle in Iraq a "war of destiny." Al-Qaida sees victory in Iraq as a religious strategic imperative, a base from which to launch new attacks around the globe.

While I am troubled the war has cost us, I believe it is absolutely necessary for us to be able to have this success. I can recall a year ago standing at this podium in the Senate quoting al-Qaida, saying Ramadi—that province in Iraq was going to become the terrorist capital of Iraq. When I was in Ramadi a matter of days ago, we found that there are new groups of people cooperating now that never cooperated before. I think some of the people in this body who were talking about surrender resolutions and all that—it got their attention. Maybe that performed a useful function because all of a sudden the people woke up. I learned something there too. All these political leaders we hear about, such as Prime Minister Maliki and Defense Minister Jasim and Dr. Rubiya, and some of the rest—I thought they were the ones who were the leaders. I think it is the clerics in the mosques. All of a sudden, they became concerned and, up until that time, we had been monitoring all of the procedures and the performances they have had on a weekly basis in the mosques. Eighty-five percent of them have been, up until December of this last year, anti-American messages. As of April, there haven't been any anti-American messages. That shows that the clerics have gotten involved in this thing. In Tulsa, OK, we have neighborhood watch programs, where people get neighbors to watch and see what is going on. This is happening throughout Iraq, where they are spraying orange spray paint around IEDs that haven't been detonated so our troops could disarm them. Those things have happened. I think the joint security stations have been very successful in Baghdad. Instead of our troops going out and coming back into the green zone at night, they stay and get to know and develop close, intimate relationships with the Iraqi security forces and their families. That has had a tremendously positive effect.

The future will be difficult in the fight against terrorism. It is not a sprint, it is a marathon. We have to remain vigilant, determined, and strong. I want our troops to come home as badly as anybody. When you think about the consequences of losing this thing, all it would take for these people who are crying out about their feelings and saying let's get out of Iraq, all it would take is one successful terrorist attack similar to those that have been stopped through this joint effort. We would have to pay dearly.

I hope people will sit back and realize we have access to information the general public doesn't have. Sure, the polls show the majority of people would like to have our troops come back. I would, too, but when you ask the questions and give them the alternatives, they would rather win this war than resign from it.

FAIRNESS DOCTRINE

Mr. INHOFE. Mr. President, I am pleased to cosponsor, with Senator COLEMAN, an amendment to prohibit the reimplementation of the Fairness Doctrine.

As we may remember, over the past few weeks, the Fairness Doctrine has received a lot of attention. Some Senators spoke about the need to reinstitute this doctrine. The Fairness Doctrine is a regulation the Federal Communications Commission developed to require FCC-licensed broadcasters to provide contrasting viewpoints on controversial issues. However, the FCC conducted a review of this regulation in 1985, concluding that "we no longer believe that the Fairness Doctrine serves the public interest." In explaining why the FCC reached this conclusion, they wrote:

> The interest of the public is fully served by the multiplicity of voices in the marketplace today and that the intrusion by Government into the content of programming unnecessarily restricts the journalistic freedoms of broadcasters.

The FCC's refusal to enforce the Fairness Doctrine was later upheld in the D.C. Circuit Court of Appeals.

Why would a regulation that was found to be unnecessary over 20 years ago be controversial today? Well, we found out why. On June 22, the Center for American Progress issued a report called "The Structural Imbalance of Political Talk Radio." Keep in mind that the Center for American Progress is a liberal think tank funded by George Soros and led by John Podesta and a lot of former Clinton White House people in it. The report issued was authored, in part, by a former Clinton White House adviser. This report, not surprisingly, found that 91 percent—I believe this to be true—of political talk radio programming was conservative and 9 percent was progressive or liberal. However, what is surprising is the report suggested antifree market and antifree speech recommendations to supposedly provide balance in talk radio programming. There is a very controversial statement I made in the presence of a couple of our fellow Senators not too long ago when they were talking about the fact that there is so much conservative bias in talk radio. I said it is market driven. That is what America is all about. It is market driven. There is no market for the progressive or liberal programming.

I remember when the DOD was trying to feed the American Forces Radio and television services in the Armed Forces Network and have 50 percent of the programming be liberal. We fought that out on the floor of the Senate and we won because freedom of speech is more important. Consequently, we have gone back and let them decide—our troops—as to the programming they want. It is all done in a fair way so our troops at least can hear what they want to hear over talk radio.

This is for those people who think they have balanced political talk radio. This is a report on that subject. As I go through this, first of all, it identifies the problem they consider—conservative bias. That is what the American people want. It says:

> If commercial radio broadcasters are unwilling to abide by these regulatory standards or the FCC is unable to effectively regulate in the public interest, a spectrum use fee should be levied on owners to directly support local, regional, and national broadcasting.

That is this report. In other words, they are saying not only do these people who, because of their popularity, because of the content and the way they deliver it—not only would they lose their programs, but they would also have to give money to support public broadcasting. This is the most outrageous thing I have ever seen.

I don't think this can happen in America. When you get John Podesta and the former Clinton White House team and their minds set to doing something, they are smart people, and I don't take this lightly. I ask as many people as possible to support our efforts to pass legislation to stop any effort to reinstitute the Fairness Doctrine. I think we should call it something else, such as the Government-run broadcasting.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 1585

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration tomorrow of Senator WEBB's amendment No. 2012, that the second-degree amendment be withdrawn and there be 4 hours for debate equally divided in the usual form on that amendment, and that at the conclusion or yielding back of that 4 hours, the Senate vote, without intervening action, on the Webb amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I say to my good friend the majority leader, this amendment was just laid down a couple hours ago. The chairman of the committee and the ranking member of the committee were not even here today. The ranking member will be here tomorrow. He has not even had an opportunity to make his opening statement. We wish to offer a side by side, probably to be offered by Senator LINDSEY GRAHAM, a member of the committee. I was hoping we might be able to enter into a consent agreement that gave us a chance for an alternative, which is frequently the way these things are handled.

Bearing that in mind, Mr. President, I am constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, my friend has stated he would object to 4 hours, and I assume the same answer would be to 6 hours or 8 hours; is that right, I say to my friend.

Mr. MCCONNELL. Mr. President, I say to my friend the majority leader, yes, at the moment. I am hopeful we can work out an agreement under which we could have a side by side, which is the way these things are often done in the Senate.

Mr. REID. I understand that. Mr. President, what I suggest then is this: Senator LEVIN has been here all day. He didn't give his opening statement because he was occupied doing other business. He is here now. He was here all today in the Senate. I talked with him earlier this morning. What I suggest then is we get an agreement that if, in fact, I file cloture tomorrow, we can have a cloture vote on Wednesday. That way we wouldn't do it tonight. We will work with the minority leader. I think there is a strong possibility we could do side by sides. We wouldn't lose anything by waiting until tomorrow to see if we can work out some agreement.

What I am asking is that rather than my filing cloture tonight, hopefully I won't have to do it tomorrow, but if I did on this amendment, rather than waiting until Thursday to vote on it, could I have an agreement from my friend that we would vote on the cloture motion on Wednesday rather than Thursday?

Mr. MCCONNELL. Mr. President, let me say to my friend the majority leader, I think that is fine. Just a suggestion: If we go down that path of trying to get cloture on every single amendment, if cloture is invoked, then it would further delay completion of the bill potentially by somebody insisting on using postcloture time. We have no desire to make it difficult to get through this bill. We would, however, like to have votes on our amendments.

I think the better way to proceed, as the majority leader has suggested, is to see if we can come to agreement on amendments and side by sides and move the process along, which sounds to me is what the majority leader is suggesting, and that is fine with me.

Mr. REID. That is fine. What we will do, Mr. President, is hopefully not have to file cloture on this amendment. If we do, we will have a cloture vote on Wednesday. I feel confident we can work something out. We will certainly do our best on this side. Senator LEVIN is here. He is easy to work with, as is Senator WARNER.

The ACTING PRESIDENT pro tempore. Is there objection to the cloture vote taking place on Wednesday?

Without objection, it is so ordered.

Mr. REID. I thank the Chair.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION

Mr. ROCKEFELLER. Mr. President, in January the Senate took an important step toward improving congressional accountability by passing the Legislative Transparency and Accountability Act as part of S. 1. One of the key provisions of this legislation attempts to shine light on the process by which Members request the inclusion of specific projects in legislation—in other words, earmarks.

That provision includes a requirement that each Senate committee make public all congressional earmarks included in bills reported by the committee. We normally think of earmarks as part of the appropriations process, but the requirement in S. 1 applies to all bills and makes it clear that the term "congressional earmark" includes language authorizing funds, not just appropriations language. The legislation includes a specific requirement to disclose earmarks contained in classified portions of reports "to the extent practicable, consistent with the need to protect national security."

With that in mind, I rise today to formally describe for the Senate the earmarks included in S. 1538, the Intelligence Authorization Act for Fiscal Year 2008, a bill reported by the Senate Select Committee on Intelligence on May 31, 2007. This information was not included specifically in the bill or report because we were wrestling with what, if anything, in the bill and classified annex met the definition of an earmark. The definition included in S. 1 is subject to some interpretation.

Taking an expansive view of the definition, Vice Chairman BOND and I identified three items that seem to fit. I ask to have a list of those earmarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL EARMARKS INCLUDED IN THE CLASSIFIED ANNEX ACCOMPANYING S. 1538, THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

A provision adding $200,000 to the office of the Director of National Intelligence for an Intelligence Training Program run by the Kennedy School of Government. This program was started in fiscal year 2007 but the President did not request funding for it for fiscal year 2008. The provision was added at the request of Senator Rockefeller.

A provision adding $4,500,000 to the Naval Oceanographic Command. This provision was added at the request of Senator Lott.

A provision directing the expenditure of $5,000,000 for a classified effort with the National Reconnaissance Office's GEOINT/SIGINT Integrated Ground Development Engineering and Management Expenditure Center. This provision was added at the request of Senator Rockefeller.

S. 1538 contains no limited tax benefits or limited tariff benefits, as defined in Section 103 of S. 1.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 1, 2007, while picnicking near Lake Natoma outside Folsom, CA, Satendar Singh, a 26-year-old from Fiji, was attacked by a man hurling racist and homophobic insults. Singh and his friends, each of either Indian or Fijian descent, were harassed repeatedly for several hours by a nearby group of Russian-speaking men and women. That evening, about six men from that group approached Singh, again insulting Singh and his friends. One of the men struck Singh, causing him to fall to the ground and hit his head. Bleeding profusely, Singh was taken to the hospital. He died 4 days later on July 5, 2007, after his relatives and doctors agreed to take him off of life support. According to his friends, Singh was not gay, but officials maintain that the attack was motivated by the belief on the part of the assailant that he was.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

H. RES. 121

Mr. INOUYE. Mr. President. On June 26, 2007, the Committee on Foreign Affairs of the U.S. House of Representatives met to consider and adopt H. Res. 121. This resolution was authored by Congressman MICHAEL HONDA of San Jose, CA.

H. Res. 121 expresses the sense of the U.S. House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery, known to the world as "comfort women," during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.

There is no doubt in my mind that during the war period the men in the Imperial Armed Forces of the Government of Japan did abuse, assault, and forcibly impose their wills upon women for sexual purposes. This was conduct and behavior that cannot in any way be condoned or justified.

These events, according to H. Res. 121, occurred during the war period of the 1930s and 1940s. Records indicate that on August 31, 1994, as the 50th anniversary of the end of World War II was approaching, then Prime Minister Tomiichi Murayama issued a statement articulating Japan's remorse and apology to comfort women.

His statement says in part, "on the issue of wartime 'comfort women,' which seriously stained the honor and dignity of many women, I would like to take this opportunity once again to express my profound and sincere remorse and apologies."

This statement was made in his official capacity as Prime Minister of Japan.

Subsequently, every successive Prime Minister since 1996—Prime Ministers Hashimoto, Obuchi, Mori, and Koizumi—have all issued letters of apologies to individual former comfort women, who have accepted an apology letter along with atonement money offered to her by the Asian Woman's Fund. It should be noted that some former comfort women refused to accept the atonement money.

The Asian Women's Fund was established, sanctioned, and approved by the Government of Japan. The letters addressed to former comfort women were issued by the Prime Ministers of Japan in their official capacity, and recite, "as Prime Minister of Japan, I thus extend anew my most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.

I believe that our country, painfully aware of its moral responsibilities, with feelings of apology and remorse, should face up squarely to its past history and accurately convey it to future generations." Japan's present Prime Minister, Shinzo Abe, in a March 1, 2007, news conference clearly indicated that Japan accepts responsibility and expressly apologized to all its victims.

On March 11, 2007, Prime Minister Abe made the following statement:

> I will stand by the Kono Statement. This is our consistent position. Further, we have been apologizing to those who suffered immeasurable pain and incurable psychological wounds as comfort women. Former Prime Ministers, including Prime Ministers Koizumi and Hashimoto have issued letters to the comfort women. I would like to be clear that I carry the same feeling.

The 1993 Kono statement made by the Chief Cabinet Secretary Yohei Kono stated in part:

> The then Japanese military was, directly or indirectly, involved in the establishment and management of the comfort stations and the transfer of comfort women. . . . The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women.

During his visit to our Nation's Capitol in April 2007, Prime Minister Abe reconfirmed these sentiments in a meeting with bipartisan leaders of the House and Senate.

Prime Minister Abe also expressed similar statements in a meeting with President Bush. At a joint press conference at Camp David, Abe, when describing his meeting with congressional leaders, said:

> I, as Prime Minister of Japan, expressed my apologies, and also expressed my apologies for the fact that they [comfort women] were placed in that sort of circumstance.

In 1995 and 2005, the Japanese House of Representatives considered and adopted resolutions related to Japan's actions in World War II, including the comfort women issue. The 1995 resolution adopted by Japan's House of Representatives provides in part:

> Solemnly reflecting upon the many instances of colonial rule and acts of aggression that occurred in modern world history, and recognizing that Japan carried out such acts in the past and inflicted suffering on the people of other countries especially in Asia, the Members of this House hereby express deep remorse.

The Asian Women's Fund was established in 1995 with the cooperation of the Government of Japan and the Japanese people. The fund has extended letters of apology and payments, donated by the Japanese people, to 285 former comfort women in the Philippines, the Republic of Korea, and Taiwan. Each of the 285 individuals received 2 million yen, or $17,000. The fund has also implemented medical and welfare projects.

I have taken the time to cite the above because of my concern over the adoption of H. Res. 121, the Honda Resolution.

It should be noted that after World War II, the issue of compensation for Japan's wartime crimes was settled, country by country, by the Treaty of San Francisco with the U.S. and by the relevant peace treaties with other countries. Thus, from a purely legal standpoint, the issue of the comfort women has been settled by treaties of peace.

Several questions come to mind as I read the text of statements made on this matter, and the text of H. Res. 121. For example, what would be required of Japan under H. Res. 121 to "formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner"?

The statements of apology that I quoted earlier were issued by six Prime Ministers of Japan, each acting and speaking in his official capacity.

I would think that in the world of diplomacy, these words would suffice as official statements.

Another matter that should be noted is that these events occurred in the 1930s and 1940s, and the acknowledgment and apology over the abuse of the comfort women have been made by successive Prime Ministers since 1994.

I can think of many events in our own historic past that deserve an acknowledgement and apology issued by the United States. Nonetheless, our Government has not acknowledged these actions and other countries have not officially reprimanded us because of it.

For example, soon after December 7, 1941, the United States contacted the Governments of Chile and other South American countries and requested that they round up their residents of Japanese ancestry and send them to the United States to be used by the United States in negotiations for the return of American prisoners of war held by Japan.

Many Latin Americans of Japanese descent were arrested, stripped of their passports or visas, and shipped to the United States. Once in the United States, they were treated as illegal aliens, subject to deportation and repatriation.

The internees' vulnerable position under the law basically left their fate in the hands of the State Department and Department of Justice. Those caught in this situation were considered repatriable and thus available for use in hostage exchanges with Japan.

I am happy to report to you that after many years of concern, the Senate Committee on Homeland Security and Governmental Affairs has considered this matter and reported favorably on a measure to study this matter. However, the bill still faces consideration by the full Senate, the House of Representatives, and the White House.

And yet has any country suggested we should "formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner" for this matter?

Nor have the legislatures of other nations criticized and accused us for Executive Order 9066, which directed the United States Army to establish 10 concentration camps in various parts of the United States to intern residents of Japanese ancestry. The majority of them were American citizens. As investigations disclosed in later years, their incarceration or internment was based only upon race. No crime had been committed, no act of treason, no act of sabotage.

Consequently, four decades later, the Congress finally acknowledged and apologized for the actions of the U.S. Government in the Civil Rights Act of 1988.

There exist many other such events in our history that could be discussed, but these incidents in particular are of interest because they involve the men and women whose ancestry lies in the nation of Japan.

Regardless of the historical example, the question remains the same: how would the U.S. Government have reacted if the legislature of some other nation had condemned our historical actions in World War II?

Diplomatic protocol among friendly nations and allies calls for consideration and sensitive handling of such matters.

In the case at hand, I respectfully suggest that the Government of Japan, through six of its Prime Ministers, and through two acts considered by its House of Representatives, has issued statements of acknowledgement and apology since 1994.

I would suggest that so many apologies should suffice.

The payment of $17,000 to each survivor may not suffice because no amount of monetary compensation would be sufficient to clear away such memories just as much as the payment of $20,000 to each internee of Japanese ancestry in the United States for years of incarceration by the United States in the concentration camps was not sufficient to wipe away that memory either. Nevertheless, payments have been made and accepted.

As a final matter, it may be interesting to note that a Gallup Poll conducted in February and March 2007 sets forth the following: 74 percent of the general public, and 91 percent of opinion leaders thought of Japan as a dependable ally or friend. 48 percent of the general public, and 53 percent of opinion leaders considered Japan to be the most important U.S. partner in the Asia region, followed by China, which scored 34 percent among the general public, and 38 percent among opinion leaders. 67 percent of the general public, and 86 percent of opinion leaders described U.S. relations with Japan as "good" or "excellent." 87 percent of the general public, and 88 percent of opinion leaders supported the maintenance of the Japan-U.S. Security Treaty.

Finally, when asked whether Japan shared common values with the United

States, 83 percent of the general public, and 94 percent of opinion leaders agreed. The only country that received a higher score was the United Kingdom, by only 2 percent for each group.

These numbers and responses to the Gallup Poll should suggest our relationship with Japan is excellent. The general public believes it, and our Government has said so as well. Why should we involve ourselves in a legislative act that would jeopardize a relationship as good as we share with Japan?

Is this how we Americans should conduct ourselves with the Japanese, our friends and allies?

HONORING DETECTIVE DAVID RICH

Mr. BAYH. Mr. President, today with a heavy heart and deep sense of gratitude I honor the life of a dedicated State trooper from Indiana. David Rich, 41 years old, died on July 5, 2007, from a gunshot wound he suffered in the line of duty as an Indiana master trooper detective. David risked his life every day to serve and protect Hoosiers in order to make Indiana a better place.

David comes from, and leaves behind, a family devoted to Indiana law enforcement. His father, former Miami County Sheriff and retired State trooper Jim Rich, and his mother Linda, instilled in him a sense of public service and respect for the law. Along with his brother, Indiana State Police Captain Robert Rich, David followed in his father's footsteps, taking the oath to serve and protect. He is also survived by his sister, Kimberly, and three nieces and one nephew.

David was an 18-year veteran of the State police and was well loved by his community. Although a great State trooper, he was best known for his devotion and loyalty to his family. He was a loving husband to Connie and took enormous pride in raising their 7-year-old daughter, Lauren, and 4-year-old twins, Carson and Connor.

His final act exemplified what kind of person David truly was. While off duty, David pulled over to aid a man whom he thought needed help. In a senseless act of violence, David was tragically shot and killed by this man. Even when off duty, David showed his dedication to serve, protect, and help those in need. It is a terrible tragedy that this nonsensical act took the precious life of such an honorable man.

SGT Tony Slocum, who worked with David, said Indiana "lost a very, very good man," and described him as one of the nicest people he has ever met. David would have done anything to help anyone in need "as he's done here on many occasions at the post," Slocum said. "He might give you the proverbial shirt off his back."

Today, I join David's family and friends in mourning his death. While we struggle to bear sorrow over this loss, we can also take pride in the example he set, bravely serving to make America a safer place. It is his heroism and strength of character that people will remember when they think of David, a memory that will burn brightly during these continuing days of conflict and grief.

When I think about David's profound commitment to protect and the pain that accompanies the unjust loss of this outstanding trooper, I hope that some comfort can be brought to all the loved ones David left behind through the words of Peter 3:14:

> but even if you should suffer for what is right, you are blessed.

Both David's final altruistic act, as well as his everyday lifestyle, epitomized doing "what is right." May God be with all of you who mourn this tragic loss, as I know He is with David.

It is my sad duty to enter the name of David Rich in the record of the U.S. Senate for his service to the State of Indiana and the United States of America.

TRIBUTE TO VERMONT FROST HEAVES

Mr. LEAHY. Mr. President, I wish to tell my friends in the Senate about the Vermont Frost Heaves, the bumps in the road that we Vermonters are actually proud to claim as our own. Unlike the frost heaves New Englanders have come to know too well under the dented rims of our cars and trucks, these basketball-playing Vermont Frost Heaves are pioneers, superb athletes, role models, and as of this spring, champions of the American Basketball Association.

The Frost Heaves' motto, "we're going to be their bumps in the road," rang true many a winter's evening this year. With an overall record of 34–6 and a league record of 30–6, the Frost Heaves quickly became unfamiliar with losing, energizing Bump the moose, the team's mascot, and thousands of cowbell-ringing fans. Then, on March 29, 2007, while the sap was still running out of sugar bushes, the Frost Heaves charged their way to a triumphant 143-to-95 title victory over the Texas Tycoons, adding an exclamation point to the success of their inaugural season.

From the birth of the Vermont Frost Heaves, founder and owner Alex Wolff found a way to tie Vermonters into the team, captivating fans near and far and promising to be sustainable, local, built to scale, of the community, and embracing the Internet revolution. As a professional journalist found in the pages of Sports Illustrated, Wolff documented his journey growing a championship team with fan participation along the way. The result—a team beloved by Vermont.

Under Wolff's ambitious leadership, and with the permission of his wife Vanessa, the Wolffs created a family-friendly, affordable source of entertainment in central and northern Vermont. With a home schedule split between two of the most historic gymnasiums in the State, the Barre Auditorium and Memorial Auditorium, fans from throughout Vermont had the opportunity to support their team. As the Wolffs explain, "we wanted to create a legacy for Vermont," and that is just what they have done.

After Wolff put the selection of their coach to a worldwide vote, the fans chose coach Will Voigt, a native of Cabot, VT, to be their skipper. Voigt, a three-star athlete before embarking upon a successful coaching career, left a coaching position in Norway to return to the Green Mountains.

The team starred three Vermonters, Kerry Lyons of Milton, Dana Martin of Stowe, and B.J. Robertson of Burlington. Lyons led the Milton High School Yellow Jackets to four Vermont State final fours. He was named Conference Player of the Year and was chosen as an All-State selection. He then attended Lyndon State College where he served as the team captain for 3 years. Lyons returned to Lyndon State after graduation serving as the assistant coach for both the men's and women's basketball teams during the 2000 to 2001 season.

Dana Martin attended Stowe High School and Proctor Academy in New Hampshire and continued on to play basketball for Skidmore College. Martin was the first basketball player from Skidmore to enter the professional ranks, playing in Germany after graduation, where he led his team in scoring with more than 22 points a game. Martin has offered a basketball camp for the past six summers in his hometown of Stowe for elementary school students aspiring to follow in Martin's Frost Heave footsteps.

B.J. Robertson is a graduate of Burlington High School and St. Michael's College, entertaining Vermonters with his pizzazz at both the high school and college levels. He is the all-time leading scorer at Burlington High, a record his brother owned prior to his arrival on the scene. Well known by high school sports aficionados, Robertson was named "Mr. Basketball" by the Burlington Free Press his senior year. At St. Michael's, Robertson played in 104 games at the collegiate level, starting 91 of them in 4 years. He consistently was among the leaders on both the offensive and defensive side of the ball for the Purple Knights

Other Frost Heaves players came by way of New York, New Jersey, Maryland, Virginia, Arkansas, Alabama, and even as far as Senegal. Aaron Cook led the Frost Heaves in scoring and minutes played for the inaugural season, averaging 16.3 points on 22 minutes. Kelvin Parker led the team in field goal percentage. Antonio Burks led the team in free throw percentage, completing nearly 83 percent of shots from the foul line. John Bryant led the team in rebounding, with 246 for the season, also leading the team in blocks. Travarus Bennett led the team in steals, his quick hands averaged 2.6 per game. Markus Austin, Johann Collins, Kevin Mickens, Antoine Hyman, Tyrone Levett, Issa Konare, Melvin Creddle, and Tyrone Barley round out the roster of the championship squad.

The extended Frost Heaves coaching staff includes assistant coaches Wayne Lafley and Marvin Safford; strength and conditioning coach Scott Caulfield; assistant coach and statistician Mark Saltus; and athletic trainer Meggan Robinson. The Frost Heaves staff worked to establish a balance of physical strength and mental toughness in each player.

Today, the sounds of cowbells echoing off the necks of Holsteins grazing in the fields of Vermont instills a bit of excitement in Frost Heaves' fans eagerly awaiting another winter of basketball. I hope my friends in the Senate will joining me in congratulating the Vermont Frost Heaves for a great season and wishing them even more success next winter.

ADDITIONAL STATEMENTS

TRIBUTE TO RAY KUNTZ

• Mr. BAUCUS. Mr. President, the American adventurer, war hero, and 26th President of the United States Teddy Roosevelt once said, "Far away the best prize that life offers is the chance to work hard at work worth doing." And there is no work worth doing more than making sure our Nation's trucking industry runs smooth, and nobody works harder than my good friend Ray Kuntz.

As a fellow Montanan, Ray knows the value of hard work and has always been willing to roll up his sleeves and put in a full day. As the CEO of Watkins & Shepard Trucking, which is based in my hometown of Helena, Ray has helped transform a small business into a thriving enterprise. With more than 700 trucks and drivers and 1,000 employees, Watkins & Shepard has made their mark on the trucking industry. I remember attending the Watkins & Shepard driving school, and I can say firsthand that it was top notch.

Now, Ray will undertake a new challenge, taking the reins of the American Trucking Association as the chairman. Ray is no stranger to the ATA, and he is no stranger to success. As vice-chairman of the ATA, Ray helped to revolutionize the trucking industry. Combining cutting-edge technology and a passion for trucking, Ray helped to launch GetTrucking.com. This innovative Web site used humor, timely information, and eye-grabbing graphics to help recruit new drivers and keep trucking the vanguard of America's transportation industry.

As chairman, Ray will continue to use his drive, his creativity, and his passion to lead the ATA boldly into the 21st century. With his chairmanship, Ray has made the working folks the hallmark of his term. For those of us who know him, this is no surprise. Ray has always remembered his roots and the hard-working men and women he has served along the way.

With Ray at the helm, the ATA is on the path to an even more successful future as the voice of the men and women who are either behind the wheel, or behind the scenes, of the trucking industry.•

125TH ANNIVERSARY OF GRAFTON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that celebrated its 125th anniversary. On June 21 to 23, the residents of Grafton gathered to celebrate their community's history and founding.

Grafton is a vibrant community in northeastern North Dakota with the Park River running through it. Grafton serves as the county seat of Walsh County. The post office in Grafton was established with Thomas E. Cooper serving as postmaster on May 20, 1879. Cooper named the community after his wife's home of Grafton County, NH. By 1883, the city had 2,000 residents, with Stewart Cairncross serving as the first mayor. Today, Grafton is still one of the larger communities in North Dakota.

Residents of Grafton are proud of their community and what it has to offer. Residents strongly support the youth in the community and enjoy local sports events. Annually, the community hosts a "Spirit of the Season" festival, which includes breakfast with Santa, live concerts, horse-drawn wagon rides, and a bonfire in the park.

Grafton residents have been dedicated to increasing the size of the community through economic development. Since implementing this program, the community is now home to Marvin Windows and Doors, a vibrant business that has helped fund incentives for individuals wishing to relocate to Grafton.

The community of Grafton celebrated its 125th anniversary with live music, parades, a demolition derby, and tours of the Heritage Village and the school.

Mr. President, I ask the U.S. Senate to join me in congratulating Grafton, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Grafton and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Grafton that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Grafton has a proud past and a bright future.•

125TH ANNIVERSARY OF DUNSEITH, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 13 to 15, the residents of Dunseith will gather to celebrate their community's history and founding.

Dunseith is a historic community located in north central North Dakota, only 14 miles away from the Canadian border. Founded by Giles Gilbert in 1882, Dunseith was settled by European immigrants and members of the Turtle Mountain Band of Chippewa. In its early years, people were drawn to Dunseith because of the amount of land in the area made available under the Homestead Act.

Just a short distance from Dunseith is the International Peace Garden. Founded in 1932, this 2,339-acre garden along the northern border symbolizes the peace, cooperation, and friendship between the United States and Canada. It is a treasure of more than 150,000 flowers, fountains, a sunken garden, and other notable structures that promote the garden's message of peace.

Dunseith really is, as the residents say, an area undiscovered by the rest of the country. With the beautiful Turtle Mountains just nearby, residents like to spend time hunting, fishing, hiking, biking, and participating in various other outdoor activities.

Today, Dunseith has much to celebrate. Its quasquicentennial celebration is occurring at the same time as the International Peace Garden's 75th anniversary, and it is bound to be a weekend worth taking in. With 450 registered participants already, the guests will enjoy an all-school reunion, parade, art show, all faith service, demolition derby, and much more.

Mr. President, I ask the Senate to join me in congratulating Dunseith, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Dunseith and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Dunseith that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Dunseith has a proud past and a bright future.•

125TH ANNIVERSARY OF PORTLAND, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 20 to 22, the residents of Portland will gather to celebrate their community's history and founding.

The rural community of Portland is located in the beautiful and serene valley of the Goose River. Like so many rural towns in North Dakota, Portland was established by a railroad. The town was named Portland because railroad officials considered it the midway point between Portland, ME, and Portland, OR. In 1883 it was incorporated as a village. The Dakota territory's first insurance company was chartered in Portland in 1885.

Portland has come a long way since its beginnings in the early 1880s. The town has built a rich heritage of agriculture but has also grown to incorporate technology, manufacturing, and health services. Portland has been described by its citizens as the way America is supposed to be. The MayPort Community Center offers the chance for recreational activities such as ice skating and hockey.

The community of Portland is the ideal location for its residents to grow and prosper together. To celebrate its 125th anniversary, the town will hold several golf tournaments, a parade, comedic acts, and a street dance.

Mr. President, I ask the Senate to join me in congratulating Portland, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Portland and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Portland that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Portland has a proud past and a bright future.•

125TH ANNIVERSARY OF ARTHUR, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 13 to 15, the residents of Arthur will gather to celebrate their community's history and founding.

Arthur is a small town in eastern North Dakota with a population of 402. Despite its small size, Arthur holds an important place in North Dakota's history. Originally named Rosedale, the settlement was renamed Arthur in 1881 in honor of Chester Alan Arthur, the 21st President of the United States. The post office was established in 1881, as was the lumber yard and the first general store, the Hall-Larson Store. Arthur was incorporated as a village in 1921.

Today, the economy of Arthur is largely based on agriculture. The Arthur Mercantile, the First State Bank, and the Arthur Companies are family businesses that have been present in the community for over 100 years. This is a remarkable feat for such a small town. The town is also home to the Arthur Center, a notable good samaritan center, which will celebrate its 80th anniversary this summer, and two churches.

Arthur's motto "small town, big heart" truly captures the essence of the town and its residents. The people of Arthur enjoy socializing, attending sporting events, and working together for the betterment of the community. The town has an exciting celebration planned that includes an all-school reunion, a parade, a fireman's rodeo, street dance, community worship, and much more.

Mr. President, I ask the Senate to join me in congratulating Arthur, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Arthur and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Arthur that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Arthur has a proud past and a bright future.•

HONORING THE LONE STAR FUGITIVE TASK FORCE

• Mrs. HUTCHISON. Mr. President, I wish to congratulate the Lone Star Fugitive Task Force, LSFTF, for its exemplary service to the Western District of Texas. The LSFTF, which commenced its work in May of 2005, is the principal law enforcement agency responsible for fugitive enforcement in the Western District of Texas. Sponsored by the prestigious U.S. Marshals Service, the LSFTF maintains offices in Alpine, Austin, Del Rio, El Paso, Midland, Pecos, San Antonio, and Waco. Bringing both local and Federal fugitives to justice, the task force continues to serve the public through its unrelenting hard work.

Although the LSFTF has only been in existence for 2 years, it led the Nation in arrests in 2006 and has been recognized as one of the most effective fugitive task forces in the United States. Garnering acclaim across the Nation, the task force has not only protected the citizens of the Texas localities in which it is based but has also helped construct a safer nation as a whole.

The Lone Star Fugitive Task Force's perpetual success in capturing perilous fugitives stems in part from its innovative officer instruction and groundbreaking education in modern fugitive hunting techniques.

Realizing the value of its proximity to the Mexican border, the LSFTF frequently works in tandem with Mexican law enforcement officials in order to promote international security. The organization has earned a stellar reputation among surrounding districts and across international borders for its reliability in dealing with fugitives fleeing across national boundary lines into Mexico.

In April 2006, the resolute task force played an instrumental role in leading Operation FALCON II, a 7-day collaborative effort between law enforcement agencies across the Western United States. The operation was immeasurably successful in apprehending thousands of fugitives, including hundreds which were being sought out for sexual offenses.

In response to its sustained track record of excellence, the Lone Star Fugitive Task Force was selected to host, in September 2006, the National Center for Missing and Exploited Children's, NCMEC, national pilot training program, made possible by the Adam Walsh Child Protection and Safety Act passed earlier that year. Under the guidance of the LSFTF, the program's agenda focused on the improvement of vital skills for U.S. marshals to gain a better understanding of the motives and patterns of sexual offenders. Such an ambitious plan has aided the U.S. Marshal Service in their success in detaining this dangerous variety of criminal.

From its own pioneering methods to its cooperative efforts and rigid style of law enforcement, the LSFTF has made a positive impact on the communities it serves and continues to set a shining example for law enforcement agencies across the country. By doing so, the organization has, in its own modest way, assisted in ensuring the freedom and well-being of Americans across the country.

For these reasons, among many others, I would like to recognize the Lone Star Fugitive Task Force for its tremendous success. By bringing hazardous fugitives to justice and striving to improve the security of the general public, the LSFTF successfully works for the betterment of the communities and the Nation it humbly serves.•

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED DURING ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of January 4, 2007, the following enrolled bills, previously signed by the Speaker of the House, were signed on July 2, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD):

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 2, 2007, she had presented to the President of the United States the following enrolled bills:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2418. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2419. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cold Treatment Regulations" (Docket No. APHIS–2006–0050) received on July 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2420. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Removal of Quarantined Area in Illinois" (Docket No. APHIS–2006–0105) received on July 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2421. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Certificate for Wood Packaging Material" (Docket No. APHIS–2006–0122) received on July 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2422. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04–02; to the Committee on Appropriations.

EC–2423. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of two officers to wear the authorized insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2424. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to the status of significant unresolved issues with the Department's design and construction projects; to the Committee on Armed Services.

EC–2425. A communication from the Director, Education Activity, Department of Defense, transmitting, pursuant to law, a report relative to the results of the Department's public-private competition for Logistics Support in the Domestic Dependent Elementary and Secondary Schools at Fort Knox, Kentucky; to the Committee on Armed Services.

EC–2426. A communication from the Acting Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a standard competition of the Central Heat Plant function at Malmstrom Air Force Base; to the Committee on Armed Services.

EC–2427. A communication from the Vice President, National Security Research Division, RAND Corporation, transmitting, pursuant to law, a report entitled "F–22A Multi-Year Procurement Program: An Assessment of Cost Savings"; to the Committee on Armed Services.

EC–2428. A communication from the Vice President, National Security Research Division, RAND Corporation, transmitting, pursuant to law, a report entitled "The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment"; to the Committee on Armed Services.

EC–2429. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the funding of the Cooperative Threat Reduction Program during fiscal year 2007; to the Committee on Armed Services.

EC–2430. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Nonprocurement Debarment and Suspension" (RIN0790–AH97) received on July 5, 2007; to the Committee on Armed Services.

EC–2431. A communication from the Director, Education Activity, Department of Defense, transmitting, pursuant to law, a report relative to the results of its public-private competition for bus services in the Domestic Dependent Elementary and Secondary Schools at Camp Lejeune; to the Committee on Armed Services.

EC–2432. A communication from the Acting Assistant Director for Licensing, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Appendix A to 31 CFR Chapter V" (5 USC 553) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

H.R. 835. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (Rept. No. 110–126).

By Mr. DORGAN, from the Committee on Appropriations, without amendment:

S. 1751. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–127).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1750. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

By Mr. DORGAN:

S. 1751. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. VITTER:

S. 1752. A bill to establish the policy of the United States with respect to deployment of missile defense systems capable of defending allies of the United States against ballistic missile attack; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself and Mr. SMITH):

S. 1753. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the costs of implementing wellness programs, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. SMITH):

S. 1754. A bill to amend the Public Health Service Act to provide for a workplace wellness education campaign and an evaluation of employer-based wellness programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 263. A resolution to authorize testimony and legal representation in State of Iowa v. Chester Guinn, Brian David Terrell, Dixie Jenness Webb, Kathleen McQuillen, and Elton Lloyd Davis; considered and agreed to.

By Mr. VITTER:

S. Res. 264. A resolution expressing the sense of the Senate upon the 50-year anniversary of Hurricane Audrey; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 265. A resolution congratulating the St. Mary's College of Maryland sailing team for winning the 2007 Inter-collegiate Sailing Association (ICSA) Women's National Championship and the 2007 ICSA Team Race National Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. COLEMAN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 35, a bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes.

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 185

At the request of Mr. SPECTER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 579

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 774

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 805

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 819

At the request of Mr. DORGAN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 849

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 871

At the request of Mr. LIEBERMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 915

At the request of Mrs. DOLE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 915, a bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1177

At the request of Mr. CARPER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1277

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1342

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1342, a bill to improve the health of Americans and reduce health care costs by reorienting the Nation's health care system toward prevention, wellness, and self care.

S. 1369

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1369, a bill to grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity.

S. 1382

At the request of Mr. REID, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1418

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1469

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1494

At the request of Mr. DOMENICI, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. SNOWE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1518

At the request of Mr. REED, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1563

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1563, a bill to require the disclosure of certain activities relating to the petroleum industry of Sudan, to increase the penalties for violations of sanctions provisions, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1626

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1626, a bill to amend title XIV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes.

S. 1651

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1703

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1703, a bill to prevent and reduce trafficking in persons.

S. 1715

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1733

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1733, a bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

S. 1742

At the request of Mr. THUNE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1742, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Indiana

(Mr. LUGAR), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 87

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 87, a resolution expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015.

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 215

At the request of Mr. ALLARD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 215, a resolution designating September 25, 2007, as "National First Responder Appreciation Day".

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. BOXER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1750. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Community Cancer Care Preservation Act, which will ensure Medicare beneficiaries' access to community-based cancer treatment and provide Medicare reimbursement assistance for oncologists providing vital cancer care services.

Cancer takes a great toll on our friends, family and our Nation. In the U.S. cancer causes one out of every four deaths. Although the number of cancer diagnoses appears to have plateaued, more than 1.4 million Americans will still find out they have a form of cancer in 2007, and 560,000 will die, keeping cancer the second-leading cause of death in the U.S. In 2005, over 2 million new cases of cancer were diagnosed, the most prevalent of which were breast, prostate, lung, and colorectal.

While these statistics are daunting, according to the American Cancer Society, the number of Americans who died of cancer in 2006 dropped for a second straight year. This decrease is the result of earlier detection and diagnosis, more effective and targeted cancer therapies, and greater accessibility to quality care provided by oncologists. These vital services have allowed millions of individuals to lead healthy and productive lives after successfully battling cancer.

In 2006, 43.2 million individuals were enrolled in Medicare; of those beneficiaries over 29 percent have had cancer during their lives, 12.5 million beneficiaries. With such a large percentage of our seniors facing this horrible disease, the need for access to community cancer care is critical.

Community cancer clinics treat 84 percent of Americans with cancer. Community cancer centers are free-standing outpatient facilities that provide comprehensive cancer care in a physician's office setting and are located in patients' communities. These clinics are especially critical in rural areas where access to larger cancer clinics may not be available. They provide patients with early diagnoses, effective cancer therapies, and innovative and supportive care that reduces fatigue, nausea/vomiting, and pain. The accessibility of treatment in the hands of skilled community oncologists has decreased the cancer mortality rate.

On December 8, 2003, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, MMA, was signed into law by President Bush. This legislation contained numerous provisions that were beneficial to America's seniors and medical facilities; however, it also provided a reduction in Medicare's reimbursement for oncology treatment. The provisions sought to bring a balance to the reimbursement for the cost of cancer drugs and services. Prior to the implementation of the law, the Centers for Medicare & Medicaid Services, CMS, reimbursed the cost of cancer treatment drugs at a very high level. This level provided sufficient funding to supplement the costs of care and the storage of the prescription drugs, which were not being provided adequate reimbursement. The law enacted reimbursement reductions for the cost of prescription drugs while increasing the funding provided for cancer care services; however, that increase did not sufficiently offset oncologists' losses from the reduction in cancer drug reimbursement.

The Congressional Budget Office estimated that Medicare reimbursements to oncologists would be reduced by $4.2 billion from 2004–2013. PricewaterhouseCoopers, an independent auditing firm, estimates that reductions will reach $14.7 billion over that time. This increased reduction will have a debilitating effect on oncologists' ability to provide cancer treatment to Medicare beneficiaries, especially those in the community setting.

For 2005, CMS provided an estimated $300 million in Medicare funding to community cancer clinics via a demonstration project, in part as stop-gap funding for Medicare reimbursement cuts. This funding was reduced to $150 million in 2006 and has been eliminated in 2007. These decreases, in addition to other reductions in services payments, have resulted in a $200–300 million reduction in reimbursement in 2007. However, this reimbursement reduction may be larger than estimated. CMS did not factor in the delay in the adjustment of reimbursement rates when a drug manufacturer increases the price for cancer therapies and the inability of some beneficiaries to pay their Medicare 20 percent coinsurance payment. When accounting for these reductions, the overall cut to cancer care will likely exceed $300–400 million.

The MMA mandated a transitional increase of 32 percent in service fees in 2004, falling to 3 percent in 2005, and 0 percent in 2006. This was done to provide time for CMS to pay for essential unpaid medical services, such as pharmacy facilities and treatment planning. In 2005, CMS created a cancer care demonstration project as a quality enhancement initiative to examine the effects of oncology drugs on patients. This demonstration project also provided $300 million in critical funding because CMS had not increased the reimbursement for essential unpaid medical services. On June 29, 2005, I sent a letter with 38 other Senators to President Bush requesting an extension of the demonstration project through 2006. CMS, however, announced a new oncology demonstration project for

2006 that examines the quality of cancer care in relation to treatment guidelines, but at least $150 million less than the previous funding level.

Accordingly, I am introducing legislation to provide assistance to community oncologists that are disadvantaged by CMS reforms brought forth under the MMA. The bill's $1.7 billion cost, over the next 5 years, is a relatively small cost in the face of the vast reductions in CMS's reimbursement to oncologists. Let me briefly summarize the provisions of this legislation.

1. Sales Price Updates: Currently, CMS updates the prices for cancer treatment drugs quarterly, however there is a 6-month lag from when prices increase in the marketplace and when CMS applies that information to increase reimbursement. For example, a price change in the first quarter will not be reflected until reimbursement in the third quarter. This forces community cancer clinics to often pay increased prices for prescription drugs without increased reimbursement. This legislation requires the sales price for oncology drug reimbursement be updated as changes occur in the price to provide a more accurate reimbursement to oncologists for the cost of drugs every 2 months. This will provide reimbursements to oncologists that are fair and reflective of market costs.

2. Removal of the Prompt Pay Discount: The prompt pay discount is a discount from the pharmaceutical manufacturer to the wholesaler, not the community cancer clinic, for prompt payment on prescription drugs. However, the MMA requires that this prompt pay discount be included in the calculation of average sales price, ASP, which forms the basis for the Medicare drug reimbursement provided, by the manufacturer. This has the impact of lowering ASP, thus artificially lowering drug reimbursement to community cancer clinics. My legislation would remove the prompt pay discount from ASP, requiring CMS to reimburse oncologists at the price they actually pay for drugs without the inclusion of discounts.

3. Increase in Payments for Chemotherapy Administration: The MMA increased the payment for the first hour of chemotherapy administration by 32 percent on a transitional basis in 2004. The intent of this was to provide an increase in payment for cancer care services that were under-reimbursed but subsidized by overpayments for cancer drugs under the previous system. While the MMA attempted to balance the payment for both drugs and services, including increasing payments to cover the increasing costs of delivering quality cancer care, the 32 percent was temporary and expired at the end of 2004. This legislation re-establishes 2004 levels of reimbursement.

Further, cancer patients can receive multiple hours of chemotherapy and must be constantly monitored by skilled oncology nurses. Payment for the cost of providing quality cancer care must ensure patient safety during the process of administering often toxic medications, which can produce life-threatening side effects. To meet this need, this bill also provides an increase in funding for the subsequent hours of chemotherapy administration at 70 percent of the first hour payment rate.

4. Payments for Oncological Drug Storage: CMS reimbursement for oncology prescription drugs does not provide adequate funding for storage and care needs. The prescription drugs for cancer care often require refrigeration and specialized handling, as some drugs are highly toxic. These special provisions result in an increased cost, which is why my legislation provides a 2 percent increase in drug reimbursement to account for the storage and care of oncology drugs.

5. Oncology Treatment Planning: Oncology treatment planning provides a personalized treatment program for oncology patients. This legislation creates two payment codes for treatment planning: moderate and complex. Radiation oncologists are currently reimbursed for treatment planning; however, medical oncologists, who provide the treatment plan foundation, are not reimbursed for treatment planning.

As both chairman and ranking member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have sought to increase funding for the National Institutes of Health, and the National Cancer Institute, NCI. Since becoming chairman of the LHHS Subcommittee, the funding for NIH has increased from $11.3 billion in fiscal year 1996 to $29 billion in 2007, an increase of 157 percent, while funding for the NCI increased from $2.3 billion in fiscal year 1996 to $4.8 billion in 2007, an increase of 109 percent.

In 1970, President Nixon declared war on cancer. Had that war been prosecuted with the same diligence as other wars, my former chief of staff, Carey Lackman, a beautiful young lady of 48, would not have died of breast cancer. One of my very best friends, a very distinguished Federal judge, Chief Judge Edward R. Becker, would not have died of prostate cancer. All of us know people who have been stricken by cancer, who have been incapacitated with Parkinson's or Alzheimer's, who have been victims of heart disease, or many other maladies.

I sustained an episode with Hodgkin's lymphoma cancer 2 years ago. That trauma, that illness, I think, could have been prevented had that war on cancer declared by the President of the United States in 1970 been prosecuted with sufficient intensity.

This legislation provides Medicare reimbursement assistance for community oncologists and ensures Medicare beneficiaries' access to community-based cancer treatment. I encourage my colleagues to work with Senator CASEY and me to move this legislation forward promptly.

By Mr. HARKIN (for himself and Mr. SMITH):

S. 1753. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the costs of implementing wellness programs, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, culminating many months of consultation with health experts and business, Senator GORDON SMITH and I will introduce the Healthy Workforce Act.

The aim of this bill is to help American businesses to provide a whole range of opportunities for their employees to live healthier lives. The idea is to make it easier for businesses to push more of their health care investments upstream, helping their employees to get healthy an stay healthy, and to stay out of the hospital.

Corporate America traditionally has not been a major player in the field of wellness and disease prevention. But that is rapidly changing as you can tell by the presence of these important business leaders, here, this morning. This is extremely encouraging. Because corporate America has the expertise, the resources, and the enlightened self-interest to make a huge difference in the way we approach health care in this country.

So, in introducing this bill, Senator SMITH and I are making something of a business proposition, a proposal for a partnership. We believe that the Federal Government needs to provide incentives in the form of tax credits and, in return, we want corporate America to step more boldly into the field of wellness and disease prevention.

Here is what the Healthy Workforce Act would do. It would give a 50-percent tax credit to businesses that offer a qualified comprehensive wellness program to their employees. For a company to receive the 50-percent credit, the employee wellness program must include three of the following four components:

First, a health awareness and education component, which could include health risk assessments and screenings.

Second, a behavioral change component, for instance: counseling, seminars, or self-help materials to help employees to lead healthier lifestyles.

Third, a supportive environment component. This might include offering meaningful incentives to participating employees, for example, a reduction in health premiums, or allowing employees to exercise during the workday.

And fourth, creation of an employee engagement committee, which would tailor the wellness program to the needs of the workforce at a particular company.

I am pleased that the Healthy Workforce Act already has the support of the American Heart Association, the Coalition on Catastrophic and Chronic Health Care Costs, and a whole range of other public health groups and others in the business community.

As I said, employee wellness is a matter of enlightened corporate self-interest. Employees who are fit are less likely to call in sick. They have more energy and self-confidence. They are more resistant to stress. They have better attitudes. Obviously, corporate America also has a profound interest in keeping down health insurance costs.

But businesses can't get this job done alone. It is high time for the Federal Government to step up to the plate in a very robust way. And that is exactly what the Healthy Workforce Act is all about.

In conclusion, I just want to emphasize, again, that this bill is the product of a pretty amazing collaboration. There is tremendous expertise and good will in both the business community and in the public health community. Their ideas and input have made this a better bill. And I deeply appreciate their assistance. I look forward to continuing this partnership and working to pass this critically needed legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 263—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF IOWA V. CHESTER GUINN, BRIAN DAVID TERRELL, DIXIE JENNESS WEBB, KATHLEEN McQUILLEN, AND ELTON LLOYD DAVIS

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 263

Whereas, in the cases of State of Iowa v. Chester Guinn (SMAC288541), Brian David Terrell (SMAC288544), Dixie Jenness Webb (SMAC288545), Kathleen McQuillen (SMAC288543), and Elton Lloyd Davis (SMAC288539), pending in Iowa District Court for Polk County in Des Moines, Iowa, testimony has been requested from Robert Renaud and Janice Goode, employees in the office of Senator Chuck Grassley;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Robert Renaud and Janice Goode, are authorized to testify in the cases of State of Iowa v. Chester Guinn, Brian David Terrell, Dixie Jenness Webb, Kathleen McQuillen, and Elton Lloyd Davis, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Robert Renaud and Janice Goode in the actions referenced in section one of this resolution.

SENATE RESOLUTION 264—EXPRESSING THE SENSE OF THE SENATE UPON THE 50-YEAR ANNIVERSARY OF HURRICANE AUDREY

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 264

Whereas on June 27, 1957, Hurricane Audrey made landfall with winds of 145mph and 12-foot storm surges;

Whereas Hurricane Audrey ranks as the 7th deadliest hurricane to strike the United States in modern record keeping with an estimated 526 lives lost;

Whereas Hurricane Audrey ranks as the 2nd deadliest hurricane to strike Louisiana, only behind Hurricane Katrina in 2005; and

Whereas Hurricane Audrey caused damage in excess of $120,000,000 and destroyed more than 90 percent of the buildings in Cameron and Vermillion Parishes: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of each individual who died as a result of Hurricane Audrey;

(2) extends its deepest condolences to the victims of this tragic disaster, as well as to their families, friends, and loved ones;

(3) commits to support victims of hurricanes and other natural disasters;

(4) honors and expresses gratitude to members of the Armed Forces, law enforcement personnel, first responders, and others who have bravely and faithfully participated in the rescue, response, and rebuilding of areas affected by Hurricane Audrey; and

(5) declares June 27, 2007, to be a National Day of Remembrance, in commemoration of the 50-year Anniversary of Hurricane Audrey on June 27, 1957.

SENATE RESOLUTION 265—CONGRATULATING THE ST. MARY'S COLLEGE OF MARYLAND SAILING TEAM FOR WINNING THE 2007 INTER-COLLEGIATE SAILING ASSOCIATION (ICSA) WOMEN'S NATIONAL CHAMPIONSHIP AND THE 2007 ICSA TEAM RACE NATIONAL CHAMPIONSHIP

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas on May 25, 2007, the St. Mary's College of Maryland Lady Seahawks won the 2007 Inter-collegiate Sailing Association (ICSA) Women's National Championship in Norfolk, Virginia;

Whereas the 2007 ICSA Women's National Champions defeated 17 other teams;

Whereas the 2007 ICSA Women's National Champions are Jennifer Chamberlin, Mattie Farrar, Adrienne Patterson, Melissa Pumphrey, and Sara Morgan Watters;

Whereas Adrienne Patterson is the first Lady Seahawk to be named the ICSA Female College Sailor of the Year;

Whereas on May 29, 2007, the St. Mary's College of Maryland Seahawks won the 2007 ICSA Team Race National Championship defeating 13 other teams in Annapolis, Maryland;

Whereas the 2007 victory is the fourth ISCA Team Race National Championship and the second Women's National Championship for the St. Mary's College of Maryland Seahawks;

Whereas the 2007 ICSA Team Race National Champions are Jennifer Chamberlin, Myles Gutenkunst; John Howell, Phelps Kelley, Jesse Kirkland, John Loe, Maggie Lumkes, Meredith Nordhem, and Hilary Wiech; and

Whereas the coaches of the 2007 ICSA Women's National Champions and the 2007 ICSA Team Race National Champions are Adam Werblow and William Ward: Now, therefore, be it

Resolved, That the Senate congratulates the St. Mary's College of Maryland sailing team for winning the 2007 ICSA Women's and Team Race National Championships.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2003. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2004. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2005. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2006. Mr. SESSIONS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2007. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2008. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2009. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2010. Mr. VITTER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2011. Mr. NELSON of Nebraska (for Mr. LEVIN) proposed an amendment to the bill H.R. 1585, supra.

SA 2012. Mr. WEBB (for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2013. Mr. NELSON of Florida proposed an amendment to amendment SA 2012 proposed by Mr. WEBB (for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2014. Mr. HAGEL (for himself, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2015. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2016. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2017. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2018. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2019. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2020. Mr. COLEMAN (for himself, Mr. DEMINT, Mr. THUNE, Mr. INHOFE, Mr. MCCONNELL, Mr. CORNYN , Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2021. Mr. SPECTER (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2022. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2023. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2024. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2025. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill H.R. 710, to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

TEXT OF AMENDMENTS

SA 2003. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. CONSTRUCTION OF PROVISIONS.

No provision of this Act may be construed or interpreted as providing a specific authorization for the President to maintain the presence of United States forces in Iraq.

SA 2004. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. CONTINGENCY PLAN FOR RAPID REDEPLOYMENT AND PLAN FOR PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) SUBMITTAL OF PLANS TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive, current plan for each of the following:

(1) The rapid redeployment of United States forces from Iraq.

(2) The phased redeployment of United States forces from Iraq, with such redeployment to be completed not later than 180 days after its commencement.

(b) PLAN ELEMENTS.—Each plan on redeployment under subsection (a) shall include elements as follows:

(1) A comprehensive description of the redeployment as currently proposed.

(2) A comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq during and after the redeployment.

(3) Plans for United States basing rights in the region after the redeployment.

(4) Plans for United States military access to Iraq to protect United States citizens, personnel, and infrastructure in Iraq during and after the redeployment.

(5) Plans for United States and other allied and international assistance to the Government of Iraq during and after the redeployment to support its security needs (including the training and equipping of Iraqi forces) and its economic and humanitarian needs.

(6) Plans for efforts to prevent a refugee flow from Iraq that would destabilize the region.

(7) An estimate of the costs of replacing United States military equipment left in Iraq after the redeployment, or otherwise depleted, including equipment of the regular components of the Armed Forces and equipment of the National Guard.

(8) An estimate of the costs of the redeployment and of any support of the Government of Iraq after the redeployment.

(c) FORM.—Each plan on a redeployment under subsection (a) shall be submitted in both classified and unclassified form in order to permit the complete articulation of the plan.

SEC. 1536. AVAILABILITY OF FUNDS FOR THE SAFE AND ORDERLY REDUCTION OF UNITED STATES FORCES IN IRAQ.

Notwithstanding any other provision of law, funds appropriated or otherwise made available by any Act are available for obligation and expenditure to plan and execute a safe and orderly reduction of United States forces in Iraq.

SA 2005. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. AUTHORITY OF THE AIR UNIVERSITY TO CONFER ADDITIONAL ACADEMIC DEGREES.

Section 9317(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5) The degree of doctor of philosophy in strategic studies upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree in manner consistent with the guidelines of the Department of Education and the principles of the regional accrediting body for Air University.

"(6) The degree of bachelor of applied science in military leadership upon graduates of Air University who fulfill the requirements for that degree in a manner consistent with the guidelines of the Department of Education and the principles of the regional accrediting body for Air University.

"(7) The degree of master of air, space, and cyberspace studies upon graduates of Air University who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.

"(8) The degree of master of flight test engineering science upon graduates of the Air Force Test Pilot School who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.".

SA 2006. Mr. SESSIONS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. [ARM07E81]. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) Payment of Travel Costs Authorized.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

"§408a. Travel and transportation allowances: inactive duty training or unit training assembly outside of commuting distance of duty station

"(a) Allowance Authorized.—Under regulations prescribed by the Secretary concerned, if a member of the Selected Reserve who occupies a specialty designated by the Secretary for purposes of this section performs inactive duty training or attends a unit training assembly outside of the commuting limits of the member's station for the purpose of maintaining mission readiness, the Secretary may reimburse the member for travel expenses in an amount not to exceed $300 for the training or assembly.

"(b) Duration of Authority.—Reimbursement may not be provided under this section for travel costs incurred before October 1, 2008, or after December 31, 2014.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training or unit training assembly outside of commuting distance of duty station.".

SA 2007. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. [ARM07F75]. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) Provision of Support.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

"(A) that—

"(i) is held in the United States or any of its territories or commonwealths;

"(ii) is governed by the International Paralympic Committee; and

"(iii) is sanctioned by the United States Olympic Committee;

"(B) for which participation exceeds 100 amateur athletes; and

"(C) in which at least 25 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability."; and

(2) by adding at the end the following new subsection:

"(g) Funding for Support of Certain Events.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

"(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.".

(b) Source of Funds.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after "international sporting competitions" the following: "and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,"; and

(2) by striking "45 days" and inserting "15 days".

SA 2008. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ___. DEFINITION OF MATERIAL SUPPLY FUNCTION.

(a) In General.—Section 2460 of title 10, United States Code is amended—

(1) by amending the section heading to read as follows:

"§2460. Definitions";

(2) in subsection (a)—

(A) by striking "In General.—In this chapter" and inserting "Depot-Level Maintenance and Repair.—(1) In this chapter";

(B) by striking "(except as provided in subsection (b))" and inserting "(except as provided in paragraph (2))"; and

(C) by striking "includes (1)" and all that follows through "(2) interim contractor support" and inserting the following: "includes—

"(A) all aspects of software maintenance classified by the Department of Defense as of July 1, 1995, as depot-level maintenance and repair; and

"(B) interim contractor support";

(3) by redesignating subsection (b) as paragraph (2);

(4) in paragraph (2), as redesignated by paragraph (3) of this subsection—

(A) by striking "Exceptions.—(1) The term does not include the procurement of major modifications" and inserting "The term does not include—

"(A) the procurement of major modifications";

(B) by striking "aircraft carrier. A major upgrade program covered by this exception could" and inserting "aircraft carrier, which could"; and

(C) by striking "public sector activities." and all that follows through "safety modifications. However, the term does include the installation" and inserting "public sector activities; or

"(B) the procurement of parts for safety modifications, but does include the installation"; and

(5) by adding at the end the following new subsection:

"(b) Materiel Supply Function.—In this chapter, the term 'materiel supply function' means the procurement, distribution, and maintenance of items while the items are in storage, but does not include in-process functions involving depot-level maintenance that has begun but has not been completed.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2460. Definitions.".

SA 2009. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. CONTINUED OPERATIONS OF 36TH RESCUE FLIGHT.

(a) Increase in Amount for Operation and Maintenance, Air Force.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by $4,000,000.

(b) Availability for the 36th Rescue Flight.—Of the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force, as increased by subsection (a), $4,000,000 may be available for the Air Force unit known as the 36th Rescue Flight that is assigned to Fairchild Air Force Base in Spokane, Washington.

(c) Deactivation Prohibited.—The Secretary of Defense shall ensure that no action is taken to deactivate the 36th Rescue Flight or to reassign or reorganize any of the search and rescue capabilities of that unit.

SA 2010. Mr. VITTER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 132. ENHANCEMENT OF FLEET MISSILE DEFENSE CAPABILITIES.

(a) Additional Amount for Enhancement of Atlantic Fleet Missile Defense Capabilities.—

(1) Additional Amount.—The amount authorized to be appropriated by section

102(a)(4) for other procurement for the Navy is hereby increased by $62,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 102(a)(4) for other procurement for the Navy, as increased by paragraph (1), the amount available for Program Element 0204228N for DDG Modernization (Project 0900) is hereby increased by $62,000,000, with such amount to be available—

(A) for the procurement of equipment to outfit United States Atlantic Fleet ships with Aegis Ballistic Missile Defense Radar and Weapons System modifications; and

(B) to expand and enhance Navy installation teams to support installation of the modifications described in paragraph (1) into United States Atlantic Fleet vessels commencing in 2010.

(b) ADDITIONAL AMOUNT FOR AEGIS BALLISTIC MISSILE DEFENSE SHIPS.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide is hereby increased by $25,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), $25,000,000 may be available for Ballistic Missile Defense Aegis (Program Element 0603892C) for the enhancement of the capacity of Aegis Ballistic Missile Defense ships to intercept ballistic missiles in the ascent phase.

(c) OFFSET.—The amount authorized to be appropriated by section 1505(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $87,000,000, with the amount of the reduction to be allocated to funds available for MILSATCOM Terminals (Program Element 0303601F).

SA 2011. Mr. NELSON of Nebraska (for Mr. LEVIN) proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2008".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package upgrades.
Sec. 112. Multiyear procurement authority for M2A3/M3A3 Bradley fighting vehicle upgrades.
Sec. 113. Stryker Mobile Gun System.
Sec. 114. Consolidation of Joint Network Node program and Warfighter Information Network-Tactical program into single Army tactical network program.

Subtitle C—Navy Programs

Sec. 131. Multiyear procurement authority for Virginia class submarine program.

Subtitle D—Air Force Programs

Sec. 141. Limitation on retirement of C-130E/H tactical airlift aircraft.
Sec. 142. Limitation on retirement of KC-135E aerial refueling aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Advanced Sensor Applications Program.
Sec. 212. Active protection systems.
Sec. 213. Obligation and expenditure of funds for competitive procurement of propulsion system for the Joint Strike Fighter.

Subtitle C—Missile Defense Programs

Sec. 231. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 232. Limitation on availability of funds for deployment of missile defense interceptors in Alaska.
Sec. 233. Budget and acquisition requirements for Missile Defense Agency activities.
Sec. 234. Participation of Director, Operational Test and Evaluation, in missile defense test and evaluation activities.
Sec. 235. Extension of Comptroller General assessments of ballistic missile defense programs.

Subtitle D—Other Matters

Sec. 251. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
Sec. 252. Modification of cost sharing requirement for Technology Transition Initiative.
Sec. 253. Strategic plan for the Manufacturing Technology Program.
Sec. 254. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
Sec. 255. Enhancement of defense nanotechnology research and development program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.

Subtitle C—Program Requirements, Restrictions, and Limitations

Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
Sec. 322. Extension of temporary authority for contract performance of security guard functions.
Sec. 323. Report on incremental cost of early 2007 enhanced deployment.
Sec. 324. Individual body armor.

Subtitle D—Workplace and Depot Issues

Sec. 341. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 342. Two-year extension of Arsenal Support Demonstration Program.

Subtitle E—Other Matters

Sec. 351. Enhancement of corrosion control and prevention functions within Department of Defense.
Sec. 352. Reimbursement for National Guard support provided to Federal agencies.
Sec. 353. Reauthorization of Aviation Insurance Program.
Sec. 354. Property accountability and disposition of unlawfully obtained property of the Armed Forces.
Sec. 355. Authority to impose reasonable conditions on the payment of full replacement value for claims related to personal property transported at Government expense.
Sec. 356. Authority for individuals to retain combat uniforms issued in connection with contingency operations.
Sec. 357. Modification of requirements on Comptroller General report on the readiness of Army and Marine Corps ground forces.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Increase in authorized strengths for Army officers on active duty in the grade of major to meet force structure requirements.
Sec. 502. Increase in authorized strengths for Navy officers on active duty in grades of lieutenant commander, commander, and captain to meet force structure requirements.
Sec. 503. Expansion of exclusion of military permanent professors from strength limitations for officers below general and flag grades.
Sec. 504. Mandatory retirement age for active-duty general and flag officers continued on active duty.
Sec. 505. Authority for reduced mandatory service obligation for initial appointments of officers in critically short health professional specialties.
Sec. 506. Increase in authorized number of permanent professors at the United States Military Academy.
Sec. 507. Expansion of authority for reenlistment of officers in their former enlisted grade.
Sec. 508. Enhanced authority for reserve general and flag officers to serve on active duty.
Sec. 509. Promotion of career military professors of the Navy.

Subtitle B—Enlisted Personnel Policy

Sec. 521. Increase in authorized daily average of number of members in pay grade E-9.

Subtitle C—Reserve Component Management

Sec. 531. Revised designation, structure, and functions of the Reserve Forces Policy Board.
Sec. 532. Charter for the National Guard Bureau.
Sec. 533. Appointment, grade, duties, and retirement of the Chief of the National Guard Bureau.
Sec. 534. Mandatory separation for years of service of Reserve officers in the grade of lieutenant general or vice admiral.
Sec. 535. Increase in period of temporary Federal recognition as officers of the National Guard from six to twelve months.

Subtitle D—Education and Training

Sec. 551. Grade and service credit of commissioned officers in uniformed medical accession programs.
Sec. 552. Expansion of number of academies supportable in any State under STARBASE program.
Sec. 553. Repeal of post-2007-2008 academic year prohibition on phased increase in cadet strength limit at the United States Military Academy.
Sec. 554. Treatment of Southold, Mattituck, and Greenport High Schools, Southold, New York, as single institution for purposes of maintaining a Junior Reserve Officers' Training Corps unit.

Subtitle E—Defense Dependents' Education Matters

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 562. Impact aid for children with severe disabilities.
Sec. 563. Inclusion of dependents of non-Department of Defense employees employed on Federal property in plan relating to force structure changes, relocation of military units, or base closures and realignments.
Sec. 564. Authority for payment of private boarding school tuition for military dependents in overseas areas not served by Department of Defense dependents' schools.

Subtitle F—Military Justice and Legal Assistance Matters

Sec. 571. Authority of judges of the United States Court of Appeals for the Armed Forces to administer oaths.
Sec. 572. Military legal assistance for Department of Defense civilian employees in areas without access to non-military legal assistance.
Sec. 573. Modification of authorities on senior members of the Judge Advocate Generals' corps.

Subtitle G—Military Family Readiness

Sec. 581. Department of Defense Military Family Readiness Council.
Sec. 582. Department of Defense policy and plans for military family readiness.

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Sec. 2816. Two-year extension of temporary program to use minor military construction authority for construction of child development centers.
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Sec. 2831. Requirement to report transactions resulting in annual costs of more than $750,000.
Sec. 2832. Modification of authority to lease non-excess property.
Sec. 2833. Enhanced flexibility to create or expand buffer zones.
Sec. 2834. Reports on Army and Marine Corps operational ranges.
Sec. 2835. Consolidation of real property provisions without substantive change.

Subtitle D—Base Closure and Realignment

Sec. 2841. Niagara Air Reserve Base, New York, basing report.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
Sec. 2852. Modification to land conveyance authority, Fort Bragg, North Carolina.
Sec. 2853. Transfer of administrative jurisdiction, GSA property, Springfield, Virginia.

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Sec. 2861. Report on condition of schools under jurisdiction of Department of Defense Education Activity.
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TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

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Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
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Sec. 3111. Reliable Replacement Warhead program.
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Sec. 3121. Nuclear test readiness.
Sec. 3122. Sense of Congress on the nuclear nonproliferation policy of the United States and the Reliable Replacement Warhead program.
Sec. 3123. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.
Sec. 3124. Comptroller General report on Department of Energy protective force management.
Sec. 3125. Technical amendments.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Army as follows:

(1) For aircraft, $5,229,175,000.

(2) For missiles, $2,178,102,000.

(3) For weapons and tracked combat vehicles, $7,546,684,000.

(4) For ammunition, $2,228,976,000.

(5) For other procurement, $15,013,155,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Navy as follows:

(1) For aircraft, $13,475,107,000.

(2) For weapons, including missiles and torpedoes, $3,078,387,000.

(3) For shipbuilding and conversion, $13,605,638,000.

(4) For other procurement, $5,432,412,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Marine Corps in the amount of $2,699,057,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement of ammunition for the Navy and the Marine Corps in the amount of $926,597,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Air Force as follows:

(1) For aircraft, $12,593,813,000.

(2) For ammunition, $868,917,000.

(3) For missiles, $5,166,002,000.

(4) For other procurement, $16,312,962,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2008 for Defense-wide procurement in the amount of $3,385,970,000.

SEC. 105. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Rapid Acquisition Fund in the amount of $100,000,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR M1A2 ABRAMS SYSTEM ENHANCEMENT PACKAGE UPGRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M1A2 Abrams System Enhancement Package upgrades.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR M2A3/M3A3 BRADLEY FIGHTING VEHICLE UPGRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M2A3/M3A3 Bradley fighting vehicle upgrades.

SEC. 113. STRYKER MOBILE GUN SYSTEM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the amounts authorized to be appropriated by sections 101(3) and 1501(3) for procurement of weapons and tracked combat vehicles for the Army may be obligated or expended for purposes of the procurement of the Stryker Mobile Gun System until 30 days after the date on which the Secretary of the Army certifies to Congress that the Stryker Mobile Gun System is operationally effective, suitable, and survivable for its anticipated deployment missions.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary—

(1) determines that further procurement of the Stryker Mobile Gun System utilizing amounts referred to in subsection (a) is in the national security interest of the United States notwithstanding the inability of the Secretary of the Army to make the certification required by that subsection; and

(2) submits to the Congress, in writing , a notification of the waiver together with a discussion of—

(A) the reasons for the determination described in paragraph (1); and

(B) the actions that will be taken to mitigate any deficiencies that cause the Stryker Mobile Gun System not to be operationally effective, suitable, or survivable, as that case may be, as described in subsection (a).

SEC. 114. CONSOLIDATION OF JOINT NETWORK NODE PROGRAM AND WARFIGHTER INFORMATION NETWORK-TACTICAL PROGRAM INTO SINGLE ARMY TACTICAL NETWORK PROGRAM.

(a) CONSOLIDATION REQUIRED.—The Secretary of the Army shall consolidate the Joint Network Node program and the Warfighter Information Network-Tactical program into a single Army tactical network program.

(b) REPORT ON CONSOLIDATION.—

(1) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary shall, with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Assistant Secretary of Defense for Networks and Information Integration, submit to the congressional defense committees a report setting forth a plan to consolidate the Joint Network Node program and the Warfighter Information Network-Tactical program into a single Army tactical network program as required by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include with respect to the acquisition of the single Army tactical network required by subsection (a) the following:

(A) An analysis of how the systems specified in paragraph (1) will be integrated, including—

(i) an analysis of whether there are opportunities to leverage technologies and equipment from the Warfighter Information Network-Tactical program as part of the continuing development and fielding of the Joint Network Node; and

(ii) an analysis of major technical challenges of integrating the two programs.

(B) A description of the extent to which components of the systems could be used together as elements of a single Army tactical network.

(C) A description of the strategy of the Army for completing the systems engineering necessary to ensure the end-to-end interoperability of a single Army tactical network as described in subsection (a).

(D) An assessment of the costs of acquiring the systems.

(E) An assessment of the technical compatibility of the systems.

(F) A description and assessment of the plans of the Army relating to ownership of the technical data packages for the systems, and an assessment of the capacity of the industrial base to support Army needs.

(G) A description of the plans and schedule of the Army for fielding the systems, and a description of the associated training schedule.

(H) A description of the plans of the Army for sustaining the single Army tactical network.

(I) A description of the plans of the Army for the insertion of new technology into the Joint Network Node.

(J) A description of the major technical challenges of integrating the two programs.

(K) An assessment as to whether other programs should be inserted into the single Army tactical network as required by subsection (a).

(L) An analysis of the interoperability requirements between the Army tactical network and the Joint Network Node, an assessment of the technological barriers to achievement of such interoperability requirements, and a description of formal mechanisms of coordination between the Army tactical network and the Joint Network Node program.

Subtitle C—Navy Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts, beginning with the fiscal year 2009 program year, for the procurement of Virginia-class submarines and government-furnished equipment.

(b) LIMITATION.—The Secretary of the Navy may not enter into a contract authorized by subsection (a) until 30 days after the date on which the Secretary submits to the congressional defense committees a certification that the Secretary has made each of the findings with respect to such contract specified in subsection (a) of section 2306b of title 10, United States Code.

Subtitle D—Air Force Programs

SEC. 141. LIMITATION ON RETIREMENT OF C-130E/H TACTICAL AIRLIFT AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not retire C-130E/H tactical airlift aircraft during fiscal year 2008.

(b) MAINTENANCE OF CERTAIN RETIRED AIRCRAFT.—The Secretary of the Air Force shall maintain each C-130E/H tactical airlift aircraft retired during fiscal year 2007 in a condition that will permit recall of such aircraft to future service.

SEC. 142. LIMITATION ON RETIREMENT OF KC-135E AERIAL REFUELING AIRCRAFT.

The Secretary of the Air Force shall not retire any KC-135E aerial refueling aircraft of the Air Force in fiscal year 2008 unless the Secretary provides written notification of such retirement to the congressional defense committees in accordance with established procedures.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $11,268,904,000.

(2) For the Navy, $16,296,395,000.

(3) For the Air Force, $25,581,989,000.

(4) For Defense-wide activities, $21,511,739,000, of which $180,264,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2008.—Of the amounts authorized to be appropriated by section 201, $11,204,784,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ADVANCED SENSOR APPLICATIONS PROGRAM.

(a) TRANSFER OF FUNDS.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, and made available for the Foreign Material Acquisition and Exploitation Program and for activities of the Office of Special Technology, an aggregate of $20,000,000 shall be transferred to the Advanced Sensor Applications Program not later than 60 days after the date of the enactment of this Act.

(b) REASSIGNMENT OF PROGRAM.—Beginning not later than 30 days after the date of the enactment of this Act, the Advanced Sensor Applications Program shall be a program of the Defense Threat Reduction Agency, managed by the Director of the Defense Threat Reduction Agency, and shall be executed by the Program Executive Officer for Aviation for the Navy working for the Director of the Defense Threat Reduction Agency.

SEC. 212. ACTIVE PROTECTION SYSTEMS.

(a) COMPARATIVE TESTS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake comparative tests, including live-fire tests, of appropriate foreign and domestic active protection systems in order—

(A) to determine the effectiveness of such systems; and

(B) to develop information useful in the consideration of the adoption of such systems in defense acquisition programs.

(2) REPORTS.—Not later than March 1 of each of 2008 and 2009, the Secretary shall submit to the congressional defense committees a report on the results of the tests undertaken under paragraph (1) as of the date of such report.

(b) COMPREHENSIVE ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary shall undertake a comprehensive assessment of active protection systems in order to develop information useful in the development of joint active protection systems and other defense programs.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an identification of the potential merits and operational costs of the use of active protection systems by United States military forces;

(B) a characterization of the threats that use of active protection systems by potential adversaries would pose to United States military forces and weapons;

(C) an identification and assessment of countermeasures to active protection systems;

(D) an analysis of collateral damage potential of active protection systems;

(E) an identification and assessment of emerging direct-fire and top-attack threats to defense systems that could potentially deploy active protection systems; and

(F) an identification and assessment of critical technology elements of active protection systems.

(3) REPORT.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the assessment under paragraph (1).

SEC. 213. OBLIGATION AND EXPENDITURE OF FUNDS FOR COMPETITIVE PROCUREMENT OF PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

Within amount authorized to be appropriated for fiscal years after fiscal year 2007 for procurement, and for research, development, test, and evaluation, for the Joint Strike Fighter Program, the Secretary of Defense shall ensure the obligation and expenditure of sufficient amounts each such fiscal year for the continued development and procurement of two options for the propulsion system for the Joint Strike Fighter in order to assure the competitive development and eventual production for the propulsion system for a Joint Strike Fighter aircraft, thereby giving a choice of engine to the growing number of nations expressing interest in procuring such aircraft.

Subtitle C—Missile Defense Programs

SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The governments of the countries in which major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed have each given final approval to any missile defense agreements negotiated between such governments and the United States Government concerning the proposed deployment of such components in their countries.

(2) 45 days have elapsed following the receipt by Congress of the report required under subsection (c)(6).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner.

(c) REPORT ON INDEPENDENT ASSESSMENT FOR BALLISTIC MISSILE DEFENSE IN EUROPE.—

(1) INDEPENDENT ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select a federally funded research and development center to conduct an independent assessment of options for ballistic missile defense for forward deployed forces of the United States and its allies in Europe.

(2) ISSUES TO BE ASSESSED.—In carrying out the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider the following in connection with options for missile defense in Europe:

(A) The threat to Europe of ballistic missiles (including short-range, medium-range, intermediate-range, and long-range ballistic missiles) from Iran and from other nations (except Russia), including the likelihood and timing of such threats.

(B) The missile defense capabilities appropriate to meet current, near-term, and mid-term ballistic missile threats facing Europe during the period from 2008 through 2015.

(C) Alternative options for defending the European territory of members of the North Atlantic Treaty Organization against the threats described in subparagraph (B).

(D) The utility and cost-effectiveness of providing ballistic missile defense of the United States with a system located in Europe, if warranted by the threat, when compared with the provision of such defense through the deployment of additional ballistic missile defense in the United States.

(E) The views of European members of the North Atlantic Treaty Organization on the desirability of ballistic missile defenses for the European territory of such nations.

(F) Potential opportunities for participation by the Government of Russia in a European missile defense system.

(3) TECHNOLOGIES TO BE CONSIDERED.—In conducting the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider, but not be limited to, the following missile defense technology options:

(A) The Patriot PAC–3 system.

(B) The Medium Extended Air Defense System.

(C) The Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor.

(D) The Terminal High Altitude Area Defense (THAAD) system.

(E) The proposed deployment of Ground-based Midcourse Defense (GMD) system elements in Europe, consisting of the proposed 2-stage Orbital Boost Vehicle interceptor, and the proposed European Midcourse X-band radar.

(F) Forward-Based X-band Transportable (FBX–T) radars.

(G) Other non-United States, North Atlantic Treaty Organization missile defense systems.

(4) FACTORS TO BE CONSIDERED.—In conducting the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider the following factors with respect to potential ballistic missile defense options:

(A) The missile defense needs of the European members of the North Atlantic Treaty Organization, including forward deployed United States forces, with respect to current, near-term, and mid-term ballistic missile threats.

(B) Operational effectiveness.

(C) Command and control arrangements.

(D) Integration and interoperability with North Atlantic Treaty Organization missile defenses.

(E) Cost and affordability, including possible allied cost-sharing.

(F) Cost-effectiveness.

(G) The degree of coverage of the European territory of members of the North Atlantic Treaty Organization.

(5) COOPERATION OF OTHER AGENCIES.—The Secretary of Defense, the Director of National Intelligence, and the heads of other departments and agencies of the United States Government shall provide the federally funded research and development center selected under paragraph (1) such data, analyses, briefings, and other information as the center considers necessary to carry out the assessment described in that paragraph.

(6) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center selected under paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment described in that paragraph, including any findings and recommendations of the center as a result of the assessment.

(7) FORM.—The report under paragraph (6) shall be submitted in unclassified form, but may include a classified annex.

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b).

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR DEPLOYMENT OF MISSILE DEFENSE INTERCEPTORS IN ALASKA.

None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a certification that the Block 2006 Ground-based Midcourse Defense element of the Ballistic Missile Defense System has demonstrated, through operationally realistic end-to-end flight testing, that it has a high probability of working in an operationally effective manner.

SEC. 233. BUDGET AND ACQUISITION REQUIREMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES.

(a) REVISED BUDGET STRUCTURE.—The budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2008 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall set forth separately amounts requested for the Missile Defense Agency for each of the following:

(1) Research, development, test, and evaluation.

(2) Procurement.

(3) Operation and maintenance.

(4) Military construction.

(b) OBJECTIVES FOR ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Commencing as soon as practicable, but not later than the submittal

to Congress of the budget for the President for fiscal year 2009 under section 1105(a) of title 31, United States Code, the Missile Defense Agency shall take appropriate actions to achieve the following objectives in its acquisition activities:

(A) Improved transparency.

(B) Improved accountability.

(C) Enhanced oversight.

(2) REQUIRED ACTIONS.—In order to achieve the objectives specified in paragraph (1), the Missile Defense Agency shall, at a minimum, take actions as follows:

(A) Establish acquisition cost, schedule, and performance baselines for each Ballistic Missile Defense System element that—

(i) has entered the equivalent of the System Development and Demonstration phase of acquisition; or

(ii) is being produced and acquired for operational fielding.

(B) Provide unit cost reporting data for each Ballistic Missile Defense System element covered by subparagraph (A), and secure independent estimation and verification of such cost reporting data.

(C) Include each year in the budget justification materials described in subsection (a) a description of actions being taken in the fiscal year in which such materials are submitted, and the actions to be taken in the fiscal year covered by such materials, to achieve such objectives.

(3) SPECIFICATION OF BALLISTIC MISSILE DEFENSE SYSTEM ELEMENTS.—The Ballistic Missile Defense System elements that, as of May 2007, are Ballistic Missile Defense System elements covered by paragraph (2)(A) are the following elements:

(A) Ground-based Midcourse Defense.

(B) Aegis Ballistic Missile Defense.

(C) Terminal High Altitude Area Defense.

(D) Forward-Based X-band radar-Transportable (AN/TPY-2).

(E) Command, Control, Battle Management, and Communications.

(F) Sea-Based X-band radar.

(G) Upgraded Early Warning radars.

SEC. 234. PARTICIPATION OF DIRECTOR, OPERATIONAL TEST AND EVALUATION, IN MISSILE DEFENSE TEST AND EVALUATION ACTIVITIES.

Section 139 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (j) as subsections (g) through (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f)(1) The Director of the Missile Defense Agency shall report promptly to the Director of Operational Test and Evaluation the results of all tests and evaluations conducted by the Missile Defense Agency and of all studies conducted by the Missile Defense Agency in connection with tests and evaluations in the Missile Defense Agency.

"(2) The Director of Operational Test and Evaluation may require that such observers as the Director designates be present during the preparation for and the conduct of any test and evaluation conducted by the Missile Defense Agency.

"(3) The Director of Operational Test and Evaluation shall have access to all records and data in the Department of Defense (including the records and data of the Missile Defense Agency) that the Director considers necessary to review in order to carry out his duties under this subsection.".

SEC. 235. EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking "through 2008" and inserting "through 2013"; and

(2) in paragraph (2), by striking "through 2009" and inserting "through 2014".

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF NOTICE AND WAIT REQUIREMENT FOR OBLIGATION OF FUNDS FOR FOREIGN COMPARATIVE TEST PROGRAM.

Paragraph (3) of section 2350a(g) of title 10, United States Code, is amended to read as follows:

"(3) The Director of Defense Research and Engineering shall notify the congressional defense committees of the intent to obligate funds made available to carry out this subsection not less than 7 days before such funds are obligated.".

SEC. 252. MODIFICATION OF COST SHARING REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

Paragraph (2) of section 2359a(f) of title 10, United States Code, is amended to read as follows:

"(2) The amount of funds provided to a project under paragraph (1) by the military department or Defense Agency concerned shall be the appropriate share of the military department or Defense Agency, as the case may be, of the cost of the project, as determined by the Manager.".

SEC. 253. STRATEGIC PLAN FOR THE MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2521 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) STRATEGIC PLAN.—(1) The Secretary shall develop a plan for the program which includes the following:

"(A) The overall manufacturing technology goals, milestones, priorities, and investment strategy for the program during the 5-fiscal year period beginning with the first fiscal year commencing after the development of the plan.

"(B) For each of the fiscal years under the period of the plan, the objectives of, and funding for, the program for each military department and each Defense Agency that shall participate in the program during the period of the plan.

"(2) The Secretary shall include in the plan mechanisms for assessing the effectiveness of the program under the plan.

"(3) The Secretary shall update the plan on a biennial basis.

"(4) The Secretary shall include the plan, and any update of the plan under paragraph (3), in the budget justification documents submitted in support of the budget of the Department of Defense for the applicable fiscal year (as included in the budget of the President submitted to Congress under section 1105 of title 31).".

(b) INITIAL DEVELOPMENT OF PLAN.—The Secretary of Defense shall develop the strategic plan required by subsection (e) of section 2521 of title 10, United States Code (as added by subsection (a) of this section), so that the plan goes into effect at the beginning of fiscal year 2009.

SEC. 254. MODIFICATION OF AUTHORITIES ON COORDINATION OF DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH WITH SIMILAR FEDERAL PROGRAMS.

Section 257(e)(2) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking "shall" each place it appears and inserting "may".

SEC. 255. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) PROGRAM PURPOSES.—Subsection (b) of section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2500; 10 U.S.C. 2358 note) is amended—

(1) in paragraph (2), by striking "in nanoscale research and development" and inserting "in the National Nanotechnology Initiative and with the National Nanotechnology Coordination Office under section 3 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7502)"; and

(2) in paragraph (3), by striking "portfolio of fundamental and applied nanoscience and engineering research initiatives" and inserting "portfolio of nanotechnology research and development initiatives".

(b) PROGRAM ADMINISTRATION.—

(1) ADMINISTRATION THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subsection (c) of such section is amended—

(A) by striking "the Director of Defense Research and Engineering" and inserting "the Under Secretary of Defense for Acquisition, Technology, and Logistics"; and

(B) by striking "The Director" and inserting "The Under Secretary".

(2) OTHER ADMINISTRATIVE MATTERS.—Such subsection is further amended—

(A) in paragraph (2), by striking "the Department's increased investment in nanotechnology and the National Nanotechnology Initiative; and" and inserting "investments by the Department and other departments and agencies participating in the National Nanotechnology Initiative in nanotechnology research and development;";

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) oversee interagency coordination of the program with other departments and agencies participating in the National Nanotechnology Initiative, including providing appropriate funds to support the National Nanotechnology Coordination Office.".

(c) PROGRAM ACTIVITIES.—Such section is further amended—

(1) by striking subsection (d); and

(2) by adding at the end the following new subsection (d):

"(d) ACTIVITIES.—Activities under the program shall include the following:

"(1) The development of a strategic plan for defense nanotechnology research and development that is integrated with the strategic plan for the National Nanotechnology Initiative.

"(2) The issuance on an annual basis of policy guidance to the military departments and the Defense Agencies that—

"(A) establishes research priorities under the program;

"(B) provides for the determination and documentation of the benefits to the Department of Defense of research under the program; and

"(C) sets forth a clear strategy for transitioning the research into products needed by the Department.

"(3) Advocating for the transition of nanotechnologies in defense acquisition programs, including the development of nanomanufacturing capabilities and a nanotechnology defense industrial base.".

(d) REPORTS.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS.—(1) Not later than March 1 of each of 2009, 2011, and 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the program.

"(2) Each report under paragraph (1) shall include the following:

"(A) A review of—

"(i) the long-term challenges and specific technical goals of the program; and

"(ii) the progress made toward meeting such challenges and achieving such goals.

"(B) An assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities.

"(C) A review of the coordination of activities under the program within the Department of Defense, with other departments and agencies of the United States, and with the National Nanotechnology Initiative.

"(D) A review and analysis of the findings and recommendations relating to the Department of Defense of the most recent triennial external review of the National Nanotechnology Program under section 5 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 1704), and a description of initiatives of the Department to implement such recommendations.

"(E) An assessment of technology transition from nanotechnology research and development to enhanced warfighting capabilities, including contributions from the Department of Defense Small Business Innovative Research and Small Business Technology Transfer Research programs, and the Department of Defense Manufacturing Technology program, and an identification of acquisition programs and deployed defense systems that are incorporating nanotechnologies.

"(F) An assessment of global nanotechnology research and development in areas of interest to the Department, including an identification of the use of nanotechnologies in any foreign defense systems.

"(G) An assessment of the defense nanotechnology manufacturing and industrial base and its capability to meet the near and far term requirements of the Department.

"(H) Such recommendations for additional activities under the program to meet emerging national security requirements as the Under Secretary considers appropriate.

"(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.".

(e) Comptroller General Report on Program.—Not later than March 31, 2010, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the progress made by the Department of Defense in achieving the purposes of the defense nanotechnology research and development program required by section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (as amended by this section).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $29,725,273,000.

(2) For the Navy, $33,307,690,000.

(3) For the Marine Corps, $4,998,493,000.

(4) For the Air Force, $32,967,215,000.

(5) For Defense-wide activities, $22,397,153,000.

(6) For the Army Reserve, $2,512,062,000.

(7) For the Navy Reserve, $1,186,883,000.

(8) For the Marine Corps Reserve, $208,637,000.

(9) For the Air Force Reserve, $2,821,817,000.

(10) For the Army National Guard, $5,861,409,000.

(11) For the Air National Guard, $5,469,368,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,971,000.

(13) For Environmental Restoration, Army, $434,879,000.

(14) For Environmental Restoration, Navy, $300,591,000.

(15) For Environmental Restoration, Air Force, $458,428,000.

(16) For Environmental Restoration, Defense-wide, $12,751,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $270,249,000.

(18) For Former Soviet Union Threat Reduction programs, $448,048,000.

(19) For Overseas Humanitarian, Disaster and Civic Aid programs, $63,300,000.

(20) For Overseas Contingency Operations Transfer Fund, $5,000,000.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) Authority To Reimburse.—

(1) Transfer amount.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $91,588.51 to the Moses Lake Wellfield Superfund Site 10-6J Special Account.

(2) Purpose of reimbursement.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) Interagency agreement.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) Source of Funds.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

(c) Use of Funds.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE ARCTIC SURPLUS SUPERFUND SITE, FAIRBANKS, ALASKA.

(a) Authority To Reimburse.—

(1) Transfer amount.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $186,625.38 to the Hazardous Substance Superfund.

(2) Purpose of reimbursement.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for costs incurred pursuant to the agreement known as "In the Matter of Arctic Surplus Superfund Site, U.S. EPA Docket Number CERCLA-10-2003-0114: Administrative Order on Consent for Remedial Design and Remedial Action," entered into by the Department of Defense and the Environmental Protection Agency on December 11, 2003.

(b) Source of Funds.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

(c) Use of Funds.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency pursuant to the agreement described in paragraph (2) of such subsection.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) Authority To Transfer Funds.—

(1) Transfer amount.—Using funds described in subsection (b), the Secretary of the Navy may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $40,000.00 to the Hazardous Substance Superfund.

(2) Purpose of transfer.—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 25, 2005, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to timely submit a draft final Phase II Remedial Investigation Work Plan for the Jackson Park Housing Complex Operable Unit (OU-3T-JPHC) pursuant to a schedule included in an Interagency Agreement (Administrative Docket No. CERCLA-10-2005-0023).

(b) Source of Funds.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(14) for operation and maintenance for Environmental Restoration, Navy.

(c) Use of Funds.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

Subtitle C—Program Requirements, Restrictions, and Limitations

SEC. 321. AVAILABILITY OF FUNDS IN DEFENSE INFORMATION SYSTEMS AGENCY WORKING CAPITAL FUND FOR TECHNOLOGY UPGRADES TO DEFENSE INFORMATION SYSTEMS NETWORK.

(a) In General.—Funds in the Defense Information Systems Agency Working Capital Fund may be used for expenses directly related to technology upgrades to the Defense Information Systems Network.

(b) Limitation on Certain Projects.—Funds may not be used under subsection (a) for—

(1) any significant technology insertion to the Defense Information Systems Network; or

(2) any component with an estimated total cost in excess of $500,000.

(c) Limitation in Fiscal Year Pending Timely Report.—If in any fiscal year the report required by paragraph (1) of subsection (d) is not submitted by the date specified in paragraph (2) of subsection (d), funds may not be used under subsection (a) in such fiscal year during the period—

(1) beginning on the date specified in paragraph (2) of subsection (d); and

(2) ending on the date of the submittal of the report under paragraph (1) of subsection (d).

(d) Annual Report.—

(1) IN GENERAL.—The Director of the Defense Information Systems Agency shall submit to the congressional defense committees each fiscal year a report on the use of the authority in subsection (a) during the preceding fiscal year.

(2) DEADLINE FOR SUBMITTAL.—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(e) SUNSET.—The authority in subsection (a) shall expire on October 1, 2011.

SEC. 322. EXTENSION OF TEMPORARY AUTHORITY FOR CONTRACT PERFORMANCE OF SECURITY GUARD FUNCTIONS.

(a) EXTENSION.—Subsection (c) of section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended by striking "September 30, 2009" both places it appears and inserting "September 30, 2012".

(b) LIMITATION FOR FISCAL YEARS 2010 THROUGH 2012.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(4) for fiscal year 2010, the number equal to 70 percent of the total number of such personnel employed under such contracts on October 1, 2006;

"(5) for fiscal year 2011, the number equal to 60 percent of the total number of such personnel employed under such contracts on October 1, 2006; and

"(6) for fiscal year 2012, the number equal to 50 percent of the total number of such personnel employed under such contracts on October 1, 2006.".

SEC. 323. REPORT ON INCREMENTAL COST OF EARLY 2007 ENHANCED DEPLOYMENT.

Section 323(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 229 note) is amended—

(1) in subparagraph (A), by striking "; and" and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) each of the military departments for the additional incremental cost resulting from the additional deployment of forces to Iraq and Afghanistan above the levels deployed to such countries on January 1, 2007.".

SEC. 324. INDIVIDUAL BODY ARMOR.

(a) ASSESSMENT.—The Director of Operational Test and Evaluation and the Director of Defense Research and Engineering shall jointly conduct an assessment of various domestic technological approaches for body armor systems for protection against ballistic threats at or above military requirements.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of Operational Test and Evaluation and the Director of Defense Research and Engineering shall jointly submit to the Secretary of Defense, and to the congressional defense committees, a report on the assessment required by subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the technical capability, feasibility, military utility, and cost of each such approach; and

(B) such other matters as the Director of Operational Test and Evaluation and the Director of Defense Research and Engineering jointly consider appropriate.

(3) FORM.—The report submitted under paragraph (1) to the congressional defense committees shall be submitted in both classified and unclassified form.

Subtitle D—Workplace and Depot Issues

SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) EXTENSION OF AUTHORITY.—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: "This authority may be used to enter into not more than eight contracts or cooperative agreements."; and

(2) in subsection (k), by striking "2009" and inserting "2014".

(b) REPORTS.—

(1) ANNUAL REPORT ON USE OF AUTHORITY.—The Secretary of the Army shall submit to Congress at the same time the budget of the President is submitted to Congress for fiscal years 2009 through 2016 under section 1105 of title 31, United States Code, a report on the use of the authority provided under section 4544 of title 10, United States Code.

(2) ANALYSIS OF USE OF AUTHORITY.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report assessing the advisability of making such authority permanent and eliminating the limitation on the number of contracts or cooperative arrangements that may be entered into pursuant to such authority.

SEC. 342. TWO-YEAR EXTENSION OF ARSENAL SUPPORT DEMONSTRATION PROGRAM.

(a) EXTENSION.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 4551 note) is amended by striking "fiscal years 2001 through 2008" and inserting "fiscal years 2001 through 2010".

(b) EXTENSION OF REPORTING REQUIREMENT.—The second sentence in subsection (g)(1) of such section is amended to read as follows: "No report is required after fiscal year 2010.".

Subtitle E—Other Matters

SEC. 351. ENHANCEMENT OF CORROSION CONTROL AND PREVENTION FUNCTIONS WITHIN DEPARTMENT OF DEFENSE.

(a) OFFICE OF CORROSION POLICY AND OVERSIGHT.—

(1) IN GENERAL.—Section 2228 of title 10, United States Code, is amended—

(A) in the section heading, by striking "**Military equipment and infrastructure: prevention and mitigation of corrosion**" and inserting "**Office of Corrosion Policy and Oversight**"; and

(B) by amending subsection (a) to read as follows:

"(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(2) The Office shall be headed by a Director of Corrosion Policy and Oversight (in this section referred to as the 'Director'), who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is the senior official responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense. The Director shall report directly to the Under Secretary.

"(3) In order to qualify to be assigned to the position of Director, an individual shall—

"(A) have a minimum of 10 years experience in the Defense Acquisition Corps;

"(B) have technical expertise in, and professional experience with, corrosion engineering, including an understanding of the effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and

"(C) have background in and an understanding of Department of Defense budget formulation and execution, policy formulation, and planning and program requirements.".

(2) CONFORMING CHANGES.—Subsection (b) of such section is amended—

(A) in paragraph (1), by striking "official or organization designated under subsection (a)" and inserting "Director"; and

(B) by striking "designated official or organization" each place it appears and inserting "Director".

(b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OFFICE.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—The Director is authorized to—

"(1) develop, update, and coordinate corrosion training with the Defense Acquisition University;

"(2) participate in the process within the Department of Defense for the development of relevant directives and instructions; and

"(3) interact directly with the corrosion prevention industry, trade associations, other government corrosion prevention agencies, academic research institutions, and scientific organizations engaged in corrosion prevention, including the National Academy of Sciences.".

(c) INCLUSION OF COOPERATIVE RESEARCH AGREEMENTS AS PART OF CORROSION REDUCTION STRATEGY.—Subparagraph (D) of subsection (d)(2) of such section, as redesignated by subsection (b), is amended by inserting after "operational strategies" the following: ", including through the establishment of memoranda of agreement, joint funding agreements, public-private partnerships, university research centers, and other cooperative research agreements".

(d) REPORT REQUIREMENT.—Such section is further amended by inserting after subsection (d), as redesignated by subsection (b), the following new subsection:

"(e) REPORT.—(1) The Secretary of Defense shall submit with the defense budget materials for each fiscal year beginning with fiscal year 2009 a report on the following:

"(A) Funding requirements for the long-term strategy developed under subsection (d).

"(B) The return on investment that would be achieved by implementing the strategy.

"(C) The funds requested in the budget compared to the funding requirements.

"(D) An explanation of why the Department of Defense is not requesting funds for the entire requirement.

"(2) Not later than 60 days after submission of the budget for a fiscal year, the Comptroller General shall provide to the congressional defense committees—

"(A) an analysis of the budget submission for corrosion control and prevention by the Department of Defense; and

"(B) an analysis of the report required under paragraph (1).".

(e) DEFINITIONS.—Subsection (f), as redesignated by subsection (b), is amended by adding at the end the following new paragraphs:

"(4) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(5) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.".

SEC. 352. REIMBURSEMENT FOR NATIONAL GUARD SUPPORT PROVIDED TO FEDERAL AGENCIES.

Section 377 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "To the extent" and inserting "Subject to subsection (c), to the extent";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) Subject to subsection (c), the Secretary of Defense shall require a Federal agency to which law enforcement support or support to a national special security event is provided by National Guard personnel performing duty under section 502(f) of title 32 to reimburse the Department of Defense for the costs of that support, notwithstanding any other provision of law. No other provision of this chapter shall apply to such support.

"(2) Any funds received by the Department of Defense under this subsection as reimbursement for support provided by personnel of the National Guard shall be credited, at the election of the Secretary of Defense, to the following:

"(A) The appropriation, fund, or account used to fund the support.

"(B) The appropriation, fund, or account currently available for reimbursement purposes."; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) by inserting "or section 502(f) of title 32" after "under this chapter"; and

(B) in paragraph (2), by inserting "or personnel of the National Guard" after "Department of Defense".

SEC. 353. REAUTHORIZATION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "March 30, 2008" and inserting "December 31, 2013".

SEC. 354. PROPERTY ACCOUNTABILITY AND DISPOSITION OF UNLAWFULLY OBTAINED PROPERTY OF THE ARMED FORCES.

(a) STATUTORY ESTABLISHMENT OF ACCOUNTABILITY FOR PROPERTY OF NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 661 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7864. Property accountability; regulations

"The Secretary of the Navy may prescribe regulations for the accounting for property of the Navy and the Marine Corps and for the fixing of responsibility for such property.".

(2) UNAUTHORIZED DISPOSITION AND RECOVERY OF PROPERTY.—Such chapter is further amended by adding at the end the following new section:

"§ 7865. Military equipment: unauthorized disposition

"(a) PROHIBITION.—No member of the Navy or the Marine Corps may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Navy or the Marine Corps authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

"(b) SEIZURE OF PROPERTY.—If a member of the Navy or the Marine Corps disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

"(c) RETENTION OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.".

(b) STANDARDIZING AMENDMENTS RELATING TO DISPOSITION OF UNLAWFULLY OBTAINED ARMY AND AIR FORCE PROPERTY.—

(1) ARMY PROPERTY.—Section 4836 of title 10, United States Code, is amended to read as follows:

"§ 4836. Military equipment: unauthorized disposition

"(a) PROHIBITION.—No member of the Army may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Army authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

"(b) SEIZURE OF PROPERTY.—If a member of the Army disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

"(c) RETENTION OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.".

(2) AIR FORCE PROPERTY.—Section 9836 of such title is amended is amended to read as follows:

"§ 9836. Military equipment: unauthorized disposition

"(a) PROHIBITION.—No member of the Air Force may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Air Force authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

"(b) SEIZURE OF PROPERTY.—If a member of the Air Force disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

"(c) RETENTION OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.".

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 453 of such title is amended by striking the item relating to section 4836 and inserting the following new item:

"4836. Military equipment: unauthorized disposition.".

(2) The table of sections at the beginning of chapter 661 of such title is amended by adding at the end the following new items:

"7864. Property accountability: regulations.
"7865. Military equipment: unauthorized disposition.".

(3) The table of sections at the beginning of chapter 953 of such title is amended by striking the item relating to section 9836 and inserting the following new item:

"9836. Military equipment: unauthorized disposition.".

SEC. 355. AUTHORITY TO IMPOSE REASONABLE CONDITIONS ON THE PAYMENT OF FULL REPLACEMENT VALUE FOR CLAIMS RELATED TO PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: "The regulations may require members of the armed forces or civilian employees of the Department of Defense to comply with reasonable conditions in order to receive benefits under this section.".

SEC. 356. AUTHORITY FOR INDIVIDUALS TO RETAIN COMBAT UNIFORMS ISSUED IN CONNECTION WITH CONTINGENCY OPERATIONS.

The Secretary of a military department may authorize members of the Armed Forces under the jurisdiction of the Secretary to retain combat uniforms issued as organizational clothing and individual equipment in connection with their deployment in support of contingency operations.

SEC. 357. MODIFICATION OF REQUIREMENTS ON COMPTROLLER GENERAL REPORT ON THE READINESS OF ARMY AND MARINE CORPS GROUND FORCES.

(a) SUBMITTAL DATE.—Subsection (a)(1) of section 345 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2156) is amended by striking "June 1, 2007" and inserting "March 1, 2008".

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) An assessment of the ability of the Army and Marine Corps to provide trained and ready forces to meet the requirements of increased force levels in support of Operations Iraqi Freedom and Enduring Freedom and to meet the requirements of other ongoing operations simultaneously with such increased force levels.

"(3) An assessment of the strategic depth of the Army and Marine Corps and their ability to provide trained and ready forces to meet the requirements of the high-priority contingency war plans of the regional combatant commands, including an identification and evaluation for each such plan of—

"(A) the strategic and operational risks associated with current and projected forces of current and projected readiness;

"(B) the time required to make forces available and prepare them for deployment; and

"(C) likely strategic tradeoffs necessary to meet the requirements of each such plan.".

(c) Department of Defense Cooperation.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Department of Defense Cooperation.—The Secretary of Defense shall ensure the full cooperation of the Department of Defense with the Comptroller General for purposes of the preparation of the report required by this section.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2008, as follows:

(1) The Army, 525,400.
(2) The Navy, 328,400.
(3) The Marine Corps, 189,000.
(4) The Air Force, 328,600.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2008, as follows:

(1) The Army National Guard of the United States, 351,300.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 67,800.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,700.
(6) The Air Force Reserve, 67,500.
(7) The Coast Guard Reserve, 10,000.

(b) Adjustments.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2008, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,204.
(2) The Army Reserve, 15,870.
(3) The Navy Reserve, 11,579.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 13,936.
(6) The Air Force Reserve, 2,721.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2008 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,249.
(2) For the Army National Guard of the United States, 26,502.
(3) For the Air Force Reserve, 9,909.
(4) For the Air National Guard of the United States, 22,553.

SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) Limitations.—

(1) National guard.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2008, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) Army reserve.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2008, may not exceed 595.

(3) Air force reserve.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2008, may not exceed 90.

(b) Non-Dual Status Technicians Defined.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2008, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2008 for military personnel, in amounts as follows:

(1) For the Army, $34,952,762,000.
(2) For the Navy, $23,300,841,000.
(3) For the Marine Corps, $11,065,542,000.
(4) For the Air Force, $24,091,993,000.
(5) For the Army Reserve, $3,701,197,000.
(6) For the Navy Reserve, $1,766,408,000.
(7) For the Marine Corps Reserve, $593,961,000.
(8) For the Air Force Reserve, $1,356,618,000.
(9) For the Army National Guard, $5,914,979,000.
(10) For the Air National Guard, $2,607,456,000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR ARMY OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking the items under the heading "Major" in the portion of the table relating to the Army and inserting the following new items:

"7,768
8,689
9,611
10,532
11,454
12,375
13,297
14,218
15,140
16,061
16,983
17,903
18,825
19,746
20,668
21,589
22,511
24,354
26,197
28,040
35,412".

SEC. 502. INCREASE IN AUTHORIZED STRENGTHS FOR NAVY OFFICERS ON ACTIVE DUTY IN GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN TO MEET FORCE STRUCTURE REQUIREMENTS.

(a) In General.—The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,698	5,269	2,222
33,000	8,189	5,501	2,334
36,000	8,680	5,733	2,447
39,000	9,172	5,965	2,559
42,000	9,663	6,197	2,671
45,000	10,155	6,429	2,784
48,000	10,646	6,660	2,896
51,000	11,136	6,889	3,007
54,000	11,628	7,121	3,120
57,000	12,118	7,352	3,232
60,000	12,609	7,583	3,344
63,000	13,100	7,813	3,457
66,000	13,591	8,044	3,568
70,000	14,245	8,352	3,718
90,000	17,517	9,890	4,467".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2007.

SEC. 503. EXPANSION OF EXCLUSION OF MILITARY PERMANENT PROFESSORS FROM STRENGTH LIMITATIONS FOR OFFICERS BELOW GENERAL AND FLAG GRADES.

(a) INCLUSION OF PERMANENT PROFESSORS OF THE NAVY.—Section 523(b)(8) of title 10, United States Code, is amended—

(1) by striking "Naval Academy" and inserting "Navy"; and

(2) by inserting "or service" before the period at the end.

(b) EXPANSION OF EXCLUSION GENERALLY.—Such section is further amended by striking "50" and inserting "85".

SEC. 504. MANDATORY RETIREMENT AGE FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS CONTINUED ON ACTIVE DUTY.

Section 637(b)(3) of title 10, United States Code, is amended by striking "but such period may not (except as provided under section 1251(b) of this title) extend beyond the date of the officer's sixty-second birthday" and inserting "except as provided under section 1253 of this title".

SEC. 505. AUTHORITY FOR REDUCED MANDATORY SERVICE OBLIGATION FOR INITIAL APPOINTMENTS OF OFFICERS IN CRITICALLY SHORT HEALTH PROFESSIONAL SPECIALTIES.

Section 651 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of Defense may waive the service required by subsection (a) for initial appointments of commissioned officers in such critically short health professional specialties as the Secretary shall specify for purposes of this subsection.

"(2) The minimum period of obligated service for an officer under a waiver under this subsection shall be the greater of—

"(A) two years; or

"(B) in the case of an officer who has accepted an accession bonus or executed a contract or agreement for the multiyear receipt of special pay for service in the armed forces, the period of obligated service specified in such contract or agreement.".

SEC. 506. INCREASE IN AUTHORIZED NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY.

Paragraph (4) of section 4331(b) of title 10, United States Code, is amended to read as follows:

"(4) Twenty-eight permanent professors.".

SEC. 507. EXPANSION OF AUTHORITY FOR REENLISTMENT OF OFFICERS IN THEIR FORMER ENLISTED GRADE.

(a) REGULAR ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "a Reserve officer" and inserting "an officer"; and

(B) by striking "a temporary appointment" and inserting "an appointment"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a Reserve officer" and inserting "an officer"; and

(B) in paragraph (2), by striking "the Reserve commission" and inserting "the commission".

(b) REGULAR AIR FORCE.—Section 8258 of such title is amended—

(1) in subsection (a)—

(A) by striking "a reserve officer" and inserting "an officer"; and

(B) by striking "a temporary appointment" and inserting "an appointment"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "a Reserve officer" and inserting "an officer"; and

(B) in paragraph (2), by striking "the Reserve commission" and inserting "the commission".

SEC. 508. ENHANCED AUTHORITY FOR RESERVE GENERAL AND FLAG OFFICERS TO SERVE ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The limitations"; and

(2) by adding at the end the following new paragraph:

"(2) The limitations of this section also do not apply to a number, as specified by the Secretary of the military department concerned, of reserve component general or flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for an armed force may not exceed the number equal to ten percent of the authorized number of general or flag officers, as the case may be, of that armed force under section 12004 of this title. In determining such number, any fraction shall be rounded down to the next whole number, except that such number shall be at least one.".

SEC. 509. PROMOTION OF CAREER MILITARY PROFESSORS OF THE NAVY.

(a) PROMOTION.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended—

(A) by redesignating section 6970 as section 6970a; and

(B) by inserting after section 6969 the following new section 6970:

"§ 6970. Permanent professors: promotion

"(a) PROMOTION.—An officer serving as a permanent professor may be recommended for promotion to the grade of captain or colonel, as the case may be, under regulations prescribed by the Secretary of the Navy. The regulations shall include a competitive selection board process to identify those permanent professors best qualified for promotion. An officer so recommended shall be promoted by appointment to the higher grade by the President, by and with the advice and consent of the Senate.

"(b) EFFECTIVE DATE OF PROMOTION.—If made, the promotion of an officer under subsection (a) shall be effective not earlier than three years after the selection of the officer as a permanent professor as described in that subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6970 and inserting the following new items:

"6970. Permanent professors: promotion.
"6970a. Permanent professors: retirement for years of service; authority for deferral.".

(b) CONFORMING AMENDMENTS.—Section 641(2) of such title is amended—

(1) by striking "and the registrar" and inserting ", the registrar"; and

(2) by inserting before the period at the end the following: ", and permanent professors of the Navy (as defined in regulations prescribed by the Secretary of the Navy)".

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN AUTHORIZED DAILY AVERAGE OF NUMBER OF MEMBERS IN PAY GRADE E-9.

(a) INCREASE.—Section 517(a) of title 10, United States Code, is amended by striking "1 percent" and inserting "1.25 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Reserve Component Management

SEC. 531. REVISED DESIGNATION, STRUCTURE, AND FUNCTIONS OF THE RESERVE FORCES POLICY BOARD.

(a) MODIFICATION OF DESIGNATION, STRUCTURE, AND FUNCTIONS OF RESERVE FORCES POLICY BOARD.—

(1) IN GENERAL.—Section 10301 of title 10, United States Code, is amended to read as follows:

"§ 10301. Reserve Policy Advisory Board

"(a) There is in the Office of the Secretary of Defense a Reserve Policy Advisory Board.

"(b)(1) The Board shall consist of a civilian chairman and not more than 15 other members, each appointed by the Secretary of Defense, of whom—

"(A) not more than 4 members may be Government civilian officials who must be from outside the Department of Defense; and

"(B) not more than 2 members may be members of the armed forces.

"(2) Each member appointed to serve on the Board shall have—

"(A) extensive knowledge, or experience with, reserve component matters, national security and national military strategies of the United States, or roles and missions of the regular components and the reserve components;

"(B) extensive knowledge of, or experience in, homeland defense and matters involving Department of Defense support to civil authorities; or

"(C) a distinguished background in government, business, personnel planning, technology and its application in military operations, or other fields that are pertinent to the management and utilization of the reserve components.

"(3) Each member of the Board shall serve for a term of 2 years, and, at the conclusion of such term, may be appointed under this subsection to serve an additional term of 2 years.

"(4) Upon the designation of the chairman of the Board and the approval of the Secretary of Defense, an officer of the Army, Navy, Air Force, or Marine Corps in the Reserves or the National Guard who is a general or flag officer shall serve as the military advisor to, and executive officer of, the Board. Such service shall be either full-time or part-time, as designated by the Secretary of Defense, and shall be in a non-voting status on the Board.

"(c)(1) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(2) A member of a committee or board prescribed under a section listed in paragraph (1) may, if otherwise eligible, be a member of the Reserve Policy Advisory Board.

"(d)(1) The Board shall provide the Secretary of Defense, through the Deputy Secretary of Defense, with independent advice and recommendations on strategies, policies, and practices designed to improve the capability, efficiency, and effectiveness of the reserve components.

"(2) The Board shall act on those matters referred to it by the Secretary or the chairman and, in addition, on any matter raised by a member of the Board.

"(e) The Under Secretary of Defense for Personnel and Readiness shall provide necessary logistical support to the Board.

"(f) The Board shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1009 of

such title is amended by striking the item relating to section 10301 and inserting the following new item:

"10301. Reserve Policy Advisory Board.".

(3) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Reserve Forces Policy Board shall be deemed to be a reference to the Reserve Policy Advisory Board.

(b) INCLUSION OF MATTERS FROM BOARD IN ANNUAL REPORT ON ACTIVITIES OF DEPARTMENT OF DEFENSE.—Paragraph (2) of section 113(c) of title 10, United States Code, is amended to read as follows:

"(2) At the same time the Secretary submits the annual report under paragraph (1), the Secretary may transmit to the President and Congress with such report any additional matters from the Reserve Policy Advisory Board on the programs and activities of the reserve components as the Secretary considers appropriate to include in such report.".

SEC. 532. CHARTER FOR THE NATIONAL GUARD BUREAU.

(a) PRESCRIPTION OF CHARTER BY SECRETARY OF DEFENSE.—Section 10503 of title 10, United States Code, is amended—

(1) by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop and" in the matter preceding paragraph (1) and inserting "The Secretary of the Defense shall, in consultation with the Secretary of the Army, the Secretary of the Air Force, and the Chairman of the Joint Chiefs of Staff,";

(2) in paragraph (10), by striking "the Army and Air Force" and inserting "the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force"; and

(3) in paragraph (12), by striking "Secretaries" and inserting "Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter from the Secretary of Defense".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item related to section 10503 and inserting the following new item:

"10503. Functions of the National Guard Bureau: charter from the Secretary of Defense.".

SEC. 533. APPOINTMENT, GRADE, DUTIES, AND RETIREMENT OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) APPOINTMENT.—Subsection (a) of section 10502 of title 10, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(2) are recommended for such appointment by the Secretary of the Army or the Secretary of the Air Force;

"(3) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard;

"(4) are in a grade above the grade of brigadier general;

"(5) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;

"(6) are determined by the Secretary of Defense to have successfully completed such other assignments and experiences so as to possess a detailed understanding of the status and capabilities of National Guard forces and the missions of the National Guard Bureau as set forth in section 10503 of this title;

"(7) have a level of operational experience in a position of significant responsibility, professional military education, and demonstrated expertise in national defense and homeland defense matters that are commensurate with the advisory role of the Chief of the National Guard Bureau; and

"(8) possess such other qualifications as the Secretary of Defense shall prescribe for purposes of this section.".

(b) GRADE.—Subsection (d) of such section is amended by striking "lieutenant general" and inserting "general".

(c) REPEAL OF AGE 64 LIMITATION ON SERVICE.—Subsection (b) of such section is amended by striking "An officer may not hold that office after becoming 64 years of age.".

(d) ADVISORY DUTIES.—Subsection (c) of section 10502 of such title is amended to read as follows:

"(c) ADVISOR ON NATIONAL GUARD MATTERS.—The Chief of the National Guard Bureau is—

"(1) an advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense; and

"(2) the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.".

(e) DEFERRAL OF RETIREMENT.—Section 14512(a) of such title is amended by adding at the end the following new paragraph:

"(3) The President may defer the retirement of an officer serving in the position specified in paragraph (2)(A), but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.".

SEC. 534. MANDATORY SEPARATION FOR YEARS OF SERVICE OF RESERVE OFFICERS IN THE GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL.

Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general, and each reserve officer of the Navy in the grade of vice admiral, shall, 30 days after completion of 38 years of commissioned service, be separated in accordance with section 14514 of this title.".

SEC. 535. INCREASE IN PERIOD OF TEMPORARY FEDERAL RECOGNITION AS OFFICERS OF THE NATIONAL GUARD FROM SIX TO TWELVE MONTHS.

Section 308(a) of title 32, United States Code, is amended by striking "six months" and inserting "12 months".

Subtitle D—Education and Training

SEC. 551. GRADE AND SERVICE CREDIT OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended by striking the second sentence and inserting the following new sentences: "Medical students so commissioned shall be appointed as regular officers in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade. Any prior service of medical students on active duty shall be deemed, for pay purposes, to have been service as a warrant officer.".

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—

(1) GRADE OF PARTICIPANTS.—Section 2121(c) of such title is amended by striking the second sentence and inserting the following new sentences: "Persons so commissioned shall be appointed in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade for a period of 45 days during each year of participation in the program. Any prior service of such persons on active duty shall be deemed, for pay purposes, to have been service as a warrant officer.".

(2) SERVICE CREDIT.—Subsection (a) of section 2126 of such title is amended to read as follows:

"(a) SERVICE NOT CREDITABLE.—Except as provided in subsection (b), service performed while a member of the program shall not be counted in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program.".

(c) OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.—Subsection (a) of section 2004a of such title is amended by adding at the end the following new sentences: "An officer detailed under this section shall serve on active duty, subject to the limitations on grade specified in section 2114(b) of this title. Any prior active service of such an officer shall be deemed, for pay purposes, to have been served as a warrant officer.".

SEC. 552. EXPANSION OF NUMBER OF ACADEMIES SUPPORTABLE IN ANY STATE UNDER STARBASE PROGRAM.

(a) EXPANSION.—Section 2193b(c)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "more than two academies" and inserting "more than four academies"; and

(2) in subparagraph (B), by striking "in excess of two" both places it appears and inserting "in excess of four".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 553. REPEAL OF POST-2007-2008 ACADEMIC YEAR PROHIBITION ON PHASED INCREASE IN CADET STRENGTH LIMIT AT THE UNITED STATES MILITARY ACADEMY.

Section 4342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 554. TREATMENT OF SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS, SOUTHOLD, NEW YORK, AS SINGLE INSTITUTION FOR PURPOSES OF MAINTAINING A JUNIOR RESERVE OFFICERS' TRAINING CORPS UNIT.

Southold High School, Mattituck High School, and Greenport High School, located in Southold, New York, may be treated as a single institution for purposes of the maintenance of a unit of the Junior Reserve Officers' Training Corps of the Navy.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. INCLUSION OF DEPENDENTS OF NON-DEPARTMENT OF DEFENSE EMPLOYEES EMPLOYED ON FEDERAL PROPERTY IN PLAN RELATING TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS.

Section 574(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.".

SEC. 564. AUTHORITY FOR PAYMENT OF PRIVATE BOARDING SCHOOL TUITION FOR MILITARY DEPENDENTS IN OVERSEAS AREAS NOT SERVED BY DEPARTMENT OF DEFENSE DEPENDENTS' SCHOOLS.

Section 1407(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)(1)) is amended in the first sentence by inserting ", including private boarding schools in the United States," after "subsection (a)".

Subtitle F—Military Justice and Legal Assistance Matters

SEC. 571. AUTHORITY OF JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES TO ADMINISTER OATHS.

Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(c) The judges of the United States Court of Appeals for the Armed Forces may administer oaths.".

SEC. 572. MILITARY LEGAL ASSISTANCE FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES IN AREAS WITHOUT ACCESS TO NON-MILITARY LEGAL ASSISTANCE.

Section 1044(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Civilian employees of the Department of Defense in locations where legal assistance from non-military legal assistance providers is not reasonably available.".

SEC. 573. MODIFICATION OF AUTHORITIES ON SENIOR MEMBERS OF THE JUDGE ADVOCATE GENERALS' CORPS.

(a) DEPARTMENT OF THE ARMY.—

(1) GRADE OF JUDGE ADVOCATE GENERAL.—Subsection (a) of section 3037 of title 10, United States Code, is amended by striking the third sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(2) REDESIGNATION OF ASSISTANT JUDGE ADVOCATE GENERAL AS DEPUTY JUDGE ADVOCATE GENERAL.—Such section is further amended—

(A) in subsection (a), by striking "Assistant Judge Advocate General" each place it appears and inserting "Deputy Judge Advocate General"; and

(B) in subsection (d), by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(3) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended by striking "**ASSISTANT JUDGE ADVOCATE GENERAL**" and inserting "**DEPUTY JUDGE ADVOCATE GENERAL**".

(B) The table of sections at the beginning of chapter 305 of such title is amended in the item relating to section 3037 by striking "Assistant Judge Advocate General" and inserting "Deputy Judge Advocate General".

(b) GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended in subsection by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.".

(c) GRADE OF JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(d) EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITATIONS.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.".

(e) LEGAL COUNSEL TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Chapter 5 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 156. Legal Counsel to the Chairman of the Joint Chiefs of Staff

"(a) IN GENERAL.—There is a Legal Counsel to the Chairman of the Joint Chiefs of Staff.

"(b) SELECTION FOR APPOINTMENT.—Under regulations prescribed by the Secretary of Defense, the officer selected for appointment to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be recommended by a board of officers convened by the Secretary of Defense that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

"(c) GRADE.—An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall, while so serving, hold the grade of brigadier general or rear admiral (lower half).

"(d) DUTIES.—The Legal Counsel of the Chairman of the Joint Chiefs of Staff shall perform such legal duties in support of the responsibilities of the Chairman of the Joint Chiefs of Staff as the Chairman may prescribe.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

"156. Legal Counsel to the Chairman of the Joint Chiefs of Staff.".

Subtitle G—Military Family Readiness

SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781 the following new section:

"§ 1781a. Department of Defense Military Family Readiness Council

"(a) IN GENERAL.—There is in the Department of Defense the Department of Defense Military Family Readiness Council (hereafter in this section referred to as the 'Council').

"(b) MEMBERS.—(1) The members of the Council shall be the following:

"(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council.

"(B) One representative of each of the Army, the Navy, the Marine Corps, and the Air Force, who shall be appointed by Secretary of Defense.

"(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations (including military family organizations of families of members of the regular components and of families of members of the reserve components), of whom not less than two shall be members of the family of an enlisted member of the armed forces.

"(2) The term on the Council of the members appointed under paragraph (1)(C) shall be three years.

"(c) MEETINGS.—The Council shall meet not less often than twice each year. Not more than one meeting of the Council each year shall be in the National Capital Region.

"(d) DUTIES.—The duties of the Council shall include the following:

"(1) To review and make recommendations to the Secretary of Defense on the policy and plans required under section 1781b of this title.

"(2) To monitor requirements for the support of military family readiness by the Department of Defense.

"(3) To evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

"(e) ANNUAL REPORTS.—(1) Not later than February 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness.

"(2) Each report under this subsection shall include the following:

"(A) An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the Department of Defense during the preceding fiscal year in meeting the needs and requirements of military families.

"(B) Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the Department of Defense to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781 the following new item:

"1781a. Department of Defense Military Family Readiness Council.

SEC. 582. DEPARTMENT OF DEFENSE POLICY AND PLANS FOR MILITARY FAMILY READINESS.

(a) POLICY AND PLANS REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, as amended by section 581 of this Act, is further amended by inserting after section 1781a the following new section:

"§ 1781b. Department of Defense policy and plans for military family readiness

"(a) IN GENERAL.—The Secretary of Defense shall develop a policy and plans for the Department of Defense for the support of military family readiness.

"(b) PURPOSES.—The purposes of the policy and plans required under subsection (a) are as follows:

"(1) To ensure that the military family readiness programs and activities of the Department of Defense are comprehensive, effective, and properly supported.

"(2) To ensure that support is continuously available to military families in peacetime and in war, as well as during periods of force structure change and relocation of military units.

"(3) To ensure that the military family readiness programs and activities of the Department of Defense are available to all military families, including military families of members of the regular components and military families of members of the reserve components.

"(4) To ensure that the goal of military family readiness is an explicit element of applicable Department of Defense plans, programs, and budgeting activities, and that achievement of military family readiness is expressed through Department-wide goals that are identifiable and measurable.

"(5) To ensure that the military family readiness programs and activities of the Department of Defense undergo continuous evaluation in order to ensure that resources are allocated and expended for such programs and activities in the most effective possible manner throughout the Department.

"(c) ELEMENTS OF POLICY.—The policy required under subsection (a) shall include the following elements:

"(1) A definition for treating a program or activity of the Department of Defense as a military family readiness program or activity.

"(2) Department of Defense-wide goals for military family support, both for military families of members of the regular components and military families of members of the reserve components.

"(3) Requirements for joint programs and activities for military family support.

"(4) Policies on access to military family support programs and activities based on military family populations served and geographical location.

"(5) Metrics to measure the performance and effectiveness of the military family readiness programs and activities of the Department of Defense.

"(d) ELEMENTS OF PLANS.—(1) Each plan under required under subsection (a) shall include the elements specified in paragraph (2) for the five-fiscal year period beginning with the fiscal year in which such plan is submitted under paragraph (3).

"(2) The elements in each plan required under subsection (a) shall include, for the period covered by such plan, the following:

"(A) An ongoing identification and assessment of the effectiveness of the military family readiness programs and activities of the Department of Defense in meeting goals for such programs and activities, which assessment shall evaluate such programs and activities separately for each military department and for each regular component and each reserve component.

"(B) A description of the resources required to support the military family readiness programs and activities of the Department of Defense, including the military personnel, civilian personnel, and volunteer personnel so required.

"(C) An ongoing identification in gaps in the military family readiness programs and activities of the Department of Defense, and an ongoing identification of the resources required to address such gaps.

"(D) Mechanisms to apply the metrics developed under subsection (c)(5).

"(E) A summary, by fiscal year, of the allocation of funds (including appropriated funds and nonappropriated funds) for major categories of military family readiness programs and activities of the Department of Defense, set forth for each of the military departments and for the Office of the Secretary of Defense.

"(3) Not later than March 1, 2008, and each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the plans required under subsection (a) for the five-fiscal year period beginning with the fiscal year beginning in the year in which such report is submitted. Each report shall include the plans covered by such report and an assessment of the discharge by the Department of Defense of the previous plans submitted under this subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title, as so amended, is further amended by inserting after the item relating to section 1781a the following new item:

"1781b. Department of Defense policy and plans for military family readiness.".

(3) REPORT ON POLICY.—The Secretary of Defense shall submit to the congressional defense committees a report setting forth the policy developed under section 1781b of title 10, United States Code (as added by this subsection), not later than February 1, 2009.

(b) SURVEYS OF MILITARY FAMILIES.—Section 1782(a) of title 10, United States Code, is amended—

(1) in the heading, by striking "AUTHORITY" and inserting "IN GENERAL"; and

(2) by striking "may conduct surveys" in the matter preceding paragraph (1) and inserting "shall, in fiscal year 2009 and not less often than once every three fiscal years thereafter, conduct surveys".

Subtitle H—Other Matters

SEC. 591. ENHANCEMENT OF CARRYOVER OF ACCUMULATED LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN ACCUMULATION OF CARRYOVER AMOUNT.—

(1) IN GENERAL.—Subsection (b) of section 701 of title 10, United States Code, is amended by striking "60 days" and inserting "90 days".

(2) HIGH DEPLOYMENT MEMBERS.—Paragraph (1) of subsection (f) of such section is amended—

(A) by striking "60 days" each place it appears and inserting "90 days"; and

(B) in subparagraph (C), by striking "third fiscal year" and inserting "fourth fiscal year".

(3) MEMBERS SERVING IN SUPPORT OF CONTINGENCY OPERATIONS.—Paragraph (2) of subsection (f) of such section is amended by striking "except for this paragraph—" and all that follows and inserting "except for this paragraph, would lose any accumulated leave in excess of 90 days at the end of that fiscal year, shall be permitted to retain such leave until the end of the second fiscal year after the fiscal year in which such service on active duty is terminated.".

(4) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(A) by striking "60-day" and inserting "90-day"; and

(B) by striking "90-day" and inserting "120-day".

(b) PAY.—Section 501(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(6) An enlisted member of the armed forces who would lose accumulated leave in excess of 120 days of leave under section 701(f)(1) of title 10 may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A member may make an election under this paragraph only once.".

(c) EFFECTIVE DATE.—

(1) INCREASE IN ACCUMULATION.—The amendments made by subsection (a) shall take effect on October 1, 2008.

(2) PAY.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 592. UNIFORM POLICY ON PERFORMANCES BY MILITARY BANDS.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 988. Performances by military bands

"(a) IN GENERAL.—Department of Defense bands, ensembles, choruses, or similar musical units, including individual members thereof performing in an official capacity, may not—

"(1) engage in the performance of music in competition with local civilian musicians; or

"(2) receive remuneration for official performances.

"(b) Performance of Music in Competition With Local Civilian Musicians Defined.—In this section, the term 'performance of music in competition with local civilian musicians'—

"(1) includes—

"(A) a performance of music that is more than incidental to an event that is not supported solely by appropriated funds or free to the public; and

"(B) a performance of background, dinner, dance, or other social music at any event, regardless of location, that is not supported solely by appropriated funds; but

"(2) does not include a performance of music—

"(A) at an official Federal Government event that is supported solely by appropriated funds;

"(B) at a concert, parade, or other event of a patriotic nature (including a celebration of a national holiday) that is free to the public; or

"(C) that is incidental to an event that is not supported solely by appropriated funds, including a short performance of military or patriotic music at the beginning or end of an event, if the performance complies with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

"(c) Members of Department of Defense Bands Performing in Personal Capacity.—A member of a Department of Defense band, ensemble, chorus, or similar musical unit may perform music in the member's personal capacity, as an individual or part of a group, whether for remuneration or otherwise, if in so performing the member does not wear a military uniform or otherwise identify the member as a member of the Department of Defense, as provided in applicable regulations and standards of conduct.

"(d) Recordings.—(1) When authorized pursuant to regulations prescribed by the Secretary of Defense for purposes of this section, Department of Defense bands, ensembles, choruses, or similar musical units may produce recordings for distribution to the public, at a cost not to exceed production and distribution expenses.

"(2) Amounts received in payment for recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of such recordings. Any amounts so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.".

(b) Conforming Repeals.—Sections 3634, 6223, and 8634 of such title are repealed.

(c) Clerical Amendments.—

(1) The table of sections at the beginning of chapter 49 of such title is amended by adding at the end the following new item:

"988. Performances by military bands.".

(2) The table of sections at the beginning of chapter 349 of such title is amended by striking the item relating to section 3634.

(3) The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6223.

(4) The table of sections at the beginning of chapter 849 of such title is amended by striking the item relating to section 8634.

SEC. 593. WAIVER OF TIME LIMITATIONS ON AWARD OF MEDALS OF HONOR TO CERTAIN MEMBERS OF THE ARMY.

(a) Waiver of Time Limitations.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to any of the persons named in subsections (b), (c), (d), (e), and (f) for the acts of valor referred to in the respective subsections.

(b) Woodrow Keeble.—Subsection (a) applies with respect to Woodrow W. Keeble, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty as an acting platoon leader on October 20, 1950, during the Korean War.

(c) Leslie Sabo, Jr.—Subsection (a) applies with respect to Leslie H. Sabo, Jr., for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on May 10, 1970, as an Army soldier, serving in the grade of Specialist Grade Four in Vietnam, with Company B, 3d Battalion, 506th Infantry Regiment, 101st Airborne Division.

(d) Philip Shadrach.—Subsection (a) applies with respect to Philip G. Shadrach, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on April 12, 1862, as a Union Soldier, serving in the grade of Private during the Civil War, with Company K, 2nd Ohio Volunteer Infantry Regiment.

(e) Henry Svehla.—Subsection (a) applies with respect to Henry Svehla, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on June 12, 1952, as an Army soldier, serving in the grade of Private First Class in Korea, with Company F, 32d Infantry Regiment, 7th Infantry Division.

(f) George Wilson.—Subsection (a) applies with respect to George D. Wilson, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on April 12, 1862, as a Union Soldier, serving in the grade of Private during the Civil War, with Company B, 2nd Ohio Volunteer Infantry Regiment.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) Waiver of Section 1009 Adjustment.—The adjustment to become effective during fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) Increase in Basic Pay.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SEC. 602. ALLOWANCE FOR PARTICIPATION OF RESERVES IN ELECTRONIC SCREENING.

(a) Allowance for Participation in Electronic Screening.—

(1) In general.—Chapter 7 of title 37, United States Code, is amended by inserting after section 433 the following new section:

"§433a. Allowance for participation in Ready Reserve screening

"(a) Allowance Authorized.—(1) Under regulations prescribed by the Secretaries concerned, a member of the Individual Ready Reserve may be paid a stipend for participation in the screening performed pursuant to section 10149 of title 10, in lieu of muster duty performed under section 12319 of title 10, if such participation is conducted through electronic means.

"(2) The stipend paid a member under this section shall constitute the sole monetary allowance authorized for participation in the screening described in paragraph (1), and shall constitute payment in full to the member for participation in such screening, regardless of the grade or rank in which the member is serving.

"(b) Maximum Payment.—The aggregate amount of the stipend paid a member of the Individual Ready Reserve under this section in any calendar year may not exceed $50.

"(c) Payment Requirements.—(1) The stipend authorized by this section may not be disbursed in kind.

"(2) Payment of a stipend to a member of the Individual Ready Reserve under this section for participation in screening shall be made on or after the date of participation in such screening, but not later than 30 days after such date.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 433 the following new item:

"433a. Allowance for participation in Ready Reserve screening.".

(b) Bar to Dual Compensation.—Section 206 of such title is amended by adding at the end the following new subsection:

"(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.".

(c) Bar to Retirement Credit.—Section 12732(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Service in the screening performed pursuant to section 10149 of this title through electronic means, regardless of whether or not a stipend is paid the member concerned for such service under section 433a of title 37.".

SEC. 603. MIDMONTH PAYMENT OF BASIC PAY FOR CONTRIBUTIONS OF MEMBERS PARTICIPATING IN THRIFT SAVINGS PLAN.

Section 1014 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(c) Subsection (a) does not preclude a payment with respect to a member who elects to participate in the Thrift Savings Plan under section 211 of this title of an amount equal to one-half of the monthly deposit to the Thrift Savings Fund otherwise to be made by the member in participating in the Plan, which amount shall be deposited in the Fund at midmonth.".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Selected Reserve Reenlistment Bonus.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Selected Reserve Affiliation or Enlistment Bonus.—Section 308c(i) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) Ready Reserve Enlistment Bonus for Persons Without Prior Service.—Section 308g(f)(2) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(e) Ready Reserve Enlistment and Reenlistment Bonus for Persons With Prior Service.—Section 308h(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) Selected Reserve Enlistment Bonus for Persons With Prior Service.—Section 308i(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of such title is amended by striking "January 1, 2008" and inserting "January 1, 2009".

(c) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(e) Special Pay for Selected Reserve Health Professionals in Critically Short Wartime Specialties.—Section 302g(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) Accession Bonus for Dental Officers.—Section 302h(a)(1) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(g) Accession Bonus for Pharmacy Officers.—Section 302j(a) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(h) Accession Bonus for Medical Officers in Critically Short Wartime Specialties.—Section 302k(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(i) Accession Bonus for Dental Specialist Officers in Critically Short Wartime Specialties.—Section 302l(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(f) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(c) Enlistment Bonus.—Section 309(e) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(d) Retention Bonus for Members With Critical Military Skills or Assigned to High Priority Units.—Section 323(i) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(e) Accession Bonus for New Officers in Critical Skills.—Section 324(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(f) Incentive Bonus for Conversion to Military Occupational Specialty to Ease Personnel Shortage.—Section 326(g) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

(g) Accession Bonus for Officer Candidates.—Section 330(f) of such title is amended by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS OF THE ARMED FORCES.

(a) Incentive Special Pay.—Section 302(b)(1) of title 37, United States Code, is amended by striking "$50,000" and inserting "$75,000".

(b) Multiyear Retention Bonus.—Section 301d(a)(2) of such title is amended by striking "$50,000" and inserting "$75,000".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPECIAL PAY.

(a) Increase.—Section 302b(a)(4) of title 37, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "at the following rates" and inserting "at a rate determined by the Secretary concerned, which rate may not exceed the following";

(2) in subparagraph (A), by striking "$4,000" and inserting "$10,000"; and

(3) in subparagraph (B), by striking "$6,000" and inserting "$12,000".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply to payments of dental officer additional special pay under agreements entered into under section 302b(b) of title 37, United States Code, on or after that date.

SEC. 617. ENHANCEMENT OF HARDSHIP DUTY PAY.

(a) In General.—The text of section 305 of title 37, United States Code, is amended to read as follows:

"(a) Authority.—A member of a uniformed service who is entitled to basic pay may be paid special pay under this section while the member is performing duty that is designated by the Secretary of Defense as hardship duty.

"(b) Payment on Monthly or Lump Sum Basis.—Special pay payable under this section may be paid on a monthly basis or in a lump sum.

"(c) Maximum Rate or Amount.—(1) The maximum monthly rate of special pay payable to a member on a monthly basis under this section is $1,500.

"(2) The amount of the lump sum payment of special pay payable to a member on a lump sum basis under this section may not exceed an amount equal to the product of—

"(A) the maximum monthly rate authorized under paragraph (1) at the time the member qualifies for payment of special pay on a lump sum basis under this section; and

"(B) the number of months for which special pay on a lump sum basis under this section is payable to the member.

"(d) Relationship to Other Pay and Allowances.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(e) Repayment.—A member who is paid special pay in a lump sum under this section, but who fails to complete the period of service for which such special pay is paid, shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) Regulations.—The Secretary of Defense shall prescribe regulations for the payment of hardship duty pay under this section, including the specific rates at which special pay payable under this section on a monthly basis shall be paid.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to hardship duty pay payable on or after that date.

SEC. 618. INCLUSION OF SERVICE AS OFF-CYCLE CREWMEMBER OF MULTI-CREWED SHIP IN SEA DUTY FOR CAREER SEA PAY.

(a) In General.—Section 305a(e)(1)(A) of title 37, United States Code, is amended—

(1) in clause (ii), by striking "or" at the end; and

(2) by adding at the end the following new clause:

"(iv) while serving as an off-cycle crewmember of a multi-crewed ship; or".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to months beginning on or after that date.

SEC. 619. MODIFICATION OF REENLISTMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE.

(a) Minimum Period of Reenlistment.—Subsection (a)(2) of section 308b of title 37, United States Code, is amended by striking "for a period of three years or for a period of six years" and inserting "for a period of not less than three years".

(b) Amount of Bonus.—Subsection (b)(1) of such section is amended by striking "may not exceed—" and all that follows and inserting "may not exceed $15,000.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to reenlistments or extensions of enlistment that occur on or after that date.

SEC. 620. INCREASE IN YEARS OF COMMISSIONED SERVICE COVERED BY AGREEMENTS FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) Increase.—Section 312 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by striking "26 years" and inserting "30 years"; and

(2) in subsection (e)(1), by striking "26 years" and inserting "30 years".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to agreements, including new agreements, entered into under section 312 of title 37, United States Code, on or after that date.

SEC. 621. AUTHORITY TO WAIVE 25-YEAR ACTIVE DUTY LIMIT FOR RETENTION BONUS FOR CRITICAL MILITARY SKILLS WITH RESPECT TO CERTAIN MEMBERS.

(a) Authority.—Section 323(e) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) The limitations in paragraph (1) may be waived by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, with respect to a member who is assigned duties in a critical skill designated by such Secretary for purposes of this paragraph during the period of active duty for which the bonus is being offered.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2007, and shall apply with respect to written agreements that are executed, or reenlistments or extensions of enlistment that occur, under section 323 of title 37, United States Code, on or after that date.

SEC. 622. CODIFICATION AND IMPROVEMENT OF AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) CODIFICATION AND IMPROVEMENT OF BONUS AUTHORITY.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 331. Bonus to encourage Army personnel to refer other persons for enlistment in the Army

“(a) AUTHORITY TO PAY BONUS.—

“(1) AUTHORITY.—The Secretary of the Army may pay a bonus under this section to an individual referred to in paragraph (2) who refers to an Army recruiter a person who has not previously served in an armed force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

“(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

“(A) A member in the regular component of the Army.

“(B) A member of the Army National Guard.

“(C) A member of the Army Reserve.

“(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

“(E) A civilian employee of the Department of the Army.

“(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

“(1) when the individual concerned contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

“(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

“(c) CERTAIN REFERRALS INELIGIBLE.—

“(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

“(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

“(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of title 10 to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the Army employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

“(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

“(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

“(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person.

“(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person.

“(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

“(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, or any other provision of law.

“(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

“331. Bonus to encourage Army personnel to refer other persons for enlistment in the Army.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended, is repealed.

(c) PAYMENT OF BONUSES UNDER SUPERSEDED AUTHORITY.—Any bonus payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended, as of the day before the date of the enactment of this Act shall remain payable after that date in accordance with the provisions of such section as in effect on such day.

SEC. 623. AUTHORITY TO PAY BONUS TO ENCOURAGE DEPARTMENT OF DEFENSE PERSONNEL TO REFER OTHER PERSONS FOR APPOINTMENT AS OFFICERS TO SERVE IN HEALTH PROFESSIONS.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, as amended by section 622 of this Act, is further amended by adding at the end the following new section:

“§ 331a. Bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions

“(a) AUTHORITY TO PAY BONUS.—

“(1) AUTHORITY.—The appropriate Secretary may pay a bonus under this section to an individual referred to in paragraph (2) who refers to a military recruiter a person who has not previously served and, after such referral, takes an oath of enlistment that leads to appointment as a commissioned officer, or accepts an appointment as a commissioned officer, in an armed force in a health profession designated by the appropriate Secretary for purposes of this section.

“(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

“(A) A member of the armed forces in a regular component of the armed forced.

“(B) A member of the armed forces in a reserve component of the armed forced.

“(C) A member of the armed forces in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired or retainer pay.

“(D) A civilian employee of a military department or the Department of Defense.

“(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

“(1) when the individual concerned contacts a military recruiter on behalf of a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession; or

“(2) when a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession contacts a military recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

“(c) CERTAIN REFERRALS INELIGIBLE.—

“(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the armed forces may not be paid a bonus under subsection (a) for the referral of an immediate family member.

“(2) MEMBERS IN RECRUITING ROLES.—A member of the armed forces serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the appropriate Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

“(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the armed forces detailed under subsection (c)(1) of section 2031 of title 10 to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the armed forces employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

“(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

“(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

“(1) Not more than $1,000 shall be paid upon the execution by the person of an agreement to serve as an officer in a health profession in an armed force for not less than 3 years,

“(2) Not more than $1,000 shall be paid upon the completion by the person of the initial period of military training as an officer.

“(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

“(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, or any other provision of law.

“(h) APPROPRIATE SECRETARY DEFINED.—In this section, the term ‘appropriate Secretary’ means—

“(1) the Secretary of the Army, with respect to matters concerning the Army;

“(2) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy;

“(3) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

“(4) the Secretary of Defense, with respect to personnel of the Department of Defense.

"(i) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title, as so amended, is further amended by adding at the end the following new item:

"331a. Bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions.".

SEC. 624. ACCESSION BONUS FOR PARTICIPANTS IN ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) ACCESSION BONUS AUTHORIZED.—Section 2127 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) In order to increase participation in the program, the Secretary of Defense may pay a person who signs an agreement under section 2122 of this title an accession bonus of not more than $20,000.

"(2) An accession bonus paid a person under this subsection is in addition to any other amounts payable to the person under this subchapter.

"(3) In the case of an individual who is paid an accession bonus under this subsection, but fails to commence or complete the obligated service required of the person under this subchapter, the repayment provisions of section 303a(e) of title 37 shall apply to the accession bonus paid the person under this subsection.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to agreements signed under subchapter I of chapter 105 of title 10, United States Code, on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 641. PAYMENT OF EXPENSES OF TRAVEL TO THE UNITED STATES FOR OBSTETRICAL PURPOSES OF DEPENDENTS LOCATED IN VERY REMOTE LOCATIONS OUTSIDE THE UNITED STATES.

Section 1040 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsection (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary of Defense may pay the travel expenses and related expenses of a dependent of a member of the uniformed services assigned to a very remote location outside the United States, as determined by the Secretary, for travel for obstetrical purposes to a location in the United States.".

SEC. 642. PAYMENT OF MOVING EXPENSES FOR JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS IN HARD-TO-FILL POSITIONS.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) When determined by the Secretary of the military department concerned to be in the national interest and agreed upon by the institution concerned, the institution may reimburse the moving expenses of a Junior Reserve Officers' Training Corps instructor who executes a written agreement to serve a minimum of two years of employment at the institution in a position that is hard-to-fill for geographic or economic reasons and as determined by the Secretary concerned.

"(2) Any reimbursement of an instructor under paragraph (1) is in addition to the minimum instructor pay otherwise payable to the instructor.

"(3) The Secretary concerned shall reimburse an institution making a reimbursement under paragraph (1) in an amount equal to the amount of the reimbursement paid by the institution under that paragraph. Any reimbursement under this paragraph shall be made from funds appropriated for that purpose.

"(4) The payment of reimbursements under paragraphs (1) and (3) shall be subject to regulations prescribed by the Secretary of Defense for purposes of this subsection.".

Subtitle D—Retired Pay and Survivor Benefits

SEC. 651. MODIFICATION OF SCHEME FOR PAYMENT OF DEATH GRATUITY PAYABLE WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Subsection (a) of section 1477 of title 10, United States Code, is amended by striking all that follows "on the following list:" and inserting the following:

"(1) To any individual designated by the person in writing.

"(2) If there is no person so designated, to the surviving spouse of the person.

"(3) If there is none of the above, to the children (as prescribed by subsection (b)) of the person and the descendants of any deceased children by representation.

"(4) If there is none of the above, to the parents (as prescribed by subsection (c)) of the person or the survivor of them.

"(5) If there is none of the above, to the duly appointed executor or administrator of the estate of the person.

"(6) If there is none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking "Subsection (a)(2)" in the matter preceding paragraph (1) and inserting "Subsection (a)(3)";

(2) by striking (c) and inserting the following new subsection (c):

"(c) For purposes of subsection (a)(4), parents include fathers and mothers through adoption. However, only one father and one mother may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent entered a status described in section 1475 or 1476 of this title."; and

(3) by striking subsection (d).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) APPLICABILITY.—Notwithstanding subsection (c), the provisions of section 1477 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to each member of the Armed Forces covered by such section until the earlier of the following—

(1) the date on which such member makes the designation contemplated by paragraph (1) of section 1477(a) of such title (as amended by subsection (a) of this section); or

(2) January 1, 2008.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than December 1, 2007, the Secretary of Defense shall prescribe regulations to implement the amendments to section 1477 of title 10, United States Code, made by subsection (a).

(2) ELEMENTS.—The regulations required by paragraph (1) shall include forms for the making of the designation contemplated by paragraph (1) of section 1477(a) of title 10, United States Code (as amended by subsection (a)), and instructions for members of the Armed Forces in the filling out of such forms.

SEC. 652. ANNUITIES FOR GUARDIANS OR CARETAKERS OF DEPENDENT CHILDREN UNDER SURVIVOR BENEFIT PLAN.

(a) ELECTION.—Section 1448(b) of title 10, United States Code, is amended—

(1) in the subsection caption, by striking "AND FORMER SPOUSE" and inserting ", FORMER SPOUSE, AND GUARDIAN OR CARETAKER"; and

(2) by adding at the end the following new paragraph:

"(6) GUARDIAN OR CARETAKER COVERAGE.—

"(A) GENERAL RULE.—A person who is not married and has one or more dependent children upon becoming eligible to participate in the Plan may elect to provide an annuity under the Plan to a natural person (other than a natural person with an insurable interest in the person under paragraph (1) or a former spouse) who acts as a guardian or caretaker to such child or children. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

"(B) TERMINATION OF COVERAGE.—Subparagraphs (B) through (E) of paragraph (1) shall apply to an election under subparagraph (A) of this paragraph in the same manner as such subparagraphs apply to an election under subparagraph (A) of paragraph (1).

"(C) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—Subparagraph (G) of paragraph (1) shall apply to an election under subparagraph (A) of this paragraph in the same manner as such subparagraph (G) applies to an election under subparagraph (A) of paragraph (1), except that any new beneficiary elected under such subparagraph (G) by reason of this subparagraph shall be a guardian or caretaker of the dependent child or children of the person making such election.".

(b) PAYMENT OF ANNUITY.—Section 1450 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(5) GUARDIAN OR CARETAKER COVERAGE.—The natural person designated under section 1448(b)(6) of this title, unless the election to provide an annuity to the natural person has been changed as provided in subsection (f)."; and

(2) in the subsection caption of subsection (f), by striking "OR FORMER SPOUSE" and inserting ", FORMER SPOUSE, OR GUARDIAN OR CARETAKER".

(c) AMOUNT OF ANNUITY.—Section 1451(b) of such title is amended—

(1) in the subsection caption, by inserting "OR GUARDIAN OR CARETAKER" after "INSURABLE INTEREST"; and

(2) by inserting "or 1450(a)(5)" after "1450(a)(4)" each place it appears in paragraphs (1) and (2).

(d) REDUCTION IN RETIRED PAY.—Section 1452(c) of such title is amended—

(1) in the subsection caption, by inserting "OR GUARDIAN OR CARETAKER" after "INSURABLE INTEREST"; and

(2) by inserting "or 1450(a)(5)" after "1450(a)(4)" each place it appears in paragraphs (1) and (3).

SEC. 653. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking "entitled to retired pay who—" and all that follows and inserting "who—

"(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

"(2) has a combat-related disability.".

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before "In the case of" the following heading: "IN GENERAL.—"; and

(2) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. 654. CLARIFICATION OF APPLICATION OF RETIRED PAY MULTIPLIER PERCENTAGE TO MEMBERS OF THE UNIFORMED SERVICES WITH OVER 30 YEARS OF SERVICE.

(a) COMPUTATION OF RETIRED AND RETAINER PAY FOR MEMBERS OF NAVAL SERVICE.—The table in section 6333(a) of title 10, United States Code, is amended in Column 2 of Formula A by striking "75 percent" and inserting "Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.".

(b) RETIRED PAY FOR CERTAIN MEMBERS RECALLED TO ACTIVE DUTY.—The table in section 1402(a) of such title is amended by striking Column 3.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2007, and shall apply with respect to retired pay and retainer pay payable on or after that date.

SEC. 655. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

"(1) has attained the eligibility age applicable under subsection (f) to that person;"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

"(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after the date of the enactment of this subsection, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

"(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

"(ii) Active service described in this subparagraph is also service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

"(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).".

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.".

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

Subtitle E—Education Benefits

SEC. 671. TUITION ASSISTANCE FOR OFF-DUTY TRAINING OR EDUCATION.

(a) CLARIFICATION OF APPLICABILITY OF CURRENT AUTHORITY TO COMMISSIONED OFFICERS ON ACTIVE DUTY.—Subsection (b) of section 2007 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(other than a member of the Ready Reserve)" after "active duty" the first place it appears; and

(B) by striking "or full-time National Guard duty" both places it appears; and

(2) in paragraph (2)(B), by inserting "for which ordered to active duty" after "active duty service".

(b) AUTHORITY TO PAY TUITION ASSISTANCE TO MEMBERS OF THE READY RESERVE.—

(1) IN GENERAL.—Subsection (c) of such section is amended to read as follows:

"(c)(1) Subject to paragraphs (3)(A) and (4), the Secretary of a military department may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Selected Reserve.

"(2) Subject to paragraphs (3)(B) and (4), the Secretary of a military department may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Individual Ready Reserve who has a military occupational specialty designated by the Secretary for purposes of this subsection.

"(3)(A) The Secretary of a military department may not pay charges under paragraph (1) for tuition or expenses of an officer of the Selected Reserve unless the officer agrees to remain a member of the Selected Reserve for at least four years after completion of the education or training for which the charges are paid.

"(B) The Secretary of a military department may not pay charges under paragraph (2) for tuition or expenses of an officer of the Individual Ready Reserve unless the officer agrees to remain in the Selected Reserve or Individual Ready Reserve for at least four years after completion of the education or training for which the charges are paid.

"(4) The Secretary of a military department may require enlisted members of the Selected Reserve or Individual Ready Reserve to agree to serve for up to four years in the Selected Reserve or Individual Ready Reserve, as the case may be, after completion of education or training for which tuition or expenses are paid under paragraph (1) or (2), as applicable.".

(2) REPEAL OF SUPERSEDED PROVISION.—Such section is further amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(3) REPAYMENT OF UNEARNED BENEFIT.—Subsection (e) of such section, as redesignated by paragraph (2) of this subsection, is amended—

(A) by inserting "(1)" after "(e)"; and

(B) by adding at the end the following new paragraph:

"(2) If a member of the Ready Reserve who enters into an agreement under subsection (c) does not complete the period of service specified in the agreement, the member shall be subject to the repayment provisions of section 303a(e) of title 37.".

(c) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

"(f) This section shall be administered under regulations prescribed by the Secretary of Defense and the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.".

SEC. 672. EXPANSION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of subsection (a) of section 16301 of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) any loan incurred for educational purposes made by a lender that is—

"(i) an agency or instrumentality of a State;

"(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

"(iii) a pension fund approved by the Secretary for purposes of this section; or

"(iv) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.".

(b) ELIGIBILITY OF OFFICERS.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking "Except as provided in paragraph (3), the Secretary" and inserting "The Secretary"; and

(B) by striking "an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty" and inserting "a member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and officer program or military specialty"; and

(2) by striking paragraph (3).

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§16301. Education loan repayment program: members of the Selected Reserve".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by striking the item relating to section 16301 and inserting the following new item:

"16301. Education loan repayment program: members of the Selected Reserve.".

Subtitle F—Other Matters

SEC. 681. ENHANCEMENT OF AUTHORITIES ON INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE-DUTY SERVICE.

(a) CLARIFICATION OF GENERAL AUTHORITY.—Subsection (a) of section 910 of title 37, United States Code, is amended by inserting ", when the total monthly military compensation of the member is less than the average monthly civilian income" after "by the Secretary".

(b) ELIGIBILITY.—Subsection (b) of such section is amended to read as follows:

"(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member—

"(1) while on active duty under an involuntary mobilization order, following the date on which the member—

"(A) completes 18 continuous months of service on active duty under such an order;

"(B) completes 730 cumulative days of service on active duty under such an order during the previous 1,826 days; or

"(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days following the member's separation from a previous period of involuntary active duty for period of 180 days or more; or

"(2) while retained on active duty under subparagraph (A) or (B) of section 12301(h)(1) of title 10 because of an injury or illness incurred or aggravated while deployed to an area designated for special pay under section 310 of this title after becoming entitled to income replacement pay under paragraph (1).".

(c) TERMINATION.—Subsection (g) of such section is amended to read as follows:

"(g) TERMINATION OF AUTHORITY.—Payment under this section shall only be made for service performed on or before December 31, 2008.".

SEC. 682. OVERSEAS NATURALIZATION OF MILITARY FAMILY MEMBERS.

(a) IN GENERAL.—Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

"(e) Any person who is lawfully admitted for permanent residence, is the spouse or child of a member of the Armed Forces, and is authorized to accompany such member and reside in a foreign country with the member pursuant to the member's official orders, and who is so accompanying and residing with the member (in marital union if a spouse), may be naturalized upon compliance with all the requirements of this title except that the person's residence and physical presence in such foreign country shall be treated as residence and physical presence in the United States or any State for the purpose of satisfying the requirements of section 316 or 322 for naturalization and for the purpose of satisfying the requirements of section 101(a)(13)(C)(i) or (ii).".

(b) OVERSEAS NATURALIZATION AUTHORITY.—Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (8 U.S.C. 1443a) is amended by inserting ", and persons eligible to meet the residence or physical presence requirements for naturalization pursuant to subsection (e) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430)," after "Armed Forces".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application of naturalization pending before the Secretary of Homeland Security on or after the date of enactment.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. INCLUSION OF TRICARE RETAIL PHARMACY PROGRAM IN FEDERAL PROCUREMENT OF PHARMACEUTICALS.

(a) IN GENERAL.—Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) PROCUREMENT OF PHARMACEUTICALS BY TRICARE RETAIL PHARMACY PROGRAM.—With respect to any prescription filled on or after October 1, 2007, the TRICARE retail pharmacy program shall be treated as an element of the Department of Defense for purposes of the procurement of drugs by Federal agencies under section 8126 of title 38 to the extent necessary to ensure that pharmaceuticals paid for by the Department of Defense that are provided by pharmacies under the program to eligible covered beneficiaries under this section are subject to the pricing standards in such section 8126.".

(b) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, modify the regulations under subsection (h) of section 1074g of title 10, United States Code (as redesignated by subsection (a)(1) of this section), to implement the requirements of subsection (f) of section 1074g of title 10, United States Code (as amended by subsection (a)(2) of this section). The Secretary shall so modify such regulations not later than December 31, 2007.

SEC. 702. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) REQUIREMENT FOR SURVEYS.—

(1) IN GENERAL.—The Secretary of Defense shall conduct surveys of health care providers and beneficiaries who use TRICARE in the United States to determine, utilizing a reconciliation of the responses of providers and beneficiaries to such surveys, each of the following:

(A) How many health care providers in TRICARE Prime service areas selected under paragraph (3)(A) are accepting new patients under each of TRICARE Standard and TRICARE Extra.

(B) How many health care providers in geographic areas in which TRICARE Prime is not offered are accepting patients under each of TRICARE Standard and TRICARE Extra.

(C) The availability of mental health care providers in TRICARE Prime service areas selected under paragraph (3)(C) and in geographic areas in which TRICARE Prime is not offered.

(2) BENCHMARKS.—The Secretary shall establish for purposes of the surveys required by paragraph (1) benchmarks for primary care and specialty care providers, including mental health care providers, to be utilized to determine the adequacy of health care providers to beneficiaries eligible for TRICARE.

(3) SCOPE OF SURVEYS.—The Secretary shall carry out the surveys required by paragraph (1) as follows:

(A) In the case of the surveys required by subparagraph (A) of that paragraph, in at least 20 TRICARE Prime service areas in the United States in each of fiscal years 2008 through 2011.

(B) In the case of the surveys required by subparagraph (B) of that paragraph, in 20 geographic areas in which TRICARE Prime is not offered and in which significant numbers of beneficiaries who are members of the Selected Reserve reside.

(C) In the case of the surveys required by subparagraph (C) of that paragraph, in at least 40 geographic areas.

(4) PRIORITY FOR SURVEYS.—In prioritizing the areas which are to be surveyed under paragraph (1), the Secretary shall—

(A) consult with representatives of TRICARE beneficiaries and health care and mental health care providers to identify locations where TRICARE Standard beneficiaries are experiencing significant levels of access-to-care problems under TRICARE Standard or TRICARE Extra; and

(B) give a high priority to surveying health care and mental health care providers in such areas.

(5) INFORMATION FROM PROVIDERS.—The surveys required by paragraph (1) shall include questions seeking to determine from health care and mental health care providers the following:

(A) Whether the provider is aware of the TRICARE program.

(B) What percentage of the provider's current patient population uses any form of TRICARE.

(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care and mental health care services.

(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider's current patient population.

(6) INFORMATION FROM BENEFICIARIES.—The surveys required by paragraph (1) shall include questions seeking information to determine from TRICARE beneficiaries whether they have difficulties in finding health care and mental health care providers willing to provide services under TRICARE Standard or TRICARE Extra.

(b) SUPERVISION.—

(1) SUPERVISING OFFICIAL.—The Secretary shall designate a senior official of the Department of Defense to take the actions necessary for achieving and maintaining participation of health care and mental health care providers in TRICARE Standard and TRICARE Extra throughout TRICARE in a number that is adequate to ensure the viability of TRICARE Standard for TRICARE beneficiaries.

(2) DUTIES.—The official designated under paragraph (1) shall have the following duties:

(A) To make recommendations to the Secretary for purposes of subsection (a)(2) on appropriate benchmarks for measuring the adequacy of health care and mental health care providers in TRICARE Prime service areas and geographic areas in the United States in which TRICARE Prime is not offered.

(B) To educate health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(C) To encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(D) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard and TRICARE Extra providers readily.

(E) To recommend adjustments in TRICARE Standard provider payment rates that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(c) GAO REVIEW.—

(1) ONGOING REVIEW.—The Comptroller General shall, on an ongoing basis, review—

(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of the number of health care and mental health care providers—

(i) that currently accept TRICARE Standard or TRICARE Extra beneficiaries as patients under TRICARE Standard in each TRICARE area as of the date of completion of the review; and

(ii) that would accept TRICARE Standard or TRICARE Extra beneficiaries as new patients under TRICARE Standard or TRICARE Extra, as applicable, within a reasonable time after the date of completion of the review; and

(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care and mental health care under TRICARE Standard in each TRICARE area, including any pending or resolved requests for waiver of payment limits in order to improve access to health care or mental health care in a specific geographic area.

(2) REPORTS.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives on a bi-annual basis a report on the results of the review under paragraph (1). Each report shall include the following:

(A) An analysis of the adequacy of the surveys under subsection (a).

(B) An identification of any impediments to achieving adequacy of availability of health care and mental health care under TRICARE Standard or TRICARE Extra.

(C) An assessment of the adequacy of Department of Defense education programs to inform health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(D) An assessment of the adequacy of Department of Defense initiatives to encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(E) An assessment of the adequacy of information available to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care and mental health care under TRICARE Standard and TRICARE Extra.

(F) An assessment of any need for adjustment of health care and mental health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care and mental health care providers.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2007.

(e) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITY.—Section 723 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 1073 note) is repealed, effective as of October 1, 2007.

(f) DEFINITIONS.—In this section:

(1) The term "TRICARE Extra" means the option of the TRICARE program under which TRICARE Standard beneficiaries may obtain discounts on cost-sharing as a result of using TRICARE network providers.

(2) The term "TRICARE Prime" means the managed care option of the TRICARE program.

(3) The term "TRICARE Prime service area" means a geographic are designated by the Department of Defense in which managed care support contractors develop a managed care network under TRICARE Prime.

(4) The term "TRICARE Standard" means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of title 10, United States Code.

(5) The term "United States" means the United States (as defined in section 101(a) of title 10, United States Code), its possessions (as defined in such section), and the Commonwealth of Puerto Rico.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.

(a) DEFINITION IN REGULATIONS OF SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations prescribed pursuant to subsection (b)(2)(A) of section 2306b of title 10, United States Code, to define the term "substantial savings" for purposes of subsection (a)(1) of such section. Such regulations shall specify that—

(A) savings that exceed 10 percent of the total anticipated costs of carrying out a program through annual contracts shall be considered to be substantial;

(B) savings that exceed 5 percent of the total anticipated costs of carrying out a program through annual contracts, but do not exceed 10 percent of such costs, shall not be considered to be substantial unless the Secretary determines in writing that an exceptionally strong case has been made with regard to the findings required by paragraphs (2) through (6) of section 2306b(a) of such title; and

(C) savings that do not exceed 5 percent of the total anticipated costs of carrying out a program through annual contracts shall not be considered to be substantial.

(2) EFFECTIVE DATE.—The modification required by paragraph (1) shall apply with regard to any multiyear contract that is authorized after the date that is 60 days after the date of the enactment of this Act.

(b) REPORT ON BASIS FOR DETERMINATION.—Section 2306b(i)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: "after the head of the agency concerned submits to the congressional defense committees a report on the specific facts supporting the determination of the head of that agency under subsection (a)".

(c) REPORTS ON SAVINGS ACHIEVED.—

(1) REPORTS REQUIRED.—Not later than January 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees a report on the savings achieved through the use of multiyear contracts that were entered under the authority of section 2306b of title 10, United States Code, and the performance of which was completed in the preceding fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall specify, for each multiyear contract covered by such report—

(A) the savings that the Department of Defense estimated it would achieve through the use of the multiyear contract at the time such contract was awarded; and

(B) the best estimate of the Department on the savings actually achieved under such contract.

SEC. 802. CHANGES TO MILESTONE B CERTIFICATIONS.

Section 2366a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ", after receiving a business case analysis," after "the milestone decision authority" in the matter preceding paragraph (1);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

"(b) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received certification under subsection (a) shall immediately notify the milestone decision authority of any changes to the program that are—

"(A) inconsistent with such certification; or

"(B) deviate significantly from the material provided to the milestone decision authority in support of such certification.

"(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification concerned or rescind Milestone B approval (or Key Decision Point B approval in the case of a space program) if the milestone decision authority determines that such action is in the best interest of the national security of the United States.";

(4) in subsection (c), as redesignated by paragraph (1)—

(A) by inserting "(1)" before "The certification"; and

(B) by adding at the end the following new paragraph (2):

"(2) Any information provided to the milestone decision authority pursuant to subsection (b) shall be summarized in the first Selected Acquisition Report submitted under section 2432 of this title after such information is received by the milestone decision authority."; and

(5) in subsection (e), as so redesignated, by striking "subsection (c)" and inserting "subsection (d)".

SEC. 803. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE ORGANIZATION AND STRUCTURE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on potential modifications of the organization and structure of the Department of Defense for major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall include the results of a review, conducted by the Comptroller General for purposes of the report, regarding the feasibility and advisability of, at a minimum, the following:

(1) Establishing system commands within each military department, each of which commands would be headed by a 4-star general or flag officer, to whom the program managers and program executive officers for major defense acquisition programs would report.

(2) Revising the acquisition process for major defense acquisition programs by establishing shorter, more frequent acquisition program milestones.

(3) Requiring certifications of program status to the defense acquisition executive and Congress prior to milestone approval for major defense acquisition programs.

(4) Establishing a new office (to be known as the "Office of Independent Assessment") to provide independent cost estimates and performance estimates for major defense acquisition programs.

(5) Establishing a milestone system for major defense acquisition programs utilizing the following milestones (or such other milestones as the Comptroller General considers appropriate for purposes of the review):

(A) MILESTONE 0.—The time for the development and approval of a mission need statement for a major defense acquisition program.

(B) MILESTONE 1.—The time for the development and approval of a capability need definition for a major defense acquisition program, including development and approval of a certification statement on the characteristics required for the system under the program and a determination of the priorities among such characteristics.

(C) MILESTONE 2.—The time for technology development and assessment for a major defense acquisition program, including development and approval of a certification statement on technology maturity of elements under the program.

(D) MILESTONE 3.—The time for system development and demonstration for a major defense acquisition program, including development and approval of a certification statement on design proof of concept.

(E) MILESTONE 4.—The time for final design, production prototyping, and testing of a major defense acquisition program, including development and approval of a certification statement on cost, performance, and schedule in advance of initiation of low-rate production of the system under the program.

(F) MILESTONE 5.—The time for limited production and field testing of the system under a major defense acquisition program.

(G) MILESTONE 6.—The time for initiation of full-rate production of the system under a major defense acquisition program.

(6) Requiring the Milestone Decision Authority for a major defense acquisition program to specify, at the time of Milestone B approval, or Key Decision Point B approval, as applicable, the period of time that will be required to deliver an initial operational capability to the relevant combatant commanders.

(7) Establishing a materiel solutions process for addressing identified gaps in critical warfighting capabilities, under which process the Under Secretary of Defense for Acquisition, Technology, and Logistics circulates among the military departments and appropriate Defense Agencies a request for proposals for technologies and systems to address such gaps.

(8) Modifying the role played by chiefs of staff of the Armed Forces in the requirements, resource allocation, and acquisition processes.

(c) CONSULTATION.—In conducting the review required under subsection (b) for the report required by subsection (a), the Comptroller General shall obtain the views of the following:

(1) Senior acquisition officials currently serving in the Department of Defense.

(2) Individuals who formerly served as senior acquisition officials in the Department of Defense.

(3) Participants in previous reviews of the organization and structure of the Department of Defense for the acquisition of major weapon systems, including the President's Blue Ribbon Commission on Defense Management in 1986.

(4) Other experts on the acquisition of major weapon systems.

(5) Appropriate experts in the Government Accountability Office.

SEC. 804. INVESTMENT STRATEGY FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the strategies of the Department of Defense for the allocation of funds and other resources under major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, Department of Defense organizations, procedures, and approaches for the following purposes:

(1) To establish priorities among needed capabilities under major defense acquisition programs, and to assess the resources (including funds, technologies, time, and personnel) needed to achieve such capabilities.

(2) To balance cost, schedule, and requirements for major defense acquisition programs to ensure the most efficient use of Department of Defense resources.

(3) To ensure that the budget, requirements, and acquisition processes of the Department of Defense work in a complementary manner to achieve desired results.

(c) ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE ALLOCATION.—

(1) IN GENERAL.—The report required by subsection (a) shall also address the role of the committee described in paragraph (2) in the resource allocation process for major defense acquisition programs.

(2) COMMITTEE.—The committee described in this paragraph is a committee (to be known as the "Tri-Chair Committee") composed of the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who is one of the chairs of the committee.

(B) The Vice Chairman of the Joint Chiefs of Staff, who is one of the chairs of the committee.

(C) The Director of Program Analysis and Evaluation, who is one of the chairs of the committee.

(D) Any other appropriate officials of the Department of Defense, as jointly agreed upon by the Under Secretary and the Vice Chairman.

(d) RECOMMENDATIONS.—The report required by subsection (a) shall include any recommendations, including recommendations for legislative action, that the Secretary considers appropriate to improve the organizations, procedures, and approaches described in the report.

SEC. 805. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS ON TOTAL OWNERSHIP COST FOR MAJOR WEAPON SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the extent of the implementation of the recommendations set forth in the February 2003 report of the Government Accountability Office entitled "Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs".

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each recommendation described in subsection (a) that has been implemented, or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement such recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of such recommendation.

(2) For each recommendation that the Secretary has not implemented and does not plan to implement—

(A) the reasons for the decision not to implement such recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary has taken or plans to take to ensure that total ownership cost is appropriately considered in the requirements process for major weapon systems.

Subtitle B—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. ENHANCED COMPETITION REQUIREMENTS FOR TASK AND DELIVERY ORDER CONTRACTS.

(a) LIMITATION ON SINGLE AWARD CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

"(A) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

"(B) the task or delivery orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work;

"(C) the contract provides only for firm, fixed price task orders or delivery orders for—

"(i) products for which unit prices are established in the contract; or

"(ii) services for which prices are established in the contract for the specific tasks to be performed; or

"(D) only one contractor is qualified and capable of performing the work at a reasonable price to the government.".

(b) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—Section 2304c of such title is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—In the case of a task or delivery order in excess of $5,000,000, the requirement to provide all contractors a fair opportunity to be considered under subsection (b) is not met unless all such contractors are provided, at a minimum—

"(1) a notice of the task or delivery order that includes a clear statement of the agency's requirements;

"(2) a reasonable period of time to provide a proposal in response to the notice;

"(3) disclosure of the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating such proposals, and their relative importance;

"(4) in the case of an award that is to be made on a best value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors; and

"(5) an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title."; and

(3) by striking subsection (e), as redesignated by paragraph (1), and inserting the following new subsection (e):

"(e) PROTESTS.—(1) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

"(A) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

"(B) a protest of an order valued in excess of $5,000,000.

"(2) Notwithstanding section 3556 of title 31, the Comptroller General of the United States shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).".

(c) EFFECTIVE DATES.—

(1) SINGLE AWARD CONTRACTS.—The amendments made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to any contract awarded on or after such date.

(2) ORDERS IN EXCESS OF $5,000,000.—The amendments made by subsection (b) shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to any task or delivery order awarded on or after such date.

SEC. 822. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL ITEMS.

(a) TREATMENT OF SUBSYSTEMS, COMPONENTS, AND SPARE PARTS AS COMMERCIAL ITEMS.—

(1) IN GENERAL.—Section 2379 of title 10, United States Code, is amended—

(A) by striking subsection (b) and inserting the following new subsection (b):

"(b) TREATMENT OF SUBSYSTEMS AS COMMERCIAL ITEMS.—A subsystem of a major weapon system shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items only if—

"(1) the subsystem is intended for a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a);

"(2) the Secretary of Defense determines that—

"(A) the subsystem is a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

"(B) the treatment of the subsystem as a commercial item is necessary to meet national security objectives; or

"(3) the contractor demonstrates that it has sold, leased, or licensed the subsystem or an item that is the same as the subsystem, but for modifications described in subparagraphs (B) and (C) of section 4(12) of the Office of Federal Procurement Policy Act, in significant quantities to the general public.";

(B) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(C) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) TREATMENT OF COMPONENTS AND SPARE PARTS AS COMMERCIAL ITEMS.—A component or spare part for a major weapon system may be treated as a commercial item, and purchased under procedures established for the procurement of commercial items, only if—

"(1) the component or spare part is intended for—

"(A) a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a); or

"(B) a subsystem of a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (b); or

"(2) the contractor demonstrates that it has sold, leased, or licensed the component or spare part, or an item that is the same as the component or spare part, but for modifications described in subparagraphs (B) and (C) of section 4(12) of the Office of Federal Procurement Policy Act, in significant quantities to the general public.

"(d) PRICE INFORMATION.—In the case of any major weapon system, subsystem, component, or spare part purchased under procedures established for the procurement of commercial items under the authority of this section, the contractor shall provide data other than certified cost or pricing data, including information on prices at which the same item or similar items have previously been sold to the general public, that is adequate for evaluating, through price analysis, the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract pursuant to which such major weapon system, subsystem, component or spare part, as the case may be, will be purchased.".

(2) CONFORMING AMENDMENT TO TECHNICAL DATA PROVISION.—Section 2321(f)(2) of such title is amended by striking "(whether or not under a contract for commercial items)" and inserting "(other than technical data for a subsystem, component, or spare part that is determined to be a commercial item in accordance with the requirements of section 2379 of this title)".

(b) SALES OF COMMERCIAL ITEMS TO NONGOVERNMENTAL ENTITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the procurement of commercial items in order to clarify that the terms "general public" and "nongovernmental entities" in such regulations do not include the following:

(1) The Federal Government or a State, local, or foreign government.

(2) A contractor or subcontractor acting on behalf of the Federal Government or a State, local, or foreign government.

(c) HARMONIZATION OF THRESHOLDS FOR COST OR PRICING DATA.—Section 2306a(b)(3)(A) of title 10, United States Code, is amended by striking "$500,000" and inserting "the amount specified in subsection (a)(1)(A)(i), as adjusted from time to time under subsection (a)(7),".

SEC. 823. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL SERVICES.

Notwithstanding section 8002(d) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 264 note), the Secretary of Defense shall modify the regulations of the Department of Defense on procurements for or on behalf of the Department of Defense in order to prohibit the use of time and materials contracts or labor-hour contracts to purchase as commercial items any category of commercial services other than the following:

(1) Commercial services procured for support of a commercial item, as described in section 4(12)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(2) Emergency repair services.

SEC. 824. MODIFICATION OF COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) MODIFICATION OF COMPETITION REQUIREMENTS.—

(1) IN GENERAL.—Section 2410n of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections (a) and (b):

"(a) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES DOES NOT HAVE SIGNIFICANT MARKET SHARE.—(1) Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18 for which Federal Prison Industries does not have a significant market share, the Secretary of Defense shall conduct market research to determine whether the product is comparable to products available from the private sector that best meet the needs of the Department in terms of price, quality, and time of delivery.

"(2) If the Secretary determines that a Federal Prison Industries product described in paragraph (1) is not comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery, the Secretary shall use competitive procedures for the procurement of the product, or shall make an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

"(b) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—(1) The Secretary of Defense may purchase a product listed in the latest edition of the Federal Prison Industries catalog for which Federal Prison Industries has a significant market share only if the Secretary uses competitive procedures for the procurement of the product or makes an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

"(2) For purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the market for a product if the Secretary, in consultation with the Administrator of Federal Procurement Policy, determines that the Federal Prison Industries' share of the Department of Defense market for the category of products including such product is greater than 5 percent.".

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

(b) LIST OF PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—

(1) INITIAL LIST.—Not later than 60 days after the date of the enactment of this Act,

the Secretary of Defense shall publish a list of product categories for which Federal Prison Industries' share of the Department of Defense market is greater than 5 percent, based on the most recent fiscal year for which data is available.

(2) MODIFICATION.—The Secretary may modify the list published under paragraph (1) at any time if the Secretary determines that new data require adding a product category to the list or omitting a product category from the list.

(3) CONSULTATION.—The Secretary shall carry out this subsection in consultation with the Administrator for Federal Procurement Policy.

SEC. 825. FIVE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "September 30, 2008" and inserting "September 30, 2013".

SEC. 826. MULTIYEAR PROCUREMENT AUTHORITY FOR ELECTRICITY FROM RENEWABLE ENERGY SOURCES.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410q. Multiyear procurement authority: purchase of electricity from renewable energy sources

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may enter into contracts for a period not to exceed 10 years for the purchase of electricity from sources of renewable energy, as that term is defined in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case prepared by the Department of Defense that—

"(1) the proposed purchase of electricity under such contract is cost effective for the Department of Defense; and

"(2) it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410q. Multiyear procurement authority: purchase of electricity from renewable energy sources.".

Subtitle C—Acquisition Policy and Management

SEC. 841. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) ADVISORS.—Section 181 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) ADVISORS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall serve as advisors to the Council on matters within their authority and expertise.".

(b) CONSULTATION.—Section 2433(e)(2) of such title is amended by inserting ", after consultation with the Joint Requirements Oversight Council regarding program requirements," after "Secretary of Defense" in the matter preceding subparagraph (A).

SEC. 842. MANAGEMENT STRUCTURE FOR THE PROCUREMENT OF CONTRACT SERVICES.

(a) AUTHORITY TO ESTABLISH CONTRACT SUPPORT ACQUISITION CENTERS.—Subsection (b) of section 2330 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) Each senior official responsible for the management of acquisition of contract services is authorized to establish a center (to be known as a 'Contract Support Acquisition Center') to act as executive agent for the acquisition of contract services. Any center so established shall be subject to the provisions of subsection (c).".

(b) DIRECTION, STAFF, AND SUPPORT.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DIRECTION, STAFF, AND SUPPORT OF CONTRACT SUPPORT ACQUISITION CENTERS.—(1) The Contract Support Acquisition Center established by a senior official responsible for the management of acquisition of contract services under subsection (b)(4) shall be subject to the direction, supervision, and oversight of such senior official.

"(2) The Secretary of Defense or the Secretary of the military department concerned may transfer to a Contract Support Acquisition Center any personnel under the authority of such Secretary whose principal duty is the acquisition of contract services.

"(3)(A) Except as provided in subparagraph (E), the Secretary of Defense may accept from the head of a department or agency outside the Department of Defense a transfer to any Contract Support Acquisition Center under subsection (b)(4) of all or part of any organizational unit of such other department or agency that is primarily engaged in the acquisition of contract services if, during the most recent year for which data is available before such transfer, more than 50 percent of the contract services acquired by such organizational unit (as determined on the basis of cost) were acquired on behalf of the Department of Defense.

"(B) The head of a department or agency outside the Department of Defense may transfer in accordance with this paragraph an organizational unit that is authorized to be accepted under subparagraph (A).

"(C) A transfer under this paragraph may be made and accepted only pursuant to a memorandum of understanding entered into by the head of the department or agency making the transfer and the Secretary of Defense.

"(D) A transfer of an organizational unit under this paragraph shall include the transfer of the personnel of such organizational unit, the assets of such organizational unit, and the contracts of such organizational unit, to the extent provided in the memorandum of understanding governing the transfer of the unit.

"(E) This paragraph does not authorize a transfer of the multiple award schedule program of the General Services Administration as described in section 2302(2)(C) of this title.".

SEC. 843. SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.

(a) SPECIFICATION OF AMOUNTS REQUESTED.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for any fiscal year after fiscal year 2008 shall identify clearly and separately the amounts requested in each budget account for the procurement of contract services.

(b) CONTRACT SERVICES DEFINED.—In this section, the term "contract services"—

(1) means services from contractors; but

(2) excludes services relating to research and development and services relating to military construction.

SEC. 844. DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) PURPOSE.—The purpose of this section is to ensure that the Department of Defense acquisition workforce has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate oversight of contractor performance, and ensure that the Department receives the best value for the expenditure of public resources.

(b) DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish a fund to be known as the "Department of Defense Acquisition Workforce Fund" (in this section referred to as the "Fund") to provide funds for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of this section.

(2) MANAGEMENT.—The Fund shall be managed by a senior official of the Department of Defense designated by the Secretary for that purpose.

(c) ELEMENTS.—

(1) IN GENERAL.—The Fund shall consist of amounts as follows:

(A) Amounts credited to the Fund under paragraph (2).

(B) Any other amounts appropriated to, credited to, or deposited into the Fund by law.

(2) CREDITS TO THE FUND.—(A) There shall be credited to the Fund an amount equal to the applicable percentage for a fiscal year of all amounts expended by the Department of Defense in such fiscal year for contract services, other than services relating to research and development and services relating to military construction.

(B) Not later than 30 days after the end of the first fiscal year quarter of fiscal year 2008 and 30 days after the end of each fiscal year quarter thereafter, the head of each military department and Defense Agency shall remit to the Secretary of Defense an amount equal to the applicable percentage for such fiscal year of the amount expended by such military department or Defense Agency, as the case may be, during such fiscal year quarter for services covered by subparagraph (A). Any amount so remitted shall be credited to the Fund under subparagraph (A).

(C) For purposes of this paragraph, the applicable percentage for a fiscal year is a percentage as follows:

(i) For fiscal year 2008, 0.5 percent.

(ii) For fiscal year 2009, 1 percent.

(iii) For fiscal year 2010, 1.5 percent.

(iv) For any fiscal year after fiscal year 2010, 2 percent.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Subject to the provisions of this subsection, amounts in the Fund shall be available to the Secretary of Defense for expenditure, or for transfer to a military department or Defense Agency, for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of this section, including for the

provision of training and retention incentives to the acquisition workforce of the Department as of the date of the enactment of this Act.

(2) LIMITATION ON PAYMENTS TO OR FOR CONTRACTORS.—Amounts in the Fund shall not be available for payments to contractors or contractor employees, other than for the purpose of providing training to Department of Defense employees.

(3) PROHIBITION ON PAYMENT OF BASE SALARY OF CURRENT EMPLOYEES.—Amounts in the Fund may not be used to pay the base salary of any person who is an employee of the Department as of the date of the enactment of this Act.

(4) DURATION OF AVAILABILITY.—Amounts credited to the Fund under subsection (c)(2) shall remain available for expenditure in the fiscal year for which credited and the two succeeding fiscal years.

(e) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the Fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A statement of the amounts remitted to the Secretary for crediting to the Fund for such fiscal year by each military department and Defense Agency, and a statement of the amounts credited to the Fund for such fiscal year.

(2) A description of the expenditures made from the Fund (including expenditures following a transfer of amounts in the Fund to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(3) A description and assessment of improvements in the Department of Defense acquisition workforce resulting from such expenditures.

(4) A statement of the balance remaining in the Fund at the end of such fiscal year.

(f) DEFENSE AGENCY DEFINED.—In this section, the term "Defense Agency" has the meaning given that term in section 101(a) of title 10, United States Code.

(g) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(2) SUNSET.—The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.

SEC. 845. INVENTORIES AND REVIEWS OF CONTRACTS FOR SERVICES BASED ON COST OR TIME OF PERFORMANCE.

(a) PREPARATION OF LISTS OF ACTIVITIES UNDER CONTRACTS FOR SERVICES.—

(1) PREPARATION OF LISTS.—Not later than the end of the third quarter of each fiscal year beginning with fiscal year 2008, the Secretary of each military department and the head of each Defense Agency shall submit to the Secretary of Defense a list of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of such military department or Defense Agency, as the case may be, under which the contractor is paid on the basis of the cost or time of performance, rather than specific tasks performed or results achieved.

(2) LIST ELEMENTS.—The entry for an activity on a list under paragraph (1) shall include, for the fiscal year covered by such entry, the following:

(A) The fiscal year for which the activity first appeared on a list under this section.

(B) The number of full-time contractor employees (or its equivalent) paid for the performance of the activity.

(C) A determination whether the contract pursuant to which the activity is performed is a personal services contract.

(D) The name of the Federal official responsible for the management of the contract pursuant to which the activity is performed.

(E) With respect to a list for a fiscal year after fiscal year 2008, information on plans and written determinations made pursuant to subsection (c)(2).

(b) PUBLIC AVAILABILITY OF LISTS.—Not later than 30 days after the date on which lists are required to be submitted to the Secretary of Defense under subsection (a), the Secretary shall—

(1) transmit to the congressional defense committees a copy of the lists so submitted to the Secretary;

(2) make such lists available to the public; and

(3) publish in the Federal Register a notice that such lists are available to the public.

(c) REVIEW AND PLANNING REQUIREMENTS.—

(1) REVIEW OF LISTS.—Within a reasonable time after the date on which a notice of the public availability of a list is published under subsection (b)(3), the Secretary of the military department or head of the Defense Agency concerned shall—

(A) review the contracts and activities included on the list;

(B) ensure that—

(i) each contract on the list that is a personal services contract has been entered into, and is being performed, in accordance with applicable statutory and regulatory requirements;

(ii) the activities on the list do not include any inherently governmental functions; and

(iii) to the maximum extent practicable, the activities on the list do not include any functions closely associated with inherently governmental functions; and

(C) for each activity on the list, either—

(i) develop a plan to convert the activity to performance by Federal employees, convert the contract to a performance-based contract, or terminate the activity; or

(ii) make a written determination that it is not practicable for the military department or Defense Agency, as the case may be, to take any of the actions otherwise required under clause (i).

(2) ELEMENTS OF DETERMINATION.—A written determination pursuant to subparagraph (B)(ii) shall be accompanied by—

(A) a statement of the basis for the determination; and

(B) a description of the resources that will be made available to ensure adequate planning, management, and oversight for each contract covered by the determination.

(d) CHALLENGES TO LISTS.—

(1) IN GENERAL.—An interested party may submit to the Secretary of the military department or head of the Defense Agency concerned a challenge to the omission of a particular activity from, or the inclusion of a particular activity on, a list made available to the public under subsection (b).

(2) INTERESTED PARTY DEFINED.—In this subsection, the term "interested party", with respect to an activity referred to in subsection (a), means—

(A) the contractor performing the activity;

(B) an officer or employee of an organization within the military department or Defense Agency concerned that is responsible for the performance of the activity; or

(C) the head of any labor organization referred to in section 7103(a)(4) of title 5, United States Code, that includes within its membership officers or employees or an organization described in subparagraph (B).

(3) DEADLINE FOR CHALLENGE.—A challenge to a list shall be submitted under paragraph (1) not later than 30 days after the date of the publication of the notice of public availability of the list under subsection (b)(3).

(4) RESOLUTION OF CHALLENGE.—Not later than 30 days of the receipt by the Secretary of a military department or head of a Defense Agency of a challenge to a list under this subsection, an official designated by the Secretary of the military department or the head of the Defense Agency, as the case may be, shall—

(A) determine whether or not the challenge is valid; and

(B) submit to the interested party concerned a written notification of the determination, together with a discussion of the rationale for the determination.

(5) ACTION FOLLOWING DETERMINATION OF VALID CHALLENGE.—If the Secretary of a military department or head of a Defense Agency determines under paragraph (4)(A) that a challenge under this subsection to a list under this section is valid, such official shall—

(A) notify the Secretary of Defense of the determination; and

(B) adjust the next list submitted by such official under subsection (a) after the date of the determination to reflect the resolution of the challenge.

(e) RULES OF CONSTRUCTION.—

(1) NO AUTHORIZATION OF PERFORMANCE OF PERSONAL SERVICES.—Nothing in this section shall be construed to authorize the performance of personal services by a contractor except where expressly authorized by a provision of statute other than this section.

(2) NO PUBLIC-PRIVATE COMPETITION FOR CONVERSION OF PERFORMANCE OF CERTAIN FUNCTIONS.—No public-private competition may be required under this section, Office of Management and Budget Circular A–76, or any other provision of law or regulation before a function closely associated with inherently governmental functions is converted to performance by Federal employees.

(f) DEFINITIONS.—In this section:

(1) The term "Defense Agency" has the meaning given that term in section 101(a) of title 10, United States Code.

(2) The term "function closely associated with inherently governmental functions" has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term "inherently governmental functions" has the meaning given that term in section 2383(b)(2) of title 10, United States Code.

(4) The term "personal services contract" means a contract under which, as a result of its terms or conditions or the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of one or more Government officers or employees, except that the giving of an order for a specific article or service, with the right to reject the finished product or result, is not the type of supervision or control that makes a contract a personal services contract.

SEC. 846. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) LIMITATION ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—Except as provided in subsection (b), no official of the Department of Defense may place an order, make a purchase, or otherwise procure property or services for the Department of Defense in an amount in excess of $100,000 through a non-defense agency in any fiscal year if—

(1) the head of the non-defense agency has not certified that the non-defense agency will comply with defense procurement requirements during that fiscal year;

(2) in the case of a covered non-defense agency that has been determined under this section to be not compliant with defense procurement requirements, such determination has not been terminated in accordance with subsection (c); or

(3) in the case of a covered non-defense agency for which a memorandum of understanding is required by subsection (e)(4), the Inspector General of the Department of Defense and the Inspector General of the non-defense agency have not yet entered into such a memorandum of understanding.

(b) EXCEPTION FOR PROCUREMENTS OF NECESSARY PROPERTY AND SERVICES.—

(1) IN GENERAL.—The limitation in subsection (a) shall not apply to the procurement of property and services on behalf of the Department of Defense by a non-defense agency during any fiscal year for which there is in effect a written determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics that it is necessary in the interest of the Department of Defense to procure property and services through the non-defense agency during such fiscal year.

(2) SCOPE OF PARTICULAR EXCEPTION.—A written determination with respect to a non-defense agency under paragraph (1) shall apply to any category of procurements through the non-defense agency that is specified in the determination.

(c) TERMINATION OF APPLICABILITY OF CERTAIN LIMITATION.—In the event the limitation under subsection (a)(2) applies to a covered non-defense agency, the limitation shall cease to apply to the non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of the non-defense agency jointly—

(1) determine that the non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(d) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if the procurement policies, procedures, and internal controls of the non-defense agency applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure the compliance of the non-defense agency with the requirements of laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made directly by the Department of Defense.

(e) INSPECTORS GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than the date specified in paragraph (2), jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of such policies, procedures, and internal controls; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(2) DEADLINE FOR REVIEWS AND DETERMINATIONS.—The reviews and determinations required by paragraph (1) shall take place as follows:

(A) In the case of the General Services Administration, by not later than March 15, 2010.

(B) In the case of each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration, by not later than March 15, 2011.

(C) In the case of each of the Department of Veterans Affairs and the National Institutes of Health, by not later than March 15, 2012.

(3) SEPARATE REVIEWS AND DETERMINATIONS.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by joint agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of the non-defense agency. If such separate reviews are conducted, the Inspectors General shall make a separate determination under paragraph (1)(B) with respect to each such separate review.

(4) MEMORANDA OF UNDERSTANDING FOR REVIEWS AND DETERMINATIONS.—Not later than one year before a review and determination is required under this subsection with respect to a covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of the covered non-defense agency shall enter into a memorandum of understanding with each other to carry out such review and determination.

(f) TREATMENT OF PROCUREMENTS FOR FISCAL YEAR PURPOSES.—For the purposes of this section, a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for the procurement in that fiscal year.

(g) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (c) or (e), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(h) DEFINITIONS.—In this section:

(1) The term "covered non-defense agency" means each of the following:

(A) The General Services Administration.

(B) The Department of the Treasury.

(C) The Department of the Interior.

(D) The National Aeronautics and Space Administration.

(E) The Department of Veterans Affairs.

(F) The National Institutes of Health.

(2) The term "governmentwide acquisition contract", with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

Subtitle D—Department of Defense Contractor Matters

SEC. 861. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) INCREASED PROTECTION FROM REPRISAL.—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by striking "disclosing to a Member of Congress or an authorized official of an agency or the Department of Justice" and inserting "disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, a Department of Defense employee responsible for contract oversight or management, or an authorized official of an agency or the Department of Justice, including in the case of a disclosure made in the ordinary course of an employee's duties,"; and

(2) by striking "information relating to a substantial violation of law related to a contract" and inserting "information that the employee reasonably believes is evidence of gross mismanagement of a Department of Defense contract, a gross waste of Department of Defense funds, a substantial and specific danger to public health or safety, or a violation of law related to a Department of Defense contract".

(b) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after "(1)" the following: "Not later than 90 days after receiving an Inspector General report pursuant to subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited under subsection (a)."; and

(B) by adding at the end the following new subparagraphs:

"(D) In the event the disclosure relates to a cost-plus contract, prohibit the contractor from receiving one or more award fee payments to which the contractor would otherwise be eligible until such time as the contractor takes the actions ordered by the head of the agency pursuant to subparagraphs (A) through (C).

"(E) Take the reprisal into consideration in any past performance evaluation of the contractor for the purpose of a contract award.";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) In the case of a disclosure that relates to a contract covered under subsection (f), not later than 90 days after receipt of a written determination under paragraph (1), a complainant who is aggrieved by the determination or by an action that the agency head has taken or failed to take pursuant to such determination may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

"(B) In the event that a determination by an agency head pursuant to paragraph (1) has not been made within 15 months after a complaint is submitted under subsection (b), and such delay is not shown to be due to the bad faith of the complainant, the complainant shall be deemed to have exhausted the complainant's administrative remedies with respect to the complaint and may bring an action at law or equity described under subparagraph (A).".

(c) LEGAL BURDEN OF PROOF.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following new subsection:

"(e) LEGAL BURDEN OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an inspector general, decision by the head of an agency, or hearing to determine whether discrimination prohibited under this section has occurred.".

(d) REQUIREMENT TO NOTIFY EMPLOYEES OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

"(f) NOTICE OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—

"(1) IN GENERAL.—Each Department of Defense contract in excess of $5,000,000, other than a contract for the purchase of commercial items, shall include a clause requiring the contractor to ensure that all employees of the contractor who are working on Department of Defense contracts are notified of—

"(A) their rights under this section;

"(B) the fact that the restrictions imposed by any employee contract, employee agreement, or non-disclosure agreement may not supersede, conflict with, or otherwise alter the employee rights provided for under this section; and

"(C) the telephone number for the whistleblower hotline of the Inspector General of the Department of Defense.

"(2) FORM OF NOTICE.—The notice required by paragraph (1) shall be made by posting the required information at a prominent place in each workplace where employees working on the contract regularly work.".

SEC. 862. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

"§2410r. Defense contractors: requirements concerning former Department of Defense officials

"(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

"(b) REPORT INFORMATION.—Except as provided in subsection (c), a report by a contractor under subsection (a) shall—

"(1) list the name of each person who—

"(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces who served—

"(i) in an Executive Schedule position under subchapter II of chapter 53 of title 5;

"(ii) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5;

"(iii) in a general or flag officer position compensated at a rate of pay for grade 0–7 or above under section 201 of title 37; or

"(iv) as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract with a value in excess of $10,000,000; and

"(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than two years after such officer, employee, or member left service in the Department of Defense; and

"(2) in the case of each person listed under paragraph (1)—

"(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

"(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

"(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.

"(c) DUPLICATE INFORMATION NOT REQUIRED.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a previous annual report filed by such contractor under this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

"2410r. Defense contractors: requirements concerning former Department of Defense officials.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 863. REPORT ON CONTRACTOR ETHICS PROGRAMS OF MAJOR DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the internal ethics programs of major defense contractors.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum—

(1) the extent to which major defense contractors have internal ethics programs in place;

(2) the extent to which the ethics programs described in paragraph (1) include—

(A) the availability of internal mechanisms, such as hotlines, for contractor employees to report conduct that may violate applicable requirements of law or regulation;

(B) notification to contractor employees of the availability of external mechanisms, such as the hotline of the Inspector General of the Department of Defense, for the reporting of conduct that may violate applicable requirements of law or regulation;

(C) notification to contractor employees of their right to be free from reprisal for disclosing a substantial violation of law related to a contract, in accordance with section 2409 of title 10, United States Code;

(D) ethics training programs for contractor officers and employees;

(E) internal audit or review programs to identify and address conduct that may violate applicable requirements of law or regulation;

(F) self-reporting requirements, under which contractors report conduct that may violate applicable requirements of law or regulation to appropriate government officials;

(G) disciplinary action for contractor employees whose conduct is determined to have violated applicable requirements of law or regulation; and

(H) appropriate management oversight to ensure the successful implementation of such ethics programs;

(3) the extent to which the Department of Defense monitors or approves the ethics programs of major defense contractors; and

(4) the advantages and disadvantages of legislation requiring that defense contractors develop internal ethics programs and requiring that specific elements be included in such ethics programs.

(c) ACCESS TO INFORMATION.—In accordance with the contract clause required pursuant to section 2313(c) of title 10, United States Code, each major defense contractor shall provide the Comptroller General access to information requested by the Comptroller General that is within the scope of the report required by this section.

(d) MAJOR DEFENSE CONTRACTOR DEFINED.—In this section, the term "major defense contractor" means any company that received more than $500,000,000 in contract awards from the Department of Defense during fiscal year 2006.

SEC. 864. REPORT ON DEPARTMENT OF DEFENSE CONTRACTING WITH CONTRACTORS OR SUBCONTRACTORS EMPLOYING MEMBERS OF THE SELECTED RESERVE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on contracting with the Department of Defense by actual and potential contractors and subcontractors of the Department who employ members of the Selected Reserve of the reserve components of the Armed Forces.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The extent to which actual and potential contractors and subcontractors of the Department, including small businesses, employ members of the Selected Reserve.

(2) The extent to which actual and potential contractors and subcontractors of the Department have been or are likely to be disadvantaged in the performance of contracts with the Department, or in competition for new contracts with the Department, when employees who are such members are mobilized as part of a United States military operation overseas.

(3) Any actions that, in the view of the Secretary, should be taken to address any such disadvantage, including—

(A) the extension of additional time for the performance of contracts to contractors and subcontractors of the Department who employ members of the Selected Reserve who are mobilized as part of a United States military operation overseas; and

(B) the provision of assistance in forming contracting relationships with other entities to ameliorate the temporary loss of qualified personnel.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required by this section. The report shall set forth the findings and recommendations of the Secretary as a result of the study.

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3385; 10 U.S.C. 2305 note) is repealed.

Subtitle E—Other Matters

SEC. 871. CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

(a) REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations on the selection, training, equipping, and conduct of personnel performing private security functions under a covered contract or covered subcontract in an area of combat operations.

(2) ELEMENTS.—The regulations prescribed under subsection (a) shall, at a minimum, establish—

(A) a process for registering, processing, and accounting for personnel performing private security functions in an area of combat operations;

(B) a process for authorizing and accounting for weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations;

(C) a process for the reporting of all incidents in which—

(i) a weapon is discharged by personnel performing private security functions in an area of combat operations; or

(ii) personnel performing private security functions in an area of combat operations are killed or injured;

(D) a process for investigating—

(i) incidents reported pursuant to subparagraph (C); and

(ii) incidents of alleged misconduct by personnel performing private security functions in an area of combat operations;

(E) qualification, training, screening, and security requirements for personnel performing private security functions in an area of combat operations;

(F) guidance to the commanders of the combatant commands on the issuance of—

(i) orders, directives, and instructions to contractors and subcontractors performing private security functions relating to force protection, security, health, safety, or relations and interaction with locals; and

(ii) rules of engagement for personnel performing private security functions in an area of combat operations; and

(G) a process by which a commander of a combatant command may request an action described in subsection (b)(3).

(b) CONTRACT CLAUSE ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) REQUIREMENT UNDER FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to require the insertion into each covered contract and covered subcontract of a contract clause addressing the selection, training, equipping, and conduct of personnel performing private security functions under such contract or subcontract.

(2) CLAUSE REQUIREMENT.—The contract clause required by paragraph (1) shall require, at a minimum, that the contractor or subcontractor concerned shall—

(A) comply with Department of Defense procedures for—

(i) registering, processing, and accounting for personnel performing private security functions in an area of combat operations;

(ii) authorizing and accounting of weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations; and

(iii) the reporting of incidents in which—

(I) a weapon is discharged by personnel performing private security functions in an area of combat operations; or

(II) personnel performing private security functions in an area of combat operations are killed or injured;

(B) ensure that all personnel performing private security functions under such contract or subcontract comply with—

(i) qualification, training, screening, and security requirements established by the Secretary of Defense for personnel performing private security functions in an area of combat operations;

(ii) applicable laws and regulations of the United States and the host country, and applicable treaties and international agreements, regarding the performance of the functions of the contractor or subcontractor;

(iii) orders, directives, and instructions issued by the applicable commander of a combatant command relating to force protection, security, health, safety, or relations and interaction with locals; and

(iv) rules of engagement issued by the applicable commander of a combatant command for personnel performing private security functions in an area of combat operations; and

(C) cooperate with any investigation conducted by the Department of Defense pursuant to subsection (a)(2)(D) by providing access to employees of the contractor or subcontractor, as the case may be, and relevant information in the possession of the contractor or subcontractor, as the case may be, regarding the incident concerned.

(3) NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—The contracting officer for a covered contract or subcontract may direct the contractor or subcontractor, at its own expense, to remove or replace any personnel performing private security functions in an area of combat operations who violate or fail to comply with applicable requirements of the clause required by this subsection. If the violation or failure to comply is significant or repeated, the contract or subcontract may be terminated for default.

(4) APPLICABILITY.—The contract clause required by this subsection shall be included in all covered contracts and covered subcontracts awarded on or after the date that is 180 days after the date of the enactment of this Act. Federal agencies shall make best efforts to provide for the inclusion of the contract clause required by this subsection in covered contracts and covered subcontracts awarded before such date.

(c) AREAS OF COMBAT OPERATIONS.—

(1) DESIGNATION.—The Secretary of Defense shall designate the areas constituting an area of combat operations for purposes of this section by not later than 120 days after the date of the enactment of this Act.

(2) PARTICULAR AREAS.—Iraq and Afghanistan shall be included in the areas designated as an area of combat operations under paragraph (1).

(3) ADDITIONAL AREAS.—The Secretary may designate any additional area as an area constituting an area of combat operations for purposes of this section if the Secretary determines that the presence or potential of combat operations in such area warrants designation of such area as an area of combat operations for purposes of this section.

(4) MODIFICATION OR ELIMINATION OF DESIGNATION.—The Secretary may modify or cease the designation of an area under this subsection as an area of combat operations if the Secretary determines that combat operations are no longer ongoing in such area.

(d) DEFINITIONS.—In this section:

(1) The term "covered contract" means a contract of a Federal agency for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c).

(2) The term "covered subcontract" means a subcontract for the performance of private security functions at any tier under a covered contract.

(3) The term "private security functions" means activities engaged in by a contractor or subcontractor under a covered contract or subcontract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

SEC. 872. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations in Iraq or Afghanistan (including security, transition, reconstruction, and humanitarian relief activities) for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Iraq or Afghanistan;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Iraq or Afghanistan; or

(3) a preference is provided for products or services that are from Iraq or Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by the military forces, police, or other security personnel of Iraq or Afghanistan; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary to provide a stable source of jobs in Iraq or Afghanistan; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) military operations or stability operations in Iraq or Afghanistan; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ OR AFGHANISTAN.—For the purposes of this section:

(1) A product is from Iraq or Afghanistan if it is mined, produced, or manufactured in Iraq or Afghanistan.

(2) A service is from Iraq or Afghanistan if it is performed in Iraq or Afghanistan by citizens or permanent resident aliens of Iraq or Afghanistan.

(3) A source is from Iraq or Afghanistan if it—

(A) is located in Iraq or Afghanistan; and

(B) offers products or services that are from Iraq or Afghanistan.

SEC. 873. DEFENSE SCIENCE BOARD REVIEW OF DEPARTMENT OF DEFENSE POLICIES AND PROCEDURES FOR THE ACQUISITION OF INFORMATION TECHNOLOGY.

(a) REVIEW REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a review of Department of Defense policies and procedures for the acquisition of information technology.

(b) MATTERS TO BE ADDRESSED.—The matters addressed by the review required by subsection (a) shall include the following:

(1) Department of Defense policies and procedures for acquiring national security systems, business information systems, and other information technology.

(2) The roles and responsibilities in implementing such policies and procedures of—

(A) the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(B) the Chief Information Officer of the Department of Defense;

(C) the Director of the Business Transformation Agency;

(D) the service acquisition executives;

(E) the chief information officers of the military departments;

(F) Defense Agency acquisition officials; and

(G) the information officers of the Defense Agencies.

(3) The application of such policies and procedures to information technologies that are an integral part of weapons or weapon systems.

(4) The requirements of the Clinger-Cohen Act (division E of Public Law 104-106) and the Paperwork Reduction Act of 1995 regarding performance-based and results-based management, capital planning, and investment control in the acquisition of information technology.

(5) Department of Defense policies and procedures for maximizing the usage of commercial information technology while ensuring the security of the microelectronics, software, and networks of the Department.

(6) The suitability of Department of Defense acquisition regulations, including Department of Defense Directive 5000.1 and the accompanying milestones, to the acquisition of information technology systems.

(7) The adequacy and transparency of performance metrics currently used by the Department of Defense for the acquisition of information technology systems.

(8) The effectiveness of existing statutory and regulatory reporting requirements for the acquisition of information technology systems.

(c) REPORT REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall include the findings and recommendations of the Defense Science Board pursuant to the review, including such recommendations for legislative or administrative action as the Board considers appropriate, together with any comments the Secretary considers appropriate.

SEC. 874. ENHANCEMENT AND EXTENSION OF ACQUISITION AUTHORITY FOR THE UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING EXPERIMENTATION.

(a) SUSTAINMENT OF EQUIPMENT.—

(1) IN GENERAL.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking “and acquire” and inserting “, acquire, and sustain”.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is amended in the matter preceding paragraph (1) by striking “or acquisition” and inserting “, acquisition, or sustainment”.

(b) TWO-YEAR EXTENSION.—Subsection (f) of such section is amended—

(1) by striking “through 2008” and inserting “through 2010”; and

(2) by striking “September 30, 2008” and inserting “September 30, 2010”.

SEC. 875. REPEAL OF REQUIREMENT FOR IDENTIFICATION OF ESSENTIAL MILITARY ITEMS AND MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL.

(a) REPEAL.—Section 130a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130a.

SEC. 902. CHIEF MANAGEMENT OFFICERS OF THE DEPARTMENT OF DEFENSE.

(a) SERVICE OF DEPUTY SECRETARY OF DEFENSE AS CHIEF MANAGEMENT OFFICER OF DEPARTMENT OF DEFENSE.—Section 132 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c)(1) The Deputy Secretary—

“(A) serves as the Chief Management Officer of the Department of Defense; and

“(B) is the principal adviser to the Secretary of Defense on matters relating to the management of the Department of Defense, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of Defense that relate to the performance of the following functions:

“(i) Planning and budgeting, including performance measurement.

“(ii) Acquisition.

“(iii) Logistics.

“(iv) Facilities, installations, and environment.

“(v) Financial management.

“(vi) Human resources and personnel.

“(vii) Management of information resources, including information technology, networks, and telecommunications functions.

“(2) In carrying out the duties of Chief Management Officer of the Department of Defense, the Deputy Secretary shall—

“(A) develop and maintain a departmentwide strategic plan for business reform identifying key initiatives to be undertaken by the Department of Defense and its components, together with related resource needs;

“(B) establish performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of Defense;

“(C) monitor the progress of the Department of Defense and its components in meeting performance goals and measures established pursuant to subparagraph (B);

“(D) review and approve plans and budgets for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A);

“(E) oversee the development of, and review and approve, all budget requests for defense business systems, including the information to be submitted to Congress under section 2222(h) of this title; and

“(F) subject to the authority, direction, and control of the Secretary of Defense, perform the responsibilities of the Secretary under section 2222 of this title.

“(3) The Deputy Secretary exercises the authority of the Secretary of Defense in the performance of the duties of Chief Management Officer of the Department of Defense under this subsection subject to the authority, direction, and control of the Secretary. The exercise of that authority is binding on the Secretaries of the military departments and the heads of the other elements and components of the Department of Defense.”.

(b) DEPUTY CHIEF MANAGEMENT OFFICER.—

(1) IN GENERAL.—Chapter 4 of such title is amended by inserting after section 133b the following new section:

“§ 133c. Under Secretary of Defense for Management (Deputy Chief Management Officer)

“(a) There is an Under Secretary of Defense for Management (Deputy Chief Management Officer), appointed from civilian life by the President, by and with the advice and consent of the Senate, from among persons who have—

“(1) extensive executive level leadership and management experience in the public or private sector;

“(2) strong leadership skills;

“(3) a demonstrated ability to manage large and complex organizations; and

“(4) a record of achieving positive operational results.

“(b) The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall assist the Deputy Secretary of Defense in the performance of his duties as Chief Management Officer. The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall act for, and exercise the powers of, the Chief Management Officer when the Deputy Secretary is absent or disabled or there is no Deputy Secretary.

“(c)(1) With respect to all matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary of Defense for Management (Deputy Chief Management Officer) takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.

“(2) With respect to all matters other than matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary takes precedence in the Department of Defense after the Secretaries of the military departments and the Under Secretary of Defense for Acquisition, Technology, and Logistics.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 133b the following new item:

"133c. Under Secretary of Defense for Management (Deputy Chief Management Officer).".

(3) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Intelligence the following new item:

"Under Secretary of Defense for Management (Deputy Chief Management Officer).".

(4) PLACEMENT IN OSD.—Section 131(b)(2) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) The Under Secretary of Defense for Management (Deputy Chief Management Officer).".

(5) CONFORMING AMENDMENT.—Section 134(c) of such title is amended by striking "the Secretary of Defense" and all that follows and inserting "the Under Secretary of Defense for Management (Deputy Chief Management Officer).".

(c) CHIEF MANAGEMENT OFFICERS OF THE MILITARY DEPARTMENTS.—

(1) DEPARTMENT OF THE ARMY.—Section 3015 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Army.

"(2) The Under Secretary is the principal adviser to the Secretary of the Army on matters relating to the management of the Department of the Army, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Army that relate to the performance of the following functions:

"(A) Planning and budgeting, including performance measurement.

"(B) Acquisition.

"(C) Logistics.

"(D) Facilities, installations, and environment.

"(E) Financial management.

"(F) Human resources and personnel.

"(G) Management of information resources, including information technology, networks, and telecommunications functions.

"(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

"(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Army for business reform, together with related resource needs;

"(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Army;

"(C) monitoring the progress of the Department of the Army and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

"(D) reviewing and approving the plans and budgets of the Department of the Army for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

"(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Army, including the information to be submitted to Congress under section 2222(h) of this title.".

(2) DEPARTMENT OF THE NAVY.—Section 5015 of such title is amended by adding at the end the following new subsection:

"(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Navy.

"(2) The Under Secretary is the principal adviser to the Secretary of the Navy on matters relating to the management of the Department of the Navy, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Navy that relate to the performance of the following functions:

"(A) Planning and budgeting, including performance measurement.

"(B) Acquisition.

"(C) Logistics.

"(D) Facilities, installations, and environment.

"(E) Financial management.

"(F) Human resources and personnel.

"(G) Management of information resources, including information technology, networks, and telecommunications functions.

"(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

"(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Navy for business reform, together with related resource needs;

"(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Navy;

"(C) monitoring the progress of the Department of the Navy and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

"(D) reviewing and approving the plans and budgets of the Department of the Navy for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

"(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Navy, including the information to be submitted to Congress under section 2222(h) of this title.".

(3) DEPARTMENT OF THE AIR FORCE.—Section 8015 of such title is amended by adding at the end the following new subsection:

"(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Air Force.

"(2) The Under Secretary is the principal adviser to the Secretary of the Air Force on matters relating to the management of the Department of the Air Force, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Air Force that relate to the performance of the following functions:

"(A) Planning and budgeting, including performance measurement.

"(B) Acquisition.

"(C) Logistics.

"(D) Facilities, installations, and environment.

"(E) Financial management.

"(F) Human resources and personnel.

"(G) Management of information resources, including information technology, networks, and telecommunications functions.

"(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

"(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Air Force for business reform, together with related resource needs;

"(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Air Force;

"(C) monitoring the progress of the Department of the Air Force and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

"(D) reviewing and approving the plans and budgets of the Department of the Air Force for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

"(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Air Force, including the information to be submitted to Congress under section 2222(h) of this title.".

(d) MATTERS RELATING TO FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—Section 185(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (E) as subparagraphs (C) though (G), respectively; and

(B) by inserting before subparagraph (C), as redesignated by subparagraph (A) of this paragraph, the following new subparagraphs:

"(A) The Deputy Secretary of Defense, who shall be the chairman of the committee.

"(B) The Under Secretary of Defense for Management (Deputy Chief Management Officer), who shall act as the chairman of the committee in the absence of the Deputy Secretary of Defense."; and

(C) in subparagraph (C), as so redesignated, by striking ", who shall be the chairman of the committee"; and

(2) in paragraph (3), by inserting "the Under Secretary of Defense for Management (Deputy Chief Management Officer)," after "the Deputy Secretary of Defense,".

(e) MATTERS RELATING TO DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Section 186 of such title is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Under Secretary of Defense for Management (Deputy Chief Management Officer)."; and

(2) in subsection (b), by striking the second sentence and inserting the following new

sentence: "The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall serve as the vice chairman of the committee, and shall act as the chairman of the committee in the absence of the Deputy Secretary of Defense.".

(f) MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.—Section 192(e)(2) of such title is amended by striking "that the Agency" and all that follows and inserting "that the Director of the Agency shall report directly to the Under Secretary of Defense for Management (Deputy Chief Management Officer).".

SEC. 903. MODIFICATION OF BACKGROUND REQUIREMENT OF INDIVIDUALS APPOINTED AS UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

Section 133(a) of title 10, United States Code, is amended by striking "in the private sector".

SEC. 904. DEPARTMENT OF DEFENSE BOARD OF ACTUARIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

"§ 183. Department of Defense Board of Actuaries

"(a) IN GENERAL.—There shall be in the Department of Defense a Department of Defense Board of Actuaries (hereinafter in this section referred to as the 'Board').

"(b) MEMBERS.—(1) The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

"(2) The members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term. A member may serve after the end of the member's term until the member's successor takes office.

"(3) A member of the Board may be removed by the Secretary of Defense only for misconduct or failure to perform functions vested in the Board.

"(4) A member of the Board who is not an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5 for each day the member is engaged in the performance of the duties of the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of that title in connection with such duties.

"(c) DUTIES.—The Board shall have the following duties:

"(1) To review valuations of the Department of Defense Military Retirement Fund in accordance with section 1465(c) of this title and submit to the President and Congress, not less often than once every four years, a report on the status of that Fund, including such recommendations for modifications to the funding or amortization of that Fund as the Board considers appropriate and necessary to maintain that Fund on a sound actuarial basis.

"(2) To review valuations of the Department of Defense Education Benefits Fund in accordance with section 2006(e) of this title and make recommendations to the President and Congress on such modifications to the funding or amortization of that Fund as the Board considers appropriate to maintain that Fund on a sound actuarial basis.

"(3) To review valuations of such other funds as the Secretary of Defense shall specify for purposes of this section and make recommendations to the President and Congress on such modifications to the funding or amortization of such funds as the Board considers appropriate to maintain such funds on a sound actuarial basis.

"(d) RECORDS.—The Secretary of Defense shall ensure that the Board has access to such records regarding the funds referred to in subsection (c) as the Board shall require to determine the actuarial status of such funds.

"(e) REPORTS.—(1) The Board shall submit to the Secretary of Defense on an annual basis a report on the actuarial status of each of the following:

"(A) The Department of Defense Military Retirement Fund.

"(B) The Department of Defense Education Benefits Fund.

"(C) Each other fund specified by Secretary under subsection (c)(3).

"(2) The Board shall also furnish its advice and opinion on matters referred to it by the Secretary.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 182 the following new item:

"183. Department of Defense Board of Actuaries.".

(3) INITIAL SERVICE AS BOARD MEMBERS.—Each member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries as of the date of the enactment of this Act shall serve as an initial member of the Department of Defense Board of Actuaries under section 183 of title 10, United States Code (as added by paragraph (1)), from that date until the date otherwise provided for the completion of such individual's term as a member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries, as the case may be, unless earlier removed by the Secretary of Defense.

(b) TERMINATION OF EXISTING BOARDS OF ACTUARIES.—

(1) DEPARTMENT OF DEFENSE RETIREMENT BOARD OF ACTUARIES.—(A) Section 1464 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 1464.

(2) DEPARTMENT OF DEFENSE EDUCATION BENEFITS BOARD OF ACTUARIES.—Section 2006 of such title is amended—

(A) in subsection (c)(1), by striking "subsection (g)" and inserting "subsection (f)";

(B) by striking subsection (e);

(C) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively;

(D) in subsection (e), as redesignated by subparagraph (C), by striking "subsection (g)" in paragraph (5) and inserting "subsection (f)"; and

(E) in subsection (f), as so redesignated—

(i) in paragraph (2)(A), by striking "subsection (f)(3)" and inserting "subsection (e)(3)"; and

(ii) in paragraph (2)(B), by striking "subsection (f)(4)" and inserting "subsection (e)(4)".

(c) CONFORMING AMENDMENTS.—

(1) Section 1175(h)(4) of title 10, United States Code, is amended by striking "Retirement" the first place it appears.

(2) Section 1460(b) of such title is amended by striking "Retirement".

(3) Section 1466(c)(3) of such title is amended by striking "Retirement".

(4) Section 12521(6) of such title is amended by striking "Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title" and inserting "Department of Defense Board of Actuaries under section 183 of this title".

SEC. 905. ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS; PRINCIPAL MILITARY DEPUTIES.

(a) DEPARTMENT OF THE ARMY.—Section 3016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

"(B) The Assistant Secretary shall have a Principal Deputy, who shall be a lieutenant general of the Army on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management.".

(b) DEPARTMENT OF THE NAVY.—Section 5016(b) of such title is amended by adding at the end the following new paragraph:

"(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Research, Development, and Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of research, development, and acquisition matters of the Department of the Navy.

"(B) The Assistant Secretary shall have a Principal Deputy, who shall be a vice admiral of the Navy or a lieutenant general of the Marine Corps on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management.".

(c) DEPARTMENT OF THE AIR FORCE.—Section 8016(b) of such title is amended by adding at the end the following new paragraph:

"(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition matters of the Department of the Air Force.

"(B) The Assistant Secretary shall have a Principal Deputy, who shall be a lieutenant general of the Air Force on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management.".

(d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO INFORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISITION PROGRAMS.—Each Principal Deputy to a service acquisition executive shall be responsible for keeping the Chief of Staff of the Armed Force concerned informed of the progress of major defense acquisition programs.

(e) EXCLUSION OF PRINCIPAL MILITARY DEPUTIES FROM DISTRIBUTION AND STRENGTH IN GRADE LIMITATIONS.—

(1) DISTRIBUTION.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

"(9)(A) An officer while serving in a position specified in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for the grade of lieutenant general or vice admiral, as applicable.

"(B) A position specified in this subparagraph is each position as follows:

"(i) Principal Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

"(ii) Principal Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

"(iii) Principal Deputy to the Assistant Secretary of the Air Force for Acquisition.".

(2) AUTHORIZED STRENGTH.—Section 526 of such title is amended by adding at the end the following new subsection:

"(g) EXCLUSION OF PRINCIPAL DEPUTIES TO ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS.—The limitations of this section do not apply to a general or flag officer who is covered by the exclusion under section 525(b)(9) of this title.".

SEC. 906. FLEXIBLE AUTHORITY FOR NUMBER OF ARMY DEPUTY CHIEFS OF STAFF AND ASSISTANT CHIEFS OF STAFF.

Subsection (b) of section 3035 of title 10, United States Code, is amended to read as follows:

"(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff. The aggregate number of such positions may not exceed eight positions.".

SEC. 907. SENSE OF CONGRESS ON TERM OF OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

It is the sense of Congress that the term of office of the Director of Operational Test and Evaluation of the Department of Defense should be not less than five years.

Subtitle B—Space Matters

SEC. 921. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term "posture review period" means the 10-year period beginning on February 1, 2009.

SEC. 922. ADDITIONAL REPORT ON OVERSIGHT OF ACQUISITION FOR DEFENSE SPACE PROGRAMS.

Section 911(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2621) is amended by inserting ", and March 15, 2008," after "March 15, 2003,".

Subtitle C—Other Matters

SEC. 931. DEPARTMENT OF DEFENSE CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.—(1) The first national security strategy and national defense strategy prepared after the date of the enactment of this subsection shall include guidance for military planners—

"(A) to assess the risks of projected climate change to current and future missions of the armed forces;

"(B) to update defense plans based on these assessments, including working with allies and partners to incorporate climate mitigation strategies, capacity building, and relevant research and development; and

"(C) to develop the capabilities needed to reduce future impacts.

"(2) The first quadrennial defense review prepared after the date of the enactment of this subsection shall also examine the capabilities of the armed forces to respond to the consequences of climate change, in particular, preparedness for natural disasters from extreme weather events and other missions the armed forces may be asked to support inside the United States and overseas.

"(3) For planning purposes to comply with the requirements of this subsection, the Secretary of Defense shall use—

"(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change;

"(B) subsequent mid-range consensus climate projections if more recent information is available when the next national security strategy, national defense strategy, or quadrennial defense review, as the case may be, is conducted; and

"(C) findings of appropriate and available estimations or studies of the anticipated strategic, social, political, and economic effects of global climate change and the implications of such effects on the national security of the United States.

"(4) The Secretary shall ensure that this subsection is implemented in a manner that does not have a negative impact on national security.

"(5) In this subsection, the term 'national security strategy' means the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).".

SEC. 932. BOARD OF REGENTS FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) APPOINTMENTS.—

(1) IN GENERAL.—Section 2113 of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking "by the President, by and with the advice and consent of the Senate" and inserting "by the Secretary of Defense"; and

(B) in subsection (b)—

(i) in paragraph (1), by adding "and" at the end;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(2) CHAIRMAN.—Subsection (c) of such section is amended by striking "the President" and inserting "the Secretary".

(b) STATUTORY REDESIGNATION OF DEAN AS PRESIDENT.—

(1) Section 2113 of such title is further amended by striking "Dean" each place it appears in subsections (d) and (f)(1) and inserting "President".

(2) Section 2114(e) of such title is amended by striking "Dean" each place it appears in paragraphs (3) and (5).

(c) COMPENSATION OF MEMBERS FOR PERFORMANCE OF DUTIES.—Subsection (e) of section 2113 of such title is further amended by striking "but not exceeding $100 per diem".

SEC. 933. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2117. United States Military Cancer Institute

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

"(b) PURPOSES.—The purposes of the Institute are as follows:

"(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

"(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

"(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

"(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

"(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

"(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

"(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

"(B) The prevention and early detection of cancer among members and former members of the armed forces.

"(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

"(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

"(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

"(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

"2117. United States Military Cancer Institute.".

SEC. 934. WESTERN HEMISPHERE CENTER FOR EXCELLENCE IN HUMAN RIGHTS.

(a) CENTER AUTHORIZED.—The Secretary of Defense may establish and operate a center to be known as the Western Hemisphere Center for Excellence in Human Rights.

(b) MISSIONS.—The missions of the Center shall be as follows:

(1) To provide and facilitate education, training, research, strategic planning, and reform on the integration of respect for human rights into all aspects of military operations, doctrine, education, judicial systems, and other internal control mechanisms, and into the relations of the military with civil society, including the development of programs to combat the growing phenomenon of trafficking in persons.

(2) To sponsor conferences, symposia, seminars, academic exchanges, and courses, as well as special projects such as studies, reviews, design of curricula, and evaluations, on the matters covered by paragraph (1).

(3) In carrying out its other mission, to place special emphasis on the implementation of reforms that result in measurable improvements in respect for human rights in the provision of effective security.

(c) FORMULATION AND EXECUTION OF PROGRAMS.—

(1) CONCURRENCE OF SECRETARY OF STATE.—The Secretary of Defense may carry out this section only with the concurrence of the Secretary of State.

(2) FORMULATION AND EXECUTION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall—

(A) jointly formulate any program or other activities undertaken under this section; and

(B) shall coordinate with one another, under procedures that they jointly establish, to ensure appropriate implementation of such programs and activities, including in a manner that—

(i) incorporates appropriate vetting procedures, irrespective of the source of funding for the activity; and

(ii) avoids duplication with existing programs.

(d) JOINT OPERATION WITH EDUCATIONAL INSTITUTIONS AND NONGOVERNMENTAL ORGANIZATIONS AUTHORIZED.—The Secretary of Defense may enter into agreements with appropriate officials of institutions of higher education and nongovernmental organizations to provide for the joint operation of the Center by the Secretary and such entities. Any such agreement may provide for the institution or organization concerned to furnish necessary administrative services for the Center, including administration and allocation of funds.

(e) ACCEPTANCE OF GIFTS AND DONATIONS.—

(1) ACCEPTANCE AUTHORIZED.—Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, gifts and donations to be used to defray the costs of the Center or to enhance the operation of the Center. Any such gift or donation may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2) LIMITATION.—The Secretary may not accept a gift or donation under paragraph (1) if acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department or of any person involved in such a program.

(3) CREDITING.—Amounts accepted as a gift or donation under paragraph (1) shall be credited to the appropriation available to the Department of Defense for the Western Hemisphere Center for Excellence in Human Rights. Amounts so credited shall be merged with the appropriation to which credited, and shall be available to the Center for the same purposes, and subject to the same conditions and limitations, as amounts in the appropriation with which merged.

(4) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the gifts or donations accepted under paragraph (1) during the preceding year. Each report shall include, for the year covered by such report, a description of each gift of donation so accepted, including—

(A) the source of the gift or donation;

(B) the amount of the gift or donation; and

(C) the use of the gift or donation.

SEC. 935. INCLUSION OF COMMANDERS OF WESTERN HEMISPHERE COMBATANT COMMANDS IN BOARD OF VISITORS OF WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Subparagraph (F) of section 2166(e)(1) of title 10, United States Code, is amended to read as follows:

"(F) The commanders of the combatant commands having geographic responsibility for the Western Hemisphere, or the designees of those officers.".

SEC. 936. COMPTROLLER GENERAL ASSESSMENT OF PROPOSED REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) ASSESSMENT REQUIRED.—Not later than March 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees a report containing an assessment of the proposed reorganization of the office of the Under Secretary of Defense for Policy, including an assessment with respect to the matters set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessment required by subsection are as follows:

(1) Whether the proposed reorganization of the office will further the stated purposes of the proposed reorganization in the short-and long-term, namely whether the proposed reorganization will enhance the ability of the Department of Defense—

(A) to address current security priorities, including the war in Iraq and the global war on terrorism in Afghanistan and elsewhere;

(B) to manage geopolitical defense relationships; and

(C) to anticipate future strategic shifts.

(2) Whether, and to what extent, the proposed reorganization adheres to generally accepted principles of effective organization such as establishing clear goals, identifying clear lines of authority and accountability, and developing an effective human capital strategy.

(3) The extent to which the Department has developed detailed implementation plans for the proposed reorganization, and the current status of the implementation of all aspects of the reorganization.

(4) The extent to which the Department has worked to mitigate congressional concerns and address other challenges that have arisen since the proposed reorganization was announced.

(5) Whether the Department plans to evaluate progress in achieving the stated goals of the proposed reorganization and what metrics, if any, the Department has established to assess the results of the reorganization.

(6) The impact of the large span of responsibilities for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under the proposed reorganization on the ability of the Assistant Secretary to carry out the principal duties of the Assistant Secretary under law.

(7) The impact of the large span of responsibility for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under the proposed reorganization, including responsibility under the proposed reorganization for each of the following:

(A) Strategic capabilities.

(B) Forces transformation.

(C) Major budget programs.

(8) The relationship between any global war on terrorism task force that reports directly to the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the Principal Deputy Under Secretary of Defense for Policy in managing policy on combating terrorism.

(9) The impact of the large span of responsibilities for the proposed Deputy Assistant Secretary of Defense for Counternarcotics, Counterproliferation, and Global Threats under the proposed reorganization.

(10) The impact of the proposed reorganization on counternarcotics program execution.

(11) The unique placement under the proposed reorganization of both functional and

regional issue responsibilities under the single proposed Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

(12) The differentiation between the responsibilities of the proposed Deputy Assistant Secretary of Defense for Building Partnership Capacity Strategy and the proposed Deputy Assistant Secretary of Defense for Security Cooperation Options under the proposed reorganization, and the relationship between such officials.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2007.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2007 in the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or by a transfer of funds, or decreased by a rescission, or any thereof, pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28).

SEC. 1003. MODIFICATION OF FISCAL YEAR 2007 GENERAL TRANSFER AUTHORITY.

Section 1001(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2371) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CERTAIN TRANSFERS.—The following transfers of funds shall be not be counted toward the limitation in paragraph (2) on the amount that may be transferred under this section:

"(A) The transfer of funds to the Iraq Security Forces Fund under reprogramming FY07–07–R PA.

"(B) The transfer of funds to the Joint Improvised Explosive Device Defeat Fund under reprogramming FY07–11 PA.

"(C) The transfer of funds back from the accounts referred to in subparagraphs (A) and (B) to restore the sources used in the reprogrammings referred to in such subparagraphs.".

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) FISCAL YEAR 2008 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2008 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2007, of funds appropriated for fiscal years before fiscal year 2008 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $362,159,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term "common-funded budgets of NATO" means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term "fiscal year 1998 baseline limitation" means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE FOR THE DEFENSE AGENCIES.

(a) FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE.—

(1) IN GENERAL.—The Director of the Business Transformation Agency of the Department of Defense shall carry out an initiative for financial management transformation in the Defense Agencies. The initiative shall be known as the "Defense Agencies Initiative" (in this section referred to as the "Initiative").

(2) SCOPE OF AUTHORITY.—In carrying out the Initiative, the Director of the Business Transformation Agency may require the heads of the Defense Agencies to carry out actions that are within the purpose and scope of the Initiative.

(b) PURPOSES.—The purposes of Initiative shall be as follows:

(1) To eliminate or replace financial management systems of the Defense Agencies that are duplicative, redundant, or fail to comply with the standards set forth in subsection (d).

(2) To transform the budget, finance, and accounting operations of the Defense Agencies to enable the Defense Agencies to achieve accurate and reliable financial information needed to support financial accountability and effective and efficient management decisions.

(c) REQUIRED ELEMENTS.—The Initiative shall include, to the maximum extent practicable—

(1) the utilization of commercial, off-the-shelf technologies and web-based solutions;

(2) a standardized technical environment and an open and accessible architecture; and

(3) the implementation of common business processes, shared services, and common data structures.

(d) STANDARDS.—In carrying out the Initiative, the Director of the Business Transformation Agency shall ensure that the Initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(e) SCOPE.—The Initiative shall be designed to provide, at a minimum, capabilities in the major process areas for both general fund and working capital fund operations of the Defense Agencies as follows:

(1) Budget formulation.

(2) Budget to report, including general ledger and trial balance.

(3) Procure to pay, including commitments, obligations, and accounts payable.

(4) Order to fulfill, including billing and accounts receivable.

(5) Cost accounting.

(6) Acquire to retire (account management).

(7) Time and attendance and employee entitlement.

(8) Grants financial management.

(f) PROGRAM CONTROL.—In carrying out the Initiative, the Director of the Business Transformation Agency shall establish—

(1) a board (to be known as the "Configuration Control Board") to manage scope and cost changes to the Initiative; and

(2) a program management office (to be known as the "Program Management Office") to control and enforce assumptions made in the acquisition plan, the cost estimate, and the system integration contract for the Initiative, as directed by the Configuration Control Board.

(g) PLAN ON DEVELOPMENT AND IMPLEMENTATION OF INITIATIVE.—Not later than six months after the date of the enactment of this Act, the Director of the Business Transformation Agency shall submit to the congressional defense committees a plan for the development and implementation of the Initiative. The plan shall provide for the implementation of an initial capability under the Initiative as follows:

(1) In at least one Defense Agency by not later than eight months after the date of the enactment of this Act.

(2) In not less than six Defense Agencies by not later than 18 months after the date of the enactment of this Act.

SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31 U.S.C. 1105 note) is repealed.

SEC. 1007. EXTENSION OF PERIOD FOR TRANSFER OF FUNDS TO FOREIGN CURRENCY FLUCTUATIONS, DEFENSE ACCOUNT.

Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking "second fiscal year" and inserting "fifth fiscal year"; and

(2) in subsection (d)(2), by striking "second fiscal year" and inserting "fifth fiscal year".

Subtitle B—Counter-Drug Activities

SEC. 1011. EXPANSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN ADDITIONAL FOREIGN GOVERNMENTS.

Section 1033(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593) and section 1022(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended by adding at the end the following new paragraphs:

"(17) The Government of the Dominican Republic.

"(18) The Government of Mexico.".

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. ENHANCEMENT OF AUTHORITY TO PAY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) INCREASE IN AMOUNT OF REWARD.—Subsection (b) of section 127b of title 10, United States Code, is amended by inserting ", or $5,000,000 during fiscal year 2008" after "$200,000".

(b) DELEGATION OF AUTHORITY TO COMMANDERS OF COMBATANT COMMANDS.—Subsection (c)(1)(B) of such title is amended by inserting ", or $1,000,000 during fiscal year 2008" after "$50,000".

(c) CONSULTATION WITH SECRETARY OF STATE IN AWARD.—Subsection (d)(2) of such section is amended by inserting ", or $2,000,000 during fiscal year 2008" after "$100,000".

SEC. 1022. REPEAL OF MODIFICATION OF AUTHORITIES RELATING TO THE USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) REPEAL.—

(1) IN GENERAL.—Section 333 of title 10, United States Code, as amended by section 1076 of the John Warner National Defense Authorization

Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2404), is amended to read as such section read on October 16, 2006, which is the day before the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007.

(2) CONFORMING CLERICAL AMENDMENTS.—(A) The heading of such section 333, as so amended, is amended to read as such heading read on October 16, 2006.

(B) The item relating to such section 333 in the table of sections at the beginning of chapter 15 of such title, as so amended, is amended to read as such item read on October 16, 2006.

(C) The heading of chapter 15 of such title, as so amended, is amended to read as such heading read on October 16, 2006.

(D) The item relating to chapter 15 of such title in the tables of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, as so amended, is amended to read as such item read on October 16, 2006.

(b) OTHER CONFORMING AMENDMENTS.—

(1) CONFORMING REPEAL.—(A) Section 2567 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2567.

(2) ADDITIONAL AMENDMENT.—Section 12304(c)(1) of such title, as amended by section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007, is amended to read as such section read on October 16, 2006.

SEC. 1023. PROCEDURES FOR COMBATANT STATUS REVIEW TRIBUNALS; MODIFICATION OF MILITARY COMMISSION AUTHORITIES.

(a) DETERMINATION OF STATUS OF CERTAIN COMBATANTS.—Subsection (b) of section 1005 of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 10 U.S.C. 801 note) is amended to read as follows:

"(b) DETERMINATION OF STATUS OF CERTAIN COMBATANTS.—

"(1) IN GENERAL.—The Secretary of Defense shall determine the status of each detainee described in paragraph (2) through a Combatant Status Review Tribunal (in this subsection referred to as a 'Tribunal') conducted in accordance with the requirements of this subsection.

"(2) COVERED DETAINEES.—

"(A) IN GENERAL.—A detainee described in this paragraph is a detainee who—

"(i) is held by the Department of Defense as an unlawful enemy combatant on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008; and

"(ii) has been detained by the United States for a period of more than two years.

"(B) UNLAWFUL ENEMY COMBATANT DEFINED.—In this subsection, the term 'unlawful enemy combatant' has the meaning given such term in section 948a(1) of title 10, United States Code.

"(3) STANDARD OF PROOF.—A Tribunal shall determine whether or not a detainee is an unlawful enemy combatant by a preponderance of the evidence. Weight shall be accorded to evidence based on the credibility, reliability, and probative value of the evidence.

"(4) PROCEDURES.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the Secretary shall prescribe procedures for Tribunals under this subsection. Such procedures shall ensure, at a minimum, that—

"(A) the President of a Tribunal is a military judge—

"(i) who shall meet the qualification requirements of section 948j(b) of title 10, United States Code, and

"(ii) who shall rule on all questions of law and exclude evidence that would not have probative value to a reasonable person;

"(B) each detainee is represented in the same manner as provided for the accused before a military commission under section 949c of title 10, United States Code;

"(C) each detainee is afforded a reasonable opportunity to obtain witnesses and other evidence, including a process to compel witnesses to appear and testify and to compel the production of other evidence, that is similar to that provided for defense counsel in a military commission under section 949j of title 10, United States Code;

"(D) each detainee is permitted to present evidence in his defense, to cross-examine the witnesses who testify against him, and to examine and respond to evidence admitted against him, while providing for the handling of classified information in a manner so that—

"(i) counsel for the detainee is provided access to the relevant classified evidence, including both evidence admitted against the detainee and any potentially exculpatory evidence, consistent with the procedures for the protection of classified information in section 949d(f) of title 10, United States Code; and

"(ii) the detainee is provided access—

"(I) to all unclassified evidence; and

"(II) to a summary of the classified evidence admitted against the detainee that is sufficiently specific to provide the detainee a fair opportunity to respond, with the assistance of counsel, to such evidence;

"(E) in making a determination of status of any such detainee, a Tribunal may not consider a statement that was obtained through methods that amount to torture; and

"(F) in making a determination of status of a detainee, a Tribunal may not consider a statement in which the degree of coercion is disputed unless—

"(i) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

"(ii) the interests of justice would best be served by admission of the statement into evidence; and

"(iii) the Tribunal determines that—

"(I) the alleged coercion was incident to the lawful conduct of military operations at the point of apprehension;

"(II) the statement was voluntary; or

"(III) the interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of this Act.

"(5) SCHEDULING.—The Secretary shall ensure that a Tribunal is scheduled for a detainee described in paragraph (2) not later than 180 days after the date on which a Tribunal becomes required for such detainee under paragraph (1), except that—

"(A) the Secretary shall schedule a Tribunal for a detainee who is eligible for such a Tribunal on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 not later than one year after the date on which procedures are required to be prescribed by paragraph (4); and

"(B) the Secretary shall not be required to schedule a Tribunal for—

"(i) a detainee upon whom charges have been served in accordance with section 948s of title 10, United States Code, until after final judgment has been reached on such charges; or

"(ii) a detainee who has been convicted by a military commission under chapter 47A of such title of an offense under subchapter VII of that chapter.".

(b) MODIFICATIONS OF MILITARY COMMISSION AUTHORITIES.—

(1) ENEMY COMBATANT STATUS.—Paragraph (1) of section 948a of title 10, United States Code, is amended to read as follows:

"(1) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means a person who is not a lawful enemy combatant who—

"(A) has engaged in hostilities against the United States;

"(B) has purposefully and materially supported hostilities against the United States (other than hostilities engaged in by lawful enemy combatants); or

"(C) has been a knowing and active participant in an organization that engaged in hostilities against the United States.".

(2) REPEAL OF DISPOSITIVE NATURE OF PREVIOUS CSRT DETERMINATIONS.—Section 948d of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(3) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—Section 948r of such title is amended—

(A) by striking subsections (c) and (d); and

(B) by adding after subsection (b) the following new subsection (c):

"(c) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—A statement in which the degree of coercion is disputed may be admitted if the military judge finds that—

"(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

"(2) the interests of justice would best be served by admission of the statement into evidence; and

"(3) one of the following circumstances is met:

"(A) The alleged coercion was incident to the lawful conduct of military operations at the point of apprehension.

"(B) The statement was voluntary.

"(C) The interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd).".

(4) ADMITTANCE OF HEARSAY EVIDENCE.—Subparagraph (E) of section 949a(b)(2) of such title is amended to read as follows:

"(E) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if—

"(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance of trial or hearing to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

"(ii) the military judge finds that the totality of the circumstances render the evidence more probative on the point for which it is offered than other evidence which the proponent can procure through reasonable efforts, taking into consideration the unique circumstances of the conduct of military and intelligence operations during hostilities.".

(5) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TECHNICAL AMENDMENT.—The heading of section 950j of such title is amended by striking "**Finality or**" and inserting "**Finality of**".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title is amended to read as follows:

"950j. Finality of proceedings, findings, and sentences.".

SEC. 1024. GIFT ACCEPTANCE AUTHORITY.

(a) PERMANENT AUTHORITY TO ACCEPT GIFTS ON BEHALF OF THE WOUNDED.—Section 2601(b) of title 10, United States Code, is amended by striking paragraph (4).

(b) LIMITATION ON SOLICITATION OF GIFTS.—The Secretary of Defense shall prescribe regulations implementing sections 2601 and 2608 of title 10, United States Code, that prohibit the solicitation of any gift under such sections by any employee of the Department of Defense if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in such program.

SEC. 1025. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF CULTURAL RESOURCES.

(a) IN GENERAL.—Subsection (a) of section 2684 of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY.—(1) The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State or local government, tribal government, or other entity for any purpose as follows:

"(A) For the preservation, management, maintenance, and improvement of cultural resources.

"(B) For the conduct of research regarding cultural resources.

"(2) To be covered under a cooperative agreement under this subsection, cultural resources shall be located—

"(A) on a military installation; or

"(B) off a military installation, but only if the cooperative agreement directly relieves or eliminates current or anticipated restrictions that would or might restrict, impede, or otherwise interfere (whether directly or indirectly) with current or anticipated military training, testing, or operations on the installation.

"(3) Activities under a cooperative agreement under this subsection shall be subject to the availability of funds to carry out the cooperative agreement.".

(b) INCLUSION OF INDIAN SACRED SITES IN CULTURAL RESOURCES.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) An Indian sacred site, as the that term is defined in section 1(b)(iii) of Executive Order 13007.".

SEC. 1026. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

"(a) IN GENERAL.—The Secretary of Defense may award to air carriers participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount determined in accordance with this section.

"(b) MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the annual average expenditure of the Department of Defense for airlift during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

"(2) In calculating the annual average expenditure of the Department of Defense for airlift for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for airlift if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated airlift for purposes of that paragraph.

"(3) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under paragraph (1), shall be allocated among all carriers awarded contracts under that subsection for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

"(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In determining the minimum purchase amount payable under a contract under subsection (a) for airlift provided by a carrier during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to the carrier under subsection (b)(3) to take into account periods during such fiscal year when services of the carrier are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when the carrier is placed in non-use status pursuant to section 2640 of this title for safety issues.

"(d) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift from a carrier for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift from the carrier in such fiscal year, such amount shall be provided to the carrier before the first day of the following fiscal year.

"(e) TRANSFER OF FUNDS.—At the beginning of each fiscal year, the Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

"(f) AVAILABILITY OF AIRLIFT.—(1) From the total amount of airlift available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift equivalent to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (e).

"(2) A military department may transfer any entitlement to airlift under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

"(g) SUNSET.—The authorities in this section shall expire on December 31, 2015.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by adding at the end the following new item:

"9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.".

SEC. 1027. PROVISION OF AIR FORCE SUPPORT AND SERVICES TO FOREIGN MILITARY AND STATE AIRCRAFT.

(a) PROVISION OF SUPPORT AND SERVICES.—

(1) IN GENERAL.—Section 9626 of title 10, United States Code, is amended to read as follows:

"§9626. Aircraft supplies and services: foreign military or other state aircraft

"(a) PROVISION OF SUPPLIES AND SERVICES ON REIMBURSABLE BASIS.—(1) The Secretary of the Air Force may, under such regulations as the Secretary may prescribe and when in the best interests of the United States, provide any of the supplies or services described in paragraph (2) to military and other state aircraft of a foreign country, on a reimbursable basis without an advance of funds, if similar supplies and services are furnished on a like basis to military aircraft and other state aircraft of the United States by the foreign country.

"(2) The supplies and services described in this paragraph are supplies and services as follows:

"(A) Routine airport services, including landing and takeoff assistance, servicing aircraft with fuel, use of runways, parking and servicing, and loading and unloading of baggage and cargo.

"(B) Miscellaneous supplies, including Air Force-owned fuel, provisions, spare parts, and general stores, but not including ammunition.

"(b) PROVISION OF ROUTINE AIRPORT SERVICES ON NON-REIMBURSABLE BASIS.—(1) Routine airport services may be provided under this section at no cost to a foreign country under circumstances as follows:

"(A) If such services are provided by Air Force personnel and equipment without direct cost to the Air Force.

"(B) If such services are provided under an agreement with the foreign country that provides for the reciprocal furnishing by the foreign country of routine airport services to military and other state aircraft of the United States without reimbursement.

"(2) If routine airport services are provided under this section by a working-capital fund activity of the Air Force under section 2208 of this title and such activity is not reimbursed directly for the costs incurred by the activity in providing such services by reason of paragraph (1)(B), the working-capital fund activity shall be reimbursed for such costs out of funds currently available to the Air Force for operation and maintenance.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 939 of such title is amended by striking the item relating to section 9626 and inserting the following new item:

"9626. Aircraft supplies and services: foreign military or other state aircraft.".

(b) CONFORMING AMENDMENT.—Section 9629(3) of such title is amended by striking "for aircraft of a foreign military or air attaché".

SEC. 1028. PARTICIPATION IN STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP.

(a) AUTHORITY TO PARTICIPATE IN PARTNERSHIP.—The Secretary of Defense may—

(1) enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including—

(A) the acquisition, equipping, ownership, and operation of strategic airlift aircraft; and

(B) the acquisition or transfer of airlift and airlift-related services and supplies among members of the Strategic Airlift Capability Partnership, or between the Partnership and non-member countries or international organizations, on a reimbursable basis or by replacement-in-kind or exchange of airlift or airlift-related services of an equal value; and

(2) pay from funds available to the Department of Defense for such purpose the United States equitable share of the recurring and non-recurring costs of the activities and operations of the Strategic Airlift Capability Partnership, including costs associated with procurement of aircraft components and spare parts, maintenance, facilities, and training, and the costs of claims.

(b) AUTHORITIES UNDER PARTNERSHIP.—In carrying out the memorandum of understanding entered into under subsection (a), the Secretary of Defense may do the following:

(1) Waive reimbursement of the United States for the cost of the functions performed by Department of Defense personnel with respect to the Strategic Airlift Capability Partnership as follows:

(A) Auditing.

(B) Quality assurance.

(C) Inspection.

(D) Contract administration.

(E) Acceptance testing.

(F) Certification services.

(G) Planning, programming, and management services.

(2) Waive the imposition of any surcharge for administrative services provided by the United States that would otherwise be chargeable against the Strategic Airlift Capability Partnership.

(3) Pay the salaries, travel, lodging, and subsistence expenses of Department of Defense personnel assigned for duty to the Strategic Airlift Capability Partnership without seeking reimbursement or cost-sharing for such expenses.

(c) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out the memorandum of understanding entered into under subsection (a) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently providing funds for the purposes for which such obligation was made.

(d) AUTHORITY TO TRANSFER AIRCRAFT.—

(1) IN GENERAL.—The Secretary of Defense is authorized to transfer one strategic airlift aircraft to the Strategic Airlift Capability Partnership in accordance with the terms and conditions of the memorandum of understanding entered into under subsection (a).

(2) REPORT.—Not later than 30 days before the date on which the Secretary transfers a strategic airlift aircraft under paragraph (1), the Secretary shall submit to the congressional defense committees a report on the strategic airlift aircraft to be transferred, including the type of strategic airlift aircraft to be transferred and the tail registration or serial number of such aircraft.

(e) STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP DEFINED.—In this section the term "Strategic Airlift Capability Partnership" means the strategic airlift capability consortium established by the United States and other participating countries.

SEC. 1029. RESPONSIBILITY OF THE AIR FORCE FOR FIXED-WING SUPPORT OF ARMY INTRA-THEATER LOGISTICS.

The Secretary of Defense shall, acting through the Chairman of the Joint Chiefs of Staff, prescribe directives or instructions to provide that the Air Force shall have responsibility for the missions and functions of fixed-wing support for Army intra-theater logistics.

SEC. 1030. PROHIBITION ON SALE OF PARTS FOR F-14 FIGHTER AIRCRAFT.

(a) PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F-14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the sale of parts for F-14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F-14 fighter aircraft for historical purposes.

(b) PROHIBITION ON EXPORT LICENSE.—No license for the export of parts for F-14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

Subtitle D—Reports

SEC. 1041. RENEWAL OF SUBMITTAL OF PLANS FOR PROMPT GLOBAL STRIKE CAPABILITY.

Section 1032(b)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by inserting "and each of 2007, 2008, and 2009," after "2004, 2005, and 2006,".

SEC. 1042. REPORT ON THREATS TO THE UNITED STATES FROM UNGOVERNED AREAS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly, in coordination with the Director of National Intelligence, submit to Congress a report on the threats posed to the United States from ungoverned areas, including the threats to the United States from terrorist groups and individuals located in such areas who direct their activities against the United States and its allies.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the intelligence capabilities and skills required by the United States Government to support United States policy aimed at managing the threats described in subsection (a), including, specifically, the technical, linguistic, and analytical capabilities and the skills required by the Department of Defense and the Department of State.

(2) An assessment of the extent to which the Department of Defense and the Department of State possess the capabilities described in paragraph (1) as well as the necessary resources and organization to support United States policy aimed at managing the threats described in subsection (a).

(3) A description of the extent to which the implementation of Department of Defense Directive 3000.05, entitled "Military Support for Stability, Security, Transition, and Reconstruction Operations", will support United States policy for managing such threats.

(4) A description of the actions, if any, to be taken to improve the capabilities and skills of the Department of Defense and the Department of State described in paragraph (1), and the schedule for implementing any actions so described.

SEC. 1043. STUDY ON NATIONAL SECURITY INTERAGENCY SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an independent, non-profit, non-partisan organization to conduct a study on the national security interagency system.

(b) REPORT.—The agreement entered into under subsection (a) shall require the organization to submit to Congress and the President a report containing the results of the study conducted pursuant to such agreement and any recommendations for changes to the national security interagency system (including legislative or regulatory changes) identified by the organization as a result of the study.

(c) SUBMITTAL DATE.—The agreement entered into under subsection (a) shall require the organization to submit the report required under subsection (a) not later than 180 days after the date on which the Secretary makes funds available to the organization under subsection (e) for purposes of the study.

(d) NATIONAL SECURITY INTERAGENCY SYSTEM DEFINED.—In this section, the term "national security interagency system" means the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, expertise, and activities to accomplish such missions.

(e) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, not more than $3,000,000 may be available to carry out this section.

(2) MATCHING FUNDING REQUIREMENT.—The amount provided by the Secretary for the agreement entered into under subsection (a) may not exceed the value of contributions (whether money or in-kind contributions) obtained and provided by the organization for the study from non-government sources.

Subtitle E—Other Matters

SEC. 1061. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy and the Secretary of State.

(b) ELEMENTS OF REVIEW.—The nuclear posture review shall include the following elements:

(1) The role of nuclear forces in United States military strategy, planning, and programming.

(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(3) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(4) The role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

(5) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying existing systems.

(6) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to modernize or modify the complex.

(7) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

(c) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the quadrennial defense review required to be submitted under section 118 of title 10, United States Code, in 2009.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the nuclear posture review conducted under this section should be used as a basis for establishing future United States arms control objectives and negotiating positions.

SEC. 1062. TERMINATION OF COMMISSION ON THE IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3431) is repealed.

SEC. 1063. COMMUNICATIONS WITH THE COMMITTEES ON ARMED SERVICES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request from the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives for any intelligence assessment, report, estimate, legal opinion, or other intelligence information relating to matters within the jurisdiction of such Committee, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

(b) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

(c) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

(1) to receive permission to testify before the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives; or

(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.

SEC. 1064. REPEAL OF STANDARDS FOR DISQUALIFICATION FROM ISSUANCE OF SECURITY CLEARANCES BY THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking the item relating to section 986.

SEC. 1065. ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory panel to carry out an assessment of the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

(b) PANEL MATTERS.—

(1) IN GENERAL.—The advisory panel required by subsection (a) shall consist of individuals appointed by the Secretary of Defense (in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives) from among private citizens of the United States with expertise in the legal, operational, and organizational aspects of the management of the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(2) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed under this subsection not later than 30 days after the date on which the Secretary enters into the contract required by subsection (c).

(3) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the panel have been made under this subsection.

(4) PROCEDURES.—The advisory panel shall carry out its duties under this section under procedures established under subsection (c) by the federally funded research and development center with which the Secretary contracts under that subsection. Such procedures shall include procedures for the selection of a chairman of the advisory panel from among its members.

(c) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense shall enter into a contract with a federally funded research and development center for the provision of support and assistance to the advisory panel required by subsection (a) in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (b)(4).

(2) DEADLINE FOR CONTRACT.—The Secretary shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(d) DUTIES OF PANEL.—The advisory panel required by subsection (a) shall—

(1) evaluate the authorities and capabilities of the Department of Defense to conduct operations in support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident, including the authorities and capabilities of the military departments, the Defense Agencies, the combatant commands, any supporting commands, and the reserve components of the Armed Forces (including the National Guard in a Federal and non-Federal status);

(2) assess the adequacy of existing plans and programs of the Department of Defense for training and equipping dedicated, special, and general purposes forces for conducting operations described in paragraph (1) across a broad spectrum of scenarios, including current National Planning Scenarios as applicable;

(3) assess policies, directives, and plans of the Department of Defense in support of civilian authorities in managing the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(4) assess the adequacy of policies and structures of the Department of Defense for coordination with other department and agencies of the Federal Government, especially the Department of Homeland Security, the Department of Energy, the Department of Justice, and the Department of Health and Human Services, in the provision of support described in paragraph (1);

(5) assess the adequacy and currency of information available to the Department of Defense, whether directly or through other departments and agencies of the Federal Government, from State and local governments in circumstances where the Department provides support described in paragraph (1) because State and local response capabilities are not fully adequate for a comprehensive response;

(6) assess the equipment capabilities and needs of the Department of Defense to provide support described in paragraph (1); and

(7) develop recommendations for modifying the capabilities, plans, policies, equipment, and structures evaluated or assessed under this subsection in order to improve the provision by the Department of Defense of the support described in paragraph (1).

(e) COOPERATION OF OTHER AGENCIES.—

(1) IN GENERAL.—The advisory panel required by subsection (a) may secure directly from the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Justice, the Department of Health and Human Services, and any other department or agency of the Federal Government information that the panel considers necessary for the panel to carry out its duties.

(2) COOPERATION.—The Secretary of Defense, the Secretary of Homeland Secretary, the Secretary of Energy, the Attorney General, the Secretary of Health and Human Services, and any other official of the United States shall provide the advisory panel with full and timely cooperation in carrying out its duties under this section.

(f) REPORT.—Not later than 12 months after the date of the initial meeting of the advisory panel required by subsection (a), the advisory panel shall submit to the Secretary of Defense, and to the Committees on Armed Services of the Senate and the House of Representatives, a report on activities under this section. The report shall set forth—

(1) the findings, conclusions, and recommendations of the advisory panel for improving the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident; and

(2) such other findings, conclusions, and recommendations for improving the capabilities of the Department for homeland defense as the advisory panel considers appropriate.

SEC. 1066. SENSE OF CONGRESS ON THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the education and training facility of the Department of Defense known as the Western Hemisphere Institute for Security Cooperation has the mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(2) therefore, the Institute is an invaluable education and training facility which continues to foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations.

SEC. 1067. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—

(1) REFERENCES.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of National Intelligence":

(A) Section 192(c)(2).

(B) Section 193.

(C) Section 201(a).

(D) Section 201(c)(1).

(E) Section 425(a).

(F) Section 426.

(G) Section 441.

(H) Section 443(d).

(I) Section 2273(b)(1).

(J) Section 2723(a).

(2) CAPTION AMENDMENTS.—Title 10, United States Code, is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears in the heading of the following provisions and inserting "DIRECTOR OF NATIONAL INTELLIGENCE":

(A) Section 441(c).

(B) Section 443(d).

(b) REFERENCES TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Title 10, United States Code, is further amended by striking "Director of Central Intelligence" each place it appears in the following provisions and inserting "Director of the Central Intelligence Agency":

(1) Section 431(b)(1).

(2) Section 444.

(3) Section 1089(g)(1).

(c) OTHER AMENDMENTS.—Section 201 of title 10, United States Code, is further amended—

(1) in paragraph (1) of subsection (b), by striking "Before submitting" and all that follows and inserting "In the event of a vacancy in a position referred to in paragraph (2), the making by the Secretary of Defense of a recommendation to the President regarding the appointment of an individual to such position shall be governed by the provisions of section 106(b) of the National Security Act of 1947 (50 U.S.C. 403-6(b)), relating to the concurrence of the Director of National Intelligence in appointments to positions in the intelligence community."; and

(2) in subsection (c), by striking "National Foreign Intelligence Program" and inserting "National Intelligence Program".

SEC. 1068. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this section referred to as the "Council").

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The Chairman and President of the Export-Import Bank of the United States.

(17) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing the National Security Language Initiative;

(B) developing a national foreign language strategy, building upon the efforts of the National Security Language Initiative, within 18 months after the date of the enactment of this Act, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry;

(vi) heritage associations; and

(vii) other relevant stakeholders;

(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;

(B) the long term goals, anticipated effect, and needs of the National Security Language Initiative;

(C) identification of crucial priorities across all sectors;

(D) identification and evaluation of Federal foreign language programs and activities, including—

(i) any duplicative or overlapping programs that may impede efficiency;

(ii) recommendations on coordination;

(iii) program enhancements; and

(iv) allocation of resources so as to maximize use of resources;

(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(G) recommendations for incentives for related educational programs, including foreign language teacher training;

(H) coordination of cross-sector efforts, including public-private partnerships;

(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(J) recommendations for assistance for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(K) recommendations for development of—

(i) language skill-level certification standards;

(ii) frameworks for pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences;

(L) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and

(M) recommendations for overcoming barriers in foreign language proficiency.

(3) NATIONAL SECURITY LANGUAGE INITIATIVE.—The term "National Security Language Initiative" means the comprehensive national plan of the President announced on January 5, 2006, and under the direction of the Secretaries of State, Education, and Defense and the Director of National Intelligence to expand foreign language education for national security purposes in the United States.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this section, the Council shall prepare and transmit to the President and the relevant committees of Congress the strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Director may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(A) the activities of the Council;

(B) the efforts of the Council to improve foreign language education and training; and

(C) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.

(2) RELEVANT COMMITTEES.—For purposes of paragraph (1), the relevant committees of Congress include—

(A) in the House of Representatives—

(i) the Committee on Appropriations;

(ii) the Committee on Armed Services;

(iii) the Committee on Education and Labor;

(iv) the Committee on Oversight and Government Reform;

(v) the Committee on Small Business;

(vi) the Committee on Foreign Affairs; and

(vii) the Permanent Select Committee on Intelligence;

(B) in the Senate—

(i) the Committee on Appropriations;

(ii) the Committee on Armed Services;

(iii) the Committee on Health, Education, Labor, and Pensions;

(iv) the Committee on Homeland Security and Governmental Affairs;

(v) the Committee on Foreign Relations; and

(vi) the Select Committee on Intelligence.

(j) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of

assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

SEC. 1069. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS OF AIRCRAFT UNDER CONTRACT WITH THE ARMED FORCES.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(41)(E) of title 49, United States Code, is amended—

(1) by inserting "or an operational support service" after "transportation"; and

(2) by adding at the end the following new sentence: "The term 'an operational support service' means a mission performed by an aircraft operator that uses fixed or rotary winged aircraft to provide a service other than transportation.".

(b) ARMED FORCES OPERATIONAL MISSION.—Section 40125(c) of such title is amended—

(1) in paragraph (1)(C), by inserting "or an operational support service" after "transportation"; and

(2) by adding at the end the following new paragraph:

"(3) COMPLIANCE WITH FEDERAL AVIATION REGULATIONS.—If the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) does not make a designation under paragraph (1)(C) with regard to a chartered aircraft, the transportation or operational support service provided to the armed forces by such aircraft shall be in compliance with the Federal Aviation Regulations under title 14, Code of Federal Regulations.".

(c) TECHNICAL CORRECTIONS.—

(1) Section 40125(b) of such title is amended by striking "40102(a)(37)" and inserting "40102(a)(41)".

(2) Section 40125(c)(1) of such title is amended by striking "40102(a)(37)(E)" appears and inserting "40102(a)(41)(E)".

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. COMPENSATION OF FEDERAL WAGE SYSTEM EMPLOYEES FOR CERTAIN TRAVEL HOURS.

Section 5544(a) of title 5, United States Code, is amended in the third sentence in the matter following paragraph (3) by inserting ", including travel by the employee to such event and the return of the employee from such event to the employee's official duty station," after "event".

SEC. 1102. RETIREMENT SERVICE CREDIT FOR SERVICE AS CADET OR MIDSHIPMAN AT A MILITARY SERVICE ACADEMY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331(13) of title 5, United States Code, is amended by striking "but" and inserting "and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401(31) of such title is amended by striking "but" and inserting "and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but".

(c) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any annuity, eligibility for which is based upon a separation occurring before, on, or after the date of enactment of this Act; and

(2) any period of service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, occurring before, on, or after the date of enactment of this Act.

SEC. 1103. CONTINUATION OF LIFE INSURANCE COVERAGE FOR FEDERAL EMPLOYEES CALLED TO ACTIVE DUTY.

Section 8706(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(5) In the case of an employee enrolled in life insurance under this chapter who is a member of a reserve component of the armed forces called or ordered to active duty, is placed on leave without pay to perform active duty pursuant to such call or order, and serves on active duty pursuant to such call or order for a period of more than 30 consecutive days, the life insurance of the employee under this chapter may continue for up to 24 months after discontinuance of pay by reason of the performance of such active duty.".

SEC. 1104. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) EXCLUSION OF WAGE-GRADE EMPLOYEES.—Subsection (b) of section 9902 of title 5, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) not apply to any prevailing rate employees, as defined in section 5342(a)(2);".

(b) CLARIFICATION OF REQUIREMENTS REGARDING LABOR-MANAGEMENT RELATIONS.—

(1) IN GENERAL.—Such section is further amended by striking subsection (m).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (f)(1)(D)(i), by inserting "subject to the requirements of chapter 71," before "develop a method"; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting "and" at the end;

(ii) in subparagraph (C), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (D).

(3) CONSTRUCTION OF PAY ESTABLISHMENT OR ADJUSTMENT.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(6) Any rate of pay established or adjusted in accordance with the requirements of this section shall be a matter covered by section 7103(a)(14)(C) of this title.".

SEC. 1105. AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 5547 of title 5, United States Code, during 2008, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may waive limitations on total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total compensation payable to an employee pursuant to a waiver under this subsection in a calendar year may not exceed $212,100.

(b) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(c) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1106. AUTHORITY FOR INCLUSION OF CERTAIN OFFICE OF DEFENSE RESEARCH AND ENGINEERING POSITIONS IN EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding after subparagraph (C) the following new subparagraph (D):

"(D) not more than a total of 20 scientific and engineering positions in the Office of the Director of Defense Research and Engineering;".

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO EQUIP AND TRAIN FOREIGN PERSONNEL TO ASSIST IN ACCOUNTING FOR MISSING UNITED STATES PERSONNEL.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States personnel

"(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to any foreign nation to assist the Department of Defense with recovery of and accounting for missing United States personnel.

"(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include the following:

"(1) Equipment.

"(2) Supplies.

"(3) Services.

"(4) Training of personnel.

"(c) LIMITATION.—The amount of assistance provided under this section in any fiscal year may not exceed $1,000,000.

"(d) CONSTRUCTION WITH OTHER ASSISTANCE.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations under law.

"(e) ANNUAL REPORTS.—(1) Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the fiscal year ending in such year.

"(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

"(A) A statement of each foreign nation provided assistance under this section.

"(B) For each nation so provided assistance, a description of the type and amount of such assistance.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

"408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States personnel.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1202. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN AMOUNT OF AUTHORIZED ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking "$100,000,000" and inserting "$200,000,000".

(b) PROGRAM FOR ASSISTANCE.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsection (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) FORMULATION AND IMPLEMENTATION OF PROGRAM FOR ASSISTANCE.—The Secretary of State shall coordinate with the Secretary of Defense in the formulation and implementation of a program of reconstruction, security, or stabilization assistance to a foreign country that involves the provision of services or transfer of defense articles or funds under subsection (a).".

(c) ONE-YEAR EXTENSION.—Subsection (g) of such section, as redesignated by subsection (b) of this section, is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1203. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2008.—During fiscal year 2008, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $977,441,000 may be used by the Secretary of Defense in such fiscal year to provide funds—

(1) for the Commanders' Emergency Response Program in Iraq for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funds available for the Commanders' Emergency Response Program in Iraq or any similar program to assist the people of Afghanistan, the Secretary may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(c) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs referred to in subsection (a).

(d) SUBMITTAL OF MODIFICATIONS OF GUIDANCE.—In the event any modification is made after the date of the enactment of this Act in the guidance issued to the Armed Forces by the Under Secretary of Defense (Comptroller) on February 18, 2005, concerning the allocation of funds through the Commanders' Emergency Response Program in Iraq and any similar program to assist the people of Afghanistan, the Secretary shall submit to the congressional defense committees a copy of such modification not later than 15 days after the date of such modification.

SEC. 1204. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON GLOBAL PEACE OPERATIONS INITIATIVE.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the Global Peace Operations Initiative.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of whether, and to what extent, the Global Peace Operations Initiative has met the goals set by the President at the inception of the program in 2004.

(2) Which goals, if any, remain unfulfilled.

(3) A description of activities conducted by each member state of the Group of Eight (G–8), including the approximate cost of the activities, and the approximate percentage of the total monetary value of the activities conducted by each G–8 member, including the United States, as well as efforts by the President to seek contributions or participation by other G–8 members.

(4) A description of any activities conducted by non-G–8 members, or other organizations and institutions, as well as any efforts by the President to solicit contributions or participation.

(5) A description of the extent to which the Global Peace Operations Initiative has had global participation.

(6) A description of the administration of the program by the Department of State and Department of Defense, including—

(A) whether each Department should concentrate administration in one office or bureau, and if so, which one;

(B) the extent to which the two Departments coordinate and the quality of their coordination; and

(C) the extent to which contractors are used and an assessment of the quality and timeliness of the results achieved by the contractors, and whether the United States Government might have achieved similar or better results without contracting out functions.

(7) A description of the metrics, if any, that are used by the President and the G–8 to measure progress in implementation of the Global Peace Operations Initiative, including—

(A) assessments of the quality and sustainability of the training of individual soldiers and units;

(B) the extent to which the G–8 and participating countries maintain records or databases of trained individuals and units and conduct inspections to measure and monitor the continued readiness of such individuals and units;

(C) the extent to which the individuals and units are equipped and remain equipped to deploy in peace operations; and

(D) the extent to which, the timeline by which, and how individuals and units can be mobilized for peace operations.

(8) The extent to which, the timeline by which, and how individuals and units can be and are being deployed to peace operations.

(9) An assessment of whether individuals and units trained under the Global Peace Operations Initiative have been utilized in peace operations subsequent to receiving training under the Initiative, whether they will be deployed to upcoming operations in Africa and elsewhere, and the extent to which such individuals and units would be prepared to deploy and participate in such peace operations.

(10) Recommendations as to whether participation in the Global Peace Operations Initiative should require reciprocal participation by countries in peace operations.

(11) Any additional measures that could be taken to enhance the effectiveness of the Global Peace Operations Initiative in terms of—

(A) achieving its stated goals; and

(B) ensuring that individuals and units trained as part of the Initiative are regularly participating in peace operations.

Subtitle B—Other Authorities and Limitations

SEC. 1211. COOPERATIVE OPPORTUNITIES DOCUMENTS UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS AND OTHER ALLIED AND FRIENDLY FOREIGN COUNTRIES.

Section 2350a(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "(A)";

(B) by striking "an arms cooperation opportunities document" and inserting "a cooperative opportunities document before the first milestone or decision point"; and

(C) by striking subparagraph (B); and

(2) in paragraph (2), by striking "An arms cooperation opportunities document" and inserting "A cooperative opportunities document".

SEC. 1212. EXTENSION AND EXPANSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) EXPANSION TO NATIONS ENGAGED IN CERTAIN PEACEKEEPING OPERATIONS.—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412) is amended—

(1) in paragraph (1), by inserting "or participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement" after "Iraq or Afghanistan"; and

(2) in paragraph (3) by inserting ", or in a peacekeeping operation described in paragraph (1), as applicable," after "Iraq or Afghanistan".

(b) ONE-YEAR EXTENSION.—Subsection (e) of such section is amended by striking "September 30, 2008" and inserting "September 30, 2009".

(c) CONFORMING AMENDMENT.—The heading of such section is amended by striking "**FOREIGN FORCES IN IRAQ AND AFGHANISTAN**" and inserting "**CERTAIN FOREIGN FORCES**".

SEC. 1213. ACCEPTANCE OF FUNDS FROM THE GOVERNMENT OF PALAU FOR COSTS OF MILITARY CIVIC ACTION TEAMS.

Section 104(a) of Public Law 99-658 (48 U.S.C. 1933(a)) is amended—

(1) by inserting "(1)" before "In recognition"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may accept from the Government of Palau the amount available for the use of the Government of Palau under paragraph (1). Any amount so accepted by the Secretary under this paragraph shall be credited to the appropriation or account available to the Department of Defense for the Civic Action Team with respect to which such amount is so accepted. Amounts so credited shall be merged with the appropriation or account to which credited, and shall be available to the Civic Action Team for the same purposes, and subject to the same conditions and limitations, as the appropriation or account with which merged.".

SEC. 1214. EXTENSION OF PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF PARTICIPATION.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2416) is amended—

(1) in subsection (a), by striking "fiscal year 2007" and inserting "during fiscal years 2007 and 2008"; and

(2) in subsection (e)(2), by inserting "or 2008" after "in fiscal year 2007".

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1)—

(A) by striking "October 31, 2007," and inserting "October 31 of each of 2007 and 2008,"; and

(B) by striking "fiscal year 2007" and inserting "fiscal year 2007 or 2008, as applicable"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "The report" and inserting "Each report"; and

(ii) by inserting ", for the fiscal year covered by such report," after "shall include"; and

(B) in subparagraph (A), by striking "fiscal year 2007".

SEC. 1215. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THAILAND.

(a) LIMITATION.—Notwithstanding any other provision of law, no funds authorized to be appropriated by this Act may be obligated or expended to provide direct assistance to the Government of Thailand unless the President certifies to the congressional defense committees that a democratically-elected government has taken office in Thailand on or after October 1, 2007.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply with respect to funds as follows:

(1) Amounts authorized to be appropriated for Overseas Humanitarian, Disaster, and Civic Aid.

(2) Amounts otherwise authorized to be appropriated by this Act and available for humanitarian or emergency assistance for other nations.

(c) WAIVER.—The President may waive the limitation in subsection (a) if the President certifies to the congressional defense committees in writing that the waiver of the limitation is in the national security interests of the United States.

SEC. 1216. PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.

Not more than 75 percent of the amount authorized to be appropriated by this Act and available for the Office of the Under Secretary of Defense for Policy may be obligated or expended for that purpose until the President submits to Congress the report required by section 1213(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2422).

SEC. 1217. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING IMPLEMENTATION OF REQUIREMENTS REGARDING NORTH KOREA.

Notwithstanding any other provision of law, no funds authorized to be appropriated for the Department of Defense by this Act or any other Act for the provision of security and stabilization assistance as authorized by section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (as amended by section 1202 of this Act) may be obligated or expended for that purpose until the President certifies to Congress that all the provisions of section 1211 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–163; 120 Stat. 2420) have been or are being carried out.

Subtitle C—Reports

SEC. 1231. REPORTS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 180 days thereafter through the end of fiscal year 2009, the President shall submit to the congressional defense committees a report on United States policy and military operations in Afghanistan.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A comprehensive strategy, coordinated between and among the departments and agencies of the United States Government, for achieving the objectives of United States policy and military operations in Afghanistan.

(2) A description of current and proposed efforts to assist the Government of Afghanistan in increasing the size and capability of the Afghan Security Forces, including key criteria for measuring the capabilities and readiness of the Afghan National Army, the Afghan National Police, and other Afghan security forces.

(3) A description of current and proposed efforts of the United States Government to work with coalition partners to strengthen the International Security Assistance Force (ISAF) led by the North Atlantic Treaty Organization (NATO) in Afghanistan, including efforts—

(A) to encourage North Atlantic Treaty Organization members to make or fulfill commitments to meet North Atlantic Treaty Organization mission requirements with respect to the International Security Assistance Force; and

(B) to remove national restrictions on the use of forces of members of the North Atlantic Treaty Organization deployed as part of the International Security Assistance Force mission.

(4) A description of current and proposed efforts to improve provincial governance and expand economic development in the provinces of Afghanistan, including—

(A) a statement of the mission and objectives of the Provincial Reconstruction Teams in Afghanistan;

(B) a description of the number, funding (including the sources of funding), staffing requirements, and current staffing levels of the Provincial Reconstruction Teams, set forth by United States Government agency;

(C) an evaluation of the effectiveness of each Provincial Reconstruction Team, including each team under the command of the United States and each team under the command of the International Security Assistance Force, in achieving its mission and objectives; and

(D) a description of the collaboration, if any, between the United States Agency for International Development and Special Operations Forces in such efforts, and an assessment of the results of such collaboration.

(5) With respect to current counternarcotics efforts in Afghanistan—

(A) a description of the counternarcotics plan of the United States Government in Afghanistan, including a statement of priorities among United States counterdrug activities (including interdiction, eradication, and alternative livelihood programs) within that plan, and a description of the specific resources allocated for each such activity;

(B) a description of the counternarcotics roles and missions assumed by the local and provincial governments of Afghanistan, the Government of Afghanistan, particular departments and agencies of the United States Government, the International Security Assistance Force, and other governments;

(C) a description of the extent, if any, to which counternarcotics operations in or with respect to Afghanistan have been determined to constitute a United States military mission, and the justification for that determination;

(D) a description of United States efforts to destroy drug manufacturing facilities; and

(E) a description of United States efforts to apprehend or eliminate major drug traffickers in Afghanistan, and a description of the extent to which such drug traffickers are currently assisting United States counterterrorist efforts.

(6) A description of current and proposed efforts to help the Government of Afghanistan fight public corruption and strengthen the rule of law.

(7) A description of current and proposed diplomatic and other efforts to encourage and assist the Government of Pakistan to eliminate safe havens for Taliban, Al Qaeda, and other extremists within the territory of Pakistan which threaten the stability of Afghanistan, and an evaluation of the cooperation of the Government of Pakistan in eliminating such safe havens.

(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

SEC. 1232. STRATEGY FOR ENHANCING SECURITY IN AFGHANISTAN BY ELIMINATING SAFE HAVENS FOR VIOLENT EXTREMISTS IN PAKISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime from Afghanistan.

(2) In early September 2006, the Government of Pakistan signed a peace agreement with pro-Taliban militants in Miramshah, North Waziristan, Pakistan. Under the agreement, local tribesmen in North Waziristan agreed to halt cross-border movement of pro-Taliban insurgents from the North Waziristan area to Afghanistan and to remove all foreigners who do not respect the peace and abide by the agreement.

(3) In late September 2006, United States military officials in Kabul, Afghanistan, reported two-fold, and in cases three-fold, increases in the number of cross-border attacks along the Afghanistan border with Pakistan in the weeks following the signing of the agreement referred to in paragraph (2).

(4) On February 13, 2007, Lieutenant General Karl W. Eikenberry, the former commanding general of Combined Forces Command—Afghanistan, stated in a written statement to the Committee on Armed Services of the House of Representatives that "Al Qaeda and Taliban leadership presence inside Pakistan remains a significant problem that must be satisfactorily addressed if we are to prevail in Afghanistan and if we are to defeat the global threat posed by international terrorism".

(5) On February 27, 2007, John McConnell, the Director of National Intelligence, stated in a written statement to the Committee on Armed Services of the Senate that "[e]liminating the safehaven that the Taliban and other extremists have found in Pakistan's tribal areas is not sufficient to end the insurgency in Afghanistan but it is necessary".

(b) STRATEGY RELATING TO PAKISTAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report describing the long-term strategy of the United States to engage with the Government of Pakistan—

(A) to prevent the movement of Taliban, Al Qaeda, and other violent extremist forces across the border of Pakistan into Afghanistan; and

(B) to eliminate safe havens for such forces on the national territory of Pakistan.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(c) LIMITATION ON AVAILABILITY OF DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

(1) LIMITATION.—For fiscal years 2008 and 2009, the Government of Pakistan may not be reimbursed in any fiscal year quarter for the provision to the United States of logistical, military, or other support utilizing funds appropriated or otherwise made available by an Act making supplemental appropriations for fiscal year 2007 for operations in Iraq and Afghanistan, or any other Act, for the purpose of making payments to reimburse key cooperating nations for the provision to the United States of such support unless the President certifies to the congressional defense committees for such fiscal year quarter that the Government of Pakistan is making substantial and sustained efforts to eliminate safe havens for the Taliban, Al Qaeda and other violent extremists in areas under its sovereign control, including in the cities of Quetta and Chaman and in the Northwest Frontier Province and the Federally Administered Tribal Areas.

(2) CONTENT OF CERTIFICATION.—Each certification submitted under paragraph (1) shall include a detailed description of the efforts made by the Government of Pakistan to eliminate safe havens for the Taliban, Al Qaeda, and other violent extremists in areas under its sovereign control.

(3) FORM.—Each certification submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) WAIVER.—The President may waive the limitation on reimbursements under paragraph (1) for a fiscal year quarter if the President determines and certifies to the congressional defense committees that it is important to the national security interest of the United States to do so.

SEC. 1233. ONE-YEAR EXTENSION OF UPDATE ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 1225(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465) is amended by striking "Not later than one year after enactment of this Act," and inserting "Not later than each of January 6, 2007, and January 7, 2008,".

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of this Act.

(b) FISCAL YEAR 2008 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2008 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $428,048,000 authorized to be appropriated to the Department of Defense for fiscal year 2008 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $102,885,000.

(2) For nuclear weapons storage security in Russia, $22,988,000.

(3) For nuclear weapons transportation security in Russia, $37,700,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $51,986,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $194,489,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $19,000,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2008 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2008 for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—.

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS IN STATES OUTSIDE THE FORMER SOVIET UNION.

Section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note) is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following new subsection:

"(c) SPECIFIED PROGRAMS WITH RESPECT TO STATES OUTSIDE THE FORMER SOVIET UNION.—The programs referred to in subsection (a) are the following programs with respect to states that are not states of the former Soviet Union:

"(1) Programs to facilitate the elimination, and safe and secure transportation and storage, of biological, or chemical weapons, materials, weapons components, or weapons-related materials.

"(2) Programs to prevent the proliferation of nuclear, chemical, or biological weapons, weapons components, and weapons-related military technology and expertise.

"(3) Programs to facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be utilized as an early warning mechanism for disease outbreaks that could impact the Armed Forces of the United States or allies of the United States.".

SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) in subsection (a), by striking "the President" the second place it appears and inserting "the Secretary of Defense, with the concurrence of the Secretary of State,"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "the President" the second place it appears and inserting "the Secretary of Defense, with the concurrence of the Secretary of State,"; and

(B) in paragraph (2), by striking "the President" and inserting "the Secretary of Defense and the Secretary of State".

SEC. 1305. REPEAL OF RESTRICTIONS ON ASSISTANCE TO STATES OF THE FORMER SOVIET UNION FOR COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—The Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is amended—

(A) by striking section 211; and

(B) in section 212, by striking ", consistent with the findings stated in section 211,".

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) is amended by striking subsection (d).

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(4) CONFORMING REPEAL.—Section 1303 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 1306. NATIONAL ACADEMY OF SCIENCES STUDY OF PREVENTION OF PROLIFERATION OF BIOLOGICAL WEAPONS.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify areas for cooperation with states other than states of the former Soviet Union under the Cooperative Threat Reduction program of the Department of Defense in the prevention of proliferation of biological weapons.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under subsection (a) to include the following:

(1) An assessment of trends in the biological sciences and biotechnology that will affect the capabilities of governments of developing countries to control the containment and use of dual-use technologies of potential interest to terrorist organizations or individuals with hostile intentions.

(2) An assessment of the approaches to cooperative threat reduction used by the states of the former Soviet Union that are of special relevance in preventing the proliferation of biological weapons in other areas of the world.

(3) A review of programs of the United States Government and other governments, international organizations, foundations, and other private sector entities used in developing countries that are not states of the former Soviet Union that may contribute to the prevention of the proliferation of biological weapons.

(4) Recommendations on steps for integrating activities of the Cooperative Threat Reduction program relating to the prevention of the proliferation of biological weapons with activities of other departments and agencies of the United States addressing problems and opportunities in developing countries that are not states of the former Soviet Union.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) The results of the study carried out under subsection (a), including any report received by the Secretary from the National Academy of Sciences on the study.

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(18) for Cooperative Threat Reduction programs, not more than $2,500,000 may be obligated or expended to carry out this section.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $102,446,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,250,300,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $1,044,194,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $22,543,124,000, of which—

(1) $22,044,381,000 is for Operation and Maintenance;

(2) $136,482,000 is for Research, Development, Test, and Evaluation; and

(3) $362,261,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,491,724,000, of which—

(1) $1,186,452,000 is for Operation and Maintenance;

(2) $274,846,000 is for Research, Development, Test, and Evaluation; and

(3) $30,426,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $959,322,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $225,995,000, of which—

(1) $224,995,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,627,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $601,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $451,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $554,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $21,000,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2008 when compared with the inflation assumptions used in the budget of the President for fiscal year 2008, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—National Defense Stockpile

SEC. 1411. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 50,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2008.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—

(1) IN GENERAL.—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary completes the disposal of the total quantity of additional ferromanganese authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of ferromanganese under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional ferromanganese from the National Defense

Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1412. DISPOSAL OF CHROME METAL.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 500 short tons of chrome metal from the National Defense Stockpile during fiscal year 2008.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—

(1) IN GENERAL.—If the Secretary of Defense completes the disposal of the total quantity of chrome metal authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary completes the disposal of the total quantity of additional chrome metal authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of chrome metal under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional chrome metal from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional chrome metal will not cause disruption to the usual markets of producers and processors of chrome metal in the United States; and

(3) the disposal of the additional chrome metal is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1413. MODIFICATION OF RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Paragraph (5) of section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 50 U.S.C. 98d note), as amended by section 3302(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3546), is further amended by striking "$600,000,000 before" and inserting "$729,000,000 by".

(b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Paragraph (7) of section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 98d note), as amended by section 3302(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2513), is further amended to read as follows:

"(7) $1,469,102,000 by the end of fiscal year 2015.".

Subtitle C—Civil Programs

SEC. 1421. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of $61,624,000 for the operation of the Armed Forces Retirement Home.

Subtitle D—Chemical Demilitarization Matters

SEC. 1431. MODIFICATION OF TERMINATION REQUIREMENT FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.

(a) MODIFICATION.—Subsection (h) of section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by striking "after the stockpile located in that commission's State has been destroyed" and inserting "upon the earlier of—

"(1) the completion of closure activities for the chemical agent destruction facility in the commission's State as required pursuant to regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

"(2) the request of the Governor of the commission's State.".

(b) TECHNICAL AMENDMENTS.—Subsections (b), (f), and (g) of such section are each amended by striking "Assistant Secretary of the Army (Research, Development, and Acquisition)" and inserting "Assistant Secretary of the Army (Acquisition, Logistics, and Technology)".

SEC. 1432. REPEAL OF CERTAIN QUALIFICATIONS REQUIREMENT FOR DIRECTOR OF CHEMICAL DEMILITARIZATION MANAGEMENT ORGANIZATION.

Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 1433. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the "Chemical Weapons Convention"), requires that destruction of the entire United States chemical weapons stockpile be completed by not later than April 29, 2007.

(2) In 2006, under the terms of the Chemical Weapons Convention, the United States requested and received a one-time, 5-year extension of its chemical weapons destruction deadline to April 29, 2012.

(3) On April 10, 2006, the Secretary of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile, but would "continue working diligently to minimize the time to complete destruction without sacrificing safety and security" and would also "continue requesting resources needed to complete destruction as close to April 2012 as practicable".

(4) Destroying the remaining stockpile of United States chemical weapons is imperative for public safety and homeland security, and doing so by April 2012, in accordance with the current destruction deadline provided under the Chemical Weapons Convention, is required by United States law.

(5) The elimination of chemical weapons anywhere they exist in the world, and the prevention of their proliferation, is of utmost importance to the national security of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States is, and must remain, committed to making every effort to safely dispose of its entire chemical weapons stockpile by April 2012, the current destruction deadline provided under the Chemical Weapons Convention, or as soon thereafter as possible, and must carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should make every effort to plan for, and to request in the annual budget of the President submitted to Congress adequate funding to complete, the elimination of the United States chemical weapons stockpile in accordance with United States obligations under the Chemical Weapons Convention and in a manner that will protect public health, safety, and the environment, as required by law.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15, 2008, and every 180 days thereafter until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the destruction deadline of April 29, 2012, currently provided by the Chemical Weapons Convention.

(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B).

(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current destruction deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

(3) Members and committees of Congress.—The members and committees of Congress referred to in this paragraph are—

(A) the majority leader of the Senate, the minority leader of the Senate, and the Committees on Armed Services and Appropriations of the Senate; and

(B) the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committees on Armed Services and Appropriations of the House of Representatives.

TITLE XV—OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—Authorization of Additional War-Related Appropriations

SEC. 1501. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $890,786,000.

(2) For missiles, $492,734,000.

(3) For weapons and tracked combat vehicles procurement, $1,249,177,000.

(4) For ammunition, $303,000,000.

(5) For other procurement, $10,310,055,000.

SEC. 1502. NAVY AND MARINE CORPS PROCUREMENT.

(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $2,263,018,000.

(2) For weapons procurement, $251,281,000.

(3) For other procurement, $814,311,000.

(b) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for the Marine Corps in the amount of $4,236,140,000.

(c) Navy and Marine Corps Ammunition.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $590,090,000.

SEC. 1503. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $2,069,009,000.

(2) For ammunition, $74,005,000.

(3) For missile procurement, $1,800,000.

(4) For other procurement, $4,163,450,000.

SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for Defense-wide in the amount of $593,768,000.

SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $121,653,000.

(2) For the Navy, $370,798,000.

(3) For the Air Force, $922,791,000.

(4) For Defense-wide activities, $535,087,000.

SEC. 1506. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $45,519,264,000.

(2) For the Navy, $5,190,000,000.

(3) For the Marine Corps, $4,013,093,000.

(4) For the Air Force, $10,532,630,000.

(5) For Defense-wide activities, $5,976,216,000.

(6) For the Army Reserve, $158,410,000.

(7) For the Navy Reserve, $69,598,000.

(8) For the Marine Corps Reserve, $68,000,000.

(9) For the Army National Guard, $466,150,000.

(10) For the Air National Guard, $31,168,000.

SEC. 1507. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $9,140,516,000.

(2) For the Navy, $752,089,000.

(3) For the Marine Corps, $817,475,000.

(4) For the Air Force, $1,411,890,000.

(5) For the Army Reserve, $235,000,000.

(6) For the Navy Reserve, $70,000,000.

(7) For the Marine Corps Reserve, $15,420,000.

(8) For the Air Force Reserve, $3,000,000.

(9) For the Army National Guard, $476,584,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $1,022,842,000, for operation and maintenance.

SEC. 1509. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $257,618,000.

SEC. 1510. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) Authorization of Appropriation.—Funds are hereby authorized for fiscal year 2008 for the Joint Improvised Explosive Device Defeat Fund in the amount of $4,500,000,000.

(b) Use of Funds.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop, and provide equipment, supplies, services, training, facilities, personnel, and funds to assist United States forces in the defeat of improvised explosive devices.

(c) Transfer Authority.—

(1) Transfers authorized.—Amounts authorized to be appropriated by subsection (a) may be transferred from the Joint Improvised Explosive Device Defeat Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(2) Additional transfer authority.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) Transfers back to the fund.—Upon determination that all or part of the funds transferred from the Joint Improvised Explosive Device Defeat Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Joint Improvised Explosive Device Defeat Fund.

(4) Effect on authorization amounts.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(d) Notice to Congress.—Funds may not be obligated from the Joint Improvised Explosive Device Defeat Fund, or transferred under the authority provided in subsection (c)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(e) Management Plan.—

(1) Plan required.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the intended management and use of the Joint Improvised Explosive Device Defeat Fund.

(2) Matter to be included.—The plan required by paragraph (1) shall include an update of the plan required in the paragraph under the heading "Joint Improvised Explosive Device Defeat Fund" in chapter 2 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 424), including identification of—

(A) year-to-date transfers and obligations; and

(B) projected transfers and obligations through September 30, 2008.

(f) Quarterly Reports.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the detail of any obligation or transfer of funds from the Joint Improvised Explosive Device Defeat Fund plan required by subsection (e).

(g) Duration of Authority.—Amounts appropriated to the Joint Improvised Explosive Device Defeat Fund are available for obligation or transfer from the Fund until September 30, 2009.

SEC. 1511. IRAQ SECURITY FORCES FUND.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Security Forces Fund in the amount of $2,000,000,000.

(b) Use of Funds.—

(1) In general.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) Types of assistance authorized.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding.

(3) Secretary of State concurrence.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) Authority in Addition to Other Authorities.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) Transfer Authority.—

(1) Transfers authorized.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Fund during fiscal year 2008 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Afghanistan Security Forces Fund in the amount of $2,700,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Office of Security Cooperation-Afghanistan, to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Fund during fiscal year 2008 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1513. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Freedom Fund in the amount of $107,500,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1514. DEFENSE WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Working Capital Funds in the amount of $1,676,275,000.

SEC. 1515. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $5,100,000.

SEC. 1516. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for the Office of Inspector General of the Department of Defense in the amount of $4,394,000, for Operation and Maintenance.

Subtitle B—General Provisions Relating to Authorizations

SEC. 1521. PURPOSE.

The purpose of this title is to authorize additional appropriations for the Department of Defense for fiscal year 2008 for the incremental costs of Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1522. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1523. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1532. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1506 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—

(1) IN GENERAL.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(2) STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under the authority in subsection (a). Such standards may not take effect until 15 days after the date on which the Secretary submits to the congressional defense committees a report setting forth such standards.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2008 may not exceed $1,200,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall—

(1) notify the congressional defense committees not less than 15 days before making any reimbursement under the authority in subsection (a); and

(2) submit to the congressional defense committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

SEC. 1533. LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AVAILABILITY OF FUNDS FOR LOGISTICAL SUPPORT.—Subject to the provisions of this section, amounts available to the Department of Defense for fiscal year 2008 for operation and maintenance may be used to provide supplies, services, transportation (including airlift and sealift), and other logistical support to coalition forces supporting United States military and stabilization operations in Iraq and Afghanistan.

(b) REQUIRED DETERMINATION.—The Secretary may provide logistical support under the authority in subsection (a) only if the Secretary determines that the coalition forces to be provided the logistical support—

(1) are essential to the success of a United States military or stabilization operation; and

(2) would not be able to participate in such operation without the provision of the logistical support.

(c) COORDINATION WITH EXPORT CONTROL LAWS.—Logistical support may be provided under the authority in subsection (a) only in accordance with applicable provisions of the Arms Export Control Act and other export control laws of the United States.

(d) LIMITATION ON VALUE.—The total amount of logistical support provided under the authority in subsection (a) in fiscal year 2008 may not exceed $400,000,000.

(e) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report on the provision of logistical support under the authority in subsection (a) during such fiscal-year quarter.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal-year quarter covered by such report, the following:

(A) Each nation provided logistical support under the authority in subsection (a).

(B) For each such nation, a description of the type and value of logistical support so provided.

SEC. 1534. COMPETITION FOR PROCUREMENT OF SMALL ARMS SUPPLIED TO IRAQ AND AFGHANISTAN.

(a) COMPETITION REQUIREMENT.—For the procurement of pistols and other weapons described in subsection (b), the Secretary of Defense shall ensure, consistent with the provisions of section 2304 of title 10, United States Code, that—

(1) full and open competition is obtained to the maximum extent practicable;

(2) no responsible United States manufacturer is excluded from competing for such procurements; and

(3) products manufactured in the United States are not excluded from the competition.

(b) PROCUREMENTS COVERED.—This section applies to the procurement of the following:

(1) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Iraq, the Iraqi Police Forces, and other Iraqi security organizations.

(2) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Afghanistan, the Afghani Police Forces, and other Afghani security organizations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2008".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama ..	Anniston Army Depot.	$26,000,000
	Redstone Arsenal	$20,000,000
Alaska	Fort Richardson	$92,800,000
	Fort Wainwright	$114,500,000
Arizona	Fort Huachuca	$129,600,000
California	Fort Irwin	$24,000,000
	Presidio, Monterey ...	$28,000,000
Colorado ..	Fort Carson	$156,200,000
Delaware ..	Dover Air Force Base	$17,500,000
Florida	Eglin Air Force Base	$66,000,000
	Miami Doral	$237,000,000
Georgia	Fort Benning	$185,800,000
	Fort Stewart/Hunter Army Air Field.	$123,500,000
Hawaii	Fort Shafter	$31,000,000
	Schofield Barracks ...	$88,000,000
	Wheeler Army Air Field.	$51,000,000
Illinois	Rock Island Arsenal	$3,350,000
Kansas	Fort Leavenworth	$90,800,000
	Fort Riley	$138,300,000
Kentucky	Fort Campbell	$105,000,000
	Fort Knox	$6,700,000
Louisiana	Fort Polk	$15,900,000
Maryland	Aberdeen Proving Ground.	$12,200,000
Michigan ..	Detroit Arsenal	$18,500,000
Missouri ...	Fort Leonard Wood ..	$125,650,000
Nevada	Hawthorne Army Ammunition Plant.	$11,800,000
New Mexico.	White Sands Missile Range.	$71,000,000
New York	Fort Drum	$291,000,000
North Carolina.	Fort Bragg	$275,600,000
Oklahoma	Fort Sill	$6,200,000
South Carolina.	Fort Jackson	$85,000,000
Texas	Camp Bullis	$1,600,000
	Fort Bliss	$111,900,000
	Fort Hood	$145,400,000
	Fort Sam Houston	$19,150,000
	Red River Army Depot.	$9,200,000
Virginia ...	Fort Belvoir	$13,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Washington.	Fort Eustis	$75,000,000
	Fort Lee	$16,700,000
	Fort Myer	$20,800,000
	Fort Lewis	$164,600,000
	Yakima Training Center.	$29,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Bulgaria	Nevo Selo FOS	$61,000,000
Germany	Grafenwoehr	$62,000,000
Honduras	Soto Cano Air Base	$2,550,000
Italy	Vicenza	$173,000,000
Korea	Camp Humphreys	$57,000,000
Romania	Mihail Kogalniceanu FOS.	$12,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Ansbach	138	$52,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $365,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $5,218,067,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,254,250,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $295,150,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $333,947,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $419,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $742,920,000.

(6) For the construction of increment 3 of a barracks complex at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $47,400,000.

(7) For the construction of increment 2 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), $102,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $204,000,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), for construction of a brigade complex for Fort Lewis, Washington).

(3) $37,000,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex operations support facility at Vicenza, Italy).

(4) $36,000,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex barracks and community support facility at Vicenza, Italy).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), is further amended—

(1) by striking the item relating to Redstone Arsenal, Alabama;

(2) by striking the item relating to Fort Wainwright, Alaska;

(3) in the item relating to Fort Irwin, California, by striking "$18,200,000" in the amount column and inserting "$10,000,000";

(4) in the item relating to Fort Carson, Colorado, by striking "$30,800,000" in the amount column and inserting "$24,000,000";

(5) in the item relating to Fort Leavenworth, Kansas, by striking "$23,200,000" in the amount column and inserting "$15,000,000";

(6) in the item relating to Fort Riley, Kansas, by striking "$47,400,000" in the amount column and inserting "$37,200,000";

(7) in the item relating to Fort Campbell, Kentucky, by striking "$135,300,000" in the amount column and inserting "$115,400,000";

(8) by striking the item relating to Fort Polk, Louisiana;

(9) by striking the item relating to Aberdeen Proving Ground, Maryland;

(10) by striking the item relating to Fort Detrick, Maryland;

(11) by striking the item relating to Detroit Arsenal, Michigan;

(12) in the item relating to Fort Leonard Wood, Missouri, by striking "$34,500,000" in the amount column and inserting "$17,000,000";

(13) by striking the item relating to Picatinny Arsenal, New Jersey;

(14) in the item relating to Fort Drum, New York, by striking "$218,600,000" in the amount column and inserting "$209,200,000";

(15) in the item relating to Fort Bragg, North Carolina, by striking "$96,900,000" in the amount column and inserting "$89,000,000";

(16) by striking the item relating to Letterkenny Depot, Pennsylvania;

(17) by striking the item relating to Corpus Christi Army Depot, Texas;

(18) by striking the item relating to Fort Bliss, Texas;

(19) in the item relating to Fort Hood, Texas, by striking "$93,000,000" in the amount column and inserting "$75,000,000";

(20) by striking the item relating to Red River Depot, Texas; and

(21) by striking the item relating to Fort Lee, Virginia.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of such Act (120 Stat. 2447) is amended—

(1) in the matter preceding paragraph (1), by striking "$3,518,450,000" and inserting "$3,275,700,000"; and

(2) in paragraph (1), by striking "$1,362,200,000" and inserting "$1,119,450,000".

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485) is amended in the item relating to Fort Bragg, North Carolina, by striking "$301,250,000" in the amount column and inserting "$308,250,000".

(b) CONFORMING AMENDMENTS.—Section 2104(b)(5) of that Act (119 Stat. 3488) is amended by striking "$77,400,000" and inserting "$84,400,000".

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii.	Training facility	$35,542,000

SEC. 2108. TECHNICAL AMENDMENTS TO THE MILITARY CONSTRUCTION AUTHORIZATION ACT FOR 2007.

(a) TECHNICAL AMENDMENT TO SPECIFY LOCATION OF PROJECT IN ROMANIA.—The table in section 2101(b) of the Military Construction Authorization Act for 2007 (division B of Public Law 109-364; 120 Stat. 2446) is amended by striking "Babadag Range" and inserting "Mihail Kogalniceanu Air Base".

(b) TECHNICAL AMENDMENT TO CORRECT PRINTING ERROR RELATING TO ARMY FAMILY HOUSING.—The table in section 2102(a) of the Military Construction Authorization Act for 2007 (division B of Public Law 109-364; 120 Stat. 2446) is amended by striking "Fort McCoyine" and inserting "Fort McCoy".

SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS FACILITY, MIAMI-DORAL, FLORIDA.

(a) GROUND LEASE AUTHORIZED.—The Secretary of the Army may utilize the State of Florida property as described in sublease number 4489-01, entered into between the State of Florida and the United States (in this section referred to as the "ground lease"), for the purpose of constructing a consolidated headquarters facility for the United States Southern Command (SOUTHCOM).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may carry out the project to construct a new headquarters on property leased from the State of Florida when the following conditions have been met regarding the lease for the property:

(1) The United States Government shall have the right to use the property without interruption until at least December 31, 2055.

(2) The United States Government shall have the right to use the property for general administrative purposes in the event the United States Southern Command relocates or vacates the property.

(c) AUTHORITY TO OBTAIN GROUND LEASE OF ADJACENT PROPERTY.—The Secretary may obtain the ground lease of additional real property owned by the State of Florida that is adjacent to the real property leased under the ground lease for purposes of completing the construction of the SOUTHCOM headquarters facility, as long as the additional terms of the ground lease required by subsection (b) apply to such adjacent property.

(d) LIMITATION.—The Secretary may not obligate or expend funds appropriated pursuant to the authorization of appropriations in section 2104(a)(1) for the construction of the SOUTHCOM headquarters facility authorized under section 2101(a) until the Secretary transmits to the congressional defense committees a modification to the ground lease signed by the United States Government and the State of Florida in accordance with subsection (b).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Alabama ..	Outlying Field Evergreen.	$9,560,000
Arizona	Marine Corps Air Station, Yuma.	$33,720,000
California	Marine Corps Base, Camp Pendleton.	$366,394,000
	Marine Corps Air Station, Miramar.	$26,760,000
	Naval Station, San Diego.	$23,630,000
	Marine Corps Base, Twentynine Palms.	$147,059,000
Connecticut.	Naval Submarine Base, New London.	$11,900,000
Florida	Marine Corps Logistics Base, Blount Island.	$7,570,000
	Cape Canaveral	$9,900,000
	Naval Surface Warfare Center, Panama City.	$13,870,000
Hawaii	Marine Corps Air Station, Kaneohe.	$37,961,000
	Naval Base, Pearl Harbor.	$99,860,000
	Naval Shipyard, Pearl Harbor.	$30,200,000
	Naval Station Pearl Harbor, Wahiawa.	$65,410,000
Illinois	Naval Training Center, Great Lakes.	$10,221,000
Indiana	Naval Support Activity, Crane.	$12,000,000
Maryland	Naval Air Warfare Center, Patuxent River.	38,360,000
Maine	Naval Shipyard, Portsmouth.	$9,700,000
Mississippi	Naval Air Station, Meridian.	$6,770,000
Nevada	Naval Air Station, Fallon.	$11,460,000
New Jersey.	Naval Air Station, Lakehurst.	$4,100,000
North Carolina.	Marine Corps Air Station, Cherry Point.	$28,610,000
	Marine Corps Air Station, New River.	$54,430,000
	Marine Corps Base, Camp Lejeune.	$278,070,000
Rhode Island.	Naval Station, Newport.	$9,990,000
South Carolina.	Marine Corps Air Station, Beaufort.	$6,800,000
	Marine Corps Recruit Depot, Parris Island.	$55,282,000
Texas	Naval Air Station, Corpus Christi.	$14,290,000
Virginia ...	Naval Support Activity, Chesapeake.	$8,450,000
	Naval Station, Norfolk.	$79,560,000
	Marine Corps Base, Quantico.	$50,519,000
Washington.	Naval Station, Bremerton.	$119,760,000
	Naval Station, Everett.	$10,940,000
	Naval Air Station, Whidbey Island.	$23,910,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Naval Support Activity, Bahrain.	$35,500,000
Diego Garcia.	Naval Support Facility, Diego Garcia.	$7,150,000
Djibouti	Camp Lemonier	$22,390,000
Guam	Naval Activities, Guam.	$273,518,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade.	$8,900,000
	Host Nation Infrastructure.	$2,700,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Mariana Islands.	Naval Activities, Guam.	73	$47,167,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $3,172,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $237,990,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,032,790,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,717,016,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $338,558,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $11,600,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section

2807 of title 10, United States Code, $119,658,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $300,095,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $371,404,000.

(7) For the construction of increment 2 of the construction of an addition to the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $52,069,000.

(8) For the construction of increment 3 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $16,650,000.

(9) For the construction of increment 3 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $8,750,000.

(10) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $47,240,000.

(11) For the construction of increment 4 of the limited area production and storage complex at Naval Submarine Base Kitsap, Silverdale, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493), $39,750,000.

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 NAVY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2449) is amended—

(1) in the item relating to Marine Corps Base, Twentynine Palms, California, by striking "$27,217,000" in the amount column and inserting "$8,217,000";

(2) by striking the item relating to Naval Support Activity, Monterey, California;

(3) by striking the item relating to Naval Submarine Base, New London, Connecticut;

(4) by striking the item relating to Cape Canaveral, Florida;

(5) in the item relating to Marine Corps Logistics Base, Albany, Georgia, by striking "$70,540,000" in the amount column and inserting "$62,000,000";

(6) by striking the item relating to Naval Magazine, Pearl Harbor, Hawaii;

(7) by striking the item relating to Naval Shipyard, Pearl Harbor, Hawaii;

(8) by striking the item relating to Naval Support Activity, Crane, Indiana;

(9) by striking the item relating to Portsmouth Naval Shipyard, Maine;

(10) by striking the item relating to Naval Air Station, Meridian, Mississippi;

(11) by striking the item relating to Naval Air Station, Fallon, Nevada;

(12) by striking the item relating to Marine Corps Air Station, Cherry Point, North Carolina;

(13) by striking the item relating to Naval Station, Newport, Rhode Island;

(14) in the item relating to Marine Corps Air Station, Beaufort, South Carolina, by striking "$25,575,000" in the amount column and inserting "$22,225,000";

(15) by striking the item relating to Naval Special Weapons Center, Dahlgren, Virginia;

(16) in the item relating to Naval Support Activity, Norfolk, Virginia, by striking "$41,712,000" in the amount column and inserting "$28,462,000";

(17) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking "$67,303,000" in the amount column and inserting "$57,653,000"; and

(18) in the item relating to Naval Base, Kitsap, Washington, by striking "$17,617,000" in the amount column and inserting "$13,507,000".

(b) TERMINATION OF MILITARY FAMILY HOUSING PROJECTS.—Section 2204(a)(6)(A) of such Act (120 Stat. 2450) is amended by striking "$308,956,000" and inserting "$305,256,000".

(c) CONFORMING AMENDMENTS.—Section 2204(a) of such Act, as amended by subsection (b), is further amended—

(1) in the matter preceding paragraph (1), by striking "$2,109,367,000" and inserting "$1,946,867,000"; and

(2) in paragraph (1), by striking "$832,982,000" and inserting "$674,182,000".

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base.	$83,180,000
Arizona	Davis-Monthan Air Force Base.	$11,200,000
Arkansas	Little Rock Air Force Base.	$9,800,000
California	Travis Air Force Base.	$26,600,000
Colorado	Fort Carson	$13,500,000
	Schriever Air Force Base.	$24,500,000
	United States Air Force Academy.	$15,000,000
District of Columbia.	Bolling Air Force Base.	$2,500,000
Florida	Eglin Air Force Base	$158,300,000
	MacDill Air Force Base.	$57,000,000
	Patrick Air Force Base.	$11,854,000
	Tyndall Air Force Base.	$44,114,000
Georgia	Robins Air Force Base.	$14,700,000
Hawaii	Hickam Air Force Base.	$31,971,000
Illinois	Scott Air Force Base	$24,900,000
Kansas	Fort Riley	$12,515,000
Massachusetts.	Hanscom Air Force Base.	$12,800,000
Montana	Malmstrom Air Force Base.	$7,000,000
Nebraska	Offutt Air Force Base	$16,952,000
New Mexico.	Cannon Air Force Base.	$1,688,000
	Kirtland Air Force Base.	$11,400,000
Nevada	Nellis Air Force Base	$4,950,000
North Dakota.	Grand Forks Air Force Base.	$13,000,000
	Minot Air Force Base	$18,200,000
Oklahoma	Altus Air Force Base	$2,000,000
	Tinker Air Force Base.	$34,600,000
	Vance Air Force Base	$7,700,000
South Carolina.	Charleston Air Force Base.	$11,000,000
South Dakota.	Ellsworth Air Force Base.	$16,600,000
Texas	Lackland Air Force Base.	$14,000,000
Utah	Hill Air Force Base	$25,999,000
Wyoming	Francis E. Warren Air Force Base.	$14,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$48,209,000
Guam	Andersen Air Force Base.	$10,000,000
Qatar	Al Udeid Air Base	$22,300,000
Spain	Moron Air Base	$1,800,000
United Kingdom.	Royal Air Force Lakenheath.	$17,300,000
	Royal Air Force Menwith Hill Station.	$41,000,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	Classified Project	$1,500,000
	Classified-Special Evaluation Program.	$13,940,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base.	117	$56,275,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,210,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $294,262,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,097,357,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $754,123,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $140,609,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $15,440,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $61,103,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $362,747,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $688,335,000.

(7) For the construction of increment 3 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $35,000,000.

(8) For the construction of increment 3 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), $25,000,000.

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 AIR FORCE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is amended—

(1) in the item relating to Elmendorf, Alaska, by striking "$68,100,000" in the amount column and inserting "$56,100,000";

(2) in the item relating to Davis-Monthan Air Force Base, Arizona, by striking "$11,800,000" in the amount column and inserting "$4,600,000";

(3) by striking the item relating to Little Rock Air Force Base, Arkansas;

(4) in the item relating to Travis Air Force Base, California, by striking "$85,800,000" in the amount column and inserting "$73,900,000";

(5) by striking the item relating to Peterson Air Force Base, Colorado;

(6) in the item relating to Dover Air Force, Delaware, by striking "$30,400,000" in the amount column and inserting "$26,400,000";

(7) in the item relating to Eglin Air Force Base, Florida, by striking "$30,350,000" in the amount column and inserting "$19,350,000";

(8) in the item relating to Tyndall Air Force Base, Florida, by striking "$8,200,000" in the amount column and inserting "$1,800,000";

(9) in the item relating to Robins Air Force Base, Georgia, by striking "$59,600,000" in the amount column and inserting "$38,600,000";

(10) in the item relating to Scott Air Force, Illinois, by striking "$28,200,000" in the amount column and inserting "$20,000,000";

(11) by striking the item relating to McConnell Air Force Base, Kansas;

(12) by striking the item relating to Hanscom Air Force Base, Massachusetts;

(13) by striking the item relating to Whiteman Air Force Base, Missouri;

(14) by striking the item relating to Malmstrom Air Force Base, Montana;

(15) in the item relating to McGuire Air Force Base, New Jersey, by striking "$28,500,000" in the amount column and inserting "$15,500,000";

(16) by striking the item relating to Kirtland Air Force Base, New Mexico;

(17) by striking the item relating to Minot Air Force Base, North Dakota;

(18) in the item relating to Altus Air Force Base, Oklahoma, by striking "$9,500,000" in the amount column and inserting "$1,500,000";

(19) by striking the item relating to Tinker Air Force Base, Oklahoma;

(20) by striking the item relating to Charleston Air Force Base, South Carolina;

(21) in the item relating to Shaw Air Force Base, South Carolina, by striking "$31,500,000" in the amount column and inserting "$22,200,000";

(22) by striking the item relating to Ellsworth Air Force Base, South Dakota;

(23) by striking the item relating to Laughlin Air Force Base, Texas;

(24) by striking the item relating to Sheppard Air Force Base, Texas;

(25) in the item relating to Hill Air Force Base, Utah, by striking "$63,400,000" in the amount column and inserting "$53,400,000"; and

(26) by striking the item relating to Fairchild Air Force Base, Washington.

(b) CONFORMING AMENDMENTS.—Section 2304(a) of such Act (120 Stat. 2455) is amended—

(1) in the matter preceding paragraph (1), by striking "$3,231,442,000" and inserting "$3,005,817,000"; and

(2) in paragraph (1), by striking "$962,286,000" and inserting "$736,661,000".

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), is further amended in the item relating to MacDill Air Force Base, Florida, by striking "$101,500,000" in the amount column and inserting "$126,500,000".

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of the Military Construction Authorization Act for Fiscal Year 2006 (119 Stat. 3496), as amended by section 2305(b) of the Military Construction Authorization Act for Fiscal Year 2007 (120 Stat. 2456), is further amended by striking "$23,300,000" and inserting "$48,300,000".

SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Davis-Monthan Air Force Base, Arizona.	Family housing (250 units).	$48,500,000
Vandenberg Air Force Base, California.	Family housing (120 units).	$30,906,000
MacDill Air Force Base, Florida.	Family housing (61 units).	$21,723,000
MacDill Air Force Base, Florida.	Housing maintenance facility.	$1,250,000
Columbus Air Force Base, Mississippi.	Housing management facility.	$711,000
Whiteman Air Force Base, Missouri.	Family housing (160 units).	$37,087,000
Seymour Johnson Air Force Base, North Carolina.	Family housing (167 units).	$32,693,000
Goodfellow Air Force Base, Texas.	Family housing (127 units).	$20,604,000
Ramstein Air Base, Germany.	USAFE Theater Aerospace Operations Support Center.	$24,024,000

SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Travis Air Force Base, California.	Family housing (56 units).	$12,723,000

Air Force: Extension of 2004 Project Authorizations—Continued

Installation or Location	Project	Amount
Eglin Air Force Base, Florida.	Family housing (279 units).	$32,166,000

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
North Carolina.	Marine Corps Base, Camp Lejeune.	$2,014,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia.	Bolling Air Force Base	$1,012,000

Defense Logistics Agency

State	Installation or Location	Amount
California ..	Port Loma Annex	$140,000,000
Florida	Naval Air Station, Key West.	$1,874,000
Hawaii	Hickam Air Force Base.	$26,000,000
New Mexico	Kirtland Air Force Base	$1,800,000
Ohio	Defense Supply Center Columbus.	$4,000,000
Pennsylvania.	Defense Distribution Depot, New Cumberland.	$21,000,000
Virginia	Fort Belvoir	$5,000,000

National Security Agency

State	Installation or Location	Amount
Maryland ..	Fort Meade	$11,901,000

Special Operations Command

State	Installation or Location	Amount
California ..	Marine Corps Base, Camp Pendleton.	$20,030,000
	Naval Amphibious Base, Coronado.	$12,000,000
Florida	Hurlburt Field	$29,111,000
	MacDill Air Force Base.	$47,700,000
Georgia	Fort Benning	$35,000,000
	Hunter Army Air Field	$13,800,000
Kentucky ..	Fort Campbell	$53,500,000
Mississippi	Stennis Space Center	$10,200,000
New Mexico	Cannon Air Force Base	$7,500,000
North Carolina.	Fort Bragg	$47,250,000
	Marine Corps Base, Camp Lejeune.	$28,210,000
Virginia	Dam Neck	$108,500,000
	Naval Amphibious Base, Little Creek.	$99,000,000
Washington	Fort Lewis	$77,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Florida	MacDill Air Force Base.	$5,000,000
Illinois	Naval Hospital, Great Lakes.	$99,000,000
New York ..	Fort Drum	$41,000,000
Texas	Camp Bullis	$7,400,000
Virginia	Naval Station, Norfolk	$6,450,000
Washington	Fort Lewis	$21,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Sterrebeek	$5,992,000
Germany ...	Ramstein Air Base	$5,393,000
	Wiesbaden Air Base	$20,472,000

Special Operations Command

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$19,000,000
Qatar	Al Udeid Air Base	$52,852,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany ...	Spangdahlem Air Base	$30,100,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,887,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $70,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,944,529,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $969,152,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $133,809,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $1,887,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $23,711,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $154,728,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $70,000,000.

(8) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,848,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $500,000.

(9) For the construction of increment 3 of the regional security operations center at Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $136,318,000.

(10) For the construction of increment 3 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,000,000.

(11) For the construction of increment 2 of the health clinic replacement at MacDill Air Force Base, Florida, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $41,400,000.

(12) For the construction of increment 2 of the replacement of the Army Medical Research Institute of Infectious Diseases at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $150,000,000.

(13) For the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $35,159,000.

(14) For the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $69,017,000.

SEC. 2404. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 DEFENSE AGENCIES PROJECTS.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.—The table relating to Special Operations Command in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended—

(1) by striking the item relating to Stennis Space Center, Mississippi; and

(2) in the item relating to Fort Bragg, North Carolina, by striking "$51,768,000" in the amount column and inserting "$44,868,000".

(b) MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2405(a)(7) of that Act (120 Stat. 2460) is amended by striking "$191,220,000" and inserting "$252,279,000".

(c) MODIFICATION OF CERTAIN INSIDE THE UNITED STATES PROJECT.—Section 2405(a)(15) of that Act (120 Stat. 2461) is amended by striking "$99,157,000" and inserting "$89,157,000".

(d) CONFORMING AMENDMENTS.—Section 2405(a) of that Act, as amended by subsections (a) through (c), is further amended—

(1) in the matter preceding paragraph (1), by striking "$7,163,431,000" and inserting "$7,197,390,000"; and

(2) in paragraph (1), by striking "$533,099,000" and inserting "$515,999,000".

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Wide: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia.	DLA bulk fuel storage tank.	$3,589,000
Naval Air Station, Jacksonville, Florida.	TMA hospital project.	$28,438,000

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $201,400,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Springville	$3,300,000
Arkansas	Camp Robinson	$23,923.000
Arizona	Florence	$10,870,000
California	Sacramento Army Depot.	$21,000,000
	Camp Roberts	$2,850,000
Connecticut.	Niantic	$13,600,000
Florida	Jacksonville	$12,200,000
Idaho	Gowen Field	$7,615,000
	Orchard Training Area	$1,700,000
Illinois	St. Clair County	$8,100,000
Iowa	Iowa City	$13,186,000
Michigan	Camp Grayling	$2,450,000
	Lansing	$4,239,000
Minnesota	Camp Ripley	$4,850,000
Mississippi	Camp Shelby	$4,000,000
Missouri	Whiteman Air Force Base.	$30,000,000
North Dakota.	Camp Grafton	$33,416,000
Oregon	Ontario	$11,000,000
Pennsylvania.	Carlisle	$7,800,000
	East Fallowfield Township.	$8,300,000
	Fort Indiantown Gap	$9,500,000
	Gettysburg	$6,300,000
	Graterford	$7,300,000
	Hanover	$5,500,000
	Hazelton	$5,600,000
	Holidaysburg	$9,400,000
	Huntingdon	$7,500,000
	Kutztown	$6,800,000
	Lebanon	$7,800,000
	Philadelphia	$13,650,000
Rhode Island.	East Greenwich	$8,200,000
	North Kingstown	$33,000,000
Texas	Camp Bowie	$1,500,000
	Fort Wolters	$2,100,000
Utah	North Salt Lake	$12,200,000
Vermont	Ethan Allen Range	$1,996,000
Virginia	Fort Pickett	$26,211,000
	Winchester	$3,113,000
West Virginia.	Camp Dawson	$4,500,000
Wyoming	Camp Guernsey	$2,650,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$7,035,000
	Garden Grove	$25,440,000
Montana	Butte	$7,629,000
New Jersey	Fort Dix	$17,000,000
New York	Fort Drum	$15,923,000
Texas	Ellington Field	$15,000,000
	Fort Worth	$15,076,000
Wisconsin	Ellsworth	$9,100,000
	Fort McCoy	$8,523,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Miramar	$5,580,000
Michigan	Selfridge	$4,030,000
Ohio	Wright-Patterson Air Force Base.	$10,277,000
Oregon	Portland	$1,900,000
South Dakota.	Sioux Falls	$3,730,000
Texas	Austin	$6,490,000
	Fort Worth	$22,514,000
Virginia	Quantico	$2,410,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Colorado	Buckley Air National Guard Base.	$7,300,000
Delaware	New Castle	$10,800,000
Georgia	Savannah International Airport.	$9,000,000
Indiana	Hulman Regional Airport.	$7,700,000
Kansas	Smoky Hill Air National Guard Range.	$9,000,000
Louisiana	Camp Beauregard	$1,800,000
Massachusetts.	Otis Air National Guard Base.	$1,800,000
New Hampshire.	Pease Air National Guard Base.	$8,900,000
Nebraska	Lincoln	$8,900,000
Nevada	Reno-Tahoe International Airport.	$5,200,000
New York	Gabreski Airport	$8,400,000
Pennsylvania.	Fort Indiantown Gap	$12,700,000
Rhode Island.	Quonset State Airport	$5,000,000
South Dakota.	Joe Foss Field	$7,900,000
Tennessee	McGhee-Tyson Airport	$3,200,000
	Memphis International Airport.	$11,376,000
Vermont	Burlington	$6,600,000
West Virginia.	Eastern West Virginia Regional Airport-Shepherd Field.	$50,776,000
	Yeager	$17,300,000
Wisconsin	Truax Field	$7,300,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air

Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Alaska	Elmendorf Air Force Base.	$14,950,000
Utah	Hill Air Force Base	$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $458,515,000; and

(B) for the Army Reserve, $134,684,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $59,150,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $216,417,000; and

(B) for the Air Force Reserve, $26,559,000.

SEC. 2607. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 GUARD AND RESERVE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

Section 2601 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463) is amended—

(1) in paragraph(1)—

(A) in subparagraph (A), by striking "$561,375,000" and inserting "$476,697,000"; and

(B) in subparagraph (B), by striking "$190,617,000" and inserting "$167,987,000";

(2) in paragraph (2), by striking "49,998,000" and inserting "$43,498,000"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "$294,283,000" and inserting "$133,983,000"; and

(B) in subparagraph (B), by striking "$56,836,000" and inserting "$47,436,000".

SEC. 2608. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2006 AIR FORCE RESERVE CONSTRUCTION AND ACQUISITION PROJECTS.

Section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501) is amended by striking "$105,883,000" and inserting "$102,783,000".

SEC. 2609. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the tables in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army National Guard: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Dublin, California.	Readiness center	$11,318,000
Gary, Indiana.	Reserve center	$9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Corpus Christi (Robstown), Texas.	Storage facility	$9,038,000

SEC. 2610. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico.	Readiness center	$2,533,000
Fort Indiantown Gap, Pennsylvania.	Multipurpose training range.	$15,338,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $220,689,000, as follows:

(1) For the Department of the Army, $73,716,000.

(2) For the Department of the Air Force, $143,260,000.

(3) For the Defense Agencies, $3,713,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $8,718,968,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $8,174,315,000, as follows:

(1) For the Department of the Army, $4,015,746,000.

(2) For the Department of the Navy, $733,695,000.

(3) For the Department of the Air Force, $1,183,812,000.

(4) For the Defense Agencies, $2,241,062,000.

SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.

For military construction projects carried out using amounts appropriated pursuant to the authorization of appropriations in sections 2701 and 2703 of this title and section 2405(a)(8) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2460), section 2853 of title 10, United States Code, shall apply for variations to the cost and scope of work for each military construction project requested to the congressional defense committees as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007 and 2008 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Effective Date and Expiration of Authorizations

SEC. 2801. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of this Act.

SEC. 2802. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2011 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

Subtitle B—Military Construction Program and Military Family Housing Changes

SEC. 2811. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorizations made available to that military department or Defense Agency in this division for fiscal year 2008 between any such authorizations for that military department or Defense Agency for that fiscal year. Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed $200,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may only be used to fund increases in the cost or scope of military construction projects that have been authorized by law.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify Congress of each transfer made by that Secretary under subsection (a).

SEC. 2812. MODIFICATIONS OF AUTHORITY TO LEASE MILITARY FAMILY HOUSING.

(a) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES.—Subsection (b) of section 2828 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (7)";

(2) in paragraph (5), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2), (3), and (7)"; and

(3) by adding at the end the following new paragraph:

"(7)(A) Not more than 600 housing units may be leased by the Secretary of the Army under subsection (a) for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation) exceeds the maximum amount per unit per year in effect under paragraph (2) but does not exceed $18,620 per unit per year, as adjusted from time to time under paragraph (5).

"(B) The maximum lease amount provided in subparagraph (A) shall apply only to Army family housing in areas designated by the Secretary of the Army.

"(C) The term of a lease under subparagraph (A) may not exceed 2 years.".

(b) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking "(1)" and inserting "(1)(A)";

(B) by striking the second sentence; and

(C) by adding at the end the following new subparagraph:

"(B)(i) Subject to clause (ii), the maximum lease amounts in subparagraph (A) may be waived and increased up to a maximum of $100,000 per unit per year.

"(ii) The Secretary concerned may not exercise the waiver authority under clause (i) until the Secretary has notified the congressional defense committees of such proposed waiver and the reasons therefor and a period of 21 days has elapsed or, if over sooner, 14 days after such notice is provided in an electronic medium pursuant to section 480 of this title.";

(2) in paragraph (2), by striking "the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy" and inserting "the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy"; and

(3) in paragraph (4), by striking "$35,000" and inserting "$35,050".

(c) INCREASED THRESHOLD FOR CONGRESSIONAL NOTIFICATION FOR FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (f) of such section is amended by striking "$500,000" and inserting "$1,000,000".

SEC. 2813. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking "$1,500,000" and inserting "$2,500,000"; and

(2) by striking "$3,000,000" and inserting "$4,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 2814. MODIFICATION AND EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), and section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), is further amended—

(1) in subsection (a), by striking "2007" and inserting "2008"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "(1) The total" and inserting "The total"; and

(B) by striking paragraphs (2) and (3).

SEC. 2815. TEMPORARY AUTHORITY TO SUPPORT REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES THROUGH UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) LABORATORY REVITALIZATION.—For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

(1) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $1,000,000; or

(2) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $2,500,000.

(b) FISCAL YEAR LIMITATION APPLICABLE TO INDIVIDUAL LABORATORIES.—For purposes of this section, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under subsection (a).

(c) LABORATORY DEFINED.—In this section, the term "laboratory" includes—

(1) a research, engineering, and development center;

(2) a test and evaluation activity; and

(3) any buildings, structures, or facilities located at and supporting such center or activity.

(d) SUNSET.—The authority to carry out a project under this section expires on September 30, 2012.

SEC. 2816. TWO-YEAR EXTENSION OF TEMPORARY PROGRAM TO USE MINOR MILITARY CONSTRUCTION AUTHORITY FOR CONSTRUCTION OF CHILD DEVELOPMENT CENTERS.

(a) EXTENSION.—Subsection (e) of section 2810 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3510) is amended by striking "September 30, 2007" and inserting "September 30, 2009".

(b) REPORT REQUIRED.—Subsection (d) of such section is amended to read as follows:

"(d) REPORTS REQUIRED.—Not later than March 1, 2007, and March 1, 2009, the Secretary of Defense shall submit to the congressional committees reports on the program authorized by this section. Each report shall include a list and description of the construction projects carried out under the program, including the location and cost of each project.".

SEC. 2817. EXTENSION OF AUTHORITY TO ACCEPT EQUALIZATION PAYMENTS FOR FACILITY EXCHANGES.

Section 2809(c)(5) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2127) is amended by striking "September 30, 2007" and inserting "September 30, 2010".

Subtitle C—Real Property and Facilities Administration

SEC. 2831. REQUIREMENT TO REPORT TRANSACTIONS RESULTING IN ANNUAL COSTS OF MORE THAN $750,000.

Section 2662(a)(1) of title 10, United States Code, is amended—

(1) by striking "or his designee" and inserting "or the Secretary's designee, or with respect to a Defense Agency, the Secretary of Defense or the Secretary's designee"; and

(2) by adding at the end the following new subparagraph:

"(G) Any transaction or contract action that results in, or includes, the acquisition or use by, or the lease or license to, the United States of real property, if the estimated annual rental or cost for the use of the real property is more than $750,000.”.

SEC. 2832. MODIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

(a) INCREASED USE OF COMPETITIVE PROCEDURES FOR SELECTION OF CERTAIN LESSEES.—Section 2667(h)(1) of title 10, United States Code, is amended by striking “exceeds one year, and the fair market value of the lease” and inserting “exceeds one year, or the fair market value of the lease”.

(b) MODIFICATION OF AUTHORITIES RELATED TO FACILITIES OPERATION SUPPORT.—

(1) ELIMINATION OF AUTHORITY TO ACCEPT FACILITIES OPERATION SUPPORT AS IN-KIND CONSIDERATION.—Section 2667(c)(1) of title 10, United States Code, is amended—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D).

(2) ELIMINATION OF AUTHORITY TO USE RENTAL AND CERTAIN OTHER PROCEEDS FOR FACILITIES OPERATION SUPPORT.—Section 2667(e)(1)(C) of title 10, United States Code, is amended by striking clause (iv).

(c) TECHNICAL AMENDMENTS.—Section 2667(e) of title 10, United States Code, is further amended—

(1) in paragraph (1)(B)(ii), by striking “paragraph (4), (5), or (6)” and inserting “paragraph (3), (4), or (5)”; and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5).

SEC. 2833. ENHANCED FLEXIBILITY TO CREATE OR EXPAND BUFFER ZONES.

Section 2684a(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

“(3) Subject to the availability of appropriations for such purpose, an agreement with an eligible entity under subsection (a)(2) may provide for the management of natural resources and the contribution by the United States towards natural resource management costs on any real property in which a military department has acquired any right title or interest in accordance with paragraph (1)(A) where there is a demonstrated need to preserve or restore habitat for purposes of subsection (a)(2).”; and

(3) in paragraph (4)(C), as redesignated by paragraph (1), by striking “paragraph (4)” and inserting “paragraph (5), unless the Secretary concerned certifies in writing to the Committees on Armed Services of the Senate and the House of Representatives that the military value to the United States as a result of the acquisition of such property or interest in property justifies the payment of costs in excess of the fair market value of such property or interest. Such certification shall include a detailed description of the military value to be obtained in each such case. The Secretary concerned may not acquire such property or interest until 14 days after the date on which the certification is provided to the Committees or, if earlier, 10 days after the date on which a copy of such certification is provided in an electronic medium pursuant to section 480 of this title”.

SEC. 2834. REPORTS ON ARMY AND MARINE CORPS OPERATIONAL RANGES.

(a) REPORT ON UTILIZATION AND POTENTIAL EXPANSION OF ARMY OPERATIONAL RANGES.—Section 2827(c) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2479) is amended—

(1) in paragraph (1), by striking “February 1, 2007” and inserting “December 31, 2007”; and

(2) in paragraph (2)—

(A) in subparagraph (B), by amending clauses (iv) and (v) to read as follows:

“(iv) the proposal contained in the budget justification materials submitted in support of the Department of Defense budget for fiscal year 2008 to increase the size of the active component of the Army to 547,400 personnel by the end of fiscal year 2012; or

“(v) high operational tempos or surge requirements.”; and

(B) by adding at the end the following new subparagraphs:

“(F) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of the Joint Readiness Training Center at Fort Polk, Louisiana, through the acquisition of additional land adjacent to or in the vicinity of the installation that is under the control of the United States Forest Service.

“(G) An analysis of the impact of the proposal described in subparagraph (B)(iv) on the plan developed prior to such proposal to relocate forces from Germany to the United States and vacate installations in Germany as part of the Integrated Global Presence and Basing Strategy, including a comparative analysis of—

“(i) the projected utilization of the Army's three combat training centers if all of the six light infantry brigades proposed to be added to the active component of the Army would be based in the United States; and

“(ii) the projected utilization of such ranges if at least one of those six brigades would be based in Germany.

“(H) If the analysis required by subparagraph (G) indicates that the Joint Multi-National Readiness Center in Hohenfels, Germany, or the Army's training complex at Grafenwoehr, Germany, would not be fully utilized under the basing scenarios analyzed, an estimate of the cost to replicate the training capability at that center in another location.”.

(b) REPORT ON POTENTIAL EXPANSION OF MARINE CORPS OPERATIONAL RANGES.—

(1) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary of the Navy shall submit to the congressional defense committees a report containing an assessment of the operational ranges used to support training and range activities of the Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission-essential tasks supported by each major Marine Corps operational range during fiscal year 2003.

(B) A description of the projected changes in Marine Corps operational range requirements, including the size, characteristics, and attributes for mission-essential activities at each range and the extent to which any changes in requirements are a result of the proposal contained in the fiscal year 2008 budget request to increase the size of the active component of the Marine Corps to 202,000 personnel by the end of fiscal year 2012.

(C) The projected deficit or surplus of land at each major Marine Corps operational range, and a description of the Secretary's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing Marine Corps operational range.

(D) A description of the Secretary's prioritization process and investment strategy to address the potential expansion or upgrade of Marine Corps operational ranges.

(E) An analysis of alternatives to the expansion of Marine Corps operational ranges, including an assessment of the joint use of operational ranges under the jurisdiction, custody, or control of the Secretary of another military department.

(F) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of Marine Corps Base, Twentynine Palms, California, through the acquisition of additional land adjacent to or in the vicinity of that installation that is under the control of the Bureau of Land Management.

(3) DEFINITIONS.—In this subsection:

(A) The term “Marine Corps operational range” has the meaning given the term “operational range” in section 101(e)(3) of title 10, United States Code, except that the term is limited to operational ranges under the jurisdiction, custody, or control of the Secretary of the Navy that are used by or available to the United States Marine Corps.

(B) The term “range activities” has the meaning given that term in section 101(e)(2) of such title.

SEC. 2835. CONSOLIDATION OF REAL PROPERTY PROVISIONS WITHOUT SUBSTANTIVE CHANGE.

(a) CONSOLIDATION.—Section 2663 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) OPTIONS FOR MILITARY CONSTRUCTION PROJECTS.—

“(1) AUTHORITY.—The Secretary of a military department may acquire an option on a parcel of real property before or after its acquisition is authorized by law, if the Secretary considers it suitable and likely to be needed for a military project of the department.

“(2) CONSIDERATION.—As consideration for an option acquired under paragraph (1), the Secretary may pay, from funds available to the department for real property activities, an amount that is not more than 12 percent of the appraised fair market value of the property.”.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2677 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2677.

Subtitle D—Base Closure and Realignment

SEC. 2841. NIAGARA AIR RESERVE BASE, NEW YORK, BASING REPORT.

Not later than December 1, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report containing a detailed plan of the current and future aviation assets that the Secretary expects will be based at Niagara Air Reserve Base, New York. The report shall include a description of all of the aviation assets that will be impacted by the series of relocations to be made to or from Niagara Air Reserve Base and the timeline for such relocations.

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT, LYNN HAVEN, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Florida State University (in this section referred to as the “University”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Lynn Haven Fuel Depot in Lynn Haven, Florida, as a public benefit conveyance for the purpose of permitting the

University to develop the property as a new satellite campus.

(b) CONSIDERATION.—

(1) IN GENERAL.—For the conveyance of the property under subsection (a), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) REDUCED TUITION RATES.—The Secretary may accept as in-kind consideration under paragraph (1) reduced tuition rates or scholarships for military personnel at the University.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the University to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the University in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the University.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. MODIFICATION TO LAND CONVEYANCE AUTHORITY, FORT BRAGG, NORTH CAROLINA.

(a) REQUIREMENT TO CONVEY TRACT NO. 404-1 PROPERTY WITHOUT CONSIDERATION.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 1998 (111 Stat. 2005) is amended—

(1) in subsection (a)(3), by striking "at fair market value" and inserting "without consideration";

(2) by amending subsection (b)(2) to read as follows:

"(2) The conveyances under paragraphs (2) and (3) of subsection (a) shall be subject to the condition that the County develop and use the conveyed properties for educational purposes and the construction of public school structures."; and

(3) by amending subsection (c)(2) to read as follows:

"(2) If the Secretary determines at any time that the real property conveyed under paragraph (2) or paragraph (3) of subsection (a) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the property conveyed under such paragraph, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.".

(b) PAYMENT OF COSTS OF CONVEYANCE.—Such section is further amended by inserting at the end the following new subsection:

"(f) PAYMENT OF COSTS OF CONVEYANCE OF TRACT NO. 404-1 PROPERTY.—

"(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a)(3), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

"(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.".

SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, GSA PROPERTY, SPRINGFIELD, VIRGINIA.

(a) TRANSFER AUTHORIZED.—The Administrator of General Services (in this section referred to as "the Administrator") may transfer to the administrative jurisdiction of the Secretary of the Army a parcel of real property consisting of approximately 69.5 acres and containing warehouse facilities in Springfield, Virginia, known as the "GSA Property" for the purpose of permitting the Secretary to construct facilities on the property to support administrative functions to be located at Fort Belvoir, Virginia.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the property to be transferred by the Administrator, the Secretary of the Army shall—

(A) pay all reasonable costs to move furnishings, equipment, and other material related to the relocation of functions identified by the Administrator;

(B) if deemed necessary by the Administrator, transfer to the administrative jurisdiction of the Administrator a parcel of property in the National Capital Region determined to be suitable to the Administrator;

(C) if deemed necessary by the Administrator, design and construct storage facilities, utilities, security measures, and access to a road infrastructure on the parcel to meet the requirements of the Administrator; and

(D) if deemed necessary by the Administrator, enter into a memorandum of agreement with the Administrator for support services and security at the new facilities constructed pursuant to subsection (a).

(2) FAIR MARKET VALUE LIMITATION.—The consideration provided by the Secretary under paragraph (1) may not exceed the fair market value of the property transferred by the Administrator under subsection (a).

(c) ADMINISTRATION OF TRANSFERRED PROPERTY.—Upon completion of the transfer under subsection (a), the transferred property shall be administered by the Secretary as a part of Fort Belvoir, Virginia.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property or properties to be conveyed under this section shall be determined by surveys satisfactory to the Administrator and the Secretary.

(e) STATUS REPORT.—Not later than November 30, 2007, the Administrator and the Secretary shall jointly submit to the congressional defense committees a report on the status and estimated costs of the transfer under subsection (a).

Subtitle F—Other Matters

SEC. 2861. REPORT ON CONDITION OF SCHOOLS UNDER JURISDICTION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the conditions of schools under the jurisdiction of the Department of Defense Education Activity.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of each school under the control of the Secretary, including the location, year constructed, grades of attending children, maximum capacity, and current capacity of the school.

(2) A description of the standards and processes used by the Secretary to assess the adequacy of the size of school facilities, the ability of facilities to support school programs, and the current condition of facilities.

(3) A description of the conditions of the facility or facilities at each school, including the level of compliance with the standards described in paragraph (2), any existing or projected facility deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(4) An investment strategy planned for each school to correct deficiencies identified in paragraph (3), including a description of each project to correct such deficiencies, cost estimates, and timelines to complete each project.

(5) A description of requirements for new schools to be constructed over the next 10 years as a result of changes to the population of military personnel.

(c) USE OF REPORT AS MASTER PLAN FOR REPAIR, UPGRADE, AND CONSTRUCTION OF SCHOOLS.—The Secretary shall use the report required under subsection (a) as a master plan for the repair, upgrade, and construction of schools in the Department of Defense system that support dependants of members of the Armed Forces and civilian employees of the Department of Defense.

SEC. 2862. REPEAL OF REQUIREMENT FOR STUDY AND REPORT ON IMPACT TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852) is repealed.

SEC. 2863. ADDITIONAL PROJECT IN RHODE ISLAND.

In carrying out section 2866 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2499), the Secretary of the Army, acting through the Chief of Engineers, shall assume responsibility for the annual operation and maintenance of the Woonsocket local protection project authorized by section 10 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 892, chapter 665), including by acquiring any interest of the State of Rhode Island in and to land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the project, as identified by the State, in coordination with the Secretary.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED WAR-RELATED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2902(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	116,800,000
Iraq	Camp Adder	80,650,000
	Al Asad	86,100,000
	Camp Anaconda	88,200,000
	Fallujah	880,000
	Camp Marez	880,000
	Mosul	43,000,000
	Q-West	26,000,000
	Camp Ramadi	880,000
	Scania	5,000,000
	Camp Speicher	103,700,00
	Camp Taqqadum	880,000
	Tikrit	43,000,000
	Camp Victory	34,400,000
	Camp Warrior	880,000
	Various Locations	102,000,000

SEC. 2902. AUTHORIZATION OF WAR-RELATED MILITARY CONSTRUCTION APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $752,650,000 as follows:

(1) For military construction projects outside the United States authorized by section 2901(a), $733,250,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $19,400,000.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,539,693,000, to be allocated as follows:

(1) For weapons activities, $6,472,172,000.

(2) For defense nuclear nonproliferation activities, $1,809,646,000.

(3) For naval reactors, $808,219,000.

(4) For the Office of the Administrator for Nuclear Security, $399,656,000.

(5) For the International Atomic Energy Agency Nuclear Fuel Bank, $50,000,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 08-D-801, High pressure fire loop, Pantex Plant, Amarillo, Texas, $7,000,000.

Project 08-D-802, High explosive pressing facility, Pantex Plant, Amarillo, Texas, $25,300,000.

Project 08-D-804, Technical Area 55 reinvestment project, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(2) For facilities and infrastructure recapitalization, the following new plant projects:

Project 08-D-601, Mercury highway, Nevada Test Site, Nevada, $7,800,000.

Project 08-D-602, Potable water system upgrades, Y-12 Plant, Oak Ridge, Tennessee, $22,500,000.

(3) For safeguards and security, the following new plant project:

Project 08-D-701, Nuclear materials safeguards and security upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $49,496,000.

(4) For naval reactors, the following new plant projects:

Project 08-D-901, Shipping and receiving and warehouse complex, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $9,000,000.

Project 08-D-190, Project engineering and design, Expended Core Facility M-290 Recovering Discharge Station, Naval Reactors Facility, Idaho Falls, Idaho, $550,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,410,905,000.

(b) AUTHORIZATION FOR NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 08-D-414, Project engineering and design, Plutonium Vitrification Facility, various locations, $15,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for other defense activities in carrying out programs necessary for national security in the amount of $663,074,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $242,046,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated under section 3101(a)(1) for weapons activities for fiscal year 2008, not more than $195,069,000 may be obligated or expended for the Reliable Replacement Warhead program under section 4204a of the Atomic Energy Defense Act (50 U.S.C. 2524a).

(b) PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—No funds referred to in subsection (a) may be obligated or expended for activities under the Reliable Replacement Warhead program beyond phase 2A activities.

SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR FISSILE MATERIALS DISPOSITION PROGRAM.

(a) LIMITATION PENDING REPORT ON USE OF PRIOR FISCAL YEAR FUNDS.—No fiscal year 2008 Fissile Materials Disposition program funds may be obligated or expended for the Fissile Materials Disposition program until the Secretary of Energy, in consultation with the Administrator for Nuclear Security, submits to the congressional defense committees a report setting forth a plan for obligating and expending funds made available for that program in fiscal years before fiscal year 2008 that remain available for obligation or expenditure as of October 1, 2007.

(b) LIMITATION PENDING CERTIFICATION ON USE OF CURRENT FISCAL YEAR FUNDS.—

(1) IN GENERAL.—Within fiscal year 2008 Fissile Materials Disposition program funds, the aggregate amount that may be obligated for the Fissile Materials Disposition program may not exceed such amount as the Secretary, in consultation with the Administrator, certifies to the congressional defense committees will be obligated for that program in fiscal years 2008 and 2009.

(2) AVAILABILITY OF UNUTILIZED FUNDS ABSENT CERTIFICATION.—If the Secretary does not make a certification under paragraph (1), fiscal year 2008 Fissile Materials Disposition program funds shall not be available for the Fissile Materials Disposition program, but shall be available instead for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(3) AVAILABILITY OF UNUTILIZED FUNDS UNDER CERTIFICATION OF PARTIAL USE.—If the aggregate amount of funds certified under paragraph (1) as to be obligated for the Fissile Materials Disposition program in fiscal years 2008 and 2009 is less than the amount of the fiscal year 2008 Fissile Materials Disposition program funds, an amount within fiscal year 2008 Fissile Materials Disposition program funds that is equal to the difference between the amount of fiscal year 2008 Fissile Materials Disposition program funds and such aggregate amount shall not be available for the Fissile Materials Disposition program, but shall be available instead for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSITION PROGRAM FUNDS DEFINED.—In this section, the term "fiscal year 2008 Fissile Materials Disposition program funds" means amounts authorized to be appropriated by section 3101(a)(2) and available for the Fissile Materials Disposition program.

SEC. 3113. MODIFICATION OF LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

Paragraph (2) of section 3120(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2510) is amended—

(1) by striking "the Defense Contract Management Agency has recommended for acceptance" and inserting "an independent entity has reviewed"; and

(2) by inserting "and that the system has been certified by the Secretary for use by a construction contractor at the Waste Treatment and Immobilization Plant" after "Waste Treatment and Immobilization Plant".

Subtitle C—Other Matters

SEC. 3121. NUCLEAR TEST READINESS.

(a) REPEAL OF REQUIREMENTS ON READINESS POSTURE.—Section 3113 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1743; 50 U.S.C. 2528a) is repealed.

(b) REPORTS ON NUCLEAR TEST READINESS POSTURES.—

(1) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is amended to read as follows:

"SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.

"(a) IN GENERAL.—Not later than March 1, 2009, and every odd-numbered year thereafter, the Secretary of Energy shall submit to the congressional defense committees a report on the nuclear test readiness of the United States.

"(b) ELEMENTS.—Each report under subsection (a) shall include, current as of the date of such report, the following:

"(1) An estimate of the period of time that would be necessary for the Secretary of Energy to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test.

"(2) A description of the level of test readiness that the Secretary of Energy, in consultation with the Secretary of Defense, determines to be appropriate.

"(3) A list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada Test Site.

"(4) A list and description of the infrastructure and physical plant that are essential to carrying out an underground nuclear test at the Nevada Test Site.

"(5) An assessment of the readiness status of the skills and capabilities described in paragraph (3) and the infrastructure and physical plant described in paragraph (4).

"(c) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.".

(2) CLERICAL AMENDMENT.—The item relating to section 4208 in the table of contents for such Act is amended to read as follows:

"Sec. 4208. Reports on nuclear test readiness.".

SEC. 3122. SENSE OF CONGRESS ON THE NUCLEAR NONPROLIFERATION POLICY OF THE UNITED STATES AND THE RELIABLE REPLACEMENT WARHEAD PROGRAM.

It is the sense of Congress that—

(1) the United States should reaffirm its commitment to Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (in this section referred to as the "Nuclear Non-Proliferation Treaty");

(2) the United States should initiate talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in the respective nuclear weapons stockpiles of the United States and Russia in a transparent and verifiable fashion and in a manner consistent with the security of the United States;

(3) the United States and other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, together with weapons states that are not parties to the treaty, should work to reduce the total number of nuclear weapons in the respective stockpiles and related delivery systems of such states;

(4) the United States, Russia, and other states should work to negotiate, and then sign and ratify, a treaty setting forth a date for the cessation of the production of fissile material;

(5) the Senate should ratify the Comprehensive Nuclear-Test-Ban Treaty, opened for signature at New York September 10, 1996;

(6) the United States should commit to dismantle as soon as possible all retired warheads or warheads that are planned to be retired from the United States nuclear weapons stockpile;

(7) the United States, along with the other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, should participate in transparent discussions regarding their nuclear weapons programs and plans, and how such programs and plans, including plans for any new weapons or warheads, relate to their obligations as nuclear weapons state parties under the Treaty;

(8) the United States and the declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty should work to decrease reliance on, and the importance of, nuclear weapons; and

(9) the United States should formulate any decision on whether to manufacture or deploy a reliable replacement warhead within the broader context of the progress made by the United States toward achieving each of the goals described in paragraphs (1) through (8).

SEC. 3123. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) IN GENERAL.—On the date described in subsection (d), the Secretary of Energy shall submit to the congressional defense committees and the Comptroller General of the United States a report on the status of the environmental management initiatives described in subsection (c) undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A discussion of the progress made in reducing the environmental risks and challenges described in subsection (a) in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of the progress made in streamlining risk reduction processes of the environmental management program of the Department.

(3) An assessment of the progress made in improving the responsiveness and effectiveness of the environmental management program of the Department.

(4) Any proposals for legislation that the Secretary considers necessary to carry out the environmental management initiatives described in subsection (c) and the justification for each such proposal.

(5) A list of the mandatory milestones and commitments set forth in each enforceable cleanup agreement or other type of agreement covering or applicable to environmental management and cleanup activities at any site of the Department, the status of the efforts of the Department to meet such milestones and commitments, and if the Secretary determines that the Department will be unable to achieve any such milestone or commitment, a statement setting forth the reasons the Department will be unable to achieve such milestone or commitment.

(6) An estimate of the life cycle cost of the environmental management program, including the following:

(A) A list of the environmental projects being reviewed for potential inclusion in the environmental management program as of October 1, 2007, and an estimated date by which a determination will be made to include or exclude each such project.

(B) A list of environmental projects not being considered for potential inclusion in the environmental management program as of October 1, 2007, but that are likely to be included in the next five years, and an estimated date by which a determination will be made to include or exclude each such project.

(C) A list of projects in the environmental management program as of October 1, 2007, for which an audit of the cost estimate of the project has been completed, and the estimated date by which such an audit will be completed for each such project for which such an audit has not been completed.

(D) The estimated schedule for production of a revised life cycle cost estimate for the environmental management program incorporating the information described in subparagraphs (A), (B), and (C).

(c) INITIATIVES DESCRIBED.—The environmental management initiatives described in this subsection are the initiatives arising out of the report titled "Top-to-Bottom Review of the Environmental Management Program" and dated February 4, 2002, with respect to the environmental restoration and waste management activities of the Department in carrying out programs necessary for national security.

(d) DATE OF SUBMITTAL.—The date described in this subsection is the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress.

(e) REVIEW BY COMPTROLLER GENERAL.—Not later than 180 days after the date described in subsection (d), the Comptroller General shall submit to the congressional defense committees a report containing a review of the report required by subsection (a).

SEC. 3124. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed

Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the management of the protective forces of the Department of Energy.

(b) CONTENTS.—The report shall include the following:

(1) A description of the management and contractual structure for protective forces at each Department of Energy site with Category I nuclear materials.

(2) A statement of the number and category of protective force members at each site described in paragraph (1) and an assessment of whether the protective force at each such site is adequately staffed, trained, and equipped to comply with the requirements of the Design Basis Threat issued by the Department of Energy in November 2005.

(3) A description of the manner in which each site described in paragraph (1) is moving to a tactical response force as required by the policy of the Department of Energy and an assessment of the issues or problems, if any, involved in the moving to a tactical response force at such site.

(4) A description of the extent to which the protective force at each site described in paragraph (1) has been assigned or is responsible for law enforcement or law-enforcement related activities.

(5) An analysis comparing the management, training, pay, benefits, duties, responsibilities, and assignments of the protective force at each site described in paragraph (1) with the management, training, pay, benefits, duties, responsibilities, and assignments of the Federal transportation security force of the Department of Energy.

(6) A statement of options for managing the protective force at sites described in paragraph (1) in a more uniform manner, an analysis of the advantages and disadvantages of each option, and an assessment of the approximate cost of each option when compared with the costs associated with the existing management of the protective force at such sites.

(c) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 3125. TECHNICAL AMENDMENTS.

The Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended as follows:

(1) The heading of section 4204a (50 U.S.C. 2524a) is amended to read as follows:

"SEC. 4204A. RELIABLE REPLACEMENT WARHEAD PROGRAM.".

(2) The table of contents for that Act is amended by inserting after the item relating to section 4204 the following new item:

"Sec. 4204A. Reliable Replacement Warhead program.".

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2008, $27,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SA 2012. Mr. WEBB (for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY MILIARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

SA 2013. Mr. NELSON of Florida proposed an amendment to amendment SA 2012 proposed by Mr. WEBB (for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities

of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

SA 2014. Mr. HAGEL (for himself, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. PAYMENT OF DEATH GRATUITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES WITHOUT A SURVIVING SPOUSE WHO ARE SURVIVED BY A MINOR CHILD.

Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ", subject to subsection (d)," after "shall be paid";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

"(d)(1) In the case of a person covered by section 1475 or 1476 of this title who has no surviving spouse, but who has one or more surviving children (as prescribed by subsection (b)) under the age of 18 years who, after the death of the person, will be in the custody of a parent (as prescribed by subsection (c)) or brother or sister (as prescribed by subsection (a)) of the person, the death gratuity shall be paid to such parent, brother, or sister as designated by the person, whether in the full amount payable under section 1478 of this title or in such portion of such amount as the person shall specify.

"(2) If the amount of the death gratuity specified for payment under paragraph (1) is less than the full amount of the death gratuity payable under section 1478 of this title, the balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (2) through (5) of subsection (a).

"(3) An individual designated for the payment of death gratuity under paragraph (1) shall be treated as an eligible survivor for purposes of subsection (e).".

SA 2015. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, between lines 16 and 17, insert the following:

"(D) In addition to the members appointed under subparagraphs (B) and (C), eight individuals appointed by the Secretary of Defense, of whom—

"(i) one shall be a commissioned officer of the Army or spouse of a commissioned officer of the Army, and one shall be an enlisted member of the Army or spouse of an enlisted member of the Army, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Army and the other shall be a spouse of a member of the Army;

"(ii) one shall be a commissioned officer of the Navy or spouse of a commissioned officer of the Navy, and one shall be an enlisted member of the Navy or spouse of an enlisted member of the Navy, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Navy and the other shall be a spouse of a member of the Navy;

"(iii) one shall be a commissioned officer of the Marine Corps or spouse of a commissioned officer of the Marine Corps, and one shall be an enlisted member of the Marine Corps or spouse of an enlisted member of the Marine Corps, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Marine Corps and the other shall be a spouse of a member of the Marine Corps; and

"(iv) one shall be a commissioned officer of the Air Force or spouse of a commissioned officer of the Air Force, and one shall be an enlisted member of the Air Force or spouse of an enlisted member of the Air Force, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Air Force and the other shall be a spouse of a member of the Air Force.".

SA 2016. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

Subtitle D—Mental Health Personnel and Facilities

SEC. 951. SHORT TITLE.

This subtitle may be cited as the "Mental Wellness Facilities and Professional Development Act of 2007".

SEC. 952. EMPLOYMENT BONUSES OF QUALIFIED CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) EMPLOYMENT BONUSES AUTHORIZED.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1589 the following new section:

"§1590. Mental health professional positions: employment bonuses

"(a) BONUS AUTHORIZED.—The Secretary of Defense may pay an employment bonus under this section to any qualified mental health professional who enters into an agreement to accept employment with the Department of Defense to provide mental health services at a military medical treatment facility specified in such agreement for a period of not less than 12 months.

"(b) QUALIFICATIONS FOR MENTAL HEALTH PROFESSIONALS.—The Secretary shall prescribe in regulations the qualifications of mental health professionals for eligibility for entry into an agreement under this section.

"(c) INSTALLMENT PAYMENT.—The amount of the employment bonus payable to a mental health professional entering into an agreement under this section is $25,000, which amount is payable in four equal installments as follows:

"(1) One quarter is payable upon completion by the mental health professional of three months of service under the agreement.

"(2) One quarter is payable upon completion by the mental health professional of six months of service under the agreement.

"(3) One quarter is payable upon completion by the mental health professional of nine months of service under the agreement.

"(4) One quarter is payable upon completion by the mental health professional of twelve months of service under the agreement.

"(d) REPAYMENT.—(1) A mental health professional entering into an agreement under this section who does not complete the service provided for in the agreement shall repay to the United States an amount equal to the amount of the employment bonus specified in subsection (c) received by the professional under this section.

"(2) The Secretary may waive, whether in whole or in part, the requirement for repayment of an employment bonus under this subsection under such circumstances as the Secretary shall prescribe for purposes of this subsection.

"(3) An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of service of the person under an agreement under this section.

"(e) SUNSET.—No agreement may be entered into under this section after September 30, 2011.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 1589 the following new item:.

"1590. Mental health professional positions: employment bonuses.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2007.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CIVILIAN PERSONNEL FOR VACANT MENTAL HEALTH POSITIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for Defense Health Program such sums as may be required to fill during such fiscal year all civilian mental health professional positions at the military medical treatment facilities that are vacant at the commencement of fiscal year 2008 or become vacant during that fiscal year.

(2) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by paragraph (1) for fiscal year 2008 for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for fiscal year 2008 for that account.

SEC. 953. PILOT PROGRAM ON ADDITIONAL DEPLOYMENT HEALTH CLINICAL CENTERS.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasability and advisability of establishing deployment health clinical centers similar to the Deployment Health Clinical Center at Walter Reed Army Medical Center, District of Columbia, at additional military medical treatment facilities and other appropriate medical facilities and clinics serving members of the Armed Forces.

(b) ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish at least three, but not more than five, deployment health clinical centers described in subsection (a) at such principal treatment facilities or other facilities or clinics serving members of the Armed Forces as the Secretary shall select for purposes of the pilot program.

(2) LOCATIONS.—Of the facilities or clinics selected under paragraph (1)—

(A) at least one facility or clinic shall be located in a State on the East Coast of the United States;

(B) at least one facility or clinic shall be located in a State on the West Coast of the United States; and

(C) at least one facility or clinic shall be located in a State other than a State described in subparagraph (A) or (B).

(c) SERVICES.—Each deployment health clinical center established for purposes of the pilot program shall provide to members of the Armed Forces—

(1) services similar to the services provided to members of the Armed Forces by the Deployment Health Clinical Center at Walter Reed Army Medical Center; and

(2) such other services as the Secretary shall specify for purposes of the pilot program.

(d) REPORTS.—

(1) PERIODIC REPORTS REQUIRED.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives on a periodic basis a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following, current as of the date of such report:

(A) A description of services provided under the pilot program, including—

(i) a statement of the number of members of the Armed Forces provided services under the pilot program;

(ii) a description of the nature and scope of services provided under the pilot program; and

(iii) an assessment of the extent to which the pilot program has increased the access of members of the Armed Forces to such services.

(B) A separate statement of the number of members of the Armed Forces provided services under the pilot program who receive such services at a facility or location within 500 miles of the permanent duty station, homeport, or residence of such members.

(C) An assessment of the satisfaction of members of the Armed Forces receiving services under the pilot program with such services.

(D) Such recommendations as the Secretary considers appropriate for the extension, expansion, or other modification of the pilot program.

(e) SUNSET.—The authority to carry out the pilot program shall expire on September 30, 2011.

SEC. 954. SCHOLARSHIPS FOR CIVILIAN STUDENTS PURSUING PROFESSIONAL DEGREES IN MENTAL HEALTH SERVICES.

(a) SCHOLARSHIPS AUTHORIZED.—The Secretary of Defense may award scholarships to covered individuals who enter into an agreement to serve, upon completion of the program of education for which the scholarship is awarded, as a mental health professional in a military medical treatment facility for not less than one year for each two semesters (or three academic quarters, as applicable) for which such scholarship assistance is awarded.

(b) COVERED INDIVIDUALS.—For purposes of this subsection, a covered individual is any individual not employed by the Department of Defense who—

(1) is pursuing a professional degree in mental health services at an institution of higher education approved by the Secretary for purposes of this section; and

(2) meets such additional qualifications as the Secretary may prescribe for purposes of this section.

(c) SCHOLARSHIP AMOUNT.—The amount of the scholarship awarded a covered individual under this section for a semester or academic quarter may not exceed an amount equal to 50 percent of the tuition of the covered individual for such semester or academic quarter.

(d) REPAYMENT.—

(1) REPAYMENT REQUIRED.—A covered individual entering into an agreement under this section who does not complete the service provided for in the agreement shall repay to the United States an amount equal to the amount of the scholarship paid the individual under this section.

(2) WAIVER.—The Secretary may waive, whether in whole or in part, the requirement for repayment of a scholarship under this subsection under such circumstances as the Secretary shall prescribe for purposes of this subsection.

(3) DEBT TO THE UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11, United States Code, does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of service of the person under an agreement under this section.

(e) SUNSET.—The authority of the Secretary to award scholarships under this section shall expire on the date that is ten years after the date of the enactment of this Act.

SA 2017. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

"(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

"(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

"(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

"(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

"(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

"Age, in years, is at least:	The minimum years of service required for that age is:
53	34
54	32
55	30
56	28
57	26
58	24
59	22
60	20.".

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking "the years of service required for eligibility for retired pay under this chapter" in the first sentence and inserting "20 years of service computed under section 12732 of this title".

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

SA 2018. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 604. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking "fiscal years 2004, 2005, and 2006" and inserting "fiscal years 2009 through 2012".

SA 2019. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—WOUNDED WARRIOR MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the "Dignified Treatment of Wounded Warriors Act".

SEC. 1602. GENERAL DEFINITIONS.

In this title:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(2) The term "covered member of the Armed Forces" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(3) The term "family member", with respect to a member of the Armed Forces or a veteran, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) The term "medical hold or medical holdover status" means—

(A) the status of a member of the Armed Forces, including a member of the National Guard or Reserve, assigned or attached to a military hospital for medical care; and

(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

(5) The term "serious injury or illness", in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(6) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

SEC. 1611. COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH SERIOUS INJURIES OR ILLNESSES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on the care and management of members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, are otherwise in medical hold or medical holdover status, or are otherwise on the temporary disability retired list for a serious injury or illness (hereafter in this section referred to as a "covered servicemembers").

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of covered servicemembers while in medical hold or medical holdover status or on the temporary disability retired list.

(B) The medical evaluation and disability evaluation of covered servicemembers.

(C) The return of covered servicemembers to active duty when appropriate.

(D) The transition of covered servicemembers from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the results of the reviews under subsections (b) and (c) and the best practices identified through pilot programs under section 1654.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of covered servicemembers for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management described in that paragraph;

(B) identify among such policies and procedures existing and potential shortfalls in such care and management (including care and management of covered servicemembers on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity among the military departments and the regions of the Department of Veterans Affairs in their application and discharge; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) PARTICULAR ELEMENTS OF POLICY.—The policy required by this section shall provide, in particular, the following:

(1) RESPONSIBILITY FOR COVERED SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL HOLDOVER STATUS OR ON TEMPORARY DISABILITY RETIRED LIST.—Mechanisms to ensure responsibility for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including the following:

(A) Uniform standards for access of covered servicemembers to non-urgent health care services from the Department of Defense or other providers under the TRICARE program, with such access to be—

(i) for follow-up care, within 2 days of request of care;

(ii) for specialty care, within 3 days of request of care;

(iii) for diagnostic referrals and studies, within 5 days of request; and

(iv) for surgery based on a physician's determination of medical necessity, within 14 days of request.

(B) Requirements for the assignment of adequate numbers of personnel for the purpose of responsibility for and administration of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(C) Requirements for the assignment of adequate numbers of medical personnel and non-medical personnel to roles and responsibilities for caring for and administering covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, and a description of the roles and responsibilities of personnel so assigned.

(D) Guidelines for the location of care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, which guidelines shall address the assignment of such servicemembers to care and residential facilities closest to their duty station or home of record or the location of their designated caregiver at the earliest possible time.

(E) Criteria for work and duty assignments of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including a prohibition on the assignment of duty to a servicemember which is incompatible with the servicemember's medical condition.

(F) Guidelines for the provision of care and counseling for eligible family members of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(G) Requirements for case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including qualifications for personnel providing such case management.

(H) Requirements for uniform quality of care and administration for all covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether members of the regular components of the Armed Forces or members of the reserve components of the Armed Forces.

(I) Standards for the conditions and accessibility of residential facilities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list who are in outpatient status, and for their immediate family members.

(J) Requirements on the provision of transportation and subsistence for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether in inpatient status or outpatient status, to facilitate obtaining needed medical care and services.

(K) Requirements on the provision of educational and vocational training and rehabilitation opportunities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(L) Procedures for tracking and informing covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list about medical evaluation board and physical disability evaluation board processing.

(M) Requirements for integrated case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list during their transition from care and treatment through the Department of Defense to care and treatment through the Department of Veterans Affairs.

(N) Requirements and standards for advising and training, as appropriate, family members with respect to care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list with serious medical conditions, particularly traumatic brain injury (TBI), burns, and post-traumatic stress disorder (PTSD).

(O) Requirements for periodic reassessments of covered servicemembers, and limits on the length of time such servicemembers may be retained in medical hold or medical holdover status or on the temporary disability retired list.

(P) Requirements to inform covered servicemembers and their family members of their rights and responsibilities while in medical hold or medical holdover status or on the temporary disability retired list.

(Q) The requirement to establish a Department of Defense-wide Ombudsman Office within the Office of the Secretary of Defense to provide oversight of the ombudsman offices in the military departments and policy guidance to such offices with respect to providing assistance to, and answering questions from, covered servicemembers and their families.

(2) MEDICAL EVALUATION AND PHYSICAL DISABILITY EVALUATION FOR COVERED SERVICEMEMBERS.—

(A) MEDICAL EVALUATIONS.—Processes, procedures, and standards for medical evaluations of covered servicemembers, including the following:

(i) Processes for medical evaluations of covered servicemembers that are—

(I) applicable uniformly throughout the military departments; and

(II) applicable uniformly with respect to such servicemembers who are members of the regular components of the Armed Forces and such servicemembers who are members of the National Guard and Reserve.

(ii) Standard criteria and definitions for determining the achievement for covered servicemembers of the maximum medical benefit from treatment and rehabilitation.

(iii) Standard timelines for each of the following:

(I) Determinations of fitness for duty of covered servicemembers.

(II) Specialty consultations for covered servicemembers.

(III) Preparation of medical documents for covered servicemembers.

(IV) Appeals by covered servicemembers of medical evaluation determinations, including determinations of fitness for duty.

(iv) Uniform standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of covered servicemembers.

(v) Standards for the maximum number of medical evaluation cases of covered servicemembers that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(vi) Uniform standards for information for covered servicemembers, and their families, on the medical evaluation board process and the rights and responsibilities of such servicemembers under that process, including a standard handbook on such information.

(B) PHYSICAL DISABILITY EVALUATIONS.—Processes, procedures, and standards for physical disability evaluations of covered servicemembers, including the following:

(i) A non-adversarial process of the Department of Defense and the Department of Veterans Affairs for disability determinations of covered servicemembers.

(ii) To the extent feasible, procedures to eliminate unacceptable discrepancies among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of covered servicemembers, which procedures shall be subject to the following requirements and limitations:

(I) Such procedures shall apply uniformly with respect to covered servicemembers who are members of the regular components of the Armed Forces and covered servicemembers who are members of the National Guard and Reserve.

(II) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a covered servicemember.

(iii) Standard timelines for appeals of determinations of disability of covered servicemembers, including timelines for presentation, consideration, and disposition of appeals.

(iv) Uniform standards for qualifications and training of physical disability evaluation board personnel in conducting physical disability evaluations of covered servicemembers.

(v) Standards for the maximum number of physical disability evaluation cases of covered servicemembers that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(vi) Procedures for the provision of legal counsel to covered servicemembers while undergoing evaluation by a physical disability evaluation board.

(vii) Uniform standards on the roles and responsibilities of case managers, servicemember advocates, and judge advocates assigned to covered servicemembers undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such servicemembers that are to be assigned to such managers and advocates.

(C) RETURN OF COVERED SERVICEMEMBERS TO ACTIVE DUTY.—Standards for determinations by the military departments on the return of covered servicemembers to active duty in the Armed Forces.

(D) TRANSITION OF COVERED SERVICEMEMBERS FROM DOD TO VA.—Processes, procedures, and standards for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs before, during, and after separation from the Armed Forces, including the following:

(i) A uniform, patient-focused policy to ensure that the transition occurs without gaps in medical care and the quality of medical care, benefits, and services.

(ii) Procedures for the identification and tracking of covered servicemembers during the transition, and for the coordination of care and treatment of such servicemembers during the transition, including a system of cooperative case management of such servicemembers by the Department of Defense and the Department of Veterans Affairs during the transition.

(iii) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by covered servicemembers of the medical evaluation process and the physical disability evaluation process.

(iv) Procedures and timelines for the enrollment of covered servicemembers in applicable enrollment or application systems of the Department of Veterans with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(v) Procedures to ensure the access of covered servicemembers during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(vi) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(vii) Standards and procedures for integrated medical care and management for covered servicemembers during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of such servicemembers before, during, and after their separation from military service.

(viii) Standards for the preparation of detailed plans for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs, which plans shall be based on standardized elements with respect to care and treatment requirements and other applicable requirements.

(E) OTHER MATTERS.—The following additional matters with respect to covered servicemembers:

(i) Access by the Department of Veterans Affairs to the military health records of covered servicemembers who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities.

(ii) Requirements for utilizing, in appropriate cases, a single physical examination that meets requirements of both the Department of Defense and the Department of Veterans Affairs for covered servicemembers who are being retired, separated, or released from military service.

(iii) Surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for covered servicemembers, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(e) REPORTS.—

(1) REPORT ON POLICY.—Upon the development of the policy required by this section but not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the findings and recommendations of the reviews under subsections (b) and (c).

(2) REPORTS ON UPDATE.—Upon updating the policy under subsection (a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(f) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every year thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by this section.

SEC. 1612. CONSIDERATION OF NEEDS OF WOMEN MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) IN GENERAL.—In developing and implementing the policy required by section 1611, and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique specific needs of women members of the Armed Forces and women veterans under such policy or other provision.

(b) REPORTS.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique specific needs of women members of the Armed Forces and women veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

SEC. 1621. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS AND FORMER MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, any covered member of the Armed Forces, and any former member of the Armed Forces, with a severe injury or illness is entitled to medical and dental care in any facility of the uniformed services under section 1074(a) of title 10, United States Code, or through any civilian health care provider authorized by the Secretary to provide health and mental health services to members of the uniformed services, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), as if such member or former member were a member of the uniformed services described in paragraph (2) of such section who is entitled to medical and dental care under such section.

(2) PERIOD OF AUTHORIZED CARE.—(A) Except as provided in subparagraph (B), a member or former member described in paragraph (1) is entitled to care under that paragraph—

(i) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated during the period beginning on October 7, 2001, and ending on the date of the enactment of this Act, during the three-year period beginning on the date of the enactment of this Act, except that no compensation is payable by reason of this subsection for any period before the date of the enactment of this Act; or

(ii) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated on or after the date of the enactment of this Act, during the three-year period beginning on the date on which such injury or illness is so incurred or aggravated.

(B) The period of care authorized for a member or former member under this paragraph may be extended by the Secretary concerned for an additional period of up to two years if the Secretary concerned determines that such extension is necessary to assure the maximum feasible recovery and rehabilitation of the member or former member. Any such determination shall be made on a case-by-case basis.

(3) INTEGRATED CARE MANAGEMENT.—The Secretary of Defense shall provide for a program of integrated care management in the provision of care and services under this subsection, which management shall be provided by appropriate medical and case management personnel of the Department of Defense and the Department of Veterans Affairs (as approved by the Secretary of Veterans Affairs) and with appropriate support from the Department of Defense regional health care support contractors.

(4) WAIVER OF LIMITATIONS TO MAXIMIZE CARE.—The Secretary of Defense may, in providing medical and dental care to a member or former member under this subsection during the period referred to in paragraph (2), waive any limitation otherwise applicable under chapter 55 of title 10, United States Code, to the provision of such care to the member or former member if the Secretary considers the waiver appropriate to assure the maximum feasible recovery and rehabilitation of the member or former member.

(5) CONSTRUCTION WITH ELIGIBILITY FOR VETERANS BENEFITS.—Nothing in this subsection shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a member or former member of the Armed Forces to any health care, disability, or other benefits to which the member of former member would otherwise be eligible or entitled as a veteran under the laws administered by the Secretary of Veterans Affairs.

(6) SUNSET.—The Secretary of Defense may not provide medical or dental care to a member or former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the member or former member under this subsection before that date.

(b) REHABILITATION AND VOCATIONAL BENEFITS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, a member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to members of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) LIMITATIONS.—The provisions of paragraphs (2) through (6) of subsection (a) shall apply to the provision of benefits under this subsection as if the benefits provided under this subsection were provided under subsection (a).

(3) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost of any benefits provided under this subsection in accordance with applicable mechanisms for the reimbursement of the Secretary of Veterans Affairs for the provision of medical care to members of the Armed Forces.

(c) RECOVERY OF CERTAIN EXPENSES OF MEDICAL CARE AND RELATED TRAVEL.—

(1) IN GENERAL.—Commencing not later than 60 days after the date of the enactment of this Act, the Secretary of the military department concerned may reimburse covered members of the Armed Forces, and former members of the Armed Forces, with a severe injury or illness for covered expenses incurred by such members or former members, or their family members, in connection with the receipt by such members or former members of medical care that is required for such injury or illness.

(2) COVERED EXPENSES.—Expenses for which reimbursement may be made under paragraph (1) include the following:

(A) Expenses for health care services for which coverage would be provided under section 1074(c) of title 10, United States Code, for members of the uniformed services on active duty.

(B) Expenses of travel of a non-medical attendant who accompanies a member or former member of the Armed Forces for required medical care that is not available to such member or former member locally, if such attendant is appointed for that purpose by a competent medical authority (as determined under regulations prescribed by the Secretary of Defense for purposes of this subsection).

(C) Such other expenses for medical care as the Secretary may prescribe for purposes of this subsection.

(3) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement under paragraph (1) for expenses covered by paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary of Defense for purposes of this subsection.

(d) SEVERE INJURY OR ILLNESS DEFINED.—In this section, the term "severe injury or illness" means any serious injury or illness that is assigned a disability rating of 30 percent or higher under the schedule for rating disabilities in use by the Department of Defense.

PART II—CARE AND SERVICES FOR DEPENDENTS

SEC. 1626. MEDICAL CARE AND SERVICES AND SUPPORT SERVICES FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.

(a) MEDICAL CARE.—

(1) IN GENERAL.—A family member of a covered member of the Armed Forces who is not otherwise eligible for medical care at a military medical treatment facility or at medical facilities of the Department of Veterans Affairs shall be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the covered member of the Armed Forces;

(B) a non-medical attendee caring for the covered member of the Armed Forces; or

(C) receiving per diem payments from the Department of Defense while caring for the covered member of the Armed Forces.

(2) SPECIFICATION OF FAMILY MEMBERS.—Notwithstanding section 1602(3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe in regulations the family members of covered members of the Armed Forces who shall be considered to be a family member of a covered member of the Armed Forces for purposes of paragraph (1).

(3) SPECIFICATION OF CARE.—(A) The Secretary of Defense shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at military medical treatment facilities.

(B) The Secretary of Veterans Affairs shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at medical facilities of the Department of Veterans Affairs.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of medical care and counseling under paragraph (1) as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care and counseling was provided under the authority of section 1784 of title 38, United States Code.

(b) JOB PLACEMENT SERVICES.—A family member who is on invitational orders or is a non-medical attendee while caring for a covered member of the Armed Forces for more than 45 days during a one-year period shall be eligible for job placement services otherwise offered by the Department of Defense.

(c) REPORT ON NEED FOR ADDITIONAL SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the need for additional employment services, and of the need for employment protection, of family members described in subsection (b) who are placed on leave from employment or otherwise displaced from employment while caring for a covered member of the Armed Forces as described in that subsection.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

SEC. 1631. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 222.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(c) COORDINATION IN DEVELOPMENT.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted; and

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government.

SEC. 1632. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An assessment of post-traumatic stress disorder."; and

(B) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

"(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.".

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.".

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking "MENTAL HEALTH"; and

(2) in paragraph (2)(B), by striking "or" and inserting ", traumatic brain injury, or".

SEC. 1633. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

"(b) PARTNERSHIPS.—The Secretary shall authorize the Center to enter into such partnerships, agreements, or other arrangements as the Secretary considers appropriate with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

"(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

"(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

"(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

"(14) Such other responsibilities as the Secretary shall specify.".

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

"§1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

"(b) PARTNERSHIPS.—The Secretary shall authorize the Center to enter into such partnerships, agreements, or other arrangements as the Secretary considers appropriate with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

“(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

“(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

“(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

“(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

“(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

“(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

“(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

“(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

“(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

“(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

“(13) Such other responsibilities as the Secretary shall specify.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

“1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.

“1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.”.

(d) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(1) describe in detail the activities and proposed activities of such Center; and

(2) assess the progress of such Center in discharging the responsibilities of such Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, $10,000,000, of which—

(1) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code; and

(2) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code.

SEC. 1634. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and veterans; and

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces and veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces and veterans.

(2) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(3) The access to and efficacy of services and treatment for female members of the Armed Forces and veterans who experience post-traumatic stress disorder (PTSD).

(4) The availability of services and treatment for female members of the Armed Forces and veterans who experienced sexual assault or abuse.

(5) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces and veterans.

(6) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the review required by subsection (a).

(d) POLICY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a comprehensive policy to address the treatment and care needs of female members of the Armed Forces and veterans who experience mental health problems and conditions, including post-traumatic stress disorder. The policy shall take into account and reflect the results of the review required by subsection (a).

SEC. 1635. FUNDING FOR IMPROVED DIAGNOSIS, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY OR POST-TRAUMATIC STRESS DISORDER.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program in the amount of $50,000,000, with such amount to be available for activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by paragraph (1), $17,000,000 shall be available for the Defense and Veterans Brain Injury Center of the Department of Defense.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for Defense Health Program.

SEC. 1636. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements arising from the amendments made by section 738 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2303), relating to enhanced mental health screening and services for members of the Armed Forces.

(3) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

PART IV—OTHER MATTERS

SEC. 1641. JOINT ELECTRONIC HEALTH RECORD FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A JOINT ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—There is hereby established a joint element of the Department of Defense and the Department of Veterans Affairs to be known as the "Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record" (in this section referred to as the "Office").

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development, test, and implementation of a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the deputy head of the office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to develop and prepare for deployment, by not later than September 30, 2010, a joint electronic health record to be utilized by both the Department of Defense and the Department of Veterans Affairs in the provision of medical care and treatment to members of the Armed Forces and veterans, which health record shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for the joint electronic health record described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the development and deployment of the joint electronic health record.

(4) A schedule and associated deadlines and requirements for the deployment of the joint electronic health record.

(5) Proposed funding for the Office for each of fiscal years 2009 through 2013 for the discharge of its function.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasability and advisability of various technological approaches to the achievement of the joint electronic health record described in subsection (d).

(2) TREATMENT AS SINGLE HEALTH CARE SYSTEM.—For purposes of each pilot project carried out under this subsection, the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs shall be treated as a single health care system for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the development and implementation of the joint electronic health record described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of the joint electronic health record described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in developing and implementing the joint electronic health record.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each contribute equally to the costs of the Office in fiscal year 2008 and fiscal years thereafter. The amount so contributed by each Secretary in fiscal year 2008 shall be up to $10,000,000.

(2) SOURCE OF FUNDS.—(A) Amounts contributed by the Secretary of Defense under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for the Defense Health Program and available for program management and technology resources.

(B) Amounts contributed by the Secretary of Veterans Affairs under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Veterans Affairs for Medical Care and available for program management and technology resources.

(k) JOINT ELECTRONIC HEALTH RECORD DEFINED.—In this section, the term "joint electronic health record" means a single system that includes patient information across the continuum of medical care, including inpatient care, outpatient care, pharmacy care, patient safety, and rehabilitative care.

SEC. 1642. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

"§1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

"(a) IN GENERAL.—The Secretary of Defense may, in the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

"(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

"(2) Each strategy under paragraph (1) shall—

"(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

"(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

"1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.".

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

SEC. 1643. PERSONNEL SHORTAGES IN THE MENTAL HEALTH WORKFORCE OF THE DEPARTMENT OF DEFENSE, INCLUDING PERSONNEL IN THE MENTAL HEALTH WORKFORCE.

(a) RECOMMENDATIONS ON MEANS OF ADDRESSING SHORTAGES.—

(1) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary for such legislative or administrative actions as the Secretary considers appropriate to address shortages in health care professionals within the Department of Defense, including personnel in the mental health workforce.

(2) ELEMENTS.—The report required by paragraph (1) shall address the following:

(A) Enhancements or improvements of financial incentives for health care professionals, including personnel in the mental health workforce, of the Department of Defense in order to enhance the recruitment and retention of such personnel, including recruitment, accession, or retention bonuses and scholarship, tuition, and other financial assistance.

(B) Modifications of service obligations of health care professionals, including personnel in the mental health workforce.

(C) Such other matters as the Secretary considers appropriate.

(b) RECRUITMENT.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall implement programs to recruit qualified individuals in health care fields (including mental health) to serve in the Armed Forces as health care and mental health personnel of the Armed Forces.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

SEC. 1651. UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

"(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);".

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended by striking "and the member has at least eight years of service computed under section 1208 of this title" and inserting ", the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)".

SEC. 1652. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

"§1216a. Determinations of disability: requirements and limitations on determinations

"(a) UTILIZATION OF VA SCHEDULE FOR RATING DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

"(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

"(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

"(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

"(b) CONSIDERATION OF ALL MEDICAL CONDITIONS.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

"1216a. Determinations of disability: requirements and limitations on determinations.".

SEC. 1653. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.

(a) BOARD REQUIRED.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 adding the following new section:

"§1554a. Review of separation with disability rating of 20 percent disabled or less

"(a) IN GENERAL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

"(2) The Board shall consist of not less than three members appointed by the Secretary.

"(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

"(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

"(2) are found to be not eligible for retirement.

"(c) REVIEW.—(1) Upon its own motion, or upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Board shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual.

"(2) The review by the Board under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Board. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

"(d) AUTHORIZED RECOMMENDATIONS.—The Board may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

"(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

"(2) The recharacterization of the separation of such individual to retirement for disability.

"(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

"(4) The issuance of a new disability rating for such individual.

"(e) CORRECTION OF MILITARY RECORDS.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Board under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

"(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

"(3) If the Board makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

"(f) REGULATIONS.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

"(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

"(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

"1554a. Review of separation with disability rating of 20 percent disabled or less.".

(b) IMPLEMENTATION.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

SEC. 1654. PILOT PROGRAMS ON REVISED AND IMPROVED DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out pilot programs with respect to the disability evaluation system of the Department of Defense for the purpose set forth in subsection (d).

(2) REQUIRED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense shall carry out the pilot programs described in paragraphs (1) through (3) of subsection (c). Each such pilot program shall be implemented not later than 90 days after the date of the enactment of this Act.

(3) AUTHORIZED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense may carry out such other pilot programs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(b) DISABILITY EVALUATION SYSTEM OF THE DEPARTMENT OF DEFENSE.—For purposes of this section, the disability evaluation system of the Department of Defense is the system of the Department for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code.

(c) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs shall—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned shall make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned shall, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs, the Secretary of Defense shall establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—Under any pilot program carried out by the Secretary of Defense under subsection (a)(3), the Secretary shall provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system of the Department of Defense as the Secretary considers appropriate for purpose set forth in subsection (d).

(d) PURPOSE.—The purpose of each pilot program under subsection (a) shall be—

(1) to provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system of the Department of Defense in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits; and

(2) in conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(e) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF COVERED SERVICEMEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly incorporate responses to any findings and recommendations arising under the pilot programs required by subsection (a) in updating the comprehensive policy on the care and management of covered servicemembers under section 1611.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (h)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 1652 of this Act.

(g) DURATION.—Each pilot program under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the pilot programs under subsection (a). The report shall include—

(A) a description of the scope and objectives of each pilot program;

(B) a description of the methodology to be used under such pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system of the Department of Defense in order to achieve the objectives set forth in subsection (d)(1); and

(C) a statement of any provision described in subsection (f)(1)(B) that shall not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 150 days after the date of the submittal of the report required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report describing the current status of such pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all the pilot programs described in paragraphs (1) through (3) of subsection (c), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of such pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

SEC. 1655. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled servicemembers, pending resolution before the Medical and Physical Disability Evaluation Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

PART II—OTHER DISABILITY MATTERS

SEC. 1661. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "his years of service, but not more than 12, computed under section 1208 of this title" in the matter preceding subparagraph (A) and inserting "the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

"(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

"(B) Three years in the case of any other member.

"(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.".

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting "(1)" after "(d)";

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

"(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense.

"(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

SEC. 1662. ELECTRONIC TRANSFER FROM THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF VETERANS AFFAIRS OF DOCUMENTS SUPPORTING ELIGIBILITY FOR BENEFITS.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a mechanism to provide for the electronic transfer from the Department of Defense to the Department of Veterans Affairs of any Department of Defense documents (including Department of Defense form DD–214) necessary to establish or support the eligibility of a member of the Armed Forces for benefits under the laws administered by the Secretary of Veterans Affairs at the time of the retirement, separation, or release of the member from the Armed Forces.

SEC. 1663. ASSESSMENTS OF TEMPORARY DISABILITY RETIRED LIST.

Not later than 180 days after the date of the enactment of this Act, the Secretary of

Defense and the Comptroller General of the United States shall each submit to the congressional defense committees a report assessing the continuing utility of the temporary disability retired list in satisfying the purposes for which the temporary disability retired list was established. Each report shall include such recommendations for the modification or improvement of the temporary disability retired list as the Secretary or the Comptroller General, as applicable, considers appropriate in light of the assessment in such report.

Subtitle D—Improvement of Facilities Housing Patients

SEC. 1671. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the military facilities referred to in subsection (b) standards with respect to the matters set forth in subsection (c). The standards shall, to the maximum extent practicable—

(1) be uniform and consistent across such facilities; and

(2) be uniform and consistent across the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities referred to in this subsection are the military facilities of the Department of Defense and the military departments as follows:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals that may require medical supervision, as applicable, in the United States.

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance with Federal Government standards for hospital facilities and operations.

(E) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(F) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) INVESTMENT.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) REPORT.—

(1) IN GENERAL.—Not later than December 30, 2007, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (a), including—

(i) an assessment of the compliance of such facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

SEC. 1672. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the action plan of the Army to correct deficiencies identified in the condition of facilities, and in the administration of outpatients in medical hold or medical holdover status, at Walter Reed Army Medical Center (WRAMC) and at other applicable Army installations at which covered members of the Armed Forces are assigned.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The number of inpatients at Walter Reed Army Medical Center, and the number of outpatients on medical hold or in a medical holdover status at Walter Reed Army Medical Center, as a result of serious injuries or illnesses.

(2) A description of the lodging facilities and other forms of housing at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, including—

(A) an assessment of the conditions of such facilities and housing; and

(B) a description of any plans to correct inadequacies in such conditions.

(3) The status, estimated completion date, and estimated cost of any proposed or ongoing actions to correct any inadequacies in conditions as described under paragraph (2).

(4) The number of case managers, platoon sergeants, patient advocates, and physical evaluation board liaison officers stationed at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, and the ratio of case workers and platoon sergeants to outpatients for whom they are responsible at each such facility.

(5) The number of telephone calls received during the preceding 60 days on the Wounded Soldier and Family hotline (as established on March 19, 2007), a summary of the complaints or communications received through such calls, and a description of the actions taken in response to such calls.

(6) A summary of the activities, findings, and recommendations of the Army tiger team of medical and installation professionals who visited the major medical treatment facilities and community-based health care organizations of the Army pursuant to March 2007 orders, and a description of the status of corrective actions being taken with to address deficiencies noted by that team.

(7) The status of the ombudsman programs at Walter Reed Army Medical Center and at other major Army installations to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

SEC. 1673. CONSTRUCTION OF FACILITIES REQUIRED FOR THE CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) ASSESSMENT OF ACCELERATION OF CONSTRUCTION OF FACILITIES.—The Secretary of Defense shall carry out an assessment of the feasibility (including the cost-effectiveness) of accelerating the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center, District of Columbia, as required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; U.S.C. 2687 note).

(b) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR CONSTRUCTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall develop and carry out a plan for the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center as required as described in subsection (a). If the Secretary determines as a result of the assessment under subsection (a) that accelerating the construction and completion of such facilities is feasible, the plan shall provide for the accelerated construction and completion of such facilities in a manner consistent with that determination.

(2) SUBMITTAL OF PLAN.—The Secretary shall submit to the congressional defense committees the plan required by paragraph (1) not later than September 30, 2007.

(c) CERTIFICATIONS.—Not later than September 30, 2007, the Secretary shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of

capacity in the major military medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity and types of medical hold and out-patient lodging facilities currently operating at Walter Reed Army Medical Center will be available at the facilities to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(4) That adequate funds have been provided to complete fully all facilities identified in the Base Realignment and Closure Business Plan for Walter Reed Army Medical Center submitted to the congressional defense committees as part of the budget justification materials submitted to Congress together with the budget of the President for fiscal year 2008 as contemplated in that business plan.

(d) ENVIRONMENTAL LAWS.—Nothing in this section shall require the Secretary or any designated representative to waive or ignore responsibilities and actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such Act.

Subtitle E—Outreach and Related Information on Benefits

SEC. 1681. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security, develop and maintain in handbook and electronic form a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the member's separation or retirement from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary of Defense considers appropriate.

(b) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(c) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under that subsection.

(d) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the handbook shall be provided to the next of kin or a legal representative of the member (as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section).

Subtitle F—Other Matters

SEC. 1691. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury (TBI) on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic stress disorder (PTSD) and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the particular needs and concerns of female members of the Armed Forces and female veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular needs and concerns of minority members of the Armed Forces and minority veterans;

(H) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(I) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(J) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(K) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing or addressing the impacts, gaps and needs identified; and

(L) the development, based on such assessments, of recommendations for additional research on such needs.

(c) POPULATIONS TO BE STUDIED.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) ACCESS TO INFORMATION.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) PRIVACY OF INFORMATION.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) REPORTS BY NATIONAL ACADEMY OF SCIENCES.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on such phase of the study.

(g) DOD AND VA RESPONSE TO NAS REPORTS.—

(1) PRELIMINARY RESPONSE.—Not later than 45 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of

Defense and the Secretary of Veterans Affairs shall jointly develop a preliminary joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The preliminary plan shall provide preliminary proposals on the matters set forth in paragraph (3).

(2) FINAL RESPONSE.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a final joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The final plan shall provide final proposals on the matters set forth in paragraph (3).

(3) COVERED MATTERS.—The matters set forth in this paragraph with respect to a phase of the study required under subsection (a) are as follows:

(A) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address gaps in care or services as identified by the National Academy of Sciences under such phase of the study.

(B) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address recommendations made by the National Academy of Sciences under such phase of the study.

(C) An estimate of the costs of implementing the modifications set forth under subparagraphs (A) and (B), set forth by fiscal year for at least the first five fiscal years beginning after the date of the plan concerned.

(4) REPORTS ON RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth each joint plan developed under paragraphs (1) and (2).

(5) PUBLIC AVAILABILITY OF RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall each make available to the public each report submitted to Congress under paragraph (4), including by posting an electronic copy of such report on the Internet website of the Department of Defense or the Department of Veterans Affairs, as applicable, that is available to the public.

(6) GAO AUDIT.—Not later than 45 days after the submittal to Congress of the report under paragraph (4) on the final joint Department of Defense-Department of Veterans Affairs plan under paragraph (2), the Comptroller General of the United States shall submit to Congress a report assessing the contents of such report under paragraph (4). The report of the Comptroller General under this paragraph shall include—

(A) an assessment of the adequacy and sufficiency of the final joint Department of Defense-Department of Veterans Affairs plan in addressing the findings and recommendations of the National Academy of Sciences as a result of the study required under subsection (a);

(B) an assessment of the feasibility and advisability of the modifications of policy and practice proposed in the final joint Department of Defense-Department of Veterans Affairs plan;

(C) an assessment of the sufficiency and accuracy of the cost estimates in the final joint Department of Defense-Department of Veterans Affairs plan; and

(D) the comments, if any, of the National Academy of Sciences on the final joint Department of Defense-Department of Veterans Affairs plan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section.

SA 2020. Mr. COLEMAN (for himself, Mr. DEMINT, Mr. THUNE, Mr. INHOFE, Mr. MCCONNELL, Mr. CORNYN, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. FAIRNESS DOCTRINE PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the "Broadcaster Freedom Act of 2007".

(b) FAIRNESS DOCTRINE PROHIBITED.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present opposing viewpoints on controversial issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in General Fairness Doctrine Obligations of Broadcast Licensees, 50 Fed. Reg. 35418 (1985).".

SA 2021. Mr. SPECTER (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

Subtitle F—Presidential Signing Statements

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the "Presidential Signing Statements Act of 2007".

SEC. 1072. FINDINGS.

Congress finds the following:

(1) While the executive branch has a role in enacting legislation, it is clear that this is a limited role. Article I, section 7 of the Constitution provides that when a bill is presented to the President, he may either sign it or veto it with his objections, and his veto is subject to a congressional override by two-thirds majorities in the House of Representatives and Senate.

(2) As the President signs a bill into law, the President sometimes issues a statement elaborating on his views of a bill.

(3) This practice began in the early 1800s, and such statements have been issued by Presidents including James Monroe, Andrew Jackson, John Tyler, Franklin Delano Roosevelt, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton, and George W. Bush.

(4) Much more recently, some courts have begun using presidential signing statements as a source of authority in the interpretation of Acts of Congress.

(5) This judicial use of presidential signing statements is inappropriate, because it in effect gives these statements the force of law. As the Supreme Court itself has explained, Article I, section 7, of the Constitution provides a "single, finely wrought and exhaustively considered, procedure" for the making of Federal law. I.N.S. v. Chadha, 462 U.S. 919, 951 (1983). Presidential signing statements are not passed by both Houses of Congress pursuant to Article I, section 7, so they are not the supreme law of the land. It is inappropriate, therefore, for courts to rely on presidential signing statements as a source of authority in the interpretation of Acts of Congress.

(6) The Supreme Court's reliance on presidential signing statements has been sporadic and unpredictable. In some cases, such as Bowsher v. Synar, 478 U.S. 714, 719 n.1 (1986), the Supreme Court has relied on presidential signing statements as a source of authority, while in other cases, such as the recent military tribunals case, Hamdan v. Rumsfeld, 126 S.Ct. 2749 (2006), it has conspicuously declined to do so. This inconsistency has the unfortunate effect of rendering the interpretation of Federal law unpredictable.

(7) As the Hamdan case demonstrates, the Justices of the Supreme Court appear to disagree with one another on the propriety of reliance on presidential signing statements in the interpretation of Federal law. The Supreme Court, with its nine competing perspectives and its jurisdictional restriction to cases and controversies, may remain unable to resolve this difference of opinion and establish a clear rule abjuring such reliance.

(8) Congress has the power to resolve judicial disputes such as this by enacting rules of statutory interpretation. This power flows from Article I, section 8, clause 18, which gives Congress the power "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof". Rules of statutory interpretation are necessary and proper to bring into execution the legislative power.

(9) Congress can and should exercise this power over the interpretation of Federal statutes in a systematic and comprehensive manner.

(10) Congress hereby exercises this power to forbid judicial reliance on presidential signing statements as a source of authority in the interpretation of Acts of Congress.

SEC. 1073. DEFINITION.

As used in this subtitle, the term "presidential signing statement" means a statement issued by the President about a bill, in conjunction with signing that bill into law pursuant to Article I, section 7, of the Constitution.

SEC. 1074. JUDICIAL USE OF PRESIDENTIAL SIGNING STATEMENTS.

In determining the meaning of any Act of Congress, no Federal or State court shall rely on or defer to a presidential signing statement as a source of authority.

SEC. 1075. CONGRESSIONAL RIGHT TO PARTICIPATE IN COURT PROCEEDINGS OR SUBMIT CLARIFYING RESOLUTION.

(a) CONGRESSIONAL RIGHT TO PARTICIPATE AS AMICUS CURIAE.—In any action, suit, or proceeding in any Federal or State court (including the Supreme Court of the United States), regarding the construction or constitutionality, or both, of any Act of Congress in which a presidential signing statement was issued, the Federal or State Court shall permit the United States Senate, through the Office of Senate Legal Counsel, as authorized in section 701 of the Ethics in Government Act of 1978 (2 U.S.C. 288), or the United States House of Representatives, through the Office of General Counsel for the United States House of Representatives, or both, to participate as an amicus curiae, and to present an oral argument on the question of the Act's construction or constitutionality, or both. Nothing in this section shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action, including suit for court costs, against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any officer or employee of a House of Congress or any office or agency of Congress.

(b) CONGRESSIONAL RIGHT TO SUBMIT CLARIFYING RESOLUTION.—In any suit referenced in subsection (a), the full Congress may pass a concurrent resolution declaring its view of the proper interpretation of the Act of Congress at issue, clarifying Congress's intent or clarifying Congress's findings of fact, or both. If Congress does pass such a concurrent resolution, the Federal or State court shall permit the United States Congress, through the Office of Senate Legal Counsel, to submit that resolution into the record of the case as a matter of right.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of each Federal or State court, including the Supreme Court of the United States, to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SA 2022. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.".

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

SA 2023. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE PROCUREMENT PROGRAM FOR THE KC-X TANKER AIRCRAFT.

It is the sense of Congress—

(1) to congratulate the Air Force for conducting a full and open competition for the procurement program for the KC-X tanker aircraft;

(2) the Air Force should have the ability to choose the best possible joint aerial refueling capability at the most reasonable price;

(3) to discourage actions that would limit the ability of either of the teams seeking the contract for the procurement of KC-X tanker aircraft from competing in the competition referred to in paragraph (1).

SA 2024. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1218. POLICY OF THE UNITED STATES ON PROTECTION OF THE UNITED STATES AND ITS ALLIES AGAINST IRANIAN BALLISTIC MISSILES.

(a) FINDING.—Congress finds that Iran maintains a nuclear program in continued defiance of the international community while developing ballistic missiles of increasing sophistication and range that pose a threat to both the United States and its North Atlantic Treaty Organization (NATO) allies.

(b) POLICY OF THE UNITED STATES.—It is the policy of the United States—

(1) to develop and deploy, as soon as technologically possible, an effective defense against the threat from Iran described in subsection (a)(1) that will provide enhanced protection for the United States, its friends, and its North Atlantic Treaty Organization allies; and

(2) to proceed in the development of such response in a manner such that the missile defenses fielded by the United States in Europe are complementary to missile defense capabilities that might be fielded by the North Atlantic Treaty Organization in Europe.

SA 2025. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill H.R. 710, to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charlie W. Norwood Living Organ Donation Act".

SEC. 2. AMENDMENTS TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301 of the National Organ Transplant Act (42 U.S.C. 274e) is amended—

(1) in subsection (a), by adding at the end the following: "For purposes of this section, human organ paired donation and similar practices, as defined by the Secretary, shall not be considered to involve the transfer of a human organ for valuable consideration."; and

(2) in subsection (c), by adding at the end the following:

"(4) The term 'human organ paired donation' means the donation and receipt of human organs in a circumstance in which each of the following applies:

"(A) An individual (referred to in this paragraph as the 'first donor') desires to make a living donation of a human organ specifically to a particular patient (referred to in this paragraph as the 'first patient'), but such donor is biologically incompatible as a donor for such patient.

"(B) A second individual (referred to in this paragraph as the 'second donor') desires to make a living donation of a human organ specifically to a second particular patient (referred to in this paragraph as the 'second patient'), but such donor is biologically incompatible as a donor for such patient.

"(C) Subject to subparagraph (D), the first donor is biologically compatible as a donor of a human donor for the second patient, and the second donor is biologically compatible as a donor of a human organ for the first patient.

"(D) If there is any additional donor-patient pair as described in subparagraph (A) or (B), each donor in the group of donor-patient pairs is biologically compatible as a donor of a human organ for a patient in such group.

"(E) All donors and patients in the group of donor-patient pairs (whether 2 pairs or more than 2 pairs) enter into a single agreement to donate and receive such human organs, respectively, according to such biological compatibility in the group.

"(F) Other than as described in subparagraph (E), no valuable consideration is knowingly acquired, received, or otherwise transferred with respect to the human organs referred to in such subparagraph.".

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SEC. 4. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend the Social Security Act (42 U.S.C. 301 et seq.) (or any regulation promulgated under that Act).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an additional item has been added to the agenda of a previously announced hearing.

On Thursday, June 28, 2007, I announced that a hearing would be held before the Committee on Energy and Natural Resources on Thursday, July 12, 2007, to consider pending nominations, including the nomination of Clarence H. Albright of South Carolina, to be Under Secretary of Energy; Lisa E. Epifani of Texas, to be an Assistant Secretary of Energy, Congressional and Intergovernmental Affairs; and James L. Caswell of Idaho, to be Director of the Bureau of Land Management, Department of the Interior.

Since that announcement was made, the nomination of Brent T. Wahlquist of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, has been referred to the Committee on Energy and Natural Resources and added to the agenda of the Thursday, July 12 hearing.

As previously announced, the hearing will convene at 9:30 a.m. in room SD–266 of the Dirksen Senate Office Building, and witnesses may testify by invitation only. Those Wishing to submit written testimony for the hearing record, however, may send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510–6150 or by e-mail to amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 12, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Transportation Issues in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, "Dirty Bomb Vulnerabilities: Fake Companies, Fake Licenses, Real Consequences." The Subcommittee's hearing will examine certain vulnerabilities in the Government's procedures for licensing radiological materials. This hearing builds upon the findings released at the Subcommittee's hearing on March 28, 2006, which examined certain flaws in U.S. safeguards against radiological and nuclear attacks. Specifically, the hearing will examine the effectiveness of the Nuclear Regulatory Commission's materials licensing policies and procedures, including: (1) The process by which parties obtain NRC materials licenses; and (2) the vulnerability of NRC materials licenses to counterfeiting. Witnesses for the upcoming hearing will include representatives of the Government Accountability Office and the Nuclear Regulatory Commission. A final witness list will be available Tuesday, July 10, 2007.

The Subcommittee hearing is scheduled for Thursday, July 12, 2007, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, July 9, 2007, at 2:30 p.m., in order to conduct a hearing entitled "Excessive Speculation In The Natural Gas Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. I ask unanimous consent that Jacqueline Beatty-Smith, a fellow in my office, be granted the privileges of the floor during consideration of H.R. 1585.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. On behalf of Senator CLINTON, I ask unanimous consent that privileges of the floor be granted to the following fellows in her office during consideration of H.R. 1585: Jaime Martinez, Nicole Wilett, and Eleanor Edson.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Mark Carlton, a Marine Corps Fellow in Senator KENNEDY's office, be granted the privilege of the floor during the consideration of H.R. 1585, the Defense Authorization bill for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on the Defense bill, I ask unanimous consent that Scott Suozzi, a military fellow in my office, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEARY. Madam President, I ask unanimous consent that LCDR Christopher Martin, a U.S. Coast Guard fellow in Senator CHRISTOPHER DODD's office, be granted the privilege of the floor for the duration of debate on H.R. 1585, the national Defense authorization bill, and for votes during that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. Presdient, I ask unanimous consent that Jeffrey Gonzalez and Mathew Pollard, both of the Senate Budget Committee, be granted floor privileges during consideration of H.R. 1585.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to allow Air Force Fellow Daniel Wolf of my staff floor privileges for the duration of the consideration of the National Defense Authorization Act, S. 1547.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHARLES W. NORWOOD LIVING ORGAN DONATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 77, H.R. 710.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 710) to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, this bipartisan substitute is nearly identical to S.487, which I introduced along with Senators BOND, DORGAN, GRAHAM, DURBIN, MIKULSKI, PRYOR, CARDIN, ISAKSON, COLEMAN, BROWN, and CHAMBLISS, and which passed the Senate on February 15, 2007. Companion legislation was introduced in the House where it was renamed in honor of our House colleague, the late Representative Charles Norwood, a longtime advocate of organ donation, who sponsored the legislation earlier this year along with Representative JAY INSLEE.

Our legislation, the Living Kidney Organ Donation Clarification Act, will save lives by increasing the number of kidneys available for transplantation through a process called paired organ donation. It addresses this relatively new procedure, which is supported by numerous medical organizations, including the United Network for Organ Sharing, the American Society of Transplant Surgeons, the American Society of Transplantation, the National Kidney Foundation and the American Society of Pediatric Nephrology. Paired organ donation, which did not exist when the National Organ Transplant Act, NOTA, was enacted more than two decades ago, will make it possible for thousands of people who wish to donate a kidney to a spouse, family member or friend, but find that they are medically incompatible, to still become living kidney donors.

The legislation is necessary because the National Organ Transplant Act, NOTA, which contains a prohibition intended by Congress to preclude purchasing organs, is unintentionally impeding the facilitation of matching incompatible pairs. Our legislation would simply add kidney paired donation to the list of other living-related donation exemptions that Congress originally placed in NOTA. It removes an unintended impediment to kidney paired donations by clarifying ambiguous language in section 301 of the National Organ Transplant Act, NOTA. That section has been interpreted by a number of transplant centers to prohibit such donations. In section 301 of NOTA, Congress prohibited the buying and selling of organs. Subsection (a), titled "Prohibition of organ purchases," says: "It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration. . . ." This legislation does not remove or alter any current provision of NOTA, but simply adds a line to section 301 which states that paired donations do not violate it.

Congress surely never intended that the living donation arrangements that permit kidney paired donation be impeded by NOTA. Our bill simply makes that clear. Some transplant professionals involved in these and other innovative living kidney donation arrangements have proceeded in the reasonable belief that these arrangements do not violate section of 301 of NOTA, but they contend that they are doing so under a cloud.

In the process of kidney paired donor transplants, a pair consisting of a kidney transplant candidate and a biologically incompatible living donor is matched with another such pair to enable two transplants that otherwise would not occur. In other words, the intended recipient of each donor is incompatible with the intended donor but compatible with the other donor in the arrangement.

No Federal dollars are needed to implement this change. And, for each patient who receives a kidney, Medicare will save roughly $220,000 in dialysis costs. It is essential that we make the intent of Congress explicit so that transplant centers which have hesitated to implement incompatible living kidney donation programs can feel free to do so.

Mr. REID. Mr. President, I ask unanimous consent that the Levin amendment at the desk be considered and agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, the above occurring with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 2025) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charlie W. Norwood Living Organ Donation Act".

SEC. 2. AMENDMENTS TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301 of the National Organ Transplant Act (42 U.S.C. 274e) is amended—

(1) in subsection (a), by adding at the end the following: "For purposes of this section, human organ paired donation and similar practices, as defined by the Secretary, shall not be considered to involve the transfer of a human organ for valuable consideration."; and

(2) in subsection (c), by adding at the end the following:

"(4) The term 'human organ paired donation' means the donation and receipt of human organs in a circumstance in which each of the following applies:

"(A) An individual (referred to in this paragraph as the 'first donor') desires to make a living donation of a human organ specifically to a particular patient (referred to in this paragraph as the 'first patient'), but such donor is biologically incompatible as a donor for such patient.

"(B) A second individual (referred to in this paragraph as the 'second donor') desires to make a living donation of a human organ specifically to a second particular patient (referred to in this paragraph as the 'second patient'), but such donor is biologically incompatible as a donor for such patient.

"(C) Subject to subparagraph (D), the first donor is biologically compatible as a donor of a human donor for the second patient, and the second donor is biologically compatible as a donor of a human organ for the first patient.

"(D) If there is any additional donor-patient pair as described in subparagraph (A) or (B), each donor in the group of donor-patient pairs is biologically compatible as a donor of a human organ for a patient in such group.

"(E) All donors and patients in the group of donor-patient pairs (whether 2 pairs or more than 2 pairs) enter into a single agreement to donate and receive such human organs, respectively, according to such biological compatibility in the group.

"(F) Other than as described in subparagraph (E), no valuable consideration is knowingly acquired, received, or otherwise transferred with respect to the human organs referred to in such subparagraph.".

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SEC. 4. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend the Social Security Act (42 U.S.C. 301 et seq.) (or any regulation promulgated under that Act).

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 710), as amended, was read the third time and passed.

NATIONAL WATERMELON MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 262.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 262) designating July 2007 as "National Watermelon Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 262) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 262

Whereas watermelon production constitutes an important sector of the agricultural industry of the United States;

Whereas, according to the January 2006 statistics compiled by the National Agricultural Statistics Service of the United States Department of Agriculture, the United States produces 4,200,000,000 pounds of watermelon annually;

Whereas watermelon is grown in 49 States, is purchased and consumed in all 50 States, and is exported to Canada;

Whereas evidence indicates that eating 2½ to 5 cups of fruits and vegetables daily as part of a healthy diet will improve health and protect against diseases such as cancer, high blood pressure, stroke, and heart disease;

Whereas proper diet and nutrition are important factors in preventing diseases such as childhood obesity and diabetes;

Whereas watermelon has no fat or cholesterol and is an excellent source of the vitamins A, B6, and C, fiber, and potassium, which are vital to good health and disease prevention;

Whereas watermelon is also an excellent source of lycopene;

Whereas lycopene, an antioxidant found only in a few red plant foods, has been shown to reduce the risk of certain cancers;

Whereas watermelon is a heart-healthy food that has qualified for the heart-check mark from the American Heart Association;

Whereas watermelon has been a nutritious summer favorite from generation to generation; and

Whereas it is important to educate citizens of the United States regarding the health benefits of watermelon and other fruits and vegetables: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Watermelon Month";

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities; and

(3) designates July 2007 as "National Watermelon Month".

CONGRATULATING ST. MARY'S COLLEGE OF MARYLAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 265.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 265) congratulating the St. Mary's College of Maryland sailing team for winning the 2007 Inter-collegiate Sailing Association (ICSA) Women's National Championship and the 2007 ICSA Team Race National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 265

Whereas on May 25, 2007, the St. Mary's College of Maryland Lady Seahawks won the 2007 Inter-collegiate Sailing Association (ICSA) Women's National Championship in Norfolk, Virginia;

Whereas the 2007 ICSA Women's National Champions defeated 17 other teams;

Whereas the 2007 ICSA Women's National Champions are Jennifer Chamberlin, Mattie Farrar, Adrienne Patterson, Melissa Pumphrey, and Sara Morgan Watters;

Whereas Adrienne Patterson is the first Lady Seahawk to be named the ICSA Female College Sailor of the Year;

Whereas on May 29, 2007, the St. Mary's College of Maryland Seahawks won the 2007 ICSA Team Race National Championship defeating 13 other teams in Annapolis, Maryland;

Whereas the 2007 victory is the fourth ISCA Team Race National Championship and the second Women's National Championship for the St. Mary's College of Maryland Seahawks;

Whereas the 2007 ICSA Team Race National Champions are Jennifer Chamberlin, Myles Gutenkunst; John Howell, Phelps Kelley, Jesse Kirkland, John Loe, Maggie Lumkes, Meredith Nordhem, and Hilary Wiech; and

Whereas the coaches of the 2007 ICSA Women's National Champions and the 2007 ICSA Team Race National Champions are Adam Werblow and William Ward: Now, therefore, be it

Resolved, That the Senate congratulates the St. Mary's College of Maryland sailing team for winning the 2007 ICSA Women's and Team Race National Championships.

ORDERS FOR TUESDAY, JULY 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow morning, Tuesday, July 10; that on that day, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each and the time equally divided between the two leaders or their designees, with the first half under the control of the Republicans and the final half under the control of the majority; that following morning business, the Senate resume consideration of H.R. 1585; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the respective conference lunch meetings.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 1

The ACTING PRESIDENT pro tempore. The Chair appoints from the Committee on Homeland Security and Governmental Affairs Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. CARPER, Mr. PRYOR, Ms. COLLINS, Mr. VOINOVICH, Mr. COLEMAN, and Mr. COBURN; from the Committee on Banking, Housing and Urban Affairs, Mr. DODD and Mr. SHELBY; from the Committee on Commerce, Science and Transportation, Mr. INOUYE and Mr. STEVENS; from the Committee on Foreign Relations, Mr. BIDEN and Mr. LUGAR.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Tuesday, July 10, 2007, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, July 9, 2007:

THE JUDICIARY

LIAM O'GRADY, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

PAUL LEWIS MALONEY, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

JANET T. NEFF, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

ROBERT JAMES JONKER, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 10, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 11

9 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Bijan Rafiekian, of California, and Diane G. Farrell, of Connecticut, both to be Members of the Board of Directors of the Export-Import Bank of the United States, and William Herbert Heyman, of New York, William S. Jasien, of Virginia, and Mark S. Shelton, of Kansas, all to be Directors of the Securities Investor Protection Corporation.

SD–538

10 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold hearings to examine the Environmental Protection Agency's proposed revision to the Ozone NAAQS.

SD–406

Commerce, Science, and Transportation

To hold hearings to examine United States weather and environmental satellites, focusing on their readiness for the 21st century.

SR–253

Finance

To hold hearings to examine carried interest, Part 1.

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine ways to strengthen the unique role of the Nation's Inspectors General.

SD–342

Judiciary

To continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence (Part VI).

SD–226

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JULY 12

9 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine certain vulnerabilities in the government's procedures for licensing radiological materials, focusing on the effectiveness of the Nuclear Regulatory Commission's materials licensing policies and procedures, and the vulnerability of those licenses to counterfeiting.

SD–342

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Clarence H. Albright, of South Carolina, to be Under Secretary of Energy, Lisa E. Epifani, of Texas, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, and James L. Caswell, of Idaho, to be Director of the Bureau of Land Management, Department of the Interior.

SD–366

Indian Affairs

To hold an oversight hearing to examine transportation issues in Indian country.

SR–485

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine cross-border exchange mergers, focusing on the global view.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine telephone number portability.

SR–253

Finance

To hold hearings to examine airport airways trust fund, focusing on the future of aviation financing.

SD–215

Health, Education, Labor, and Pensions

To hold hearings to examine the nomination of James W. Holsinger, Jr., of Kentucky, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, Department of Health and Human Services.

SD–G50

Judiciary

Business meeting to consider S. 1145, to amend title 35, United States Code, to provide for patent reform, S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. Res. 248, honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth, S. Res. 236, supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem, proposed legislation entitled "School Safety and Law Enforcement Improvement Act", and the nominations of William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina, Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina, Timothy D. DeGiusti, of Oklahoma, to be United States District Judge for the Western District of Oklahoma, and Janis Lynn Sammartino, of California, to be United States District Judge for the Southern District of California.

SD–226

2 p.m.

Homeland Security and Governmental Affairs

State, Local, and Private Sector Preparedness and Integration Subcommittee

To continue hearings to examine the state of public-private collaboration in preparing for and responding to national catastrophes.

SD–342

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 488 and H.R. 1100, bills to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, S. 617, to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans, S. 824 and H.R. 995, bills to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, S. 955, to establish the Abraham Lincoln National Heritage Area, S. 1148, to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, S. 1380, to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado, and S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act, and S. 1728, to amend the National

Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission.
SD-366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

JULY 17

10 a.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine improving air services to small and rural communities.
SR-253

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To continue hearings to examine the readiness of the Census Bureau for the 2010 census.
SD-342

Foreign Relations
To hold hearings to examine protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki May 31, 2006 (the "Protocol") (Treaty Doc.109-18), protocol Amending the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Copenhagen May 2, 2006 (the "Protocol") (Treaty Doc.109-19), and protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, Signed on August 29, 1989, signed at Berlin June 1, 2006 (the "Protocol"), along with a related Joint Declaration (Treaty Doc.109-20), and Convention Between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and accompanying Protocol, signed on November 27, 2006, at Brussels (the "proposed Treaty") (Treaty Doc.110-3).
SD-419

Veterans' Affairs
To hold hearings to examine Department of Veterans Affairs and Department of Defense education issues.
SD-562

JULY 18

10 a.m.
Judiciary
To continue oversight hearings to examine the Department of Justice.
SH-216

JULY 25

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs health care funding.
SD-562

SENATE—*Tuesday, July 10, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father God, use our lawmakers today as Your instruments. Give them Your wisdom so that they can find solutions to the complex problems that beset our Nation. Strengthen them to serve and honor You by helping the oppressed. Keep them from fear and frustration as You equip and empower them to accomplish Your will on Earth.

May they find Your guidance throughout this day by seeking You in personal prayer. When they call, answer their petitions with Your mighty power and guard those who put their trust in You. Replenish their resources with Your peace that passes understanding.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 10, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business for an hour. The majority will control the second half of morning business, the Republicans will control the first half of morning business. We had a conversation last night, the distinguished Republican leader and I, and the decision was made at that time that we are going to do our very best on the Webb amendment to come up with a side by side so we can have, sometime today, votes on those two amendments. Following that, there will be another amendment offered, and we will move along on this most important piece of legislation.

WESTERN WILDFIRES

Mr. REID. Mr. President, I will be very brief. I know we have so many important things to do dealing with this legislation, but I do wish to say something about what is going on in Nevada. We have a serious problem in Nevada, and it is fires. This is about the fourth year we have had these raging wildfires.

It is so difficult. The smoke is so thick, helicopters cannot fly. Firefighters have been lost not knowing where they are fighting these fires. It is rough terrain. What people do not understand is, Nevada—other than Alaska—is the most mountainous State in the Union. It has 314 separate mountain ranges. We have 32 mountains over 11,000 feet high. Some of this terrain, where these fires are burning, is very difficult.

We share Lake Tahoe with California. There was a raging fire there that lasted 2 weeks. It has now been put out. But they think that at least 400 structures have burned, with 275 or 300 homes burned to the ground.

On a lot of the land in Nevada not many people live there. In spite of that, people do live there. It is rural, and fires have been raging. What has happened with the fires that have taken place in the past, we have these species that are foreign to the high deserts of Nevada. They start burning, they get into the low mountains, they get into the cedars and the pines and then start burning in the forests. That is what has happened in Nevada.

In one fire we have had three lives lost. This fire burned so quickly that three grown men could not escape the fire. They were doing work on their farm. There was an 11-year-old boy. They saw the fire coming. They said, "Run for your life," literally, and the 11-year-old boy ran and did survive. His family did not. They all died—three of them.

I say this because we have shut down roads. In one part of Utah, 100 miles of interstate were closed because of fires. Think about that: 100 miles of interstate closed. People could not go. One reason was the smoke was so thick—not the fire, the smoke.

There has been remarkable heroism, as there always is with these men and women who fight these raging fires.

I quoted, a couple weeks ago, Edward Croker, a long past fire chief in the State of New York, who said:

> I have no ambition in this world but one, and that is to be a fireman. Our proudest moment is to save lives. Under the impulse of such thoughts, the nobility of the occupation thrills us and stimulates us to deeds of daring, even of supreme sacrifice.

The way fires are fought 100 years after this man said this is different than the way they used to be fought, but it still takes a great deal of courage and many times heroism to go forward in these areas where burning is taking place.

So far, 245 square miles in northern Nevada have burned. That is a lot of ground: 245 square miles. Some of the fires are not under control yet. So I want the RECORD to reflect we have problems in the West. Some say it is because of global warming. Whatever the reason, we have never had fires such as we have had in the last 4 years in Nevada and I think in the West, generally.

So I would finally say, long after the smoke has cleared, the accounts of bravery will still be told in Nevada.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DEFENSE AUTHORIZATION AMENDMENTS

Mr. McCONNELL. Mr. President, let me say briefly, the majority leader has it entirely right, we are in the process of discussing a consent agreement under which the Webb amendment would be voted upon and the alternative, which will be offered by Senator LINDSEY GRAHAM, who will be over to speak shortly.

Hopefully, we will be able to work that out and begin to make progress on the bill.

I yield the floor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half of the time under the control of the Republicans and the second half of the time under the control of the majority.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I believe I have been yielded 15 minutes of the next half hour.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. LIEBERMAN. I thank the Chair.

IRAQ

Mr. LIEBERMAN. Mr. President, I rise to speak about the pending business before the Senate, which is the Department of Defense authorization bill for fiscal year 2008.

This is a bill the Senate Armed Services Committee has worked long and hard on over a period of several months. I am privileged to be a member of the committee and now doubly privileged to be chair of the Airland Subcommittee. I am proud of the work of the committee.

This is a bill that does the best we possibly can to support and expand our forces during a time of war. Unfortunately, most of the time that will be spent by this Chamber on this bill will not be about the solid substance of the Department of Defense authorization bill but will be on a series of amendments that will be offered to alter our course or force our withdrawal from Iraq.

In my considered opinion, respectfully, this is a mistake. These amendments regarding Iraq, I believe, are untimely, they are unwise, and they are unfair.

They are untimely in the sense that they are premature and should await September, when, as ordained by this Congress itself in the supplemental appropriations bill, General Petraeus and Ambassador Crocker will come back to report to us fully.

They are unwise, if ever adopted, because they would essentially represent a retreat from Iraq, a defeat for the United States and the forces of a new Iraq, a free Iraq, and a tremendous victory for Iran and al-Qaida, who are our two most significant enemies in the world today.

Offering these amendments at this time, in my opinion, is unfair: unfair, most of all, to the 160,000 Americans in uniform over there—men and women, brave, effective, in my opinion, the new greatest generation of American soldiers, committed to this fight, believing we can win it, putting their lives on the line every day. They have made tremendous progress already in the so-called surge, counteroffensive. To snipe at them from here is, in my opinion, unfair.

That is why I will oppose all the amendments I have heard about thus far and why I wish to discuss them today.

I suppose, in terms of timeliness, if one felt the surge, counteroffensive—which began in February, and has just been fully staffed a couple of weeks ago—had absolutely failed, then one might say: OK, we won't wait until September, as we promised we would do; we will try to force a change in policy or a retreat right now. But the facts, as I will discuss, will show the surge is showing some success—in some ways some remarkable success—and does not justify these amendments of retreat being offered at this time.

Six months ago, this Chamber voted unanimously to confirm GEN David Petraeus as commander of our forces in Iraq. The fact is—which we all acknowledge—before that, the administration had followed a strategy in Iraq that simply was not working. It was a strategy focused on keeping the U.S. force presence as small as possible, regardless of conditions on the ground, and of pushing Iraqi forces into the lead as quickly as possible, regardless of their capabilities to do so.

General Petraeus oversaw—let me step back. General Petraeus was part of a process, along with others, that presented a dramatically different strategy to the President of the United States, the Commander in Chief. He accepted that dramatically different strategy, which was to apply classic principles of counterinsurgency that have been successful elsewhere, so that instead of our main goal being to get out of Iraq, our main goal became to protect the civilian population that the terrorists were persistently attacking, bringing chaos throughout the country, including particularly in the capital city of Baghdad, and making it impossible for a new Iraqi Government to take shape.

As a result, over the past 5 months, many problems, many crises, many challenges in Iraq that had long been described as hopelessly beyond solution have begun to improve. In Baghdad, the sectarian violence that had paralyzed the city for more than a year began to drop dramatically. In Anbar Province, which the chief of Marine Corps intelligence in Iraq described 9 months ago as "lost"—and he was right at that point—a city which I was not allowed to visit when I went to Iraq in December because it was too dangerous—our surge forces have moved in effectively.

Working together with Sunni tribal leaders and their Sunni followers, we have al-Qaida on the run. As a matter of fact, they have effectively run from Anbar Province, the province they said they intended to make the capital of the new Islamist extremist Republic of Iraq.

When I was in Iraq a month ago, I was not only allowed to visit Ramadi and walk its streets but was tremendously impressed by the peace and rebirth that is occurring there.

As John Burns of the New York Times recently put it, the capital city of Anbar, Ramadi, has since "gone from being the most dangerous place in Iraq . . . to being one of the least dangerous places." Despite these gains in Baghdad and Anbar, critics of the new strategy nonetheless insisted that it was not working, pointing to the fact that, yes, al-Qaida is on the run, but it is running and causing devastation in other parts of Iraq—now in Diyala Province, for instance.

But what happened? General Petraeus, now with the other generals and additional personnel brought under his command by the surge counteroffensive strategy, was able to leave some troops in Anbar, fortified by Iraqi security forces and the Sunni tribal forces, and move the surge forces to Diyala, to Bakuba there, where they now have al-Qaida on the run.

Our forces in the field are, of course, still facing some daunting challenges and a brutal, inhumane foe prepared to blow themselves up to make a point, to kill others, hating us and others more than they love their own lives. But the plain truth is that Iraq in this month, July 2007, is a very different and better place than Iraq in January or February of 2000, and it is because of the so-called surge counteroffensive strategy. Those who refuse to recognize that change and nonetheless go forward with the same policies of defeat and withdrawal that they have been talking about for months have, I would say respectfully, closed their eyes, not to mention their heads, to the reality of what is actually happening on the ground in Iraq.

General Petraeus has persistently appealed to us to have some patience, to not rush to judgment about the success or failure of a new surge strategy. It is only right that we do so. But instead of respecting those pleas, withholding our judgment, and remaining true to what we ourselves put into the supplemental appropriations bill, which was a requirement for an interim report this week and a full report on paper about the benchmarks and in person by General Petraeus and Ambassador Crocker in September, instead of waiting for that to happen, I regret that some of my colleagues have decided to go ahead and submit these amendments which, to me, represent the continuation of a longtime legislative trench warfare against our presence in Iraq no matter what the facts on the ground there are. Rather than giving General Petraeus and his troops a fair chance to succeed—and it is not just for them, it is for us—I regret that efforts will be made here to undermine our strategy, which is now a successful strategy in Iraq, to dictate when, where, and against whom our soldiers can fight and when we should get out.

I suppose this would be justified if somebody concluded that the war was lost in Iraq. The war is not lost in Iraq. In fact, now American and Iraqi security forces are winning. The enemy is on the run in Iraq. But here in Congress, in Washington, we seem to be—or some Members seem to be on the run—chased, I fear, by public-opinion polls.

I know the American people are frustrated. I understand that. I know what they see every night on the TV, the suicide bombs. I know how much they want their loved ones to come home. No one wants that more than we do here. But the consequences of doing that would be a disaster for Iraq, the Middle East, and for us because the victors would be Iran and al-Qaida, our two most dangerous enemies in the world today, and trust me, they would follow us back here to this country.

I said one might pursue a policy of changing course, directing a retreat, a withdrawal, accepting defeat if one thought the war was lost. The war is not lost. In fact, I will say to my colleagues today that this war in Iraq will never be lost by our military on the ground in Iraq. The war in Iraq can only be lost with the loss of political will here at home and, perhaps, with the loss of political will in Iraq. But that story is not finished yet.

Perhaps there are some who would say the war is not lost but it is not worth winning. I think we have to think of the consequences of defeat. I know that in the midst of the consequences of defeat are a victory for Iran and al-Qaida, chaos in Iraq, slaughter that will probably begin to look like genocide, instability in the region, and the danger that we will be forced to send our troops back into the region in greater numbers to fight a more difficult war.

I think the amendments on Iraq to be offered on this Department of Defense bill are mistaken. What are the alternatives my colleagues are going to propose in these amendments? One of the amendments would demand a total withdrawal of American troops from Iraq as quickly as possible. Its sponsors argue that we can continue to fight al-Qaida in Iraq and defend our other key interests in the Middle East by operating from bases elsewhere there. With all due respect, this is fantasy.

As my friend, Senator LUGAR, pointed out a short while ago, a complete American withdrawal from Iraq is likely to have devastating consequences for American national security. Everyone knows Senator LUGAR is a skeptic about our strategy and events in Iraq. Yet, in his words, a complete withdrawal from Iraq would:

> Compound the risks of a wider regional conflict. It would be a severe blow to U.S. credibility that would make nations in the region far less likely to cooperate with us. It would expose Iraqis who have worked with us to retribution, and it would also be a signal that the United States was abandoning efforts to prevent Iraqi territory from being used as a terrorist base.

So spoke the distinguished Senator from Indiana, Mr. LUGAR.

Another amendment would keep some forces in Iraq, pull most forces out by next April 1. Their numbers would be dramatically reduced and the mission dramatically redefined.

Some argue that American soldiers should withdraw from Iraq's cities and instead focus on the training of Iraqi forces, targeting counterterrorism, and protecting the remaining American troops there. Let me say that is a vision I would embrace for the future but not as a substitute for the surge counteroffensive strategy we are following now but as a consequence of a successful implementation of that strategy, for if we in this Chamber and in Congress mandate the withdrawal of our troops down to a core group with a new mission before the Iraqi security forces are ready to provide security, we are going back to the exact strategy some describe as the Rumsfeld strategy which didn't work, which was roundly condemned by most people in both parties over a period of years.

I repeat my confidence that the number of American troops will be reduced, but it will be reduced best when it is reduced as a result of the successful implementation of the surge strategy as carried out heroically by American forces.

I conclude with these words: Our responsibilities in this Chamber ultimately do not allow us to be guided by our frustrations or even by public-opinion polls when we respectfully believe those public-opinion polls do not reflect what is best for our Nation. We were elected to lead. We were elected to see beyond the next election, to do what is best for the next generation of Americans. We were elected to defend our beloved country, its security, and its values. All of that is on the line in Iraq today.

So I appeal to my colleagues, let's not undercut our troops and legislate a defeat in Iraq where none is occurring now, where hope is strong, where the momentum is, in fact, on our side. If you question that, at least show the fairness and respect for General Petraeus, Ambassador Crocker, and all the people working for us there to wait until September, which is what we said we would do, until we take a serious look at these amendments. If we go down the path the amendments entice us toward, what awaits us is an emboldened Iran, a strengthened al-Qaida, a failed Iraq that will become not just a killing field but will destabilize the entire Middle East and also, I fear, imperil our security here at home.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I believe I have 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

IRAQ POLICY

Mr. GRAHAM. Mr. President, I appreciate being recognized. Before my good friend, Senator LIEBERMAN, departs the floor, I will make one observation about him that I think needs to be said. This winning/losing is a big part of wars; it is a big part of politics. Everybody wants to win, and people are afraid to lose. But I have found in life there are some things that are worth fighting for and willing to lose your job over, and to me the policies in Iraq fall into that category because it is much more important in my election that we get it right in Iraq, and from Senator LIEBERMAN's point of view—I don't think I have seen in modern politics anyone more committed to their beliefs than Senator LIEBERMAN when it comes to a foreign policy issue like Iraq. We all know the story of his last election, how he basically lost a primary because he refused to give in to the forces on the left when it came to the war on terror policies, particularly Iraq. He literally risked losing his job, lost the primary, and in the end prevailed. I think he prevailed because the good people of Connecticut saw in Senator LIEBERMAN a man committed to his ideas, and his ideas he was committed to were bigger than himself. They may not have agreed with Senator LIEBERMAN about his policies on Iraq, but they sure admired what they saw in the man, and that is someone who was clearly putting the country's interests ahead of their own. There is not enough of that. The only group I can say with certainty that is doing the same thing is the men and women in Iraq.

On the Fourth of July this year, last week, I was in Iraq, in Baghdad for my sixth or seventh visit. This was a special visit. I got to be on the ground in Iraq on the Fourth of July, our Independence Day, and be part of a ceremony put on by General Petraeus's staff where he had 580-plus people reenlist. It was the largest reenlistment ceremony in a war zone in history, General Petraeus said. Right after the reenlistment ceremony, we had 160-plus

American soldiers who became naturalized citizens. It was something to behold. To be in that former Saddam palace and be around those brave young men and women who are signing up to do it in Iraq yet again and who are becoming American citizens, literally risking their lives to do so, was inspiring.

This debate we are about to enter into is not about anyone's patriotism. My colleagues here, we are friends politically one day and we are on the other side the next. That is the nature of politics. It is never about respect for the person. I do have respect for my colleagues, and I hope the same is said of me. It is about our judgment. When I question your judgment and you question mine, that is part of the political process. Our judgments need to be tested. The decision we make now affects many people. It affects the long-term future of our country. It affects the soldiers in harm's way. Our judgment will be tested by the next election, and it will be tested by the eyes of history.

So here is what I believe we need to do in terms of Iraq policy for the immediate future. We need to listen very closely to what is being said in theater by our generals and by our enemy. Mr. Zawahiri, the second in command of al-Qaida, is not in Iraq, but he issued a statement—I think it was last Thursday—it was about an hour-long statement, and it was basically a call to not lose hope for al-Qaida in Iraq. He was acknowledging that you are under strain and stress, that you are really being pounded, but hang in there because your cause is great, and he encouraged everyone who is sympathetic to al-Qaida to run to Iraq now to beat us because our ideas are just abhorrent to their way of life.

The idea of being tolerant to different religions and views of religion is an absolute mortal sin in the eyes of al-Qaida. The idea of a woman having a say about her child is something they are just not going to have any part of. So I thought it was odd that he would make this hour-long call for reinforcements. Why was he doing that?

The reason he chose to make that statement is because the new strategy being employed now in Iraq is working against al-Qaida. I don't want to overstate it. The main reason al-Qaida is losing ground in Iraq has more to do about them than us. Al-Qaida dramatically overplayed their hand. Wherever they occupied a region in the Sunni part of Iraq, they tremendously overplayed their hand. During this debate, I will give some illustrations of some of the brutal, vicious things they did to folks living in Iraq once they were under al-Qaida control, and the Sunnis in Iraq basically are fed up with al-Qaida. They have had a taste of what al-Qaida offers them, and they have said no thanks. They have rejected al-Qaida's view of how to live one's life and how to raise one's children.

Lucky for us the President made a change in strategy—which should have happened years ago—where we are putting additional combat capability into the Iraqi theater. This rejection of al-Qaida by the Sunni leadership and the Sunni population came at a time where we have additional combat capability to reinforce that rejection. No matter what you think about the surge, it is undeniable that there have been new alliances formed between Sunni Iraqis and coalition forces in areas previously controlled by al-Qaida; and al-Qaida, as Senator LIEBERMAN said, is literally on the run, but they are still engaging in suicide bombing attacks and trying to create as much carnage as possible in Iraq. Where they used to exist in Anbar, they exist no longer in any force. They are isolated now. Anbar, the province dominated by the Sunni Iraqis, is a transformed region in terms of al-Qaida operations. The break of the sheik from the al-Qaida leadership and joining with the coalition forces has been a transforming event.

What can al-Qaida do? They moved to Diyala when the population sided with us, and their safe haven was denied. They went to the Diyala Province. We are doing the same thing there as we did in Anbar: making alliances with local Sunni leaders and some Shia. The big loser is al-Qaida. That is why last week Zawahiri made a call to his brothers in arms: Don't leave the fight; too much is at risk; hang in there, we will send reinforcements if we can.

He made this observation—I will get the quote later in the debate. He said the winds were blowing in our favor in Washington.

Now, one of the highest ranking al-Qaida leaders in the world was trying to inspire his troops by saying: No matter how much you are losing ground in Iraq, help may be coming from Washington. The question for this body is, do we want to be the cavalry for al-Qaida? If things are left the way they are now, and we gave General Petraeus the time and the resources and our total commitment, there is no doubt in my mind that, militarily, we can destroy al-Qaida in Iraq. Why? Because the Iraqi people, particularly the Sunnis, have had a taste of that lifestyle, and they have said no. All they need is additional capacity to defeat al-Qaida. That additional capacity has been provided by the surge. The additional military capability that exists now has made a world of difference. The strategy is fundamentally different.

Before, for almost 4 years, we had been behind walls trying to train the Iraqi Army and police, and getting in firefights and coming back when it was over. General Petraeus, with additional military personnel, has created joint security stations all over neighborhoods where we are living with the Iraqi Army and police, training them day in and day out. We are sleeping with them in terms of staying overnight, and we are stakeholders of that area. Not only are we helping clear the area, we are holding that area and we are having more combat capability. The surge provides that for every combat troop available to do operations before the surge, we have an additional soldier now. That has allowed us to go into areas that we previously could not go into to clear, hold, stay, and live with the Iraqi Army and police force and train them day in and day out. It is truly working.

It is my hope that as we get into this debate we will understand that if we go back to the old strategy of withdrawing behind walls, the alliances that have been formed between the Sunni leadership in Iraq and the coalition forces and the central government will be destroyed. We have put tanks around Sunni sheiks' homes. We have created joint security stations in neighborhoods that have previously been occupied by al-Qaida. It is working. If we withdraw, all of those people who formed these alliances will be at risk. I think al-Qaida will emerge again stronger.

One thing is clear to me. The old strategy of just training and staying behind walls failed. The new strategy of getting into the fight, getting out into the neighborhoods, holding territory with additional combat capability, and forming new transforming alliances is working.

Senator LEVIN, a dear friend, wants to say we are going to leave in March of 2008, or 120 days from now—I cannot remember the wording of the amendment. Basically, it is a statement by the Congress that we are going to undo the surge; the surge comes to an end, we begin to leave. We will leave a force behind that will do a couple things—train the Iraqi Army and police force. We tried that for 4 years. Training during a war is a little different than training when you are not at war. We train our soldiers at home, but they are not in a wartime situation while they are being trained. The people in Iraq are being trained and fighting at the same time. They need more than training, they need combat capability that is nonexistent on their part.

That is a democracy that is less than 4 years old. Their constitution is less than 18 months old. The Iraqi Army and the police force, 4 years ago, was there to support the dictator, not democracy. So if you expect, from the ashes of the dictatorship, a functioning democracy in 4 years, I think you are sadly mistaken. It took us 11 years to write our own Constitution.

Why am I hopeful that we can still win in Iraq? No. 1, there is evidence with the new strategy that we can defeat and destroy al-Qaida in Iraq. No. 2, every time an Iraqi soldier is killed or a policeman is murdered, someone takes their place. Every time a judge is assassinated, somebody else comes along and says, "I'll be a judge." What more can you ask? We are losing troops, and it is heartbreaking. The enemy that we are fighting understands that Americans don't like the taste of war—and that is an asset, not a liability. We are not a warring people. It is not our nature as a people to go to other places and take land from people and dominate their life. It is our nature to allow people to chart their own destiny and to be partners economically, while the enemy wants no part of that.

So what I hope we will do is take these amendments that will come to the floor and ask ourselves one simple question: If this amendment passes, what affect does it have on our military commanders to execute this new strategy that is clearly working? If this amendment passes, how does it affect al-Qaida in Iraq and throughout the world? What affect would it have on the voices of moderation that are giving their own lives to change their own country in Iraq? If this amendment passes, how does it affect Iran?

The one thing I learned from this last trip is that al-Qaida overplayed their hand, and we are taking advantage of it. Iran is trying to destabilize Iraq now more than ever. Don't mistake these new alliances between coalition forces and Sunni Iraqis to be a political reconciliation. The bad news from my trip is that the Iraqi Government is paralyzed, the political leadership in Iraq—Sunni, Shia, and Kurd—are unable to get their act together at this point. New elections would be good for the Sunnis.

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. Twenty seconds.

Mr. GRAHAM. We will talk more about this. The good news is, the surge is al-Qaida's worst nightmare. They have been rejected by the Sunnis in Iraq, and if we stay on them, we can destroy al-Qaida in Iraq. The bad news is, the current political infrastructure in Iraq is incapable of making the hard decisions for the moment. We have to think of new ways to push them.

There is much more to follow.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

TRIBUTE TO ALEX GEORGE, SR.

Mr. CASEY. Mr. President, I rise for a brief period of time to pay tribute to a Pennsylvanian who just passed away this past week, a constituent of mine whose family I have known for many years. I think he is like a lot of people in our communities and in our States who lead lives of service and struggle and achievement, and often their lives are not the subject of big stories and headlines.

When I think of Alex George, Sr.—who is the father of Bill George, or William George, who is the president of the AFL-CIO in Pennsylvania—I think of those people who grew up in parts of western Pennsylvania, where over many generations steel was the foundation of the economy, and in places like where Mr. George lived, Aliquippa, PA, which is a very strong community that had a thriving steel industry that is now largely gone from the city and that community. It is not nearly what it was when thousands of people were employed.

Alex George, like a lot of Pennsylvanians and, frankly, a lot of Americans, lived a life of triumph where he had to overcome difficulties in his own life, and then he became a union leader of the Amalgamated Association of Iron and Steelworkers, which was the forerunner, of course, of the modern day Steelworkers Union that his son, Bill George, joined many years later. We think of his life today and what he did for the labor movement of western Pennsylvania, and Pennsylvania generally, and also what he did as a law enforcement officer. He was a police officer as well in his later years.

I rise briefly to pay tribute to him and his life of work for the benefit of labor, doing everything possible to make sure they have lives that are rewarded, in the sense that they are allowed to organize and allowed to have the opportunity to have the dignity of their labor be part of the fabric of their lives. We pay tribute to Alex George today and the many others who built the middle class in America. He is the proud son of Aliquippa, PA.

In a special way, I express my condolences to the entire George family, and especially Bill George, president of the AFL-CIO of Pennsylvania. Alex George leaves behind three sons: Bill, who I have mentioned, Robert, and Alex, Jr., as well as nine grandchildren and many great-grandchildren. In the spirit of condolence, but also in the spirit of tribute, I pay tribute to Alex George and the legacy he leaves behind for the George family and for the labor family of Pennsylvania.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY READINESS CHALLENGES

Mrs. MURRAY. Mr. President, our country is home to some of the finest fighting forces in the world, and we can all be very proud of that fact. We need our military to be the best trained, the best equipped, and the most prepared force on the planet. Tragically, however, the President's war in Iraq and his use of extended deployments is undermining our military's readiness today.

The current deployment schedule hurts our ability to respond to threats around the world, it causes our servicemembers to leave the military service early, it weakens our ability to respond to disasters at home, it unfairly burdens family members, and it intensifies the combat stress our servicemembers experience.

We need to rebuild our military, and the first step is giving our fighting men and women the time they need at home to prepare and train for their next mission.

Today I rise to address the readiness challenges that threaten our military strength and ultimately our Nation's security.

More than 4 years into the war in Iraq, our troops are stretched thin, our equipment is deteriorating, and the patience of our Nation is wearing thin. We have seen 3,600 servicemembers die, thousands upon thousands more have been injured, and month after month our fighting men and women are pushing harder and harder. Troops leave loved ones for months and years and put their lives on the line without complaint. We owe them the best treatment and the best training possible.

Unfortunately, the Bush administration has fallen short in those areas. One of the major problems for our troops, for their families, and their communities is the growing gap between the time troops spend in battle versus the time they spend at home. This gap is alarming, it is disheartening, and it is a disservice to the brave men and women who put themselves in harm's way each and every day.

Sadly, our forces are being burned out. Many of our troops are on their third or even their fourth tour in Iraq and Afghanistan. Months ago, the Department of Defense announced that their tours would be extended from 12 months to 15 months. And on top of all that, they are not receiving the necessary time at home before they are sent back to battle.

Mr. President, that is not the normal schedule. It is not what our troops signed up for. And we here in Congress should not simply stand by and allow our troops to be pushed beyond their limits. That is why here on the Senate floor today we are debating the Webb amendment, and that is why we need to pass it this week.

Traditionally, Active-Duty troops are deployed for 1 year and then they rest at home for 2 years. National Guard and Reserve troops are deployed for 1 year and then they rest at home for 5 years. Tragically, that is not what is happening today. Today, Active-Duty troops are spending less time at home than they are in battle—less time at home than they are in battle—and our Guard and Reserve forces are receiving less than 3 years' rest for every year in combat.

With that increasing number and length of deployments, this rest time is even more critical for our troops, and they are not receiving the break they need, which is increasing the chances that they will burn out. This administration—the Bush administration—has decided to go the other direction, pushing our troops harder, extending their time abroad, and sending troops back time and again to the battlefield.

In March of this year, a few months ago, Salon.com reported what I hope is an extreme example of the length the military is going to get our soldiers back to the battlefield, and I want to read an excerpt from that story because I think it is really important we all understand what is happening to our troops.

This is from Salon.com:

> Last November, Army Specialist Edgar Hernandez, a communications specialist with a unit of the Army's 3rd Infantry Division, had surgery on an ankle he had injured during physical training. After the surgery, doctors put his leg in a cast and he was supposed to start physical therapy when the cast came off six weeks later.
>
> But two days after his cast was removed, Army commanders decided it was more important to send him to a training site in a remote desert rather than let him stay at Fort Benning, GA, to rehabilitate. In January, Hernandez was shipped to the National Training Center at Fort Irwin, CA, where his unit, the 3,900-strong 3rd Brigade of the 3rd Infantry Division, was conducting a month of training in anticipation of leaving for Iraq in March.
>
> Hernandez says he was in no shape to train for a war so soon after his injury. "I could not walk," he told Salon in an interview. He said he was amazed when he learned he was being sent to California. "Did they not realize that I'm hurt and I needed this physical therapy?" he remembered thinking. I was told by my doctor and my physical therapist that this was crazy.
>
> Hernandez had served two tours in Iraq, where he had helped maintain communications gear in the unit's armored Bradley Fighting Vehicles. But he could not participate in war maneuvers conducted on a 1,000-square-mile mock battlefield located in the harsh Mojave Desert. Instead, when he got to California, he was led to a large tent where he would be housed. He was shocked by what he saw inside. There were dozens of other hurt soldiers. Some were on crutches, and others had their arms in slings. Some had debilitating back injuries. And nearby was another tent housing female soldiers with health issues ranging from injuries to pregnancy.
>
> Hernandez is one of a dozen soldiers who stayed for weeks in those tents who were interviewed for this report, some of whose medical records were also reviewed by Salon. All of the soldiers said they had no business being sent to Fort Irwin given their physical condition. In some cases, soldiers were sent there even though their injuries were so severe the doctors had previously recommended they should be considered for medical retirement from the Army.
>
> Military experts say they suspect that the deployment to Fort Irwin of injured soldiers was an effort to pump up manpower statistics used to show the readiness of Army units.

Clearly, if the military is going to those lengths to pump up readiness statistics, we have a huge problem. But these problems are only the tip of the iceberg when it comes to the effects of the administration's rotation policy. The current rotation policy not only burns out servicemembers, but it hurts the military's ability to respond to other potential threats.

For the first time in decades, the Army's "ready brigade," which is intended to enter troubled spots within 72 hours, cannot do so. All of its troops are in Iraq and Afghanistan. The limited period between deployments lessens the time to train for other threats.

Numerous military leaders have spoken to us about this problem. GEN James Conway said:

> I think my largest concern, probably, has to do with training. When we're home for that 7, 8, 9 months, our focus is going back to Iraq. And as I mentioned in the opening statement, therefore, we're not doing amphibious training, we're not doing mountain-warfare training, we're not doing combined-arm fire maneuver, such as would need to be the case potentially in another type of contingency.

That is not me, Mr. President; that is General Conway before the Senate Armed Services Committee in February of this year.

GEN Barry McCaffrey said that because all "fully combat ready" Active-Duty and Reserve combat units are now deployed in Iraq or Afghanistan, "no fully-trained national strategic reserve brigades are now prepared to deploy to new combat operations."

The current deployment situation is hurting our troops, and it is hurting our troops in another way. It is contributing to a drop in our retention rates. Keeping battle-experienced and capable troops in the military is essential to our ability to respond to future threats. West Point classes of 2000 and 2001 have an attrition rate five times higher than pre-Iraq war levels, with 54 percent of the West Point class of 2000 leaving the Army by the end of last year and 46 percent of the West Point class of 2001 leaving the Army by the end of last year. Marine Corps Active Forces are losing troops, especially critical midgrade noncommissioned officers, and that is despite a bonus for those who reenlist.

Clearly, this policy is not sustainable.

This deployment schedule we have been talking about is also making us less secure here at home. The rotation policy has left our Guard units short of manpower and supplies and severely hindered their ability to respond to disasters that can occur at any time here at home.

The recent tornado that destroyed much of Greensburg, KS, is a terrible example. After their town was destroyed, Greensburg residents needed shelter, they needed food and water, and they needed it fast. But because the Kansas National Guard was stretched so thin, it was hard for them to respond as fast as was necessary for an emergency right here at home. Governor Sebelius and MG Tod Bunting, who is the head of the Kansas National Guard, said not only is Guard equipment being worn out, but so are its troops, some of whom were in their fourth tour in Iraq.

For years, these problems were the exception, not the rule. But I fear that balance is shifting. Last month, USA Today reported that National Guard units in 31 States say 4 years of war in Iraq and Afghanistan have left them with 60 percent or less of their authorized equipment. And last month, LTG Steven Blum said the National Guard units have 53 percent of the equipment they need to handle State emergencies, and that number falls to 49 percent once Guard equipment needed for war, such as weapons, is factored in.

In fact, Blum said:

> Our problem right now is that our equipment is at an all-time low.

This is deeply concerning to all of us who worry about a national disaster in our States, especially out in the West as we now face fires in our forests that are threatening homes and families and lives, and we fear extreme devastation.

This problem is more than about equipment, it is more than about retention rates, it is about real people and about real families. We all know military life can be tough on troops and their families. They go for months—sometimes years—without seeing each other. While troops are away fighting for all of us, sons and daughters are born, sons and daughters grow up without their moms and dads present, husbands and wives don't see each other for years, fathers die, mothers die, and family members become sick. Our troops need adequate time at home to see their newborns, to be a part of their children's lives, to spend time with their spouses, and to see their parents. The current rotation policy decreases dramatically the time families are together, and that places a tremendous strain on everyone.

Our troops facing these early deployments and extended tours have spoken out. When the tour extensions and early deployments were announced, our troops themselves expressed their displeasure.

In Georgia, according to the Atlanta Journal Constitution:

> Soldiers of a Georgia Army National Guard unit were hoping to return home in April. Instead, they may be spending another grueling summer in the Iraqi desert. At least 4,000 National Guard soldiers may spend up to four extra months in Iraq as part of President Bush's troop increase announced last month. SGT Gary Heffner, spokesman for the 214th, said news of the extension came as a "little bit of a shock" to the Georgians.

The 1st Cavalry Division, according to the Dallas Morning News:

> Eighteen months after their first Iraqi rotation, the 2nd Battalion, 5th Cavalry Regiment and the last of the Fort Hood, Texas-based 1st Cavalry Division returned to Iraq in mid-November.

Those troops, according to this article, were deeply concerned about that. And here in my home State, in Tacoma, WA, just this past weekend, there was an article from the Tacoma News Tribune of soldiers going once again.

These soldiers are talking about the tremendously difficult time they are having being redeployed.

So, Mr. President, I rise today to speak out for the Webb amendment. It is an amendment that supports our troops. It supports our troops by requiring that regular forces be at home for as long as they are deployed. It requires that our National Guard and Reserve forces be home for at least 3 years for every year deployed. Those seem to me to be basic commonsense requirements.

I applaud our colleague from Virginia for being a champion for our troops and for crafting the bipartisan measure of which he and I think the entire Senate can be proud.

Our troops have sacrificed so much for us. We have to institute a fair policy for the health of our troops, for the health and well-being of their families, and for our Nation's security and the ability to respond to disasters here at home. The Webb amendment does all of that, and I urge the Senate to adopt it.

Mr. President, I ask unanimous consent to have printed in the RECORD the full Salon.com article and the article from the Tacoma News Tribune.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From salon.com, Mar. 26, 2007]

ARMY DEPLOYED SERIOUSLY INJURED TROOPS

(By Mark Benjamin)

WASHINGTON.—Last November, Army Spc. Edgar Hernandez, a communications specialist with a unit of the Army's 3rd Infantry Division, had surgery on an ankle he had injured during physical training. After the surgery, doctors put his leg in a cast, and he was supposed to start physical therapy when that cast came off six weeks later.

But two days after his cast was removed, Army commanders decided it was more important to send him to a training site in a remote desert rather than let him stay at Fort Benning, Ga., to rehabilitate. In January, Hernandez was shipped to the National Training Center at Fort Irwin, Calif., where his unit, the 3,900-strong 3rd Brigade of the 3rd Infantry Division, was conducting a month of training in anticipation of leaving for Iraq in March.

Hernandez says he was in no shape to train for war so soon after his injury. "I could not walk," he told Salon in an interview. He said he was amazed when he learned he was being sent to California. "Did they not realize that I'm hurt and I needed this physical therapy?" he remembered thinking. "I was told by my doctor and my physical therapist that this was crazy."

Hernandez had served two tours in Iraq, where he helped maintain communications gear in the unit's armored Bradley Fighting Vehicles. But he could not participate in war maneuvers conducted on a 1,000-square-mile mock battlefield located in the harsh Mojave Desert. Instead, when he got to California, he was led to a large tent where he would be housed. He was shocked by what he saw inside: There were dozens of other hurt soldiers. Some were on crutches, and others had arms in slings. Some had debilitating back injuries. And nearby was another tent, housing female soldiers with health issues ranging from injuries to pregnancy.

Hernandez is one of a dozen soldiers who stayed for weeks in those tents who were interviewed for this report, some of whose medical records were also reviewed by Salon. All of the soldiers said they had no business being sent to Fort Irwin given their physical condition. In some cases, soldiers were sent there even though their injuries were so severe that doctors had previously recommended they should be considered for medical retirement from the Army.

Military experts say they suspect that the deployment to Fort Irwin of injured soldiers was an effort to pump up manpower statistics used to show the readiness of Army units. With the military increasingly strained after four years of war, Army readiness has become a critical part of the debate over Iraq. Some congressional Democrats have considered plans to limit the White House's ability to deploy more troops unless the Pentagon can certify that units headed into the fray are fully equipped and fully manned.

Salon recently uncovered another troubling development in the Army's efforts to shore up troop levels, reporting earlier this month that soldiers from the 3rd Brigade had serious health problems that the soldiers claimed were summarily downgraded by military doctors at Fort Benning in February, apparently so that the Army could send them to Iraq. Some of those soldiers were among the group sent to Fort Irwin to train in January.

After arriving at Fort Irwin, many of the injured soldiers did not train. "They had all of us living in a big tent," confirmed Spc. Lincoln Smith, who spent the month there along with Hernandez and others. Smith is an Army truck driver, but because of his health issues, which include sleep apnea (a breathing ailment) and narcolepsy, Smith is currently barred from driving military vehicles. "I couldn't go out and do the training," Smith said about his time in California. His records list his problems as "permanent" and recommend that he be considered for retirement from the Army because of his health.

Another soldier with nearly 20 years in the Army was sent to Fort Irwin, ostensibly to prepare for deployment to Iraq, even though she suffers from back problems and has psychiatric issues. Doctors wrote "unable to deploy overseas" on her medical records.

It is unclear exactly how many soldiers with health issues were sent to the California desert. None of the soldiers interviewed by Salon had done a head count, but all agreed that "dozens" would be a conservative estimate. An Army spokesman and public affairs officials for the 3rd Infantry Division did not return repeated calls and e-mails seeking further detail and an explanation of why injured troops were sent to Fort Irwin and housed in tents there during January.

The soldiers who were at Fort Irwin described a pitiful scene. "You had people out there with crutches and canes," said an Army captain who was being considered for medical retirement himself because of serious back injuries sustained in a Humvee accident during a previous combat tour in Iraq. "Soldiers that apparently had no business being there were there," another soldier wrote to Salon in an e-mail. "Pregnant females were sent to the National Training Center rotation" with the knowledge of Army leaders, she said.

One infantry sergeant with nearly 20 years in the Army who had already fought in Iraq broke his foot badly in a noncombat incident just before being sent to Fort Irwin. "I didn't even get to put the cast on," before going, he said with exasperation. He said doctors put something like an "open-toed soft shoe" on his foot and put him on a plane to California. "I've got the cast on now. I never even got a chance to see the [medical] specialist," he claimed. The infantry sergeant said life in the desert was tough in his condition. "I was on Percocet. I couldn't even concentrate. I hopped on a plane and hobbled around NTC on crutches," he said. He added, "I saw people who were worse off than I am. I saw people with hurt backs and so on. I started to think, 'Hey, I'm not so bad.' "

[From the (Tacoma, WA) News Tribune, July 10, 2007]

"IT'S TOUGH" TO LEAVE FAMILIES AGAIN MEDICAL TROOPS OFF TO IRAQ—MANY FOR THEIR THIRD TOUR

(By Steve Maynard)

Buoyed by praise and cheers, about 400 soldiers from the 62nd Medical Brigade at Fort Lewis got ready Monday to deploy to Iraq.

The Army brigade of medics, nurses, doctors, ambulance drivers and other medical personnel will make its third tour of duty in the Middle East, where they will be spread across several locations in Iraq.

The first wave of soldiers leaves Saturday for 15 months—longer than their previous tours. This spring, the Pentagon extended most combat deployments from 12 to 15 months. While some are going to the war zone for the first time, this will be the third trip for Staff Sgt. Benjamin Hernandez.

"It's tough, especially leaving my family again," said Hernandez, 33. He and his wife, Julieanna, have a daughter, 5, and a son, 7.

His children are older now and realize the dangers of combat. "They're more cognizant of what's going on," Hernandez said.

During Monday's ceremony at the Soldier's Field House, the maroon colors of the brigade were cased, or covered. They'll be uncased when the first soldiers arrive in Iraq.

Members of the brigade will be leaving through the end of November. The headquarters will be at Camp Victory near Baghdad.

During the 35-minute ceremony, an audience of several hundred family members and other soldiers broke into applause repeatedly.

The crowd was quick to cheer when Brig. Gen. Sheila Baxter asked for a round of applause for "these great soldiers."

"The mission going forward is still complex and the enemy is still dangerous," said Baxter, commander of Madigan Army Medical Center. "We are certain of your success and we are grateful for your brave service."

"We pray for your safety," Baxter said.

Sgt. Kelly Perryman, 26, and her husband, Sgt. 1st Class Tremayne Perryman, 30, will both be going to Iraq, but the 2 medics don't know if they'll be based near each other.

Kelly Perryman summed up her feelings for her second trip to Iraq in one word: nervous.

Their 4-month-old baby boy, Jeffrey, will stay with her mother in Detroit.

"This will be our first time being apart," Kelly Perryman said about her baby. "That's kind of scary."

Sgt. Derek Trubia, 32, said he was ready for his first tour in Iraq.

"I have no problem," Trubia said. "I expected it."

The brigade, which served in Iraq in 2003 and Kuwait in 2004–05, plays a life-saving role for U.S. and Iraqi soldiers through trauma care and surgery.

Among its other specialties are dental health, preventive medicine and stress control.

In his invocation, Chaplain Maj. Mark Mitera prayed for "healing and hope for those they treat."

He offered thanks "for supplying these soldiers with strength for war and skill for battle."

Col. Patrick Sargent, brigade commander, noted in an interview that U.S. soldiers are more spread out in Iraq, and the numbers of casualties and injuries are rising. Besides treating physical wounds, the brigade will care for the mental health of injured soldiers and its own members who witness trauma, he said.

"We will face adversity, danger," Sargent told the crowd.

But he said the brigade is fully trained and will prevail.

"The soldiers standing before you today embody the essence of patriotism," Sargent said.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that immediately following my remarks, the Senator from Hawaii, Mr. AKAKA, might be recognized for such time as he may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCAIN. And I would like to thank the Senator from Hawaii for his patience and his courtesy.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson of Nebraska (for Levin) amendment No. 2011, in the nature of a substitute.

Webb amendment No. 2012 (to amendment No. 2011), to specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom.

Nelson of Florida amendment No. 2013 (to amendment No. 2012), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, again, I would like to thank my old friend from Hawaii for his patience so that, as the Republican ranking member of the committee, I may make a statement about the bill itself and about the situation in Iraq. I thank him for his courtesy, and I will try not to take too long a period of time. So I thank my old friend from Hawaii.

Mr. President, we have reached another moment of importance this week in debating the fiscal year 2008 Defense authorization bill. We will help set the course of the Nation's security policy and influence our participation in the wars in Iraq and Afghanistan. Much of the debate, as we all know, will be about Iraq, and before I discuss that and my recent visit, I would note that many provisions in this bill constitute a good defense policy and will strengthen the ability of our country to defend itself.

Under the leadership of my good friend from Michigan, the chairman of the committee, Senator LEVIN, I think we have crafted an excellent piece of legislation. I think a testament to his leadership is that the committee voted unanimously to report the bill, and it fully funds the President's $648 billion defense budget request. It provides necessary measures to try to bring under control waste, fraud, and abuse in defense procurement, and, frankly, it makes Members more accountable for their spending in the earmark process.

Again, I thank Senator LEVIN, the subcommittee chairs, and all the committee members for their work in bringing this issue to the floor.

Very briefly, we have authorized a 3.5-percent, across-the-board pay raise for all military personnel. We have increased Army and Marine end strength to 525,400 and 189,000, respectively. The committee also approved $2.7 billion for items on the Army Chief of Staff's unfunded requirement list, including $775 million for reactive armor and other Stryker requirements, $207 million for aviation survivability equipment, $102 million for combat training centers and funding for explosive ordnance disposal equipment, night vision devices, and machine guns.

The bill also authorizes $4.1 billion for Mine Resistant Ambush Protected vehicles, known as MRAP vehicles, for all of the Services' known requirements.

The committee has come up with the money to support our troops, and I have no doubt the full Senate will follow step.

Money and policy statements are not all that is required at this moment in our national history. Courage is required—courage, not the great courage exhibited by the brave men and women fighting today in Iraq and Afghanistan, but a smaller measure: the courage necessary to put our country's interests before every personal or political consideration.

In this light, I would like to discuss America's involvement in Iraq, and finally I would like to make several points.

Final reinforcements needed to implement General Petraeus's counterinsurgency tactics arrived just several weeks ago. Last week I had the opportunity to visit with troops in theater. From what I saw and heard while there, I believe our military, in cooperation with the Iraqi security forces, is making progress in a number of areas. There are other areas where they are not. I would like to outline some of their efforts, not to argue that these areas have suddenly become safe—they have not; I want to emphasize the areas have not become safe—but to illustrate the progress our military has achieved under General Petraeus's new strategy.

Last year Anbar Province was believed to be lost to al-Qaida. On the map we see that U.S. and Iraqi troops cleaned out al-Qaida fighters from Ramadi and other areas of western Anbar. Tribal sheiks broke with the terrorists and joined the coalition side. It is a fact that some 16 out of the 24 sheiks in the Sunni area of Anbar Province have now joined with U.S. forces in their commitment to destroy al-Qaida in Anbar Province.

Ramadi, months ago, was Iraq's most dangerous city. It is now one of its safest. At considerable political risk, I point out that I visited, with Senator GRAHAM, downtown Ramadi where the shopping areas were open. I did not visit without protection or without security forces with me. But the fact is, a short time ago it was one of the most dangerous cities in all of Iraq. Attacks are down from 30 to 35 a day in February to zero on most days now.

In Fallujah, Iraqi police have established numerous stations and have divided the city into gated districts. The violence has declined and local intelligence tips have proliferated. Throughout Anbar Province, thousands of young men are signing up for the police and Army, and the locals are taking the fight to al-Qaida. All 18 major tribes in the province are now onboard with the security plan. A year from now, the Iraqi Army and police could have total control of security in Ramadi, allowing American forces to safely draw down.

South of Baghdad, operation Phantom Thunder is intended to stop insurgents present in the Baghdad belts from originating attacks in the capital itself. A brigade of the 10th Mountain Division, which I visited, is operating in Baghdad belts that have been havens for al-Qaida. All soldiers in the brigade are living forward. That means they are in outposts away from the headquarters 24-7, living, working, and fighting alongside Iraqi military. Commanders report that the local sheiks are increasingly siding with the coalition against al-Qaida.

Southeast of Baghdad, the military is targeting al-Qaida in safe havens they maintain along the Tigris River. In Baghdad itself, the military, in cooperation with Iraqi security forces, continues to establish joint security stations and deploy throughout the city. These efforts have produced some positive results. Sectarian violence has fallen. Since January, the total number of car bombings and suicide attacks declined. In May and June, the number of locals coming forward with intelligence tips has risen.

Make no mistake, violence in Baghdad remains at unacceptably high levels, suicide bombers and other threats pose formidable challenges, and other difficulties abound. Nevertheless, there appears to be overall movement in the right direction.

I have no doubt how difficult suicide bombers are to counter. Ask the Israelis. They literally had to seal their borders with Gaza and the West Bank because of the way people who are willing to sacrifice their own lives in order to take the lives of others are able to get through and do these horrendous acts that we are exposed to quite often on our television screens and in our newspapers in America.

In Diyala Province, Iraqi and American troops have surged and are fighting to deny al-Qaida sanctuary in the city of Baqubah. For the first time since the war began, Americans showed up in force and did not quickly withdraw from the area. In response, locals have formed a new alliance with the coalition to counter al-Qaida.

Why are some of these people now turning against al-Qaida? One reason is the extreme cruelty that is practiced by al-Qaida on a routine basis, which has caused many people to reject that kind of extreme violence and cruelty inflicted on the local people. Diyala, which was the center of Abu Mus' Ab al-Zarqawi's caliphate, finally has the chance to turn aside the forces of extremism.

I offer these observations not to present a rosy scenario of the challenges we continue to face in Iraq. As last weekend's horrific bombing indicates so graphically, the threats to Iraqi stability have not gone away, nor are they likely to go away in the near future when our brave men and women in Iraq will continue to face great challenges.

What I do believe is, while the mission to bring a degree of security to Iraq and to Baghdad and its environs in particular in order to establish the necessary preconditions for political and economic progress—while that mission is still in its early stages, the progress our military has made should encourage us. It is also clear the overall strategy that General Petraeus has put into place, a traditional counterinsurgency tactic that emphasizes protecting a population and which gets our troops off of the bases and into the areas they are trying to protect—that this strategy is the correct one.

Some of my colleagues argue that we should return troops to the forward operating bases and confine their activities to training and targeted counterterrorism operations. That is precisely what we did for 3½ years, and the situation in Iraq got worse. Over 3½ years we had our troops from operating bases going out—search and destroy as we used to call it during the Vietnam war—and going back to their bases. That was a failed strategy from the beginning. I am surprised that any of my colleagues would advocate a return to the failed Rumsfeld-Casey strategy.

No one can be certain whether this new strategy, which remains in the early stages, can bring about greater stability. We can be sure, should the Senate seek to legislate an end to this strategy as it is just beginning, then we will fail for certain.

Now that the military effort in Iraq is showing some signs of progress, the space is opening for political progress. Yet rather than seizing the opportunity, the government of Prime Minister Maliki is not functioning as it must. I repeat, the government of Prime Minister Maliki is not functioning as it must. We see little evidence of reconciliation and little progress toward meeting the benchmarks laid out by the President. The Iraqi Government can function. The question is whether it will.

To encourage political progress, I believe we can find wisdom in several suggestions put forward recently by Henry Kissinger. Intensified negotiations by the Iraqi parties could limit violence, promote reconciliation, and put the political system on a more stable footing. We should promote dialog between the Iraqi Government and its Sunni Arab neighbors, specifically Egypt, Jordan, and Saudi Arabia, in order to build broader international acceptance for the Iraqi central government in exchange for that government meeting specific obligations with respect to the protection and political participation of the Sunni minority. We should begin a broader effort to establish a basis for aid and even peacekeeping efforts by the international community, keyed to political progress in Iraq.

Taking such steps, we must recognize that no lasting political settlement can grow out of the U.S. withdrawal. On the contrary, a withdrawal must grow out of a political solution, a solution made possible by the imposition of security by coalition and Iraqi forces.

Secretary Kissinger is correct when he says "precipitate withdrawal would produce a disaster," one that "would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia," produce greater violence among Iraqi factions, and embolden radical Islamists around the world.

> The war between Iraqi factions would intensify. The demonstration of American impotence would embolden radical Islamism and further radicalize its disciples from Indonesia and India to the suburbs of European capitals . . .
>
> What America and the world need is not unilateral withdrawal but a vision by the Bush administration of a sustainable political end to the conflict.

As I said before, withdrawals must grow out of a political solution, not the other way around.

The Shias and the Sunnis and the Kurds:

> They need the buttress of a diplomatic process that could provide international support for carrying out any internal agreements reached or to contain conflict if the internal parties cannot agree and Iraq breaks up . . .
>
> The American goal should be an international agreement regarding the international status of Iraq. It would test whether Iraq's neighbors as well as some more distant countries are prepared to translate general concepts into converging policies. It would provide a legal and political framework to resist violations. These are the meaningful benchmarks against which to test American withdrawals.

He goes on to point out:

> Turkey has repeatedly emphasized it would resist a breakup by force because of the radicalizing impact a Kurdish State could have on Turkey's large Kurdish population. But this would bring Turkey into unwanted conflict with the United States and open a Pandora's box of other interventions.
>
> Saudi Arabia and Jordan dread Shiite domination of Iraq, especially if the Baghdad regime threatens to become a satellite of Iran. The various Gulf Sheikdoms, the largest of which is Kuwait, find themselves in an even more threatened position.
>
> Syria's attitudes are likely to be more ambivalent. Its ties to Iran represent both a claim to status and a looming vulnerability . . .
>
> Given a wise and determined American diplomacy, even Iran may be brought to conclude that the risks of continued turmoil outweigh the temptations before it.

He goes on to talk about a multilateral framework.

> A forum for diplomacy already exists in the foreign ministers' conference that met

> recently at Sharm el-Sheikh, Egypt. . . . It is in the United States' interests to turn the conference into a working enterprise under strong, if discrete, American leadership.

He goes on to say:

> Neither the international system nor American public opinion will accept as a permanent arrangement, an American enclave maintained exclusively by American military power in so volatile a region.

I believe Secretary Kissinger is correct. I believe he is correct when he bases the premise that precipitate withdrawal would produce a disaster.

Many of my colleagues would like to believe that should any of the various amendments forcing withdrawal become law, it would mark the end of this long effort. They are wrong.

Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous, more arduous effort to contain the forces unleashed by our disengagement. Our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Already the terrorists are emboldened, excited that America is talking not about winning in Iraq but is rather debating when we should lose.

Last week, Ayman al-Zawahiri, al-Qaida's deputy chief, said the United States is merely delaying our "inevitable" defeat in Iraq and that: "The Mujahideen of Islam in Iraq of the caliphate and jihad are advancing with steady steps toward victory."

If we leave Iraq prematurely, jihadists around the world will interpret the withdrawal as their great victory against our great power. The movement thrives in an atmosphere of perceived victory. We saw this in the surge of men and money flowing to al-Qaida following the Soviet withdrawal from Afghanistan.

If they defeat the United States in Iraq, they will believe anything is possible, history is on their side, and they can bring their terrible rule to lands the world over.

Recall the plan laid out in a letter from Zawahiri to Abu Mus'ab al-Zarqawi before his death. That plan is to take shape in four stages: Establish a caliphate in Iraq, extend the jihad wave to the secular countries neighboring Iraq, clash with Israel; none of which shall commence until the completion of stage one: Expel the Americans from Iraq. The terrorists are in this war to win it. The question is, Are we?

Withdrawing before there is a stable and legitimate Iraqi authority would turn Iraq into a failed state and a terrorist sanctuary in the heart of the Middle East. We have seen a failed state emerge after U.S. disengagement once before. It cost us terribly. In pre-9/11 Afghanistan, terrorists found sanctuary to train and plan attacks with impunity. We know that today there are terrorists in Iraq who are planning attacks against Americans. I do not think we should make this mistake twice.

Brent Scowcroft, whom we also know was opposed to the invasion of Iraq in the first place, has said:

> The costs of staying are visible. The costs of getting out are almost never discussed . . . If we get out before Iraq is stable, the entire Middle East region might start to resemble Iraq today. Getting out is not a solution.

One of my great heroes and role models and a person whom I have had the great honor of getting to know recently is Natan Sharansky, a man of inestimable courage and knowledge. He recently had a piece that ran Sunday in the Washington Post. The title of his piece is: "Leave Iraq, Embrace for a Bigger Bloodbath."

In his statement, he talks about:

> The truth is that in totalitarian regimes, there are no human rights. Period. The media do not criticize the government. Parliaments do not check executive power. Courts do not uphold due process. And human rights groups do not file reports.

He talks about the moral divide that separates societies in which people are slaves, from societies in which people are free.

"Some human rights groups undermine the very cause they claim to champion," he says.

> Consider one 2005 Amnesty International report on Iraq. It notes that in the lawless climate of the first months after Hussein's overthrow, reports of kidnappings, rapes and killings of women and girls by criminal gangs rose. Iraqi officers at a police station in Baghdad said in June 2003 that the number of reported rapes was "substantially higher than before the war."
>
> The implication was that human rights may not really be improving in post-Hussein Iraq. But the organization ignored the possibility that reports of rape at police stations may have increased for the simple reason that under Hussein it was the regime—which includes the police—that was doing the raping.

He goes on to say:

> A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison.

I am quoting from Natan Sharansky.

> Without U.S. troops in place to quell some of the violence, Iranian-backed Shiite militias would dramatically increase their attacks on Sunnis; Sunni militias, backed by the Saudis or others, would retaliate in kind, drawing more and more of Iraq into a vicious cycle of violence. If Iraq descended into full-blown civil war, the chaos could trigger similar clashes throughout the region as Sunni-Shiite tensions spill across Iraq's borders. The death toll and the displacement civilians would climb exponentially.

He says:

> Perhaps the greatest irony of the political debate over Iraq is that many of Bush's critics, who accused his administration of going blindly to war without considering what would happen once Hussein's regime was toppled, now blindly support a policy of withdrawing from Iraq without considering what might follow.
>
> In this respect, the debate over Iraq is beginning to look a lot like the debate about the Vietnam War in the 1960s and 1970s. Then, too, the argument in the United States focused primarily on whether U.S. forces should pull out. But many who supported that withdrawal in the name of human rights did not foresee the calamity that followed, which included genocide in Cambodia, tens of thousands slaughtered in Vietnam by the North Vietnamese and the tragedy of hundreds of thousands of "boat people."

Mr. Sharansky lives in the neighborhood. Mr. Sharansky understands the meaning of the word "freedom." Mr. Sharansky understands the meaning of the word "sacrifice."

Madam President, I ask unanimous consent to have printed in the RECORD the Kissinger and Sharansky articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the International Herald Tribune
Media Services, July 2, 2007]

A POLITICAL PROGRAM TO EXIT IRAQ

(By Henry A. Kissinger)

The war in Iraq is approaching a kind of self-imposed climax. Public disenchantment is palpable. Congress will surely press for an accelerated, if not total, withdrawal of American forces. Demands for a political solution are likely to mount.

But precipitate withdrawal would produce a disaster. It would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia. The war between the Iraqi factions would intensify. The demonstration of American impotence would embolden radical Islamism and further radicalize its disciples from Indonesia and India to the suburbs of European capitals.

We face a number of paradoxes. Military victory, in the sense of establishing a government capable of enforcing its writ throughout Iraq, is not possible in a time frame tolerated by the American political process. Yet no political solution is conceivable in isolation from the situation on the ground.

What America and the world need is not unilateral withdrawal but a vision by the administration of a sustainable political end to the conflict. Withdrawals must grow out of a political solution, not the other way around.

None of Iraq's neighbors, not even Iran, is in a position to dominate the situation against the opposition of all the other interested parties. Is it possible to build a sustainable outcome on such considerations?

The answer must be sought on three levels: the internal, the regional and the international.

The internal parties—the Shiites, the Sunnis and the Kurds—have been subjected to insistent American appeals to achieve national reconciliation. But groups that have been conducting blood feuds with one another for centuries are, not surprisingly, struggling in their efforts to compose their differences by constitutional means. They need the buttress of a diplomatic process that could provide international support for carrying out any internal agreements reached or to contain their conflict if the internal parties cannot agree and Iraq breaks up.

The American goal should be an international agreement regarding the international status of Iraq. It would test whether the neighbors of Iraq as well as some more distant countries are prepared to translate general concepts into converging policies. It would provide a legal and political framework to resist violations. These are the meaningful benchmarks against which to test American withdrawals.

The reason why such a diplomacy may prove feasible is that the continuation of Iraq's current crisis presents all of Iraq's neighbors with mounting problems. The longer the war in Iraq rages, the more likely will be the breakup of the country into sectarian units.

Turkey has repeatedly emphasized that it would resist such a breakup by force because of the radicalizing impact that a Kurdish state could have on Turkey's large Kurdish population. But this would bring Turkey into unwanted conflict with the United States and open a Pandora's box of other interventions.

Saudi Arabia and Jordan dread Shiite domination of Iraq, especially if the Baghdad regime threatens to become a satellite of Iran. The various Gulf sheikhdoms, the largest of which is Kuwait, find themselves in an even more threatened position. Syria's attitudes are likely to be more ambivalent. Its ties to Iran represent both a claim to status and a looming vulnerability.

Given a wise and determined American diplomacy, even Iran may be brought to conclude that the risks of continued turmoil outweigh the temptations before it.

To be sure, Iranian leaders may believe that the wind is at their backs, that the moment is uniquely favorable to realize millennial visions of a reincarnated Persian empire or a reversal of the Shiite-Sunni split under Shiite domination. On the other hand, if prudent leaders exist—which remains to be determined—they might come to the conclusion that they had better treat these advantages as a bargaining chip in a negotiation rather than risk them in a contest over domination of the region.

No American president will, in the end, acquiesce once the full consequences of Iranian domination of the region become apparent. Russia will have its own reasons, principally the fear of the radicalization of its own Islamic minority, to begin resisting Iranian and radical Islamist domination of the Gulf. Combined with the international controversy over its nuclear weapons program, Iran's challenge could come to be perceived by its leaders to pose excessive risks.

Whether or whenever Iran reaches these conclusions, two conditions will have to be met: First, no serious diplomacy can be based on the premise that the United States is the supplicant. America and its allies must demonstrate a determination to vindicate their vital interests that Iran will find credible. Second, the United States will need to put forward a diplomatic position that acknowledges the legitimate security interests of Iran.

Such a negotiation must be initiated within a genuinely multilateral forum. A dramatic bilateral Iranian-U.S. negotiation would magnify all the region's insecurities. For if Lebanon, Jordan, Saudi Arabia and Kuwait—which have entrusted their security primarily to the United States—become convinced that an Iranian-U.S. condominium is looming, a race for Tehran's favor may bring about the disintegration of all resolve.

Within a multilateral framework, the United States will be able to conduct individual conversations with the key participants, as has happened in the six-party forum on North Korea.

A forum for such an effort already exists in the foreign ministers' conference that met recently at Sharm el-Sheikh. It is in the United States' interest to turn the conference into a working enterprise under strong, if discreet, American leadership.

The purpose of such a forum should be to define the international status of the emerging Iraqi political structure into a series of reciprocal obligations. Iraq would continue to evolve as a sovereign state but agree to place itself under some international restraint in return for specific guarantees.

In such a scheme, the United States-led multinational force would be gradually transformed into an agent of that arrangement, along the lines of the Bosnian settlement in the Balkans.

All this suggests a three-tiered international effort: an intensified negotiation among the Iraqi parties; a regional forum like the Sharm el-Sheikh conference to elaborate an international transition status for Iraq; and a broader conference to establish the peacekeeping and verification dimensions. The rest of the world cannot indefinitely pretend to be bystanders to a process that could engulf them through their default.

Neither the international system nor American public opinion will accept as a permanent arrangement an American enclave maintained exclusively by American military power in so volatile a region. The concept outlined here seeks to establish a new international framework for Iraq. It is an outcome emerging from a political and military situation on the ground and not from artificial deadlines.

[From the Washington Post, July 8, 2007]

LEAVE IRAQ AND BRACE FOR A BIGGER BLOODBATH

(By Natan Sharansky)

Iraqis call Ali Hassan al-Majeed "Chemical Ali," and few wept when the notorious former general received five death sentences last month for ordering the use of nerve agents against his government's Kurdish citizens in the late 1980s. His trial came as a reckoning and a reminder—summoning up the horrors of Saddam Hussein's rule even as it underscored the way today's heated Iraq debates in Washington have left the key issue of human rights on the sidelines. People of goodwill can certainly disagree over how to handle Iraq, but human rights should be part of any responsible calculus. Unfortunately, some leaders continue to play down the gross violations in Iraq under Hussein's republic of fear and ignore the potential for a human rights catastrophe should the United States withdraw.

As the hideous violence in Iraq continues, it has become increasingly common to hear people argue that the world was better off with Hussein in power and (even more remarkably) that Iraqis were better off under his fist. In his final interview as U.N. secretary general, Kofi Annan acknowledged that Iraq "had a dictator who was brutal" but said that Iraqis under the Baathist dictatorship "had their streets, they could go out, their kids could go to school."

This line of argument began soon after the U.S.-led invasion in 2003. By early 2004, some prominent political and intellectual leaders were arguing that women's rights, gay rights, health care and much else had suffered in post-Hussein Iraq.

Following in the footsteps of George Bernard Shaw, Walter Duranty and other Western liberals who served as willing dupes for Joseph Stalin, some members of the human rights community are whitewashing totalitarianism. A textbook example came last year from John Pace, who recently left his post as U.N. human rights chief in Iraq. "Under Saddam," he said, according to the Associated Press, "if you agreed to forgo your basic freedom of expression and thought, you were physically more or less OK."

The truth is that in totalitarian regimes, there are no human rights. Period. The media do not criticize the government. Parliaments do not check executive power. Courts do not uphold due process. And human rights groups don't file reports.

For most people, life under totalitarianism is slavery with no possibility of escape. That is why despite the carnage in Iraq, Iraqis are consistently less pessimistic about the present and more optimistic about the future of their country than Americans are. In a face-to-face national poll of 5,019 people conducted this spring by Opinion Research Business, a British market-research firm, only 27 percent of Iraqis said they believed "that their country is actually in a state of civil war," and by nearly 2 to 1 (49 percent to 26 percent), the Iraqis surveyed said they preferred life under their new government to life under the old tyranny. That is why, at a time when many Americans are abandoning the vision of a democratic Iraq, most Iraqis still cling to the hope of a better future. They know that under Hussein, there was no hope.

By consistently ignoring the fundamental moral divide that separates societies in which people are slaves from societies in which people are free, some human rights groups undermine the very cause they claim to champion. Consider one 2005 Amnesty International report on Iraq. It notes that in the lawless climate of the first months after Hussein's overthrow, reports of kidnappings, rapes and killings of women and girls by criminal gangs rose. Iraqi officers at a police station in Baghdad said in June 2003 that the number of reported rapes "was substantially higher than before the war."

The implication was that human rights may not really be improving in post-Hussein Iraq. But the organization ignored the possibility that reports of rape at police stations may have increased for the simple reason that under Hussein it was the regime—which includes the police—that was doing the raping. When Hussein's son Uday went on his legendary raping sprees, victims were not about to report the crime.

Of course, Hussein's removal has created a host of difficult strategic challenges, and numerous human rights atrocities have been committed since his ouster. But let us be under no illusion of what life under Hussein was like. He was a mass murderer who tortured children in front of their parents, gassed Kurds, slaughtered Shiites, started two wars with his neighbors and launched Scud missiles into downtown Riyadh and Tel Aviv. The price for the stability that Hussein supposedly brought to the region was mass graves, hundreds of thousands of dead in Iraq, and terrorism and war outside it. Difficult as the challenges are today—with Iran and Syria trying to stymie democracy in Iraq, with al-Qaeda turning Iraq into the central battleground in its holy war of terrorism against the free world, and with sectarian militias bent on murder and mayhem—there is still hope that tomorrow may be better.

No one can know for sure whether President Bush's "surge" of U.S. troops in Iraq will succeed. But those who believe that human rights should play a central role in international affairs should be doing everything in their power to maximize the

> chances that it will. For one of the consequences of failure could well be catastrophe.
>
> A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison. Without U.S. troops in place to quell some of the violence, Iranian-backed Shiite militias would dramatically increase their attacks on Sunnis; Sunni militias, backed by the Saudis or others, would retaliate in kind, drawing more and more of Iraq into a vicious cycle of violence. If Iraq descended into full-blown civil war, the chaos could trigger similar clashes throughout the region as Sunni-Shiite tensions spill across Iraq's borders. The death toll and the displacement of civilians could climb exponentially.
>
> Perhaps the greatest irony of the political debate over Iraq is that many of Bush's critics, who accused his administration of going blindly to war without considering what would happen once Hussein's regime was toppled, now blindly support a policy of withdrawing from Iraq without considering what might follow.
>
> In this respect, the debate over Iraq is beginning to look a lot like the debate about the Vietnam War in the 1960s and '70s. Then, too, the argument in the United States focused primarily on whether U.S. forces should pull out. But many who supported that withdrawal in the name of human rights did not foresee the calamity that followed, which included genocide in Cambodia, tens of thousands slaughtered in Vietnam by the North Vietnamese and the tragedy of hundreds of thousands of "boat people."
>
> In the final analysis, U.S. leaders will pursue a course in Iraq that they believe best serves U.S. interests. My hope is that as they do, they will make the human rights dimension a central part of any decision. The consequences of not doing so might prove catastrophic to Iraqis, to regional peace and, ultimately, to U.S. security.

Mr. McCAIN. Should we leave Iraq before there is a basic level of stability, we will invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq.

Iran will comfortably step into the power vacuum left by a U.S. withdrawal, and such an aggrandizement of fundamentalist power has great potential to spark greater Sunni-Shia conflict across the region.

Leaving prematurely would induce Iraq's neighbors, including Saudi Arabia and Jordan, Egypt and Israel, Turkey and others, to feel their own security eroding and may well induce them to act in ways that prompt wider instability. The potential for genocide, wider war, spiralling oil prices, and the perception of strategic American defeat is real.

This fight is about Iraq but not about Iraq alone. It is greater than that and, more important still, about whether America still has the political courage to fight for victory or whether we will settle for defeat, with all the terrible things that accompany it. We cannot walk away gracefully from defeat in this war.

General Petraeus and his commanders believe they have a strategy that can, over time, lead to success in Iraq. General Petraeus and Ambassador Ryan Crocker will come to Washington in September to report on the status of their efforts and those of the Iraqis. They ask two things of us: the time necessary to see whether their efforts can succeed and the political courage to support them in their work. I believe we should give them both.

I know that Senators are tired of this war, tired of the mounting death toll, tired of the many mistakes we have made in this war and the great effort it requires to reverse them, tired of the war's politicization and the degree to which it has become embroiled in partisan struggles and election strategies. I understand this fatigue. Yet I maintain that we, as elected leaders with a duty to our people and the security of their Nation, cannot let fatigue dictate our policies.

The soldiers I met last week have no illusions about the sacrifices necessary to achieve their mission. On July 4, I had the great privilege to be present as 588 troops reenlisted in the military and another 161 were naturalized as U.S. citizens. Tragically, two of those who were scheduled to be naturalized as U.S. citizens were killed very shortly before the ceremony.

Those men and women taking the oaths of enlistment and citizenship in the center of Saddam's al Faw Palace, they understand the many hardships made in our name. They have completed tour after tour away from their families, risking everything, everything for the security of this country. They do so because they understand the circumstances that, however great the costs of this war, the costs are immeasurably greater still if we abandon it prematurely. All they ask is that we support them in their noble mission.

I wish we had planned to fight this war correctly the first time. But we can no more turn back the clock to 2003 than we can wish away the consequences of defeat by imposing some artificial deadline for withdrawal. Last week in Iraq, I met the bravest men and women our country has to offer, and not one of them told me it was time to go or that the cause is lost.

They are frustrated with the Iraqi Government's lack of progress. They are buffeted by the winds of partisanship in Washington, talking today of surges and tomorrow of withdrawal, voting to confirm General Petraeus and then voting for a course that guarantees defeat. But in the end, they know the war in Iraq is part of a larger struggle, a war of moderation and stability against the forces of violence and extremism.

They recognize that if we simply pack up and leave, the war does not end—it merely gets harder.

Finally, I would like to give a couple of quotes. General Lynch, who is the third ID commander of the U.S. forces, says:

> Pulling out before the mission was accomplished would be a mess. We find the enemy regaining ground, reestablishing sanctuaries, building more IEDs and the violence would escalate.

GEN Anthony Zinni, one of my particular heroes, who opposed the war in Iraq, said:

> . . . that we cannot simply pull out of Iraq, as much as we may want to. The consequences of a destabilized and chaotic Iraq, sitting in the center of a critical region of the world, could have catastrophic implications. . . .There is no short-term solution. It will take years to stabilize Iraq. How many? I believe at least five to seven.

In the Baker Hamilton report, there is a lot of selective quoting. But I would like to point out that they said:

> Because of the importance of Iraq, the potential for catastrophe in the role and the commitments of the United States in initiating events that have led to the current situation, we believe it would be wrong for the United States to abandon the country through a precipitous withdrawal of troops and support. A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions, leading to a number of adverse consequences outlined above. The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al-Qaeda would depict our withdrawal as a historic victory. If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

That is page 30 of the Iraq Study Group report.

Finally, I understand, I believe very well, how difficult this issue is for many of our Members. I know the sorrow and the frustration that they and their constituents feel. If I knew a great option as to how we could preserve our Nation's security and withdraw and stop the unfortunate casualties that are incurred by these brave young people, I would embrace it tomorrow.

Part of this debate is going to be proposals that people have made about how we can best leave. I intend to engage in vigorous discussion and debate. I would like to again begin this debate by pointing out I respect the views of my colleagues on this issue.

I understand their frustration. I intend to be respectful of their views, and I hope we can have a debate and discussion on this issue, as we consider various amendments, that will better inform the American people of both points of view. I hope over time somehow we can find a way to come together in this body and in this Nation because this war has divided this Nation in the most terrible way.

I saw it once before. I saw it once before, a long time ago, and I saw a defeated military, and I saw how long it took a military that was defeated to recover. I saw a divided nation beset by assassinations and riots and a breakdown in a civil society. That is why we need, in my view, to try to come together—and I do not know how we do that—beginning with respecting each other's views so we can come together and hopefully end the tragedy of Iraq and at the same time ensure America's security.

I will be saying a lot more on this issue as we continue the debate. I say again, I respect the views of my colleagues. Then, finally, I again pay my compliments to the distinguished chairman of the committee, who put together, as is his wont, a bipartisan package that will ensure our Nation's security in the future, as exemplified again by a unanimous vote of the committee in reporting out the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, let me first thank Senator MCCAIN for his great generosity in terms of his comments about the committee and the operations of our committee. As he well knows, our committee has had a great tradition of bipartisanship. He has made a major contribution, always, to that tradition. As ranking member, he has more than continued that tradition. He has made a major contribution to it and to the bill that is before us and to the bipartisan flavor of that bill.

While there obviously are and will be differences—which are understandable and appropriate—as he well points out, this is a bill that had unanimous support in the committee. We, in the next week or so, will be hearing differences on issues, including Iraq, and that is totally what we are all about: to express our feelings in a civil way and in a strong way.

But I add my thanks to him for his contribution for so many decades going back. When he speaks about the situation we are in in Iraq, he speaks with not only great feeling but also with great experience, and I think every Member of this body treasures our relationship with Senator MCCAIN and the experience he brings to this debate. He has the commitment, I hope, of everybody in this body that the debate, as we proceed relative to Iraq or any other issues in this week and next, will proceed in a very civil way.

This issue requires all of the wisdom we can muster, all of the experiences of the various Members, and he has my assurance, and I think he would have the assurance of every Member of this body, that the tone he sets and wants us to maintain will indeed be maintained by this Senate. I am confident of that, and thank him again for his remarks and for his great contribution to this bill.

Madam President, I ask unanimous consent that the Congressional Budget Office cost estimate of the Senate version of the National Defense Authorization Act for Fiscal Year 2008, which was not available when the report on that bill, S. 1547, was filed, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1547—NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Summary: S. 1547 would authorize appropriations totaling $629 billion for fiscal year 2008 for the military functions of the Department of Defense (DoD), for activities of the Department of Energy (DOE), and for other purposes. That total includes $128 billion for military operations in Iraq and Afghanistan. In addition, S. 1547 would prescribe personnel strengths for each active-duty and selected reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts would result in additional outlays of $621 billion over the 2008–2012 period.

Including outlays from funds previously appropriated, spending for defense programs authorized by the bill would total about $599 billion in 2008, CBO estimates. The bill also contains provisions that would both increase and decrease costs of discretionary defense programs in future years. Most of those provisions would affect force structure, compensation, and benefits. In total, such provisions would raise costs by $9 billion in 2008 (this amount is included in the above total of $629 billion specifically authorized for that year) and by $4 billion to $6 billion annually over the 2009–2012 period.

The bill contains provisions that would both increase and decrease direct spending from changes to TRICARE For Life, the foreign currency fluctuation account, combat-related special compensation, and other programs. We estimate that those provisions combined would decrease direct spending by $309 million in 2008, $714 million over the 2008–2012 period, and $2.1 billion over the 2008–2017 period. Those totals include estimated net receipts from asset sales of a little under $0.6 billion over the 2008–2017 period. (Under current scorekeeping rules and conventions, asset sale receipts are recorded as a credit against direct spending as long as such sales would not result in a net financial cost to the government—as determined on a present value basis.) In addition, enacting the bill would have a negligible effect on revenues.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 1022 would fall within that exclusion because it would amend the authority of the President to employ the armed services to protect individuals' civil rights. Therefore, CBO has not reviewed that section of the bill for mandates.

Other provisions of S. 1547 contain both intergovernmental and private-sector mandates as defined in UMRA but CBO estimates that the annual cost of those mandates would not exceed the thresholds established in UMRA ($66 million for intergovernmental mandates in 2007 and $131 million for private-sector mandates in 2007, adjusted annually for inflation).

The bill also contains several provisions that would benefit state and local governments. Some of those provisions would authorize aid for certain local schools with dependents of defense personnel and convey certain parcels of land to state and local governments. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimated cost to the federal government: The estimated budgetary impact of S. 1547 is summarized in Table 1. Most of the costs of this legislation fall within budget function 050 (national defense).

Basis of estimate: For this estimate, CBO assumes that S. 1547 will be enacted near the start of fiscal year 2008 and that the authorized amount will be appropriated for that year. The estimated outlays from authorizations of regular appropriations are based on historical spending patterns.

TABLE 1.—BUDGETARY IMPACT OF S. 1547, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008[a]

	By fiscal year, in millions of dollars					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Programs Authorized by S. 1547:						
Budget Authority[b]	617,085	0	0	0	0	0
Estimated Outlays	551,703	219,217	79,329	27,802	10,589	4,277
Proposed Changes:						
Authorization of Regular Appropriations for 2008:						
Authorization Level	0	501,033	0	0	0	0
Estimated Outlays	0	320,660	116,444	39,156	12,588	4,993
Authorization of Appropriations for 2008 for Military Operations in Iraq and Afghanistan:						
Authorization Level	0	128,226	0	0	0	0
Estimated Outlays	0	59,054	45,470	15,961	4,751	1,648
Spending Under S. 1547:						
Authorization Level[b]	617,085	629,259	0	0	0	0
Estimated Outlays	551,703	598,931	241,243	82,919	27,928	10,918
CHANGES IN DIRECT SPENDING (INCLUDING ASSET SALES)[c]						
Estimated Budget Authority	0	−112	−138	84	26	54
Estimated Outlays	0	−309	−287	−72	−62	14

[a] Enactment of S. 1547 would have an insignificant effect on federal revenues.

[b] The 2007 level is the amount appropriated for programs authorized by the bill. That figure includes $99.3 billion that was recently provided in Public Law 110–28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007. The 2007 level shown here is slightly lower than the comparable figure presented in CBO's cost estimate for H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, as passed by the House, because H.R. 1585 would authorize appropriations for some existing programs that would not be authorized by S. 1547.

[c] In addition to the direct spending effects shown here, enacting S. 1547 would have additional effects on direct spending after 2012 (see Table 4). The estimated changes in direct spending (including asset sales) would reduce outlays by $2.1 billion over the 2008–2017 period.

Note—For 2008, the authorization levels under "Proposed Changes" include amounts specifically authorized by the bill. As discussed in footnote 1 of the "Summary" to this estimate, the $629 billion that would be authorized by the bill does not include $11 billion in TRICARE For Life accrual payments that will be made under current law. (For additional information on those payments, see the discussion under "Previous CBO Estimates.") The bill also implicitly authorizes some activities in 2009 through 2012; those authorizations are not included above (but are shown in Table 3) because funding for those activities would be covered by specific authorizations in future years.

Spending subject to appropriation: The bill would specifically authorize appropriations totaling $629 billion in 2008 (see Table 2). Nearly all of that amount falls within budget function 050 (national defense), while a small portion—$62 million for the Armed Forces Retirement Home—falls within budget function 600 (income security).

Of the $629 billion in funding for 2008 authorized by the bill for the costs of defense programs, $128 billion of that amount would be for DoD costs associated with continuing operations in Iraq and Afghanistan.

The bill also contains provisions that would both increase and decrease various costs, mostly for changes in end strength, military compensation, and health benefits, that would be covered by the fiscal year 2008 authorization and by authorizations in future years. Table 3 contains estimates of those amounts.

Multiyear procurement. Multiyear procurement is a special contracting method authorized in title 10, United States Code, section 2306b that permits the government to enter into contracts covering acquisitions for more than one year but not more than five years, even though the total funds required for every year are not appropriated at the time the contracts are awarded. As part of such a contract, the government commits to purchase all items specified at the time the contract is signed, including those to be produced and paid for in subsequent years. Because multiyear procurement allows a contractor to plan for more efficient production, such a contract can reduce the cost of an acquisition compared with the cost of buying the items through a series of annual procurement contracts.

Such contracts frequently include provisions that require DoD to pay for unrecovered fixed costs in the event that the contract is canceled before completion. DoD does not budget for, obtain, or obligate funds sufficient to pay for those contractual commitments at the time they are incurred. Authorizing DoD to initiate a multiyear procurement program with such unfunded cancellation liabilities provides contract authority—a form of budget authority—because it allows the department to incur that liability in advance of appropriations. CBO believes that the full cost of such liabilities should be recorded in the budget at the time they are incurred. The failure to request funding for cancellation liabilities may distort the resource allocation process by understating the cost of decisions made for the budget year and may require future Congresses to find the resources to pay for decisions made today.

TABLE 2.—SPECIFIED AUTHORIZATIONS IN S. 1547

Category	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
Authorization of Regular Appropriations:					
Department of Defense:					
Military Personnel:					
Authorization Level[a]	109,352	0	0	0	0
Estimated Outlays	103,409	5,411	175	25	0
Operation and Maintenance:					
Authorization Level	166,618	0	0	0	0
Estimated Outlays	127,463	31,030	4,824	1,723	727
Procurement:					
Authorization Level	110,731	0	0	0	0
Estimated Outlays	32,226	41,476	22,272	7,451	3,126
Research and Development:					
Authorization Level	74,208	0	0	0	0
Estimated Outlays	41,037	26,828	4,553	1,051	297
Military Construction and Family Housing:					
Authorization Level	21,784	0	0	0	0
Estimated Outlays	3,037	7,332	6,759	2,488	919
Revolving Funds:					
Authorization Level	2,395	0	0	0	0
Estimated Outlays	1,760	476	86	50	24
General Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	1,000	−200	−400	−200	−100
Subtotal, Department of Defense:					
Authorization Level[a]	485,088	0	0	0	0
Estimated Outlays	309,932	112,353	38,269	12,588	4,993
Atomic Energy Defense Activities[b]:					
Authorization Level	15,883	0	0	0	0
Estimated Outlays	10,676	4,082	887	0	0
Armed Forces Retirement Home:					
Authorization Level	62	0	0	0	0
Estimated Outlays	52	9	0	0	0
Subtotal, Authorization of Regular Appropriations:					
Authorization Level	501,033	0	0	0	0
Estimated Outlays	320,660	116,444	39,156	12,588	4,993
Authorization of Appropriations for Military Operations in Iraq and Afghanistan:					
Military Personnel:					
Authorization Level	12,922	0	0	0	0
Estimated Outlays	12,190	689	17	2	0
Operation and Maintenance:					
Authorization Level	78,117	0	0	0	0
Estimated Outlays	36,478	30,588	7,581	1,940	904
Procurement:					
Authorization Level	32,803	0	0	0	0
Estimated Outlays	8,069	12,685	7,908	2,714	725
Research and Development:					
Authorization Level	1,950	0	0	0	0
Estimated Outlays	1,117	683	111	23	6
Military Construction:					
Authorization Level	753	0	0	0	0
Estimated Outlays	8	309	286	98	38
Revolving Funds:					
Authorization Level	1,681	0	0	0	0
Estimated Outlays	947	569	128	27	10
Special Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	245	−53	−70	−53	−35
Subtotal, Iraq and Afghanistan:					
Authorization Level	128,226	0	0	0	0
Estimated Outlays	59,054	45,470	15,961	4,751	1,648
Total Specified Authorizations:					
Authorization Level[a]	629,259	0	0	0	0
Estimated Outlays	379,714	161,914	55,117	17,339	6,641

[a] As discussed in footnote 1 of the "Summary" to this estimate, this figure does not include the effect of an estimated $11 billion in TRICARE For Life accrual payments that will be made under current law. For additional information, see the discussion under "Previous CBO Estimates."

[b] These authorizations are primarily for atomic energy activities within the Department of Energy.

TABLE 3.—ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 1547

Category	By fiscal year, in millions of dollars				
	2008	2009	2010	2011	2012
FORCE STRUCTURE					
Army and Marine Corps Active-Duty End Strengths	6,683	4,821	4,257	3,292	2,930
Navy and Air Force Active-Duty End Strengths	−583	−935	−966	−1,000	−1,033
Reserve Component End Strengths	306	71	50	52	53
Reserve Technicians	−7	−15	−15	−16	−16
Grade Structure	97	182	248	257	265
COMPENSATION AND BENEFITS (DOD)					
Pay Raise	311	425	439	454	469
Expiring Bonuses and Allowances	2,127	916	370	185	180
Hardship Duty Pay	79	56	33	23	23
Leave Carryover	4	21	22	23	23
Accession Bonus for Health Professional Scholarship	15	15	15	15	15
Special Pays for Medical Officers	8	9	10	10	10
Dental Officer Special Pay	8	8	8	8	8
Loan Repayment for Reserves	1	2	3	4	5
DEFENSE HEALTH PROGRAM					
Discount Drug Pricing	−300	−330	−360	−390	−430
OTHER					
Defense Acquisition Workforce Development Fund	300	725	1,150	1,600	1,625

Notes.—For every item in this table, the 2008 levels are included in Table 2 as amounts specifically authorized to be appropriated by the bill. Amounts shown in this table for 2009 through 2012 are not included in Table 1, because authorizations for those amounts would be covered by specific authorizations in future years.

Figures shown here may not add to numbers in the text because of rounding.

This bill would authorize the Department of Defense to enter into multiyear procurement contracts for three programs: enhancements to the Abrams tank, upgrades to the Bradley Fighting Vehicle, and new Virginia class submarines.

Section 111 would authorize the Army to enter a multiyear contract for up to five years to acquire a number of improvements to M1A1 Abrams tanks over a five-year period. If granted this authority, the Army plans to enter a contract for the 2008–2012 period to modify 577 tanks at a total cost of $1,595 million; it has requested $639 million in 2008 to upgrade 241 tanks. The Army estimates that a multiyear procurement contract for those tank modifications would cost $178 million less than a series of annual procurement contracts for those systems.

Section 112 would authorize the Army to enter a multiyear contract to acquire a number of improvements to the Bradley Fighting Vehicle. According to budget documents provided by the Army, the service would use this authority to enter a contract for the 2008–2011 period to modify 965 vehicles at a total cost of $2,310 million; it has requested $1,151 million in 2008 to upgrade 525 vehicles. The Army estimates that a multiyear procurement contract for those modifications would cost $131 million less than a series of annual procurement contracts for those systems.

Section 131 would authorize the Navy to enter a multiyear contract for Virginia-class submarines beginning in fiscal year 2009. The Navy plans to enter a contract for the 2009–2013 period to purchase seven submarines at a total cost of $19.1 billion; it has requested $703 million in 2008 to buy certain components in economic quantities and to order items that have lengthy production times. The Navy estimates that a multiyear procurement contract would cost $2.9 billion less than a series of annual procurement contracts for those vessels.

Force structure. The bill would affect force structure by setting end-strength levels for the various military services and by increasing the number of personnel in higher pay grades.

Military end strength. Title IV would authorize end-strength levels in 2008 for active-duty personnel and personnel in the selected reserves of about 1,370,000 and 850,000, respectively. Of those selected reservists, about 76,000 would serve on active duty in support of the reserves. In total, active-duty end strength would increase by about 4,000 and selected-reserve end strength would decrease by about 5,000 when compared to levels authorized for 2007.

Section 401 would authorize increases to the active-duty end strengths of the Army and Marine Corps relative to the personnel levels authorized for 2007. CBO estimates that those increases—13,000 additional personnel for the Army and 9,000 for the Marine Corps—would increase costs to DoD by about $7 billion in 2008 and about $22 billion over the 2008–2012 period. Those costs include the pay and benefits of the additional personnel, as well as costs for operation and maintenance, procurement, and construction.

Section 401 also would decrease the Navy's active-duty end strength by 12,300 and the Air Force's active-duty end strength by 5,600. CBO estimates that, combined, those decreases in end strength would cut costs for salaries and other expenses by about $580 million in the first year and about $1 billion annually in subsequent years.

Sections 411 and 412 would authorize the end strengths for the reserve components, including those full-time reservists who serve on active duty in support of the reserves. Under this bill, the selected reserve would experience a net decrease in end strength of 4,900, with the Navy Reserve and Air Force Reserve losing personnel while the Army Reserve and National Guard would see an increase. However, the cost savings from that net decrease would be more than offset by the cost of an increase of 1,900 in the number of reservists who serve on active duty in support of the reserves. CBO estimates that the net result of implementing those provisions would be an increase in costs for salaries and other expenses for selected reservists of $306 million in 2008 and about $50 million a year thereafter as compared to the authorized end-strength levels for 2007. Costs would be higher in 2008 and 2009 than in later years as a result of the need to procure new equipment for the additional Army National Guard personnel.

In addition, sections 413 and 414 would authorize the minimum end-strength level for military technicians, who are federal civilian personnel required to maintain membership in a selected reserve component as a condition of their employment. Under this bill, the required number of technicians would decrease by 128 relative to the levels currently authorized. CBO estimates the savings in civilian salaries and expenses that would result from fewer military technicians would be about $7 million in 2008 and about $15 million annually thereafter, as compared to the minimum end-strength levels for technicians in 2007.

The bill also would authorize an end strength of 10,000 servicemembers in 2008 for the Coast Guard Reserve. Because this authorization is the same as that under current law, CBO does not estimate any additional costs for this provision.

Grade structure. Sections 501, 502, and 521 would increase the number of servicemembers in certain grades. Sections 501 and 502 would increase the number of officers authorized to serve as majors in the Army and as lieutenant commanders, commanders, and captains in the Navy. Section 521 would allow the services to increase the percentage of personnel serving in the paygrade of E–9 from 1 percent of the enlisted force to 1.25 percent. Those changes would not increase the overall end strength, but would result in more promotions to those ranks. CBO estimates that the additional pay and benefits associated with promoting personnel to those higher grades would be about $100 million in 2008 and $1 billion over the 2008–2012 period.

Compensation and benefits. S. 1547 contains several provisions that would affect military compensation and benefits for uniformed personnel. The bill would specifically authorize regular appropriations of $109 billion and additional appropriations for operations in Iraq and Afghanistan of $13 billion for costs of military pay and allowances in 2008.

Pay raise. Section 601 would raise basic pay for all individuals in the uniformed services by 3.5 percent, effective January 1, 2008. CBO estimates the total cost of a 3.5 percent raise in 2008 would be about $2.2 billion. Because the pay raise would be above that projected under current law (under current law a 3 percent across-the-board increase would go into effect on January 1, 2008), CBO estimates that the incremental cost associated with the larger pay raise would be about $311 million in 2008 and $2.1 billion over the 2008–2012 period.

Bonuses and allowances. Sections 611 through 614 would extend DoD's authority to pay certain bonuses and allowances to military personnel. Under current law, most of these authorities are scheduled to expire in December 2007. The bill would extend these authorities for another year. Based on data provided by DoD, CBO estimates that: Authorities to make special payments and give bonuses to certain health care professionals would cost $26 million in 2008 and $15 million in 2009; special payments for aviators and personnel qualified to operate and maintain naval nuclear propulsion plants would cost $104 million in 2008 and $72 million in 2009; retention and accession bonuses for officers and enlisted members with critical skills would cost $95 million in 2008 and $42 million in 2009; payment of reenlistment bonuses for active-duty and reserve personnel would cost $1.2 billion in 2008 and $451 million in 2009; and enlistment bonuses for active-duty and reserve personnel would cost $638 million in 2008 and $330 million in 2009.

Most of these changes would result in additional, smaller costs in subsequent years because many payments are made in installments. In total, extending authority for the expiring bonus and allowances would cost about $2.1 billion in 2008 and $3.8 billion over five years.

Hardship duty pay. Section 617 would increase the maximum allowable amount of hardship duty pay from $750 per month to $1,500 per month. The Army reports that it would use this additional authority as part of its "Warrior Pay" program, which would provide extra incentives to military personnel who make frequent deployments to combat zones. Based on information from the Army, CBO estimates the total cost of implementing this section would be $79 million in 2008 and $214 million over the 2008-2012 period. Costs would be lower in later years because CBO expects overseas deployments will decrease.

Leave carryover. Section 591 would allow servicemembers to carry up to 90 days of leave from one year to the next and also would allow members to sell accumulated leave in excess of 120 days back to the government. Under current law, members may carryover a maximum of 60 days of leave at the end of each fiscal year, unless they have recently participated in a contingency operation, in which case they can carry over up to 120 days of leave. Section 591 would increase the maximum carryover allowed to 90 days for members who have not participated in a contingency operation.

When members reenlist or separate, they are currently allowed to sell up to 60 days of leave back to the government. However, increasing the amount of leave carried over from year to year would increase the average amount of leave sold back to the government, even within the 60-day buyback limit. According to data from DoD, in 2006, almost 150,000 personnel were each paid for an average of 19 days of leave at a total cost of about $250 million. Based on an analysis of current leave balances provided by the Defense Finance and Accounting Service, CBO estimates that increasing leave carryover to 90 days would increase the average amount of leave sold back to the government by about 7 percent. This would increase the annual cost of payments for unused leave by about $17 million beginning in fiscal year 2009.

In addition, section 591 would allow members to sell accumulated leave in excess of 120 days back to the government. Based on data from DoD, CBO estimates that, each year, about 2,000 servicemembers will have leave in excess of 120 days—about 131 days of leave, on average, for that group. The cost to DoD to buy back those extra days would be about $155 per person per day, so that the cost would be about $4 million in 2008 and $21 million over the 2008-2012 period. When combined with the increase in leave carryover, CBO estimates the total cost of implementing section 591 would be $4 million in 2008 and $93 million over the 2008-2012 period.

Accession bonus for health professions scholarship. Section 624 would allow DoD to award accession bonuses of up to $20,000 to students who enroll in the Health Professions Scholarship and Financial Assistance Programs. Those programs pay the tuition and stipends of medical students who agree to serve in the armed forces upon completion of their studies. Because the armed forces are having difficulty recruiting medical professionals, CBO believes that DoD would use the maximum amount of this authority if funding were made available. Based on data from DoD, CBO estimates about 750 students would enroll in the program and receive this bonus each year, and that the total cost of implementing section 624 would be $15 million in 2008 and $74 million over the 2008-2012 period.

Special pay for medical officers. Section 615 would increase the maximum allowable amounts for both incentive special pay and the multiyear retention bonus for medical officers from $50,000 to $75,000 for each year the officer agrees to remain in the armed forces. There are currently only three medical specialties that are paid at, or near, the current maximum amounts: neurologists, radiologists, and anesthesiologists. The total number of personnel in those specialties is currently about 630, although to qualify for incentive special pay medical officers must first complete their initial service agreements with DoD, and to qualify for the retention bonus an officer must have at least eight years of service. Based on DoD data, CBO estimates that about 50 percent of those 630 people would be eligible for the increased incentive special pay and about 15 percent would receive the higher retention bonus. CBO estimates the total cost of implementing this section would be $8 million in 2008 and $48 million over the 2008-2012 period.

Dental officer special pay. Section 616 would increase additional special pay for dental officers with less than 10 years of service by $6,000 per year. Currently, those personnel receive either $4,000 or $6,000 per year depending on their seniority. This section would increase those amounts to $10,000 and $12,000. Based on data from DoD, CBO estimates about 1,350 dentists would receive the increase in additional special pay if this section were enacted, for a cost of $8 million in 2008 and $41 million over the 2008-2012 period.

Loan repayment for reserves. Section 672 would expand DoD's education loan repayment program to include officers in the selected reserve. Enlisted reservists are currently eligible to receive benefits under this program. Assuming that officer enrollment in this program would be proportionate to that of enlisted members with college degrees, CBO estimates that DoD would initiate loan repayment for about 620 reserve officers each year if this authority were enacted. CBO estimates the average amount of the loan repayments would total about $7,000 per person and would be paid over six years in annual increments of about $1,200, so that the total cost of this section would be $1 million in 2008 and $14 million over the 2008-2012 period.

Discount drug pricing. Under current law, DoD is one of several federal agencies that receives from pharmaceutical makers a significantly reduced price for drugs on the Federal Supply Schedule (FSS). Through this program, DoD is able to procure at a discount the drugs that it provides to beneficiaries through its hospital pharmacies and mail-order program. However, under DoD's TRICARE programs, beneficiaries can also fill prescriptions at retail pharmacies. Many drug manufacturers have refused to provide discounted prices to DoD for medications provided to beneficiaries in that manner.

Section 701 would require drug manufacturers to provide FSS pricing on purchases covered by TRICARE at retail pharmacies. Based on information from DoD about prescriptions filled at retail pharmacies by active-duty dependents and retirees and their dependents under age 65, CBO estimates that implementing this section could result in savings of about $300 million in 2008 and about $1.8 billion over the 2008-2012 period. This estimate is based on the difference between what DoD currently pays drug manufacturers for prescriptions filled at retail pharmacies and the FSS prices for those drugs. The estimate takes into account price inflation, projected increases in drug usage, and a growing active-duty population, resulting in increased savings in future years. (See the discussion in the "Direct Spending" section for CBO's evaluation of this provision on the mandatory TRICARE For Life program.)

Defense acquisition workforce development fund. Section 844 would establish the Defense Acquisition Workforce Development Fund to dedicate funding for recruiting, training, and retaining acquisition personnel in excess of the levels DoD is currently using for those purposes. Military services and defense agencies would be required to deposit into the fund in each fiscal year a percentage of the funds expended in that year on contracts for services, other than services related to research and development or construction. That percentage would increase in even steps from 0.5 percent of such expenditures in 2008 to 2 percent in 2011 and thereafter.

Based on information from the Federal Procurement Data System, CBO estimates that DoD will expend approximately $75 billion to $80 billion each year on contracts for services covered under this provision. The required deposit would be in addition to the amounts necessary to pay for the performance of the services contracts. CBO estimates that implementing section 844 would increase personnel and training costs by about $5.5 billion over the 2008-2012 period. Most of the deposits to the fund would be related to expenditures of future appropriations. Those discretionary costs would total $300 million in 2008 and $5.4 billion over the 2008-2012 period. The remainder of the deposits, which would be related to the expenditure of funds that were appropriated in fiscal year 2007 and in prior years, would constitute direct spending. Those costs are described later in this estimate.

Direct spending: The bill contains provisions that would increase and decrease direct spending from changes to TRICARE For Life, the foreign currency fluctuation account, combat-related special compensation, and other programs. S. 1547 also would increase receipts from asset sales, as discussed in the following section. We estimate that those provisions combined would decrease direct spending by $309 million in 2008, $714 million over the 2008-2012 period, and $2,088 million over the 2008-2017 period (see Table 4).

TABLE 4.—DIRECT SPENDING, ASSET SALES, REVENUES

[By fiscal year, in millions of dollars]

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total 2008–2012	Total 2008–2017
CHANGES IN DIRECT SPENDING (EXCLUDING ASSET SALES)												
Discount Drug Pricing:												
Estimated Budget Authority	−360	−390	−420	−460	−500	−540	−580	−630	−680	−740	−2,130	−5,300
Estimated Outlays	−360	−390	−420	−460	−500	−540	−580	−630	−680	−740	−2,130	−5,300
Transfers to Foreign Currency Account:												
Estimated Budget Authority	200	300	500	500	500	0	0	0	0	0	2,000	2,000
Estimated Outlays	100	200	400	450	500	250	100	0	0	0	1,650	2,000
Combat-Related Special Compensation:												
Estimated Budget Authority	7	70	98	65	67	69	72	74	76	79	308	678
Estimated Outlays	7	70	98	65	67	69	72	74	76	79	308	678
Aviation War Risk Insurance:												
Estimated Budget Authority	−80	−160	−120	−60	−10	30	200	240	210	150	−430	400
Estimated Outlays	−80	−160	−120	−60	−10	30	200	240	210	150	−430	400
Multiyear Contracts for Renewable Electricity:												
Estimated Budget Authority	80	80	80	80	80	80	0	0	0	0	400	480
Estimated Outlays	8	16	24	32	40	48	48	48	48	48	120	360
Early Reserve Retirement:												
Estimated Budget Authority	*	2	6	11	16	20	28	35	43	52	35	213
Estimated Outlays	*	2	6	11	16	20	28	35	43	52	35	213
Defense Acquisition Workforce Development Fund:												
Estimated Budget Authority	90	30	20	0	0	0	0	0	0	0	140	140
Estimated Outlays	65	45	20	10	0	0	0	0	0	0	140	140
Spending of Reimbursements from Palau:												
Estimated Budget Authority	*	*	*	*	*	*	*	*	*	*	1	3
Estimated Outlays	*	*	*	*	*	*	*	*	*	*	1	2
Extension of FEGLI for Reservists:												
Estimated Budget Authority	1	*	*	*	*	*	*	*	*	*	1	1
Estimated Outlays	1	*	*	*	*	*	*	*	*	*	1	1
Subtotal:												
Estimated Budget Authority	−62	−68	164	136	153	−341	−280	−281	−351	−459	325	−1,385
Estimated Outlays	−259	−217	8	48	113	−123	−132	−233	−303	−411	−305	−1,506
ASSET SALES												
National Defense Stockpile:												
Estimated Budget Authority	−50	−70	−80	−110	−99	−70	−60	−43	−0	−0	−409	−582
Estimated Outlays	−50	−70	−80	−110	−99	−70	−60	−43	−0	−0	−409	−582
Total Changes:												
Estimated Budget Authority	−112	−138	84	26	54	−411	−340	−324	−351	−459	−84	−1,967
Estimated Outlays	−309	−287	−72	−62	14	−193	−192	−276	−303	−411	−714	−2,088

Notes.—FEGLI = Federal Employees' Group Life Insurance.
* = less than $500,000.
Components may not sum to totals because of rounding.

Discount drug pricing. Under current law, DoD is one of several federal agencies that receives from pharmaceutical makers a significantly reduced price for drugs on the Federal Supply Schedule (FSS). Through this program, DoD is able to procure at a discount the drugs that it provides to beneficiaries through its hospital pharmacies and mail-order program. However, under DoD's TRICARE programs, including the TRICARE For Life program for retirees and their dependents age 65 and over, beneficiaries can also fill prescriptions at retail pharmacies. Many drug manufacturers have refused to provide discounted prices to DoD for medications provided to beneficiaries in that manner.

Section 701 would require drug manufacturers to provide FSS pricing on purchases covered by TRICARE at retail pharmacies. Based on information from DoD about prescriptions filled at retail pharmacies by retirees and their dependents age 65 and over, CBO estimates that implementing this section could reduce direct spending by about $360 million in 2008, $2.1 billion over the 2008–2012 period, and $5.3 billion over the 2008–2017 period. This estimate is based on the difference between what DoD currently pays drug manufacturers for prescriptions filled at retail pharmacies and the FSS prices for those drugs. The estimate takes into account price inflation and projected increases in drug usage, resulting in increased savings in future years. (See the above discussion under "Spending Subject to Appropriation" for CBO's evaluation of this provision on the discretionary TRICARE program for active-duty dependents and those retirees and their dependents under age 65.)

Transfers to the foreign currency account. Section 1007 would enhance DoD's ability to use expired appropriations to cover the costs of certain contracts and projects which are financed using foreign currencies. CBO estimates that section 1007 would increase direct spending outlays by $100 million in 2008, $1.7 billion over the 2008–2012 period, and $2 billion over the 2008–2017 period.

Under current law, most appropriations are available for obligation for a specified number of years and, after that time, they expire and cease to be available for new obligations. Once expired, however, those balances can be used during the following five years to record, adjust, or liquidate existing obligations. At the end of that five-year period, any remaining balances are cancelled. Appropriations for military personnel and for operation and maintenance generally are available for obligation for one year, except as discussed below.

Current law also contains another use for certain DoD funds that have expired. Title 10 of the U.S. Code, section 2779, allows DoD to transfer expired appropriations from its military personnel and operation and maintenance accounts into its Foreign Currency Fluctuations, Defense (FCF,D) account, provided that the transfer occurs within two years of when the applicable appropriation expired, and that the account balance does not exceed $970 million at the time the transfer is made. Funds in the account can then be transferred back to the military personnel and operation and maintenance accounts and be obligated to cover "losses" that occur when actual exchange rates are less favorable than the exchange rates that DoD used in formulating its budget. If those transfers—to cover such losses—prove to exceed DoD's requirements, the department can once again transfer funds back to the FCF,D account within a corresponding two-year period. In addition, if actual exchange rates prove more favorable than DoD's forecast, the department can transfer those "gains" into the FCF,D account.

Section 1007 would extend—from two years to five years—the time period that DoD could transfer expired balances from the military personnel and operation and maintenance accounts to the FCF,D account. This would result in a reappropriation of funds by allowing existing appropriations that are currently expired—or that will otherwise expire under current law—to become newly available for obligation.

Under section 1007, DoD would have access to a larger pool of balances that could be transferred into the FCF,D account because under the existing two-year limit, DoD's program managers are reluctant to allow such transfers when those balances may ultimately be needed to adjust or liquidate obligations in later years. Under section 1007, once the life of the balances approach the end of the applicable five-year period, managers would likely allow almost all such balances to be transferred because those funds would otherwise be cancelled.

During the 2002–2006 period, transfers of expired balances ranged from $0.6 billion to $1.9 billion annually. Based on DoD's past use of expired balances to cover currency losses, on the expanded pool of balances that would be available to cover currency losses, and considering the inherent uncertainty in forecasting exchange rates, CBO estimates that enacting this section would result in reappropriations of about $200 million in 2008 and about $2 billion over the 2008–2012 period. Outlays would total about $100 million in 2008, $1.7 billion over the 2008–2012 period, and roughly $2 billion over the 2008–2017 period.

Under current law almost all applicable balances from appropriations provided in 2007 and prior years will be cancelled after 2012. Therefore, CBO estimates that no balances would be reappropriated in 2013 or in later years. However, when the Congress provides DoD with appropriations for 2008 and future years, DoD would ultimately spend a higher percentage of those funds if section 1007 is enacted into law. That added spending is not reflected in Table 4 because those outlays would be subject to future appropriation actions.

Combat-Related Special Compensation (CRSC). Currently, disabled servicemembers who are allowed to retire with less than 20 years of service see their retirement annuity offset or reduced by any amount of disability compensation that they receive from VA. Retirees who have served 20 or more years in the service and whose VA-rated disability is related to combat, hazardous duty, or military training are eligible to receive CRSC. This compensation replaces part or all of the portion of their retirement annuity that is offset by VA disability compensation. Section 653 would allow disability retirees with less than 20 years of service to receive CRSC. Based on information from DoD, CBO estimates that enacting this provision would increase direct spending by $7 million in 2008, $308 million over the 2008–2012 period, and $678 million over the 2008–2017 period.

Aviation war-risk insurance. Under current law, the Federal Aviation Administration (FAA) offers a commercial aviation insurance program that, for a premium, insures air carriers and certain manufacturers against liabilities arising from losses caused by terrorist events. The FAA also offers a non-premium insurance program to air carriers that participate in the Civil Reserve Air Fleet (CRAF). The FAA's authority to operate both of those programs is scheduled to expire on March 30, 2008. Section 353 would extend those programs through December 31, 2013. CBO estimates that extending the CRAF program through 2013 would have no significant budgetary impact; however, extending the FAA's authority to offer commercial aviation insurance through 2013 would reduce net direct spending by $80 million in 2008 and $430 million over the 2008–2012 period, but would increase net direct spending by $400 million over the 2008–2017 period.

Those long-term net costs result because CBO assumes that the FAA would continue to offer commercial aviation insurance at rates that would not fully offset the government's cost of providing that coverage. Based on information from the FAA about current rates, CBO estimates that increased offsetting receipts from premiums (which are credited against direct spending) would total $1.1 billion over the 2008–2014 period. CBO also estimates, however, that payments for expected losses under section 353 would cost $1.5 billion over the next 10 years, with residual spending after 2017.

CBO cannot predict how much insured damage terrorists might cause to air carriers and manufacturers in any specific year. Instead, our estimate of the cost of commercial aviation insurance under section 353 represents an expected value of payments from the program—a weighted average that reflects the probabilities of various outcomes, from zero damages up to very large damages caused by possible future terrorist attacks. The expected value can be thought of as the amount of an insurance premium that would be necessary to just offset the risk of providing this insurance; indeed, our estimate of the expected cost of implementing section 353 is based on actual premiums for terrorism insurance that have been paid by non-U.S. air carriers that must purchase such insurance from the private sector. Our estimate also recognizes that some costs faced by private insurance firms are not borne by the federal government. While this cost estimate reflects CBO's best judgment on the basis of available information,. such future costs are a function of inherently unpredictable future terrorist attacks. Actual costs could fall anywhere within an extremely broad range.

Multiyear contracts for renewable energy. Section 826 would allow DoD to enter contracts for a term of up to 10 years to purchase electricity from renewable sources such as wind or solar power generators. Based on information from DoD, CBO expects that the department would commit to purchasing a guaranteed amount of electricity as part of those contracts, to encourage producers to invest in renewable energy generation equipment and to enable them to acquire financing at favorable interest rates.

When the government enters a contract with a guaranteed purchase amount, it incurs a legal obligation for the full cost of those purchases. However, when DoD has used other multiyear contracting authorities in the past, it has typically obtained budget authority and recorded obligations only for the payments that were due in the first year of the contract, even though its actual contractual obligation exceeded that amount. That method of implementing multiyear procurement authority provides DoD with contract authority—a form of budget authority—because it allows the department to incur an obligation in excess of available appropriations. Budget authority for the full cost of such contracts should be recorded at the time it is signed and outlays should be recorded over the term of the contracts as payments are made for the electricity consumed.

Under current law, DoD is required to obtain 7.5 percent of its electricity from renewable energy sources by 2013. It currently gets about 4 percent of its electricity from such sources. If section 826 were enacted, CBO estimates that DoD would use multiyear contracts to purchase half the additional renewable electricity it needs—nearly 500,000 megawatt hours per year—to meet that requirement. The cost of renewable energy would vary based on the mix of wind, solar, and biomass power generators that were used; CBO estimates that DoD would pay roughly $100 per megawatt hour of renewable electricity. CBO assumes that over a six-year period, DoD would initiate a series of 10-year contracts for even increments of additional electricity at a cost of $80 million per year until it was acquiring 500,000 megawatt hours of electricity from renewable sources by 2013. Under such contracts, direct spending would increase by $8 million in 2008, $120 million over the 2008–2012 period, and $360 million over the 2008–2017 period. The first group of multiyear contracts that would be initiated in 2008 would expire after 2017. At that time, the department would need to enter new contracts for renewable electricity to continue to satisfy the requirement in current law. CBO estimates that in total, such contracts would increase direct spending by about $50 million each year after 2017.

Early reserve retirement. Under current law, members of the reserve components may not receive retirement annuities for their service until they reach 60 years of age. Section 655 would allow retired reservists to receive such annuities earlier if they were called to active duty as a reservist and served for at least 90 days. Under this proposal, for every 90 days a reservist is activated after passage of S. 1547, they would be eligible to begin receiving their retirement annuities 90 days earlier than they otherwise would. Relatively few reservists would be able to take advantage of this provision in the near future. As most reservists stop active participation in the reserves well before their 60th birthday, few reservists nearing retirement over the next decade will have served on active duty during that decade. Therefore, the full annual costs of this provision would occur more than 10 years after enactment and are not reflected in this estimate. Based upon information from DoD, CBO estimates that enacting this provision would have an insignificant effect on direct spending in 2008, and would increase direct spending by about $35 million over the 2008–2012 period and $213 million over the 2008–2017 period.

Defense Acquisition Workforce Development Fund. Section 844 would establish the Defense Acquisition Workforce Development Fund to dedicate funding for recruiting, training, and retaining acquisition personnel in excess of the levels DoD is currently using for those purposes. Deposits to the fund would be based on a percentage of expenditures on contracts for services in a given year. CBO estimates that over the 2008–2010 period more than $23 billion will be expended on such contracts from funds that have already been appropriated.

Most contracts for services are paid from appropriations for operation and maintenance, which generally are available for obligation for only one year. For the following five years, those funds—now expired—are available only to record, adjust, or liquidate existing obligations to the account. At the end of that five-year period, any remaining balances are cancelled. (Over $1 billion in unexpended balances of operation and maintenance funds are cancelled each year.) Expired, unobligated balances are available to pay for an increase in the cost of contracts for which funds were obligated during the period of availability. CBO expects that the department would treat the requirement to make deposits into the Fund as an increase in the cost of the contracts on which such deposits are based, thus allowing it to use expired, unobligated balances to make the required deposits for expenditures of funds that were appropriated prior to enactment of this bill. Thus, this section would make those expired balances available for expenditure, resulting in a reappropriation of those funds. CBO estimates that those reappropriations would increase direct spending by $65 million in 2008 and $140 million over the 2008–2011 period. (This section would also require DoD to make deposits based on the expenditure of funds that have yet to be appropriated. Those deposits are discretionary costs and are discussed above in the section on "Spending Subject to Appropriation.")

Spending of reimbursements from Palau. Section 1213 would allow DoD to spend reimbursements from the government of Palau. Under current law, Palau reimburses the United States for the cost of providing military civic action teams and those receipts—about $250,000 annually—are deposited into the U.S. Treasury. CBO estimates that enacting section 1213 would cost less than $500,000 in every year, and would cost a total of $1 million over the 2008–2012 period and $2 million over the 2008–2017 period.

Extension of Federal Employees Group Life Insurance (FEGLI) for reservists. Civilian employees of the federal government are entitled to purchase life insurance under the FEGLI program. Under current law, that insurance coverage may be continued for up to 12 months for reservists who are called to active military service. Section 1103 would extend FEGLI coverage for up to 24 months of active military service. This extension of coverage would initially increase net outlays from the Employees Life Insurance Fund because private insurers would most likely increase the premiums they charge the federal government. However, in later years, the Employees Life Insurance Fund would offset those additional costs by increasing the amount participating employees are required to contribute to the fund. CBO estimates that the net cost of implementing this section would be $1 million in 2008 and $1 million over the 2008–2017 period.

Housing leases in Korea. DoD has authority under title 10 of the U.S. Code, section 2828, to lease 2,800 family housing units in Korea, at a maximum cost of $35,000 per unit per year. Under current law, that cost limit is adjusted for the change in the consumer price index since 2003, and for the change in the foreign currency exchange rate since 1988. Section 2812 would increase the unadjusted cost limit to $35,050 per unit.

The department has requested that the cost limit on the authority in current law be increased so that it can acquire family housing through build-to-lease contracts. In a build-to-lease agreement, the government contracts with a developer to build a specified number of housing units in a specified location for use by military personnel. According to DoD, the military services often agree to a fixed lease term—currently limited to a maximum of 15 years in Korea—with renewal options for additional periods of time. Those renewal options can extend the duration of the lease term to 30 years or more. Based on the government's commitment to lease the housing, the developer borrows money to pay for construction of the units, using the promised payments from the government to demonstrate to lenders a reliable source of income for debt service.

CBO believes that acquiring military housing through a build-to-lease contract is a governmental activity that uses a private-sector intermediary to serve as an instrument of the federal government by borrowing funds to finance the construction of housing on the government's behalf. Those build-to-lease agreements should be considered acquisitions rather than leases for several reasons. First, the housing would be constructed at the request of the government to fill an enduring need for housing for DoD personnel. Second, because the government would agree to lease the housing for up to 15 years, and may extend the lease term for additional years under renewal options, the government would likely consume most of the useful economic life of the housing. Third, the need for at least 15 years of government commitment to obtain financing indicates that there may not be a private-sector market for the new housing. Finally, the government would be the dominant or only source of income for such projects. Lease payments are made directly by the government to the housing developer. If the lease is terminated before the end of the fixed term, or before the end of any exercised lease options, the government is liable for early termination costs, which, under DoD's current practice, are not funded in the budget when the lease is signed. The federal government also agrees to pay rent on all the units it leases, regardless of whether they are occupied by DoD personnel or are vacant.

The acquisition cost of the housing that would be acquired using the authority is determined by calculating the present value of 15 years of lease payments less the portion of those payments needed for operating and maintenance costs. That amount should be recorded as budget authority in the year the lease is signed, and outlays should be recorded over the construction period. Instead, DoD treats such arrangements as operating leases, by recording each year's lease payments on an annual basis. (The department may not record any obligations in the year it enters a contract for the housing because such housing takes more than one year to build and the first payment would not be due until construction was completed.) By using the authority to incur an obligation in advance of appropriations, current law provides contract authority, which is a form of direct spending.

According to DoD, the lease payment under the current cost limit calculation do not provide enough income for housing developers in Korea to recover their construction costs during the initial 15-year term of the lease. Because it increases the cost limit by only $50 per unit, CBO believes that section 2812 is unlikely to facilitate additional build-to-lease contracts in Korea, and thus would have no effect. If such contracts were feasible under the increased limit, DoD could acquire housing worth $575 million, CBO estimates.

Other provisions. The following provisions would have an insignificant budgetary impact on direct spending:

Section 504 would clarify the maximum age of service for certain general and flag officers.

Section 534 would set to 38 the maximum years of service for reserve officers in the grade of lieutenant general or vice admiral, aligning such limit with that for the active duty force.

Section 652 would allow guardians or caretakers of dependent children to be designated beneficiaries under the Survivor Benefit Plan.

Section 682 would change the treatment of overseas residence relating to certain immigration benefits for military spouses and children.

Section 825 would extend by five years the authority for the Defense Advanced Research Projects Agency (DARPA) to provide services to nongovernmental organizations and enter into unconventional cooperative agreements with private contractors for research relating to the development of advanced weapons systems. This provision also would extend the authority for DARPA to collect and spend reimbursements for any services rendered.

Section 934 would authorize DoD to operate a Western Hemisphere Center for Excellence in Human Rights. This provision would allow the center to accept and spend donations to help defray operating costs.

Section 1024 would make permanent the authority of the Secretaries of the Army, Navy, and Air Force to accept gifts on behalf of members of the Armed Forces and of civilian employees of DoD who are injured in the line of duty.

Section 1030 would prohibit DoD from selling parts for the F–14 fighter aircraft, except to museums or to other organizations in the United States that work to preserve F–14 fighter aircraft for historical purposes. (DoD can spend the proceeds from any such sales without future appropriation action.)

Asset sales—National Defense Stockpile: Enacting the bill would lead to increased receipts from the sale of material in the National Defense Stockpile. Those additional sales would reduce direct spending by $409 million over the 2008–2012 period and by $582 million over the 2008–2015 period.

Section 1413 would increase by $129 million the target contained in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; later revised by Public Laws 108–136 and 109–163) for continual sales of chromium and beryllium from the National Defense Stockpile. CBO estimates that the additional sales would begin in 2010 and that there would be sufficient quantities of those materials in the stockpile to complete those additional sales by 2012. Thus, CBO estimates that this section would increase receipts from stockpile sales by $129 million over the 2010–2012 period.

Section 1413 also would increase by $453 million the target contained in the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; later revised by Public Laws 106–398, 107–107, 108–375, 109–163, and 109–364) for continual sales of tungsten from the National Defense Stockpile, and it would extend sales through fiscal year 2015. CBO estimates that there would be sufficient quantities of tungsten in the stockpile to achieve additional receipts of $50 million in 2008, $280 million over the 2008–2012 period, and $453 million over the 2008–2015 period.

In addition to the increased targets, section 1413 initially would limit the sales of ferromanganese from the National Defense Stockpile to no more than 50,000 tons in 2008. Additional sales of up to 50,000 tons of ferromangenese would be allowed if the market demand was sufficient. Based on recent sales, CBO estimates that the provision would not reduce sales because market demand would be sufficient to allow for the continued sales of ferromangenese at planned levels.

Section 1413 also would allow for additional sales of 500 tons of chrome metal (up from planned levels of 500 tons) if the market demand was sufficient. CBO estimates that this provision would have no significant budgetary effect because recent sales suggest that those additional sales would not occur.

Revenues: Sections 934 and 1024 would allow DoD to accept and spend gifts. Such donations are classified as revenues. CBO expects, however, that enactment of those sections would not have a significant effect on revenues.

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 1022 would fall within that exclusion because it would amend the authority of the President to employ the armed services to protect individuals' civil rights. Therefore, CBO has not reviewed that section of the bill for mandates.

Other provisions of S. 1547 contain both intergovernmental and private-sector mandates as defined in UMRA but CBO estimates that the annual cost of those mandates would not exceed the thresholds established in UMRA ($66 million for intergovernmental mandates in 2007 and $131 million for private-sector mandates in 2007, adjusted annually for inflation).

Increasing the end strength of the armed services: Sections 401 and 412 would increase the costs of complying with existing intergovernmental and private-sector mandates as defined in UMRA by increasing the number of servicemembers and reservists on active duty. Those additional servicemembers would be eligible for protection under the Servicemembers Civil Relief Act (SCRA) including the right to maintain a single state of residence for purposes of state and local personal income taxes and the right to request a deferral in the payment of certain state and local taxes and fees. SCRA also requires creditors to reduce the interest rate on servicemembers' obligations to 6 percent when such obligations predate active-duty service and allows courts to temporarily stay certain civil proceedings, such as evictions, foreclosures, and repossessions. Extending these existing protections would constitute intergovernmental and private-sector mandates and could result in additional lost revenues to government and private-sector entities.

The number of active-duty servicemembers covered by SCRA would increase by less than 1 percent in fiscal year 2008. CBO expects that relatively few of these servicemembers would take advantage of the deferrals in certain state and local tax payments; the lost revenues to those governments would be insignificant.

CBO does not have sufficient information to estimate precisely the increase in costs of existing private-sector mandates. Servicemembers' utilization of the various provisions of the SCRA depends on a number of uncertain factors, including how often and how long they are deployed. Nonetheless, because the increase in the number of active-duty servicemembers covered by SCRA would be less than 1 percent, CBO expects that the increased costs to the private sector caused by those new servicemembers utilizing SCRA would be small.

Prohibiting the sale by Department of Defense of parts for F-14 fighter aircraft: Section 1030 contains a private-sector mandate as defined by UMRA because it would prohibit the sale of any parts of the F-14 aircraft by the Department of Defense. It also would prohibit the United States government from issuing an export license for sale of F-14 aircraft parts. Those prohibitions would be a mandate upon U.S. persons or entities that purchased F-14 parts legally from the Department of Defense with the intention to resell the aircraft parts.

The cost of the mandate to the private sector, if any, would be the amount certain United States persons and entities have already paid to purchase the F-14 parts from the Department of Defense added to the foregone profit attributable to the prohibition of resale of the F-14 parts. From April 2006 to December 2006, F-14 parts were sold for a total of $38,000. As a result, CBO estimates that the cost, if any, to comply with that mandate would be minimal.

Providing benefits to state and local governments: This bill contains several provisions that would benefit state and local governments. Some of those provisions would authorize aid for certain local schools with dependents of defense personnel and convey certain parcels of land to state and local governments. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Previous CBO estimates: On April 12, 2007, CBO transmitted a cost estimate for H.R. 1441, the Stop Arming Iran Act, as ordered reported by the House Committee on Foreign Affairs on March 27, 2007. Section 1030 of S. 1547 is similar to H.R. 1441 and the estimated costs are the same for both provisions.

On May 14, 2007, CBO transmitted a cost estimate for H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, as reported by the House Committee on Armed Services. On June 12, CBO transmitted a cost estimate for H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, as passed by the House. Differences in the estimated costs of S. 1547 and the House-reported and House-passed versions of H.R. 1585 reflect differences in the legislation, as well as different treatments of TRICARE For Life accrual payments, as discussed below.

S. 1547 and H.R. 1585 as passed by the House, would authorize different levels of appropriations but they nevertheless envision a similar overall level of funding—roughly $640 billion—for 2008. Specifically, S. 1547 would authorize appropriations totaling $629 billion, while the House-passed version of H.R. 1585 would authorize about $12 billion more than that figure, or $641 billion. The $12 billion difference, however, does not reflect a vastly different level of recommended funding. Rather, it primarily reflects different treatments of $11 billion in TRICARE For Life accrual payments that are part of DoD's budget; S. 1547 does not contain an authorization of appropriations for those payments, while H.R. 1585 implicitly does.

Those accrual payments, which are categorized as military personnel spending, will be made under current law regardless of whether or not they are authorized on an annual basis. Furthermore, the payments will be charged to the House and Senate Appropriations Committees and will count against their discretionary allocations as set forth in the most recent budget resolution.

Despite envisioning similar levels of overall defense funding, there is a notable difference in the authorizations in S. 1547 and H.R. 1585 as passed by the House. S. 1547 would authorize $128 billion for DoD's costs of military operations in Iraq and Afghanistan, or about $13 billion less than the amount in the House-passed act (which is about equal to the President's request.) In authorizing the lower amount, the Senate Committee on Armed Services states that it reallocated requested war-related authorizations—which the committee believes are not directly related to operations in Iraq and Afghanistan—into authorizations for DoD's "base budget accounts." As a result, the authorizations in S. 1547 for DoD's base budget are about $13 billion higher than in the House-passed version of H.R. 1585 (after making adjustments for the TRICARE For Life accrual payments discussed above.)

Estimate prepared by: Federal Costs: Defense Outlays: Kent Christensen; Military and Civilian Personnel: Matthew Schmit; Military Construction and Multiyear Procurement: David Newman; Military Retirement and Education: Mike Waters; Health Programs: Michelle S. Patterson; Aviation War-Risk Insurance: Megan Carroll; Stockpile Sales: Raymond J. Hall; Operation and Maintenance: Jason Wheelock; Foreign Affairs: Sam Papenfuss; Impact on State, Local, and Tribal Governments: Neil Hood; Impact on the Private Sector: Victoria Liu.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. LEVIN. Madam President, I ask unanimous consent that following the remarks of the Senator from Hawaii, on this side of the aisle, the order then be Senator BIDEN and Senator BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I thank Chairman LEVIN and Ranking Member MCCAIN for their leadership and working in a bipartisan fashion to unanimously pass the National Defense Authorization Act for Fiscal Year 2008 out of committee. I also thank my ranking member of the Subcommittee on Readiness, Senator ENSIGN, and the members of that committee for their work in bringing this about.

This bill exemplifies what can be achieved through the spirit of bipartisan cooperation to address a number of important defense priorities. As our distinguished chairman has already highlighted, this bill includes a 3.5 percent across-the-board pay raise for all uniformed personnel, adds $4 billion to the President's budget for mine resistant vehicles to protect our troops in Iraq and Afghanistan. It also authorizes fiscal year 2008 end strengths for the Army and Marine Corps, of 525,400 and 189,000 respectively, an increase of 13,000 for the Army and 9,000 for the Marine Corps, and it supports the transformation of our Armed Forces to meet the threats of the 21st century.

As chairman of the Readiness Subcommittee, both Ranking Member ENSIGN and I worked with our colleagues to continue the subcommittee's strong commitment to increasing the readiness of the Armed Forces. In this legislation, we are providing support to projects and programs that are important to the readiness of the Army, Navy, Air Force, and Marines, both active and reserve components. In this regard, $188.4 billion is authorized to meet the services' operation and maintenance requirements to support the combat operations, improve the readiness of deploying and nondeployed forces, and to support the Army and Marine Corps plans to increase their fiscal year 2008 end strengths.

I believe all of us in the Senate are concerned that our military forces have what they need to be trained and ready, but I am particularly concerned about the readiness of our ground forces. This legislation before us today fully funds the Army and Marine Corps request for depot level maintenance. I am encouraged that neither the Army nor Marine Corps identified a shortage of funds for depot maintenance. While the Chief of Naval Operations did bring to this committee's attention a funding shortfall for Navy aircraft depot maintenance, we approved an increase of $77 million. In addition, we included $4.8 billion for the procurement of ammunition of all types to support the services' war fighting, training, and war reserve requirements.

With regard to the Department of Defense's management and acquisition policy, I am particularly pleased this bill includes a provision requiring, for the first time, that the Department of Defense have a chief management officer. The Comptroller General has told the members of this committee on numerous occasions that the Department needs to do this to ensure that the Department's many high-risk areas get the top-level management attention they deserve.

Other important acquisition reform provisions included in this bill are as follows: a provision that would provide the resources that DOD needs to address the shortcomings in its acquisition workforce; a series of provisions that would tighten DOD management of contract services; a provision that would ensure that our commanders on the battlefield have the authority they need to establish rules for armed contractors in an area of combat operations; a provision establishing guidelines for DOD to use in determining whether savings are "substantial" for the purpose of justifying multiyear contracts; and a provision that would require that each of the Assistant Secretaries for Acquisition in the military departments be assisted by a three-star military deputy who has significant acquisition experience. I believe these provisions, taken together, will lead to substantial improvements in the DOD acquisition process.

I am particularly pleased this year's authorization bill includes a provision to establish a Director of Corrosion Control Policy and Oversight, and funding for corrosion prevention and control programs. Corrosion is a costly problem. In fact, it is one of the largest costs in the life cycle of weapons systems. In addition, corrosion reduces military readiness, as the need to repair or replace corrosion damage increases the downtime of critical military assets. Consequently, I firmly believe that cohesive corrosion control programs are integral to maintaining military readiness. This critical maintenance activity increases the life of multimillion dollar weapons systems and ensures their availability during times of crisis. Effective corrosion control should be made a key component of the Department of Defense's resetting strategy and funds should be allocated accordingly.

This legislation also includes my legislation to establish a National Language Council to develop a long-term and comprehensive language strategy and oversee the implementation of that strategy. This will ensure that the administration's current efforts to promote foreign language competency will develop into an organized and concerted effort to improve the Nation's foreign language capabilities.

We also make a valuable and important investment in our infrastructure by providing an additional $461 million above the budget request to repair, replace, and modernize our aging defense facilities and improve the quality of life and the productivity of our military. Furthermore, we make a true commitment to provide quality health care for all beneficiaries, including authorizing $24.6 billion for the Defense Health Program, authorizing the use of Federal pricing for drugs dispensed through the TRICARE retail program. In addition, we reject the administration's proposal to give DoD broad authority to increase TRICARE program cost-sharing amounts for military retirees and their dependents.

As chairman of the Veterans' Affairs Committee and a member of the Armed Services Committee, I am able to look at the issue of seamless transition from military to civilian life from two different perspectives and, at the appropriate time, I will be offering an amendment to the underlying bill to improve care specifically for veterans. My friend and colleague Chairman LEVIN and I have worked together on these issues. We held a joint hearing on April 12 and have developed a thoughtful set of provisions to deal with the VA's response to traumatic brain injuries, also known as TBI and also known as invisible wounds. The amendment I will be offering includes provisions recently approved by the Committee on Veterans' Affairs at our markup on June 27. In fact, this amendment is a direct product of the committee's work to address seamless transition issues and is the corresponding piece to S. 1606, the Dignified Treatment for Wounded Warriors Act.

At the heart of my amendment are the improvements to TBI care. Ranking Member CRAIG and I worked on these traumatic brain injury provisions and they have garnered the support of many organizations, including the American Academy of Neurology, the Brain Injury Association of America, and the Disabled American Veterans. The VA was caught flat-footed by the large number of devastating TBI cases resulting from the conflicts in Iraq and Afghanistan. My amendment would go a long way toward resolving the difficulties faced by soldiers afflicted with TBI by providing comprehensive TBI legislation. It would require individual rehabilitation plans for veterans with traumatic brain injury and authorizes the use of non-VA facilities for the best TBI treatment available. The amendment also requires much more research and education for severe TBI. We have even developed a pilot program for assisted living services for veterans with TBI.

My amendment would also extend the period of automatic eligibility for VA health care from 2 to 5 years for servicemembers returning from combat. It would ensure access to care for conditions that may not be apparent when a servicemember first leaves active duty and would contribute to a seamless transition from military to civilian life. In addition, this amendment requires a preliminary mental health evaluation be conducted within 30 days of a servicemember's request. VA must be prodded to ensure timely access to mental health care. I thank Senator OBAMA for working with me on this important provision.

Finally, our ongoing global operations have utilized the reserve components on an unprecedented scale. When these citizen soldiers redeploy, it is essential that VA include them in their outreach efforts. To recognize the importance of the National Guard and Reserve and to acknowledge their contributions to the Nation's efforts, my amendment redefines the VA's definition by specifically including them in the outreach program.

The Senate Armed Services Committee has taken bold and necessary steps in this legislation that will provide the necessary funds and management reforms required to support our service men and women while allowing the military to continue to meet our Nation's future defense needs.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, Senator BIDEN was to be recognized next. I don't see him on the floor at this moment, so I will note the absence of a quorum for a few moments, and if he does not arrive, then I will give my remarks on the Webb amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Parliamentary inquiry: I understand I am supposed to speak after Senator BIDEN, but he told me before he left the floor that if he weren't here, I could reverse the order. I wonder if Senator LEVIN would give me permission to do that.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, I thank my good friend from California, and I have no objection at all.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, this is a very important week for this country as we bring the issue of Iraq back to the Senate floor and listen to the American people, who are very clear. They want this war to end. They want the troops to come home. They know our service men and women have given everything there is to give, and more. They know the policies we have followed in Iraq since day one have backfired. They are looking to us.

If I might say where we are in this debate in this Senate, in my opinion, is between talk and action. It is very easy to talk and say: Oh, we need a change. We must have a change. It is important that we have a change, and call press conferences and say we need a change. It is time for change. But let's see how people vote. Will they vote for a sense of the Senate that has absolutely no force of law, which says it is the sense of the Senate we should change course, or will they vote to start redeploying our troops out of the middle of a civil war, out of chaos?

My colleagues know I represent the largest State in the Union, and we are taking a major hit. We have lost hundreds and hundreds of soldiers. We see thousands injured from our State. We see a National Guard that doesn't have the equipment it has to have. Some reports are the equipment is down 50 percent. What does that mean? It means if, God forbid, there is an earthquake, a fire, all the things we have to deal with in my beautiful State, who is going to protect the people? How much longer can we afford the bloodshed? The dollars—we are now told $12 billion a month is being spent in Iraq and Afghanistan.

The Presiding Officer and I share a lot of common interests. One of them is, for example, to make sure our kids can go to afterschool care, because that is the time they get in trouble. That is a high-risk time. Do my colleagues know what it would cost to fund afterschool care to the level that it is supposed to be, according to No Child Left Behind? It would cost $3 billion a year. We are funding it at $1 billion. Millions of kids are on the street. We spend $12 billion in Iraq and Afghanistan in 1 month, but we cannot find a couple of billion in a year for our children. We can't find the money to insure our children, to protect their health. Oh, no. We don't have the money for that. The President is going to veto this bill and veto that bill. He can't help the farmers. We can't do this, we can't do that, but $12 billion in Iraq and Afghanistan—no problem. No problem to save his reputation, to save him from having to prove to the world he was wrong. Well, it is one thing to have an argument with someone and have pride and say: You know, I am not going to admit I made a mistake. It is another thing when people are dying because of your mistake—every day.

Now, in November of 2006, the American people voted against the Iraq war. They elected Democrats. They want this war to end. They want this mission to end. They don't want our troops in the middle of a civil war, getting killed and getting maimed, getting post-traumatic stress, getting brain injuries that are the signature injury of this war.

We will be dealing with the problems of this war for decades to come. Anyone who lived through Vietnam knows that if you go on the streets today and look at who the homeless are, you know who they are. A third of them are veterans, most of them from Vietnam who never got over the experience. That is why Senator LIEBERMAN and I have worked together to try and get the people who are coming back the mental health care they need. Senator LIEBERMAN and I do not agree on this war. We are polar opposites on this war. But let me tell my colleagues, we are working together to get these troops the mental health care they need. Their marriages are breaking up. They can't sleep at night. They are having trouble with their employers. We have so many problems, and the American people expect us to fix it.

I see my friend Senator BIDEN is on the floor, and I will tell him I will speak for about another 10 minutes.

Now that my friend is on the floor, Senator BIDEN is the Senator who has looked ahead, who has said there is a light at the end of the tunnel. He has put forward a plan, and he put it forward a long time ago, for a diplomatic solution here, because there is no military solution. How many more explosive devices are going to blow up in the faces of our troops before we start bringing them home? How many more Iraqis are going to die—women, children? How many more faces are we going to look at on the front page before we get the guts to do the right thing?

The President doesn't listen. He didn't listen after the election. Oh, he said he did. He said he had a new strategy. What was it? The surge. The surge is not a new strategy. It is a military tactic, and it isn't working. Here is what the President said after he sent in more than 20,000 additional troops. He said:

> Over time, we can expect to see . . . fewer brazen acts of terror, and growing trust and cooperation from Baghdad's residents. When this happens, daily life will improve, Iraqis will gain confidence in their leaders, and the Government will have the breathing space it needs to make progress in other critical areas.

Wrong. The President was wrong again. The Washington Post reported on Sunday:

> The Iraqi government is unlikely to meet any of the political and security goals or time lines President bush set for it in January. . . .

And today the AP, Associated Press, reports:

> Iraq fails to meet all reform goals.

Not even one goal was met, and our people are dying. They cannot meet one goal. The violence continues unabated.

Since the President made his speech on January 10, after the election, when he said there was going to be a new strategy, 590 U.S. service men and women have been killed, 107 of whom did not live to see their 21st birthday. What kind of change is that this President brought?

The average number of daily attacks by insurgents and militias has not dropped below 150 per day. In Baghdad alone, there has been an average of 50 insurgent attacks a day. Over the weekend, more than 150 Iraqis were killed in one single bombing. These bombings are not isolated events. In June alone, there were 39 bombings in Iraq that resulted in multiple fatalities. The number of suicide attacks more than doubled in Iraq since the surge began—from 26 in January to 58 in April. What kind of new strategy is that? If that is a new strategy, it is worse than the other one. The average number of Iraqi civilians killed has risen to more than 100 per day.

The administration is failing on the security front; they are failing on the political front. They don't listen to Senator BIDEN, chairman of the Foreign Relations Committee. They don't listen to Senator LUGAR, the ranking member. They are all saying you have to have a political solution.

The administration is failing on the reconstruction front. Iraqis living in Baghdad still receive an average of 5.6 hours of electricity a day. The President can't even keep the lights on, let alone succeed in this surge.

Yesterday, Tony Snow said:

> The President wants to withdraw troops based on the facts on the ground, not on the matter of politics.

Well, I say to Tony Snow, elections have consequences, and you lost in 2006. The issue was Iraq and the policies on the ground are not working; they are failing. So whether you listen to politics or what is happening on the ground, the answer is the same.

On February 1, Tony Snow described the surge in this way:

> We are talking about significant economic development efforts; we're talking about significant political reconciliation. These are the kinds of things we expect to see.

Well, they have not seen them. We know the President is going to address the American people. I say to the President, tell the truth to the American people. Lay out what you expected, and then lay out the reality, and start getting the troops home. We have not seen improvements. Now our military is at the breaking point. Listen to retired generals. They don't have to toe the line. They tell the truth. Nearly 90 percent of Army National Guard units in the U.S. are rated "not ready"—largely as a result of shortfalls in equipment that jeopardize their capability to respond to crises at home and abroad. In my State, our equipment is down 50 percent. So who will be responsible when we have a disaster, I say to the President? Who is going to be responsible? The same people who have brought us Iraq are going to bring us a crisis in our States. We already saw what happened in Katrina from incompetence. Let's match incompetence and lack of equipment and see what happens then.

What about Iraqi forces? On January 11, Secretary Gates said:

> We are going to know pretty early on whether the Iraqis are meeting their military commitments. . . .

He said we would know early on. The answer is they are not meeting their military commitments. After this weekend's violence, senior Iraqi officials called on Iraqi civilians to arm themselves and fight insurgents. That is from their Government. They are not telling the people this Government will protect you; that the Americans have trained 300,000 of us and we are ready to protect you. No. The answer is to arm yourselves so that when insurgents break down your door, you can kill them before they kill you. What a situation.

The Iraqi Vice President said:

> The people have no choice but to take up their own defense.

We need to chart a new course on Iraq today. As Senator LUGAR said:

> Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

But the administration doesn't seem willing to chart a new course. As stated on the front page of today's Washington Post, "GOP Dissent Spurs Change in Message But Not Course." That is another way of, I think, confusing the subject. Get up and give a great speech and then you vote against anything that has any teeth in it. You vote for something that says it is the sense of the Senate that things are not going well, rather than it is time to change this mission and get our troops out of the middle of a civil war, and make sure what we are doing is training the Iraqi soldiers, and that is fine, and going after al-Qaida, which is fine, protecting our forces, and that is fine, but get most of them out of there.

A change in message will not prevent the deaths of more Americans and will not salvage the President's failed policy. Over the next 2 weeks, we will have the opportunity to debate several amendments that will mandate a change of course on Iraq. I urge my colleagues, as strongly as I can, as someone who has stood up here time and time again and said we are making mistakes, to finally admit it—but not just admit it, do something about it. That is what we have to do. We have to change the reality of what is happening.

As the experts have told us over and over again, what are we doing here? We are in the middle of a civil war; we are neglecting the war on terror. We say we are fighting the terrorists there and we will stop them from coming here. That is what Tony Blair said, but it didn't stop anything. This is a recruitment tool for al-Qaida. Iraq is a recruitment tool for al-Qaida. Peter Bergman said that a long time ago when we went into Iraq. He is an expert on the Middle East. I don't want to recruit al-Qaida; I want to go after them. I voted to go after them after 9/11. I didn't vote to change course and go in another direction for regime change based on faulty information, faulty intelligence.

This week and next week, we will find out who talks in the Senate and who is willing to take action in the Senate. I hope the American people will look at the amendments we are voting on and, at the bottom line, understand which ones are just talk and which ones will actually result in redeployment of the troops out of a civil war—who walks the walk versus who talks the talk. Action means a deadline. Action means you change the mission. Action means you start bringing the troops home. Action doesn't mean a change in message, but a change of course. Reshuffling the chairs on the deck of the Titanic is not what we should be doing. We need to change course.

I have spoken with mothers and fathers who have lost sons and daughters. They have begged me in the most tearful way to spare other families what they are going through. If this war was working, that would be one thing. But there is no military solution here. We need to listen to what our chairman of the Foreign Relations Committee is saying about a political solution, about separating the warring parties, about bringing in the nations of the region, and doing it now—before another soldier is blown up or breaks up with his wife because of the stress, or before another child has no dad or mom. The time is now.

I am so glad we are going to be doing the Defense authorization bill and have our opportunity to actually put our ideas into action. I will be supporting every single amendment that will result in a change of course, accountability, starting to bring the troops home.

I thank the Chair and I thank the Senator from Delaware for allowing me to go before he goes.

I yield the floor at this time.

[Applause in the Gallery.]

The PRESIDING OFFICER. The Sergeant-at-Arms will restore order in the gallery. The expression of approval or disapproval is not permitted.

The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I certainly appreciate the passion of the Senator from California and her concern for the men and women serving in the military and those who have sacrificed a great deal already. The fact is, according to Lee Hamilton and Henry Kissinger, General Zinni, and according to literally almost every—not all—respected national security expert in this country, it is acknowledged that we will have a lot more casualties.

The Senator's concern is emotional and well-founded and very moving. I am also moved by the fact that Henry Kissinger and Lee Hamilton say Congress should drop fixed deadlines for the withdrawal of U.S. forces. As Commander in Chief, the President needs flexibility on troop withdrawals. He will accept no bill that has a timeline or a fixed date for withdrawal. Lee Hamilton says:

> The American people have the war in Iraq figured out. They know American troops cannot settle Iraq's sectarian conflict, and they want to withdraw responsibly. They do not want a messy or sudden withdrawal to prompt wider sectarian strife and an escalating humanitarian disaster.

To some degree, I have seen this movie before. I remember when the debate was going on on the floor of the Senate on our withdrawal from Cambodia on December 15, 1970. Mr. Gravel, now one of the candidates for President of the United States, said:

> We come back to the argument of protecting American forces. It is simple. Take the forces out and we do not have any problem. It is simple. Do not get into Cambodia. Do not get involved. Then we do not get into anything.

Yes, there was an argument on the floor of the Senate about withdrawal. There was an argument that prohibited the United States from being involved in Cambodia. Three million people were slaughtered—one of the great acts of genocide in modern history. Yes, we cared about American casualties after Vietnam and we withdrew. The North Vietnamese attacked and millions of people got on boats, thousands were killed in reeducation camps, and thousands were executed. I have seen this movie before. I have seen this movie before from the liberal left in America, who share no responsibility for what happened in Cambodia when we said, no, as I quote Senator Gravel:

> We come back to the argument of protecting American forces. It is simple. Take the forces out and we do not have any problem. It is simple. Do not get into Cambodia. Do not get involved. Then we do not get into anything.

Mrs. BOXER. Madam President, will the Senator yield for a question?

Mr. McCAIN. I would like to finish my comments, and then I will be glad to yield to the Senator from California.

Continuing to quote Senator Gravel:

> What would happen if Cambodia fell tomorrow? It may well fall. . . . Obviously, it would become communistic. We would have some gnashing of teeth, but life would go on. We would have our traffic jams and everything else.

There were no traffic jams in Phnom Penh, Madam President, not a one. In fact, all of the people were killed or told to walk out of the city.

> Life would go on. Basically, that would increase the casualties of Americans in South Vietnam. That would be the difference, except the American people are going to get up and say, "We do not want Americans getting killed at that rate."
>
> . . . it means we are going to put more money in, and if there is a danger that Cambodia will be overrun 6 months from now, we would have to escalate to the next higher step, and they will devise some way of getting American troops in there. Or they would go the mercenary route until they butcher enough of those people.

Interesting.

> This, to my mind, is wrong, and adds nothing to our security. Supposing South Vietnam fell, and became totally Communist tomorrow, and then Cambodia fell and became totally Communist; would that appreciably change the life of my colleague from Kansas? Would that change his life?

The debate goes on and on. It is very worthwhile reviewing the debate that went on about Cambodia and Vietnam, not to mention, as I mentioned earlier, the impact of losing a war on America, our military, and others.

The Senator from California and I am sure the Senator from Delaware will speak very movingly about the strain on the families of the men and women and the strain on our troops.

By the way, we do in this authorization bill before us increase the size of the Marine Corps and the Army, and we need to increase it even more because of the challenges around the world—something that some of us have sought to achieve for a long period of time.

But the fact is, when you lose a war, the consequences of failure are far, far more severe on the military than the strain that is put on the military when they are fighting. It is a fact. It is a fact of military history. It is a fact of the war that we lost in Vietnam, which took us well over a decade to restore any kind of efficiency in our military.

I will be glad to yield to the Senator from California.

Mrs. BOXER. Madam President, I thank the Senator for yielding. The Senator made the point that the liberal left wants us out of Iraq. I want to make sure the Senator is aware that the latest polls show 70 percent of the American people want us to have a strategy to leave. And my question is, A, is the Senator aware of that? And, B, the followup to that question is; has the Senator read the various proposals, the Levin-Reed proposal, which I strongly support? There is no precipitous withdrawal.

I think the Senator is setting up a straw man, if you will, here. The fact is, those of us who want to leave want to do it in the right way——

Mr. MCCAIN. I ask for the regular order.

Mrs. BOXER. And we also change the mission to continue training the troops, and so on. I want to make sure the Senator is aware of that point.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from California for that thoughtful question. The fact is, I do read the polls, and if the Senator from California had paid attention to my opening statement, she would have known that I made it very clear that I understand the frustration and sorrow of the American people. I also know a lot of us are not driven by polls. A lot of us are driven by principle, and a lot of us do what we think is right no matter what the polls say.

So I appreciate the concern of the Senator from California about whether I read the polls. I appreciate that greatly. But I do know also that when you send a signal, and I appreciate the Senator's concern—I was talking about the liberal left addressing the war in Cambodia, is what I was speaking of. The record is clear, and I will be glad to provide other quotes of a similar nature. But I do also know that those of us who study history, those of us who spend time in Iraq, those of us who spend time with various leaders, such as General Zinni, such as General Scowcroft, such as Secretary of State Baker, such as many others, we all know what the consequences of a date for withdrawal will be. And it isn't my opinion alone. It is shared by a broad variety of national security experts in this field.

I also point out that it does have an effect on the troops in the field when they see effort after effort after effort to withdraw, to force them to be withdrawn and, obviously, a failure of their mission.

I welcome this debate, as I said earlier. I think it is important to inform the American people. I think it is important to have a respectful exchange of views. And I will continue to respect the views of the Senator from California, but I will tell her that I have seen this movie before, and I have seen what happens when we have a defeated military and we have people who assure us that a withdrawal is without consequences.

I believe, as Henry Kissinger as recently as a few days ago said:

> . . . precipitate withdrawal [from Iraq] would produce a disaster. It would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia. The war between the Iraqi functions would intensify. The demonstration of American impotence would embolden radical Islamism and further radicalize its disciples from Indonesia and India to the suburbs of European capitals.

Natan Sharansky says the same thing. A person who knows about oppression, who knows about freedom, who served as a beacon to me and a hero in my entire life says:

> A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison.

All of these are statements by people for whom I have the greatest respect. I hope we will heed some of their admonitions.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I was interested in the last exchange. Let me just say that one of my heroes is the Senator from Arizona. I mean this sincerely. We use the phrase around here "my friend." I consider him my friend. I believe if neither he nor I were Senators and I picked up a phone and called him and said: I need you to show up at such-and-such a place, I can't tell you why, he would be there. I do not pretend to be his best friend in the world, but I admire him.

But I think I should point out a couple of things. No. 1, the Senator from California is not poll-driven. As I remember it, when the whole of the country was clamoring to go to war, the Senator from California stood up and voted against going to war. If I am not mistaken, it was viewed as political suicide at that time. I know the Senator from California, and I know she needs no defense, but I know her. If I know anybody who is not poll-driven, it is the Senator from California, No. 1.

No. 2, Henry Kissinger, Lee Hamilton, and Baker—all these people mentioned—they all say get out. None of them think the policy of this President makes any sense. So let's start off where they are. Henry Kissinger has endorsed the Biden plan and the Boxer plan and all the rest who have done it. They need a political solution.

I remind everybody that the Baker-Hamilton report set a date of March 2008 as a goal to get the majority of our troops out, if not all of them out. They talked about drawing down our troops. The President rejected that policy.

I don't know a serious person—there probably are—I don't know of any in the international community, I don't know of anybody in the foreign policy establishment in the United States of America, from Colin Powell, a former Secretary of State, to former Secretaries of State and Secretaries of Defense in Republican administrations, who thinks this policy makes any sense.

Madam President, I say to my colleagues, to quote Gravel—I was here in 1972 while my friend JOHN MCCAIN, God love him, was in a prisoner-of-war camp. I was a 29-year-old Senator. Nobody agreed with Gravel. Give me a break. Quoting Gravel as the voice of the left—he was the voice of his voice. God love him, as my mother would say, and he still is the voice of his voice. Who agrees with Gravel? Maybe somebody does. But to quote him as if it was the Democratic position on Cambodia—go count the votes, how many votes Gravel got. That is not representative of even the left. This is a man who, God love him, nominated himself for Vice President. Come on. Come on.

And who is calling for a precipitous withdrawal? If I am not mistaken, the distinguished chairman of the Armed Services Committee is not voting for a precipitous withdrawal. This is what we call, in the law business, which I have been practicing 34 years, a red herring.

The question is, Do we continue to send our kids into the middle of a meat grinder based on a policy that is fundamentally flawed? I don't think there are a dozen Republicans on that side of the aisle who agree with the President's strategy, nor do I believe, if the President had followed the recommendation of the Senator from Delaware and then the Senator from Arizona back before there was a civil war to put enough troops in to solidify the situation on the ground, we might not be here. The rationale he offered and I offered, if I am not mistaken, was: Mr. President, you don't have a strategy. Secretary of Defense, these are not a bunch of dead-enders, they are not a bunch of thugs. They are thugs, but you have a big problem, Mr. President.

If I am not mistaken, I heard the Senator from Arizona make those speeches 4 years ago. I heard him, along with me, call for more troops back then in order to get out sooner. We predicted there would be a civil war if we didn't gain control. Surprise, surprise, surprise. We have a civil war.

Look, I understand the political dilemmas in which we find ourselves: We have a President of our own party we have a problem with. I have been there. It never kept me from speaking up. If my colleagues recall, my friend from California, who is presiding, remembers, to use the trite expression, I beat President Clinton up and about the head, as they say in the neighborhood where I come from, to use force in Bosnia, to end a genocide. The President didn't agree with me. I was told: Calm down, don't put him in that spot. I am accustomed to taking on Presidents in my own party, and I know it is hard. It is hard. But I tell you what, name me any one of the people who were quoted here who thinks the policy we are pursuing now makes any sense.

Ever since the Democrats took control of the Congress back in January, we have been working to build pressure on the administration and, quite bluntly, on our Republican colleagues to change course in Iraq because I have reached a point where I think the President is impervious to information. There is a great expression, I believe it was Oliver Wendell Holmes referring to prejudice—and the President is not prejudiced, but I make the point. He said prejudice is like the pupil of the eye: the more light you shine upon it, the more tightly it closes. This administration is like the pupil of the eye: the more hard facts you give them to prove their policy is a failure, the tighter it closes and the less inclined to change they are. More and more Republicans—more and more Republicans—have stopped backing the President and started looking for ways to work with us to bring our soldiers home in a responsible way so we don't merely trade a dictator for chaos.

Let me say something I am going to be reminded of, I am sure, again and again and again. Having been here for 34 years, I know you should not make statements I am about to make lightly, but I am reminded of it by the comments made about Cambodia. On this, we have a sell-by date. You know when you buy milk, it says sell by a certain date or it turns sour? There is a sell-by date here, folks, for us to change policy. Because if we do not change policy in a radical way in this calendar year, I believe we will be left with one of two alternatives.

We have a chance now to change policy and maybe salvage—maybe salvage—a circumstance in Iraq, whereas we gradually leave, and we will not have traded a dictator for chaos and the possibility of a regional war. That is alternative one. I think that alternative two is Saigon revisited. We will be lifting American personnel off the roofs of buildings in the green zone if we do not change policy and pretty drastically.

There is not a single person in here that knows anything about the military who can tell me they think there is any possibility of us sustaining 160,000 forces in Iraq this time next year. What my friend from Arizona did not say—and he knows a great deal about this—is that leading generals in the military say straightforward that we are breaking—let me emphasize that—breaking the U.S. military—breaking the U.S. military. Let me put it another way. We have more professionally trained academy graduates, such as my friend from Arizona, leaving the military after 5 years than we have had any time in the last 30-plus years. The cream of the crop are being broken by this failed—this failed policy in Iraq.

What is worse is not that it is a failed policy, but it is impervious to recommendations made by the most informed people in both political parties inside and outside Government. What did the President do with the Baker-Hamilton Commission? Picked it up, gave it real lip service, and flipped it on the shelf. Who was on that commission? Two former Secretaries of State, who were Republicans; the present Secretary of Defense; some of the leading conservative voices in America on military matters; along with mainstream Democratic leaders. What did they do? What did they do? They blew it off. Now they are revisiting it. Now press reports are that maybe we have to have a plan B.

Look, it matters profoundly how we end this war. It matters to our soldiers, it matters to the Iraqis, and it matters to America's future security. As I said before, I don't want my son, a captain in the Army, going to Iraq, but he will go, if called. But I also don't want my grandson going. How we leave will determine whether my grandson goes. So far this President has offered absolutely no political solution to Iraq. None.

What does he say? He says surge troops. Why? To give the Iraqis breathing room. Why? So the Iraqis will get together and form a unity government that can be trusted by all the Iraqi people to govern the nation, allowing us to leave.

Not in the lifetime of anyone on this floor, including these talented young pages, will there be a unity government in Baghdad that has the confidence of all the Iraqi people, able to maintain security, provide opportunity, and have a stable unity government. It will not happen.

I had a proposal over a year ago—and I have been roundly criticized for it, except for the Presiding Officer and a few others—wherein I laid out—and not because I am so smart; I happen to be chairman of the Foreign Relations Committee because I have lasted longer than others—but I laid out a comprehensive proposal. What does everybody say in this body? Everybody says, in and out of Government, that there is no military solution to Iraq, only a political solution. Name me a single person who has offered a political solution, except the Senator from California, myself, and the Senator from Kansas, Mr. BROWNBACK. Name me anyone. What is the political solution? What is the political solution my friend is offering? What is it?

The political solution is that somehow the Iraqis will have an epiphany—and I know Muslims don't have epiphanies; that is a Christian thing—they will have an epiphany and all of a sudden they are going to get together, realizing what is at stake, and form this unity government that can deliver.

I met with al-Maliki last year. I have been to Iraq and Afghanistan eight times. I am heading over there again shortly. I sat with al-Maliki, and when I came back, the President asked my views. He was kind enough to ask what I thought. I said, I don't think al-Maliki has it in his bone marrow, in his heart or his brain to desire to reconcile with the Sunnis. Even if he did, he doesn't have the capacity.

What have we rested everything on here? We are about to have a report that was going to be filed this June 15, pointing out the Iraqis haven't met a single benchmark. Isn't that strange? What did we do? Every opportunity we had to help them along, we walked away from. I remember after they voted on their Constitution. I was there for the official vote, I stuck my finger in the ink that does not come off your finger. I went to the polling places. The Iraqis voted overwhelmingly for a constitution. Know what it says? I wish somebody would read it once in a while. It says, I believe it is article 1, we are a decentralized federal system. Then in articles 15, 16, 17, and 18, if I am not mistaken—this is from memory—it lays out how any 1 of the 18 governates, political subdivisions, basically, in Iraq can become a region, vote for their own constitution, and have their own local security. It also implies there will be an allocation of the oil resources through a constitutional amendment.

I remember immediately after that vote, coming back from my third or fourth trip, then meeting with the administration and saying: What are you going to do? And being told: Oh, it is too premature to push any of that. I said: Whoa, let me get this straight. How are you going to bring these folks together unless you help them implement the Constitution? No, no, too tough now—too tough.

This administration has not made, when given a choice, a single correct decision on Iraq. Hear me. That is a bold statement. I cannot think of a single decision when they have been faced with a choice that they have made the right choice. I cannot think of one. Way back, when the President asked me why I was calling for Rumsfeld's resignation, and the Vice President was in the room, in the Oval Office, I said: With all due respect, Mr. President, Mr. Vice President, if, Mr. Vice President, you were not a constitutional officer, I would call for your resignation too. He looked at me and said: Why? I said: Because, Mr. President, name me one piece of advice either Rumsfeld or CHENEY have given you in Iraq that has turned out to be right. Name me one. One. One. It is not about retribution, Mr. President, it is about competence. If all the advice you have been given is bad, don't you think it is a good idea to look for new advice—new advisers?

Look, I believe there is a comprehensive strategy to end this war responsibly and it has three parts. First, is a roadmap to bring most of our troops out and home by early next year. Two, is a detailed plan for what we leave behind, a political solution. Three, is the commitment that so long as there is a single American—a single American soldier—in Iraq, we should do everything in our power to protect them.

Let me go through this very briefly. First, bringing our troops home. Instead of escalating the war with no end in sight, we have to start to bring our troops home now and withdraw most by next year. This was the Baker-Hamilton recommendation.

The PRESIDING OFFICER. I wish to remind the Senator that we had an order to recess after him speaking for 10 minutes. What is the pleasure of the Senator?

Mr. BIDEN. Madam President, I ask unanimous consent to proceed for 10 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered, and then we will recess for the lunch hour.

Mr. BIDEN. If we don't start bringing home combat forces within the next few months, get them out of the midst of a civil war, we will have so soured the American people on the ability to do even the things that need be done that this President and the next President will be left with absolutely no option—absolutely no option—but to withdraw totally from that area and let the chips fall where they may.

You know, that is exactly what we started to propose, the Senator from California and others, Senator LEVIN, in the Biden-Hagel-Snowe-Levin resolution opposing the surge back in January and of the Biden-Levin provision in the Iraqi supplemental bill, the very thing the President vetoed. The common denominator in all these efforts has been to transition our troops to a more limited mission so we can start to bring them home and set the groundwork for being able to leave behind a political solution.

That is exactly what Senator LEVIN is doing today. He is taking the Biden-Levin amendment, now called the Levin-Reed amendment, and he is going back at it. I compliment him for it because we have to keep pushing in order to change the minds of our Republican friends by keeping pressure on them to start to vote for the troops and not the President.

The second thing is getting our troops out of Iraq is necessary, but it is not sufficient. We also need a plan for what we are going to leave behind so we don't trade a dictator for chaos. What happens matters and how it happens. About everyone agrees there is no purely military solution. A political solution. Our plan is getting more bipartisan support—the so-called Biden-Brownback-Boxer-Hutchison-Nelson-Smith amendment—and that is we recognize the fundamental problem in Iraq is the self-sustaining cycle of sectarian violence.

I would respectfully suggest that history shows these cycles of sectarian violence end in only one of four ways. One, a bloodletting that leaves one side victorious and both sides exhausted. In the case of Iraq, that would take years, and I believe it would generate a Sunni-Shia revival of hatred from the Mediterranean to the Himalayas.

Second, is an open-ended foreign occupation for a generation or more. That is not in America's DNA. It is not what we do. We are not the Ottoman Empire.

Third, a return to a strong man, one who is not on the horizon. Even if there were, wouldn't it be the ultimate tragic irony that the United States replaced Saddam Hussein with another dictator?

The fourth way they have ended is a political agreement to form a decentralized federal government that separates the warring factions, gives them breathing room in their own regions. That is what we did a decade ago in Bosnia. We have had over 24,000 NATO troops there for 10 years and not one has been killed. The sectarian violence has stopped, the genocide is over, and they are trying to become part of Europe. The plan we put forward has five pieces. I will not take the time to go into it now, but one is in order to maintain a unified Iraq we have to decentralize it, with a limited central government that has common concerns of guarding the border and distributing oil revenues.

Second, we have to secure support from the Sunnis by giving them a guaranteed piece of the oil revenues because they have nothing in that triangle.

Third, we have to increase, not diminish, aid to rebuild that country, and we should look to the gulf states who have an overwhelming interest and overflow of dollars to do that.

Fourth, since we have lost all credibility in the region, this has to be a consequence, this idea—it has to have an international imprimatur on it. It must come out of the Security Council. They must call an international conference. It must involve the stamp of the United Nations and a regional conference, where the international community pursues this—and they are ready to do it. I will not take the time to go into why.

Last, we have to begin to draw down. We have to have military plans to draw down our combat forces by 2008, leaving behind a small force to take on terrorists and train Iraqis, assuming there is a political settlement. If there is no political settlement, mark my words, the public will insist they all come home. If they come home it means everything comes home. The idea that we are going to be able to leave an embassy there with thousands of people without 10,000 or more American soldiers to guard it is a joke. If we fail to make federalism work, if there is no political accommodation at the center, violent resistance will increase, the sectarian cycle of revenge will continue to spiral out of control, and we will not have this country break into three neat pieces. You will watch it fragment into multiple pieces, creating incredible difficulties for the entire region.

The Bush administration, though, has another vision. Their vision for Iraq, their entire premise, as I said, is based on a fundamentally flawed premise that they can build a competent, popular, supported government based upon a consensus among the three parties, and it reside in Baghdad. That is the central flaw in their strategy. It cannot be sustained. The hard truth is that absent a foreign occupation or a dictator, Iraq cannot be run from the center. The sooner we understand that, as Secretary Kissinger does and all the people quoted today—the sooner we understand that, the faster we will get this thing resolved and the fewer American casualties there will be.

The last part of this strategy is, so long as we have a single soldier in Iraq, it is our most sacred responsibility to give him or her the best protection this country can provide. Two months ago I called upon the President and Secretary Gates to make building of Mine Resistant Ambush Protected vehicles, so-called MRAPs, the Nation's top priority. Roadside bombs are responsible for 70 percent of the 25,000-plus injuries and 70 percent of the roughly 3,600 deaths. It is hard to keep count, unfortunately; 70 percent. Yet if we transition our troops from those flat-bottomed, up-armored HMMWVs to these V-shaped-bottom MRAPs, the facts show that somewhere between 66 percent and 80 percent of the casualties will be avoided.

An article on the front page of USA Today last Friday pointed out a military person saying if we built these when we were supposed to, there would be, I think, 731 fewer deaths.

These are our sons, our daughters, not somebody else's—all of ours. These are the people. These are the kite strings upon which our whole national ambition is lifted aloft. What are we doing? What are we doing? We are spending $10 billion a month in Iraq, and I get push-back for wanting to spend $20 billion to build these vehicles? I find it obscene.

I fought to front load money in the emergency spending bill for these vehicles. As a result we will get 2,500 more of these vehicles to Iraq by the end of the year than we otherwise would have. That is why I voted for the bill.

But I also insisted that the administration tell us by June 15 whether it would need even more of these vehicles so that we make sure the money is there to get them built.

Last week the Army concluded that it would need seven times the number of mine-resistant vehicles it had originally requested—some 17,700, up from 2,500. When you factor in all the service requests, the total need for mine-resistant vehicles jumps from the 7,774 vehicles now planned to nearly 23,000 vehicles.

But the Joint Chiefs have not yet made the Army request a "clear and urgent" requirement.

And there is no plan to budget for and build these vehicles over the next 6 months, as well as proven technology that protects against so-called explosively formed projectiles—EFP—that strike from the side.

We need a commitment from the administration—now—to build every last one of these vehicles as soon as possible.

We can't wait till next year or the year after. Our men and women on the front lines need them now.

I will offer an amendment to the Defense bill to make it clear—with absolutely no ambiguity—that Congress will provide every dollar needed and every authority necessary to build these vehicles as quickly as possible.

Every day we delay is another life lost.

The war in Iraq must end. That is what the American people want. And that is where America's interests lie.

I conclude by saying that in Congress we have a tremendous responsibility to turn the will of the American people into a practical reality. It is long past time we meet this responsibility head on, and it is long past time our Republican colleagues join us in what I believe they know to be right—forcing this President to radically change course in Iraq.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 this afternoon.

Thereupon, the Senate, at 1:06 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent the pending amendment be laid aside so that an amendment by Senator SPECTER and myself be in order for discussion, with the understanding that then that amendment will eventually be set aside so we can go back to the prior amendment.

Mr. BROWNBACK. I object on behalf of another Senator.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. I withdraw my request, but I would note that the Senate this week is considering the National Defense Authorization Act. Senator SPECTER and I will introduce an amendment at such a point as we do not receive objection from the Republican side. What we will introduce will be the Habeas Corpus Restoration Act of 2007.

I want to, first and foremost, thank and actually praise Senator SPECTER for his strong and consistent leadership on this issue. It is not just leadership this year, it has been leadership in past years. I hope all Senators, both Republicans and Democrats, join us in restoring basic American values and the rule of law while making our Nation stronger.

Last year, Congress committed a historic mistake by suspending the great writ of habeas corpus. They did this not only for those confined at Guantanamo Bay but for millions of people who are legally residents in the United States.

We held a hearing on this, the Senate Judiciary Committee did, in May. That hearing illustrated broad agreement among people of very diverse political views and backgrounds, that the mistake committed in the Military Commissions Act of 2006 has to be corrected. The Habeas Corpus Restoration Act of 2007 has 25 cosponsors, and the Senate Judiciary Committee passed it last month with a bipartisan vote.

Habeas corpus was recklessly undermined in last year's Military Commissions Act. Like the internment of Japanese Americans during World War II, the elimination of habeas rights was an action driven by fear, and it has been a stain on America's reputation in the world. In many places around the world where we had been so admired in the past, they have asked why would America turn its back on one of its most basic rights.

We are at a time of testing. Future generations will look back to examine the choices we made during a time when security was too often invoked as a watchword to convince us to slacken our defense of liberty and the rule of law.

The great writ of habeas corpus is the legal process that guarantees an opportunity to go to court and challenge the abuse of power by the Government. It is enshrined in the Constitution, and as stalwart a Republican conservative as Justice Antonin Scalia has recently referred to it as "the very core of liberty secured by our Anglo-Saxon system of separation of powers."

The Military Commissions Act rolled back these protections by eliminating that right permanently for any noncitizen labeled an enemy combatant. In fact, a detainee does not have to be found to be an enemy combatant; it is enough for the Government to pick up someone, hold that person with no charges, and say: They are awaiting determination. When we make up our mind this year, or next year, or 10 years from now, then we may label them an enemy combatant. In the meantime, they do not even have the power to say to a court: They picked up the wrong guy. They don't even have my name right. They picked me up by mistake. You can't even do that.

Is this America? Is this America?

The sweep of this habeas provision goes far beyond the few hundred detainees currently held at Guantanamo Bay, and it includes an estimated 12 million lawful permanent residents in the United States today. Under this law, the people who can be picked up are people who work and pay taxes, who abide by our laws, and should be entitled to fair treatment.

Under this law, any of these people can be detained forever without any ability to challenge their detention in court. Stanford Professor Mariano-Florentino Cuellar called this an issue about which the Latino community, which encompasses so many of the Nation's legal permanent residents, must be concerned.

Giving the Government such raw, unfettered power should concern every American. Since last fall, I have been describing a nightmare scenario about a hard-working, legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity, that the Government secretly suspects of ties to terrorism. I suggested that on the basis of this donation, and perhaps a report of suspicious behavior of an overzealous neighbor or a cursory review of library records, this permanent resident can be brought in for questioning, can be denied a lawyer, and confined indefinitely. Such a person would have no recourse in the courts for years, or for decades, or forever.

When I said this, some people thought this nightmare scenario was fanciful. I wish it were, but it was not. In November that scenario was confirmed by our Department of Justice in a legal brief submitted in a Federal court in Virginia. They asserted that the Military Commissions Act allows the Government to detain any non-citizen designated an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department said, even for someone arrested and imprisoned in the United States. In other words, we could do what we always condemned other countries for doing, countries behind the then-Iron Curtain, where they would pick up somebody, hold them indefinitely, and that person had no recourse in court.

Rightly so, Republican and Democratic Presidents condemned those countries for doing that. Now we have given ourselves the same power. The Washington Post wrote that the brief "raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups." I might add, this accusation can be totally erroneous.

This is wrong; it is unconstitutional. But more than that, it is truly un-American. It is designed to ensure that the Bush-Cheney administration will never again be embarrassed by court decisions that review their unlawful abuses of power.

The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check in this administration's lawlessness. The Supreme Court and other conservative Federal courts, and recently even military judges, have repeatedly overturned the lawless systems set up by this administration governing detainees. Many have hoped the courts will come to the rescue again on the issue of habeas corpus. With the continued drift of the Supreme Court toward endorsing greater executive power, we cannot count on the intervention of this conservative, activist court. Besides, are we going to pass the buck? Congress cannot and must not outsource its moral responsibility.

We all want to make America safe from terrorism. We come to work proudly every day, in a building that was targeted by those criminals who hijacked planes on 9/11. We do not hesitate to come to work here. We do it proudly. I implore those who support this change to think about whether eliminating habeas corpus truly makes America safe from the world. Does it make us any safer in this building? Does it comport with the values and liberties and legal traditions we hold most dear?

Top conservative thinkers such as Professor Richard Epstein and David Keene, head of the American Conservative Union, agree this change betrays centuries of legal tradition and practice. Professor David Gushee, head of Evangelicals for Human Rights, submitted a declaration calling the elimination of habeas rights and related changes "deeply lamentable" and "fraught with danger to basic human rights."

GEN Colin Powell recently advocated habeas corpus rights for detainees, asking:

> Isn't that what our system's all about?

General Powell has it right.

But probably the most powerful for me was the testimony of RADM Donald Guter, who was working in his office in the Pentagon as Judge Advocate General of the Navy. He was working there on September 11, 2001. He saw firsthand the effects of criminality and terrorism. He saw his colleagues killed by the plane that crashed into the Pentagon. I believe his credibility is unimpeachable when he says that denying habeas rights to detainees endangers our troops and undermines our military efforts. In testimony to the committee, Admiral Guter wrote:

> As we limit the rights of human beings, even those of the enemy, we become more like the enemy. That makes us weaker and imperils our valiant troops, serving not just in Iraq and Afghanistan, but around the globe.

The admiral was right. Whether you are an individual soldier or a great and good nation, it is difficult to defend the higher ground by taking the lower road. The world knows what our enemies stand for. The world also knows what this country has tried to stand for and live up to in the best of times but especially in the worst of times.

Now as we work to reauthorize the many programs that comprise our valiant Armed Forces, it is the right time to heed the advice of Admiral Guter and so many of our top military lawyers who tell us that eliminating basic legal rights undermines our fighting men and women, it does not make them stronger. Elimination of basic legal rights undermines, not strengthens, our ability to achieve justice.

It is from strength that America should defend our values and our way of life. It is from the strength of our freedoms and our Constitution and the rule of law that we shall prevail. I hope all in the Senate, Republican and Democrat alike, will join us in standing up for a stronger America, for the America we believe in, and support the Habeas Corpus Restoration Act of 2007.

That is why I am proud to be here with the distinguished senior Senator from Pennsylvania. We have worked together. You know, every one of us serves here only for a certain time. When we leave, we have to ask ourselves: If we had the privilege of being only 1 of 100 people to get to represent 300 million in America in this great body, what do we do to make America better? If we leave this blight—if we leave this blight—on our laws, we have not made it better, we have made it weaker.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Vermont, the chairman of the Judiciary Committee, for his generous remarks. I compliment him on his leadership on the committee and for his work generally, but especially on our efforts to restore habeas corpus.

The Great Writ has been the law since 1215 for Great Britain, and it has been the law of the United States of America since the founding of the Constitution. That writ allows someone in detention to receive evidence of a reason for detention before the detention can continue. Regrettably, the legislation in the Military Commissions Act, passed last year, eliminated the writ of habeas corpus. I offered an amendment last September, which was defeated narrowly 48 to 51, and then on December 5, 2006. Again on January 4 of this year, with the new Congress, I reintroduced legislation to bring back the writ of habeas corpus.

We have on the detainees in Guantanamo a procedure on what is called the Combat Status Review Board. The procedures there are fundamentally unfair in not establishing any colorable reason for detention. That has been demonstrated in a variety of contexts.

One which I would quote at the outset is an opinion which appears in 355 F. Supp. 443, in a case captioned "In re Guantanamo Detainee Cases," where the court comments about the procedures in the case captioned "Boumediene v. Bush." This involves an individual, a detainee, who was charged with associating with al-Qaeda. This is what the transcript says.

> Detainee: Give me his name.
> Tribunal President: I do not know.
> Detainee: How can I respond to this?

Then the detainee goes on to comment about his inability to respond to the charges that he associated with someone from al-Qaeda because he does not have any way to identify the individual with whom he was supposed to have associated. Nobody could even give him his name.

At one point the detainee comments about his difficulty in responding to a charge when there is no charge, and as the opinion says, everyone in the tribunal laughs. The court notes the laughter reflected in the transcript is understandable. This exchange might have been truly humorous had the consequences of the detainee's enemy combatant status not been so terribly serious and had the detainee's criticism of this process not been so piercingly accurate.

But here is a case reported where the Combat Status Review Board upheld detention when they could not even tell the detainee the identity of the person who was supposedly an al-Qaeda person with whom he was supposed to have been associated.

There has been considerable comment about the fundamentally unfair tactics in the Combat Status Review Board, but none came into sharper focus than the declaration of LTC Stephen Abraham, who worked on the Combat Status Review Board, and who found, with some substantial detail, the process was fundamentally flawed. Results were influenced by pressure from superiors rather than based on concrete evidence.

I ask unanimous consent, Mr. President, that the text of the declaration of LTC Stephen Abraham be printed in the RECORD at the end of my remarks to permit me to abbreviate the length of this floor statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. The Court of Appeals for the District of Columbia came down with the decision in the Boumediene case saying that the act of Congress was effective in eliminating habeas corpus, but in so doing, the Court of Appeals for the District of Columbia really ignored the decision of the Supreme Court of the United States in Rasul v. Bush.

To read the opinion of the Court of Appeals, for a student of the law, is not hard to understand; it is impossible to understand. I think a fair reading of the circuit opinion, simply stated, is that they flagrantly disregarded the holding of the Supreme Court of the United States, which under our system of laws they are obligated to uphold. They analyzed Rasul and said Rasul was based on the statute providing for habeas corpus and not on the constitutional mandate that habeas corpus is a part of the Constitution of the United States.

There can be no doubt that habeas corpus is a constitutional mandate because the Constitution explicitly states that habeas corpus may be suspended only in time of invasion or rebellion, and no one contends that we have either invasion or rebellion. The opinion of Rasul is explicit.

Mr. President, I ask unanimous consent that relevant portions of the Rasul opinion be printed in the RECORD following my statement—

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Without taking the time to read them into the RECORD now because they are apparent on their face that the opinion by Justice Stevens goes through the chronology of the writ, starting with King John at Runnymede in 1215 and running through the adoption of the constitutional provision in the U.S. Constitution.

Now, it is true there is also a statute which provides for a writ of habeas corpus. The Court of Appeals said the portion of Justice Stevens' opinion as to the constitutional basis for habeas corpus was dictum and that the holding involved the statute. The Court of Appeals says since the holding involved the statute, the statute could be changed. It is true the statute was changed by the Congress of the United States, but the Congress of the United States, by statute, cannot change the constitutional mandate of habeas corpus.

For the Court of Appeals for the District of Columbia to say the constitutional basis for habeas corpus in Rasul was not the holding but only the statute was the holding is, simply stated, ridiculous. It is insulting to the Supreme Court of the United States for what the Court of Appeals for the District of Columbia did. Pretty harsh words, but accurate words, and I say them with respect for every court. But as a lawyer who has worked with the Constitution for a number of decades, it was hard for me to comprehend how the District of Columbia Court of Appeals could come to that conclusion. But they did. Well, I think it is about to be corrected.

There has been a curious history on the petition for a writ of certiorari to review the decision by the Court of Appeals for the District of Columbia. There were only three votes for the original petition for a writ of certiorari, which surprised people because Justice Stevens did not vote for certiorari. But, instead, he joined with Justice Kennedy in an opinion saying they would await another appeal from the Combat Status Review Board. The speculation by the analysts was that Justice Stevens was reluctant to see certiorari granted because Rasul might be overruled.

But then after the declaration of LTC Stephen Abraham appeared in the public press, there was a petition for reconsideration of the writ of certiorari. On this occasion, it was granted in a very unusual procedure. It made the front pages. I have studied the Constitution for a long time, and I did not know that a petition for reconsideration on a writ of certiorari takes five votes. Perhaps my distinguished colleague from Vermont knew that. I asked that question of quite a few lawyers. I have not found one yet, and some very learned in constitutional law who knew if you petition for reconsideration on a writ of certiorari, it takes five votes.

Mr. LEAHY. Mr. President, if the Senator will yield on that point, when I saw that in the press I went and looked it up too. It was a surprise to me. It will be interesting to see what might come out of it, but I think it goes back, though, to what the Senator and I have talked about. We should not have to be bucking this to the Supreme Court for them to decide. We should correct the error here.

I will be leaving the floor at this moment, Mr. President, but I want to assure the Senator from Pennsylvania, when they do allow our amendment to come up, I will be here with him proudly side by side on this issue. We can correct what otherwise would become a historic mistake. With his help, his leadership, we will do that.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont for those comments. I do not think there is a more important issue to come before this body. What happens in Iraq, obviously, is of enormous importance. But if we lose the basic fundamental rights to require evidence before somebody is held in detention, if we lose the right of habeas corpus, it is a very sad day in America.

But, in any event, now the Supreme Court of the United States has granted certiorari in the Boumediene case. The speculation is that Justice Kennedy was the fifth vote, along with Justice Stevens. They do not tell you who the five votes are, but we know there were three votes initially from Justice Souter and Justice Breyer and Justice Ginsburg granting it, voting to grant certiorari before, and Justice Stevens and Justice Kennedy writing a separate opinion, and the other four Justices voting to deny certiorari.

So I think this case is headed to the Supreme Court of the United States for reversal by the opinion by the Court of Appeals for the District of Columbia. But I believe the Congress should act in the interim. That is why Senator LEAHY and I are pressing this issue on the Department of Defense authorization bill. I hope it will not be cited as grounds for veto if we are successful in putting this amendment through. We cannot offer it yet because there is an amendment pending, and the request to set the amendment aside, which requires unanimous consent, was objected to. But this is a very important amendment. The procedures in Guantanamo under the Combat Status Review Board are woefully inadequate, do not satisfy the requirements of the Supreme Court of the United States in having a collateral proceeding which is adequate to protect the rights of someone who is in detention. So when we are permitted to offer the amendment, we will do so. But I ask my colleagues to consider the background as to what has happened here, the importance of it and its abrogation, what is happening with Guantanamo, the disrepute there,

and what is happening with the Combat Status Review Board so that the Congress can correct what I consider to be an error made last year and stand up and not await a decision by the Supreme Court of the United States.

I thank the Chair, and I yield the floor.

EXHIBIT 1

DECLARATION OF STEPHEN ABRAHAM, LIEUTENANT COLONEL, UNITED STATES ARMY RESERVE, JUNE 15, 2007

I, Stephen Abraham, hereby declare as follows:

1. I am a lieutenant colonel in the United States Army Reserve, having been commissioned in 1981 as an officer in Intelligence Corps. I have served as an intelligence officer from 1982 to the present during periods of both reserve and active duty, including mobilization in 1990 ("Operation Desert Storm") and twice again following 9-11. In my civilian occupation, I am an attorney with the law firm Fink & Abraham LLP in Newport Beach, California.

2. This declaration responds to certain statements in the Declaration of Rear Admiral (Retired) James M. McGarrah ("McGarrah Dec."), filed in *Bismullah* v. *Gates*, No. 06-1197 (D.C. Cir.). This declaration is limited to unclassified matters specifically related to the procedures employed by Office for the Administrative Review of the Detention of Enemy Combatants ("OARDEC") and the Combatant Status Review Tribunals ("CSRTs") rather than to any specific information gathered or used in a particular case, except as noted herein. The contents of this declaration are based solely on my personal observations and experiences as a member of OARDEC. Nothing in this declaration is intended to reflect or represent the official opinions of the Department of Defense or the Department of the Army.

3. From September 11, 2004 to March 9, 2005, I was on active duty and assigned to OARDEC. Rear Admiral McGarrah served as the Director of OARDEC during the entirety of my assignment.

4. While assigned to OARDEC, in addition to other duties, I worked as an agency liaison, responsible for coordinating with government agencies, including certain Department of Defense ("DoD") and non-DoD organizations, to gather or validate information relating to detainees for use in CSRTs. I also served as a member of a CSRT, and had the opportunity to observe and participate in the operation of the CSRT process.

5. As stated in the McGarrah Dec., the information comprising the Government Information and the Government Evidence was not compiled personally by the CSRT Recorder, but by other individuals in OARDEC. The vast majority of the personnel assigned to OARDEC were reserve officers from the different branches of service (Army, Navy, Air Force, Marines) of varying grades and levels of general military experience. Few had any experience or training in the legal or intelligence fields.

6. The Recorders of the tribunals were typically relatively junior officers with little training or experience in matters relating to the collection, processing, analyzing, and/or dissemination of intelligence material. In no instances known to me did any of the Recorders have any significant personal experience in the field of military intelligence. Similarly, I was unaware of any Recorder having any significant or relevant experience dealing with the agencies providing information to be used as a part of the CSRT process.

7. The Recorders exercised little control over the process of accumulating information to be presented to the CSRT board members. Rather, the information was typically aggregated by individuals identified as case writers who, in most instances, had the same limited degree of knowledge and experience relating to the intelligence community and intelligence products. The case writers, and not the Recorders, were primarily responsible for accumulating documents, including assembling documents to be used in the drafting of an unclassified summary of the factual basis for the detainee's designation as an enemy combatant.

8. The information used to prepare the files to be used by the Recorders frequently consisted of finished intelligence products of a generalized nature—often outdated, often "generic," rarely specifically relating to the individual subjects of the CSRTs or to the circumstances related to those individuals' status.

9. Beyond "generic" information, the case writer would frequently rely upon information contained within the Joint Detainee Information Management System ("JDIMS"). The subset of that system available to the case writers was limited in terms of the scope of information, typically excluding information that was characterized as highly sensitive law enforcement information, highly classified information, or information not voluntarily released by the originating agency. In that regard, JDIMS did not constitute a complete repository, although this limitation was frequently not understood by individuals with access to or who relied upon the system as a source of information. Other databases available to the case writer were similarly deficient. The case writers and Recorders did not have access to numerous information sources generally available within the intelligence community.

10. As one of only a few intelligence-trained and suitably cleared officers, I served as a liaison while assigned to OARDEC, acting as a go-between for OARDEC and various intelligence organizations. In that capacity, I was tasked to review and/or obtain information relating to individual subjects of the CSRTs. More specifically, I was asked to confirm and represent in a statement to be relied upon by the CSRT board members that the organizations did not possess "exculpatory information" relating to the subject of the CSRT.

11. During my trips to the participating organizations, I was allowed only limited access to information, typically prescreened and filtered. I was not permitted to see any information other than that specifically prepared in advance of my visit. I was not permitted to request that further searches be performed. I was given no assurances that the information provided for my examination represented a complete compilation of information or that any summary of information constituted an accurate distillation of the body of available information relating to the subject.

12. I was specifically told on a number of occasions that the information provided to me was all that I would be shown, but I was never told that the information that was provided constituted all available information. On those occasions when I asked that a representative of the organization provide a written statement that there was no exculpatory evidence, the requests were summarily denied.

13. At one point, following a review of information, I asked the Office of General Counsel of the intelligence organization that I was visiting for a statement that no exculpatory information had been withheld. I explained that I was tasked to review all available materials and to reach a conclusion regarding the non-existence of exculpatory information, and that I could not do so without knowing that I had seen all information.

14. The request was denied, coupled with a refusal even to acknowledge whether there existed additional information that I was not permitted to review. In short, based upon the selective review that I was permitted, I was left to "infer" from the absence of exculpatory information in the materials I was allowed to review that no such information existed in materials I was not allowed to review.

15. Following that exchange, I communicated to Rear Admiral McGarrah and the OARDEC Deputy Director the fundamental limitations imposed upon my review of the organization's files and my inability to state conclusively that no exculpatory information existed relating to the CSRT subjects. It was not possible for me to certify or validate the non-existence of exculpatory evidence as related to any individual undergoing the CSRT process.

16. The content of intelligence products, including databases, made available to case writers, Recorders, or liaison officers, was often left entirely to the discretion of the organizations providing the information. What information was not included in the bodies of intelligence products was typically unknown to the case writers and Recorders, as was the basis for limiting the information. In other words, the person preparing materials for use by the CSRT board members did not know whether they had examined all available information or even why they possessed some pieces of information but not others.

17. Although OARDEC personnel often received large amounts of information, they often had no context for determining whether the information was relevant or probative and no basis for determining what additional information would be necessary to establish a basis for determining the reasonableness of any matter to be offered to the CSRT board members. Often, information that was gathered was discarded by the case writer or the Recorder because it was considered to be ambiguous, confusing, or poorly written. Such a determination was frequently the result of the case writer or Recorder's lack of training or experience with the types of information provided. In my observation, the case writer or Recorder, without proper experience or a basis for giving context to information, often rejected some information arbitrarily while accepting other information without any articulable rationale.

18. The case writer's summaries were reviewed for quality assurance, a process that principally focused on format and grammar. The quality assurance review would not ordinarily check the accuracy of the information underlying the case writer's unclassified summary for the reason that the quality assurance reviewer typically had little more experience than the case writer and, again, no relevant or meaningful intelligence or legal experience, and therefore had no skills by which to critically assess the substantive portions of the summaries.

19. Following the quality assurance process, the unclassified summary and the information assembled by the case writer in support of the summary would then be forwarded to the Recorder. It was very rare that a Recorder or a personal representative would seek additional information beyond

that information provided by the case writer.

20. It was not apparent to me how assignments to CSRT panels were made, nor was I personally involved in that process. Nevertheless, I discerned the determinations of who would be assigned to any particular position, whether as a member of a CSRT or to some other position, to be largely the product of ad hoc decisions by a relatively small group of individuals. All CSRT panel members were assigned to OARDEC and reported ultimately to Rear Admiral McGarrah. It was well known by the officers in OARDEC that any time a CSRT panel determined that a detainee was not properly classified as an enemy combatant, the panel members would have to explain their finding to the OARDEC Deputy Director. There would be intensive scrutiny of the finding by Rear Admiral McGarrah who would, in turn, have to explain the finding to his superiors, including the Under Secretary of the Navy.

21. On one occasion, I was assigned to a CSRT panel with two other officers, an Air Force colonel and an Air Force major, the latter understood by me to be a judge advocate. We reviewed evidence presented to us regarding the recommended status of a detainee. All of us found the information presented to lack substance.

22. What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by percipient witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating the source of the information or providing a basis for establishing the reliability or the credibility of the source. Statements of interrogators presented to the panel offered inferences from which we were expected to draw conclusions favoring a finding of "enemy combatant" but that, upon even limited questioning from the panel, yielded the response from the Recorder, "We'll have to get back to you." The personal representative did not participate in any meaningful way.

23. On the basis of the paucity and weakness of the information provided both during and after the CSRT hearing, we determined that there was no factual basis for concluding that the individual should be classified as an enemy combatant. Rear Admiral McGarrah and the Deputy Director immediately questioned the validity of our findings. They directed us to write out the specific questions that we had raised concerning the evidence to allow the Recorder an opportunity to provide further responses. We were then ordered to reopen the hearing to allow the Recorder to present further argument as to why the detainee should be classified as an enemy combatant. Ultimately, in the absence of any substantive response to the questions and no basis for concluding that additional information would be forthcoming, we did not change our determination that the detainee was not properly classified as an enemy combatant. OARDEC's response to the outcome was consistent with the few other instances in which a finding of "Not an Enemy Combatant" (NEC) had been reached by CSRT boards. In each of the meetings that I attended with OARDEC leadership following a finding of NEC, the focus of inquiry on the part of the leadership was "what went wrong."

24. I was not assigned to another CSRT panel.

I hereby declare under the penalties of perjury based on my personal knowledge that the foregoing is true and accurate.

STEPHEN ABRAHAM.

EXHIBIT 2

(CITE AS: 542 U.S. 466, 124 S.CT. 2686

[1] Congress has granted federal district courts, "within their respective, jurisdictions," the authority to hear applications for habeas corpus by any person who claims to be held "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. §§2241(a), (c)(3). The statute traces its ancestry to the first grant of federal-court jurisdiction: Section 14 of the Judiciary Act of 1789 authorized federal courts to issue the writ of habeas corpus to prisoners who are "in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same." Act of Sept. 24, 1789, ch. 20, § 14, 1 Stat. 82. In 1867, Congress extended the protections of the writ to "all cases where any person may be restrained of his or her liberty in violation of the constitution, or of any treaty or law of the United States." Act of Feb. 5, 1867, ch.28, 14 Stat. 385. See *Felker* v. *Turpin*, 518 U.S. 651, 659–660, 116 S.Ct. 2333, 135 L.Ed.2d 827 (1996).

Habeas corpus, is, however, "a writ antecedent to statute, * * * throwing its root deep into the genius of our common law." *Williams* v. *Kaiser*, 323 U.S. 471, 484, n. 2, 65 S.Ct. 363, 89 L.Ed. 398 (1945) (internal. quotation marks omitted). The writ appeared in English law several centuries ago, became "an integral part of our common-law heritage" by the time the *474 Colonies achieved independence, *Preiser* v. *Rodriguez*, 411 U.S. 475, 485, 93 S.Ct. 1827, 36 L.Ed.2d 439 (1973), and received explicit recognition in the Constitution, which forbids suspension of "[t]he Privilege of the Writ of Habeas Corpus * * * unless when in Cases of Rebellion or Invasion the public Safety may require it," Art. I, §9, cl. 2.

As it has evolved over the past two centuries, the habeas statute clearly has expanded habeas corpus "beyond the limits that obtained during the 17th and 18th centuries." *Swain* v. *Pressley*, 430 U.S. 372, 380, n. 13, 97 S.Ct. 1224, 51 L.Ed.2d 411 (1977). But "[a]t its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." *INS* v. *St. Cyr*, 533 U.S. 289, 301, 121 S.Ct. 2271, 150 L.Ed.2d 347 (2001). See also *Brown* v. *Allen*, 344 U.S. 443, 533, 73 S.Ct. 397, 97 L.Ed. 469 (1953) (Jackson, J., concurring in result) ("The historic purpose of the writ has been to relieve detention by executive authorities without judicial trial"). As Justice Jackson wrote in an opinion respecting the availability of habeas corpus to aliens held in U.S. custody:

"Executive imprisonment has been considered oppressive and lawless since John, at Runnymede, pledged that no free man should be imprisoned, dispossessed, outlawed, or exiled save by the judgment of his peers or by the law of the land. The judges of England developed the writ of habeas corpus largely to preserve these immunities from executive restraint." *Shaughnessy* v. *United States ex rel. Mezei*, 345 U.S. 206, 218–219, 73 S.Ct. 625, 97 L.Ed. 956 (1953) (dissenting opinion).

Consistent with the historic purpose of the writ, this Court has recognized the federal courts' power to review applications for habeas relief in a wide variety of cases involving executive detention, in wartime **2693 as well as in times of peace. The Court has, for example, entertained the habeas petitions of an American citizen who plotted an attack on military installations during the Civil War, Ex parte *475 *Milligan*, 4 Wall. 2, 18 L.Ed. 281 (1866), and of admitted enemy aliens convicted of war crimes during a declared war and held in the United States, *Ex parte Quirin*, 317 U.S. 1, 63 S.Ct. 2, 87 L.Ed. 3 (1942), and its insular possessions, *In reo Yamashita*, 327 U.S. 1, 66 S.Ct. 340, 90 L.Ed. 499 (1946).

The question now before us is whether the habeas confers a right to judicial review of the legality of executive detention of aliens in a territory over which the United States exercises plenary and exclusive jurisdiction, but not "ultimate sovereignty."

Application of the habeas statute to persons detained at the base is consistent with the historical reach of the writ of habeas corpus. At common law, courts exercised habeas jurisdiction over the claims of aliens detained within sovereign territory of the realm, [FN11] as well as the claims of **2697 persons *482 detained in the so-called "exempt jurisdictions," where ordinary writs did not run, [FN12] and all other dominions under the sovereign's control. [FN13] As Lord Mansfield wrote in 1759, even if a territory was "no part of the realm," there was "no doubt" as to the court's power to issue writs of habeas corpus if the territory was "under the subjection of the Crown." *King* v. *Cowle*, 2 Burr. 834, 854–855, 97 Eng. Rep. 587, 598–599 (K.B.). Later cases confirmed that the reach of the writ depended not on formal notions of territorial sovereignty, but rather on the practical question of "the exact extent and nature of the jurisdiction or dominion exercised in fact by the Crown." *Ex parte Mwenya*, [1960] 1 Q.B. 241, 303 (C.A.) (Lord Evershed, M. R.).

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise today in support of and as a cosponsor of amendment No. 2012. I salute Senator WEBB and my colleagues who joined in this effort which would set a standard for how much time our troops get at home between deployments. We owe it to our troops and to our families to have a rational and reasonable troop rotation policy that allows our fighting forces to be at their best.

The ever-quickening operational tempo over the last 4 years of combat in Iraq and Afghanistan has stretched our military beyond reason and endangered our national security. Continuing to shorten the time our troops are able to spend at home while extending deployments is simply not a sustainable policy. It is bad for operational readiness, it is bad for retention, it is bad for morale, and it is bad for the health of our military members and their families. We must do better to protect our national security, and this amendment moves us in the right direction.

In the time I have spent with our servicemembers in Iraq and Afghanistan, at Fort Carson and at the many military installations around Colorado, I have always found our servicemembers to be serving proudly and honorably. They rarely look at you and talk about the sacrifices they are being asked to make or of the effects that failed policies are having on them and on their families. But you can still see in their eyes the evidence of the strain that the operational tempo is placing on them and on their families. You see the strain at installations all around the country.

In my State at Fort Carson where I have visited often over the last several years, the families of the 2nd Brigade of the 2nd Infantry Division learned earlier this year that their soldiers' tours of duty in Iraq are being extended by 3 months, so that they will stay in the theater for a total of 15 months rather than the 12 months they anticipated when they went to Iraq. The 2nd Brigade is currently today in a block-by-block battle with insurgents in eastern Baghdad. The 2nd Brigade lost 6 soldiers over the Fourth of July week, and they have lost 37 since they arrived in Iraq last October. The brigade was supposed to be returning this fall. They were supposed to be returning this fall, but now it will be winter before they might be able to come home.

The 3rd Brigade, also at Fort Carson, returned from Iraq late last fall after a full year deployment. They could well be sent back to Iraq before they have the time they need here to recuperate, to train, and to prepare for a new deployment. They deserve some consistency and certainty in their deployment cycle.

We see the impacts of the current operational tempo in our Guard and Reserve units as well. We have come to rely on the Guard and Reserve to an unprecedented degree in Iraq. At one point in 2005, the Army National Guard contributed nearly half of the combat brigades on the ground in Iraq. These troops, once thought of as "weekend warriors," have been shouldering burdens similar to their Active-Duty counterparts and are facing the same extended deployments and the same shortened time at home.

We are quickly learning about the impacts of this operational tempo on the health and well-being of our troops. The impacts and the facts here are beyond dispute. A study at Fort Carson showed that around 18 percent of returning soldiers had traumatic brain injuries. These are soldiers who have come back to Fort Carson after having served in Iraq. They need time to recover from those injuries. A recent service-wide report of the DOD's Task Force on Mental Health showed that 38 percent of soldiers, 31 percent of marines, and 49 percent of the National Guard report psychological problems following combat deployments. The prevalence of psychological problems increases with increased frequency of deployment and with longer deployments. Our troops need more time at home to recuperate and readjust with their families.

Amendment No. 2012 is a sensible and much needed rotation policy for our troops. I can think of no better author for this amendment than Senator JIM WEBB who has had a long and storied history of service to our country and who has an intimate understanding of the military and knowing what it takes to have a strong military for the United States of America.

For our regular forces, the amendment requires that if a unit or a member is deployed to Iraq or Afghanistan, they will have equal time at home before being redeployed. That is to say, if they are deployed for 6 months, they must be at home for at least 6 months before being sent back into combat. For the National Guard and Reserve, no unit or member could be redeployed to Iraq or Afghanistan within 3 years of their previous deployment.

The amendment includes an important provision that I hope my colleagues on the other side of the aisle pay attention to. It is an important provision that allows the President to waive these limitations. The President can waive these limitations if he certifies to Congress that the deployment is necessary in response to an operational emergency posing a vital threat to the national security of the United States of America. So the President can waive the requirements of this readiness legislation we are proposing in the Chamber today. Another waiver would authorize the Chief of Staff of each branch to approve requests by volunteers to deploy.

This is an amendment which supports our troops and their families who have been called upon to make ever-increasing sacrifices in the course of this war. It is an amendment which I ask my colleagues to support and which I hope we will pass on behalf of our troops and their families.

I wish to conclude by simply stating my appreciation to the leaders who have put together the DOD authorization legislation which is before the Senate. The Senator from Michigan, the chairman of the Armed Services Committee, CARL LEVIN, is often referred to by me and I know many of the Members of this Chamber, as a Senator's Senator because he is one of those people who are here for absolutely the right reason—their devotion to this country. His standing up for our military is something which is a great example of a Senator who puts purpose above the politics that sometimes typify Washington perhaps too much of the time. He, in his work with the distinguished Senator from Virginia, Mr. WARNER, who was also the key coauthor of this legislation, exemplifies the best of what there is here in this Senate Chamber. I just wanted to publicly state my appreciation to Senator LEVIN and his staff and to Senator WARNER and his staff for the great work they have done on this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first let me thank my dear friend, Senator SALAZAR, for his comments. They are particularly meaningful coming from somebody who as much as anybody in this body strives to bring Members together in common causes. I want to tell him how grateful I am for his comments but also, even more importantly, how grateful we all are for the effort he makes to cross the aisle and bring Senators together on important issues of the day.

Last night, I was not able to be present when our bill came to the floor. I was chairing a subcommittee meeting which I could not leave. I asked a number of colleagues on the Armed Services Committee if they could fill in for me, and very graciously and, as always, very competently, Senators BEN NELSON and BILL NELSON fulfilled that role and responded to that request, and I am very grateful to them for having done so. I wasn't able then to present the bill, as a bill of this magnitude should be presented, and I will take a few minutes at this time to do that.

The Defense Authorization Act for fiscal year 2008 would fully fund the fiscal year 2008 budget request of $648.8 billion for national security activities of the Department of Defense and the Department of Energy.

The Senate Armed Services Committee has a long tradition of setting aside partisanship and working together in the interest of the national defense. That tradition has been maintained this year. I am pleased that our bill, S. 1547, was reported to the Senate on a unanimous 25-to-nothing vote of our committee. Additionally, S. 1606, the Dignified Treatment of Wounded Warriors Act, which we will be taking up either as part of this bill or as a freestanding measure, was also reported by the committee on a unanimous 25-to-nothing vote. These votes stand as a testament to the common commitment of all of our Members to supporting our men and women in uniform.

Our bill contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefields of Iraq and Afghanistan, make the investments we need to meet the challenges of the 21st century, and require needed reforms in the management of the Department of Defense.

The bill before us, perhaps most importantly, continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill contains provisions that would authorize a 3.5-percent across-the-board pay increase for all uniformed military personnel, which is a half a percent more than the administration's request. Our bill authorizes increases in the end-strength of the Army and the Marines—13,000 for the Army and 9,000 for the Marines. Our bill authorizes payment of over 25 types of bonuses and special pay aimed at encouraging the enlistment, reenlistment, and continued service by Active-Duty and Reserve military personnel. Our bill authorizes payment of combat-related special compensation to servicemembers medically retired for a combat-related disability. We reduce the cost of pharmaceuticals to Department of Defense personnel by authorizing the use of Federal pricing for pharmaceuticals dispensed through the TRICARE retail program.

The bill also includes important funding and authorities needed to provide our troops with the equipment and support they will continue to need as long as they remain in Iraq and Afghanistan. For instance, the bill contains provisions which would add $4 billion above the amount requested by the administration for Mine Resistant Ambush Protected Vehicles, so-called MRAPs, which improve protection for our troops exposed to improvised explosive devices, or IEDs. Our bill fully funds the budget request of $4.5 billion for the Joint Improvised Explosive Device Defeat Office, while directing that office to invest at least $50 million in blast injury research and over $150 million for the procurement of IED jammers for the Army.

We invest more than $70 million in research and new technologies to enhance the force protection of deployed units, including advanced materials for vehicle and body armor, active protection systems that shoot down incoming rocket-propelled grenades, and sniper detection systems. And we add $2.7 billion for items needed by the Army but not contained in the President's budget, including $775 million for reactive armor and other Stryker requirements, $207 million for aviation survivability equipment, $102 million for combat training centers, and funding for explosive ordnance disposal equipment, night-vision devices, and machine guns.

The bill would also enhance our national security by aggressively addressing the risk of proliferation of weapons of mass destruction. In this regard, the bill would increase funding over the administration's request for Department of Energy nonproliferation programs by $87 million, increase funding for the Department of Defense Cooperative Threat Reduction Program, CTR, by $100 million, eliminate funding restrictions that limit the use of CTR funds, and we expand the CTR Program to countries outside of the former Soviet Union.

The bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill contains provisions that would establish a Chief Management Officer, finally, for the Department of Defense to provide continuous top-level attention to the high-risk management problems of the Department as recommended by the Comptroller General. I note that our Presiding Officer is a member of the committee which takes a particular interest in management issues, and the committee on which we both serve, the Homeland Security and Governmental Affairs Committee, has been interested in this subject for years, as long as probably both of us, the Presiding Officer and I, have been here together. We need a chief management officer for the Department of Defense and we would establish that office.

We would establish an acquisition workforce development fund to enable the Department of Defense to increase the size and quality of its acquisition workforce as needed to address systematic deficiencies in the Department's purchases of products and services.

We would tighten the rules for Department of Defense acquisition of major weapons systems and subsystems, components, and spare parts to reduce the risk of contract overpricing, cost overruns, and failure to meet contract schedules and performance requirements.

Our bill also contains a provision that would require increased competition in large so-called "umbrella contracts" awarded by the Department of Defense. The Armed Services Committee held a hearing in April on the Department of Defense's management of the $20 billion LOGCAP contract, under which KBR—until recently a subsidiary of Halliburton—has provided services to U.S. troops in the field. There is a history of highly favorable treatment of that contractor throughout this contract. For example, the company was given work that appears to have far exceeded the scope of the contract. All of this added work was provided to the contractor without competition. There were almost $2 billion of overcharges on the contract, and the contractor received highly favorable settlements on these overcharges.

When asked why the Army had waited 5 years to split the LOGCAP contract among multiple contractors so as to allow for the competition of individual task orders, the Assistant Secretary of the Army for Acquisition, Technology and Logistics responded:

> I don't have a good answer for you.

The provision in our bill would avoid these kinds of abuses we get in sole-source contracts by ensuring that future contracts of this type provide for the competition of task and delivery orders unless there is a compelling reason not to do so.

There are far too many provisions in the bill to describe all of them, but there are a few more I wish to put some focus on.

Section 1023 of the bill would protect our troops, uphold our values, and help restore our image around the world by providing a fair process for reviewing the status of the Department of Defense detainees at Guantanamo and elsewhere. This provision would require for the first time that long-held detainees receive legal representation, provide for legal rulings to be made by military judges, and prohibit the use of coerced statements.

Section 871 of the bill would require the Department of Defense to provide much-needed regulation for contractors operating on the battlefield in Iraq and Afghanistan. Over the past 4 years, contractor employees have frequently fired weapons at people and property in Iraq—including insurgents, civilians and, on occasion, even our own coalition forces. Yet we have no consistent system in place for regulating the conduct of these armed contractors, or for enforcing compliance with those regulations that do exist, that are supposed to govern the activities of our contractors we hire. The provision in our bill would ensure that commanders on the battlefield have the authority they have long needed to establish rules of engagement—as well as systems for reporting and investigating incidents involving the use of force—for armed contractors of ours in an area of combat operations.

Finally, shortfalls in the care and treatment of our wounded warriors came to the attention of the Nation in a series in the Washington Post last February. These articles described deplorable living conditions for some servicemembers in an outpatient status. They described a bungled, bureaucratic process for assigning disability ratings that determine whether a servicemember would be medically retired with health and other benefits for himself and for his family. A clumsy handoff was described and exists between the Department of Defense and the Department of Veterans Affairs when a military member transitions from one department to another. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical care and bureaucratic snafus.

I am very proud our Armed Services Committee approved S. 1606, the Dignified Treatment of Wounded Warriors, by a unanimous 20-to-0 vote on June 14. This bill, which we worked on so closely with the Committee on Veterans' Affairs, would address the issues of inconsistent application of disability standards, disparate disability ratings, substandard facilities, lack of seamless transition from the Department of Defense to the Veterans' Administration, inadequacy of severance pay, care, and treatment for traumatic brain injury and post-traumatic stress disorder. It addresses also medical care for caregivers not eligible for TRICARE, and the sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

In consultation with the leadership and with the Committee on Veterans Affairs, since there is unlikely to be available floor time to bring this critically needed bill to the floor as freestanding legislation, it will be offered instead as an amendment to the bill we have on the floor now. I will be offering this on behalf of a very large bipartisan group of Senators coming from not only both the Armed Services Committee and Veterans' Affairs Committee but from all Senators, just about, who will be offering this amendment. We owe it to our men and women in uniform to take up and pass this important legislation.

As of today, roughly 160,000 U.S. soldiers, sailors, airmen, and marines are engaged in combat and combat support operations in Iraq. Almost 20,000 are engaged in combat and combat support operations in Afghanistan, and tens of thousands more are supporting the war effort through deployments thousands of miles from home.

While many of us believe the time has come to start bringing these troops home, we all know we must provide our troops the support they need as long as they remain in harm's way. We in the Nation are divided on the administration's war policy, but we are united in our determination to support our troops. Senate action on the National Defense Authorization Act for Fiscal Year 2008 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we, as a Nation, stand behind them and we appreciate their service.

Finally, as I did earlier this morning, I note that this bill—a bipartisan bill—would not have been possible without the support and leadership of Senator MCCAIN, my ranking member, and each member of the Senate Armed Services Committee. We owe a special debt of gratitude to those who served as subcommittee chairs and ranking members of the Armed Services Committee. This bill takes a long time to put together and then to mark up. It takes many months to perform those functions and many days in the markup process itself.

I also give a special thank-you to our former chairman, Senator WARNER, who again did yeoman service to make it possible for this bill to come to the floor in a bipartisan manner, which it has. I look forward to working with colleagues to pass this important legislation. I hope we can proceed to the prompt consideration of it, and I hope that as soon as we address the amendment of Senator WEBB, we are going to be able to move on to other amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I feel fortunate that Senator LEVIN was unable to be here yesterday to present the bill from the committee he chairs. As the Presiding Officer a few minutes ago, and now listening for 5 minutes or so, I have become better acquainted with some of the details of a very large and complex piece of legislation. I want to start off by saying a special thanks to him and his staff, to Senator MCCAIN and Senator WARNER and their staffs, and other members of the committee. They have crafted a very difficult bill.

As one who likes to work across the aisle, I applaud them for the way they have done that, bringing near unanimity from your committee in support of this legislation. I especially salute the Senator from Michigan and his team for the work they have done in providing for a chief management officer within the Department of Defense—God knows we need that—along with many other aspects of the bill.

I want to take a moment to talk about the amendment Senator WEBB is offering and has laid down. I know there are folks who have concerns within the Senate and outside of the Senate about this legislation. I want to speak in support of his proposal. You may recall he is calling for us to try to ensure that there is some downtime for active-duty personnel serving in Iraq and Afghanistan—that once they have served in those theaters, they be able to come home, train, rest up, reacquaint with their families, and to prepare to go back, if necessary. He is saying if you are on active duty for 6 months abroad, then they could come home for 6 months. If it is 12 months, there would be a 12-month respite. They would be training and working on readiness and trying to reunite themselves with their families. There is plenty to do during the time they are not deployed.

Also, he would say if they happen to be reservists or National Guard, they should have the opportunity for every year spent abroad to have 3 years downtime. The obvious question that came to mind for me is: What if we get into a jam somewhere in another part of the world and we need somebody who has been promised that 6 months back home, or 2, 3 years back home, and we need them to come back and serve on active duty? What if a member of the Guard or Reserves or active duty wanted to serve sooner again in Afghanistan or Iraq, would they be able to? Those are good questions. It was discussed over lunch with Senator WEBB. I was pleased with his response. Regarding the question about the guardsmen, reservists, and active-duty personnel who want to come back and serve in the theaters again prior to the end of their period of respite, their time at home, they could go back if they express that they want to serve. That request will be honored.

Secondly, if we get into a jam as a country in another part of the world and we need a unit to go there, whether you are Army, Navy, Air Force, or Marine, there is a Presidential waiver included in the Webb amendment that says the President can waive the language in the bill, in the amendment, and direct those forces to serve back in the theater where they are needed. I think those are positive and important aspects of the Webb amendment. We ought to keep them in mind.

Prior to coming to serve in the Senate, I was privileged to be Governor of my State for 8 years. As Governor of Delaware—or of any State, whether it is Pennsylvania, Michigan, or Delaware—you serve as commander in chief of your National Guard.

We had Army Guard and Air Guard who served, and I was honored to be, for those 8 years, their commander in chief. I felt a great affection, a great affinity for them, an allegiance to them and to their families.

When I was in Iraq 3 or 4 weeks ago, I had the opportunity to meet with members of our 198th Signal Battalion of the Delaware National Guard. On the morning I came back from having been in Iraq, I flew into Dulles and hotfooted it up to a place called Delaware City in time to send off the 153rd unit of the Delaware National Guard, a military police unit, who were going to Fort Dix and then on to Iraq. It is a unit we actually created when I was Governor, and I feel a special spot for them in my heart. I wanted to be there when they were sent abroad, sent to Fort Dix and then on to Iraq.

Having talked with a number of them, having been with them and their families literally weeks ago as they prepared to depart, I have a special sense from being overseas in Baghdad with folks from the 198th Signal Battalion for what their concerns are with respect to an extended deployment.

These are people who did not sign up for one, two, three deployments in the war zone. Before I served in the House of Representatives, I was a naval flight officer. I served during the Vietnam war. I wasn't a hero such as JIM WEBB, and I wasn't a hero such as JOHN MCCAIN and some others with whom we serve—DANNY INOUYE. My job in the Vietnam war in P-3 airplanes was to hunt for Red October, track Soviet nuclear submarines. We flew missions off the coast of Vietnam as well.

Interestingly enough, we had other Reserve squadrons come out and fly missions with us during the Vietnam war. Almost without exception, we never gave them difficult jobs to do. Almost without exception, they were not given challenging jobs to do because we didn't want them to mess it up. We would basically take the harder jobs for ourselves. We were not confident in their ability to take on the tougher missions with which we were burdened, were subscribed to carry out.

That has changed today. Go over to Iraq or Afghanistan where some of us have been recently. Our Guard and Reserve units are doing the toughest work, the most dangerous work, the most demanding work of any Active-Duty Force. They are in harm's way. They are getting shot at, in some cases getting wounded, in other cases dying. They leave behind, particularly those on active duty, Active-Duty Guard and Reserve, not just families in many cases—spouses, children, in some cases dependent parents—in many cases they have businesses they own and run themselves. It is one thing to be away from an employer who would like to have you there, who needs you there and to be away for a month, 2, or 3 months on active duty. But try leaving your business that you may have started, built, and it depends on you being there, and go away for 15 months, come back for a little while to the States to try to get it started again and have to go away again for 15 months.

After 5 years active duty, I served another 18 years as a Reserve naval flight officer. I stayed current on my airplane. I flew with a squadron out of the naval air station at Willow Grove. If members of my unit—and they were great guys, they were all guys, and they loved the Navy, they loved the service, they loved our mission—if you had taken most of us and said: We are putting you on active duty for 15 months, let you come home a little while and put you back for another 15 months on the other side of the world, I am not sure how many would sign up again, reup, renew our commitment. I guess a lot of people said: No, thank you; been there, done that. I served my Nation on active duty and in the Reserve, and we wouldn't have taken on that obligation, at least not with great enthusiasm. Some would have; I suspect others would not.

What Senator WEBB is trying to do is to say: Look, if you have gone over there, if you are on active duty, if you serve in the Army, Navy, Air Force, Marines in the theater for 6 months, we are going to make sure you have a chance to catch your breath, to come back, hopefully, with your unit to retrain here, have downtime to reconnect with your family, to begin to put your personal life together a little bit before we put you back over there in harm's way. To the extent you happen to be a reservist or a member of the National Guard and you have other commitments, you are not on active duty, have your own job, business, family with children, we are going to give you a chance to make sure you can get that business going again, stand it up, strengthen it, reacquaint yourself with your family, make sure your kids and spouse are doing all right, maybe your parents, before we put you back in harm's way again.

I think that makes a whole lot of sense. It is humane, in terms of actually being able to keep people on active duty, Reserve status, and Guard status. I think it will increase our ability to recruit and retain people, when their term of enlistment expires, to reup. It will increase the likelihood they will stick with us.

The other point I wish to make, for those who are not aware of the waiver authority that is granted in this amendment, we say to a President: You can waive these requirements for Active-Duty personnel or for Guard personnel. You can waive them. If we find ourselves in a bind in another part of the world and we need those forces, those assets to be on active duty again, the President can waive those requirements.

Also, if I or any of us happen to be on active duty or in the Reserves and we have done our time and have a chance to come back and we want to go back, we feel an obligation to go back—and God bless them, some of our troops today are serving second and third tours over there—they would have the opportunity to do that, not be barred from doing that. If they chose to take that course, they could.

For those reasons and for others I mentioned today, I believe Senator WEBB's amendment should be supported. It deserves to be enacted. It is one of those deals where the more I learned about it, the more comfortable I have become with it. As a number of my colleagues who actually served active duty, served in the Reserves and had the privilege of leading a State's National Guard, this is one I thought about. This wasn't a knee-jerk reaction, yep, this is the way to do it. I thought it through and put on my hats of earlier roles I played outside the Senate, outside the Congress.

I think the Webb amendment is the right way to go. My hope is, when the votes are cast, it will be adopted and added to this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I first express my thanks to the Senator from Delaware for his service and also for his comments on this amendment.

I come to the floor because I heard the other side of the aisle may be deciding to filibuster this amendment. I wish to, first of all, express my surprise that this filibuster might occur which, as the Chair knows, would increase the requirement of 60 votes in order for the amendment to proceed.

This is a very simple and very fair amendment. I would like to express my opinions about some of the comments that have been made, as I was outside listening to different people from the media telling me what some of the reservations from the other side have been on this amendment. The comments that have been made are not accurate.

There are people who are saying this amendment is unconstitutional in the sense that only the Commander in Chief should be able to make decisions regarding the deployment of troops during a war.

First of all, article I, section 8 of our Constitution is very clear on this point. It states that "The Congress shall have the Power . . . To make Rules for the Government and Regulation of the land and naval Forces. . . ."

This is well within the Constitution. In fact, there is much precedent when people who are opposed to this amendment discuss that it might be tying the President's hands unnecessarily. We can go back to the dark days of the Korean war, where because of the national emergency that was caused from the invasion of South Korea by the North, we didn't have enough troops available, and the administration at the time started sending soldiers into Korea who had not been fully trained and the Congress acted within its constitutional purview and passed a law that said no individual who is brought into the U.S. military can be sent overseas unless they have been in the military for 120 days.

The reason the Congress acted was to protect the well-being of those who served, and that is exactly what we are proposing to do today. We are saying that whatever your beliefs are about this war, whether you want it to end in 5 weeks or whether you want it to go on for the next 10 years, we have to come to some common agreement among the leadership of the United States that we are going to protect the well-being of our troops, the people who step forward to serve in these times.

The minimum we can do is to set a floor that basically says: However long you are deployed, you can have that much time back at home. Or if you are in the National Guard or Reserve, if you have been deployed, you deserve to have three times that much time at home.

The historical standard is if you have been deployed overseas or if you have been deployed on a deployment, you should have twice as much time at home. The Commandant of the Marine Corps earlier this year, when he undertook the duties of being Commandant, said that his goal was to bring in a 2-to-1 rotational cycle for the Marine Corps. Given the requirements of Iraq, 2 to 1. We are now at 1 to 1, with a good portion of that time back home being spent in workups for these units and for these individuals to go back.

The Army, as a result of this surge, now has a policy where they are saying you go to Iraq for 15 months, and we will guarantee you 12 months at home. That is not even 1 to 1.

Our amendment establishes a floor. It is reasonable. It doesn't have anything to do with political objectives of the war downstream. That can be sorted out later. We are simply saying, if you have been gone for a year, you deserve to be back for a year. If you have been gone for 7 months, you deserve to be back for 7 months, unless you want to go back. If you want to go back, fine. You can volunteer to go back. Our amendment does not stop that. Or if there is an operational emergency where the President certifies there is a requirement, then the President can waive this amendment. We are trying to set a policy of stability so military families can predict what their cycle is going to be and have enough time to truly become involved with their families again, have some downtime, then refurbish, retrain, and go back.

I suggest to the other side that if they believe this is an amendment that is incompatible with military service, they might want to consider a letter I received today from the Military Officers Association of America. This is the largest and most influential association of military officers in the country. It is composed of 360,000 members from every branch of the military. They wrote me today. I will read portions of this letter:

> On behalf of the 368,000 members of the Military Officers Association, I am writing to express our support for your amendment. The MOAA is very concerned that steps must be taken to protect our most precious military asset—the all-volunteer force—from having to bear such a disproportionate share of national wartime sacrifice. If we are not better stewards of our troops—

This is the president of the MOAA, VADM Norbert Ryan, U.S. Navy retired, saying this—

> If we are not better stewards of our troops and their families in the future than we have been in the recent past, we believe strongly that we will be putting the all-volunteer force at unacceptable risk.

I submit to the President and this body, this is not the kind of statement that would be made from a group of 368,000 military officers unless they believed in the constitutionality and the propriety of what we are attempting to do.

I say to my colleagues, and particularly to my colleagues on the other side of the aisle, I am very disappointed in the notion that an amendment with this simplicity that goes to the well-being of our troops might even be considered as a filibuster. I say to my colleagues on the other side of the aisle that the American people are watching us today, and they are watching closely, with the expectation that we finally can take some sort of positive action that might stabilize the operational environment in which our troops are being sent again and again. The American people are tired of the posturing that is giving the Congress such a bad reputation. They are tired of the procedural strategies designed to protect politicians' accountability and to protect this administration from judgment. They are looking for concrete action that will protect the well-being of our men and women in uniform.

The question on this amendment is not whether one supports the war or whether they do not. It is not whether someone wants to wait until mid-July or September to see where one particular set of benchmarks or summary might be taking us. The situation is simply this: More than 4 years into the ground operation in Iraq, we owe stability and a reasonable cycle of deployment to the men and women who are carrying our Nation's burdens. That is the question.

Mr. DURBIN. Will the Senator from Virginia yield for a question?

Mr. WEBB. I will be glad to yield.

Mr. DURBIN. Mr. President, I would like to commend the Senator from Virginia first for offering this amendment. For those who are new to this debate, it is the first amendment on the Defense authorization bill, and it is about our troops' readiness to go to battle. There is no better author of this amendment than the Senator from Virginia, as one of only two combat veterans who is here, proud combat veterans, serving in the Senate.

I would like to ask the Senator, if I understand his amendment correctly, it says that if we are going to deploy American soldiers into fields of battle, in Iraq and Afghanistan or NATO missions, that they not be deployed any longer than they are given an equal amount of time for rest or dwell time, as they call it, for training and preparation for returning to battle. So if a soldier is being sent to Iraq for 15 months, then he or she should have at least 15 months back home at the end of that period—or reassigned to a peaceful setting—before they can be deployed again, for Active-Duty soldiers. Is that the gist or substance when it comes to active duty?

Mr. WEBB. First, I would say to the Senator from Illinois just for factual clarification that Senator HAGEL and I are the only two ground-combat veterans from Vietnam in the Senate, but I certainly do not want to in any way reduce my respect for the distinguished Senator from Hawaii who won the Congressional Medal of Honor during World War II.

The question the Senator poses is correct. What this basically says is that if you have been gone for a year, you deserve to have a minimum of a year back. And a lot of people misunderstand what dwell time is. Dwell time is not downtime. There is a workup cycle for these units before they go back, which is considerable. So even if we are giving them a 1-to-1 ratio here, this is not equal time down as compared to an equal time deployed. That is why the traditional goal is 2 for 1.

Mr. DURBIN. I would like to ask, if the Senator from Virginia will yield further, it is my understanding when it comes to Guard and Reserve that he also has some protection for the amount of time they will have after they have served. I have been told there is an implicit understanding, for example, with Guard members that they would serve 1 year, for example, and have 5 years before redeployment. In fact, that has not been the case in my home State of Illinois, where over 80 percent of the Illinois Guard units have been deployed into combat during the course of this war, and many have been deployed repeatedly. So, obviously, the promise that was supposed to be kept hasn't been kept, and I ask the Senator from Virginia, how do you protect Guard and Reserve when it comes to redeployment in terms of the time they have?

Mr. WEBB. I would say first to the Senator that I had the privilege of being the Assistant Secretary of Defense for Reserve Affairs for 3 years, where we had oversight of the National Guard and Reserve programs during a very critical time when we were transitioning into what we called the total force concept, and the President's use of the Guard and Reserve is certainly something we were not contemplating in the 1980s.

But this amendment sets a floor for the Guard and Reserve of a 3-to-1 ratio with a goal—a written goal—in the amendment of a 5-to-1 ratio, which is the traditional standard.

Mr. DURBIN. If the Senator from Virginia has not covered it in his floor remarks earlier, what has been the impact of these frequent redeployments on Active Guard and Reserve with regard to retention and recruitment? In other words, if my Guard unit in Illinois knows they are going to be deployed and redeployed within a year or two, it seems to me that for some citizen soldiers it would create a hardship which they couldn't impose on their families for a period of time.

Can the Senator from Virginia point to any specific information he has about retention and recruitment relating to this redeployment?

Mr. REID. Mr. President, may I ask my friend to yield? Senator MCCONNELL and I need to transact some business.

I would ask that the record reflect that we stopped the Senator from Virginia but that he maintain the floor and that the record appear as his having not been interrupted. Will that be okay with the Senator from Virginia?

Mr. WEBB. By all means.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, last night, the Republican leader indicated that he would have an alternative amendment to Senator WEBB's amendment and that we would work out an agreement so we would not need cloture, and I appreciate that very much. But a problem has developed. We do have a side by side from Senator GRAHAM, but what I didn't understand is that there would be a requirement of 60 votes on Senator WEBB's amendment and Senator GRAHAM's amendment. I just don't think it is appropriate that there be a filibuster on this amendment, and that is what it is.

I would be happy to enter into an agreement that would provide for a majority vote on both the Graham and Webb amendments. So I now ask unanimous consent that amendment No. 2013 be withdrawn; that there now be 4 hours equally divided to run concurrently on Senator WEBB's amendment and Senator GRAHAM's amendment, as provided to us this morning—we have that amendment, we have looked at it, we understand it—and that at the conclusion or yielding back of time, the Senate vote on Senator WEBB's amendment, no. 2012, followed by a vote on Senator GRAHAM's amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, Mr. President, we have been here before. Every Iraq amendment we have voted on this year—and there have been numerous amendments—in fact, I have sort of lost track of how many we have had—every single one of them, as most things in the Senate that are remotely controversial, requires 60 votes. I believe I am correct in saying that every Iraq amendment we have voted on this year, no matter what the underlying bill was to which the amendment was being offered, was in a 60-vote contest.

What we have frequently done is simply negotiated an agreement to have the 60 votes we know we are going to have anyway, and the reason for that is—well, there are several reasons. No. 1, if a cloture vote were invoked, it would further delay consideration of the bill because potentially 30 more hours could be used postcloture on an amendment. So what we have done, in a rational response to the nature of the Senate in this era, is to negotiate 60-vote votes.

We are perfectly happy to enter into an agreement, as I suggested yesterday, for a vote on the Webb amendment and the alternative that we would have, the Graham amendment, by consent, two 60-vote requirements. That is not unusual in the Senate; it is just common practice in the Senate, certainly for as long as I have been here. So, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. I guess rationality is in the eye of the beholder. The real facts here are that, on Iraq, for example, the bill the President vetoed was not filibustered. We sent a measure to the President that he vetoed that had 51 or 52 votes. It was in the majority. That is what we should do here.

It appears to me we are arriving at a point where, even on the Defense authorization bill, amendments leading up to a final vote on the Defense authorization bill, which is so important, are going to be filibustered. It is really wrong. It is too bad. We don't have to have this 60-vote margin on everything we do. That is some recent rule that has just come up in the minds of the minority.

Mr. President, we should move forward on this Webb amendment, move forward on the Graham amendment. We have confidence that a majority of the Senate supports Senator WEBB. I don't know about Senator GRAHAM's amendment. But why don't we let the body work its will and then move on to other things. We have the amendment we are waiting to offer very quickly, which is the one that has been worked on for a long time, which is the Levin-Reed amendment.

So, Mr. President, since there is an objection and based on the filibuster of Senator WEBB's troop readiness amendment, I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Webb, et al., amendment No. 2012, to H.R. 1585, Department of Defense Authorization, 2008.

Jim Webb, Richard Durbin, Daniel K. Akaka, Jack Reed, Carl Levin, H.R. Clinton, Russell Feingold, Jeff Bingaman, Christopher Dodd, Frank R. Lautenberg, John Kerry, Patty Murray, Jon Tester, Sherrod Brown, Ken Salazar, B.A. Mikulski, Joe Biden, Harry Reid.

Mr. REID. I ask unanimous consent that the mandatory live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, Senator MCCAIN is here and will be seeking recognition momentarily, but let me suggest that this is not the most efficient way to move forward with the bill. We have been down this path before on virtually every measure that comes before the Senate. The most expeditious way to move forward is by agreement, not by the filing of cloture.

Having said that, I hope that once it is clear cloture is not going to be invoked, we can get back to the normal way we handle debate on these matters and therefore have a better chance of processing this very important bill and moving it toward passage.

I don't know if my friend from Arizona wanted to ask a question or wanted to get recognition.

Mr. MCCAIN. Mr. President, I would like to seek recognition, but I see the assistant majority leader is up, and I will be glad to wait on him.

Mr. REID. If I could, Mr. President, Mr. WEBB has the floor. I asked him to yield to me to do this, and that was the agreement.

Mr. WEBB. Mr. President, I would gladly yield the floor, but I don't know to whom I am yielding. Where are we?

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I would like to first thank the Senator from Virginia for his leadership on this amendment, and I am troubled by what just occurred on the floor. What the Democratic majority leader offered was to allow the Webb amendment, an amendment from the Democratic side—which, incidentally, has bipartisan sponsorship with Senator HAGEL of Nebraska—that it be an up-or-down vote, a majority vote, on whether we will give our troops an opportunity to rest before they are redeployed back into battle. I think the Senator from Virginia has made a compelling argument that it is in the best interest of our military—certainly our soldiers and their families—to give them this chance for rest and recuperation and retraining before they are redeployed.

The fact is, we know many of these soldiers are being deployed and redeployed repeatedly at great personal hardship. We have reports that come in that trouble us about family difficulties many of these soldiers are going through because of these long periods of separation and the fact they are overseas so often.

Secondly, we know many of the soldiers who return after the stress of battle need to sit down and talk to some people, go through some counseling to make sure they are dealing with post-traumatic stress disorder and other issues which in previous wars had never been mentioned and we know now to be very important.

So the Senator from Virginia is saying: For goodness' sakes, don't we owe it to our troops to give them a period of rest before we send them back into battle? So he wanted a vote on his amendment, a majority vote, up or down.

We said to the other side, the Republican side: Do you have an approach you would like to use on this same issue?

They said: Senator GRAHAM of South Carolina has an amendment on the same issue; we would like that to be offered.

So the Democratic majority leader said: Fine, we will treat both amendments exactly the same way—have a limited debate, 4 hours, split up, and then we will vote on them, a majority vote, up or down.

But there was an objection, an objection because the Republican leader now says: For the amendments, even those dealing with the readiness of our troops, we need an extraordinary majority, we want 60 votes, even on an amendment about the readiness of soldiers where we have offered both sides the same opportunity.

What it tells us is that when it comes to the issue of the war in Iraq, I am afraid that the minority—the Republican leader—has made it clear that they are going to filibuster every amendment. They are going to do their best to slow down and stop this debate on the war in Iraq. Instead of coming to the issue in a straightforward and honest way, for an up-or-down vote, they prefer to drag this out, drag it out as long as they can, try to put off the inevitable. We can't put off the inevitable, and the inevitable is this: This is a costly, deadly war. As our debate winds on day after day and week after week, American soldiers are still in the line of fire. Some of our best and bravest will be falling in battle as we stand and debate. That really is not acceptable.

We owe it to our men and women in uniform to do our duty, and our duty is fair deliberation, open debate, and then an up-or-down vote, and move to the next issue. But according to the Republican side of the aisle, that is not the way it will be. They want to filibuster this debate on the war in Iraq—everything they can do to slow it down. That is unfortunate, and I will tell you something. If they were paying attention to the people back in their home States, the people have lost their patience with Congress caught up in this kind of procedural slowdown. They want us to act, and act decisively; make a decision one way or the other; decide whether an amendment is good or bad, but don't drag it out in this kind of parliamentary maneuver over an amendment which on its face is easily understood, which I think is eminently reasonable, and where the other side, the Republican side, has ample opportunity to put their own idea up for a vote at the same time.

It could not be any more fair, and yet the Republican leader objects. I hope he will reconsider. Now we are going to move from this amendment, the Webb amendment, and the Graham amendment, to substantive important amendments on timetables about bringing American soldiers home—doing it in a reasonable way but to start redeploying our troops out of harm's way. It appears now the strategy on the other side of the aisle is, in every respect, to try to slow this down, delay the ultimate decision.

I think Senator REID, the majority leader, has made it clear. We are going to stay here until our job is done. We are committed to making this national debate on Iraq a meaningful debate, and no use of any procedural tool or tactic is going to stop us from the ultimate decision this Senate has to make. It should be done in an open, honest, courteous, and civilized way. When we made that offer, I am afraid to say the Republican leader objected. I hope we can return to the substance of this debate.

I would like to say that Senator WEBB's amendment is not about the politics of the Iraq war, and it is not about whether we should be there or not be there. It is not about a Republican or Democratic view of the war. It simply is about taking care of our troops. We are going to spend a lot of hours in debate over the next several weeks debating the war policy, but one thing we should not debate is the welfare and safety of our troops.

I believe I can safely say every Senator in this body would agree that no matter what else we do, our first duty is to ensure the welfare and safety of those who are fighting, sacrificing, and even dying in this struggle. This is exactly what the Webb amendment does. Our soldiers, sailors, airmen, and marines have performed their duties gallantly over the past 4-plus years. They have not complained and returned time and time again into battle. We owe them and their families gratitude that no single Member of the Senate could properly express.

But as this war stretches on, it takes its toll. All of us have met with Guard units being deployed, other units that are returning. We know what they have been through, just vicariously, by talking with their families and hearing their stories. Many have returned for second, third, and fourth deployments to Iraq and Afghanistan.

Our soldiers spend 12 months of time in theater, and now they are going to be spending 15 months, by the latest decision of the Pentagon. Is it unreasonable to allow them to spend at least that much time at home before they again put themselves in harm's way? I don't think so. These short turnaround times affect our men and women in uniform professionally and personally. After 15 months in battle we ask them to turn around and be ready to leave again in less than a year. That is just not enough time. Under normal conditions, the preparations and training for deployment can take up to a year. After 15 months in the desert, there are going to be significant tasks our soldiers will have to accomplish to get themselves and their equipment back in fighting condition. After so long away from home base, many individual and unit qualifications and training standards have lapsed. It will take time to correct it, but how can they possibly accomplish these tasks if as soon as they get home they have to begin preparing for the next deployment?

Without a doubt we have the finest military in the world, capable of doing great things. But are we really being fair to them? Are we really preparing them for battle as we should, by squeezing so much into such a short period of time? Are we shortchanging valuable training that will help to keep them alive?

This effect is not limited to their professional performance because, certainly, with this kind of burden at work over such a short amount of time, you can be sure that 12 months at home is really not 12 months at home. Our soldiers don't complain and always put mission accomplishment above all else. So rather than spending time at home with the spouse and children, building the strong families necessary to sustain long separations and deployment, they will spend longer and longer hours at work training.

All we are asking with the Webb amendment is to remember the sacrifices of our soldiers and their families. Soldiers deploy. That is what they do. They know when they sign up. A soldier's family is strong. They persevere and adapt to ever-changing schedules. But the strain these families have been put under in the past few years and will have to face in the future is too much. We are seeing divorce rates skyrocket, and rates of alcohol abuse have been increasing in the military. Pressures of these long deployments and short stays at home are taking their toll, as they would in most every circumstance. It is not fair to ask them to continue to make this kind of sacrifice.

There are many out there who say our Army is near the breaking point. I can't answer whether it is or not. But I certainly can speak for families from Illinois and the families with whom I have spoken, and they are courageous without a doubt, but they are being pushed to the limit. We hear all the time about supporting our troops. What does it mean? Many people say the phrase but do not really know what it means. This amendment is exactly what it means. Our military personnel and their families have borne almost the entire burden of the struggle our Nation has undertaken since September 11, 2001. They have done it spectacularly.

One of the critiques I have heard that I think is fair is, after 9/11 our country was ready to move together. I can't recall a period of greater national unity. Had the President made an appeal for shared sacrifice to fight this war on terrorism, I am certain he would have received resounding support from both sides of the aisle all across the Nation.

But, sadly, that appeal was not made. He has asked for sacrifice from our military and their families, and they have certainly gone above and beyond the call of duty. For the rest of us, life is all but normal every single day. There is hardly any sacrifice because of this war on terror or war in Iraq or Afghanistan. Is it too much to ask in the Webb amendment to at least acknowledge the sacrifices already being made by our soldiers before we push them back into the danger of battle?

There will be an amendment offered by Senator GRAHAM. I read the amendment. I have a great deal of respect for Senator GRAHAM, but in all fairness there are two obvious omissions. First, there is no reference at all in his amendment to the National Guard. I think that is an important consideration, not just Active military and Reserve, but the sacrifice being made by our National Guard. Second, taken in its entirety, the Graham amendment is just a sense of the Senate. It is a little note that is being passed around. It has no impact of law, as the Webb amendment would. A sense of the Senate is not enough. We owe our fighting men and women so much more.

Our soldiers have not asked us to do this, but Senator WEBB, Senator HAGEL, and those who have been in battle, as Senator MCCAIN has been, understand we need to stand up and speak for them even when duty keeps them quiet, when they do not come forward to ask for this helping hand.

I encourage my colleagues to support the Webb amendment. I hope the Republican leadership will reconsider its position and allow these amendments to be voted up or down and get on with this debate after a reasonable period so we can complete this important bill on the Senate floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I paid attention to the statement of the Senator from Illinois, as well as that of the Senator from Nevada. We may be approaching—not a historic moment in the history of the Senate but certainly one worthy of note; that is, according to my staff, that is not always accurate but is well meaning, we are about, maybe, at least 26 years since we have not had a Defense authorization bill passed by this body. Clearly from this beginning it appears, as on most other issues that have come before this body recently, we will be gridlocked.

Cloture motions will be filed. Votes will be taken. Time passes and, unfortunately, during that period of time, the men and women who are serving in our military will be without their pay increase. They will be without the increase in numbers that are called for in this bill, from 512,000 in the Army to 525,000; from 180,000 in the Marines to 189,000.

The best way, probably, to relieve the stress on the men and women in the military and the overdeployment that, unfortunately, we all regret they have had to bear, their unfair share of sacrifice in defense of this Nation and its security, is to increase the size of the military. That is in this bill.

Frankly, the reason we arrived at these numbers is it is just about as many as can be recruited additionally; otherwise, I think you would see additional numbers.

Instead of the 3.5-percent pay increase, instead of increasing size in the Army and Marine Corps, which we all know is badly needed, some of us, including my friend from Michigan, have known for many years how badly it was needed. One of the many mistakes made by the previous Secretary of Defense was not to call for a dramatic increase in the size of our Marine Corps and Army, for which our military families have paid a very heavy price.

Here we are, gridlocked in a battle whether we are going to have 60 votes and whether we are going to have to file a cloture motion which will ripen after a couple of days and all the arcane things that very few Americans understand. It took me a number of years to finally comprehend some of the procedures around here.

So we are, again, going to probably maintain that historic low in approval that was recently, in a recent Gallop Poll that has been taken for many years—I have forgotten the number now. I think it was in the teens as the approval rating of the Congress on the part of the American people.

Anybody who just watched the proceedings that went on and the exchanges between the two leaders make that disapproval rating far more understandable. The average citizen watching these debates really doesn't understand why we don't just go ahead and take care of the men and women in the military, to give them the arms and ammunition they need, to give them the much needed equipment we have talked about on this list—the $2.7 billion items on the Army Chief of Staff's unfunded requirements list, things like the $4.1 billion for the MRAP, the Mine Resistant Ambush Protected vehicles. We all know how bad the situation is, as far as IEDs are concerned.

What are we going to do? Are we going to sit down and say: Hey, you know what. When the Democrats were in the minority around here they insisted on 60 votes on just about every issue, particularly important ones. We are now insisting on 60 votes, now that we are in the minority. Yet somewhere along the way the issue of c-o-m-i-t-y and the national interest suffers and is abandoned by the wayside of politics.

The Senator from Michigan and I will sit here this afternoon and we will have statements made by various Members as they come to the floor. There are, if my past experience with this bill is accurate, probably 100, maybe more, amendments that will be pending because there are so many issues that are important to Members and important to the defense of this Nation. It is very likely, from this scenario I am seeing, that we will for the first time in at least 26 years not pass a Defense authorization bill—certainly not in a timely manner. We are already into the month of July, and, obviously, we will not spend all 4 weeks on this issue.

I think in days gone by—and we all have a tendency to remember the good parts and not the bad parts—there was a tendency for the managers of the bill and the majority and whatever party was in the minority leaders would sit down and say: OK, we are going to narrow down the amendments. We are going to have agreement for a certain number of amendments and votes, and it would take us a while. I can remember sometimes it taking 2 weeks. That is why we usually bump it up against a recess because one thing in the 20 years I have been here we have never missed is a recess. Now we are going to sit here for this afternoon. It is Tuesday afternoon, and we are going to have various statements. Members on both sides will display their dedication to the men and women in the military. I appreciate that. I appreciate the patriotism of every single Member of this body. But are we really going to do anything for them? Are we really going to try to help them? Or are we going to be locked in combat on an issue that should not be on this bill?

We probably have taken up the issue of the war in Iraq eight or nine times. I don't know exactly how many times. We have amendments, we have debates, we have 60 votes, and then we move on to something else. Meanwhile, we have not done a single appropriations bill, I might add, and we are in the month of July.

Everybody knows, even though I don't happen to agree with it, that September will be a seminal time on the Iraq issue.

General Petraeus will be coming back, and he will be issuing his report, which, by the way, I can predict what it is going to be right now; mixed, some success and some frustration. Then, guess what, in September, we are going to go through another debate. We are going to have amendments, and we are going to have 60 votes again.

Meanwhile, the American people are wondering what in the heck we are all about here, and why in the world, in all due respect to the deputy majority leader, do we have to keep taking up the Iraq issue when we know full well that in September there will be a major debate on this issue?

Meanwhile, the men and women in the military who are serving, to whom I see declaration after declaration of our dedication and devotion to their welfare and benefit, then what is going to equip them? What is going to train them? What is going to give them the pay raise? What is going to take care of them is somehow lost in the rhetoric of 60-vote requirements, which again, most Americans do not understand nor should they be required to, because they expect us to come here and act in their benefit. Certainly they should be asking us to act on an issue, on a piece of legislation such as the Defense authorization bill which has to do with the defense of this Nation.

Well, I could go on for a long time.

I do not want in any way my comments to be construed as a lack of respect and appreciation for the chairman of the committee, and the many years we have worked together, because I am convinced he and I could sit down in a very short period of time and work out the number of amendments and schedule votes and time agreements. But we are not going to do that. We are not going to do that. But please do not come to the floor, I ask my colleagues, and talk about your dedication to the men and women in the military and how difficult it is for them in these times, when we have before us a bill to increase the size of the military, we have before us a bill to give them a pay increase that they deserve, and it probably is not going to be passed by this body, at least before we go out for the August recess. Then we get into September. Then we will get into another fight on the issue of whether we should withdraw troops in Iraq.

I don't think we should be very proud of ourselves. I don't. When the men and women in the military whom we again, as I say, all profess our devotion and dedication to, do not get the equipment they need authorized, do not get the increases in pay, do not get the increases in numbers that we are trying to authorize, then do not be too surprised with the cynicism of the American people and voters and, indeed, the men and women who are serving, about the way we do business.

I hope the majority leader and the Republican leader can sit down and work this thing out. Look, it is a fact the way the Senate works. It happened when the other side was in the minority, that they required 60 votes on issues of importance. I am sorry they did. I am sorry we did. I wish we could have simple up-or-down votes on all of these amendments. But to claim that somehow we are filibustering, when that was the standard procedure on the other side, I don't think is, frankly, too forceful an argument.

As I say, my staff tells me it has been at least 26 years, probably more, since we have not passed a Defense authorization bill. I hope we will not break that record. I hope we can sit down together and work this out. Again, recognizing these votes on Iraq are votes that will be taken again in the month of September, they will be taken again in the month of September when the President comes, when General Petraeus comes with his report, I would hope we could set the whole issue of Iraq aside, go ahead with the authorization for equipping and training and protection and welfare and benefit of the men and women who are serving us in the military. Unfortunately, I think that is not going to happen.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Michigan.

Mr. LEVIN. Mr. President, while we disagree on a very critical issue, I as always look forward to working with Senator McCAIN to work out agreements so we can move this bill forward. I am confident we will pass the authorization bill this year, the way we have every other year, for the reasons Senator McCAIN gives, which are the critically important provisions in here for the men and women in our military and their families.

The difference is apparently as to whether this is an appropriate place to debate Iraq policy. It is an authorization bill, which, it seems to me, is a very appropriate place to debate policy; in fact, I think is the most appropriate place to debate a policy issue such as Iraq.

I have not wished this to be debated on an appropriations bill, because I don't think we ought to try to have a policy debate and decision when it involves the funding of our troops because I think hopefully all of us want to fund our troops. This is an issue as to whether we should change course in Iraq. This is a debate which is a healthy debate, it is an essential debate. I look forward actually to working with Senator McCAIN to see if we cannot come up with time agreements on debates on Iraq—on these amendments on Iraq.

There is going to be more than one amendment. There are going to be a number of amendments and hopefully we can come up with time agreements so we can have these debates, have votes on the Iraq issue, and then move on, and move forward and adopt an authorization bill with a lot of other amendments that are pending as well.

I am, as always, an optimist. I am particularly an optimist when I look at Senator McCAIN, when I realize that we have worked together before, as I have with Senator WARNER, on issues that look intractable but which are not and can be worked out, and hopefully there can be time agreements on these amendments relative to Iraq—which are important amendments.

I cannot think of anything that affects the well-being of our troops or our Nation, frankly, more at this moment than the question of policy in Iraq, as to whether that policy needs to be changed. There are differences as to whether we ought to change course in Iraq, and there are some who feel that apparently the policy is working. There are some of us who feel the status quo is not working, we need to change it.

It is not the debate we should have or can have at this moment. We are in the middle of a discussion on the Webb amendment. But it is appropriate that on this bill, the Senate act. If anything, it has been too long, as far as I am concerned, since the Senate has taken a position on this. The last time we did it 4 months ago, the President vetoed it. We were unable to have our will expressed in a way that was not vetoed.

Waiting until September is not an answer, because there is no reason to believe that an effort in September will not be filibustered. There is no reason why in September, the people who oppose the change in course, the Senators who oppose it, will not get up and say: Well, let's wait until October when there is another report which is due. We cannot simply delay carrying out our responsibility. We cannot delay a debate which is on the most critical subject on the minds of the people of America. Waiting for September, when a general is going to give us a recommendation, and the President is going to give us a recommendation, is a delaying tactic on an issue which is the single most important issue on the minds of Americans today. There is no more appropriate place to debate this issue than on the Defense authorization bill, because it is here where policy issues can and should be debated; a better place than on an appropriation bill where the message which would be sent to our troops has more to do with whether we are going to fund the troops than whether we should continue a policy in Iraq which, so far at least, is not working.

So I am going to continue to be the optimist. I look forward to working with Senator McCAIN. I think our leaders can continue to work together to try to work on time agreements for the Iraq amendments. I hope and expect we will adopt an authorization bill this year.

There is nothing unique about the Senate having healthy, vigorous debate. That is not unique. Sometimes it looks as though we are not going to be able to get something done and, lo and behold, we are able to get something done because the American people want us—Senator McCAIN is right—the American people want us to act. We are on the verge of acting on the single most important issue on the minds of the American people. It was an issue which, more than any other, impacted the last election. It was an issue where the Senate spoke in April, and where what we did was vetoed by the President. It is an issue where now we must face an historic decision: Is the course in Iraq working or does it need to be changed? And, if it needs to be changed, what is our responsibility in terms of bringing about that change?

Those are issues we cannot duck. Those are issues we should not avoid. Those are issues which belong on our desks, and require the best possible judgment we can bring.

I yield the floor.

Mr. SESSIONS. Mr. President, we have been blessed in the Armed Service Committee to have outstanding chairmen. I was pleased to serve under Senator McCAIN and Senator LEVIN. A lot of hard work has gone into the Defense authorization bills each year I have been here. It is remarkable how much we agree on in committee. We come out with very few differences, and those are reasonable differences that we sometimes can bridge and sometimes we have to vote on and let someone decide. Some of the questions are pretty close questions, whether to fund that system or that program or not, and good people can disagree regardless of their political party.

I have been pleased to serve with Senator BILL NELSON on the Strategic Subcommittee. I chaired that when the Republicans were in the majority. He chairs it now that the Democrats are in the majority. We have very few differences. I respect his judgment. He is committed to serving his country.

We have produced a bill that I think, all in all, is a good piece of legislation that will actually strengthen our Department of Defense, the ability of our men and women in uniform to serve their country, and take better care of them. So that is a good thing.

But now we get the bill on the floor, and I guess that group I have been referring to in recent weeks as "masters of the universe"—somebody up there, up high—decides that this is the time we are supposed to have fights, and we are supposed to utilize this opportunity to push and push and push on various different areas.

Now, of course, it is legitimate to debate our commitment and strategy in Iraq at this time. But I think what Senator McCAIN is telling us is this, that this bill fundamentally is a bill to deal with and strengthen our military, that we just had debates in April and May and great detail about our Iraq policy, and we decided on that policy.

We all know that we will expect a report from General Petraeus in September. This is not the time to alter the policy we established about 2 months ago. I agree with Senator McCAIN about that. We can talk about it. We can do those things. But is it the right thing to jeopardize this bill over other issues—over the issues relating to Iraq?

Let me say a couple of things. The fundamental debate we are having here with regard to our Iraq policy, when you boil it down to basics, is whether to reverse the policy we established in May.

That was a decision by an 80-to-14 vote to fund the surge in Iraq, after having voted on it in April. We had another vote back in May, and we funded this operation through the fiscal year, through September 30, if not longer—at least through September 30. And we affirmed and confirmed General Petraeus as the commander of that surge by a 99-to-0 vote. He is a fabulous commander, and he received a bipartisan, unanimous vote in the Senate. That is what we decided, after great debate.

Now, what I will say to my colleagues is this: A great nation has to conduct itself as such. We are not able to flip-flop around week after week and change our minds every few weeks based on this or that event. If a serious situation occurs, we can change our mind at any time. But great nations are more akin to great battleships. They do not dart around similar to a speedboat. They set their course and have to justify it carefully before they act. Once they act, they need to stay that course, subject to any changes that occur.

So what I would say is this: I am worried we are doing what some political consultants would like to see Democratic leadership do and talk about the war because they think that is politically beneficial. We ought to be talking about those soldiers we have committed out there, placed in harm's way, who are, this very day, walking the streets of Baghdad and Al Anbar Province and Tikrit and Mosul, executing the policies we voted 80 to 14, in May, to send them to do. We voted 99 to 0 to send General Petraeus.

At that time, we made clear to him we expected a report in September. I think that is what we are about here, and we ought to be about, that we would go forward—and always subject to our constitutional responsibilities to make any changes that are required—but go forward to allow the general to carry out the surge we told him to carry out.

This surge, let me say to my colleagues, has only reached its full effort—what?—2 weeks ago when the last brigade reached Iraq. So we only reached full capacity of that surge a few weeks ago.

We know it is difficult now. They said: Well, the bombings are occurring outside Baghdad now. Why is that? Well, it is a given that it is tougher for them in Baghdad, so they have gone outside Baghdad to do bombings. What does that suggest? I would suggest that would lead us to conclude the work in Iraq, in Baghdad itself, has already made progress. Indeed, if the capital city of Iraq, the biggest city, cannot maintain order, it is difficult to see how we can have a political settlement all of us wish to occur.

General Petraeus has taken the case to the enemy. He is moving forward aggressively and making military progress. The difficulty—and we all know it—is that the Government of Iraq is not performing at the level it needs to perform. This is a matter we are not able to deny. I know when I traveled to Iraq with Senator LEVIN—and when I was there more recently with Senator BEN NELSON of Nebraska—we raised the importance with the Iraqi people and the Iraqi leaders of having a functioning government.

Senator LEVIN has strongly believed and consistently argued that one way to get them to perform is to threaten to pull out our troops. I have come to believe their failure to perform cannot be altered by threats to pull out troops. I wish it could be. I wish we could do it that way. But it is more difficult than that.

So they are struggling, and I do not know whether they can pull this Government together. I certainly hope so. But I will tell you one thing. Progress is being made in a number of different areas militarily. This gives me some hope they can pull this Government together. That is where we are at this point. I do not see any other way to analyze it, honestly, to the American people. That is what I say to them as best I can.

I believe our military is performing magnificently. I believe the Government in Iraq continues to have serious problems in effectuating the kind of stability and reconciliation they need to effectuate so we can have a better capability of reducing the troop levels we have in Iraq today.

Now, the way this deal went down—and we voted to send General Petraeus there. We talk about making reports back to us. I remember distinctly in the Armed Services Committee, when he was up for confirmation, I asked General Petraeus did he believe we could be successful in Iraq. He said: Yes, sir, I do. General Petraeus had been there when the initial invasion occurred. He commanded the 101st Airborne in Mosul. He came home for, I think, less than a year and went back to take over the training of the Iraqi military. He then came back, wrote the Department of Defense manual on how to defeat an insurgency operation—the very project he executes—and the President has asked him to go back to Iraq to execute a strategy to defeat the insurgency that is going on in that country at this time.

So I asked him, would he tell the American people and the Congress truthfully whatever the situation was when he was there? He previously said this was a difficult but not impossible task he was taking on. He said: Senator, you can count on it.

I asked Secretary Gates, the Secretary of Defense, at a hearing: Secretary Gates, will you tell the American people if this military effort in Iraq cannot succeed and we ought to do something else? He said: Yes, sir, Senator. I feel that is my responsibility as Secretary of Defense.

I will say to you, my colleagues, let's not flip-flop around here every week with another amendment trying to set another strategy, written by a group of us sitting in air-conditioned offices, when we have some of the best military minds this Nation has ever produced, with great depth of experience—by the way, General Petraeus has his Ph.D. from Princeton and was No. 1 in his class at the Command and General Staff College. He is over there right now, and we have it set for him to come back and go through a very deep and serious evaluation of what has happened, where we are, and where we need to go in the future.

So it is all right. I know we are going to have people talk about strategy and alteration in our policy. But I think, in truth, it would be more responsible for us to pass this Defense authorization bill, which will make the lives of our military men and women far better, will make our Defense Department more effective, and will give us a better chance of being successful in Iraq. We need to pass this bill. We will be coming back in September, no doubt, for a very serious debate on how we go from here in Iraq. That is where we are, in my opinion.

I respectfully disagree with some who see it otherwise, who think they have divine strategy—reading a few newspaper articles, I guess, and talking to a few folks and going to Iraq once or twice; I have been there six times—and trying to come back and formulate a policy. I do not think that is wise right now. I urge our colleagues not to go in that direction.

I will take one brief moment to say I respect my colleague from Virginia, Senator WEBB. I recognize the goals and the desires reflected in that amendment—his belief that soldiers ought to have guaranteed time of deployments passed by statute by the Congress of the United States. But I do not agree. I think this is a very significant amendment. I believe it is an amendment that alters the traditional power of the President as Commander in Chief. I think it could put us in very difficult circumstances in the future.

I urge my colleagues to remember the amendment is not limited to Iraq, it covers any military activities we get involved in, in the future, any war now or series of wars we may find ourselves in, in the future. War is very difficult, indeed.

I remember our former colleague, Senator Strom Thurmond, I think at age 40, volunteered to go in the Army. He had to make them take him. He was a sitting judge. He was not required to go. He was deployed to England. I do not know how long he had been in at the time D-Day occurred. He volunteered to go in on a glider behind enemy lines in the nighttime at the time of the D-Day landing to try to protect the soldiers on the beach from counterattacks.

I remember asking Strom—former chairman of the Armed Services Committee, I will note—I asked: Strom, well, how long did you stay in? Did you stay in until Germany surrendered? He said: Yes, sir, we stayed in until Germany surrendered—there to the day they surrendered. He said: In fact, after Germany surrendered, I was on a train heading across the United States to the Pacific. They were going to send us to Japan when they dropped the bomb on Japan.

I wish to say, I do not know what General Eisenhower, General Marshall, General MacArthur would think about a policy that says, in a time of war, Congress is going to decide how long people are deployed. I do not think it is good policy for a lot of reasons. I would express my objection to the amendment. I know it is well intentioned.

I say this: The military understands it. The military is determined to reduce deployment times in Iraq. Secretary Gates has made that clear. But had he not been able to extend for 3 months those soldiers he extended, it would have required as much as five new brigades to be sent over there. Some of them would not have had their full time at home that he wanted them to have at home. He thought it was better to do it that way than the other way. I believe, under the circumstances, that was a correct decision. People could debate that, but I think he made the right decision there. So it is better to do it that way. To pass a law, sitting here in air-conditioned offices, that is going to direct how the military deploys its troops in times of war is something I think we should not do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I also thank the members of the Armed Services Committee, the Senators from Michigan and Arizona, for all the work they have done on this Defense authorization bill.

I hope the Members of the Senate would have an honest discussion and debate and vote on these amendments and to uphold the 60-vote threshold on something that is as important as this Defense authorization bill, the many amendments that are going to come before us today, I think, takes away from the process, quite honestly.

As far as the air-conditioning goes in this body, I have advocated since I got here, if we shut the air-conditioning down, we would probably be a little more concise and gotten to the point a long time ago.

I rise today in support of an amendment offered by my friend, Senator WEBB. As many colleagues here in this body know, Senator WEBB is a highly decorated marine and Vietnam veteran. I respect his judgment. I trust his counsel enormously on these issues. I am proud to cosponsor his amendment as one part of a strategy to strengthen our military and change course in Iraq.

I also rise today to honor those who have served in Iraq, in honor of those who have been hurt there, and in honor of those 3,600 who never came home. Twenty brave men from my State paid the ultimate sacrifice in Iraq. They are our friends, our neighbors, our brothers, our sisters, our parents, and our children.

The war in Iraq has dominated this country's dialog and conscience for 5 long years. It is now costing us more than $2.5 billion every week; some say it is $3 billion. That is over $100,000 every minute of every hour of every day in Iraq.

Like many of my colleagues in the Senate, one of the most difficult things for me is the struggle in my heart. I balance two seemingly contradictory ideas: I stand here today proud to support our men and women in service, and I also stand here today proud to say that I adamantly oppose this war. I lie awake trying to think of ways to give our troops the resources they need to do their jobs in Iraq but all the while trying to figure out ways to bring them home to their families, friends, and communities.

Let me be clear about this: The men and women fighting this war have my full and unconditional support as a Montanan, as an American, and as a Senator. This country's service men and women have performed their jobs with honor and distinction in the most difficult conditions imaginable. I have supported them since the beginning, and I will continue to support them in the field and, just as importantly, after they come home—something our Nation has fallen behind on doing.

For more than 2 years, I have been asking the President of this great country to develop a plan to get us out of Iraq. I am disappointed to report that I no longer believe President Bush will use any of his remaining 559 days in office to do so. Think of this. We were told in 2003 that we were invading Iraq for the following 3 reasons: to find and destroy weapons of mass destruction, to topple Saddam Hussein's regime, and to give the Iraqi people a chance to establish their own government. While certainly no weapons of mass destruction were found, any infrastructure that may have been in place to create such weapons of mass destruction has been destroyed. Saddam Hussein's government has been dissolved, and an evil dictator has been captured and put to death. The Iraqi people have voted on several occasions on their Government, their Constitution, and their future. I would say our work in Iraq is done. It is time for American troops to stop refereeing a centuries old civil war and come home after a job well done.

The President has not come up with a plan to bring the troops home. Instead, he jeopardized their funding, their equipment, and their training by vetoing legislation that would have funded those vital needs and begun the process of getting them home. The President uses our fighting men and women as pawns in this political game that is dividing our own people at home. That is totally unacceptable. President Bush's intention is clear—to leave our troops in the middle of this bloody civil war until he leaves office. That is why I am announcing I can no longer give the President the benefit of the doubt that he will end the Iraq war.

I am going to take a moment today to share with my colleagues thoughts on a possible three-point plan I hope will bring the Iraq war closer to an end, make our troops safer around the world, and refocus our efforts on those terrorists who attacked this Nation on September 11.

First, we must support the Webb amendment that protects the mental and physical health of our troops. We all know a neighbor or a friend whose son or daughter has been deployed two, three, or even four times with seemingly no rest at home. That is why I am cosponsoring this amendment with Senator WEBB. It deals with troop readiness. His amendment basically says that if you are going to send a unit into war, make sure they are well trained, well rested, and ready for the fight. It is very simple. It is common sense.

More and longer deployments of units with less time to rest and recuperate between means we are going to see more casualties in Iraq, more cases of post-traumatic stress disorder, and more suicides after they get home. According to the Army's own data, soldiers serving repeated deployments are 50 percent more likely than those with only one tour to suffer from post-traumatic stress disorder. Let's think twice before we let the President send a unit to this war or any other of the world's hot spots without the proper training and time between deployments. The strength and long-term health of our Armed Forces is at stake. This war has taken its toll on our readiness. If we don't start now to rebuild and fortify our troops, we will not be able to effectively go after the bad guys who continue to threaten our national security. We need to pass this Webb amendment, period. It is the right thing to do for our troops.

Second, we must redouble our efforts in Afghanistan. Afghanistan threatens to slide back from the progress that was made there immediately following the attacks of September 11. But the war in Afghanistan is rapidly and dangerously becoming a forgotten war, and our lack of effort there helps to explain the rise of al-Qaeda in a nuclear and highly volatile Pakistan.

The link between the 9/11 attacks and the current war in Iraq does not exist, period. It never has. Reports confirm that our invasion of Iraq has created more terrorists than it has eliminated. Yet the terrorist who plotted the most deadly attack on U.S. soil, Osama bin Laden, remains at large and ignored by this administration.

The recent news out of England and Scotland is a grim reminder that the threat of world terrorism is still very real. While we pour our resources into policing violence in Iraq, extremists are busy plotting ways to target us and our allies. It is that kind of terrorism, that kind of extremism we need to set our sights on. We need to do it with the full might and vigilance of our military and other security forces, and we must do it while working to regain the trust of so many allies who have become wary of us under the President's leadership. Unlike Iraq, we must not ask the U.S. military to shoulder this entire burden in Afghanistan by themselves. The United States can and should be leaders in the war against terrorism, but we cannot go it alone. We have an obligation to our troops and our families to regain the diplomatic footing we have lost and involve our allies in this effort. We have lost the focus on the war on terrorism and we must regain it.

Finally, I am proud to announce my support for the amendment authored by Senator BYRD deauthorizing the 2002 use-of-force resolution. The resolution Congress passed in 2002 is tragically outdated. The mission in Iraq is not the mission Congress authorized 5 years ago. The President needs to ask Congress and the American people for approval to prosecute what seems to be a very different mission in Iraq.

Proposed legislation to deauthorize the 2002 resolution would make a few things crystal clear. Our current mission in Iraq is over on October 11, 2007. Let me repeat that. The war in Iraq is over on October 11 of this year. After that, the President would have to make a new case for a new mission, one that more accurately reflects what the U.S. troops are now doing in Iraq. If he cannot make that case to Congress and the American people, then our troops need to come home.

Now, we understand al-Qaeda is going to try to exploit the situation in Iraq for their own purposes, and there are measures we can take to deal with that. We must not let Iraqi al-Qaeda units get a foothold in the country, especially in the western part of Iraq. So I would support a no-fly zone in Iraq, which would ensure that the United States and our allies can keep reconnaissance eyes on efforts to restart terrorist training camps there. To fight the growing number of terrorist camps, we will need warships in the area and aircraft that can reach those al-Qaeda targets. We must not hesitate to strike against al-Qaeda. The safety of this country and the world depends on that.

We need to continue to improve our ability to gather intelligence on the ground in Iraq, but we do not need and I will not support U.S. troops policing a civil war between the Sunnis and the Shiite militias. I will not support our military personnel guarding bridges and disarming roadside bombs. It is in our national interest to fight al-Qaeda but not this civil war.

The mission in Iraq has changed, and the American people realize it. It is time the President did as well. In February of this year, I said the President must tell the American people what success means and how it should be quantified. If success means free elections in Iraq, then we should have been gone 2 years ago. If success means toppling Saddam Hussein, then we should have been gone 3 years ago. If it means something else, then the President must identify a clear and achievable outcome. At this point, that has not happened, and enough is enough.

For 2 years, as a Montana State Senator, a candidate for the U.S. Senate, a Senator-elect, and a U.S. Senator, I have given the Commander in Chief the benefit of the doubt that he would tell Congress and the American people how to define success in Iraq and how he meant to achieve it. He has not done so. The President refuses to support our troops by keeping them in the middle of a civil war with no end in sight. They fight every day in a war with no plan and no definition of success, and, most importantly, they are dying every day in a war the American people do not want to be fighting. We and our troops deserve better. They deserve the truth.

Since the President refuses to support the troops by developing a plan to bring them home, then we must and we should and we will. But above all, we must stand by our soldiers, sailors, marines, and airmen. We support them wholeheartedly while they fight and support them for what they will endure after they get home from Iraq. It is on behalf of those troops and those who fought before them that I am cosponsoring the Webb amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I appreciate the chance to talk about the amendment before us and some of the other amendments. These amendments generally are intended to change our military policies, our presence in Iraq, and essentially to begin, one way or the other, a politically staged withdrawal from Iraq. We are talking about how we are concerned about and support the troops. Do you know what I hear from the troops? I have been there, I have talked to them, and I have heard from them at home. The one thing they say is: We are over here risking our lives. We are fighting a mission which we believe is succeeding. We are making progress. The last thing we want is Congress to declare a military end or take over the management of the war from our commanders. Time after time, they have told me: We have made too many contributions and sacrifices to walk away now and see all we have done go for naught. I will talk about going for naught later on. But the point is that, yes, America has made contributions, large-dollar sums of contributions. But families who have lost loved ones, who have had them maimed, and their comrades-in-arms know the sacrifices these men and women have made. The one thing they implore us to do is not to see these sacrifices be made in vain.

Well, we have seen a lot of negative stories. The media has more than adequately covered those. So people are concerned about what is going on in Iraq. We ought to be concerned. But we are not hearing the stories about what is positive, about the successes of this new strategy, the Petraeus strategy.

I was in Ramadi and Al Anbar 2 months ago and traveling elsewhere, and I found some amazing things. The new counterinsurgency strategy, with the cooperation of the Sunni sheiks who are now working with our military, has really essentially driven al-Qaeda out of Ramadi, and they are driving them out of the Al Anbar Province. Make no mistake, when we heard "civil war, civil war," the people over there—the marines, the soldiers—know they are fighting for and looking for al-Qaeda. Al-Qaeda is the driving force that is keeping it stirred up, and they are on the mission to search and destroy al-Qaeda. Al-Qaeda is there big time.

But we have been hearing lots of arguments now in favor of—and they are heartfelt arguments and people believe them—it is time for retreat; it is time to cut back; it is time to withdraw. The cost of lives and treasure is too high. The war has not been properly managed. The war cannot be won.

Over the last several weeks on break, when I was traveling, I had the opportunity to read "Team of Rivals" about Abraham Lincoln and the conduct of the Civil War. Over a century and a half ago, many of these same arguments were offered abundantly as reasons for President Lincoln to accept defeat of the Civil War, and they are now being made for President Bush to accept defeat in Iraq. As noted in historian Shelby Foote's "The Civil War: A Narrative," Members of Congress playing general urged the troops to abandon the cause. That great Ohio Representative Clement Vallandigham, leader of the Copperhead Democrats, campaigned for office by calling upon soldiers to desert. He declared the South was invincible.

As noted in passages in "The Civil War," in late 1862, "Senate Republicans caucused and, with only a single dissenting vote, demanded that Lincoln dismiss Secretary of State Seward" because they thought he was responsible for the conduct of the war.

Republican Leader Thurlow Weed observed that "the people are wild for peace. . . . Lincoln's election is an impossibility." They were after him in full force. I don't need to elaborate on the enormity of the Civil War, and I don't need to explain what would have happened had Lincoln relented to those politically popular sentiments at the time.

Lincoln chose to fight a bloody and unpopular war because he believed the enemy had to be defeated. Despite being reviled for staying the course, President Lincoln did stay the course. Unfortunately, too many of my colleagues today don't seem to be willing to see this one through. Here we are again, barely weeks into the full implementation of General Petraeus's surge, and the naysayers continue to argue for defeat. It was only a few months ago this body had been calling for and looking for a new strategy, which I believed we must have, which changed the unsuccessful strategy we had, which argued for the Baker-Hamilton report, which said in essence you have to have a new strategy, you cannot precipitously withdraw. We came forward and General Petraeus drafted a counterinsurgency strategy. That is what he told us he was going to do, supported by the surge. Now people want to pull the rug out from under him. He said at least give him until September to see if this new counterinsurgency strategy works.

They are bringing in American soldiers and marines to go in with Iraqi security forces, Iraqi Army, Iraqi police, embedded with them in command centers, barracks; they stay there, live among the people they are protecting, and they have cleaned out the areas. They have cleaned out Ramadi. Two months ago, four Members of Congress walked through downtown Ramadi, which had been an al-Qaeda command center. Al-Qaeda has been driven out, but naysayers continue to argue for defeat.

Now, there may be some short-term political benefits for those calling for withdrawal. There is popular sentiment for it. Some people honestly believe that. But let me quote 1LT Pete Hegseth, an Iraq war veteran and director of Vets for Freedom:

> Iraq today is the front line of global jihad being waged against America and its allies. Both Osama bin Laden and Ayman al-Zawahiri have said so.

He is correct. Our intelligence services said so. They warned us in January in an open intelligence hearing that if we withdrew on a political timetable and took our troops out without making sure that the Iraqi security forces were adequate, there would be chaos. There would be chaos and greatly increased killings among Sunni and Shia. Al-Qaeda would be able to establish a safe haven in which to launch recruitment, training, command and control, and weapons of mass destruction development. The violence and chaos in Iraq would likely bring in coreligionists from other countries of the region as they went in to protect their fellow religionists. We could have a regionwide civil war, Shia versus Sunni.

That is what will happen if we withdraw. Most of us concede there was poor management and costly mistakes were made in the post-invasion phase in Iraq. But they are not compelling reasons for why we should retreat and, like all mistakes, we should learn from them and not go back and commit them again by drawing down forces to the point where we don't have adequate troops to work with the Iraqi security forces.

Washington Post columnist Michael Gerson recently pointed out that those who are calling for retreat are not learning from previous mistakes but repeating them. Gerson writes:

> History seems to be settling on some criticisms of the early conduct of the Iraq war. On the theory that America could liberate and leave . . . force levels were reduced too early . . . security responsibilities were transferred to Iraqis before they were ready, and planning for future challenges was unrealistic.
>
> And now Democrats running for President have thought deeply and produced their own Iraq policy: They want to cut force levels too early and transfer responsibility to Iraqis before they are ready, and they offer no plan to deal with the chaos that would result six months down the road. In essential outline, they have chosen to duplicate the early mistakes of an administration they hold in contempt.

I agree with Gerson, we should not make those mistakes. We must fulfill the mission that over 3,600 brave men and women have made the ultimate sacrifice for.

To quote a Missouri guardsman, COL Bob Leeker, who just returned from commanding the 507th Air Expeditionary Group in Iraq:

> I only hope that the American people will give us the time. The American people must understand that this is not only about Iraq, it is a fight against Muslim fanaticism, Muslim extremists. If we pull out in the near term, or at the wrong time, there will be an incredible amount of blood running throughout Iraq, and the blood and sweat that I and my brethren in arms have already given will be for nought.

These are compelling words. They ought not to be taken lightly. Not only is the security and safety of our Nation and allies at stake, but so too is our credibility.

Critics frequently claim the war has damaged the United States image and credibility throughout the world. Yet these same critics ignore what irreparable harm would be done were we to leave this mission unfilled. If you think our mission has made our image and reputation plummet, wait and watch it nosedive after we leave Iraq before finishing the job. Think about the millions of Iraqi citizens and leaders who have taken a stand against terrorism, who have committed to work with us, to rebuild their country, to fight against the forces of radical Islamists and terrorists. What are we to say to the millions of Iraqis who trusted Americans and believed we would stay until the mission was completed? We would, regrettably, see them slaughtered by terrorists as a result of our abandoning them before they were able to stand on their own.

What did we say to the hundreds of thousands of South Vietnamese or millions of Cambodians who trusted America and were slaughtered after Congress dictated that we abandon them?

History has taught us when American abandons its commitment to spreading liberty and freedom, we are not the only ones who suffer. Rest assured, it will come back to harm us in our own homeland.

Just as our intelligence community has warned and terrorist leaders have stated, Iraq will become a base and safe haven from which to plan and launch future attacks.

Let me be clear, the enemy in Iraq consists of murderous, barbaric terrorists. They are not "insurgents" or "jihadists." Let's get terms straight because we fall into the trap of taking their terms. Jihad in the Muslim religion is the individual journey to moral improvement. It has been misrepresented to be a philosophy that permits encouraging the killing of innocents, the slaughter of fellow Muslims, the slaughter of women and children. The real Arabic term for that is hirabah. The people who commit it are not insurgents or jihadists, but mufsidoon. These people are condemned to live with Satan because they have committed blasphemy. These are the people we are fighting. It is not a civil war. They are the people who violate the tenets of Islam. They try to hijack it, try to claim the Islamic banner; but they are not practicing the religion of the Prophet Mohammed.

Well, there is another reason these people want to sanitize the description we use of them. Calling them insurgents implies they have the support of the local population. But the local population is being victimized, killed, evicted from their homes, or beheaded by the so-called insurgents. That is why the Sunni sheikhs in al-Anbar are working with us. They have lived under al-Qaeda. They want an end to the terror. That is why they are helping us to identify who they are, where the weapons caches are, and where the IEDs are hidden. They are sending in young Sunnis to sign up. They want to be free of the terrorists.

Precipitous withdrawal would be a rallying cry for terrorists and al-Qaeda around the world. It would invite further aggression and attacks from the barbarians. It would be a total loss of freedom, liberty, and peace, and would be a victory for totalitarianism, terrorism, and treachery.

In a recent book by J. Michael Waller, a scholar at the Institute of World Politics, he defined terrorism as:

> A form of political and psychological warfare; it is protracted, high intensity propaganda aimed more at the hearts of the public and the minds of decisionmakers and not at the physical victims.

By Waller's definition and what I have heard from some people in this body and the media, the terrorists are certainly hitting their targets. Our words should inspire our troops and the millions of Iraqi citizens who actually trust that Americans will not embrace defeat and leave them. Instead, the words of the retreat-and-defeat crowd inspire al-Qaeda and the murderous terrorists attempting to ignite sectarian strife.

Now is not the time to pull out when we are seeing encouraging signs in places where the surge has been implemented. Al-Anbar Province shows tremendous signs of progress. Even the New York Times' Michael Gordon reported last Friday how young American soldiers are executing General Petraeus's new strategy on the ground, and how they are fighting and defeating al-Qaeda.

Here is a quote from Frederick Kagan, a resident scholar at AEI:

> Al-Qaeda's operations in Baghdad—its bombings, kidnappings, resupply activities, movement of foreign fighters, and financing—depend on its ability to move people and goods around the rural outskirts of the capital as well as in the city. Petraeus and Odierno, therefore, are conducting simultaneous operations in many places in the Baghdad belt: Fallujah and Baquba, Mahmudiya, Arab Jabour, Salman Pak, the southern shores of Lake Tharthar, Karma, Tarmiya, and so on. By attacking all of these bases at once, coalition forces will gravely complicate the enemy's movement from place to place, as well as his ability to establish new bases and safe havens. At the same time, U.S. and Iraqi forces have already disrupted al-Qaeda's major bases and are working to prevent the enemy from taking refuge in the city. U.S. forces are also aggressively targeting Shia death squad leaders and helping Iraqi forces operating against the Shia militias.

Why has this Senate chosen to debate timelines, restrictions, and retreat despite encouraging signs that the surge is working, despite the fact that this new strategy has only been in place fully for barely a month, and despite the fact that those who want to withdraw and retreat have failed to offer any constructive alternatives on how they would deal with a chaos that would ensue from their retreat? It is a huge disappointment that this debate is not about how we can achieve victory, but how quickly can we cede defeat.

This has become a political debate and the focus of our national security has been sidetracked. We should not pass legislation that provides our enemy a clear path to victory—a victory which, sadly, many in this body are ready to award al-Qaeda, without ever having given the surge a fighting chance. The surge is indeed the best hope we have for establishing safety and stability in the area, which will allow the Iraqi security forces to take over and give the Iraqi Government the space to develop a workable government that can rule their country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

I ask unanimous consent that after completion of the remarks of the Senator from Arizona, that Senator REED of Rhode Island be recognized.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. KYL. Madam President, I thank the chairman of the committee, the Senator from Michigan, for his courtesy. I rise today to discuss the pending business, the National Defense Authorization Act for 2008. There was a lot of work done on this important legislation. I wish to discuss five key areas of the bill—Iraq, our nuclear deterrent, missile defense, space threats, and our approach to the war against terrorists.

This bill has fundamental flaws and must be improved, not only so it can pass this body, but so it can be signed by the President and not be vetoed. Remember, this bill does not need to become law, and failure to improve some critical areas of the bill will ensure that it doesn't. To that end, it is important that the Senate have sufficient time to debate the bill. We have already seen a record number of cloture motions filed this year, by my count over 40. And, as I understand it, another has recently been filed dealing with the so-called Webb amendment. This is probably not a good way to consider a bill as significant as the Defense authorization bill.

Let me, first of all, address the subject of Iraq, the central front in the global war against terrorists. Many Senators will spend a significant amount of time focusing on Iraq policy, and I welcome the opportunity to do that. Iraq, after all, is the central front in the global war against the terrorists. This is what Osama bin Laden says. This is not my own definition. Our success there is not only important to the people of Iraq, but it is critical to the national security of the United States.

I mentioned Osama bin Laden. He once referred to Iraq as the capital of the caliphate. That is the area he would like to establish over which he would rule, and Baghdad would actually be the center part of that new area. He has argued that "the most serious issue today for the whole world is this third world war that is raging in Iraq."

Let there be no doubt that al-Qaeda and Osama bin Laden are very much present in Iraq and very intent on defeating the United States there. The junior Senator from Virginia has offered an amendment that will codify what the Pentagon, according to the service chiefs and Secretary of Defense, is already attempting to do with so-called dwell time. That policy is for the Commander in Chief to determine, not the Congress.

Other Senators will offer other amendments relating to Iraq. Among them are amendments to withdraw our troops or make it harder for the administration to prosecute the war. I look forward to a debate on all of these amendments, but I make two points to my colleagues who might use this bill to attempt to prematurely leave Iraq or undercut our current strategy there.

One, we need to give the plan that is being executed by General Petraeus time to succeed. We are already seeing signs of progress in the early stages of the surge, and we need to await his report in September before making judgments about what to do next.

Second, advocates of withdrawal need to confront the likely consequences of their proposed policies, none of which, in my opinion, are good.

To the first point, the last of the five combat brigades of the surge just became operational a couple weeks ago, June 15. According to the U.S. military spokesman, LTC Chris Garver,

> This is the first time we'll be able to do the entire strategy as it was designed.

So it would be premature, to say the least, to judge the effect of the surge at this point and make important strategic decisions based on that judgment. We are already beginning to see Iraqi forces assuming more responsibility over their security, coalition forces receiving more cooperation from Iraqi civilians, and humanitarian and economic conditions improving.

The second point. Advocates of withdrawal have the duty to tell the American people how they propose to grapple with the consequences of their withdrawal. What will you do about the likely ethnic cleansing and genocide against Iraqi citizens who supported coalition forces? GEN Anthony Zinni said:

> This is no Vietnam or Somalia or those places where you can walk away. If we just pull out, we'll find ourselves back in short order.

What would the proponents of these amendments do when Iraq and al-Qaeda are emboldened by our retreat, and terrorists enjoy a new safe haven from which to plot attacks against the United States and our allies?.

Terrorism expert Peter Bergen said this:

> [A U.S. withdrawal] . . . would fit all too neatly into Osama bin Laden's master narrative about American foreign policy. His theme is that America is a paper tiger that cannot tolerate body bags coming home; to back it up, he cites President Ronald Reagan's 1984 withdrawal of United States troops from Lebanon and President Bill Clinton's decision nearly a decade later to pull troops from Somalia. A unilateral pullout from Iraq would only confirm this analysis of American weakness among his jihadist allies.

What would proponents of amendments do if violence in Iraq escalates and draws in neighboring countries? Here is what a recent Brookings Institution study said about that point:

> Iraq appears to have many of the conditions most conducive to spillover because there is a high degree of foreign "interest" in Iraq. Ethnic, tribal, and religious groups within Iraq are equally prevalent in neighboring countries and they share many of the same grievances. Iraq has a history of violence with its neighbors, which has fostered desires for vengeance and fomented constant clashes. Iraq also possesses resources that its neighbors covet—oil being the most obvious, but important religious shrines also figure in the mix. There is a high degree of commerce and communication between Iraq and its neighbors, and its borders are porous. All of this suggests that spillover from an Iraqi civil war would tend toward the most dangerous end of the spillover spectrum.

What would the proponents of these amendments say to America's moderate allies in the Muslim world, including Egypt, Saudi Arabia, and Pakistan, who would justifiably question our commitment to them and to the long war in which we find ourselves?

And how would the proponents convince them not to begin hedging their bets and cooperate less with the United States, thus further enabling and emboldening the terrorists?

Do the proponents of these amendments believe withdrawing our forces will end our war against the terrorists? Do they believe they would not simply follow us home and attack us on our own soil?

The Petraeus plan may not offer an easy way forward, but it is the only plan I have heard that does not promise defeat. But as I said, we will have our debates on Iraq policy, as we should. There are other debates about this bill that we should also have.

I respect the work that many have done on the bill, but an outside observer, I suggest, might wonder exactly how this bill is going to make us safer. It is supposed to set the national defense policies for the United States, but it is not enough to simply provide funding authorizations. Leaving threats undefended against will not be excused simply because we have spent more money than last year. In fact, some of the biggest flaws in the bill are policy changes, not just funding changes.

Let me discuss what some of these flaws are. Our nuclear deterrent, the reliable replacement warhead, our nuclear weapons complex, the language regarding stockpile stewardship and nuclear weapons complex, and, finally, a recommendation regarding the Comprehensive Test-Ban Treaty. First, to the reliable replacement warhead.

I am deeply troubled by what appears to be a strategy of slow, inconspicuous disarmament of our strategic deterrent in this bill and the other authorization and spending bills of the new majority in the Senate.

The administration's request for development of the first reliable replacement warhead programs was completely eliminated by the House in its appropriations bill, a fate that thankfully was avoided in the Senate subcommittee markup. Yet there is a clear signal sent by this bill which cut the administration's request by $43 million out of a total of $195 million, and which handcuffs the administration from moving beyond all but the earliest phases of development of the warhead. This leaves the U.S. nuclear deterrent absolutely reliant on weapons designed and built in the 1980s.

The stockpile stewardship and nuclear weapons complex: Actions taken by the new majority in the House cut approximately $500 million from the upgrade and modernization of facilities in the nuclear weapons complex. These are responsible for refurbishing deployed bombs and warheads, storing older ones, and dismantling those no longer needed. This, obviously, further erodes the reliability of our current stockpile.

What signal does this send not only to our enemies but to our allies, allies who for over 60 years have relied on the umbrella of protection of our nuclear deterrent?

I mentioned the Comprehensive Test-Ban Treaty. Perhaps the most—it is hard to find the right word—shall I say irregular part of the bill is the language that would attempt to short-circuit what is this body's most serious responsibility: the role of the Senate in treaty ratification.

Tucked away near the end of this bill, very much in the fine print, is an unprecedented attempt to preordain the ratification of a treaty—a treaty already overwhelmingly rejected by this body—the CTBT. Unlike the very reasoned rejection of the CTBT 8 years ago following extensive debate after committee hearings, consideration of intelligence, and the like, this language in the bill presumes to state that the will of the Congress, without the benefit of a single hearing or single committee action of this body, let alone reference to intelligence and debate in the full Senate, is to ratify the treaty.

The solemn responsibility of this body to consider treaties cannot be so cavalierly disregarded. How can Senators who were not even in the Senate in 1999 be expected to evaluate the CTBT without the kind of serious consideration that occurred in 1999? This sense of the Senate should be called just what it is—a sham. The whole section of the bill reads as a throwback to the days of the nuclear freeze.

Apart from the hortatory verbiage in section 3122, it is clear the bill leaves us without the resources needed to develop a smaller and safer next generation nuclear stockpile and without resources needed to maintain our current stockpile.

In a fundamental contradiction, the cuts in the nuclear programs will actually increase the likelihood of needing to return to testing, the very option that would be permanently denied through the ratification of the CTBT.

Next, let me turn to missile defense. I am very troubled by what this bill does to undermine the substantial progress made in protecting this country from ballistic missile threats.

During the North Korean July 4 demonstration a year ago, which included firing the Taepodong 2 missile with the capability to reach as far as Alaska, the President of the United States had an operational defense missile system on alert for the first time in history. But this bill moves to deny that flexible authority that we have used to simultaneously research, test, and deploy an operational missile defense system in record time.

What is more, the bill significantly cuts funding for the construction of a European missile defense site, which will allow better defense against the Iranian threat, improved coverage of the United States, and extension of our missile defense system to provide coverage for Europe. This while we are in the middle of negotiations with Poland and the Czech Republic, while the Russians threaten a new arms race, and while Iran tests the West's resolve.

The subject of space threats. One of the most significant failures of this bill is it does nothing to defend the eyes and ears of this country's political, cultural, diplomatic, economic, and military might. Since the Chinese antisatellite, or ASAT, test earlier this year, very little has been done to defend our global constellations.

Modest requests from the administration to provide defensive capabilities, such as the space test bed, for which only $10 million was requested, have been zeroed out by both the House and Senate Armed Services Committee.

What is more, the bill inflicts significant cuts, some $55 million, to the space tracking and surveillance system, the next generation constellation of satellites that will allow improved tracking and targeting of ASAT weapons and midcourse ballistic missile.

Other space programs, for example, space situational awareness, received increases above the administration's request. And I applaud the committee for this, but I remind the Senate that this program only allows us to see a threat approaching our satellite constellation. It does nothing to enable us to defend against the threat. Have we learned nothing from recent experience?

Our enemies have proven they know better than to engage our armies and navies directly. They have observed our weaknesses and seek to exploit them through asymmetrical attacks. Blind us, and the best navy in the world can't repel an attack.

Who can dispute the fact that the $504 billion that we authorize for the Department of Defense in this bill would be virtually meaningless if we can't defend our satellite systems from attack? Our satellite system is the backbone of our entire national defense.

Finally, let me conclude by talking about what this bill does with respect to the terrorists with whom we are engaged in a life-and-death struggle.

The bill basically would return us to pre-9/11 days, to the law enforcement approach to terrorists.

We should think very carefully about the damage that would be wrought in a global war against these terrorists if we have to fight it by using the ill-conceived proposals in this bill. One would require us to give trials to every detainee we are holding in combat in places such as Iraq and Afghanistan. Another would give them access to classified information; allow them to compel testimony of witnesses, including our own soldiers on the battlefield.

Have the authors of these provisions thought about where we will get the military lawyers needed to implement their criminal law ACLU approach to warfare? There are barely enough of them to provide legal services to our own troops. Have they thought about what our intelligence community will say to the foreign allied intelligence agencies, many of which are already concerned about sharing their sources and methods of intelligence with us; and who may very well completely cease sharing important intelligence information, knowing it will be shared with captured terrorist combatants? We know that more than 30 detainees have been released from our custody and have returned to waging war against the United States and its allies. What will the release of potentially thousands of detainees do to our national security?

The Senate must give very careful consideration to this dangerous return to the pre-9/11 notion of terrorism as a law enforcement problem. Terrorists have made no secret they are at war against our civilization. We ignore their warnings at our peril, and we will not prevail if we must deal with them as criminal defendants in American courts.

Madam President, I conclude by asking my colleagues to carefully consider the impact these several policies I have highlighted will have on our national security. Our first obligation is to provide for the common defense. Unfortunately, as it is presently written, this bill falls well short of that solemn duty, and it could get worse if some of the amendments proposed are adopted. I urge my colleagues to take very seriously our obligation to provide for the common defense. It begins by confining the policies in this bill to the traditional areas of defense preparedness. I hope we will be disciplined enough to do so.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I will suggest the absence of a quorum for a brief minute. Senator JACK REED is scheduled to be next, and he is within, I think, 30 seconds of getting here. He delayed, as a courtesy to Senator KYL, and so I will put in that quorum call for a minute so he can get here.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, today I wish to speak on the Senate Armed Services Committee bill being considered by the Senate, S. 1547, the National Defense Authorization Act for fiscal year 2008. It is, I believe, a very good bill.

I wish to commend the chairman, Senator LEVIN, and his ranking member, Senator WARNER, for their efforts and particularly the staff and all the work they have done which has contributed to this product today. It was reported favorably to the floor of the Senate by a unanimous vote of the committee, which shows its bipartisan support.

As a member of the Armed Services Committee, I have had the privilege of serving as the chairman of the Emerging Threats and Capabilities Subcommittee, and I would like to share with my colleagues the highlights of our bill that originated in the Emerging Threats and Capabilities Subcommittee.

Before I describe those highlights, I also wish to commend and thank Senator DOLE, the ranking member of my committee. It was a partnership and a pleasure to work together with her. She certainly gave valuable service, along with her staff, and I appreciate very much her personal contribution and her leadership on this issue.

I would also like to thank staff for their great contribution and their great effort.

By way of background, the Emerging Threats and Capabilities Subcommittee, also known as the ETC subcommittee, is responsible for looking at new and emerging threats and considering appropriate steps we should take to improve our capabilities to enhance our security in the light of these new emerging threats. Two of our committee markup objectives, in preparing the bill, were to improve the ability of the Armed Forces to meet nontraditional threats, including terrorism and weapons of mass destruction; second, to promote the transformation of the Armed Forces to meet the threats of the 21st century.

In a nutshell, that is what the ETC subcommittee should be all about, and I hope this legislation represents the sum of all our efforts in that regard.

This year, there are a number of issues, or themes, that the ETC subcommittee's portion of the bill addresses based on the emerging threats or challenges facing the United States and on capabilities we need to address these challenges. The first thing is the Defense Department's need for improved and alternate sources of energy. The Department is a massive consumer of energy, including for its military vehicles and platforms, and advanced technology may offer improved effectiveness at a reduced cost for our military in the area of energy conservation and energy demands.

The second area relates to the language of cultural challenges facing our military forces operating overseas. We held a very fine hearing on this subject, and there is clearly a need to improve the language and cultural awareness capabilities of the military and to make use of improved technology in this area. This would improve our military effectiveness and our mission success.

The third issue, or theme, is the threat from the proliferation of weapons of mass destruction and the need to improve U.S. efforts to reduce this proliferation risk. We held an excellent hearing with the former Senator Sam Nunn and Senator RICHARD LUGAR, as well as witnesses from the Department of Defense and the Department of Energy, on these nonproliferation programs, and I think we all must recognize the debt we collectively owe, not only ourselves but the Nation, to both Senators Nunn and Senator LUGAR for their path-breaking work on limiting nuclear proliferation and we commend and thank them for that. Given the potentially catastrophic damage that could result from such proliferation, we must always look for ways to strengthen and improve our nonproliferation programs.

The final and related theme and issue that we discussed is the threat of a terrorist incident within the United States involving a chemical, biological, radiological, nuclear or high-yield explosive device, which is known by the acronym CBRNE, a CBRNE device. The challenge is to be prepared to manage the consequences of such a domestic CBRNE incident and for the Defense Department to have the right capabilities, plans, and equipment to provide support to the civil authorities, if requested.

I will address the committee's action on these issues as I describe the highlights of the Emerging Threats and Capabilities Subcommittee's portion of the bill being considered by the Senate today. Let me start with the area of science and technology.

The bill authorizes increased investment in science and technology programs by over $450 million. These programs perform cutting-edge research that is developing the capabilities that will ensure the effectiveness of our Armed Forces in the future, while strengthening the Nation's high-technology innovation sector.

These additional S&T investments, which reflect military value and technical merit, are intended to enhance Defense Department activities in a number of areas—advanced and alternate energy technologies; new manufacturing capabilities; advanced medical technologies aimed at improving the care of combat casualties; and increased funding for defense-related university research that will provide the foundation for future military capability and, in fact, will probably contribute to our overall economy.

The Armed Services Committee bill authorizes investments of nearly $75 million for advanced energy technologies, including programs to develop fuel cells, hybrid engines, build hydrogen infrastructure such as fueling stations at military bases, and explore the use of biofuels for military systems.

These kind of technologies will save money and improve war-fighting capabilities, reduce America's dependency on foreign oil, and help DOD lead the way in the widespread droppings of alternative energy technologies.

The bill includes a provision sponsored by Senator PRYOR that would enhance the Department's nanotechnology research program to reflect the maturation of nanotechnology in industry and in universities. It would push the Department to have a greater emphasis on issues such as nanomanufacturing, moving nanotechnology into major defense systems, and monitoring international capabilities in nanotechnology.

Following a recommendation of the Defense Science Board, the bill would require the Defense Department to produce a strategic plan for the development of manufacturing technologies. Advanced manufacturing processes are the key to ensuring that our defense industrial base can respond to the surge of production needs of our deployed forces for items such as body armor, vehicle armor, and jamming devices that are being used to defeat Improvised Explosive Devices. Manufacturing is also one of the keys to our overall global competitiveness.

I am pleased to note the committee bill authorizes nearly $85 million in additional funds for the development of advanced manufacturing technologies to support critical defense production capabilities.

In relation to the threat from proliferation of weapons of mass destruction, the bill authorizes additional funding for important nonproliferation programs at the Department of Defense and the Department of Energy. This additional funding includes $100 million for the Cooperative Threat Reduction—CTR—Program and $87 million for nonproliferation programs of the National Nuclear Security Administration.

The bill also authorizes $50 million to support the International Atomic Energy Agency proposal for an international nuclear fuel bank. This promising idea, if successfully implemented, could remove the incentive for countries, such as Iran, to develop indigenous uranium enrichment programs for nuclear power reactor fuel. This would address the loophole in the Nuclear Nonproliferation Treaty that allows uranium enrichment for civilian power purposes to serve as a cover for uranium enrichment for weapons purposes.

In addition, S. 1547 includes a provision that would finally repeal all the precertifications for the CTR Program. These conditions delay the program annually, waste program funds, and have long outlived any usefulness. Senator LUGAR has worked for several years now to remove these restrictions, and I am pleased we have been able to include this provision in the bill.

The additional funding for CTR would allow the program to accelerate and expand work into some biological materials and weapons areas that have become an increasing concern, and allow for the first time the CTR Program to address issues outside the former Soviet Union in a planned, nonemergency fashion. The National Nuclear Security Agency Program has a number of challenges with respect to the proliferation of nuclear weapons, materials, and technology, and much more needs to be done. The North Korea nuclear tests last October highlighted an area where we need a lot of additional work. That is the area of nuclear forensics and attribution. The bill authorizes additional funding to develop new technology to detect and identify the sources of nuclear material and to support the Department of Energy's Office of Intelligence efforts to develop a nuclear material forensic library.

The real challenge we have that faces us, an existential challenge, is the threat that someday a terrorist—not a nation state but a terrorist—might detonate a nuclear device in the United States or in an allied country. They would get that material from some national source. If we can effectively trace materials, and we know and we can identify where such materials come from, that goes a long way in helping remove the incentives for any nation state to provide these types of materials to terrorists. I think this is important research, and I am particularly pleased that we have incorporated this language in the legislation.

In the area of homeland defense there is a concern about the enormous challenge of dealing with the chemical, biological, radiological, nuclear, or high-yield explosives, the CBRNE incident in the United States. Such an incident could quickly overwhelm local and State emergency response capabilities. The bill contains a provision requiring an advisory panel to address the capabilities of the Department of Defense to provide support for civil authorities for consequence management of a domestic CBRNE incident. The panel would report to Congress with any findings and any particular recommendations.

I thank particularly Senator DOLE and her staff for leading the way on this issue.

In the area of chemical and biological matters, the bill adds nearly $70 million for the Defense Department's chemical and biological defense program, including procurement of chemical agent detectives and monitors for the Army National Guard. These systems can be used for overseas deployments or for domestic consequence management initiatives.

The bill also authorizes the restoration of $36 million for the chemical demilitarization program and includes a sense-of-Congress resolution that the United States should do everything practicable to meet our chemical weapons destruction obligations under the Chemical Weapons Convention deadline of April 2012, or as soon as possible thereafter. This sense-of-Congress provision includes a number of recommendations made by the Republican leader, Senator MITCH MCCONNELL. I thank him for his contribution.

The sooner we destroy the stockpile, the sooner we will remove the risks to the communities around the stockpile sites throughout the United States.

Let me turn also to the area of special operations forces, and in particular language issues. The bill contains additional funding for the Special Operations Command, SOCOM, to meet critical language and cultural awareness training requirements, and for various SOCOM technology and training programs. All told, the bill authorizes more than $20 million additional funding to improve the foreign language and cultural awareness capabilities of our military forces.

The bill also contains a provision creating a National Foreign Language Coordination Council, an initiative proposed by Senator AKAKA of Hawaii, and I thank him for this contribution. This council will ensure that the initial steps that the administration has taken will develop into an organized and concerted effort to improve the Nation's foreign language capabilities.

S. 1547 includes, in addition, a provision that would require the Government Accountability Office to review the ongoing reorganization of the Office of the Under Secretary of Defense for Policy. The committee has expressed strong reservations about this reorganization, especially as it pertains to the Office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict. The study would examine some of the specific committee concerns.

The bill also authorizes an additional $124 million to cover unfunded requirements of the Special Operations Command to procure Mine Resistant Ambush Protected, or MRAP, vehicles. This is part of a committee-wide $4 billion increase to ensure that U.S. military personnel in Iraq receive the best protection available against improvised explosive devices, the primary cause of injury and death to our personnel.

I might add, I just returned yesterday from Iraq. One of the points that was raised by Major General Mixon, Commander of the 25th Division, was the need for these MRAP vehicles. I communicated that directly to the Secretary of Defense. I must commend Secretary Gates for his aggressive leadership to ensure that these MRAP vehicles are being produced and being sent overseas to our forces, particularly our forces in Iraq. His leadership on this point is very much appreciated.

Finally, in the area of counterterrorism and counterdrug policy, the committee took a number of actions. On counterterrorism, the committee authorized the Department of Defense to provide increased rewards for assistance in counterterrorist operations. This is intended to provide additional incentives for others to help us find and defeat terrorists. The committee also funded the Department's "train and equip" program to build the capacity of partner nations to conduct counterterrorism operations and to operate with U.S. forces in military or stability operations. The committee has authorized funding for this program, also known as section 1206, at the level authorized last year for fiscal years 2007 and 2008. Congress has given the Defense Department this authority as a pilot program to the end of this fiscal year, at which time Congress can evaluate the program's effectiveness.

On counterdrug policy, the committee authorized the Department to provide counterdrug training and equipping assistance to Mexico and the Dominican Republic. This would expand a list of countries to which we provide such assistance to these neighbors who are facing serious drug challenges. With regard to funding, the committee authorized an additional $22.5 million to boost drug interdiction efforts, especially in the U.S. Southern Command's area of responsibility.

Madam President, that is a summary of the highlights of the Emerging Threats and Capabilities Subcommittee portion of the Armed Services Committee bill. I urge the Senate to support the entire bill, as the subcommittee does.

Now I would like to turn my attention to the matter pending before the Senate, and that is the amendment proposed by my colleague, Senator WEBB of Virginia.

I rise to commend him. I think this is an important amendment that underscores and highlights the strain that our troops are under, given the operational demands of efforts in both Iraq and Afghanistan and many places in the world. No one in this Senate—and particularly in this caucus, this Democratic caucus—understands on a first-hand basis the strain that soldiers, marines, and airmen and sailors live under constantly more than our colleague from Virginia, Senator WEBB, who is a distinguished and heroic veteran of the conflict in Vietnam and someone to whom we look for his insight and leadership, particularly with respect to the welfare and the safekeeping of our military personnel.

Since 2003, the United States has maintained an average of 138,700 troops in Iraq. Today we know we are at a level approaching 160,000. At the same time, there are approximately 25,500 military personnel in Afghanistan and an additional 175,000 military personnel performing missions in 130 countries around the world. Nearly every nondeployed combat brigade in the Active-Duty Army has reported that they are not ready to complete their assigned war missions.

Let me repeat that. Nearly every nondeployed combat brigade, those not in Iraq and Afghanistan, are reporting they are not ready in terms of personnel or equipment to complete their assigned war missions. We all know if they are ordered to, they will go into the fight and they will do well. But they are not going in with the same level of personnel, equipment, and in many cases training that we expected of them just a few short years ago. This is as a result, a direct consequence of the strategy being pursued by the President in Afghanistan and Iraq and the size limitations on our military forces.

Such a sustained operational demand has had a significant effect on our ground forces' ability to train, deploy, and conduct their missions effectively. The way we measure our military's ability to perform effectively is called their readiness. Readiness is composed of three elements: Personnel, equipment, and training.

First let's look at the personnel issues. Since 2002, 1.4 million military troops have served in Iraq or Afghanistan. The standard ratio the U.S. military likes to use for deployments is 1 to 2—meaning for every year deployed, 2 years back at the home duty station for recuperation, retraining—all those things you need to restore the professional skill and a high degree of spirit and morale necessary for successful military forces.

Since the beginning of the Iraq war, however, Army brigade combat teams have been on a 1-to-1 ratio: 1 year deployed, 1 year back. That puts a huge strain on not only soldiers but the families of those soldiers. This ratio was further strained on April 11, 2007, when the Pentagon announced that all Active-Duty Army units in the Central Command area of responsibility, principally Iraq and Afghanistan, would be extended to 15-month tours. The Marine Corps has also moved to a 1-to-1 ratio: 7 months deployed, 7 months at home station.

There is another aspect to this, and that is known as stop-loss. It has been imposed on 50,000 troops. What this means is that an individual is eligible, having served out their enlisted time, to leave the military forces, but they are involuntarily held behind in order to meet the missions of the Army because of this huge personnel crunch.

That stop-loss is affecting 50,000 individuals who have served honorably and well, who have made plans to return to civilian life. Those plans are on hold now. That is another manifestation of this strain our land forces are under at this moment.

The reality of this operational tempo is that many Active-Duty soldiers and marines are on their third or even fourth tour of duty in Afghanistan or Iraq. Of the Army's Active 44 combat brigades, all but the 1st Brigade of the Second Infantry Division, which is permanently based in South Korea, have served at least one term in Iraq or Afghanistan. Breaking that down further, 12 brigades of Army have had 1 tour, 20 have had 2 tours, 9 have had 3 tours, and 2 brigades are on their fourth tour. This is an extraordinarily aggressive operational tempo to subject any force to.

Although the deployment for our special operations forces are classified, it is known that the average weekly deployment for special operations forces was 61 percent higher in 2005 than in 2000. Every aspect of our Active Force and many of our Reserve components are being stressed with extraordinary contributions to the operations today that are worldwide.

This strain extends to our National Guard and Reserve. More than 417,000 National Guard and Reserve, or about 80 percent of the members of the Guard and Reserve, have been deployed to Iraq or Afghanistan with an average of 18 months per mobilization. Of these, more than 84,200, or 20 percent, have been deployed more than once. Presently, the Army National Guard has 34 brigades; 16 are considered an "enhanced brigade," which means they are supposed to be fully manned, equipped, and able to deploy rapidly.

Since 2001, every enhanced brigade has been deployed overseas at least once, and two have already been deployed twice.

When the President announced the surge, the Pentagon was forced to recall to active duty several thousand Guard and Reserve personnel who had already served in Iraq and Afghanistan. In order to do this, the Pentagon had to revise its rules that limited the call-up time of Guard members to no more than 24 months every 5 years.

With respect to this decision, the Commission on the National Guard and Reserve recently concluded:

> Overall, if the reserve component, including the National Guard, continues its high operational tempo, current indicators cast considerable doubt on the future sustainability of recruiting and retention, even if financial incentives continue to increase. There is a real cost to this operational tempo.

The cost is not only in the immediate near term but also in the longer one. Our current policies overseas have overstretched our military. The burdens of the past few years will have consequences for years to come. We risk rendering our military a weakened force, and we want to do all we can to avoid it.

We are already seeing indications of the stress that is being borne by our military forces, and they are manifested in many different ways.

Yesterday the U.S. Army announced it fell short of its active-duty recruiting goal by 15 percent. It is the second month in a row that the Army's enlistment efforts have fallen short. This is in the context of a belated attempt, I would argue, by the administration to increase the overall end strength in the Army.

You have a situation now where the Army is under huge pressure. There is an attempt to increase the numbers overall. That attempt is being, at least seems to be being frustrated by the inability to recruit new personnel into the Army.

The Army expressed concern but repeats the fact that the Army has met its recruiting goals for the past 2 years. Technically, that is true. But a closer look shows there are some disturbing trends that may have long-term negative consequences. In order to meet the demands of today, the Army is drawing heavily on its delayed entry program, or pool of future recruits, which will leave it empty handed in the future as they try to enlist more soldiers.

The Army has also begun to lower standards in order to meet recruiting goals. The Army granted approximately 8,500 "moral waivers" to recruits in 2006, as compared to 2,260 of these moral waivers given in 1996. These waivers cover misconduct and minor criminal offenses. Again, the trend is not less but more in terms of trying to achieve recruiting goals by waiving some incidents that otherwise would disqualify a person from joining the Army. Waivers for recruits who committed felonies, for example, were up 30 percent in 2006 from the year before.

Last year, 82 percent of Army recruits had high school diplomas. That is the lowest level since 1981. Only 61 percent of Army recruits scored above average on the service's aptitude test last year. That is the lowest score since 1985.

Last year, the Army would not have met its recruiting goals without lowering its weight standards and increasing the acceptable recruiting age to 42 years old. Frankly, you know, thinking back, not long ago the idea of actually trying to recruit people who were 42 years old, might have physical problems, who might have minor criminal violations, was considered anathema by the military as they prided themselves on the ability with each succeeding quarter to indeed try to raise the standards. But the pressure on personnel has produced these results.

Despite these lower standards, basic training graduation rates have increased from 82 percent in 2005 to 94 percent in 2006, leaving one to wonder whether the training program standards are also being modified so that these individuals can get through and get into the brigades that need support. That would have long-term, unfortunate consequences for the overall effectiveness of our military forces.

The Army is also using some extraordinary means to maintain retention rates. There are problems recruiting, but also they are making special efforts to keep those soldiers they have. The biggest incentive, of course, for retention is providing financial compensation to those who decide to extend. However, the level of funding we are putting toward keeping soldiers simply cannot be sustained. In the past 4 years the Army has increased the amount spent on retention bonuses from $85 million to $735 million.

At the same time, the cost of supporting each soldier has increased from $75,000 in 2001 to $120,000 in 2006, because of the inducements, pay benefits that are appropriate but very expensive, and again raise the question of: How long they can be sustained?

Despite the increases in pay, the Army is still having difficulties with retention, particularly retaining officers. Last year the active Army was short 3,000 officers and it is projected this shortage will increase to 3,500 officers this year. The Guard and Reserve are facing a shortfall of almost 7,500 officers.

Army reenlistment rates for midgrade soldiers dropped 12 percent in the past 2 years. According to the New York Times, more than a third of the West Point class of 2000 left active duty at the earliest possible moment, after completing their 5-year obligations.

For Special Forces, recruitment and retention are most difficult. For the past 6 years, 82 percent of the active-duty Special Forces specialties were underfilled, many with shortfalls over 10 percent.

I had a chance to sit down and have lunch with three soldiers at a patrol base which had only been in operation for 3 weeks, just about 2 days ago in Iraq. All three of those soldiers were on their second or third tour. Two had already decided they were getting out, and a third had not yet decided. They have served their country magnificently. They have done it with great dedication, and for many different reasons are leaving. That is a very imprecise scientific sample, I would admit, but still it suggests that because of operational stress, because of the demands on soldiers who are performing magnificently, they are also thinking about their future and thinking about leaving the force rather than staying on for extended periods of time.

The soldiers recruited today define the quality of our Army in the future. Focusing on filling slots today without regard for maintaining high standards can have dire consequences down the road. We have serious challenges before us as a nation.

I have spent time talking about personnel because at the heart of Senator WEBB's amendment is the recognition that ultimately a military force is about people—the soldiers, the marines, the sailors, the airmen, and their families. And if we keep this operational tempo, if we do not provide the respite, time for recuperation, what he is suggesting, at least an equal time out of the war zone as you spend in a war zone, then these personnel issues become more and more acute and become more damaging to the overall capability of our military force.

There is another aspect, too, of readiness. That is equipment. In order to meet the equipment needs in Iraq and Afghanistan, the Army requires that active and reserve units leave behind certain essential items that are in short supply, including up-armored humvees and long-range surveillance and communications systems.

This system ensures that incoming soldiers can receive 100 percent of the equipment, and it reduces transportation costs. But there is a downside. As the GAO pointed out, while this equipment approach has helped meet current operational needs, it has continued the cycle of reducing the pool of equipment available to nondeployed forces for responding to contingencies and training.

Forty percent of the marines' ground equipment has been deployed in Iraq over the past 3 years and is being used at nine times its planned rate. I can recall last year being in Iraq and was told just before we got on the helicopter that it was flying at many more times the number of hours that it was planned to fly in a peacetime environment. They assured us, of course—and they are right—that it was very well maintained. But the stress on the equipment is just as telling as the stress on personnel. We are using this equipment and overusing this equipment as we operate in all of those theatres of conflict.

According to Lieutenant General Blum, the Army National Guard presently has on hand only 30 percent of its essential equipment here at home, while 88 percent of the Army National Guard that is in the U.S. is very poorly equipped. Nearly 9 out of every 10 Army National Guard units in Iraq and Afghanistan have less than half the equipment needed to respond to a domestic crisis, and less than 45 percent of the Air National Guard units have the equipment they need. Again, one of the other major missions of the National Guard is responding to domestic contingencies. They are severely constrained in that regard. Lieutenant General Blum, who is the chief of our National Guard, states:

> This is the first time such a shortfall in equipment readiness has occurred in the past 35 years.

He estimates that the total cost of the shortfall is about $36 billion. In March 2007, the Commission on the National Guard and Reserves reported that nearly 90 percent of National Guard units are not ready to respond to crises at home or abroad.

The chairman of the Commission on the National Guard summed it up:

> We cannot sustain the National Guard and Reserves on the course we are on.

Again, the military is doing not only everything they are asked but much more. But we need to ensure that they have the opportunity to rest and to refit. We have to ensure they have equipment that is well maintained and not overly used.

There is a huge shortfall in equipment. The Marine Corps has a $12 billion equipment shortfall in 2007. The Army estimates it will need $12 billion annually for as long as the Iraq war continues, and for 2 years thereafter. These significant costs will have to be borne, but the biggest cost, I believe, is the one that is being borne today for our soldiers, marines particularly, and the fact that they are operating in a war zone, coming back, and all too shortly thereafter being required to go back.

There is another effect. It has an effect on training. We pride ourselves, as we should, as the best trained military force in the world, perhaps of all time. But that training cannot operate if there is insufficient time back at home station to do it. And that, I think, also is the heart of Senator WEBB's amendment. He understands that one of the great factors that holds a unit together is the sense of skill, the sense that they not only know how to do the job, but they practice that job time and time again. They are ready for any contingency, any eventuality. That readiness, that sense of confidence does not come without spending the time at home station training. That, too, is being sacrificed.

I commend Senator WEBB. I think from his heart and from his essence as a marine, he understands that our soldiers, marines, airmen deserve the time to prepare, to train, to regroup before they go back again. At a minimum, his amendment is calling for equal time at home station that equates to time deployed in a war zone as the minimum that we should provide these brave young men and women.

I hope we can support this amendment. I hope we can do it, get it back and send a message to our troops: We know what you are doing for us. We appreciate it. After serving with distinction with courage and great sacrifice, you deserve time to come home, to see family, to retrain, to rest, and to prepare again to defend the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before my distinguished colleague from Rhode Island leaves, I thank him for the incredible contributions I know he made to this legislation that is in front of us. He, too, has had a distinguished career serving his country in the armed services as well as in the Senate, and we congratulate him for his service.

I also start by congratulating our Michigan senior Senator whom we are all so proud of for all of the important work he does, and none is more important for Michigan and for the country than serving as chairman of the Armed Services Committee.

This National Defense Authorization Act and all that it brings in terms of additional tools for our troops, issues that directly relate to supporting the troops and their families, the equipment, the new technology, the new policies for the future that they need, all of these things are incredibly important, and Senator LEVIN has been the leader on these issues for us. We in Michigan are extremely proud of all he has done.

I specifically today raise my voice in support of the Webb amendment to the National Defense Authorization Act. Tonight in Iraq, 1,644 members of the Michigan National Guard will bed down after a long day of working and fighting. They work in 100-degree weather, sand blowing in their faces, facing dangers at every turn, in the harshest physical conditions imaginable. For every single one of those men and women, there is a family at home in Michigan who will go to bed tonight worried and saying a prayer for the safety of their loved one, for the safe return of their son, their daughter, father, mother, sister, brother.

The true cost of this war cannot be measured in dollars and cents, although there is a huge financial cost to what is happening. But the true cost is measured by the sacrifices of our troops and their families; every single day, day in and day out. The cost is more than just the possibility and the reality of physical danger; the cost includes the sacrifices that entire families are making, financial sacrifices, emotional sacrifices, sacrifices being made because they are apart day after day, month after month, and now year after year.

It is not right; it is not fair; it is not safe. We need to change this policy. That is what the Webb amendment does. In Michigan, 1,644 Guard members, 1,644 families, 1,644 missed birthdays, Father's Day, Mother's Day, missed high school graduations, baby's first steps, anniversaries, family funerals, Christmas, other holidays.

It is also 1,644 missed paychecks. It may be the only paycheck in the family—the paycheck that is paying the mortgage, the paycheck that is there to help send the kids to college, to pay the car payment, to be able to have the standard of living we all want for ourselves and our families—sidetracked careers, small businesses and farms put in economic danger, 1,644 lives that will never be the same, 1,644 sets of missed opportunities, missed moments that can never be replaced.

These members of the Michigan National Guard make up only a fraction of the 160,000 men and women in uniform currently serving in Iraq and countless others who have served. In too many cases, these men and women are back in Iraq for their second, third, and now fourth redeployment.

Our fighting men and women are the greatest resource we have. They make us proud every single day. But, unfortunately, this Government is abusing this resource, these people. America puts its trust in our military to defend us. When our sons and daughters join the military, they put their trust in us, in the Congress, in the President of the United States, to give them the tools and the resources they need and to treat them with the respect they have earned. Current administration policies on redeployment have violated that trust. These policies have let our troops down. They have let their families down.

I am proud to join with my colleague from Virginia in saying: Enough is enough—enough is enough—when it comes to abusing our Armed Forces by stretching them to the breaking point with redeployment after redeployment.

Our armed services have traveled a tough road since we invaded Iraq. They have shouldered a heavy burden with pride and confidence and honor. We have asked extraordinary things—extraordinary things—from them at every turn. And at every turn they have delivered. They have made us all proud. They have faced tough situations, made tough choices, and have done their duty.

Now we need to do our duty. We need to do what is right for them. It is our time to face the tough situations. It is our time to make the hard choices. It is our time to make them proud. That is what this amendment is about. That is what this bill is about. That is what further discussions we will have about how to end this war will be all about.

America's soldiers and sailors and airmen and marines are always there for us when they are called. The question is, Will we be there for them? Will we be there for them today and tomorrow and the next day?

This legislation Senator WEBB has proposed is something that is simply the right thing to do and is a very important piece of supporting our troops.

First of all, for our regular forces, the amendment requires that if a unit or a member deploys for Operation Enduring Freedom or Operation Iraqi Freedom, they will have the same time at home—what is called "dwell time"; down time, as I would say; our forces would call it dwell time—before being redeployed. So if someone is deployed for 6 months, they would have dwell time for 6 months, whether that is being home with the family, whether that is retraining, whether that is time to regroup. If they are deployed for 12 months, they would have 12 months at home; 15 months, 15 months.

For the National Guard and Reserve, no unit or member will be redeployed to Iraq or Afghanistan within 3 years of their previous deployment. Now, this is strictly a floor, but it will stabilize Guard and Reserve deployment cycles in a much more predictable way. It is good for them, it is good for us from a safety standpoint, preparedness standpoint, and it certainly is good for the families we are asking to make such sacrifices.

We understand this is a dangerous and unpredictable world we live in, so this amendment also includes an important provision, a provision enabling the President to waive these limitations if he certifies to Congress that deployment is necessary in response to a vital national security interest of the United States.

Now, why is this down time or dwell time so important? Longer and more predictable dwell time is needed for many reasons. Most importantly, it allows for members to readjust from combat and spend time with their families. It also allows troops the time they need to be ready for the next combat mission. We have to remember that when our people return from their deployments, the majority of their time is spent retraining, refurbishing, and reequipping prior to being redeployed.

The bottom line is that the Webb amendment will ensure that our men and women in uniform have a more predictable deployment schedule, with adequate time between tours. We have a responsibility to prevent further needless damage to our military, and the Webb amendment does that.

Five years ago, I was proud to stand on this floor as one of 23 Members who believed this war was the wrong choice. For the past 5 years, I have been proud to cast vote after vote supporting the troops, working to ensure they have the resources they need so they can get the job done as soon as possible and come home safely.

Today, I stand on the floor and once again say: Enough is enough. The American people are saying: Enough is enough.

This administration failed our troops by committing them to this war without a clear reason or goal. This administration failed our troops by not having a clear mission for our Armed Forces in Iraq. They failed our troops by not providing the proper equipment, body armor, or logistical support for our forces. They failed our troops with their poor planning for the invasion of Iraq and their total lack of planning for how to secure the country, despite the best efforts of our brave men and women. And they have failed our troops by sending them back into harm's way over and over and over again without the proper down time between redeployments. History will judge this administration on how they have handled this war. History will judge us now on what we do for the troops and what we do to end this war.

We need a new strategy for Iraq, a strategy that brings our troops home safely and responsibly. We need to treat our troops with respect—the respect they deserve, they have earned—while they are serving us. They put their lives on the line every day for us. The least we can do is to make sure they have what they need and they have the time they need between combat deployments to be with their families and to prepare for the future. And they need a strategy. They are asking us to be paying attention to what is going on.

So many of us have been to Iraq and have seen what is happening on the front lines. They are in the battle every day. They are focusing on their mission, on staying alive, keeping their buddies alive. They are counting on us to have their back. They are counting on the President to have their back. They are counting on people here getting it right, doing the right thing—

whether it is making sure they have the time they need, which the Webb amendment does, to focus on their needs and their families' needs or whether it is to make sure there is a strategy that makes sense. That is what we are now debating on this floor.

I believe the American people have spoken very loudly and very clearly, and it is time for us to listen. It is our job to listen, to do the right thing for the troops, to do the right thing for their families, to do the right thing for communities and for our country.

When I look around the Senate, I am struck by the fact that we have all taken different paths to get here, to this debate right now. It has been a long 5 years. Some of us have stood up against this war since day one. Many have come to understand the tragedies of this war and the failures of this administration and have come at a different time. But no matter what path each of us has taken, no matter how we have gotten here today, now we have the opportunity to do the right thing. That is what this debate is about.

I am so grateful to our Senate leader, HARRY REID, for making sure we stay focused on what is clearly the most critical issue in front of us, what is happening in the war in Iraq and with our troops and our families, and what we need to do to focus on the real threats—the real threats—here at home, through his leadership, on the 9/11 Commission legislation, as well as focusing on the real threats abroad.

So we have seen leadership bringing us back to this issue, creating this opportunity now for us to do the right thing. We need to do the courageous thing. The Webb amendment is an opportunity to do the courageous thing for our troops. We cannot change the past, but we have to change the future, and that means acting now.

I urge all of my colleagues to vote for the Webb amendment for the brave men and women who are serving us and counting on us to understand what we are expecting of them as they do their duty, with the sacrifices they are making, their families are making. They are counting on us to do the right thing. They are counting on us to do the right thing on the overall strategy on this war.

This legislation, this time, this debate in the next few days is an opportunity for us to tell the American people: We hear you. We hear you. Enough is enough. Enough is enough. It is time to get this right and to bring our men and women home safely and responsibly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I am going to speak for about 12 minutes. Will you let me know when that 12 minutes is up?

The PRESIDING OFFICER. The Chair will so advise the Senator. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, the hope of anybody in politics is to serve in a body, such as the Senate, at a time when it matters. Our hopes and dreams have come true. We in Government decide what matters. What we are doing on this Defense authorization bill matters. It matters to the men and women in uniform. It matters to everybody in the world because during these difficult times the world is facing, increasingly the world is turning to the American men and women, our fighting men and women, to make things right.

Imagine a world without the brave Armed Forces of the United States. What would that world look like? It would be a very dangerous place, more so than it is now. So I wish to say the one thing we have in common as Republicans and Democrats is admiration for those who are carrying the burden of fighting a worldwide global struggle called the war on terror.

Now to Iraq. We are going to have amendments this week that have one common theme to them. It would take the current strategy in Iraq and change it. General Petraeus was unanimously approved by this body to go to Iraq and do something different. He told us before he left: I need more troops. The reason I need more troops is because the mistakes we made in the past have caught up with us.

What is the biggest mistake America made right after the fall of Baghdad? Not having enough security to keep the country from spiraling out of control, not having enough security to suppress the militias. One thing I have learned in life, where there is lawlessness, people fill in the vacuum. If the Government cannot protect you, then you will find groups who will protect you.

What happened in Iraq is the security got out of control, and we had sectarian violence spawned by al-Qaeda. The thing we have to realize as a nation is this organization called al-Qaeda has one common goal. It is not about Sunni, Shia, and Kurds; it is about moderation. They hate moderation in any form. It doesn't matter if it is wearing a Sunni face, a Shia face, or a Kurdish face. They have come to Iraq to destroy this infant democracy.

The report card on the political progress in Iraq: It is about like here at home. I give it a very low grade. Unlike here at home—we do have a stable society, for the most part—in Iraq they have a very unstable society, so they need political leadership desperately.

After my sixth or seventh visit on the Fourth of July week past, I am here to say there is bad news. The bad news, from my point of view, is the Iraqi political leadership that exists today is paralyzed, very much like we are here at home. I don't see them anytime soon having a breakout when it comes to political reconciliation, but I do have hope for the future that they will do that, and it is not an unrealistic hope.

There is some emerging movements in Iraq politically that can bring about reconciliation. But here is the good news. The strategy of additional combat power getting out from behind the walls, out of the fortresses, out into the hinterlands of Iraq to fight al-Qaeda is working.

The one thing I can tell my colleagues with certainty is, for 3½ years, I went to Iraq and I came back every time despondent because I could see the security situation spiraling out of control and I was told time and time again: No, the training strategy is working. Our goal is to train the Iraqi Army and police forces, and we are doing a good job.

The first time I went to Iraq, I went rug shopping. The last time I went before the change in strategy, I was in a tank. It was clear to me, being a military lawyer, not a combat commander, that the situation on the ground was getting worse. This time around, after the new strategy has been in place, things are getting better on the ground when it comes to suppressing the No. 1 enemy of this Nation right now for the moment and that is called al-Qaeda.

Al-Qaeda in Iraq flourished under the old strategy. They were able to dominate different regions of Iraq. Sunni populations were being terrorized, and a lot of bad things happened when we were in Baghdad training and not fighting.

General Petraeus, when he got in charge, when he got in place said we are going to change strategy. What he has done is he has sent additional combat power into areas previously held by al-Qaeda. He went to the tribal leaders in those areas and said: If you are fed up, we are here to help.

Here is the good news. To a person almost, the people who lived under al-Qaeda's regime in Iraq said: No, thank you. That is not the life I want for myself or my family or my friends or my group.

Al-Qaeda overplayed their hand. They were incredibly vicious and brutal and they overplayed their hand. What has happened in the last few months is this additional combat capability that now exists in Iraq has married up with a desire by the Sunnis, who have been oppressed by the al-Qaeda elements in Iraq, to join forces.

It is undeniable that in Anbar, the situation has changed in the last 6 months in a dramatic way. The Sunni tribal leaders in Anbar have broken with al-Qaeda, they have joined with

General Petraeus and Iraqi security forces and literally that province has changed. There are areas in Anbar Province where you could not go before that you can go to now, where there is a new alliance in place. There has been a surge in police recruits, Sunnis joining the police force to protect their hometown against al-Qaeda.

So the formula General Petraeus had in mind is not dependent upon central Government reconciliation. He went out into the troubled areas, and he told the people living under al-Qaeda: If you choose to, we will help you, and you need to help yourselves. And they have chosen to help themselves. They have chosen to tell us where al-Qaeda is operating. They have given us better intelligence than we have ever had in the past. They have joined the fight, and we are winning. Al-Qaeda today is on the run. They are on the run because the Iraqi people have broken with their way of life.

The big question for a lot of Americans is: Is everybody in the Mideast committed to extremism? Is there any hope that people in the Mideast want a different way of life than bin Laden charted for them? The answer is yes, and the best evidence I can give is what is going on in Iraq. Where American combat power has been in place in sufficient numbers and levels, the Iraqis have chosen to side with us and reject al-Qaeda. That should be heartening news. Given a choice, given the opportunity, those who have lived under the al-Qaeda regime and ideology have said: No, thank you.

The permanent solution is political reconciliation, but if we can focus as a nation on defeating al-Qaeda in Iraq, it would be a much better world. The political reconciliation yet to come in Iraq would be enhanced if we could destroy elements of al-Qaeda in Iraq. The global war on terror would be enhanced if we destroy al-Qaeda in Iraq. The way we do that is, again, by forming alliances with Sunnis who reject their ideology, and once we defeat al-Qaeda in a neighborhood or city, we have gotten the local people to step up to the plate and become policemen.

The number of police in Anbar Province has gone up dramatically, and they are providing what was missing before: A stable law-and-order regime that is rejecting extremism.

The police forces in the Sunni areas in Anbar are doing very well. They have the trust of the people, and they are marrying up with Iraqi Army units, where most of the officers are Shias. But we found the Shia Iraqi Army leadership and the Sunni police forces have worked well together in Anbar.

What did the enemy do? They moved to Diyala. We are going to the Diyala Province, another Sunni area, more mixed than Anbar, and we are getting the same results. Extreme violence is the first thing we get, terrorism. This spectacular attack will continue for a long time to come, but the actual situation on the ground has changed dramatically in Anbar, and it is beginning to change in Diyala. Why? We never before had combat capability in the Diyala Province. The tribal leaders in that province have joined with us, as they did in Anbar. More people are joining the police and, again, al-Qaeda is moving down the road.

The goal for us as a nation is to sustain this capability until we defeat al-Qaeda in Iraq. I don't believe that is going to take much longer because what we have left behind in Anbar in a few months is going to be mature enough that we will not need that many troops. In a few months from now, we are going to have a mature police force and a well-trained Army to control areas in Anbar Province that previously were in the hands of al-Qaeda. It is going to take some time.

When General Petraeus comes back in September, I think he will give us a mixed report. That will be the honest truth. There are still areas in Iraq very much in doubt. But where we go in force and where people have the choice to make, they are making the choice we hoped they would make.

Our choice in Congress is whether we change course. Do we, in July, adopt amendments that will destroy the Petraeus strategy and replace it with the old strategy? One thing my Democratic and Republican colleagues have in common is they are trying to do what is best for the country.

This is what I think is best. I think it is best not to do anything now that would give al-Qaeda a second chance in life. I don't want the Senate to be the cavalry for al-Qaeda. By that I mean, I don't want us to adopt an amendment that will destroy the ability of General Petraeus to go after the enemy in an aggressive fashion and continue forming these alliances by undercutting his ability to have the manpower he needs. The old strategy has failed. To go back to the old strategy is a godsend to al-Qaeda and is a death blow to those who have come out of the shadows to say: I want a better way; I want a better Iraq.

We have a chance to give this general and the troops who have gone as part of this surge a chance to do something that I think is in our national security interest: Keep al-Qaeda on the run and destroy it. I am convinced now more than ever that the ability to destroy al-Qaeda in Iraq is within our grasp, and it is a combination of additional American military power and the will and the desire of the Iraqi people to reject al-Qaeda.

Let's not be the cavalry for al-Qaeda. Let's not do something politically in Washington that will put them back in the fight. We are going to be taking casualties as long as al-Qaeda exists anywhere on the planet. My goal and the military's goal is to fight them over there, suppress them over there, bring out the best in the people in the Mideast, and we are seeing, slowly but surely, that the people in Iraq who have lived under al-Qaeda are turning away. That is indeed good news. Are they turning to democracy and political unity? No, not yet. But the precondition, the forming of a new Iraq is to take those who wish to destroy this new democracy and isolate them and destroy them before they can destroy this idea called moderation.

The al-Qaeda agenda is not limited to Iraq, but they see it as a central battlefront in the war on terror. We should see it as the central battlefront in the war on terror. Any amendment that is adopted in July that would undo the Petraeus strategy is shortsighted and, in the long run, very devastating to our national security interests.

I urge my colleagues to look closely and ask the questions that need to be asked, not for the next election but for the next generation of young Americans and people in the Mideast, and that question is: If we do not stay committed to this fight against an enemy who hates everything we stand for now, what are the consequences later? I can tell my colleagues, and I will close with this thought, that history tells us the answer to that question. Every time extremism has been appeased, good people die unnecessarily. We have good people in Iraq. The Iraqi people have good people among their population. Our men and women in uniform are the best we have to offer. This alliance between the good will defeat the evil, as it always has done, only if we have greater will than our enemy.

The votes we are about to take are about political will. I hope we will choose the path that history tells us we should take. Say no to extremism and yes to moderation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, lobbying and ethics reform, the most significant change in the history of the country, has been passed by the House and the Senate. Why is it not signed into law? Because the Republicans are stopping us from going to it.

There are all kinds of excuses they are using. The latest excuse is they want the provision dealing with earmarks in this bill—the amendment passed 98 to nothing—they want that set out separately. But that is a ploy; it is a diversion. They do not want to go to the meat of this bill. They have blocked this now for weeks. The Senator from South Carolina, who was the last to come and block this important legislation from going forward, I know thinks earmarks are important. I do too. Earmark reform is important. But it is in this bill. Earmark reform is in it. It is hard to believe that his objection isn't anything more than a smokescreen to prevent us from making progress on the rest of the bill.

Here are the facts: No one has any intention of taking out the earmark disclosure provisions in the bill. It is a fantasy. Second, Senate Democrats have already imposed earmark provisions through the committees. Right now, anyone with an Internet connection can go on line to the Senate Web site and find earmarks and earmark sponsors in appropriations bills that the press has reported. I repeat: Anyone who can go on the Internet can find out what the earmarks are on any bill that has been reported out of any one of our committees. Every subcommittee that has reported a bill, an appropriations bill, has to have that in it. And we are even doing it with authorizing committees.

Right here I have the appropriations bill which is for the Department of Commerce, Justice, Science and Related Agencies for 2008. No secret. All the earmarks are herein listed in detail—the amounts, the Senator sponsoring the earmark—and they have to sign a disclosure in addition to this that they have no financial interest in the earmark. It is here. Every subcommittee in the appropriations process that has reported out a bill has the same information I have just presented to the Senate.

So it is really hard to believe the earmark complaint is genuine. Let us remember all the other provisions in this bill the Senate Republicans are blocking progress on—campaign expenses, campaign contributions. As we have read in the press, they feel it is important that we do something dealing with bundling. That is lobbyists who agree to raise money for Senators. There should be some disclosure of that. In this bill we have it—the one they won't let us go to conference on. Bans on gifts from lobbyists and corporations are in this bill. They have prevented us from going to conference on that. No more corporate jets.

One of the issues around here—and I don't think it was necessarily corrupting anyone, but it was corrupting—flying these beautiful corporate jets and paying first-class airfare, even though it cost 10 times that to fly on these airplanes. This is eliminated in our bill. But we can't eliminate it because they won't let us go with it. They have obstructed this.

The Abramoff situation, brought to the attention of the American people, this is the culture of corruption the Republicans brought to Washington, DC, when they controlled the Congress. For the first time in 121 years, someone who works in the White House has been indicted. That man has now been convicted, and his sentence has partially been commuted by the President of the United States.

In the House of Representatives, the former majority leader of the House of Representatives, a Republican, was convicted three times of ethics violations by the ethics committee. He was indicted twice in Texas. He still is under indictment. One Member of Congress is even serving time now as part of the Abramoff corruption program. Numerous staff people are either in jail or under probation or now being investigated. The American people think we should improve the situation, and we can do that with this legislation.

One of the problems the Abramoff program allowed was people flying all over the country. Let's go to Scotland and play golf, and then they flew on a corporate jet and played golf in Scotland. Under our legislation, this would not be permitted. We significantly improve disclosure of lobbying activities.

We also prevent stealth coalitions. What does that mean? It means there is a company—I will pick this out of the air—Americans for Health Care, and they run these ads. It is a stealth organization. It is a phony organization because it is paid for by, let's say the pharmaceutical industry, someone who has an interest in the health care industry. Pick any name you want. And if you look behind it, it is some large, usually multilevel corporation that is paying for this.

Our legislation would slow the revolving door by former Members of Congress. Our legislation would put an end to the pay-to-play K Street Project that was also part of the Republicans' culture of corruption.

The list goes on and on. They are stopping us from doing these things. I don't want to file cloture in order to appoint conferees, but I will if I have to. We cannot let the Senate action on something so important be held up by the minority. It is wrong. They send one person out to do it, but this is reflective upon the Republicans. They do not want us to complete this legislation, but we owe it to the American people to get this bill completed. We need to restore the faith the American people want to have in government. They want a government as good and honest as the people it represents.

I appreciate very much indeed the Washington Post's writing an editorial saying this has to be done, and they said to me in that editorial, if they continue to stop us from going to conference, I should make them filibuster so they have to come here and vote against completing ethics and lobbying reform.

Maybe the culture of corruption is something they want to maintain. Maybe they are still flying in corporate jets. Maybe they are still doing some of the things we are trying to prevent. I don't know the reasons, but it appears very evident that they do not want us—they, the Republicans—to complete this legislation, and that is too bad.

I repeat, the earmarking is a guise. Right now every committee reports out, under the Democratic leadership, the earmarks in detail. We are complying with this legislation even though it is not law now. So for someone to come here and say we are not going to allow the conference to go forward because we want earmarks to be separate and apart from this is a guise. They are diverting attention from the work of the American people and this Congress.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I will be glad to answer a question of my distinguished friend from Illinois.

Mr. DURBIN. Mr. President, I would say to the Senate majority leader that this afternoon, as chairman of the Subcommittee on Appropriations for Financial Services, we reported out of subcommittee a bill, and that bill, page by page, specifies every earmark from the White House, earmarks for Members of the Senate, and goes into detail as to each one and the specific name of the Senator or Senators requesting them, which I think complies with everything that has been asked for by those who were asking for earmark reform.

So I would say to the Senator from Nevada that if the Senator on the Republican side who has been objecting to our conference on this ethics bill would take some time to look at the appropriations bills, he would understand we have already accepted this reform. We already are making this change.

I would ask the Senator from Nevada, the majority leader, right now, what is stopping us from going to conference to pass these changes in ethics laws, these historic changes in ethics laws, so that once and for all we can have the kind of reform and changes that are needed here in Washington?

Mr. REID. I say to my friend, it is this. It is the Republicans who are stopping us from going to conference on this bill. They may send one person out, and it could be a rotating person, but they are stopping us from going forward. The ploy of the day is they want to take the work we have done in this bill dealing with earmarking out of the bill and set it up as a Senate rule.

This is what conferences are all about. We want to do all these things I have enumerated in this legislation. We want disclosure of bundling, bans on gifts from lobbyists and corporations, no more corporate jets, major limits on privately paid travel, significantly improved disclosure of lobbying activities, disclosure of stealth coalitions, slow the revolving door of former

Members of Congress, put an end to the pay-to-play K Street Project. That is what is being held up, and it is being held up by the Republicans.

Mr. DURBIN. If the Senator will yield for a further question, today on this Defense authorization bill, while we are debating the war in Iraq and good treatment for our soldiers, the Republican leader comes to the floor and insists they cannot bring up for a vote the amendment that is pending by Senator WEBB of Virginia even though you offered a Republican amendment to be voted on at the same time. The Republican leader has said: No, we want to delay this. We want to delay this until tomorrow and then perhaps another 2 days beyond and to filibuster it during that period of time.

It would seem there is a pattern emerging, a very clear pattern where it comes to the important business. Whether it is ethics reform or changing the policy in Iraq, the Republican position is to stop the process, slow down the process, throw in every obstacle they can find.

I ask the majority leader if this pattern has been evidenced in terms of, for example, filibusters, delaying tactics on the part of the Republicans?

Mr. REID. I say to my friend, everything we have done for the past 7 months has been in spite of the roadblocks, the obstruction tactics the Republicans have put up. We have done it in spite of that. We have to this point 43 different cloture motions—43. We have never done that before, 43.

I say to my friend, on a Defense authorization bill—the bill that takes care of our troops around the world, in Iraq and Afghanistan, and the work we are doing with NATO forces, to get pay increases, get them the right equipment, the right medical care—this is being held up.

I would also, in a way of response, ask my friend, what has happened in the past dealing with Defense authorization bills? Has there ever been anything like this that you can imagine?

Mr. DURBIN. I say to the majority leader, for those who are trying to follow this debate and are not familiar with a cloture motion, what a cloture motion means is that those who are opposing a vote on an issue delay it as long as possible and then try to create a higher vote total that you need to bring this amendment to passage or defeat. So it is a delay tactic to slow down the Senate, slow down deliberation.

Today, when the Democratic majority leader offered to the Republicans that we would call up Senator WEBB's amendment to make sure our troops are rested and ready before they go into battle and allow Senator GRAHAM, a Republican Senator, to have his similar amendment up at the same time with the same vote, it was rejected. The Republicans rejected it. Then one of the Senators came to the floor and said that is the way it has always been around here. It has always been this way, this is not unusual. It takes 60 votes to agree to these amendments. Now we know what it is going to take.

We did a little research, I might say to the majority leader. We looked at the last two Defense authorization bills which were called up and considered in this Senate. Not a single amendment required a cloture vote, required this delay tactic, required the 60-vote margin, even those amendments specifically relating to the war in Iraq. What the Republican leadership is doing now has not happened in the last 2 years on this same bill. They have come up with a new slowdown, a new delay tactic, a new obstacle they have tossed in our path.

I think it is very clear. The Senator from Nevada will recall that the last time the Defense authorization bill was up, there were two very important amendments on the war on Iraq, one by Senator KERRY of Massachusetts and another by Senators LEVIN and REED. Both related to when the troops would come home. In each instance, cloture was not necessary, 60 votes were not required; the amendments were called on a simple majority vote.

So I say to the Senator from Nevada, it is very clear, the strategy the Republicans in the Senate are using. They are trying to avoid facing the tough issues America wants us to face. We were sent here to deal with cleaning up the mess in Washington, the culture of corruption. We were sent here to deal with the war in Iraq. Instead, day in and day out, week in and week out, every month for 43 different times now they have tossed an obstacle in front of us to stop the debate. The American people can see this, and today they can see it very graphically.

Mr. REID. Mr. President, I appreciate so much my friend from Illinois. I have such fond memories of our relationship. It seems now only yesterday, but it was 25 years ago that the Senator from Illinois and I came to the House of Representatives together. We were elected in the great class of 1982. At least I thought it was great, and I think, looking back, we have had some good experiences. I appreciate very much his laying out the facts.

The facts are that for Defense authorization bills, you should not have to file cloture on amendments. My counterpart, my friend from Kentucky, says this is the way we do business around here. That is not the way we have done business around here. This is the way we do business here because of the envy of the Republican minority, envious of our being in the majority, so they are making us jump through every procedural hoop, they are obstructing everything we are trying to do.

It is hurting, not the Democrats. It is hurting the American people. I say—I want it spread on the record—in spite of all of the obstacles we have had to jump through, we have been able to get things done. We have had to do it. It has been hard. We have had to fight with the White House. We have been able to get minimum wage passed, we have been able to get funding for Katrina, we have been able to get funding for homeland security, which we have never been able to do before, over the President's objections. We have been able to fund SCHIP through the first of the year, which was extremely difficult and hard to do. We have been able to do some things for farmers and ranchers. We have been able to do some good things. Disaster relief, 3 years overdue—we were able to get that done. That money is now out helping those people who desperately need it.

As I speak, all over the West, wildfires are burning. In Nevada, we have had 245 square miles burn. A 100-mile stretch of freeway in Utah has been shut down because of fires. We were able to get, over the President's objection, money for wildfires that burned last year and the year before that we have been trying to get.

In spite of all the hurdles we have had to jump through, we have been able to accomplish things for the American people. But the shame of it is we could be doing so much more but for the obstructions continually thrown up in our path by this minority.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CORPORAL MATTHEW L. ALEXANDER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor CPL Matthew L. Alexander, of Gretna, NE.

Corporal Alexander, age 21, was a recent graduate of Gretna High School. He married his high school sweetheart, Kara, on Valentine's Day this year. He is remembered by all who knew him as someone who believed deeply in what he fought for and someone who made it his life's work to care for his loved ones. Kara recalls her husband as "the most gracious man I knew. He was a loving husband, devoted son, caring brother and the best friend you could ever ask for."

Enlisting in the Army in the spring of 2004, Corporal Alexander was well decorated with awards, including the Army Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and Expert Infantry Badge. He was stationed to A Company, 5th Batallion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, based out of Fort Lewis, WA. He passed away on May 6, 2007, in Baqubah, Iraq, due to injuries sustained from an improvised explosive device detonated near his military vehicle. This was the corporal's first deployment.

Corporal Alexander is survived by his wife Kara, his parents Melvin and Monica, and his brother Marshall, all of Gretna. I offer my sincere condolences to CPL Matthew Alexander's family and friends. Our Nation will remember Corporal Alexander as a true hero for his selflessness and his passion as he made the ultimate sacrifice for the good of our Nation.

CHIEF WARRANT OFFICER THREE CHRISTOPHER M. ALLGAIER

Mr. President, I rise today to honor CWO3 Christopher M. Allgaier, of Omaha, NE.

Chief Warrant Officer Allgaier loved to fly. His father, Bob Allgaier of Omaha, said his son's love of flying arose in early childhood, as he was "always picking up little model airplanes and aviation books when he was a kid." After graduating from Omaha Creighton Preparatory High School in 1991 with a 4.0 grade-point average, he studied aeronautical administration. In 1995 after graduating from college, he joined the Army to fly helicopters.

On May 30, 2007, while serving in support of Operation Enduring Freedom as a helicopter pilot with the 3rd Battalion, 82nd General Support Aviation, 82nd Airborne Division, based at Fort Bragg, NC, Chief Warrant Officer Allgaier passed away when his CH-47 Chinook transport helicopter received rocket-propelled grenade and small arms fire and crashed. Four other soldiers were killed in this attack. Allgaier's deployment to Afghanistan in January was his second tour of duty in the country and came about a year after he returned from a mission flying helicopters in Iraq. He had also previously served in South Korea. He was 33 years old.

In addition to his father, Chief Warrant Officer Allgaier is survived by his wife Jennie and three daughters, Natalie, Gina, and Joanna, of Spring Lake, NC, and his sister Sharon, of Omaha.

I would like to offer my sincere condolences to the family and friends of CWO3 Christopher Allgaier. His noble service to the United States of America and his leadership are to be respected and appreciated by all. And while the loss of this remarkable Airman is felt by all Nebraskans, his courage to follow his dreams will remain as an inspiration for his survivors.

SPECIALIST WILLIAM LEE BAILEY, III

Mr. President, I rise today to honor Army National Guard SPC William Lee Bailey, III, of Bellevue, NE.

A valued member of his community, Specialist Bailey served as a soldier, a medical dispatcher, and a volunteer firefighter. As a firefighter, he worked as a medical helicopter dispatcher in the metropolitan area. As a soldier, he served with the Nebraska National Guard's 755th Chemical Company based in O'Neill, NE.

As part of this chemical company within the Army National Guard, Specialist Bailey was involved in entering areas which may have been chemically infected and performing detection and evacuation in those areas. He was part of a group providing security convoys for Iraq; and his unit had been trained to perform security missions, according to MG Roger Lempke, commander of the Nebraska National Guard.

Specialist Bailey is remembered as a kind and caring member of his community and as someone who was eager for duty. He was a rugged outdoorsman who loved hunting, motorcycles, and firefighting, but loved his wife "Dee" the most. His friend and colleague from the fire department, Paul Prewitt, remarked, "He loved his family and worked hard for them. He had a lot of integrity and was a real stand-up guy. He would go out of his way for his friends. He will be missed."

Specialist Bailey passed away in Taji, Iraq, on May 25, 2007, due to injuries he sustained from an improvised explosive device. He had been serving in Operation Iraqi Freedom since November 2006 and was due for leave in June 2007. He was laid to rest with cherished firefighter funeral traditions, complementing his full military honors. There were more than 700 people in attendance at his funeral, including over 100 soldiers. His funeral procession included 35 fire trucks, ambulances, and utility trucks representing at least 11 area departments.

Specialist Bailey's wife Deanna accepted on his behalf his Purple Heart, his Bronze Star, and his Army National Guard meritorious service medal, in addition to other awards. His "bunker" gear—the fireproof clothing firefighters use as protection—was strapped to the rear of a firetruck in the procession. His coat, pants, and boots faced forward—his helmet, backward.

Specialist Bailey is survived by his wife Deanna; their five children, Cody, Maquala, Katlynn, Billy, and Logan; and his parents Terry and Margaret Denike, all of Bellevue. I offer my most sincere condolences to the family and friends of SPC William Bailey. He will be remembered as a compassionate member of his community, who had a real passion for serving his country. His bravery will inspire future generations of Americans to live a life of service.

SPECIALIST DAVID BEHRLE

Mr. President, I rise today to honor Army SPC David Behrle of Tipton, IA.

Specialist Behrle attended Tipton High School where he was elected senior class president and commencement speaker for the class of 2005. He was an active participant in athletics and had made a point to visit his school while he was on recent leave.

Teachers and coaches of Specialist Behrle describe him as a soft-spoken person who came prepared, asked questions, and worked hard in both athletics and academics. His friends acknowledge his determination in succeeding in the Army, that it was something he felt he needed to do.

While serving his country in Operation Iraqi Freedom, Specialist Behrle passed away on May 19, 2007, due to injuries he sustained when an improvised explosive device detonated near his vehicle in Baghdad, Iraq. He was assigned to the 1st Battalion, 5th Cavalry Regiment, 2nd Brigade Combat Team, 1st Cavalry Division, based at Fort Hood, TX.

Specialist Behrle is survived by his parents, Dixie Pelzer of Tipton, IA, and John Behrle, of Columbus, NE. He is the posthumous recipient of the Bronze Star, the Purple Heart, the Good Conduct Medal, and the Combat Infantryman's Badge. Tipton High School retired his school football jersey, which carried the number 65.

I join all Americans today in grieving the loss of a great soldier. SPC David Behrle's bravery and selflessness will undoubtedly inspire future generations of Americans. The family and friends of Specialist Behrle are in our thoughts and prayers.

SPECIALIST VAL JOHN BORM

Mr. President, I rise today to honor Army SPC Val John Borm of Sidney, NE.

Specialist Borm graduated from Sidney High School in 2005. In his free time, his father Larry Borm says he liked to play computer games and was an avid paintball competitor. After graduating from high school, Specialist Borm enlisted in the Army. He was serving as an infantryman in B Company, 2nd Battalion with the 35th Infantry Division, based at Fort Shafter, HI.

On Thursday, June 14, 2007, Specialist Borm passed away when a roadside bomb exploded near his vehicle during operations in Kirkuk province. Two other soldiers were killed, and one was injured in the same attack. He was posthumously awarded the Bronze Star Medal, the Purple Heart, and other military honors. Specialist Borm was 21 years old.

In addition to his father, Specialist Borm is survived by his mother Lolita and his sister Kimberly, both of Sidney. I offer my sincere condolences to SPC Val John Borm's family. He made the ultimate and most courageous sacrifice in the name of freedom and hope to defend liberty. Specialist Borm was a man of incredible bravery; he will be forever remembered as a hero who sacrificed everything for his fellow countrymen and -women.

SERGEANT ADAM G. HEROLD

Mr. President, I rise today to honor Army SGT Adam G. Herold of Omaha, NE.

Sergeant Herold attended St. Cecilia Elementary and Omaha Roncalli High School. He earned his high school equivalency certificate in 2004 and joined the Job Corps in Utah to learn a trade. In 2005, he enlisted in the Army and first served in Iraq in October 2006.

On Sunday, June 10, 2007, while serving in support of Operation Iraqi Freedom with the 2nd Battalion, 377th Parachute Field Artillery Regiment, 4th Brigade Combat Team (Airborne), 25th Infantry Division, based in Fort Richardson, AK, Sergeant Herold passed away from injuries received from the detonation of an improvised explosive device near Karbala. Two other soldiers were also killed in the attack. Then-Specialist Herold was posthumously promoted to sergeant and was awarded the Bronze Star, Purple Heart, and Good Conduct Award. He was 23 years old.

Sergeant Herold is survived by his parents, Lance and Debra Herold, and his brothers, Andy and Kyle Herold, all of Omaha. I offer my sincere condolences to the family and friends of SGT Adam Herold. He made the ultimate and most courageous sacrifice for our nation. I join all Americans in grieving the loss of this remarkable young man and know that Sergeant Herold's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

SPECIALIST JOSIAH HOLLOPETER

Mr. President, I rise today to honor SPC Josiah Hollopeter of Valentine, NE.

Specialist Hollopeter was born in Ainsworth and grew up in the Valentine area. He graduated from Valentine High School in 1998. Before joining the service, he worked construction jobs in Omaha, NE, and San Diego, CA. He also spent many summers working for a canoe outfitter along Nebraska's Niobrara River. Driven by a desire to join other troops fighting in Iraq after the September 11, 2001, terrorist attacks; to further his education; and to follow the example of his younger brother's service, 1LT Tyler Hollopeter, as an Army helicopter pilot in Iraq, Specialist Hollopeter enlisted in the Army in January 2006. But simply joining the Army was not all Specialist Hollopeter wanted to achieve; he also strived to become an Army sniper. According to his father, Ken Hollopeter, of Valentine, his skill as a hunter landed him on a sniper team. "There's a 60 or 70 percent dropout rate in that program. It's a lot of emotional strength, the ability to concentrate and focus on one goal; he'd accomplished most of that in life," said his father.

Specialist Hollopeter completed basic training at Fort Knox, KY. He was assigned to the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, based in Fort Hood, TX. On Thursday, June 14, 2007, while serving in support of Operation Iraqi Freedom, Specialist Hollopeter passed away in Balad after suffering wounds when his four-man sniper team came under small-arms fire in al-Muqdadiyah. He was 27 years old and had been serving in Iraq since October.

In addition to his father and brother, Specialist Hollopeter is survived by his wife, Heather Hollopeter, of Killeen, Texas; and his mother, Kelly Hollopeter, sister, Anna Hollopeter, and nephew, Kalen, all of Valentine.

I offer my sincere condolences to SPC Josiah Hollopeter's family and friends. He gave his life to save and honor the liberties of America, and his selfless passion and relentless determination to achieve this end will not be forgotten. Specialist Hollopeter will be forever remembered as a hero who sacrificed everything for his fellow countrymen and women.

STAFF SERGEANT KENNETH E. LOCKER, JR.

Mr. President, I rise today to honor Army SSG Kenneth E. Locker, Jr., of Burwell, NE.

Staff Sergeant Locker enlisted for military service while he was still in high school. His father remembers that serving "was probably the greatest joy in his life." He added that Locker viewed his military service as part of his responsibility as a father to not only his own children but to all children, remarking that "I'm fighting for the children, Dad—mine, yours, theirs, everybody's—that they may have a safer world to grow up in."

In January of this year, Locker made a trip back home after an injury he sustained the prior year when his humvee was struck by a land mine. His father remembered that during that visit, both he and his son felt it would be the last time they were together.

While serving with the 82nd Airborne Division, Staff Sergeant Locker passed away after a suicide bomb exploded on his base, northeast of Baghdad, on April 23, 2007. He was 28 years old.

Together with his father, Staff Sergeant Locker leaves behind three young sons, ages 7, 4, and 2; two sisters, a half-brother, and a half-sister. My sincere condolences go out to the family and friends of this brave servicemember. I join our Nation in grieving the loss of a true Nebraska hero and in celebrating his memory, his passion for service, his commitment to our Nation's future, and his love of our country.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of June 2, 2007, in Lowell, MA, three men severely beat 22-year-old James Nickola for being gay. Nickola, a transsexual, was walking alone on his way home from a nightclub when the three men began to follow him. When the men started to yell homophobic epithets, Nickola says he quickened his pace, but the men were able to catch up to him about 200 feet from a police substation. The men then attacked, hitting Nickola repeatedly in the face, knocking him down, and continuing to beat him. The assailants, whose attack partially severed Nickola's lip, allegedly continued to utter homophobic slurs and told him, "we don't want your kind in this neighborhood."

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REMEMBERING CHARLES W. LINDBERG

Mr. CONRAD. Mr. President, I want to take a moment to remember a North Dakota hero who passed away last month.

About 3 miles straight west of this Senate Chamber lies the Iwo Jima memorial. Its centerpiece is a statue of six men raising an American flag to symbolize the capture of Mount Suribachi and the ensuing U.S. military victory at Iwo Jima.

On February 23, 1945, a 24-year-old marine from North Dakota named Charles W. Lindberg played a key role in the events immortalized by the Iwo Jima memorial. On that day, he was part of the group that raised the first American flag to fly over Japanese soil in the Second World War. Many names from that war stand out in our memories: Normandy, Midway, the Battle of the Bulge. But perhaps none stands out like Iwo Jima.

The battle for Iwo Jima was one of the fiercest of the entire war. The American attack, planned to capture the two airfields on the island and provide a staging area for B-29 bombing runs on the Japanese home islands, was the first invasion of traditionally Japanese territory in the war. Fighting on the island lasted over a month. Over 20,000 Americans were injured and 6,825 more heroically made the ultimate sacrifice for their country.

And on Iwo Jima North Dakota's Marine Cpl. Charles Lindberg made his mark on history. The indelible image of the battle for Iwo Jima is of six men raising an American flag atop the island. But those six men were not the first group of men to claim Iwo Jima for the United States. That honor belongs to a patrol that included Corporal Lindberg. The distinction between the two was one he spent a lifetime explaining.

On February 23, Corporal Lindberg took his 72-pound flame-thrower to enemy pillboxes at the base of Mount Suribachi and set out for the top with five other marines, an old pipe to be used as a flagpole, and the American flag. They gained the summit and planted the flag. Lindberg recalled that the flag's raising created such a commotion of cheers and whistles that it brought the enemy back out. That threat drew Lindberg back to battle, and so he missed the raising of the second flag, which was captured for history and recreated at the Iwo Jima memorial.

Lindberg won a Silver Star for his bravery that day, and a Purple Heart for the injury that led to his evacuation from the island less than one week later. Thirty-six members of his 40-man patrol were killed or wounded while fighting on Iwo Jima, which would rage for a full month after the flag-raising. Lindberg was fortunate enough to return home, to marry, and to live out a somewhat quieter life as an electrician.

On June 24, at the age of 83, he passed away. He was the last surviving member of the group of heroes who had the honor of raising the first American flag to fly over Japanese territory.

What is it that makes a young man from a simple town like Grand Forks, ND, risk his life the way Corporal Lindberg did on Iwo Jima? Was it the fight for freedom and liberty? Was it his patriotism and his love of country? Was it his bravery and courage? Perhaps it was all those things. In fact, I would say that the story of Charles Lindberg presents the best of all that is American. Duty. Honor. Bravery. Sacrifice. I am proud to say that Corporal Lindberg comes from my home State of North Dakota. I am proud to call Corporal Lindberg an American.

Lindberg's passing serves as a reminder to be thankful for the heroic service of all those who answered the call to serve our country. The service of the millions of young men called to duty in World War II—and in all of our nation's wars—can never be forgotten. We are all touched in some way by heroes like Charles Lindberg, whether they are our family members, our loved ones, or our neighbors. Let us always remember the debt we owe these heroes, and always cherish the freedom they successfully fought to preserve.

TRIBUTE TO MICHAEL WAYNE BUTLER

Mr. GRAHAM. Mr. President, I would like to pay tribute to retired Colonel Michael Wayne Butler. On June 12, 2007, South Carolina lost a true patriot when Colonel Butler was killed while working for a contractor near Tikrit, Iraq. He is survived by his wife Joanne, sons Mike and Daniel, and grandson Da'Kori.

Colonel Butler's career in the Air Force began when he graduated from the U.S. Air Academy in 1976. Upon graduation, Colonel Butler was commissioned an aircraft maintenance officer. Colonel Butler's career in the Air Force was nothing less than distinguished. He had the opportunity to command the 50th Component Repair Squadron at Hahn AB, Germany, and later the 39th Logistics Group at Incirlik AB, Turkey. In many ways, Colonel Butler's final tour was one of his most complicated ones. Responsible for developing contingency plans and conducting air operations in a 25-nation area of responsibility covering a large swath of the globe, Colonel Butler served as CENTAF Director of Logistics at Shaw AFB in South Carolina. After 30 years of distinguished military service, earning a Bronze Star, a Meritorious Service Medal with six oak leaf clusters, and an Air Force Commendation Medal, Colonel Butler took a much deserved retirement from the Air Force in 2006.

Continuing his love of travel, Colonel Butler trekked around the world with his wife after retiring. Though Colonel Butler would soon be pursuing a new calling, the Butlers established a home in Rembert, SC. In December of 2006, Colonel Butler joined DynCorp International to be the senior deputy program manager for CIVPOL. His new occupation sent him to Iraq. Colonel Butler's experience in the region and his dedication to the cause of freedom was surely an asset in his new duties. On his final mission to advance our cause in Iraq, Colonel Butler was transporting prisoners in a five-vehicle convoy with the U.S. military and Iraqi police when his vehicle was hit by an IED and small arms fire. Colonel Butler and one American soldier lost their lives.

Colonel Butler's love of life extended beyond the battlefield. An avid runner, Colonel Butler competed in and completed the Marine Corps Marathon. Completing the marathon once is quite an accomplishment, but Colonel Butler embraced the challenge of the marathon and completed it multiple times. I was moved to hear that his family will run the marathon in Colonel Butler's absence this year.

Colonel Butler will be buried at Arlington Cemetery on August 22 with full honors. As he departs on his final mission, his memory and legacy will not fade from the hearts and minds of all of the people he came across in his life. He will be missed but this Nation will never forget.

ADDITIONAL STATEMENTS

2006 SLOAN AWARD WINNERS

• Mr. ALEXANDER. Mr. President, I congratulate the 2006 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility, which recognizes companies that have successfully used flexibility to meet both business and employee goals.

As I did last year, I wish to draw attention to the Sloan Awards because I think these companies are to be commended for their excellence in providing workplace flexibility practices which benefit both employees and employers. Achieving greater flexibility in the workplace—to maximize productivity while attracting the highest quality employees—is one of the key challenges facing American companies in the 21st century.

For 2006, businesses in the following 17 cities were eligible for recognition: Boise, ID; Chandler, AZ; Chattanooga, TN; Chicago, IL; Greater Dallas/Fort Worth, TX; Dayton, OH; Detroit, MI; Durham, NC; Long Beach, CA; Long Island, NY; New Orleans, LA; Providence, RI; Richmond, VA; Salt Lake City, UT; Seattle, WA; Tampa, FL; and Washington, DC. The Chamber of Commerce in each city hosted an interactive business forum to share research on workplace flexibility as an important component of workplace effectiveness. In these same communities, businesses applied for, and winners were selected for, the Sloan Awards through a process that included employees' views as well as employer practices.

In Boise, ID, the winners were American Geotechnics, American Red Cross of Greater Idaho, Chatterbox, DJM Sales & Marketing Inc, Healthwise, Hewlett-Packard Company, Idaho Shakespeare Festival, the Ashley Inn, and the Cat Doctor.

In Chandler, AZ, the winners were Arizona Spine and Joint Hospital, Chandler Chamber of Commerce, Civil Search International LLC, Clifton Gunderson LLP, Hacienda Builders, Henry & Home LLP, Intel Corporation, Jewish News of Greater Phoenix, Martinez & Shanken PLLC, RIESTER, State Mortgage, and Technology Providers Inc.

In Chattanooga, TN, the winners were Center for Community Career Education at the University of Tennessee: Chattanooga, Chattanooga's

Kids on the Block, First Tennessee Bank, G.R. Rush & Company P.C., Jewish Community Federation of Greater Chattanooga, and Tricycle Inc.

In Chicago, IL, the winners are Association Forum of Chicagoland, Ernst & Young, KPMG LLP, and Maxil Technology Solutions Inc.

In Greater Dallas/Fort Worth, TX, the winners are Brinker International, Community Council of Greater Dallas, Fleishman-Hillard Dallas, Kaye/Bassman International, Lee Hecht Harrison, McQueary Henry Bowles Troy LLP, the Beck Group, and the Salvation Army Greater Dallas Metroplex Command.

In Detroit, MI, the winners are Albert Kahn Associates Inc., Amerisure Insurance Company, Brogan & Partners Convergence Marketing, Detroit Parent Network, Detroit Regional Chamber, Farbman Group, Menlo Innovations LLC, Rossetti, and Visteon Corporation.

In Durham, NC, the winners are Community Partners, Inc., Dow Reichhold Specialty Latex, Durham's Partnership for Children, Nortel, Shodor Education Foundation Inc., and the U.S. Environmental Protection Agency at Research Triangle Park.

In Long Beach, CA, the winners are Boys & Girls Clubs of Long Beach, Klaris Thomson & Schroeder Inc., Long Beach Chamber of Commerce, Office Furniture Group, Inc., and PeacePartners Inc.

In Long Island, NY, the winner is Atlantic HVACR Sales, Inc.

In Providence, RI, the winners are Clarendon Group Inc., Embolden Design Inc., Lefkowitz Garfinkel Champi & DeRienzo P.C., and Rhode Island Housing.

In Richmond, VA, the winners are Bon Secours Richmond Health System, Capital One Financial, and Lee Hecht Harrison.

In Salt Lake City, UT, the winners are Carter & Burgess Inc., Cooper Roberts Simonsen Associates, Creative Expresssions, Jones Waldo Holbrook & McDonough P.C., McKinnon-Mulherin Inc., Stayner Bates & Jensen P.C., and Utah Food Services.

In Seattle, WA, the winners were ColorsNW Magazine, DHI Technologies Inc., Macy's Northwest, National Court Appointed Special Advocate, CASA, Association, NRG::Seattle, Personnel Management Systems, Inc., Puget Sound Center for Teaching, Learning, and Technology, U.S. Government Accountability Office, and WithinReach.

In Tampa, FL, the winners were Kingery & Crouse, and Retail Merchandising Xpress.

In Washington, DC, the winners were Bailey Law Group P.C., Capital One Financial, Discovery Communications Inc., and KPMG LLP.

The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute in partnership with the Institutefor a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce, and the Twiga Foundation. The When Work Works initiative is sponsored by the Alfred P. Sloan Foundation.

Building on the success of the first 2 years, the next phase of the When Work Works initiative will extend the number of participating communities to 24 in 2007 to include Aurora, CO; Brockton, MA; Cincinnati, OH; Houston, TX; Morris County, NJ; Melbourne-Palm Bay, FL; Savannah, GA; and Winona, MN. Again, I congratulate the 2006 winners of the Sloan Awards, and I look forward to the continuing expansion of this exciting initiative.•

PRIVATE FIRST CLASS JONATHAN N. McCART PETERSON

• Mr. NELSON of Nebraska. Mr. President, today I wish to honor Army PFC Jonathan N. McCart Peterson.

Private First Class Peterson was born September 11, 1987, in Liberal, KS. He graduated from McCook High School in May 2005 and joined the Army on July 26 of that year. He attended basic training at Fort Jackson, SC, and was then stationed at Fort Lewis, WA. He later transferred to Rose Barracks Army Base near Vilseck, Germany, where he was an information systems operator and maintainer and worked specifically as a local area network manager.

On Friday, May 25, 2007, Private First Class Peterson passed away at Good Samaritan Hospital in Kearney as a result of an automobile accident. He was 19 years old. He is survived by his mother, Valery A. McCart, of Cambridge; two sisters, Jessica M. Peterson and her son, Nikolas Malleck, of McCook, and Jayme L. Peterson of Kearney.

I offer my sincere condolences to the family and friends of PFC Jonathan Peterson during this time of heartbreak. Even in death, his selfless service to our country was evident. As an organ donor, he undoubtedly saved many lives. Few Americans ever achieve as much as Private First Class Peterson did in such a tragically short life. He will be forever remembered as a hero.•

FOLLANSBEE'S 101ST ANNIVERSARY

• Mr. ROCKEFELLER. Mr. President, I wish to commemorate the 101st anniversary of Follansbee, WV—a great community with great people and an important part of our State.

Follansbee is a town whose legacy was forged in steel. Its 3,000 residents are descendants of history and carry with them a proud tradition of tenacity and pride. While Follansbee sits in the northern panhandle of West Virginia, squeezed between Ohio and Pennsylvania on the banks of the Ohio River, it plays an integral role in West Virginia's economy.

Follansbee Steel was the first company to locate in this small Brooke County town, joining steel makers throughout the Ohio River Valley in firing the industrial revolution and feeding the Nation's voracious appetite for steel as it grew. Follansbee Steel's state-of-the-art roofing products also appeared in the early 19th century and played a major role in post-Civil War Reconstruction. Later, these materials became the products of choice for Frank Lloyd Wright, one of the world's most prominent architects.

In fact, when brothers John and Robert Follansbee bought the steel mill near the turn of the 20th century, not only did they rename the mill, they were the catalyst for forming what is now the city of Follansbee. Before that anyone traveling north of Wellsburg along the river would refer to Mahan's Junction—the name of the owners of the large orchard formerly on the site of Follansbee.

On this day, the 101st anniversary of its founding, it is appropriate to look to the future which, I am happy to note, looks bright for Follansbee, WV. As the years have passed, the tradition of Follansbee Steel remains through the town's reservoir of high-quality labor. Wheeling-Pittsburgh Steel, a successor of Follansbee Steel, continues to run one of the busiest coke plants in the country, feeding both its blast furnace and its electric arc furnace, while Wheeling-Nisshin is now one of the largest hot-dip coating mills in the world.

Wheeling Nisshin came to West Virginia in the early 1980s as our very first Japanese business. Since that time we have seen Japanese companies embrace West Virginia throughout the State. This joint venture between a Japanese steel company and Wheeling Pitt was years ahead of its time, taking advantage of the increasing globalization of the steel industry and using it to West Virginia's advantage.

With its large industry and its small businesses and local professionals, Follansbee is just the type of small American town we think of and in which we take pride. It is a community with strong roots and a tremendous sense of local pride. Each summer its residents gather for Follansbee Community Days, bringing residents, their families, and former residents together from far and wide to celebrate their shared sense of community.

Mr. President, I hope my colleagues in the Senate will join me in marking this 101st anniversary of the founding of Follansbee. The legacy of that town is long, its history rich—but it is the service it has provided the country that will be felt for a long, long time. To mayor Tony Paesano and the people of Follansbee, may the next 101 years be as successful and peaceful as the first.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2433. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Uninsured Secondary Capital" (12 C.F.R. Parts 701 and 741) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2434. A communication from the Staff Attorney, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments" (RIN3133–AD36) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2435. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA–B–7716) received on July 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2436. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 31463) received on July 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2437. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 31461) received on July 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2438. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 31460) received on July 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2439. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation E (Electronic Fund Transfers)" (Docket No. R–1270) received on June 28, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2440. A communication from the Secretary, Division of Corporation Finance and Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Rules Regarding Management's Report on Internal Control Over Financial Reporting; and Commission Guidance Regarding Management's Report on Internal Control Over Financial Reporting Under Section 13(a) or 15(d) of the Securities Exchange Act of 1934" (RIN3235–AJ58) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2441. A communication from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 10a–1; Rule 200 of Regulation SHO; Rule 201 of Regulations SHO" (RIN3235–AJ76) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2442. A communication from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's 2006 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2443. A communication from the Controller, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's 2006 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2444. A communication from the Secretary of Commerce, transmitting, pursuant to law, a six-month report on the national emergency with respect to the threat to the U.S. economy caused by the lapse of the Export Administration Act of 1979 that was declared in Executive Order 13222 of August 17, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2445. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13222 of August 17, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2446. A communication from the Secretary of Housing and Urban Development, transmitting, proposed legislation intended to reauthorize the American Dream Down Payment Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–2447. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XA75) received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2448. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less than 60 Feet LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XA70) received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2449. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security , transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services; to the Committee on Commerce, Science, and Transportation.

EC–2450. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule Implementing Amendment 13 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648–AV39) received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2451. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and Effort Controls" ((RIN0648–AU87)(I.D. 030507A)) received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2452. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2453. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "International Energy Outlook 2007"; to the Committee on Energy and Natural Resources.

EC–2454. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program" (Docket No. VA–123–FOR) received on July 5, 2007; to the Committee on Energy and Natural Resources.

EC–2455. A communication from the Assistant Director, Fisheries and Habitat Conservation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Injurious Wildlife Species; Silver Carp and Largescale Silver Carp" (RIN1018-AT29) received on July 9, 2007; to the Committee on Environment and Public Works.

EC–2456. A communication from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C: Nonrural Determinations" (RIN1018-AT99) received on July 9, 2007; to the Committee on Environment and Public Works.

EC–2457. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Administration's position on budgeting for the Unalaska, Alaska Navigation Improvement Project; to the Committee on Environment and Public Works.

EC–2458. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Pollutant Discharge Elimination System—Suspension of Regulations Establishing Requirements for Cooling Water Intake Structures at Phase II Existing Facilities" ((RIN2040-AD62)(FRL No. 8336-9)) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2459. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Federal Marine Aquatic Life Water Quality Criteria for Toxic Pollutants Applicable to Washington State" (FRL No. 8337-2) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2460. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Hampton Roads Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year

Inventory; Correction" (FRL No. 8335-1) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2461. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio Rules to Control Emissions from Hospital, Medical, and Infectious Waste Management" (FRL No. 8335-5) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2462. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky: Redesignation of the Kentucky Portion of the Louisville 8-Hour Ozone Nonattainment Area to Attainment for Ozone" (FRL No. 8335-4) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2463. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Correction" (FRL No. 8335-6) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2464. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a copy of a document recently issued by the Agency entitled "Estimation of Relative Bioavailability of Lead in Soil and Soil-Like Materials Using In Vivo and In Vitro Methods"; to the Committee on Environment and Public Works .

EC–2465. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting and Secondary Copper Smelting Area Sources" ((RIN2060-AO46)(FRL No. 8334-4)) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2466. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Lancaster 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory" (FRL No. 8333-6) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2467. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Tioga County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory" (FRL No. 8333-7) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2468. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact" (FRL No. 8332-2) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2469. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Nomenclature Changes; Technical Amendment" (FRL No. 8131-3) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2470. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency entitled "Interpretation of 'Ambient Air' in Situations Involving Leased Land Under the Regulations for Prevention of Significant Deterioration"; to the Committee on Environment and Public Works.

EC–2471. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Method of Accounting for Advance Trade Discounts" (Rev. Proc. 2007-53) received on July 5, 2007; to the Committee on Finance.

EC–2472. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Elimination of Schedule P from Form 5500 Series" (Announcement 2007-63) received on July 5, 2007; to the Committee on Finance.

EC–2473. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling on Nonexempt Employees' Trusts" (Rev. Rul. 2007-48) received on July 5, 2007; to the Committee on Finance.

EC–2474. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fortuity and Insurance" (Rev. Rul. 2007-47) received on July 5, 2007; to the Committee on Finance.

EC–2475. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Research Agreements" (Rev. Proc. 2007-47) received on June 28, 2007; to the Committee on Finance.

EC–2476. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rotable Spare Parts" (Rev. Proc. 2007-48) received on June 28, 2007; to the Committee on Finance.

EC–2477. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 83 When Post-Grant Restrictions are Imposed on Vested Stock" (Rev. Rul. 2007-49) received on July 6, 2007; to the Committee on Finance.

EC–2478. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Temporary Regulations Under Section 6033(a)(2) Relating to Disclosure Obligations With Respect to Prohibited Tax Shelter Transactions" ((RIN1545-BG19)(TD 9335)) received on July 6, 2007; to the Committee on Finance.

EC–2479. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final and Temporary Regulations Relating to the Requirement of a Return to Accompany Payment of Excise Taxes Under Section 4695" ((RIN1545-BG20)(TD 9334)) received on July 6, 2007; to the Committee on Finance.

EC–2480. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employee Plans Compliance Resolution System" (Rev. Proc. 2007-49) received on July 6, 2007; to the Committee on Finance.

EC–2481. A communication from the Acting Social Security Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of the Expiration Date for Several Body System Listings" (RIN0960-AG51) received on July 5, 2007; to the Committee on Finance.

EC–2482. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continued compliance by certain countries with the 1974 Trade Act; to the Committee on Finance.

EC–2483. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Report to the Congress: Promoting Greater Efficiency in Medicare"; to the Committee on Finance.

EC–2484. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the waiver of the application of subsections 402(a) and (b) of the Trade Act of 1974 with respect to Turkmenistan; to the Committee on Finance.

EC–2485. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2006; to the Committee on Finance.

EC–2486. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the use and effectiveness of funds appropriated to the Medicaid Integrity Program during fiscal year 2006; to the Committee on Finance.

EC–2487. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-135-2007-142); to the Committee on Foreign Relations.

EC–2488. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-126—2007-134); to the Committee on Foreign Relations.

EC-2489. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-118—2007-125); to the Committee on Foreign Relations.

EC-2490. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, reports relative to agreements entered into with Taiwan; to the Committee on Foreign Relations.

EC-2491. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services relative to the co-development of the Galaxy Express space launch vehicle upgrade program with Japan; to the Committee on Foreign Relations.

EC-2492. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the sale of materials related to F-5E/F fighter aircraft from the Government of Jordan to the Government of Kenya; to the Committee on Foreign Relations.

EC-2493. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services relative to the launch of satellites from the Pacific Ocean utilizing a modified oil platform to Russia, Ukraine, and Norway; to the Committee on Foreign Relations.

EC-2494. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Orthopedic Devices; Reclassification of the Intervertebral Body Fusion Device" (Docket No. 2006N-0019) received on July 9, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2495. A communication from the Administrator, Office of Policy Development and Research, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Senior Community Service Employment Program; Performance Accountability; Interim Rule" (RIN1205-AB47) received on July 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2496. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Subject to Certification" (Docket No. 1995C-0286) received on July 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2497. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Human Cells, Tissue, and Cellular and Tissue-Based Products; Donor Screening and Testing, and Related Labeling" (Docket No. 1997N-0484T) received on July 9, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2498. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Responses to Specific Questions Regarding the District's Ballpark"; to the Committee on Homeland Security and Governmental Affairs.

EC-2499. A communication from the Director for Acquisition Management and Financial Assistance, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's fiscal year 2006 inventory; to the Committee on Homeland Security and Governmental Affairs.

EC-2500. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Auditor's Preliminary Findings from Examination of Contract Between the Office of Contracting and Procurement and Venable, Baetjer and Howard, LLP"; to the Committee on Homeland Security and Governmental Affairs.

EC-2501. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-63, "Fiscal Year 2008 Budget Support Act of 2007" received on July 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2502. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Office of OMB Guidance on Nonprocurement Debarment and Suspension" (45 CFR Parts 74 and 76) received on July 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2503. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-62, "District of Columbia School Reform Property Disposition Clarification Temporary Amendment Act of 2007" received on June 28, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2504. A communication from the Director, Office of Personnel Management, transmitting, a legislative proposal entitled "Lump-Sum Payments for Annual Levee Simplification Act of 2007"; to the Committee on Homeland Security and Governmental Affairs.

EC-2505. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, (11) reports relative to vacancy announcements within the Department, received on July 9, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2764. A bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110-128).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1642. A bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1762. An original bill to provide for reconciliation pursuant to section 602 of the concurrent resolution on the budget for fiscal year 2008 (S. Con. Res. 21).

EXECUTIVE REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 29, 2007, the following executive reports of nominations were submitted on July 3, 2007:

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Jason D. Rimington, 8958, to be Lieutenant.

Coast Guard nomination of Jeffery J. Rasnake, 8595, to be Lieutenant.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself and Mr. SPECTER):

S. 1755. A bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. AKAKA, and Ms. MURKOWSKI) (by request):

S. 1756. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (by request):

S. 1757. A bill to amend title 38, United States Code, to extend or make permanent certain authorities for veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. HARKIN, and Mr. DODD):

S. 1758. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. THUNE):

S. 1759. A bill to provide for the review of agricultural mergers and acquisitions by the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mr. BURR):

S. 1760. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1761. A bill to authorize the Secretary of Transportation to contract with an independent engineer to review the construction methods of certain Federal highway projects, to require States to submit a project management plan for each highway project financed with Federal funds, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 1762. An original bill to provide for reconciliation pursuant to section 602 of the concurrent resolution on the budget for fiscal year 2008 (S. Con. Res. 21); from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL:

S. Res. 266. A resolution making minority party appointments for the 110th Congress; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. BINGAMAN):

S. Res. 267. A resolution honoring the life of renowned painter and writer Tom Lea on the 100th anniversary of his birth and commending the City of El Paso for recognizing July 2007 as "Tom Lea Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 396

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 396, a bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 404

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 404, a bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 458

At the request of Mr. VITTER, his name was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 651

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 860

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 921

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1233

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1258

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1258, a bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities.

S. 1322

At the request of Mrs. LINCOLN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1322, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1450

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1450, a bill to authorize appropriations for the Housing Assistance Council.

S. 1451

At the request of Mr. WHITEHOUSE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1478

At the request of Ms. CANTWELL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1478, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1494

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

At the request of Mr. DOMENICI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1494, supra.

S. 1545

At the request of Mr. SALAZAR, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1555, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1649

At the request of Mr. FEINGOLD, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1649, a bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes.

S. 1705

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1705, a bill to prevent nuclear terrorism, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1714

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1714, a bill to establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children.

S. 1717

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1717, a bill to require the Secretary of Agriculture, acting through the Deputy Chief of State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2006

At the request of Mr. SESSIONS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2006 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2009

At the request of Ms. CANTWELL, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2009 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2012

At the request of Mr. WEBB, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 2012 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2014

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2014 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2019

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2019 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2020

At the request of Mr. COLEMAN, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 2020 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2021

At the request of Mr. SPECTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 2021 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2022

At the request of Mr. LEAHY, the names of the Senator from West Virginia (Mr. BYRD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2022 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself and Mr. SPECTER):

S. 1755. A bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce the Summer Food Service Rural Expansion Act. This bill will provide critical meals to children living in poverty in rural areas. I am pleased to introduce this bill with Senator SPECTER. Congressman PLATTS is introducing companion legislation in the House of Representatives.

During the summer, low-income children lose their access to regular daily school meals. The Summer Food Service Program is intended to help fill this nutritional gap by providing summer meals to children from low-income families who receive school meals.

For those of my colleagues who do not know much about the Summer Food Service Program, it was authorized through the National School Lunch Act of 1968. The program allows the U.S. Department of Agriculture to provide grants to nonprofit food service programs that in turn provide meals for children from low-income families through sites such as nonprofit schools, local governments, and nonprofit summer camps. Yet, despite the best efforts of this program, only 2 in 10 low-income children who receive school lunch also receive summer food when school is out. So where do these children get food? Sadly, the answer is that many of them go hungry.

Traditionally, the majority of sponsors and sites participating in the Summer Food Service Program have tended to be located in urban areas. As we know, however, hunger is not just an urban issue. Thanks to the tremendous effort by Congressman PLATTS, the Child Nutrition Act of 2004 recognized the void of such programs in predominantly rural areas and established a 2-year pilot program to increase participation rates in rural communities.

The existing Summer Food Service Program is available to areas in which at least 50 percent of the children are eligible for free or reduced price school meals. However, to encourage more sponsors and more sites to participate in the program, the pilot allowed that threshold to be reduced to 40 percent in rural communities.

The pilot, which ran in my home state during calendar years 2005 and 2006, was a tremendous success. During the first year of the pilot program, 20 sponsors offered 40 meal sites in rural areas. Of the sponsors, 8 were new sponsors of the program and 12 were sponsors in the prior years who added meal sites. During the first year of the program, the total numbers of meals served in rural communities increased by 73,000 meals, or 11 percent over the previous year. By the second year, there were 9 new sponsors, 16 returning sponsors, and 77 pilot sites; and the number of meals served increased over the previous year by an additional 4.3 percent, or 31,000 meals.

Unfortunately, because of the expiration of the pilot program, 37 of the sites established under the pilot will not be able to participate this summer. That means nearly half of the children who participated in this program over the past 2 years will no longer be able to count on receiving nutritious meals during the summer months.

For this reason, I am introducing legislation to help not only the children of Pennsylvania, but also the needy children in rural areas of every single State who deserve access to nutritious lunches during the summer months.

Through this bill, the Summer Food Service Pilot Program for rural areas would become a permanent program and would apply to rural areas of every State beginning in calendar year 2007 and each calendar year thereafter. Through this bill, the numbers of children participating in the program will dramatically increase, and needy children in rural areas throughout the country will receive nutritious meals they might not otherwise get during the summer months.

I urge all of my colleagues to join in the effort to combat childhood hunger in rural areas by cosponsoring the Summer Food Service Rural Expansion Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Summer Food Service Rural Expansion Act".

SEC. 2. SUMMER FOOD SERVICE PILOT PROGRAM FOR RURAL AREAS OF PENNSYLVANIA MADE PERMANENT AND APPLIED TO RURAL AREAS OF EVERY STATE.

Section 13(a)(9) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)(9)) is amended—

(1) in the paragraph heading by striking "EXEMPTION" and inserting "APPLICABILITY TO RURAL AREAS"; and

(2) in subparagraph (A), by striking "For each of calendar years 2005 and 2006 in rural areas of the State of Pennsylvania" and inserting "For calendar year 2007 and each calendar year thereafter, in rural areas of a State".

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. AKAKA, and Ms. MURKOWSKI) (by request):

S. 1756. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am pleased to introduce the Republic of the Marshall Islands Supplemental Nuclear Compensation Act at the request of the President of the Republic of the Marshall Islands, the Honorable Kessai Note. For over 50 years, the Committee on Energy and Natural Resources, and its predecessor committees, have worked with the government of the Marshall Islands to respond to the tragic consequences of the U.S. nuclear weapons tests that were conducted in the islands from 1946 to 1958, when the islands were a district of the U.S.-administered, U.N. Trust Territory of the Pacific Islands.

The U.S. nuclear testing program raises powerful emotions, and difficult legal and political issues which complicate discussion. Of particular concern to some is that the question of the adequacy of the compensation paid by the U.S. is now before the U.S. Court of Claims. On May 10, I met with President Note during his trip to Washington and we discussed our shared desire to move forward on several issues. We agreed that is it important for our nations to continue to work together on other matters which are not in litigation, such as possible adjustments to programs that are important to the communities affected by the tests.

I compliment President Note for his leadership, and for his thoughtful recommendation on how to approach these sensitive issues. The President proposed the introduction of legislation, at his request, that would propose solutions on several issues that are not before the court. This would allow the committee to hear formally from the administration and from the RMI government on whether the proposals should be adopted, or whether to consider alternatives. I concur in this approach along with several of my colleagues on the committee and we are committed to working with the RMI and the administration to seek agreement.

It is important to note that any further compensation provided by the U.S. under this act would be made on an ex gratia basis. U.S. administration of the RMI ended in 1986 when the RMI gained sovereign self-government pursuant to the Compact of Free Association, as approved by the Compact Act, P.L. 99-239. The compact provides two methods of compensation, under the legal settlement and under an authorization for ex gratia assistance. Section 177 of the compact approved a legal settlement which provided: A $150 million Nuclear Claims Trust Fund; the establishment of the Nuclear Claims Tribunal to adjudicate claims and pay awards; and it allows the RMI to request additional compensation if there are "changed circumstances," that is, if information and injuries come to light after the settlement date which renders compensation under the settlement inadequate. Congress also included an authorization, under subsection 105(c) of the Compact Act, for additional ex gratia compensation to the communities of the northern atolls of Bikini, Enewetak, Rongelap and Utrik, and for supplemental health care.

In 2000, the RMI submitted a petition to Congress contending that there have been "changed circumstances" and requesting some $3 billion for payment of the Tribunal's personal injury awards, replenishment of the Trust Fund, payment of the Tribunal's property damage awards, funding for national health care infrastructure and operations, and monitoring of Runit Island in Enewetak Atoll by a U.S. agency.

In 2005, the Committee on Energy and Natural Resources held a hearing on the petition, S. Hrg. 109-178, and the administration testified in opposition to additional compensation on the basis that the requests did not meet the necessary legal tests: That injuries or damage must be a result of the nuclear tests; that they have arisen or been discovered after the effective date of the settlement; and that they could not reasonably have been identified as of the effective date of the settlement. The administration and other witnesses also questioned the RMI's contention that radiation affected an area beyond the four northern atolls of the Marshall Islands, and questioned the policies and methodologies used by the Tribunal in determining eligibility for compensation and the amount of awards. Nevertheless, the report by the administration on the RMI petition noted that, while certain requests do not qualify as changed circumstances, "such programs might be desirable".

The legislation being introduced today has provisions regarding four such requests for assistance that I agree with President Note should be given consideration by the Congress.

Runit Island: Between 1977 and 1980, the U.S. conducted a cleanup of some of the contaminated areas of Enewetak Atoll where 43 tests were conducted. Some of the contaminated soil and debris was relocated to Runit Island, mixed with concrete, and placed in Cactus crater that had been formed by one of the tests. Under the compact's nuclear claims settlement, the Marshall Islands accepted full legal responsibility for, and control over the utilization of areas in the Marshall Islands affected by the testing. In addition, however, the 1986 Compact Act, P.L. 99-239, reaffirmed the 1980 authorization, under P.L. 96-205, for a program now operated by the U.S. Department of Energy, DOE, for medical care and environmental monitoring relating to the testing program. Since then, the people of Enewetak Atoll have from time-to-time asked DOE to include monitoring of conditions at Runit within the scope of DOE's environmental monitoring program in order to assure the people living on other islands in Enewetak Atoll that there is no health risk from the material at Runit. DOE's whole body measurements of people living in the atoll shows that there is no increased risk and DOE has indicated that additional surveys should be carefully considered by Congress. Section 2 of this act would direct the Secretary of Energy, as a part of the existing monitoring program, to periodically survey radiological conditions regarding Runit and report to the Congress.

Energy Employees Occupational Illness Compensation Program, EEOICPA: This program was enacted in 2001 to provide compensation for DOE and contractor employees associated with the Nation's nuclear weapons program. During Senate debate, I submitted a list of facilities intended to be covered which included "Marshall Islands Test Sites, but only for the period after December 31, 1958." However, the 75 Marshall Islands citizens who applied to the program were denied on the basis that Congress did not intend the law to cover those who were not U.S. citizens. I believe that this was an incorrect reading of Congressional intent and I can find nothing in the statute or legislative history that supports this conclusion. It is important to recognize that during the testing and clean-up period the Marshall Islands was a district of the U.S.-administered, U.N. Trust Territory of the Pacific Islands, and that the U.S. and its contractors employed workers from the Marshall Islands and from neighboring Districts in the Trust Territory.

Section 3 of this act would clarify that former Trust Territory citizens are eligible, and it would coordinate benefits with the Compact of Free Association so that if a person received compensation under the compact, that amount would be deducted from any award received under the EEOICPA.

Four Atoll Health Care Program: Section 177 of the Compact approved the legal settlement of claims resulting from the nuclear testing program and provided $150 million to capitalize the Trust Fund. Among the uses for these funds was an allocation of $2 million annually to provide health care for those communities most affected by the tests: Enewetak, Bikini, Rongelap and Utrik. However, practical problems developed with the program. First, enrollment was expanded beyond those members of the communities who were likely to have been exposed to radiation, so that the funds available for each beneficiary was significantly reduced. Second, the Fund became depleted and the $2 million annual payment was terminated in 2003. To continue some level of service under the program, the RMI and the U.S. Congress continued to contribute funds on a discretionary basis until a longer-term solution could be developed. During a trip to the RMI in the summer of 2006, Senate staff met with officials of the RMI Ministry of Health and of the 177 Healthcare Program and outlined a possible new approach for supplemental health care. Instead of providing benefits to a pool of enrolled beneficiaries, the funding would be targeted geographically to support a primary care clinic in each of the affected communities. This approach has the advantage of assuring primary health care in these remote outer island communities and of avoiding the problem of over-subscription of the program in the urban centers where hospital facilities are available.

Section 4 of the bill would authorize $2 million annually through 2023 for the continuation of this approach of supporting health care clinics in the outer island communities most affected by the tests. I believe that this proposal is an appropriate place to continue the discussion with the RMI and U.S. officials on how supplemental health care assistance to the RMI could most effectively be used in the future to meet the needs of affected communities.

Impact Assessment: Underlying the debate between the U.S. and the RMI regarding compensation for injuries resulting from the testing program is a fundamental dispute over the extent of the affected area. The U.S. believes that the effects were practically limited to the four northern atolls of Rongelap, Utrik, Bikini, and Enewetak. However, the RMI and the Nuclear Claims Tribunal took the position that all 1958 residents of the RMI would be eligible to file claims for injuries resulting from the tests. Section 5 of the bill is intended to resolve this dispute by having the National Academy of Sciences conduct an assessment of the health impacts of the testing program.

It is my intention to hold a hearing on the bill later this year. I look forward to continuing to work with President Note, my colleagues, and the administration on these proposals to respond, in part, to the legacy of our Nation's nuclear testing program in the Islands.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2007".

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(B) CONTINUED MONITORING ON RUNIT ISLAND.—

"(i) IN GENERAL.—Effective beginning January 1, 2008, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) survey radiological conditions on Runit Island.

"(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that describes the results of each survey conducted under clause (i), including any significant changes in conditions on Runit Island.".

SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384*l*) is amended by adding at the end the following:

"(18) The terms 'covered employee', 'atomic weapons employee', and 'Department of Energy contractor employee' (as defined in paragraphs (1), (3), and (11), respectively) include a citizen of the Trust Territory of the Pacific Islands who is otherwise covered by that paragraph.".

(b) DEFINITION OF COVERED DOE CONTRACTOR EMPLOYEE.—Section 3671(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(1)) is amended by inserting before the period at the end the following: ", including a citizen of the Trust Territory of the Pacific Islands who is otherwise covered by this paragraph".

(c) COORDINATION OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.—Subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s et seq.) is amended by inserting after section 3682 (42 U.S.C. 7385s–11) the following:

"SEC. 3682a. COORDINATION OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.

"(a) DEFINITION OF COMPACT OF FREE ASSOCIATION.—In this section, the term 'Compact of Free Association' means—

"(1) the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note); and

"(2) the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note).

"(b) COORDINATION.—Subject to subsection (c), an individual who has been awarded compensation under this subtitle, and who has also received compensation benefits under the Compact of Free Association by reason of the same covered illness, shall receive the compensation awarded under this subtitle reduced by the amount of any compensation benefits received under the Compact of Free Association, other than medical benefits and benefits for vocational rehabilitation that the individual received by reason of the covered illness, after deducting the reasonable costs (as determined by the Secretary) of obtaining those benefits under the Compact of Free Association.

"(c) WAIVER.—The Secretary may waive the application of subsection (b) if the Secretary determines that the administrative costs and burdens of applying subsection (b) to a particular case or class of cases justifies the waiver.".

SEC. 4. FOUR ATOLL HEALTH CARE PROGRAM.

Section 103(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amended by adding at the end the following:

"(4) SUPPLEMENTAL HEALTH CARE FUNDING.—

"(A) IN GENERAL.—In addition to amounts provided under section 211 of the U.S.-RMI Compact (48 U.S.C. 1921 note), the Secretary of the Interior shall annually use the amounts made available under subparagraph (B) to supplement health care in the communities affected by the nuclear testing program of the United States, including capital and operational support of outer island primary healthcare facilities of the Ministry of Health of the Republic of the Marshall Islands in the communities of—

"(i) Enewetak Atoll,

"(ii) Kili (until the resettlement of Bikini);

"(iii) Majetto Island in Kwajalein Atoll (until the resettlement of Rongelap Atoll); and

"(iv) Utrik Atoll.

"(B) FUNDING.—As authorized by section 105(c), there is appropriated to the Secretary of the Interior, out of funds in the Treasury not otherwise appropriated, to carry out this paragraph $2,000,000 for each of fiscal years 2007 through 2023, as adjusted for inflation in accordance with section 218 of the U.S.-FSM Compact and the U.S.-RMI Compact, to remain available until expended.".

SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—The Secretary of the Interior shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct an assessment of the health impacts of the United States nuclear testing program conducted in the Republic of the Marshall Islands on the residents of the Republic of the Marshall Islands.

(b) REPORT.—On completion of the assessment under subsection (a), the National Academy of Sciences shall submit to Congress, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report on the results of the assessment.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr. KENNEDY (for himself, Mr. HARKIN, and Mr. DODD):

S. 1758. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, I rise today to introduce the Community Living Assistance Services and Supports Act, the CLASS Act. This important piece of legislation builds on the promise and possibilities of the Americans with Disabilities Act by helping the large numbers of Americans who struggle every day to live productive lives in their communities.

Too many Americans are perfectly capable of living a life in the community, but are denied the supports they need.

They languish in needless circumstances with no choice about how or where to obtain these services.

Too often, they have to give up the American Dream, the dignity of a job, a home, and a family, so they can qualify for Medicaid, the only program that will support them.

The bill we propose is a long overdue effort to offer greater dignity, greater hope, and greater opportunity.

It makes a simple pact with all Americans—"If you work hard and contribute, society will take care of you when you fall on hard times."

The concept is clear, everyone can contribute and everyone can win. We all benefit when no one is left behind.

For only $30 a month, a person who pays into the program will receive either $50 or $100 a day, based on their ability to carry out basic daily activities.

They themselves will decide how this assistance will be spent, on transportation so they can stay employed, or on a ramp to make their home more accessible, or to cover the cost of a personal care attendant or a family caregiver.

It will help keep families together, instead of being torn apart by obstacles that discourage them from staying at home.

The bill will strengthen job opportunities for people with disabilities at a time when 70 percent are unemployed. They have so much to contribute and the bill will help them do it.

It will save on the mushrooming health care costs for Medicaid, the Nation's primary insurer of long-term care services, which also forces beneficiaries to give up their jobs and live in poverty before they become eligible for assistance.

The CLASS Act is a hopeful new approach to restoring independence and choice for millions of these persons and enabling them to take greater control of their lives.

It is time to respect the rights and dignity of all Americans, and I look forward to working with my colleagues to see this bill enacted into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 266—MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 266

Resolved, That the following be the minority membership on the following committees for the remainder of the 110th Congress, or until their successors are appointed:

The Committee on Energy and Natural Resources: Mr. Domenici, Mr. Craig, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Barrasso, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez;

The Committee on Environment and Public Works: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Barrasso, Mr. Craig, Mr. Alexander and Mr. Bond;

The Committee on Finance: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Smith, Mr. Bunning, Mr. Crapo, Mr. Roberts and Mr. Ensign;

The Committee on Indian Affairs: Ms. Murkowski, Mr. McCain, Mr. Coburn, Mr. Barrasso, Mr. Domenici, Mr. Smith and Mr. Burr.

SENATE RESOLUTION 267—HONORING THE LIFE OF RENOWNED PAINTER AND WRITER TOM LEA ON THE 100TH ANNIVERSARY OF HIS BIRTH AND COMMENDING THE CITY OF EL PASO FOR RECOGNIZING JULY 2007 AS "TOM LEA MONTH"

Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 267

Whereas Tom Lea was born on July 11, 1907 in El Paso, Texas;

Whereas Tom Lea attended El Paso public schools before continuing his education at the Art Institute of Chicago and working as an apprentice to muralist John Warner Norton;

Whereas Tom Lea painted Texas Centennial murals at the Dallas State Fairgrounds Hall of State in 1936;

Whereas Tom Lea won many commissions for murals from the Section of Fine Arts of the Department of the Treasury, including commissions for "The Nesters" at the Benjamin Franklin Post Office in Washington, D.C.; "Pass of the North" at the Federal Courthouse in El Paso, Texas; "Stampede" at the Post Office in Odessa, Texas; "Comancheros" at the Post Office in Seymour, Texas; and "Back Home, April 1865" at the Post Office in Pleasant Hill, Missouri;

Whereas Tom Lea was an accredited World War II artist correspondent for Life magazine who traveled over 100,000 miles with United States military forces and reported from places such as the North Atlantic, China, and on board the Hornet in the South Pacific;

Whereas Tom Lea landed with the First Marines at Peleliu;

Whereas many of the war paintings of Tom Lea are displayed at the United States Army Center for Military History in Washington, D.C. and others have been loaned to exhibitions worldwide;

Whereas Texas A&M University Press plans to publish the war diaries of Tom Lea in 2008;

Whereas Tom Lea wrote and illustrated 4 novels and 2 nonfiction works, including The Brave Bulls (1948) and The Wonderful Country (1952), both of which were adapted as screenplays for motion pictures, and a 2-volume annotated history of the King Ranch;

Whereas Tom Lea excelled at painting portraits for public buildings in Washington, D.C. and at capturing the likenesses of individuals as diverse as Sam Rayburn, Benito Juarez, Claire Chennault, Madame Chiang Kai-shek, and the bullfighter Manolete;

Whereas Tom Lea was honored with numerous awards, including the Navy Distinguished Public Service Award, the United States Marine Corps' Colonel John W. Thomason, Jr. Award, and the National Cowboy and Western Heritage Museum's Great Westerners Award;

Whereas the paintings of Tom Lea hang in the Oval Office of the White House, the Smithsonian American Art Museum, the United States Army Center for Military History, the Dallas Museum of Art, the El Paso Museum of Art, the University of Texas at El Paso, Texas A&M University, and the University of Texas at Austin;

Whereas Tom Lea enjoyed living on the east side of Mount Franklin in El Paso because it was the "side to see the day that is coming, not the side to see the day that is gone"; and

Whereas Tom Lea lived on the east side of Mount Franklin with his wife, Sarah, until he died on January 29, 2001: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of Tom Lea on the 100th anniversary of his birth; and

(2) commends the City of El Paso, Texas for recognizing July 2007 as "Tom Lea Month".

AMENDMENTS SUBMITTED AND PROPOSED

SA 2026. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2027. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2028. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2029. Mr. GREGG (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2030. Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2031. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2032. Mr. HAGEL (for himself, Mr. LEVIN, Ms. SNOWE, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2033. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2034. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2035. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2036. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2037. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2038. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2039. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2040. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2041. Mrs. CLINTON (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2042. Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2043. Mr. DURBIN (for himself, Mr. INHOFE, Mr. INOUYE, Mr. OBAMA, Mr. MENENDEZ, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2044. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2045. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2046. Mrs. CLINTON (for herself, Mr. COLEMAN, and Mr. SANDERS) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2047. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2048. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2049. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2050. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2051. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2052. Mrs. FEINSTEIN (for herself and Mr. SPECTER) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2053. Mr. CONRAD (for himself, Mr. DORGAN, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2054. Mr. LIEBERMAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2055. Mr. LIEBERMAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2056. Mr. HARKIN (for himself, Ms. COLLINS, Mr. KERRY, Ms. KLOBUCHAR, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2057. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2058. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2059. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2060. Mr. SANDERS (for himself, Mr. BYRD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2061. Mr. McCONNELL (for himself, Mr. SALAZAR, Mr. ALLARD, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2062. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2063. Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2064. Mr. GRAHAM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2026. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. EXPANSION AND EXTENSION OF JOINT FAMILY ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) LOCATIONS.—Subsection (b) of section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2273; 10 U.S.C. 1781 note) is amended—

(1) by striking "not more than six"; and

(2) by striking the second sentence.

(b) PERMANENT AUTHORITY.—Such section is further amended by striking subsection (h).

SA 2027. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. REST AND RECUPERATION LEAVE FOR MEMBERS OF THE ARMED FORCES WHOSE PERIOD DEPLOYMENT IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM IS INVOLUNTARILY EXTENDED TO 15 MONTHS.

(a) ADDITIONAL REST AND RECUPERATION LEAVE.—A member of the Armed Forces whose period of deployment to Iraq under Operation Iraqi Freedom, or to Afghanistan under Operation Enduring Freedom, is involuntarily extended from 12 months to 15 months is entitled for the extension of such period of deployment to a period of rest and recuperation of an additional 5 days and round-trip transportation at Government expense from the location of duty in Iraq or Afghanistan, as the case may be, to the nearest port in the 48 contiguous States and return, or to an alternative destination and return at a cost not to exceed the cost of round-trip transportation from such location of duty to such nearest port.

(b) CONSTRUCTION.—Leave to which a member of the Armed Forces is entitled under subsection (a) is in addition to any other leave to which the member is entitled under any other provision of law.

SA 2028. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. CONTINGENCY PLAN FOR RAPID REDEPLOYMENT AND PLAN FOR PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) SUBMITTAL OF PLANS TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive, current plan for each of the following:

(1) The rapid redeployment of United States forces from Iraq.

(2) The phased redeployment of United States forces from Iraq, with such redeployment to be completed not later than 180 days after its commencement.

(b) PLAN ELEMENTS.—Each plan on redeployment under subsection (a) shall include elements as follows:

(1) A comprehensive description of the redeployment as currently proposed.

(2) A comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq during and after the redeployment.

(3) Plans for United States basing rights in the region after the redeployment.

(4) Plans for United States military access to Iraq to protect United States citizens, personnel, and infrastructure in Iraq during and after the redeployment.

(5) Plans for United States and other allied and international assistance to the Government of Iraq during and after the redeployment to support its security needs (including the training and equipping of Iraqi forces) and its economic and humanitarian needs.

(6) Plans for efforts to prevent a refugee flow from Iraq that would destabilize the region.

(7) An estimate of the costs of replacing United States military equipment left in Iraq after the redeployment, or otherwise depleted, including equipment of the regular components of the Armed Forces and equipment of the National Guard.

(8) An estimate of the costs of the redeployment and of any support of the Government of Iraq after the redeployment.

(c) FORM.—Each plan on a redeployment under subsection (a) shall be submitted in both classified and unclassified form in order to permit the complete articulation of the plan.

SEC. 1536. AVAILABILITY OF FUNDS FOR THE SAFE AND ORDERLY REDUCTION OF UNITED STATES FORCES IN IRAQ.

Notwithstanding any other provision of law, funds appropriated or otherwise made available by any Act for the Department of Defense are available for obligation and expenditure to plan and execute a safe and orderly reduction of United States forces in Iraq.

SA 2029. Mr. GREGG (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

"(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

"(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated.

"(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the servicemember by reason of that deployment in determining the best interest of the child.

"(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

"208. Child custody protection.".

SA 2030. Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

SA 2031. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. STUDY ON IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the National Guard and Reserve who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the National Guard and Reserve who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 584. STUDY ON ESTABLISHMENT OF PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF DEPLOYED MEMBERS OF THE NATIONAL GUARD AND RESERVE.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of deployed members of the National Guard and Reserve. The study shall include an assessment of the following:

(1) The effectiveness of a family-to-family support programs in—

(A) providing peer support for families of deployed members of the National Guard and Reserve;

(B) identifying and preventing family problems in such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety; and

(D) improving family readiness and post-deployment transition for such families.

(2) The feasibility and advisability of utilizing spouses of members of the Armed Forces as counselors for families of deployed members of the National Guard and Reserve, in order to assist such families in coping throughout the deployment cycle.

(3) Best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members of the National Guard and Reserve.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a) not later than 180 days after the date of the enactment of this Act.

SA 2032. Mr. HAGEL (for himself, Mr. LEVIN, Ms. SNOWE, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1535. LIMITATION ON LENGTH OF DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.

(a) LIMITATION.—Commencing 120 days after the date of the enactment of this Act, the deployment of a unit or individual of the Armed Forces for Operation Iraqi Freedom shall be limited as follows:

(1) In the case of a unit or individual of the Army (including a unit or individual of the Army National Guard or the Army Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 12 consecutive months.

(2) In the case of a unit or individual of the Marine Corps (including a unit or individual of the Marine Corps Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 7 consecutive months.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to designated key command headquarters personnel or other members of the Armed Forces who are required to maintain continuity of mission and situational awareness between rotating forces.

(c) WAIVER AUTHORITY.—The President may waive the applicability of the limitation in subsection (a) in the event of a requirement for the use of military force in time of national emergency following consultation with the congressional defense committees.

(d) DEPLOYMENT DEFINED.—In this section, the term "deployment" has the meaning given that term in subsection 991(b) of title 10, United States Code.

SA 2033. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

SEC. 106. NATIONAL GUARD AND RESERVE EQUIPMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for National Guard and Reserve Equipment in the amount of $500,000,000, with the amount to be available for equipment reset for the Army National Guard.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $500,000,000, with the amount of the reduction allocated so that—

(1) the amount available for European missile defense is reduced by $225,000,000; and

(2) the amount available for the Airborne Laser is reduced by $275,000,000.

At the end of subtitle E of title III, add the following:

SEC. 358. ASSESSMENT OF THE DEFENSE INDUSTRIAL BASE FOR CRITICAL NATIONAL SECURITY PROGRAMS.

(a) REPORT ON ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting for the assessment of the Secretary of the capacity of the defense industrial base of the United States (including the industrial resource and critical technology production capacity of the defense industrial base) to achieve, during the five-year period beginning on October 1, 2007, each of the following:

(1) To address equipment shortfalls of the National Guard as identified by the National Guard Bureau.

(2) To meet the requirements of the Critical Items List of the commanders in chief of the unified and specified combatant commands and to produce other items within the inventory of weapon systems and defense equipment identified as critical under an assessment conducted pursuant to section 113(i) of title 10, United States Code, or by a Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) in accordance with the Defense Production Act of 1950 (50 U.S.C. App. 2077 et seq.).

(b) RECOMMENDATIONS.—If the assessment required by subsection (a) includes a determination that the industrial resource and critical technology production capacity of the defense industrial base of the United States cannot achieve the matters specified in that subsection, or that the authorities provided by the Defense Production Act of 1950 or other laws are insufficient to address the shortfalls and meet requirements described in that subsection, the report shall include such recommendations as the Secretary considers appropriate for actions, including investments and modifications to the Defense Production Act of 1950, necessary to develop that capacity.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committees on Armed Services and Financial Services of the House of Representatives.

SA 2034. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. MILITARY FAMILY LEAVE.

(a) GENERAL REQUIREMENTS FOR LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(15) QUALIFIED MEMBER.—The term 'qualified member' means a member of the reserve components on active duty for a period of more than 30 days.".

(2) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(E) Because the spouse, son, daughter, or parent of the employee is a qualified member.".

(3) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.".

(4) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by striking "(A), (B), or (C)" and inserting "(A), (B), (C), or (E)".

(5) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR MILITARY FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(1)(E), the employee shall provide such notice as is practicable.".

(6) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR MILITARY FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(1)(E) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

(b) MILITARY FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code; and

"(8) the term 'qualified member' means a member of the reserve components on active duty for a period of more than 30 days.".

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

"(E) Because the spouse, son, daughter, or parent of the employee is a qualified member.".

(3) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.".

(4) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by striking "(A), (B), (C), or (D)" and inserting "(A), (B), (C), (D), or (E)".

(5) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which an employee seeks leave under subsection (a)(1)(E), the employee shall provide such notice as is practicable.".

(6) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(1)(E) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SA 2035. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. CHILD CARE ASSISTANCE FOR MILITARY DEPENDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "There is" and inserting "(a) **in general**.—There is";

(2) in subsection (a), as so designated, by inserting "(except section 658T)" after "this subchapter"; and

(3) by adding at the end the following:

"(b) CHILD CARE FOR CERTAIN MILITARY DEPENDENTS.—There is authorized to be appropriated to carry out section 658T $200,000,000 for each of fiscal years 2008 through 2012.".

(b) CHILD CARE ASSISTANCE.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by adding at the end the following:

"SEC. 658T. CHILD CARE ASSISTANCE FOR MILITARY DEPENDENTS.

"(a) IN GENERAL.—The Secretary shall make grants to eligible spouses to assist the spouses in paying for the cost of child care services provided to dependents by eligible child care providers. In making the grants, the Secretary shall give priority to eligible spouses of qualified members on active duty for a period of more than 6 months.

"(b) DEFINITIONS.—In this section:

"(1) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

"(2) ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.—The term 'active duty for a period of more than 30 days' has the meaning given the term in section 101(d)(2) of title 10, United States Code.

"(3) DEPENDENT.—The term 'dependent' means an individual who is—

"(A) a dependent, as defined in section 401 of title 37, United States Code, except that such term does not include a person described in paragraph (1) or (3) of subsection (a) of such section; and

"(B) an individual described in subparagraphs (A) and (B) of section 658P(4).

"(4) ELIGIBLE SPOUSE.—The term 'eligible spouse' means a person who—

"(A) is a parent of one or more dependents of a qualified member; and

"(B) has the primary responsibility for the care of one or more such dependents.

"(5) QUALIFIED MEMBER.—The term 'qualified member' means a member of the reserve components of the Armed Forces on active duty for a period of more than 30 days.

"(c) APPLICATIONS.—To be eligible to receive a grant under this section, a spouse shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including a description of the eligible child care provider who provides the child care services assisted through the grant.

"(d) RULE.—The provisions of this subchapter, other than section 658P and provisions referenced in section 658P, that apply to assistance provided under this subchapter shall not apply to assistance provided under this section.".

(c) CONFORMING AMENDMENTS.—Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "appropriated under this subchapter" and inserting "appropriated under section 658B(a)"; and

(B) in paragraph (2), by striking "appropriated under section 658B" and inserting "appropriated under section 658(a)"; and

(2) in subsection (b)(1), by striking "appropriated under section 658B" and inserting "appropriated under section 658(a)".

SA 2036. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. PLAN FOR PARTICIPATION OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES IN THE BENEFITS DELIVERY AT DISCHARGE PROGRAM.

(a) PLAN TO MAXIMIZE PARTICIPATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to the benefits delivery at discharge program for members of the reserve components of the Armed Forces who have been called or ordered to active duty at any time since September 11, 2001.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include a description of efforts to ensure that services under the benefits delivery at discharge program are provided, to the maximum extent practicable—

(1) at each military installation;

(2) at each armory and military family support center of the National Guard;

(3) at each military medical care facility at which members of the Armed Forces are separated or discharged from the Armed Forces; and

(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM DEFINED.—In this section, the term "benefits delivery at discharge program" means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

SA 2037. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, add the following:

SEC. 416. INCREASE IN AUTHORIZED VARIANCE IN END STRENGTHS FOR ACTIVE DUTY AND NATIONAL GUARD PERSONNEL PAYABLE FROM FUNDS FOR RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(2) of title 10, United States Code, is amended by striking "2 percent" and inserting "3 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

SA 2038. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 325. CONVEYANCE OF A–12 BLACKBIRD AIRCRAFT TO THE MINNESOTA AIR NATIONAL GUARD HISTORICAL FOUNDATION.

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Minnesota Air National Guard Historical Foundation, Inc. (in this section referred to as the "Foundation"), a non-profit entity located in the State of Minnesota, A–12 Blackbird aircraft with tail number 60–6931 that is under the jurisdiction of the National Museum of the United States Air Force and, as of January 1, 2007, was on loan to the Foundation and display with the 133rd Airlift Wing at Minneapolis-St. Paul International Airport, Minnesota.

(b) CONDITION.—The conveyance required by subsection (a) shall be subject to the requirement that Foundation utilize and display the aircraft described in that subsection for educational and other appropriate public purposes as jointly agreed upon by the Secretary and the Foundation before the conveyance.

(c) RELOCATION OF AIRCRAFT.—As part of the conveyance required by subsection (a), the Secretary shall relocate the aircraft described in that subsection to Minneapolis-St. Paul International Airport and undertake any reassembly of the aircraft required as part of the conveyance and relocation. Any costs of the Secretary under this subsection shall be borne by the Secretary.

(d) MAINTENANCE SUPPORT.—The Secretary may authorize the 133rd Airlift Wing to provide support to the Foundation for the maintenance of the aircraft relocated under subsection (a) after its relocation under that subsection.

(e) REVERSION OF AIRCRAFT.—

(1) REVERSION.—In the event the Foundation ceases to exist, all right, title, and interest in and to the aircraft conveyed under subsection (a) shall revert to the United States, and the United States shall have immediate right of possession of the aircraft.

(2) ASSUMPTION OF POSSESSION.—Possession under paragraph (1) of the aircraft conveyed under subsection (a) shall be assumed by the 133rd Airlift Wing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 2039. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 625. PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR RESERVE MEMBERS SERVING IN COMBAT ZONE FOR MORE THAN 22 MONTHS.

(a) PAYMENT.—The Secretary of a military department may pay assignment incentive pay under section 307a of title 37, United States Code, to a member of a reserve component under the jurisdiction of the Secretary for each month during the eligibility period of the member determined under subsection (b) during which the member served for any portion of the month in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom in excess of 22 months of qualifying service.

(b) ELIGIBILITY PERIOD.—The eligibility period for a member extends from January 1, 2005, through the end of the active duty service of the member in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom if the service on active duty during the member's most recent period of mobilization to active duty began before January 19, 2007.

(c) AMOUNT OF PAYMENT.—The monthly rate of incentive pay payable to a member under this section is $1,000.

(d) QUALIFYING SERVICE.—For purposes of this section, qualifying service includes cumulative mobilized service on active duty under sections 12301(d), 12302, and 12304 of title 10, United States Code, during the period beginning on January 1, 2003, through the end of the member's active duty service during the member's most recent period of mobilization to active duty beginning before January 19, 2007.

SA 2040. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, add the following:

SEC. 416. INCREASE IN AUTHORIZED VARIANCE IN END STRENGTHS FOR ACTIVE DUTY AND NATIONAL GUARD PERSONNEL PAYABLE FROM FUNDS FOR RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(2) of title 10, United States Code, is amended by striking "2 percent" and inserting "3 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

SA 2041. Mrs. CLINTON (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1206. REPORTS ON PLANNING AND IMPLEMENTATION OF UNITED STATES ENGAGEMENT AND POLICY TOWARD DARFUR.

(a) REQUIREMENT FOR REPORTS.—Not later than 120 days after the date of the enactment of this Act and annually thereafter until December 31, 2011, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in Darfur, in eastern Chad, and in north-eastern Central African Republic, and on the contributions of the Department of Defense to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its responsibilities and commitments under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such responsibilities and commitments, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement responsibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) A comprehensive explanation of the policy of the United States to address the crisis in Darfur, including the activities of the Department of Defense in coordination with the Department of State.

(3) A comprehensive assessment of the impact of a no-fly zone for Darfur, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(4) A description of contributions made by the Department of Defense in support of NATO assistance to AMIS and any covered United Nations mission.

(5) An assessment of the extent to which additional resources are necessary to meet the obligations of the United States to AMIS and any covered United Nations mission.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—Each report submitted under this section shall be in an unclassified form, but may include a classified annex.

(2) AVAILABILITY.—The unclassified portion of any report submitted under this section shall be made available to the public.

(d) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2426) is repealed.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED UNITED NATIONS MISSION.—The term "covered United Nations mission" means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

SA 2042. Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an anticipated date for the submittal of the National Intelligence Estimate.

(3) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this subsection using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(A) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(i) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(ii) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(B) to assess other risks posed by global climate change, including increased conflict over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(C) to assess the capabilities of the countries or regions described in clause (i) or (ii) of subparagraph (A) to respond to adverse impacts caused by global climate change; and

(4) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(5) COORDINATION.—In preparing the National Intelligence Estimate under this subsection, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(b) RESPONSE TO THE NATIONAL INTELLIGENCE ESTIMATE.—

(1) REPORT BY THE SECRETARY OF DEFENSE.—Not later than 270 days after the date that the National Intelligence Estimate required by subsection (a) is submitted to Congress, the Secretary of Defense shall submit to the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives a report on—

(A) the projected impact on the military installations and capabilities of the United States of the effects of global climate change as assessed in the National Intelligence Estimate;

(B) the projected impact on United States military operations of the effects of global climate change described in the National Intelligence Estimate; and

(C) recommended research and analysis needed to further assess the impacts on the military of global climate change.

(2) SENSE OF CONGRESS ON THE NEXT QUADRENNIAL DEFENSE REVIEW.—It is the sense of Congress that the Secretary of Defense should address the findings of the National Intelligence Estimate required by subsection (a) regarding the impact of global climate change and potential implications of such impact on the Armed Forces and for the size, composition, and capabilities of Armed Forces in the next Quadrennial Defense Review.

(c) AUTHORIZATION OF RESEARCH.—

(1) IN GENERAL.—The Secretary of Defense is authorized to carry out research on the impacts of global climate change on military operations, doctrine, organization, training, material, logistics, personnel, and facilities and the actions needed to address those impacts. Such research may include—

(A) the use of war gaming and other analytical exercises;

(B) analysis of the implications for United States defense capabilities of large-scale Arctic sea-ice melt and broader changes in Arctic climate;

(C) analysis of the implications for United States defense capabilities of abrupt climate change;

(D) analysis of the implications of the findings derived from the National Intelligence Estimate required under subsection (a) for United States defense capabilities;

(E) analysis of the strategic implications for United States defense capabilities of direct physical threats to the United States posed by extreme weather events such as hurricanes; and

(F) analysis of the existing policies of the Department of Defense to assess the adequacy of the Department's protections against climate risks to United States capabilities and military interests in foreign countries.

(2) REPORT.—Not later than 2 years after the date that the National Intelligence Estimate required by subsection (a) is submitted to Congress, the Secretary of Defense shall submit to Congress a report on the results of the research, war games, and other activities carried out pursuant to paragraph (1).

(d) ASSISTANCE.—

(1) AGENCIES OF THE UNITED STATES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any agency, department, or other entity of the United State Government and such agency, department, or other entity shall provide the assistance requested.

(2) OTHER ENTITIES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any other person or entity.

(3) REIMBURSEMENT.—The Director of National Intelligence is authorized to provide appropriate reimbursement to the head of an agency, department, or entity of the United States Government that provides support requested under paragraph (1) or any other person or entity that provides assistance requested under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary to carry out this subsection.

(e) FORM.—The National Intelligence Estimate required by subsection (a) shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. The National Intelligence Estimate may include a classified annex.

(f) DUPLICATION.—If the Director of National Intelligence determines that a National Intelligence Estimate has been prepared that includes the content required by subsection (a) prior to the date of the enactment of this Act, the Director of National Intelligence shall not be required to produce the National Intelligence Estimate required by such subsection.

SA 2043. Mr. DURBIN (for himself, Mr. INHOFE, Mr. OBAMA, Mr. MENENDEZ, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. NURSE MATTERS.

(a) IN GENERAL.—The Secretary of Defense shall provide for the carrying out of each of the programs described in subsections (b) through (f), with each of the military departments to carry out at least one such program.

(b) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR COMMITMENT TO ADDITIONAL SERVICE IN THE ARMED FORCES.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which covered commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) COVERED OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer on active duty who has served for more than nine years on active duty in the Armed Forces as an officer of the nurse corps at the time of the commencement of the tour of duty described in paragraph (1).

(3) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school or nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving a full-time faculty member of such school.

(4) AGREEMENT FOR ADDITIONAL SERVICE.—Each officer who serves a tour of duty on the faculty of a school of nursing under this subsection shall enter into an agreement with

the Secretary to serve upon the completion of such tour of duty for a period of four years for such tour of duty as a member of the nurse corps of the Armed Force concerned. Any service agreed to by an officer under this paragraph is in addition to any other service required of the officer under law.

(c) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve while on active duty a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school of nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving as a full-time faculty member of such school.

(3) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—(A) Each accredited school of nursing at which an officer serves on the faculty under this subsection shall provide scholarships to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.

(B) The amount of funds made available for scholarships by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be not less than the amount equal to an entry-level full-time faculty member of that school for each year that such officer so serves on the faculty of that school.

(C) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(d) SCHOLARSHIPS FOR CERTAIN NURSE OFFICERS FOR EDUCATION AS NURSES.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which the Secretary provides scholarships to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) who enter into an agreement described in paragraph (4) for the participation of such officers in an educational program of an accredited school of nursing leading to a graduate degree in nursing.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who has served not less than 20 years on active duty in the Armed Forces and is otherwise eligible for retirement from the Armed Forces.

(3) SCOPE OF SCHOLARSHIPS.—Amounts in a scholarship provided a nurse officer under this subsection may be utilized by the officer to pay the costs of tuition, fees, and other educational expenses of the officer in participating in an educational program described in paragraph (1).

(4) AGREEMENT.—An agreement of a nurse officer described in this paragraph is the agreement of the officer—

(A) to participate in an educational program described in paragraph (1); and

(B) upon graduation from such educational program—

(i) to serve not less than two years as a full-time faculty member of an accredited school of nursing; and

(ii) to undertake such activities as the Secretary considers appropriate to encourage current and prospective nurses to pursue service in the nurse corps of the Armed Forces.

(e) TRANSITION ASSISTANCE FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which the Secretary provides to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) the assistance described in paragraph (3) to assist such officers in obtaining and fulfilling positions as full-time faculty members of an accredited school of nursing after retirement from the Armed Forces.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who—

(A) has served an aggregate of at least 20 years on active duty or in reserve active status in the Armed Forces;

(B) is eligible for retirement from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing or a related field which qualifies the nurse officer to discharge the position of nurse instructor at an accredited school of nursing.

(3) ASSISTANCE.—The assistance described in this paragraph is assistance as follows:

(A) Career placement assistance.

(B) Continuing education.

(C) Stipends (in an amount specified by the Secretary).

(4) AGREEMENT.—A nurse officer provided assistance under this subsection shall enter into an agreement with the Secretary to serve as a full-time faculty member of an accredited school of nursing for such period as the Secretary shall provide in the agreement.

(f) BENEFITS FOR RETIRED NURSE OFFICERS ACCEPTING APPOINTMENT AS FACULTY.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which the Secretary provides to any individual described in paragraph (2) the benefits specified in paragraph (3).

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

(B) holds a graduate degree in nursing; and

(C) serves as a full-time faculty member of an accredited school of nursing.

(3) BENEFITS.—The benefits specified in this paragraph shall include the following:

(A) Payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

(B) Payment by the institution of higher education concerned of a salary and other compensation to which other similarly situated faculty members of the institution of higher education would be entitled.

(C) If the amount of pay and other compensation payable by the institution of higher education concerned for service as an associate full-time faculty member is less than the basic pay to which the individual was entitled immediately before retirement from the Armed Forces, payment of an amount equal to the difference between such basic pay and such payment and other compensation.

(g) DEFINITIONS.—In this section, the terms "school of nursing" and "accredited" have the meaning given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SA 2044. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 131, add the following:

(c) SHIPBUILDER TEAMING REQUIREMENTS.—Paragraphs (2)(A), (3), and (4) of section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1648) shall apply in the exercise of authority under subsection (a) to enter into multiyear contracts described in that subsection.

SA 2045. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1215 and insert the following:

SEC. 1215. SENSE OF CONGRESS ON MILITARY ASSISTANCE AND THE RETURN TO DEMOCRATIC RULE IN THAILAND.

(a) FINDINGS.—Congress makes the following findings:

(1) Thailand is an important strategic ally and economic partner of the United States.

(2) The United States strongly supports the prompt restoration of democratic rule in Thailand.

(3) While it is in the interest of the United States to have a robust defense relationship with Thailand, it is appropriate that the United States has curtailed certain military-to-military cooperation and assistance programs until democratic rule has been restored in Thailand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Thailand should continue on the path to restore democratic rule as quickly as possible, and should hold free and fair national elections as soon as possible and no later than December 2007; and

(2) once Thailand has fully reestablished democratic rule, it will be both possible and desirable for the United States to reinstate a full program of military assistance to the Government of Thailand, including programs such as International Military Education and Training (IMET) and Foreign Military Financing (FMF) that were appropriately suspended following the military coup in Thailand in September 2006.

SA 2046. Mrs. CLINTON (for herself, Mr. COLEMAN, and Mr. SANDERS) submitted an amendment intended to be

proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end subtitle F of title VI, add the following new section:

SEC. 683. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) Availability of Postal Benefits.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) Qualified Individual.—In this section, the term "qualified individual" means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) Postal Benefits Described.—

(1) Vouchers.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a "voucher"), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) Qualified mailing.—In this section, the term "qualified mailing" means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) Coordination rule.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) Number of Vouchers.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) Limitations on Use; Duration.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) Regulations.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) Transfers to Postal Service.—

(1) Based on estimates.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) Based on final determination.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) Consultation required.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) Funding.—

(1) Additional amount for military personnel.—The aggregate amount authorized to be appropriated by section 421 for military personnel is hereby increased by $10,000,000.

(2) Availability.—Of the amount authorized to be appropriated by section 421 for military personnel, as increased by paragraph (1), $10,000,000 may be available for postal benefits as provided in this section.

(3) Offset.—The aggregate amount authorized to be appropriated by titles I, II, III, IV (other than the amounts authorized to be appropriated and made available by this subsection), XV, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXVIII is hereby reduced by $10,000,000, with the amount of the reduction to be allocated among such titles in a manner determined appropriate by the Secretary of Defense.

SA 2047. **Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:**

At the end of subtitle D of title VI, add the following:

SEC. 656. ADDITIONAL INDIVIDUALS ELIGIBLE FOR TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS TO ATTEND THE MEMBER'S BURIAL CEREMONIES.

Section 411f(c) of title 37, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following new subparagraphs:

"(D) Any child of the parent or parents of the deceased member who is under the age of 18 years if such child is attending the burial ceremony of the memorial service with the parent or parents and would otherwise be left unaccompanied by the parent or parents.

"(E) The person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who have been designated under such section to direct the disposition of the remains if individual identification had been made."; and

(2) in paragraph (2), by striking "may be provided to—" and all that follows through the end and inserting "may be provided to up to two additional persons closely related to the deceased member who are selected by the person referred to in paragraph (1)(E).".

SA 2048. **Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of title XV, add the following:

SEC. 1535. MODIFICATIONS TO UNITED STATES POLICY IN IRAQ.

(a) Findings.—Congress makes the following findings:

(1) The President and Congress must now focus on developing a viable new strategy in Iraq that the American people can support and that protects and advances United States interests in the Middle East.

(2) Political accommodation in Iraq can only be achieved within a constructive regional framework supported by the international community. The role of the regional and international community must be enhanced.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the primary objective of United States policy on Iraq should be to help achieve Iraqi political accommodation that will begin to move Iraq toward political reconciliation;

(2) the United States Government must refocus its policy, leadership, and resources on directly helping the people of Iraq establish an inclusive political framework to begin to defuse the violence in that country; and

(3) United States policy on Iraq should be one element of a new strategic direction for the United States in the Middle East region that includes—

(A) engaging countries in the Middle East to develop a sustainable and constructive comprehensive regional security framework;

(B) making a renewed commitment to addressing the Arab-Israeli conflict.

(c) Appointment of International Mediator in Iraq.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(d) Phased Redeployment of United States Forces From Iraq.—

(1) Transition of mission.—The Secretary of Defense shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).

(2) Commencement of phased redeployment.—The President shall commence the

phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(A) Protecting diplomatic facilities and citizens of the United States, including members of the Armed Forces.

(B) Serving in roles consistent with customary diplomatic positions.

(C) Training and equipping members of the Iraqi Security Forces.

(D) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may waive the redeployment requirements of this subsection if he submits to Congress a written certification setting forth a detailed justification for the waiver. The certification shall be submitted in unclassified form, but may include a classified annex.

(B) DURATION.—A waiver under subparagraph (A) shall be effective for 90 days beginning on the date of the submittal of the certification under such subparagraph.

(C) RENEWAL.—A waiver under subparagraph (A) may be renewed if, before the end of the expiration of the waiver under subparagraph (B), the President submits to Congress a certification meeting the requirements of subparagraph (A). Any waiver so renewed may be further renewed as provided in this subparagraph.

(e) REPORTING REQUIREMENT.—The President shall include in each report required under section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (50 U.S.C. 1541 note) the following:

(1) A comprehensive update on the diplomatic and political measures undertaken by the President pursuant to this section.

(2) A description of the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under subsection (d).

SA 2049. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, beginning on line 18, strike "the date of the enactment of this subsection" and insert "September 11, 2001".

SA 2050. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. REPORT ON PATIENT SATISFACTION SURVEYS.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing patient satisfaction surveys taking place in Department of Defense inpatient and outpatient settings at military treatment facilities.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) The types of survey questions asked.

(2) How frequently the surveying is conducted.

(3) How often the results are analyzed and reported back to the treatment facilities.

(4) To whom survey feedback is made available.

(5) How best practices are incorporated for quality improvement.

(6) An analysis of the impact and effect of inpatient and outpatient surveys quality improvement and a comparison of patient satisfaction survey programs with patient satisfaction survey programs used by other public and private health care systems and organizations.

(c) USE OF REPORT INFORMATION.—The Secretary shall use information in the report as the basis for a plan for improvements in patient satisfaction surveys at health care at military treatment facilities in order to ensure the provision of high quality healthcare and hospital services in such facilities.

SA 2051. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 536. SATISFACTION OF PROFESSIONAL LICENSURE AND CERTIFICATION REQUIREMENTS BY MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY.

(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF NURSE AIDES REQUIRED UNDER MEDICARE AND MEDICAID PROGRAMS.—

(1) MEDICARE.—Section 1819(b)(5)(D) of the Social Security Act (42 U.S.C. 1395i-3(b)(5)(D)) is amended—

(A) by striking "For purposes of" and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), for purposes of"; and

(B) by inserting after clause (i), as added by subparagraph (A), the following new clause:

"(ii) EXCEPTION FOR ACTIVE DUTY MILITARY SERVICE.—For purposes of clause (i), if, since an individual's most recent completion of a training and competency evaluation program, the individual was ordered to active duty in the Armed Forces or was engaged in employment outside the United States essential to the prosecution of a war or to national defense, the 24-consecutive-month period described in clause (i) shall begin on the date on which the individual completes the active duty service or employment. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service or was engaged in such employment.".

(2) MEDICAID.—Section 1919(b)(5)(D) of the Social Security Act (42 U.S.C. 1396r(b)(5)(D)) is amended—

(A) by striking "For purposes of" and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), for purposes of"; and

(B) by inserting after clause (i), as added by subparagraph (A), the following new clause:

"(ii) EXCEPTION FOR ACTIVE DUTY MILITARY SERVICE.—For purposes of clause (i), if, since an individual's most recent completion of a training and competency evaluation program, the individual was ordered to active duty in the Armed Forces or was engaged in employment outside the United States essential to the prosecution of a war or to national defense, the 24-consecutive-month period described in clause (i) shall begin on the date on which the individual completes the active duty service or employment. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service or was engaged in such employment.".

(b) REPORT ON RELIEF FROM REQUIREMENTS FOR NATIONAL GUARD AND RESERVE ON LONG-TERM ACTIVE DUTY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth recommendations for such legislative action as the Secretary considers appropriate (including amendments to the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)) to provide for the exemption or tolling of professional or other licensure or certification requirements for the conduct or practice of a profession, trade, or occupation with respect to members of the National Guard and Reserve who are on active duty in the Armed Forces for an extended period of time.

SA 2052. Mrs. FEINSTEIN (for herself and Mr. SPECTER) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 824.

SA 2053. Mr. CONRAD (for himself, Mr. DORGAN, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. MODIFICATION OF LIMITATIONS ON RETIREMENT OF B-52 BOMBER AIRCRAFT.

(a) MAINTENANCE OF PRIMARY AND BACKUP INVENTORY OF AIRCRAFT.—Subsection (a)(1) of section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2111) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph (C):

"(C) shall maintain in a common configuration a primary aircraft inventory of not less than 63 such aircraft and a backup aircraft inventory of not less than 11 such aircraft.".

(b) NOTICE OF RETIREMENT.—Subsection (b)(1) of such section is amended by striking "until" and all that follows and inserting the following: "until the later of the following:

"(A) The date that is 45 days after the date on which the Secretary of the Air Force submits the report specified in paragraph (2).

"(B) The date of the completion by the Secretary of written notification of such retirement to the congressional defense committees in accordance with established procedures.".

SA 2054. Mr. LIEBERMAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle D of title X, add the following:

SEC. 703. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND FOR FEMALE VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and for female veterans;

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces; and

(3) the efficacy and adequacy of existing mental health treatment programs and services for female veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces.

(2) The need for mental health outreach, prevention, and treatment services specifically for female veterans.

(3) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(4) The access to and efficacy of services and treatment for female members of the Armed Forces who experience post-traumatic stress disorder (PTSD).

(5) The access to and efficacy of services and treatment for female veterans who experience post-traumatic stress disorder.

(6) The availability of services and treatment for female members of the Armed Forces who experienced sexual assault or abuse.

(7) The availability of services and treatment for female veterans who experienced sexual assault or abuse.

(8) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces.

(9) The access to and need for treatment facilities focusing on the mental health care needs of female veterans.

(10) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

SA 2055. Mr. LIEBERMAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION OF SEPARATING MEMBERS OF THE ARMED FORCES BY SECRETARY OF DEFENSE TO STATE VETERANS AGENCIES.

Upon the separation of a member of the Armed Forces from the Armed Forces, the Secretary of Defense shall, upon the consent of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the veteran will first reside after separation.

SA 2056. Mr. HARKIN (for himself, Ms. COLLINS, Mr. KERRY, Ms. KLOBUCHAR, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. FAMILY SUPPORT FOR FAMILIES OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) FAMILY SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense shall enhance and improve current programs of the Department of Defense to provide family support for families of deployed members of the Armed Forces, including deployed members of the National Guard and Reserve, in order to improve the assistance available for families of such members before, during, and after their deployment cycle.

(2) SPECIFIC ENHANCEMENTS.—In enhancing and improving programs under paragraph (1), the Secretary shall enhance and improve the availability of assistance to families of members of the Armed Forces, including members of the National Guard and Reserve, including assistance in—

(A) preparing and updating family care plans;

(B) securing information on health care and mental health care benefits and services and on other community resources;

(C) providing referrals for—

(i) crisis services; and

(ii) marriage counseling and family counseling; and

(D) financial counseling.

(b) POST-DEPLOYMENT ASSISTANCE FOR SPOUSES AND PARENTS OF RETURNING MEMBERS.—

(1) IN GENERAL.—The Secretary of Defense shall provide spouses and parents of members of the Armed Forces, including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of mental health conditions; and

(C) encouraging such members and their families in seeking assistance for such conditions.

(2) INFORMATION ON AVAILABLE RESOURCES.—In providing assistance under paragraph (1), the Secretary shall provide information on local resources for mental health services, family counseling services, or other appropriate services, including services available from both military providers of such services and community-based providers of such services.

(3) TIMING.—The Secretary shall provide resources under paragraph (1) to a member of the Armed Forces approximately six months after the date of the return of such member from deployment.

SEC. 584. SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) ENHANCEMENT OF SUPPORT SERVICES FOR CHILDREN.—The Secretary of Defense shall—

(1) provide information to parents and other caretakers of children, including infants and toddlers, who are deployed members of the Armed Forces to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(2) develop programs and activities to increase awareness throughout the military and civilian communities of the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(3) develop training for early childhood education, child care, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children; and

(4) conduct or sponsor research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORTS.—

(1) REPORTS REQUIRED.—At the end of the 18-month period beginning on the date of the enactment of this Act, and at the end of the 36-month period beginning on that date, the Secretary of Defense shall submit to Congress a report on the services provided under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) An assessment of the extent to which outreach to parents and other caretakers of children, or infants and toddlers, as applicable, of members of the Armed Forces was effective in reaching such parents and caretakers and in mitigating any adverse effects of the deployment of such members on such children or infants and toddlers.

(B) An assessment of the effectiveness of training materials for education, mental health, health, and family support professionals in increasing awareness of their role in assisting families in addressing and mitigating the adverse effects on children, or infants and toddlers, of the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(C) A description of best practices identified for building psychological and emotional resiliency in children, or infants and toddlers, in coping with the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(D) A plan for dissemination throughout the military departments of the most effective practices for outreach, training, and building psychological and emotional resiliency in the children of deployed members.

SA 2057. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

"SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

"(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. The request shall include a copy of the servicemember's military orders.

"(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall, at the election of the contractor—

"(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

"(2) permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

"Sec. 305A. Termination or suspension of contracts for cellular telephone service.".

SA 2058. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of title XV, add the following:

SEC. 1535. MODIFICATIONS TO UNITED STATES POLICY IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The President and Congress must now focus on developing a viable new strategy in Iraq that the American people can support and that protects and advances United States interests in the Middle East.

(2) Political accommodation in Iraq can only be achieved within a constructive regional framework supported by the international community. The role of the regional and international community must be enhanced.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the primary objective of United States policy on Iraq should be to help achieve Iraqi political accommodation that will begin to move Iraq toward political reconciliation;

(2) the United States Government must refocus its policy, leadership, and resources on directly helping the people of Iraq establish an inclusive political framework to begin to defuse the violence in that country; and

(3) United States policy on Iraq should be one element of a new strategic direction for the United States in the Middle East region that includes—

(A) engaging countries in the Middle East to develop a sustainable and constructive comprehensive regional security framework; and

(B) making a renewed commitment to addressing the Arab-Israeli conflict.

(c) APPOINTMENT OF INTERNATIONAL MEDIATOR IN IRAQ.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(d) PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—

(1) TRANSITION OF MISSION.—The Secretary of Defense shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).

(2) COMMENCEMENT OF PHASED REDEPLOYMENT.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(A) Protecting diplomatic facilities and citizens of the United States, including members of the Armed Forces.

(B) Serving in roles consistent with customary diplomatic positions.

(C) Training and equipping members of the Iraqi Security Forces.

(D) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach.

(E) Protecting the territorial integrity of Iraq.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may waive the redeployment requirements of this subsection if he submits to Congress a written certification setting forth a detailed justification for the waiver. The certification shall be submitted in unclassified form, but may include a classified annex.

(B) DURATION.—A waiver under subparagraph (A) shall be effective for 90 days beginning on the date of the submittal of the certification under such subparagraph.

(C) RENEWAL.—A waiver under subparagraph (A) may be renewed if, before the end of the expiration of the waiver under subparagraph (B), the President submits to Congress a certification meeting the requirements of subparagraph (A). Any waiver so renewed may be further renewed as provided in this subparagraph.

(e) REPORTING REQUIREMENT.—The President shall include in each report required under section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (50 U.S.C. 1541 note) the following:

(1) A comprehensive update on the diplomatic and political measures undertaken by the President pursuant to this section.

(2) A description of the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under subsection (d).

SA 2059. Mr. CORNYN submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. PROHIBITION ON AVAILABILITY OF FEDERAL FUNDS TO LOCAL EDUCATIONAL AGENCIES THAT PREVENT ACCESS TO JROTC ON CAMPUSES OF SECONDARY SCHOOLS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 983 the following new section:

"§983a. Local educational agencies that prevent JROTC access on secondary school campuses

"(a) Denial of Funds for Preventing JROTC Access to Campus.—No funds described in subsection (c) may be provided by contract, grant, or cooperative agreement to a local educational agency (or any subelement of that agency) if the Secretary of Defense determines that that agency (or any subelement of that agency) has a policy or practice (regardless of whether implemented) that either prohibits, or in effect prevents—

"(1) the Secretary of a military department from maintaining, establishing or operating a unit of the Junior Reserve Officers' Training Corps (in accordance with chapter 102 of this title and other applicable Federal law) at any secondary school served by that agency; or

"(2) a student at any secondary school served by that agency from enrolling in a unit of the Junior Reserve Officers' Training Corps at another secondary school.

"(b) Exception.—The limitation in subsection (a) shall not apply to any local educational agency (or any subelement of that agency) if the Secretary of Defense determines that the agency (and each secondary school served by that agency) has ceased the policy or practice described in that subsection (a).

"(c) Covered Funds.—The limitation in subsection (a) shall apply to the following:

"(1) Any funds made available to the Department of Defense.

"(2) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

"(3) Any funds made available to the Department of Homeland Security.

"(4) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

"(5) Any funds made available for the Department of Transportation.

"(d) Notice of Determinations.—Whenever the Secretary of Defense makes a determination under subsection (a) or (b), the Secretary—

"(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department or agency the funds of which are subject to the determination, and to Congress; and

"(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the local educational agency (and any subelement of that agency) for contracts and grants.

"(e) Semiannual Notice in Federal Register.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each local educational agency that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a).

"(f) Definitions.—In this section:

"(1) The term 'local educational agency' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(2) The term 'secondary school' has the meaning that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).".

(2) Clerical Amendment.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 983 the following new item:

"983a. Local educational agencies that prevent JROTC access on secondary school campuses.".

(b) Effective Date.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to funds available for fiscal years beginning on or after that date.

SA 2060. Mr. SANDERS (for himself, Mr. BYRD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. PROGRAM OF RESEARCH ON DIAGNOSIS AND TREATMENT OF ILLNESSES INCURRED IN THE PERSIAN GULF WAR.

(a) Program Required.—

(1) In General.—The Army Medical Research and Materiel Command shall carry out, as part of its Medical Research Program, a program of research on the diagnosis and treatment of illnesses incurred by members of the Armed Forces during service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(2) Designation.—The program required by this section shall be known as the "Gulf War Veterans' Illnesses Research Program".

(3) Purpose.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as "Gulf War Illnesses (GWI)", including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(b) Program Activities.—Activities under the program required by this section shall include the following:

(1) Research activities on the chronic effects of exposures to neurotoxins associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War, body functions underlying illnesses associated with exposure to such neurotoxins, and the identification of treatments for such illnesses.

(2) Pilot studies of treatments for the complex of symptoms described in subsection (a)(3) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot studies, in the conduct of which treatments and trials—

(A) highest priority shall be afforded to studies and trials to identify and develop effective biological markers and treatments for such complex of symptoms;

(B) secondary priority shall be afforded to studies and trials that identify biological mechanisms underlying such complex of symptoms and can lead to the identification and development of such markers; and treatments; and

(C) no study shall be conducted on a psychiatric or psychological basis for such complex of symptoms (as is consistent with current research findings).

(c) Solicitation and Evaluation of Program Activities.—

(1) Solicitation.—In providing for the conduct of activities under the program required by this section, the Army Medical Research and Materiel Command shall distribute broad solicitations and announcements of requests for proposals for such activities among governmental and non-governmental entities.

(2) Peer Review.—In selecting activities to be conducted under the program, the Army Medical Research and Materiel Command shall utilize a peer review process for the identification of activities having the most substantial scientific merit.

(3) Utilization of Expert Services.—In preparing solicitations and announcements under paragraph (1), and in conducting peer review under paragraph (2), the Army Medical Research and Materiel Command shall, to the extent practicable, utilize the services of individuals with recognized expertise in the complex of symptoms described in subsection (a)(3).

(d) Consultation.—The Army Medical Research and Materiel Command shall carry out the program required by this section in close consultation with the advisory committee established under section 707(b) of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note).

(e) Funding.—

(1) Additional Amount for Defense Health Program.—The amount authorized to be appropriated by section 1403 for Defense Health Program is hereby increased by $30,000,000.

(2) Availability.—Of the amount authorized to be appropriated by section 1403 for Defense Health Program, as increased by paragraph (1), $30,000,000 may be available for the program required by this section.

SA 2061. Mr. McCONNELL (for himself, Mr. SALAZAR, Mr. ALLARD, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 470, after the table following line 22, add the following:

SEC. 2406. MUNITIONS DEMILITARIZATION FACILITIES, BLUE GRASS ARMY DEPOT, KENTUCKY, AND PUEBLO CHEMICAL ACTIVITY, COLORADO.

(a) Increase in Amount for Construction of Munitions Demilitarization Facility, Blue Grass Army Depot, Kentucky.—The amount authorized to be appropriated by section 2403(14) for the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, is hereby increased by $17,300,000.

(b) Increase in Amount for Construction of Munitions Demilitarization Facility, Pueblo Chemical Activity, Colorado.—The amount authorized to be appropriated by section 2403(13) for the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, is hereby increased by $32,000,000.

(c) Offset.—The total amount authorized to be appropriated by this Act (excluding the amounts authorized to be appropriated by paragraphs (13) and (14) of section 2403, as amended by subsections (b) and (a), respectively) is hereby reduced by $49,300,000, with the amount of the reduction to be allocated to amounts available for purposes other than chemical demilitarization.

(d) DEADLINE FOR DESTRUCTION OF CHEMICAL AGENTS AND MUNITIONS STOCKPILE.—

(1) DEADLINE.—Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the entire United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(2) REPORT.—

(A) IN GENERAL.—Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this subsection.

(B) PARTIES RECEIVING REPORT.—The parties referred to in paragraph (1) are the Speaker of the House of the Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(C) CONTENT.—Each report submitted under subparagraph (A) shall include the updated and projected annual funding levels necessary to achieve full compliance with this subsection. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(3) CHEMICAL WEAPONS CONVENTION DEFINED.—In this subsection, the term "Chemical Weapons Convention" means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103-21).

(4) APPLICABILITY; RULE OF CONSTRUCTION.—This subsection shall apply to fiscal year 2008 and each fiscal year thereafter, and shall not be modified or repealed by implication.

SA 2062. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. MODIFICATION OF AUTHORITIES ON COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL REPORT.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 50 U.S.C. 2301 note) is amended by striking "June 30, 2007" and inserting "November 30, 2008".

(b) COORDINATION OF WORK WITH DEPARTMENT OF HOMELAND SECURITY.—Section 1404 of such Act is amended by adding at the end the following new subsection:

"(c) COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY.—The Commission and the Secretary of Homeland Security shall jointly ensure that the work of the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against such attack, is coordinated with Department of Homeland Security efforts on such matters.".

(c) FUNDING FOR FISCAL YEAR 2008.—Of the amounts authorized to be appropriated for the Department of Defense by this division, $5,600,000 may be available for the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack during fiscal year 2008.

SA 2063. Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

Subtitle D—Implementation of Iraq Study Group Recommendations

SEC. 1541. SHORT TITLE.

This subtitle may be cited as the "Iraq Study Group Recommendations Implementation Act of 2007".

SEC. 1542. FINDINGS.

Congress makes the following findings:

(1) On March 15, 2006, the Iraq Study Group was created at the request of a bipartisan group of members of Congress.

(2) The United States Institute of Peace was designated as the facilitating organization for the Iraq Study Group with the support of the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the James A. Baker III Institute for Public Policy at Rice University.

(3) The Iraq Study Group was composed of a bipartisan group of senior individuals who have had distinguished careers in public service. The Group was co-chaired by former Secretary of State James A. Baker, III and former chairman of the House Foreign Affairs Committee Lee H. Hamilton, and the other members were former Secretary of State Lawrence S. Eagleburger; Vernon E. Jordan, Jr, the Senior Managing Director of Lazard, Freres and Company; former Attorney General Edwin Meese III; former Supreme Court Associate Justice Sandra Day O'Connor; former White House Chief of Staff Leon E. Panetta; former Secretary of Defense William J. Perry; United States Senator Charles S. Robb; and United States Senator Alan K. Simpson.

(4) On June 15, 2006, President George W. Bush signed into law the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234), which provided $1,000,000 to the United States Institute of Peace for activities in support of the Iraq Study Group.

(5) The Iraq Study Group consulted nearly 200 leading officials and experts, including the senior members of the Government of Iraq, the United States Government, and key coalition partners and received advice from more than 50 distinguished scholars and experts from a variety of fields who conducted working groups in the areas of economy and reconstruction, military and security, political development, and the strategic environment in Iraq and the Middle East.

(6) While the Iraq Study Group recommended shifting the primary mission of United States military forces in Iraq from combat to training, and while the Iraq Study Group described actions and conditions that could allow for a redeployment of troops not necessary for force protection out of Iraq by the first quarter of 2008, the Iraq Study Group did not set a fixed timetable for withdrawal and said it could support a short-term redeployment of United States combat forces, complemented by comprehensive political, economic, and diplomatic efforts, to stabilize Baghdad or to speed up the mission of training and equipping Iraqis if the United States commander in Iraq determines that such steps would be effective.

(7) The report of the Iraq Study Group includes a letter from the co-chairs of the Iraq Study Group, James A. Baker, III and Lee H. Hamilton, which states, "Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support."

(8) The Republicans and Democrats who comprised the Iraq Study Group reached compromise and consensus and unanimously concluded that their recommendations offer a new way forward for the United States in Iraq and the region, and are comprehensive and need to be implemented in a coordinated fashion.

SEC. 1543. SENSE OF CONGRESS ON IMPLEMENTATION OF IRAQ STUDY GROUP RECOMMENDATIONS.

It is the sense of Congress that the President and Congress should agree that the way forward in Iraq is to implement the comprehensive set of recommendations of the Iraq Study Group, particularly those specifically described in this Act, and the President should formulate a comprehensive plan to do so.

SEC. 1544. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ.

It is the sense of Congress that, consistent with the recommendations of the Iraq Study Group, the United States Government should—

(1) establish a "New Diplomatic Offensive" to deal with the problems of Iraq and of the region;

(2) support the unity and territorial integrity of Iraq;

(3) encourage other countries in the region to stop the destabilizing interventions and actions of Iraq's neighbors;

(4) secure the borders of Iraq, including through the use of joint patrols with neighboring countries;

(5) prevent the expansion of the instability and conflict beyond the borders of Iraq;

(6) promote economic assistance, commerce, trade, political support, and, if possible, military assistance for the Government of Iraq from non-neighboring Muslim nations;

(7) energize the governments of other countries to support national political reconciliation in Iraq;

(8) encourage the governments of other countries to validate the legitimate sovereignty of Iraq by resuming diplomatic relations, where appropriate, and reestablishing embassies in Baghdad;

(9) assist the Government of Iraq in establishing active working embassies in key capitals in the region;

(10) help the Government of Iraq reach a mutually acceptable agreement on the future of Kirkuk;

(11) assist the Government of Iraq in achieving certain security, political, and economic milestones, including better performance on issues such as national reconciliation, equitable distribution of oil revenues, and the dismantling of militias;

(12) encourage the holding of a meeting or conference in Baghdad, supported by the United States and the Government of Iraq, of the Organization of the Islamic Conference or the Arab League, both to assist the Government of Iraq in promoting national reconciliation in Iraq and to reestablish their diplomatic presence in Iraq;

(13) seek the creation of the Iraq International Support Group to assist Iraq in ways the Government of Iraq would desire, attempting to strengthen Iraq's sovereignty;

(14) engage directly with the Governments of Iran and Syria in order to obtain their commitment to constructive policies toward Iraq and other regional issues;

(15) provide additional political, economic, and military support for Afghanistan including resources that might become available as United States combat forces are redeployed from Iraq;

(16) remain in contact with the Iraqi leadership, conveying the clear message that there must be action by the Government of Iraq to make substantial progress toward the achievement of the milestones described in section 1551, and conveying in as much detail as possible the substance of these exchanges in order to keep the American people, the Iraqi people, and the people of countries in the region well informed of progress in these areas;

(17) make clear the willingness of the United States Government to continue training, assistance, and support for Iraq's security forces, and to continue political, military, and economic support for the Government of Iraq until Iraq becomes more capable of governing, defending, and sustaining itself;

(18) make clear that, should the Government of Iraq not make substantial progress toward the achievement of the milestones described in section 1551, the United States shall reduce its political, military, or economic support for the Government of Iraq;

(19) make clear that the United States Government does not seek to establish permanent military bases in Iraq;

(20) restate that the United States Government does not seek to control the oil resources of Iraq;

(21) make active efforts to engage all parties in Iraq, with the exception of al Qaeda;

(22) encourage dialogue between sectarian communities and press religious leaders inside and outside of Iraq to speak out on behalf of peace and reconciliation;

(23) support the presence of neutral international experts as advisors to the Government of Iraq on the processes of disarmament, demobilization, and reintegration of militias and other armed groups not under the control of the Government of Iraq; and

(24) ensure that reconstruction efforts in Iraq consist of great involvement by and with international partners that actively participate in the design and construction of projects.

SEC. 1545. STATEMENT OF POLICY ON SECURITY AND MILITARY FORCES.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) gives the highest priority to the training, equipping, advising, and support for security and military forces in Iraq and to supporting counterterrorism operations in Iraq; and

(2) supports the providing of more and better equipment for the Iraqi Army by encouraging the Government of Iraq to accelerate its requests under the Foreign Military Sales program and, as United States combat brigades redeploy from Iraq, provides for the transfer of certain United States military equipment to Iraqi forces.

SEC. 1546. STATEMENT OF POLICY ON STRENGTHENING THE UNITED STATES MILITARY.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the Secretary of Defense to build healthy relations between the civilian and military sectors, by creating an environment where senior military leaders feel free to offer independent advice to the civilian leadership of the United States Government;

(2) emphasizes training and education programs for the forces that have returned to the United States in order to restore the United States Armed Forces to a high level of readiness for global contingencies;

(3) provides sufficient funds to restore military equipment to full functionality over the next 5 years; and

(4) assesses the full future budgetary impact of the war in Iraq and its potential impact on—

(A) the future readiness of United States military forces;

(B) the ability of the United States Armed Forces to recruit and retain high-quality personnel;

(C) needed investments in military procurement and in research and development; and

(D) the budgets of other Federal agencies involved in the stability and reconstruction effort in Iraq.

SEC. 1547. STATEMENT OF POLICY ON POLICE AND CRIMINAL JUSTICE IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) transfers the Iraqi National Police to the Ministry of Defense, where the police commando units will become part of the new Iraqi Army;

(2) transfers the Iraqi Border Police to the Ministry of Defense, which would have total responsibility for border control and external security;

(3) establishes greater responsibility for the Iraqi Police Service to conduct criminal investigations and expands its cooperation with other elements in the judicial system in Iraq in order to better control crime and protect Iraqi civilians;

(4) establishes a process of organizational transformation, including efforts to expand the capability and reach of the current major crime unit, to exert more authority over local police forces, and to give sole authority to the Ministry of the Interior to pay police salaries and disburse financial support to local police;

(5) proceeds with efforts to identify, register, and control the Facilities Protection Service;

(6) directs the Department of Defense to continue its mission to train Iraqi National Police and the Iraqi Border Police, which shall be placed within the Iraqi Ministry of Defense;

(7) directs the Department of Justice to proceed with the mission of training the police forces remaining under the Ministry of the Interior;

(8) provides for funds from the Government of Iraq to expand and upgrade communications equipment and motor vehicles for the Iraqi Police Service;

(9) directs the Attorney General to lead the work of organizational transformation in the Ministry of the Interior and creates a strategic plan and standard administrative procedures, codes of conduct, and operational measures for Iraqis; and

(10) directs the Attorney General to establish courts, train judges, prosecutors, and investigators, and create strongly supported and funded institutions and practices in Iraq to fight corruption.

SEC. 1548. STATEMENT OF POLICY ON OIL SECTOR IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides technical assistance in drafting legislation to implement the February 27, 2007, agreement by Iraq's Council of Ministers on principles for the equitable sharing of oil resources and revenues;

(2) encourages the Government of Iraq to accelerate contracting for the comprehensive oil well work-overs in the southern fields needed to increase oil production, while ensuring that the United States no longer funds such infrastructure projects;

(3) supports the Iraqi military and private security forces in their efforts to protect oil infrastructure and contractors;

(4) implements metering at both ends of the oil supply line to immediately improve accountability in the oil sector;

(5) in conjunction with the International Monetary Fund, encourages the Government of Iraq to reduce subsidies in the energy sector;

(6) encourages investment in Iraq's oil sector by the international community and by international energy companies;

(7) assists Iraqi leaders to reorganize the national oil industry as a commercial enterprise, in order to enhance efficiency, transparency, and accountability;

(8) encourages the Government of Iraq to post all oil contracts, volumes, and prices on the Internet so that Iraqis and outside observers can track exports and export revenues;

(9) supports the efforts of the World Bank to ensure that best practices are used in contracting; and

(10) provides technical assistance to the Ministry of Oil for enhancing maintenance, improving the payments process, managing cash flows, improving contracting and auditing, and updating professional training programs for management and technical personnel.

SEC. 1549. STATEMENT OF POLICY ON IMPROVING ASSISTANCE PROGRAMS IN IRAQ.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides for the United States to take the lead in funding assistance requests from the United Nations High Commissioner for Refugees and other humanitarian agencies;

(2) creates a new Senior Advisor for Economic Reconstruction in Iraq reporting to the President, with the authority to bring interagency unity of effort to the policy, budget, and implementation of economic reconstruction programs in Iraq and the authority to serve as the principal point of contact with United States partners in the overall reconstruction effort;

(3) gives the chief of mission in Iraq the authority to spend significant funds through a program structured along the lines of the Commander's Emergency Response Program, with the authority to rescind funding from programs and projects—

(A) in which the Government of Iraq is not demonstrating effective partnership; or

(B) that do not demonstrate substantial progress toward achievement of the milestones described in section 1551;

(4) authorizes and implements a more flexible security assistance program for Iraq, breaking down the barriers to effective interagency cooperation; and

(5) grants authority to merge United States assistance with assistance from international donors and Iraqi participants for the purpose of carrying out joint assistance projects.

SEC. 1550. STATEMENT OF POLICY ON BUDGET PREPARATION, PRESENTATION, AND REVIEW.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the President to include the costs for the war in Iraq in the annual budget request;

(2) directs the Secretary of State, the Secretary of Defense, and the Director of National Intelligence to provide United States military and civilian personnel in Iraq the highest possible priority in obtaining professional language proficiency and cultural training;

(3) directs the United States Government to provide for long-term training for Federal agencies that participate in complex stability operations like those in Iraq and Afghanistan;

(4) creates training for United States Government personnel to carry out civilian tasks associated with complex stability operations; and

(5) directs the Director of National Intelligence and the Secretary of Defense to devote greater analytic resources to understanding the threats and sources of violence in Iraq and institute immediate changes in the collection of data and violence and the sources of violence to provide a more accurate picture of events on the ground in Iraq.

SEC. 1551. CONDITIONS FOR CONTINUED UNITED STATES SUPPORT IN IRAQ.

(a) IN GENERAL.—It shall be the policy of the United States to condition continued United States political, military and economic support for Iraq upon the demonstration by the Government of Iraq of sufficient political will and the making of substantial progress toward achieving the milestones described in subsection (b), and to base the decision to transfer command and control over Iraqi security forces units from the United States to Iraq in part upon such factors.

(b) MILESTONES.—The milestones referred to in subsection (a) are the following:

(1) Promptly establishing a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq.

(2) Enacting legislation or establishing other mechanisms to revise the de-Baathification laws in Iraq to encourage the employment in the Government of Iraq of qualified professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime.

(3) Enacting legislation or establishing other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner.

(4) Holding free and fair provincial elections in Iraq at the earliest date practicable.

(5) Enacting legislation or establishing other mechanisms to ensure the rights of women and the rights of all minority communities in Iraq are protected.

SEC. 1552. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

It is the sense of Congress that—

(1) with the implementation of the policies specified in sections 1545 through 1551 and the engagement in the increased diplomatic efforts specified in section 1544, and as additional Iraqi brigades are being deployed, and subject to unexpected developments in the security situation on the ground, all United States combat brigades not necessary for force protection could be redeployed from Iraq by the first quarter of 2008, except for those that are essential for—

(A) protecting United States and coalition personnel and infrastructure;

(B) training, equipping, and advising Iraqi forces;

(C) conducting targeted counterterrorism operations;

(D) search and rescue; and

(E) rapid reaction and special operations; and

(2) the redeployment should be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

SEC. 1553. REPORT ON POLICY IMPLEMENTATION.

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the actions that have been taken to implement the policies specified in sections 1544 through 1551.

SA 2064. Mr. GRAHAM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1023.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 10, 2007, at 10 a.m. in order to conduct a hearing titled "FEMA's Project Worksheets: addressing a prominent obstacle to the gulf coast rebuilding."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on community services and supports for people with disabilities during the session of the Senate on Tuesday, July 10, 2007, at 10 a.m. in room 106 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, July 10, 2007, at 2:30 p.m. in order to conduct a hearing entitled, "From Warehouse to Warfighter: an update on supply chain management at DoD."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality be authorized to meet during the session of the Senate on Tuesday, July 10, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Lessons Learned from Chemical Safety Board (CSB) Investigations including Texas City, TX."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy LTC Fitzhugh Lee, be granted floor privileges during the first session of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that my Defense fellow, Mr. Rob Elliott, be given full floor privileges for the remainder of the debate on the fiscal year 2008 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Jill Antonishak, a fellow in Senator HARKIN's office, be granted floor privileges for the duration of consideration of H.R. 1585, the National Defense Authorization Act for 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Nicholas Greenway and Eugene Lipkin, interns in Senator WARNER's office, be granted floor privileges for the period July 10 through August 3, 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I ask unanimous consent that Mark Paolicelli, a fellow on my staff, be granted the privilege of the floor for the duration of consideration of the fiscal year 2008 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MINORITY PARTY APPOINTMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 266, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 266) making minority party appointments for the 110th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 266) was agreed to, as follows:

S. RES. 266

Resolved, That the following be the minority membership on the following committees for the remainder of the 110th Congress, or until their successors are appointed:

The Committee on Energy and Natural Resources: Mr. Domenici, Mr. Craig, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Barrasso, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez;

The Committee on Environment and Public Works: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Barrasso, Mr. Craig, Mr. Alexander and Mr. Bond;

The Committee on Finance: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Smith, Mr. Bunning, Mr. Crapo, Mr. Roberts and Mr. Ensign;

The Committee on Indian Affairs: Ms. Murkowski, Mr. McCain, Mr. Coburn, Mr. Barrasso, Mr. Domenici, Mr. Smith and Mr. Burr.

HONORING TOM LEA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 267, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 267) honoring the life of renowned painter and writer Tom Lea on the 100th anniversary of his birth and commending the City of El Paso for recognizing July 2007 as "Tom Lea Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 267) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 267

Whereas Tom Lea was born on July 11, 1907 in El Paso, Texas;

Whereas Tom Lea attended El Paso public schools before continuing his education at the Art Institute of Chicago and working as an apprentice to muralist John Warner Norton;

Whereas Tom Lea painted Texas Centennial murals at the Dallas State Fairgrounds Hall of State in 1936;

Whereas Tom Lea won many commissions for murals from the Section of Fine Arts of the Department of the Treasury, including commissions for "The Nesters" at the Benjamin Franklin Post Office in Washington, D.C.; "Pass of the North" at the Federal Courthouse in El Paso, Texas; "Stampede" at the Post Office in Odessa, Texas; "Comancheros" at the Post Office in Seymour, Texas; and "Back Home, April 1865" at the Post Office in Pleasant Hill, Missouri;

Whereas Tom Lea was an accredited World War II artist correspondent for Life magazine who traveled over 100,000 miles with United States military forces and reported from places such as the North Atlantic, China, and on board the Hornet in the South Pacific;

Whereas Tom Lea landed with the First Marines at Peleliu;

Whereas many of the war paintings of Tom Lea are displayed at the United States Army Center for Military History in Washington, D.C. and others have been loaned to exhibitions worldwide;

Whereas Texas A&M University Press plans to publish the war diaries of Tom Lea in 2008;

Whereas Tom Lea wrote and illustrated 4 novels and 2 nonfiction works, including The Brave Bulls (1948) and The Wonderful Country (1952), both of which were adapted as screenplays for motion pictures, and a 2-volume annotated history of the King Ranch;

Whereas Tom Lea excelled at painting portraits for public buildings in Washington, D.C. and at capturing the likenesses of individuals as diverse as Sam Rayburn, Benito Juarez, Clairé Chennault, Madame Chiang Kai-shek, and the bullfighter Manolete;

Whereas Tom Lea was honored with numerous awards, including the Navy Distinguished Public Service Award, the United States Marine Corps' Colonel John W. Thomason, Jr. Award, and the National Cowboy and Western Heritage Museum's Great Westerners Award;

Whereas the paintings of Tom Lea hang in the Oval Office of the White House, the Smithsonian American Art Museum, the United States Army Center for Military History, the Dallas Museum of Art, the El Paso Museum of Art, the University of Texas at El Paso, Texas A&M University, and the University of Texas at Austin;

Whereas Tom Lea enjoyed living on the east side of Mount Franklin in El Paso because it was the "side to see the day that is coming, not the side to see the day that is gone"; and

Whereas Tom Lea lived on the east side of Mount Franklin with his wife, Sarah, until he died on January 29, 2001: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of Tom Lea on the 100th anniversary of his birth; and

(2) commends the City of El Paso, Texas for recognizing July 2007 as "Tom Lea Month".

ORDERS FOR WEDNESDAY, JULY 11, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, July 11; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes, and the time equally divided and controlled between the two leaders or their designees, with the first half under the control of the majority and the final half under the control of the Republicans; that at 10:30, the Senate resume consideration of H.R. 1585, with the time until 11:30 a.m. for debate only with respect to the motion to invoke cloture on Webb amendment No. 2012, with the time equally divided and controlled between the chair and ranking member of the Armed Services Committee, or their designees; with the 20 minutes immediately prior to 11:30 a.m. equally divided between the two leaders, with the majority leader controlling the final 10 minutes; that at 11:30 a.m, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the Webb amendment; further, that Members have until

10:30 a.m. to file any germane second-degree amendments to the Webb amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:26 p.m., adjourned until Wednesday, July 11, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 10, 2007*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. GUTIERREZ).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 2007.

I hereby appoint the Honorable LUIS V. GUTIERREZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, ancient days, like yesterday and tomorrow, are before You as ever present. Be with the House of Representatives as it resumes its many tasks of policy and legislation today and in the weeks to come.

Lord, every day we in America pray for our women and men in military service, especially those who are in harm's way in Iraq. Today, we expand the vision and embrace of our prayer as we commend to You all the people of Iraq. Having inserted ourselves into the life of this land of antiquity and biblical proportions, we cannot help but be moved by their fear, confusion, and suffering occasioned by war.

Help us as a young and powerful nation, Lord, to learn more about this ancient world with so much complexity, history, and so many contemporary issues which must be addressed.

Guide the United States, Iraq, and other nations to seek Your face and seek the way of peace for these people. Help all who are so concerned to speak responsibly, to act prudently, and to pray boldly for one another. For You alone can bring good out of contradictory evil as You do now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr. MCGOVERN) come forward and lead the House in the Pledge of Allegiance.

Mr. MCGOVERN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1) "An Act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. CARPER, Mr. PRYOR, Ms. COLLINS, Mr. VOINOVICH, Mr. COLEMAN, and Mr. COBURN, to be the conferees on the part of the Senate; and from the

Committee on Banking, Housing, and Urban Affairs: Mr. DODD, and Mr. SHELBY;

Committee on Commerce, Science, and Transportation: Mr. INOUYE, and Mr. STEVENS; and

Committee on Foreign Relations: Mr. BIDEN, and Mr. LUGAR, to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2007.

Hon. NANCY PELOSI, The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 29, 2007, at 2:59 pm:

That the Senate passed S. 1612

That the Senate passed S. 966

That the Senate passed with an amendment H.R. 556

With best wishes, I am,
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, June 29, 2007:

H.R. 1830, to extend the authorities of the Andean Trade Preference Act until February 29, 2008;

S. 277, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes;

S. 1704, to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Massachusetts (Mr. MEEHAN), the whole number of the House is 432.

WELCOME BACK

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, since we have all been gone, the Glasgow Airport has been bombed, Piccadilly Circus in London was the site of an attempted terrorist attack, another attempt on a hospital, and within 48 hours, the British Intelligence Agency rounded up several credible suspects. Their use of intelligence should be commended. They have faced terrorist attacks on their soil for over 30 years and put in place the tools to deal with these.

On the other hand, it seems the liberal leadership of this Congress wants to backtrack in our attempts to track and survey potential terrorists by scaling back our critical intelligence-gathering efforts.

They took issue with the program designed to monitor phone calls from potential terrorists. They railed against the PATRIOT Act. They even shifted funds from critical intelligence-gathering programs to put it into a slush

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fund to study global warming. Mr. Speaker, the last time I checked, global warming didn't have one single thing to do with putting a bomb in Piccadilly Circus or trying to blow up the JFK airport. Global warming didn't bomb the USS *Cole* or take down the Twin Towers. Climate change can be studied, but it need not be done at the expense of human intelligence needed to help eliminate international terrorism. We need to adjust our priorities. It's time to get to work.

BORDER CROSSINGS AND TRAFFIC TICKETS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, news from the lawless southern border: Homeland Security is claiming illegal entry is decreasing. According to their reports, the number of illegals arrested on the Mexico-U.S. border has decreased almost 25 percent.

Armed with these statistics, these bureaucrats are thus claiming fewer illegals are trying to sneak into the United States. Interesting enough, just last month the Homeland Security Secretary said, while he was lobbying for the now defeated Senate amnesty plan, that he cannot secure the U.S. borders. Now he claims illegal crossings are down because apprehensions on the border are down. That is like saying there are fewer cars on the road because the police are issuing fewer traffic tickets.

The American people are not fooled by this statistical game. Rather than claiming these glowing statistics mean that all is well on the southern front, Homeland Security should stop issuing propaganda statements and give the border protectors the support, equipment, and manpower to protect the border from infiltration. Homeland Security must quit being delightfully ignorant of the truth and not claim border victory because it issues fewer traffic tickets.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CESAR ESTRADA CHAVEZ STUDY ACT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 359) to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "César Estrada Chávez Study Act".

SEC. 2. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall complete a special resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); or

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union; and

(C) State and local historical associations and societies, including any State historic preservation offices in the State in which the site is located.

(c) REPORT.—On completion of the study, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any recommendations of the Secretary.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 359 authorizes the Secretary of the Interior to conduct a special resource study of the sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

Representative HILDA SOLIS, my colleague on the Natural Resources Committee, has worked tirelessly for the last 6 years to move this important legislation forward. I am proud to join Representative SOLIS and 68 other Representatives as a cosponsor of this bill, and I want to thank Ms. SOLIS for her efforts and leadership in getting this important study authorized.

In 1962, Cesar Chavez founded the National Farm Workers Association, which later became the United Farm Workers of America, working to protect farm workers' rights. Chavez led the United Farm Workers for 31 years and gained increases in wages and better working conditions for farm laborers. Through his work, Chavez became a national leader on civil rights and social justice and an inspiration to millions of Americans and people around the world.

H.R. 359 directs the Secretary of the Interior to consider sites in Arizona, California, and other States that are significant to the life of Cesar Chavez and the farm labor movement in the western United States. The bill requires the Secretary to determine the appropriate methods for preserving and interpreting the sites and to determine whether any of them meet the criteria for being listed on the National Register of Historic Places or possible designation as national historic landmarks. The Secretary has 3 years from the date on which funds are made available to submit a report describing the findings of the study as well as the Secretary's recommendations.

The Subcommittee on National Parks, Forests, and Public Lands held a hearing on this bill in March of this year where we heard testimony from the administration in support of this bill. Later, at both a subcommittee markup and a full committee markup, this legislation advanced with bipartisan support.

Mr. Speaker, H.R. 359 is a bill whose time has come. Similar legislation has passed the Senate once before in 2003, and I am pleased this bill is finally making it to the House floor. We need to move forward with this congressionally authorized study so that we can learn about and evaluate options to protect the resources associated with Cesar Chavez and the farm labor movement. The longer we wait, the more likely it is that these resources may be lost to development or the ravages of time. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

The majority has adequately explained the bill, Mr. Speaker, and I note that during the full committee consideration of this bill the minority was assured that this act was in no way to be construed as advancing any effort to establish a national holiday honoring Cesar Chavez. Further, the majority gave assurances that this bill was not going to be used to promote House Resolution 76, which urges the establishment of such a holiday. With this understanding, we will not object to the consideration of this measure.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, at this time I yield such time as she may consume to the sponsor of this legislation, my colleague from the National Resources Committee, Representative HILDA SOLIS.

☐ 1415

Ms. SOLIS. Mr. Speaker, I rise in strong support of H.R. 359, the Cesar Chavez Study Act, and urge my colleagues to support this legislation.

Mr. Speaker, you know that the National Park System units are important components of our Nation's historic, cultural and economic and recreation and social identity.

H.R. 359 authorizes a study to determine whether sufficient historic resources still exist, so that the story of Cesar Chavez could be added to the National Park System.

I first introduced this legislation more than 6 years ago to honor the important contributions he made to the environment and to help the National Park Service finally recognize a significant Hispanic leader. Since then, I have worked hard with my colleagues to bring this bill to the floor.

I would like to personally thank Chairman RAHALL and Chairman GRIJALVA for their support, and the staff of the committee.

Cesar Estrada Chavez was a second-generation American. He was born in the United States March 31, 1927 in Yuma, Arizona, and raised during the Great Depression.

The lessons he learned during his time inspired him to dedicate his life to improving the lives of others less fortunate even than himself.

Chavez led by action. He was a student of Mahatma Gandhi's nonviolent philosophy, and believed that non-violence was one of the most powerful tools to achieve change, including social and economic justice and equality.

In 1968 he fasted for 25 days, Mr. Speaker, one of many fasts he held to demonstrate a commitment to non-violence through sacrifice and penance. He was a deeply religious man.

Through his work, Cesar Chavez changed the course of history for thousands of Latinos and Hispanics and farm workers in this country. Farm workers have been empowered now to fight for fair wages, health care coverage, pension benefits, housing improvements, pesticide and health regulations and countless other protections for their health and well-being.

These changes have meant considerably improvements for the life of farm workers and their families, in fact, three fourths of which are Hispanic or Latino.

During his 66 years with us, Chavez made a significant difference in the lives of those he touched, well beyond improvements for farm workers. And at an early age, I too was inspired by Cesar Chavez's work on behalf of farm workers and the environmental justice movement. This includes protecting green space in both urban and rural areas so that all communities can enjoy the benefits of recreation.

Chavez strongly understood the importance of land and the value of the environment in connection to one's health and economic stability. For many Hispanics, this appreciation of the environment is cultural; 96 percent of Hispanics believe that the environment should be an important priority for this country, yet there is not one single unit of the National Park System dedicated to Hispanics.

And as a result of Chavez's belief exhibited through his actions, I was moved to introduce this legislation and believe it important that we preserve the history through our National Park System. It is my hope that one day Hispanic families all have a place in the National Park Service where they can appreciate, honor and learn about Cesar Chavez's work, his beliefs, just as we do now in celebration with African American families who can now visit the Martin Luther King, Jr. historical site and Selma-Montgomery trail.

The significance of Chavez's life and work is widely recognized. The Department of Labor has honored Chavez in the Labor Hall of Fame, and the Bush administration, as you heard, supports this legislation. I won't list all the supporters, but there are more than 20 organizations nationally recognized who support this legislation.

In fact, at his funeral, Cardinal Roger Mahoney of Los Angeles called Chavez, and I quote, "a special prophet for the world's farm workers."

In 1994, Chavez's widow, Helen, accepted the Medal of Freedom from President Clinton, who lauded Chavez for facing a "formidable, often violent opposition with dignity and non-violence."

It is my hope that through this legislation, future generations can understand who Cesar Chavez was, and why the work that he did was so important, know that they too can be courageous and work toward the betterment of all mankind.

I strongly urge my colleagues to support this legislation.

Mr. SARBANES. Mr. Speaker, I congratulate Ms. SOLIS again on her persistence, and congratulate her on having this brought to the floor today.

I do want to say that while Cesar Chavez certainly cast a long shadow in the western United States, I worked with an organization in Maryland that did work on the Eastern Shore of Maryland on behalf of farm workers, and he was a national hero to them. So congratulations again.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 359. This important legislation would require the Secretary of the Interior to study the potential creation of a historic landmark in honor of Cesar Estrada Chavez.

I want to thank my friend, Congresswoman HILDA SOLIS, for sponsoring this bill and championing this cause which is of great significance to so many Americans, myself included.

Cesar Chavez provided hope for thousands of people. Perhaps best known for founding and leading the United Farm Workers of America, Chavez used non-violent tactics that included boycotts, fasts, and strikes to bring attention to the dangerous working conditions in the field. His efforts helped to produce the first industry-wide labor contracts in the history of American agriculture.

Cesar Chavez' legacy has empowered, encouraged and motivated countless individuals. He is a continuing example that with hard work, dedication and love, change can happen and oppression can be conquered. His famous words, "Si se puede" (Yes you can), still inspire us today.

I cannot think of anything more American than standing up for one's right to justice, fairness, and equality.

I urge my colleagues to cast a vote in recognition of Cesar Estrada Chavez, and to support H.R. 359.

Mr. SARBANES. Mr. Speaker, I have no further requests for time, and yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 359, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAND GRANT PATENT MODIFICATION

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2121) to modify a land grant patent issued by the Secretary of the Interior.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO LAND GRANT PATENT ISSUED BY SECRETARY OF THE INTERIOR.

Patent Number 61-2000-0007, issued by the Secretary of the Interior to the Great Lakes

Shipwreck Historical Society, Chippewa County, Michigan, pursuant to section 5505 of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–516) is amended in paragraph 6, under the heading "SUBJECT ALSO TO THE FOLLOWING CONDITIONS" by striking "Whitefish Point Comprehensive Plan of October 1992, or a gift shop" and inserting "Human Use/Natural Resource Plan for Whitefish Point, dated December 2002, permitted as the intent of Congress".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, the Great Lakes Shipwreck Museum on Michigan's Upper Peninsula sits on land jutting out into Lake Superior near the Canadian border. The museum collection presents the history of and preserves artifacts from the many shipwrecks that occurred in the area, including perhaps the most famous, the Edmund Fitzgerald, which went down in 1975, along with her crew of 29 men.

The museum sits on land originally obtained from the Department of the Interior under a land grant patent. A new management plan developed by the museum would improve visitor services. This legislation amends the original patent to reference the new management plan.

Representative STUPAK is to be commended for his diligence on behalf of this legislation. An earlier version of this measure was approved by the House in the last Congress, and we urge our colleagues to support H.R. 2121 today.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2121 is a simple measure that updates a land patent reference to an outdated management plan currently being used by the Great Lakes Shipwreck Historical Society. This 8-acre property was obtained in 1992 from the Department of the Interior under a land grant patent. Under the new resource management plan, the museum will be able to greatly improve its visitor access to wildlife areas and to expand its facilities to accommodate additional shipwreck exhibits.

I urge my colleagues to support the bill.

Mr. Speaker, I have no additional speakers, and yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I'd like to yield such time as he may consume to my colleague, Mr. STUPAK to speak to the bill.

Mr. STUPAK. Mr. Speaker, I rise today as the author of H.R. 2121, and I'd like to thank Chairman RAHALL and ranking member YOUNG and their staff on the Natural Resource Committee for assisting and moving this legislation forward.

H.R. 2121 is a straightforward bill that would allow the Great Lakes Shipwreck Historical Society to implement a new Human Use/Natural Resource Management Plan for the Great Lakes Shipwreck Museum in Chippewa County, Michigan.

While this legislation was approved by the House of Representatives in September of 2006 in the 109th Congress, but the 109th Congress ended before the Senate had time to consider the bill. By acting on this bill now, I am hopeful the House will allow the Senate ample time to consider and approve this legislation.

The Great Lakes Shipwreck Historical Society is a nonprofit organization dedicated to preserving the history of shipwrecks in the Great Lakes. Since 1992, the Great Lakes Shipwreck Historical Society has operated the Great Lakes Shipwreck Museum to educate the public about shipwrecks in the region.

The museum provides exhibits on several shipwrecks in the area, including an in-depth exhibit on the wreck of the *Edmund Fitzgerald*, which was lost with her entire crew of 29 men near Whitefish Point, Michigan on November 10, 1975. Among the items on display is a 200-pound bronze bell recovered from the wreckage in 1995 as a memorial to her lost crew.

In 2002, the Great Lakes Shipwreck Historical Society, working with the U.S. Fish and Wildlife Service, the Michigan Audubon Society, and the local community, finalized a new management plan to improve the experience at the museum.

The new management plan, which was signed and agreed upon by all the parties, will allow the Historical Society to expand the museum exhibits while addressing concerns about parking and access to surrounding wildlife areas.

However, because the original land grant patent references the previous management plan, legislation to amend the patent is necessary before the new management plan can be implemented. In response, I've introduced this legislation, H.R. 2121, to amend the land grant patent to allow the new plan to be implemented.

Congressman DAVE CAMP from Michigan has joined me in cosponsoring this legislation, and I thank him for his support.

The Great Lakes Shipwreck Historical Society has continuously improved the experience at the museum since it was established in 1992. With the approval of H.R. 2121, Congress will allow the Great Lakes Shipwreck Museum to further develop this cultural and historical resource.

I urge my colleagues to support this simple legislation which will improve the opportunities available to visitors of Chippewa County, Michigan, and the Great Lakes Shipwreck Museum.

I thank all Members for their cooperation with this legislation.

Mr. SARBANES. Mr. Speaker, I have no further requests for time. I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 2121.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EIGHTMILE WILD AND SCENIC RIVER ACT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eightmile Wild and Scenic River Act".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the "Eightmile River Watershed Management Plan"), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(_) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

"(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

"(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

"(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

"(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

"(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.".

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the "Eightmile River") shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed "villages" and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (a). The authority of the Secretary to acquire lands for the purposes of this Act shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, H.R. 986 would designate 25.3 miles of the Eightmile River and its tributaries in Connecticut as a national scenic river. The bill was introduced by my friend and freshman class colleague, Representative JOE COURTNEY, who has been a strong and effective advocate of this designation.

This legislation would protect portions of the Eightmile River that have been found to have "outstandingly remarkable" values, including an intact watershed with a natural flow, very high water quality, unusual geological features, and large numbers of rare plants and animals.

The bill would designate five segments of the river and its tributaries as scenic under the Wild and Scenic Rivers Act. The designated segments would be managed according to a plan produced pursuant to the 2001 Eightmile River Wild and Scenic River Study Act.

The administration supports the bill, as we were told by a National Park Service witness at a hearing before the National Parks, Forests and Public Lands Subcommittee on April 17. In a draft study, the agency found these portions of the river and its tributaries to be eligible and suitable for designation.

The bill is cosponsored by the entire Connecticut House delegation. Both Connecticut Senators support the designation, as does the Republican Governor of Connecticut. The bill also enjoys ample support from the local community, including the local governments of the towns of Salem, East Haddam and Lyme.

The river would be managed under a partnership agreement as envisioned in section 10(e) of the Wild and Scenic Rivers Act.

The Congressional Budget Office has found that the bill contains no unfunded mandates, and will impose no cost on State, local or tribal governments. CBO also says the bill will not affect direct spending, and will not significantly affect the National Park Service's costs.

☐ 1430

During committee consideration of the bill, there had been expressed some concern about the private property protections in the bill. To ensure that the bill is absolutely clear on this point, my subcommittee chairman, the gentleman from Arizona (Mr.

GRIJALVA) offered, and the committee adopted, language that expressly deems the zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme to satisfy section 6(c) of the Wild and Scenic Rivers Act and limits the Secretary's acquisition authority to lands that are donated or bought from willing sellers. That provision tracks the language used in several wild and scenic river designations in the east, including the designation of Connecticut's other wild and scenic river, the Farmington River. The language has been in effect for over a decade without questions or ambiguity on those rivers or in court. According to the National Park Service, the administering agency, that language is absolutely unambiguous.

Mr. Speaker, this is a good bill. And I want to commend my colleague from Connecticut, Representative COURTNEY, for his commitment and leadership on this matter. We support passage of H.R. 986, as amended, and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some of our Members believe H.R. 986 has significant negative implications on private property in Connecticut. Fuzzy language included in this bill may leave the door open for the Federal Government to use eminent domain to seize private property in this new designation. This is especially concerning because this is the same congressional district where the Kelo v. New Haven case originated. I remind my colleagues that many times the Federal Government uses just the threat of condemnation to frighten private property owners and to intimidate them until they become so-called "willing sellers." We must protect our constituents from this wanton abuse of power by making our intentions clear in this legislation.

Resource Committee Republicans made numerous efforts in both subcommittee and full committee to insert language that would have protected property owners in Connecticut. The language was plain and clear: Congress would not empower the Federal Government to condemn land and pressure owners into selling.

Unfortunately, these efforts were rebuffed by committee Democrats. It is still unclear to our side of the aisle why the majority wants to expose property owners to the threat of eminent domain. The only reasonable conclusion is that they believe the Federal Government should and must confiscate private property.

Because this bill has been brought under suspension of the rules, the minority will not have the opportunity to clean it up before the full House.

I urge my colleagues to oppose the bill and stand up against this and other Kelo-style assaults on private property rights.

Mr. Speaker, I reserve the balance of my time.

Mr. SARBANES. Mr. Speaker, I just want to assure my colleague again that the bill as drafted and as proposed today is one that is very clear in terms of the protections that he seeks, and we were very careful over the course of this bill's evolution to make sure of that.

I would at this time, Mr. Speaker, wish to yield such time as he may consume to the sponsor of this legislation, the gentleman from Connecticut and a colleague of my class (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I, first of all, want to commend Mr. SARBANES for his superb summary of this legislation and the context in which it occurred and was introduced this year with the full support of the Connecticut delegation on a bipartisan basis, the Republican Governor of Connecticut, Jodi Rell, who was supporting the bill, and the Connecticut State legislature, which also passed a resolution in support of this measure. I also want to thank Chairman RAHALL and Ranking Member YOUNG for helping us bring this bill to the floor and also in particular subcommittee Chairman GRIJALVA and Ranking Member BISHOP for helping this bill through subcommittee and raising important issues, which, as has been pointed out, strike particularly close to home since the City of New London, which was a party to the Kelo case, was the locus of that decision and obviously caused great concern about property rights all across the country.

This bill, however, though, I believe is a balanced bill which represents more than 10 years of hard work by local citizens and elected officials to protect this important river and its intact watershed. The Eightmile River takes its name from the distance between its mouth at Lake Hayword to the Connecticut River and Long Island sound. It is unique in that it is a virtually free-flowing river over its entire run. The entire 62-square-mile watershed has a large forest cover and excellent water quality and is home to diverse fish populations and rare species. It is quite rare for a river of this size to be intact throughout its entire watershed, especially in areas so close to the coast of Long Island Sound and in such a densely populated State as the State of Connecticut.

After securing the go-ahead for a wild and scenic river study approved by this Congress in 2001, local officials and advocates decided early on to base the study on a watershed approach, rather than looking at specific areas of the river.

The wild and scenic study identified six outstanding resource values including its watershed ecosystem, natural communities, and cultural landscape. It concluded that the 25 miles of the meandering Eightmile River should be recommended for designation as "scenic" under the Wild and Scenic Rivers Act.

A management plan was approved by the three towns of East Haddam, Salem, and Lyme. And as I mentioned earlier, the General Assembly in Connecticut also joined in support for that management plan. And I will enter into the RECORD letters submitted by the First Selectmen of Salem and East Haddam, again bipartisan letters of support for this measure dated within the last about 48 hours or so.

SELECTMEN'S OFFICE,
East Haddam, CT, July 6, 2007.

An Act Concerning Designation of the Eightmile River Watershed within the National Wild and Scenic River System.

Hon. JOSEPH COURTNEY,
Congressman, Second District,
Norwich, CT.

DEAR CONGRESSMAN COURTNEY: Thank you for your time and efforts in this important matter. I am writing to reassure you that the citizens and elected officials of East Haddam are overwhelmingly in favor of Wild & Scenic designation.

Over ten years ago my predecessor, along with the First Selectmen from Lyme and Salem signed the Eightmile River Watershed Conservation Compact. That inter-municipal agreement represented East Haddam's commitment to a regional project that our town has participated in and endorsed widely. The Compact states: "We understand that 1) land use in our towns is the key determinant to the health of the Watershed's natural resources; 2) a healthy watershed ecosystem is consistent with our town goals of promoting a healthy community, preserving rural character, and nurturing suitable economic growth."

This broad view of the Eightmile River Watershed including its rural character, economic well being and intact natural resources has led to a heightened awareness and concern for this fragile system by a broad spectrum of town residents. Over the 12 years of East Haddam's participation in the Eightmile work, I have heard of only a small number of individuals who oppose the project. We have overwhelming support from the business community and private citizens alike. In fact, our river front landowners are some of the strongest advocates—they deeply understand the risks that unchecked development and sprawl will have on the river in their own back yards. The town has also taken measures to protect much of the open space in the watershed area.

Thanks again for your time and attention to our pristine Eightmile Watershed.

Sincerely,

BRAD PARKER,
First Selectman.

THE TOWN OF SALEM, CONNECTICUT,
July 9, 2007.

Hon. JOSEPH COURTNEY,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: As First Selectman for the Town of Salem I would like to reiterate Salem's strong commitment to protecting and preserving the Eight Mile River and the surrounding watershed. Resources such as this are critically important to the health and well being of all residents in this part of southeastern Connecticut, and need to be recognized for their intrinsic value.

Federal designation as a Wild and Scenic River is an important part of preserving this natural resource. The Town of Salem is pleased that you have chosen to sponsor this effort and guide it through the legislative process. Thank you, and if we can be of any additional assistance in support of your efforts, please do not hesitate to contact us.

Sincerely,

R. LARRY REITZ,
First Selectman.

Mr. Speaker, as I said from the beginning, this is a locally driven effort, and over the course of this study there were forums, mailings, public meetings, and even a local land use commissioners summit, which demonstrated broad bipartisan support for the legislation.

Although located in a rural area of Connecticut, the watershed is no less susceptible to unchecked growth and development. But it is important, and, again, this I know was raised by the minority, to emphasize that the bill before us today preserves the rights of landowners. Section 2(g)(2) specifically prohibits the use of eminete domain-type powers for this system. And, again, we have experience in Connecticut with the Farmington River Wild and Scenic designation to know that that language is, in fact, a barrier for any kind of unwarranted intrusion by the Federal Government over private property rights. And, again, the amendment, which Mr. SARBANES referred to, in the subcommittee, if anything, beefed up that protection to make sure that any concerns which may exist about involuntary takings are addressed in this legislation.

Mr. Speaker, the Wild and Scenic Rivers Act will next year celebrate its 40th year of successful environmental stewardship in this country. And it is important to add the Eightmile, a river with unique, intact natural resources, to the list of important rivers protected under this act. Designation as a member of the wild and scenic river system would facilitate long-term coordination among the towns within the watershed and increase local commitment to long-term river protection.

The entire Connecticut delegation is supportive of this endeavor; and to my colleagues in the House, I ask them to join me in support of this legislation. And, again, I thank Mr. SARBANES for his support.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 986, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCHENRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1337) to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.

(a) FINDINGS.—Congress finds that—

(1) Thunderbird Lake, located on Little River in central Oklahoma, was constructed in 1965 by the Bureau of Reclamation for flood control, water supply, recreation, and fish and wildlife purposes;

(2) the available yield of Thunderbird Lake is allocated to the Central Oklahoma Master Conservatory District, which supplies municipal and industrial water supplies to the cities of Norman, Midwest City, and Del City, Oklahoma; and

(3) studies conducted by the Bureau during fiscal year 2003 indicate that the District will require additional water supplies to meet the future needs of the District, including through—

(A) the drilling of additional wells;

(B) the implementation of a seasonal pool plan at Thunderbird Lake;

(C) the construction of terminal storage to hold wet-weather yield from Thunderbird Lake;

(D) a reallocation of water storage; and

(E) the importation of surplus water from sources outside the basin of Thunderbird Lake.

(b) STUDY.—Beginning no later than 1 year after the date of enactment of this Act, the Commissioner of the Bureau of Reclamation shall conduct a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservatory District and cities served by the District, including recommendations of the Commissioner, if any.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commissioner of the Bureau of Reclamation $900,000 to conduct the study under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 1337, introduced by our colleague, Congressman TOM COLE of Oklahoma, is to direct the Commissioner of the Bureau of Reclamation to conduct a feasibility study on alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the district.

The Norman Project was constructed by the Bureau of Reclamation for municipal and industrial water supply, flood control, recreation, and fish and wildlife purposes in central Oklahoma. Population growth in the area is increasing pressure on already constrained water supplies, and the demand for water is expected to surpass the supply that the Norman Project in its present form can provide.

A preliminary report on alternative measures to augment water supplies at Lake Thunderbird has already been completed. The report concluded that a need exists to improve municipal and industrial water supplies from the Norman Project and that a number of alternatives are available to meet that need. A feasibility study is required to fully evaluate all the alternatives. H.R. 1337 directs the Bureau of Reclamation to conduct such a study.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1337.

This bill, which I authored, provides for a water feasibility study to ascertain additional sources of water for the Central Oklahoma Master Conservancy District, which serves the cities of Norman, Midwest City, and Del City, Oklahoma. This bill provides limited Federal assistance, with the Conservancy District providing a local 50/50 match and demonstrating their dedication to this critical initiative. This legislation will help address and alleviate the water challenges facing these three cities. I would like to commend and sincerely thank all the parties involved in working hard to help see this bill pass into public law.

The primary source of water for the Conservancy District is Lake Thunderbird, completed in 1965 by the Bureau of Reclamation. Incidentally, since 1988 one of the cities serviced by the Conservancy District, Norman, Oklahoma, has on numerous occasions exceeded their annual share of Lake Thunderbird's supplies. As a result, Norman has been forced to pull additional water from its original water source used before Lake Thunderbird was built and create an emergency supply line from nearby Oklahoma City. Recognizing that the projected demand on water supply will only increase as these three cities grow in population, the Conservancy District is taking proactive steps to find long-range solutions to their water needs.

In 2003, working with the Conservancy District and recognizing the water strain in central Oklahoma, Congress provided the Bureau of Reclamation with funding for an initial water study, which it completed in August of 2005. This appraisal explores and proposes much-needed viable opportunities to enhance the current and long-term water supply of the Conservancy District. I introduced H.R. 1337 both at the behest of the Conservancy District and in the same spirit that Congress previously funded the building of Lake Thunderbird and the appraisal investigation: to facilitate the long-term vitality and well-being of the citizens served by the Conservancy District and, as an extension, the vitality and well-being of Oklahoma as a whole. It is important to note, Mr. Speaker, that the Conservancy District provides waters for more than 175,000 residents, meaning that no fewer than one out of every four of my constituents stands to benefit from this study.

Mr. Speaker, I sincerely appreciate the chairman and ranking member's diligent work on this bill, and I strongly urge support and passage of H.R. 1337.

☐ 1445

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1337, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SARBANES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RANCHO CALIFORNIA WATER DISTRICT RECYCLED WATER RECLAMATION FACILITY ACT OF 2007

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1725) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rancho California Water District Recycled Water Reclamation Facility Act of 2007".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding after section 16___ the following:

"SEC. 16___. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or $20,000,000, whichever is less.

"(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16___ the following:

"Sec. 16___. Rancho California Water District Project, California.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1725, as introduced by our colleague from California (Mrs. BONO), is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in an important water supply project for Southern Riverside County in California.

H.R. 1725 authorizes the Secretary of the Interior, in cooperation with the Rancho California Water District, to participate in the design, planning and construction of permanent facilities for water recycling, demineralization, desalination and distribution of non-potable water supplies in Southern Riverside County. When completed, the project will significantly enhance scarce water resources in Rancho California by quadrupling recycled water supplies.

H.R. 1725 seeks to help communities in Southern Riverside County as they try to drought-proof their water supplies.

I urge my colleagues to join me in supporting H.R. 1725.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of H.R. 1725 and yield myself such time as I may consume.

H.R. 1725, introduced by our colleague, MARY BONO of California, authorizes funds to complete a three-stage plan for water recycling in Riverside County, California, Mr. Speaker.

This legislation would help ease the county's dependency on imported water and will help drought-proof this arid region of southern California.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I would like to yield such time as she may consume to the distinguished gentlelady from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I would first like to take this opportunity to thank Chairman RAHALL and Ranking Member YOUNG for their support of H.R. 1725, the Rancho California Water District, or RCWD, Recycled Water Reclamation Facility Act of 2007.

Thanks to the speed with which they were able to move this bill through regular order, with the help of Subcommittee Chairman NAPOLITANO and Ranking Member MCMORRIS RODGERS, we are now able to consider this legislation in the full House.

Mr. Speaker, H.R. 1725, which I introduced in March of this year, authorizes funding to begin implementation of the RCWD regional Integrated Resources Plan. The legislation directly affects water usage for an area of the Nation that continues to experience rapid population growth. Riverside County, where RCWD operates, is California's fourth largest county and experienced a population increase of 76 percent from 1980 to 1990. By the year 2000, this county's population was at over 1.5 million residents.

In particular, RCWD serves the City of Temecula, parts of the City of Murrieta and the surrounding area, which is represented by both myself and Congressman DARRELL ISSA. Southwest Riverside County continues to grow quickly, with numerous military families and those who commute to both Los Angeles and San Diego. Coupled with this residential growth, the area is also home to a strong agricultural industry. Citrus, avocados and wine grape fields dot the area and bring with them jobs, crop revenues and, not to mention, some extremely good wine.

H.R. 1725 also enjoys the support from the surrounding water districts, including Eastern and Western Municipal Water Districts and Metropolitan Water District, which provides drinking water to nearly 18 million people throughout southern California.

The funding authorized in my legislation will take significant steps toward enacting the Integrated Resource Plan that has a total cost of around $103 million. The results of this plan are primarily three things: an expansion of local recycled water resources; a dependable conversion of water used in the agriculture sector to a recycled and raw water system; and a facility to desalinate recycled water for agricultural use.

Put in more simple terms, the benefits to the area are clear: As this part of Riverside County continues to see more residential growth, the IRP project will free up enough treated water to supply up to 70,000 households. The capability to reuse over 16,000 acre-feet of recycled water will be in place, keeping the local agricultural sector vibrant and maximizing local water storage.

It is also important to note that, in May, the local water districts completed a year-long feasibility study which, in part, indicated a gross savings of $789 million in purchased water costs over the 30 years after the project is completed. The savings to the area and modernization of local water infrastructure is something crucial for this part of my district.

As you know, the value of thoughtful water usage in this area of southern California is extremely high. The strong support this legislation received within the Natural Resources Committee shows a bipartisan understanding other Members have of improving water delivery to both residential and agricultural users.

Once again, I would like to thank the chairman, the ranking member, their staff, and my own Chris Foster, for all of their help.

I ask for the support of Members from both sides of the aisle on H.R. 1725, the legislation I'm proud to have authored.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1725.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NEW MEXICO WATER PLANNING ASSISTANCE ACT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1904) to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Mexico Water Planning Assistance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term "State" means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) $4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NONREIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2008 through 2012.

SEC. 5. SUNSET OF AUTHORITY.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1904, as introduced by our colleague from New Mexico (Mrs. WILSON), is to provide assistance to the State of New Mexico for the development of comprehensive State water plans.

The bill directs the Secretary of the Interior to provide New Mexico with technical assistance and grants for the development of a comprehensive State water plan. This includes a survey and mapping of water resources in New Mexico, a study of groundwater quality and quantity, and a study on the relationships between groundwater and surface water in the State.

A key understanding of our most precious resource is required if we are to meet the water supply needs of our growing communities and our environment. H.R. 1904 seeks just such an understanding from New Mexico.

I urge my colleagues to join me in supporting H.R. 1904.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of H.R. 1904 and yield myself such time as I may consume.

H.R. 1904, introduced by our colleague, HEATHER WILSON, directs the Secretary of the Interior to provide New Mexico with technical assistance and grants for the development of comprehensive State water plans and to assess the quality, quantity and interaction of groundwater and surface water resources in the State.

This legislation recognizes that States have primacy over groundwater but provides limited Federal assistance to help the State carry out its efforts and help water consumers.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to support the New Mexico Water Planning Assistance Act, H.R. 1904.

The New Mexico Water Planning Assistance Act would assist the State of New Mexico with the development of comprehensive State water plans that will help the State more effectively manage our most precious natural resource—water.

I introduced the New Mexico Water Planning Assistance Act on April 17, 2007, and Senator DOMENICI and Senator BINGAMAN introduced companion legislation in the Senate on January 10, 2007.

Mr. Speaker, this legislation directs the Secretary of the Interior to: provide to New Mexico technical assistance and grants for the development of comprehensive State water plans; conduct water resources mapping in New Mexico; and conduct comprehensive studies of groundwater resources in New Mexico to assess the quantity, quality, and interaction of groundwater and surface water resources.

The legislation also directs the Secretary, subject to the availability of appropriations, to allocate: $5 million to develop hydrologic models of eight New Mexico river systems; $2.5 million to complete the hydrologic models for the San Juan River and other Southwest New Mexico river systems; and $4.5 million for statewide digital orthophotography mapping. The Federal cost share shall be on a 50-50 match basis, and all Federal funds are to be non-reimbursable.

Chaco Canyon in northwestern New Mexico was the home to many indigenous southwestern peoples from A.D. 850 to 1250. Unfortunately, the Chacoans ingenuity in storing and channeling water was not enough to save them from a 50-year drought that began in 1130. The Chacoan pueblo people left Chaco Canyon in stages and established a string of pueblos along the Rio Grande and a few other desert rivers.

Mr. Speaker, the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, and State conservancy and irrigation districts flood control and reclamation projects along New Mexico's river systems that store water during wet years for use during dry years help ensure that New Mexico's current population will not have to relocate during extended periods of drought—like the Chacoans were forced to do more than eight centuries ago.

However, like much of the West, the demands on New Mexico's ground and fresh water resources are immense and growing. For example, the First Congressional District of New Mexico is bisected by the Rio Grande. The flows of the Middle Rio Grande serve the biggest city in New Mexico, Albuquerque, many smaller cities, six Indian pueblos, and a network of agriculture users. Many of these farmers irrigate the same land as their Spanish ancestors did over 4 centuries ago. In addition there is the endangered silvery minnow, which, under a 2003 U.S. Fish and Wildlife Service Biological Opinion, requires 180 miles of continuous minimum river flow in the Middle Rio Grande.

New Mexico has an average allotment of 393,000 acre-feet of Rio Grande water under the 1938 interstate compact that apportions the Rio Grande between Colorado, New Mexico, Texas, and Mexico. These demands have stretched this allotment to the limit. Further complicating the picture is the fact that Article VII of the Rio Grande Compact severely restricts New Mexico's ability to store native water upstream at Heron, Abiquiu, El Vado, or Cochiti Reservoir.

Thus far, New Mexico's water managers have been able to stretch New Mexico limited water supplies to meet the expanding demands of New Mexico cities, industries, Indian pueblos, and endangered species, without widespread displacement of its historical agriculture users. By providing Federal water planning assistance to New Mexico's water managers this important legislation will help stretch New Mexico's limited water resources; and, as a result, will help prevent waters conflict in New Mexico well into the future.

I urge my colleagues to support H.R. 1904.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 1904, the New Mexico Water Planning Assistance Act. I would like to thank my colleague from New Mexico for her work on this legislation and on the issue. It is an extremely important issue to us in New Mexico, and throughout the Southwest.

Like other states in the arid west, New Mexico suffers from water scarcity. Drought often impacts municipal water supply, agricultural water supply, and increases volatility in high fire-risk areas. Economies and ecologies alike are threatened when scarce water resources are not properly managed. Ensuring careful management of this precious resource is a top priority in communities throughout New Mexico. This bill would allow New Mexico communities to unite under statewide water plans, formulated from comprehensive statewide research and quantification of water resources.

Through grants and technical assistance from the Bureau of Reclamation and the U.S. Geological Survey, this bill authorizes funding for resource mapping and studies assessing the quality and quantity of both surface and groundwater throughout the state. The bill further allocates funds to develop models for several of the state's rivers, many of which are threatened by overuse and excessive impoundment. This year, the Rio Grande was included in the World Wildlife Fund's list of the world's top 10 most threatened rivers, and the Santa Fe River was listed as the Nation's Most Endangered River this year by American Rivers. Research and conservation along these rivers will positively impact New Mexicans and the greater southwest region.

This bill will provide New Mexico with information and resources that will enable the state to sustainably manage and conserve its precious water resources. By facilitating comprehensive surface and groundwater studies, this bill will allow New Mexicans to make sound decisions on water resource management that will impact the entire southwestern United States.

Mr. Speaker, this bill is an important step towards sustainable water management in New Mexico and the Southwest. A comprehensive approach to hydrologic resource management is necessary to confront the challenges of New Mexico's growing communities and precarious fluctuations in climate. This bill provides New Mexico with the tools needed to meet these challenges in a sustainable manner, and I urge its passage.

Mr. SARBANES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1904.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 63RD ANNIVERSARY OF BIG BEND NATIONAL PARK

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 483) recognizing the 63rd Anniversary of Big Bend National Park, established on June 12, 1944.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 483

Whereas Big Bend National Park is a scenic treasure of southwest Texas encompassing more than 800,000 acres;

Whereas Big Bend National Park manages nearly one quarter of the approximately 1000 mile stretch of the Rio Grande River that also serves as the boundary between the United States and Mexico;

Whereas along the boundary of the park, the flow of the Rio Grande River shifts from a southeasterly direction to the northeast, forming the bend after which the park is named;

Whereas Big Bend National Park is unique because it covers a variety of different ecosystems ranging from the Chihuahuan Desert to the Chisos Mountains;

Whereas Native people inhabited the area for thousands of years;

Whereas many people have traversed the Big Bend region in the past 150 years, including Spanish explorers, Comanche Indians, Mexican settlers, and American ranchers;

Whereas in 1933 the Texas Legislature, led by Everett Ewing Townsend, established the Texas Canyons State Park;

Whereas later that year the park was expanded and renamed Big Bend State Park;

Whereas Townsend later became known as the Father of Big Bend National Park;

Whereas between 1934 and 1942 the Civilian Conservation Corps worked diligently to make the park suitable for visitors; and

Whereas 63 years ago Big Bend National Park, "Texas' Gift to the Nation", was officially established on June 12, 1944: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 63rd anniversary of the founding of Big Bend National Park; and

(2) honors the National Park Service for their service to the Big Bend region and Big Bend National Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, House Resolution 483 was introduced by our colleague from Texas, Representative CIRO RODRIGUEZ. And I know that Representative RODRIGUEZ wanted to be here today in the Chamber as we speak to this legislation but has been caught in the storms outside.

H. Res. 483 recognizes the 63rd anniversary of Big Bend National Park in west Texas and honors the National Park Service for their service to the Big Bend region and Big Bend National Park.

I want to commend Representative RODRIGUEZ for his efforts to bring congressional recognition to this special place and to the agency and hardworking employees who care for it.

Big Bend National Park is a spectacular 800,000-acre scenic treasure on the Rio Grande in west Texas. The park protects the largest representative example of the Chihuahuan Desert ecosystem within the United States. The park's river, desert and mountain environments support an extraordinary richness of biologic diversity, including unique plants and animals that exist nowhere else in the world. The park provides outstanding recreation opportunities to over 300,000 visitors a year.

Big Bend is not only nationally significant but also internationally significant. Big Bend National Park manages nearly one-quarter of the approximately 1,000-mile stretch of the Rio Grande River that also serves as the boundary between the United States and Mexico.

Together with two Mexican protected areas, Big Bend is now part of the largest transboundary protected areas in North America, serving as a model for international cooperation.

Mr. Speaker, House Resolution 483 recognizes the importance of Big Bend National Park to the ecology, history and economy of west Texas. It also recognizes the hard work of the National Park Service and its employees and honors their service to the region and the country as a whole.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

The majority has adequately explained this resolution. We join with them in recognizing the 63rd anniversary of Big Bend National Park and hope this occasion will further highlight the need to secure our public lands from the ecological devastation caused by unfettered, illegal crossers and drug traffickers.

I urge colleagues to support this resolution.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of H. Res. 483, to recognize the anniversary of Big Bend National Park.

Sixty-three years ago the State of Texas bestowed the 800,000 acres of pristine desert and mountain terrain that now make up the Big Bend National Park upon the United States of America.

Big Bend began as a small State park, but in 1942, just following the Great Depression, Texas purchased 600,000 acres of land from private landowners at the price of $1.5 million.

The cost was high at the time, but Texas donated the land to the Federal Government for the establishment of a national park.

With that gesture, the State of Texas provided the Nation and its citizens with a majestic national park that has been enjoyed for over a half a century so far.

This resolution pays tribute not only to the picturesque landscape of the park itself, but to those who made it possible to preserve this land for generations to come.

Everett Ewing Townsend, known as the father of Big Bend National Park, was the champion of this effort.

In 1894 Townsend traveled to the Chisos Mountains and later recalled that the breathtaking southern view from the mountains made him "see God as he had never seen Him before."

He vowed to preserve the region in some way, and 63 years later we can see that he has made good on his promise.

His efforts, first in the State Legislature and later as the Commissioner of the national park, provided the United States with an unspoiled tract of land that has since been enjoyed by hundreds of thousands of visitors.

Big Bend National Park, encompassing the region where the Chihuahuan Desert intersects with the Chisos Mountains features a distinct landscape.

The park is surrounded on the south by the mighty Rio Grande.

The outer boundary is marked by the area where the flow of the river shifts from southeast to northeast, forming the giant bend after which the park is named.

With river, mountain and desert all in one, Big Bend National Park could easily be considered three parks in one.

However, west Texas is fortunate to have such a diverse environment preserved within the boundaries of one awe-inspiring park.

The establishment of Big Bend National Park in 1944 allowed the vast expanse of land to be conserved.

At the same time, it protected the rich history of the region.

Native people have inhabited the area for thousands of years, and in more recent years diverse groups of people have traversed the Big Bend.

In the past century and a half Spanish explorers, Comanche Indians, Mexican settlers and American ranchers have all traveled through or lived within the park's terrain.

Thus, this important resolution recognizes the 63rd anniversary of the establishment of Big Bend National Park and the people who made their way through the region well before then.

H. Res. 483 also honors the National Park Service for their work in the Big Bend.

It is important that we recognize Big Bend National Park's contributions to our Nation as well as the contribution that the park's founders and staff have made to the land since then.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 483.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2381) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Upper Mississippi River Basin Protection Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Reliance on sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

Sec. 101. Establishment of monitoring network.
Sec. 102. Data collection and storage responsibilities.
Sec. 103. Relationship to existing sediment and nutrient monitoring.
Sec. 104. Collaboration with other public and private monitoring efforts.
Sec. 105. Reporting requirements.
Sec. 106. National Research Council assessment.

TITLE II—COMPUTER MODELING AND RESEARCH

Sec. 201. Computer modeling and research of sediment and nutrient sources.
Sec. 202. Use of electronic means to distribute information.
Sec. 203. Reporting requirements.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

Sec. 301. Authorization of appropriations.
Sec. 302. Cost-sharing requirements.

SEC. 2. DEFINITIONS.

In this Act:

(1) The terms "Upper Mississippi River Basin" and "Basin" mean the watershed portion of the Upper Mississippi River and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the States of Minnesota, Wisconsin, Illinois, Iowa, and Missouri. The designation includes the Kaskaskia watershed along the Illinois River and the Meramec watershed along the Missouri River.

(2) The terms "Upper Mississippi River Stewardship Initiative" and "Initiative" mean the activities authorized or required by this Act to monitor nutrient and sediment loss in the Upper Mississippi River Basin.

(3) The term "sound science" refers to the use of accepted and documented scientific methods to identify and quantify the sources, transport, and fate of nutrients and sediment and to quantify the effect of various treatment methods or conservation measures on nutrient and sediment loss. Sound science requires the use of documented protocols for data collection and data analysis, and peer review of the data, results, and findings.

SEC. 3. RELIANCE ON SOUND SCIENCE.

It is the policy of Congress that Federal investments in the Upper Mississippi River Basin must be guided by sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.

(a) ESTABLISHMENT.—As part of the Upper Mississippi River Stewardship Initiative, the Secretary of the Interior shall establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purposes of—

(1) identifying and evaluating significant sources of sediment and nutrients in the Upper Mississippi River Basin;

(2) quantifying the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water;

(3) quantifying the transport of those sediments and nutrients to and through the Upper Mississippi River Basin;

(4) recording changes to sediment and nutrient loss over time;

(5) providing coordinated data to be used in computer modeling of the Basin, pursuant to section 201; and

(6) identifying major sources of sediment and nutrients within the Basin for the purpose of targeting resources to reduce sediment and nutrient loss.

(b) ROLE OF UNITED STATES GEOLOGICAL SURVEY.—The Secretary of the Interior shall carry out this title acting through the office of the Director of the United States Geological Survey.

SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.

(a) GUIDELINES FOR DATA COLLECTION AND STORAGE.—The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices.

(b) RELEASE OF DATA.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and hydrologic unit codes. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission.

(c) PROTECTION OF PRIVACY.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin is not subject to the mandatory disclosure provisions of section 552 of title 5, United States Code, but may be released only as provided in subsection (b).

SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NUTRIENT MONITORING.

(a) INVENTORY.—To the maximum extent practicable, the Secretary of the Interior shall inventory the sediment and nutrient monitoring efforts, in existence as of the date of the enactment of this Act, of Federal, State, local, and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps and redundancies.

(b) INTEGRATION.—On the basis of the inventory, the Secretary of the Interior shall integrate the existing sediment and nutrient monitoring efforts, to the maximum extent practicable, into the sediment and nutrient monitoring network required by section 101.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary of the Interior shall make maximum use of data in existence as of the date of the enactment of this Act and of ongoing programs and efforts of Federal, State, tribal, local, and nongovernmental entities in developing the sediment and nutrient monitoring network required by section 101.

(d) COORDINATION WITH LONG-TERM ESTUARY ASSESSMENT PROJECT.—The Secretary of the Interior shall carry out this section in coordination with the long-term estuary assessment project authorized by section 902 of the Estuaries and Clean Waters Act of 2000 (Public Law 106-457; 33 U.S.C. 2901 note).

SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRIVATE MONITORING EFFORTS.

To establish the sediment and nutrient monitoring network, the Secretary of the Interior shall collaborate, to the maximum extent practicable, with other Federal, State, tribal, local and private sediment and nutrient monitoring programs that meet guidelines prescribed under section 102(a), as determined by the Secretary.

SEC. 105. REPORTING REQUIREMENTS.

The Secretary of the Interior shall report to Congress not later than 180 days after the date of the enactment of this Act on the development of the sediment and nutrient monitoring network.

SEC. 106. NATIONAL RESEARCH COUNCIL ASSESSMENT.

The National Research Council of the National Academy of Sciences shall conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

TITLE II—COMPUTER MODELING AND RESEARCH

SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDIMENT AND NUTRIENT SOURCES.

(a) MODELING PROGRAM REQUIRED.—As part of the Upper Mississippi River Stewardship Initiative, the Director of the United States Geological Survey shall establish a modeling program to identify significant sources of sediment and nutrients in the Upper Mississippi River Basin.

(b) ROLE.—Computer modeling shall be used to identify subwatersheds which are significant sources of sediment and nutrient loss and shall be made available for the purposes of targeting public and private sediment and nutrient reduction efforts.

(c) COMPONENTS.—Sediment and nutrient models for the Upper Mississippi River Basin shall include the following:

(1) Models to relate nutrient loss to landscape, land use, and land management practices.

(2) Models to relate sediment loss to landscape, land use, and land management practices.

(3) Models to define river channel nutrient transformation processes.

(d) COLLECTION OF ANCILLARY INFORMATION.—Ancillary information shall be collected in a GIS format to support modeling and management use of modeling results, including the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Information on sediment and nutrient reduction improvement actions.

(5) Remotely sense data.

SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE INFORMATION.

Not later than 90 days after the date of the enactment of this Act, the Director of the United States Geological Survey shall establish a system that uses the telecommunications medium known as the Internet to provide information regarding the following:

(1) Public and private programs designed to reduce sediment and nutrient loss in the Upper Mississippi River Basin.

(2) Information on sediment and nutrient levels in the Upper Mississippi River and its tributaries.

(3) Successful sediment and nutrient reduction projects.

SEC. 203. REPORTING REQUIREMENTS.

(a) MONITORING ACTIVITIES.—Commencing one year after the date of the enactment of this Act, the Director of the United States Geological Survey shall provide to Congress and make available to the public an annual report regarding monitoring activities conducted in the Upper Mississippi River Basin.

(b) MODELING ACTIVITIES.—Every three years, the Director of the United States Geological Survey shall provide to Congress and make available to the public a progress report regarding modeling activities.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) UNITED STATES GEOLOGICAL SURVEY ACTIVITIES.—There is authorized to be appropriated to the United States Geological Survey $6,250,000 each fiscal year to carry out this Act (other than section 106). Of the amounts appropriated for a fiscal year pursuant to this authorization of appropriations, one-third shall be made available for the United States Geological Survey Cooperative Water Program and the remainder shall be made available for the United States Geological Survey Hydrologic Networks and Analysis Program.

(b) WATER RESOURCE AND WATER QUALITY MANAGEMENT ASSESSMENT.—There is authorized to be appropriated $650,000 to allow the National Research Council to perform the assessment required by section 106.

SEC. 302. COST-SHARING REQUIREMENTS.

Funds made available for the United States Geological Survey Cooperative Water Program under section 301(a) shall be subject to the same cost sharing requirements as specified in the last proviso under the heading "**UNITED STATES GEOLOGICAL SURVEY-SURVEYS, INVESTIGATIONS, AND RESEARCH**" of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 510; 43 U.S.C. 50).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

☐ 1500

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2381 directs the Secretary of the Interior, acting through the United States Geological Survey, to establish a nutrient and sediment monitoring network for the Upper Mississippi River Basin. We strongly support H.R. 2381, championed by our colleague on the Natural Resources Committee, Congressman RON KIND. This bill would put into place a coordinated public-private approach to sediment and nutrient monitoring in the Upper Mississippi River Basin as part of an effort to improve water quality.

The Upper Mississippi River is extremely important not only to the communities and States along the route it flows, but also to the Nation as a whole. Twenty-one years ago, Congress designated this river segment as both a nationally significant ecosystem and a nationally significant navigation system. It is the only inland river in the United States to have such a designation. Our colleague, RON KIND, has worked hard to secure enactment of this legislation. I commend him for his diligent effort on this important bill.

I urge my colleagues to support H.R. 2381.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of H.R. 2381 and yield myself such time as I may consume.

Mr. Speaker, the Democratic bill manager has more than adequately explained this piece of legislation. The House has passed a similar version of this bill in the previous two Congresses. I am certainly happy to see that we are doing so again.

Mr. KIND. Mr. Speaker, I rise today in support of a bill I have authored that will help scientists and local officials make informed, scientifically based decisions about one of the most important natural resources in this country, the Upper Mississippi River.

The Mississippi River is one of America's great national treasures, running right through the heart of this country. It is North America's largest migratory bird flyway, with 40 percent of the continent's waterfowl species using this corridor during their annual migrations. It also waters the Nation's breadbasket, providing the nutrient-rich soils we enjoy in the midwest and water for irrigation. It also provides drinking water for nearly 30 million Americans and a passageway for billions of dollars in commerce.

But, the Mississippi is threatened by increasing sediment and nutrient flows that gum up the river and poison its ecosystems. H.R. 2381, The Upper Mississippi River Basin Protection Act, is a commonsense piece of legislation that would establish a coordinated public-private approach to reducing these threats, which affect all parts of the river and even the Gulf of Mexico where nutrients have created and continue to enlarge the gulf dead zone.

We can address these issues, but we need hard scientific data to do it. That is where this bill comes in. H.R. 2381 establishes a subbasin monitoring program whereby the United States Geological Service will monitor where nutrients enter the river and use computer modeling to follow the nutrient flows downstream. This will allow local conservationists and land managers to pinpoint exactly where conservation and education are most needed.

This scientific approach has received widespread approval and been endorsed by the five Upper Mississippi State Governors. I thank the Natural Resources Committee staff for helping put this innovative piece of legislation together, and I thank the chairman for his support of the bill. This bill has passed the House in each of the last three Congresses, and I urge my colleagues to support it again today.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H.R. 2381, the Upper Mississippi River Basin Protection Act, which improves the management of sediment and nutrient loss in the Upper Mississippi River Basin by establishing a coordinated public-private strategy.

Water quality in the Upper Mississippi River is critical to the ecological health of the system and is intricately linked to the basin's vast drainage. The Mississippi River is a multi-use resource where commercial navigation, water supply, and recreational demands co-exist with natural resources. Millions of tons of commodities are transported on the river annually. More than 30 million residents rely on the river water to supply their communities with water. And the river hosts about 12 million recreational visitors annually. At the same time, the Mississippi River is home to a wide variety of wildlife.

Unfortunately, the health of the Upper Mississippi River Basin has deteriorated over the years as a result of nonpoint source runoff from land. While agriculture is the lifeblood of many economies along the river, it has contributed to sediment and nutrient buildup that has been detrimental to the health of the river. These sediments and nutrients are transported downstream creating a zone of low dissolved oxygen in the Gulf of Mexico called the "Dead Zone."

We must find ways to harmonize our economy with our environment in order to preserve the Upper Mississippi River Basin. H.R. 2381 take steps in that direction by supporting a sediment and nutrient monitoring and data collection system for the Upper Mississippi River Basin. This Act will provide much-needed objective data to help manage the increasing sediment and nutrient crisis this river faces.

Mr. COLE of Oklahoma. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I have no further requests for time. I do understand that Representative KIND has been delayed, as well, by the storm; and he wanted to be here.

Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 2381.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING HOME OWNERSHIP AND RESPONSIBLE LENDING

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) supporting home ownership and responsible lending.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 526

Whereas home ownership is an important part of realizing the American Dream;

Whereas home ownership is a powerful economic stimulus, both for individual homeowners and for the national economy;

Whereas home ownership also benefits neighborhoods by raising property values and by providing economic and social capital in previously distressed communities;

Whereas in 2006, more than 75,000,000 Americans owned homes, and the home ownership rate was nearly 69 percent, a near record high;

Whereas the home ownership rate for non-Hispanic whites in 2006 was 76 percent, while the rate for African American households was only 48.2 percent; Hispanic households were at 49.5 percent, and Asian, Native Americans, and Pacific Islanders were at 60 percent;

Whereas this Nation experienced a housing boom from 2001 to 2006, due to historically low mortgage rates, rising home prices, and increased liquidity in the secondary mortgage market, all factors that led to the growth of the sub-prime mortgage industry;

Whereas the sub-prime market has created home ownership opportunities for lower-income people, families without access to down payments and people with little or no credit histories, but has also created opportunities for "predatory" lending in which unscrupulous lenders have hidden the true cost of sub-prime loans from unsophisticated borrowers;

Whereas during the past few months, it has become increasingly clear that irresponsible sub-prime lending practices have contributed to a wave of foreclosures that are harming communities and disrupting housing markets;

Whereas higher cost sub-prime mortgage loans are most prevalent in lower-income neighborhoods with high concentrations of minorities (in 2005, 53 percent of African American and 37.8 percent of Hispanic borrowers took out sub-prime loans);

Whereas foreclosures are also costly from a legal and administrative standpoint, with the average foreclosure costing the borrower $7,200 in administrative charges;

Whereas lenders do not typically benefit from taking over a delinquent owner's property, losing thousands of dollars per foreclosure;

Whereas foreclosures can also be very costly for local governments because abandoned homes cost districts tax revenue;

Whereas a recent study calculated that a single-family home foreclosure lowers the value of homes located within one-eighth of a mile (or one city block) by an average of 0.9 percent and even more so (1.4 percent) in low to moderate-income communities; and

Whereas the time has come to raise awareness about the dangers of risky loans and to protect homeowners from unscrupulous lending practices: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House that Government action should be taken that protects buyers from unscrupulous mortgage brokers and lenders; and

(2) specifically, such action should—

(A) enforce rules to eliminate unfair and deceptive practices in sub-prime mortgage lending;

(B) encourage lenders to evaluate a borrower's ability to reasonably repay any mortgage loan;

(C) establish clear minimum standards for mortgage originators;

(D) require that disclosures clearly and effectively communicate necessary information about any mortgage loan to the potential borrower;

(E) reduce or eliminate abuses in prepayment penalties;

(F) address appraisal and other mortgage fraud;

(G) raise public awareness regarding mortgage originators whose loans have high foreclosure rates; and

(H) increase opportunities for loan counseling.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 526, a resolution that supports both homeownership and responsible lending. This resolution is on the floor today because we are facing, by all accounts, a tsunami of defaults and foreclosures in the primary subprime market. In each of our districts, our constituents are encountering payment shock as their subprime loans reset to much higher rates. By some estimates, 2.2 million homeowners with subprime loans made through 2006 will lose their homes.

As Chair of the House Subcommittee on Financial Institutions and Consumer Credit, I have held three hearings on this important and complex issue. At these hearings, we have heard from the Federal regulators, including the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Association, and the Federal Reserve. Acting in a cooperative manner, the FDIC, OCC, OTS and the Fed have issued joint guidance that require financial institutions under their supervision to issue mortgages based on the customer's ability to repay that mortgage.

This commonsense guidance includes underwriting loans to the fully indexed rate and not just to the 2- or 3-year teaser rates that have been so popular over the last few years, as well as allowing borrowers a reasonable time to refinance without prepayment penalties. At these hearings, we have also heard from consumer groups and advocates who tell us that while this guidance is a good first step, 50 percent of the mortgage market comes from lenders outside of the oversight of these Federal regulators.

To effect real change, we need standardized rules over the entire market. One option that has frequently been mentioned is for the Federal Reserve to use its authority to stop unfair and deceptive practices under the HomeOwnership and Equity Protection Act. I am told that the Fed is looking into this. I fully support their using this authority that the Congress has given them in this area.

Beyond HOEPA, we must work together here in Congress to ensure that unfair lending practices are not rewarded and that our constituents have access to credit. Over the coming months, I plan to continue working with Chairman FRANK and holding hearings on this issue and drafting legislation to address some of the problems that have been highlighted both in this resolution and at our hearings. Each and every one of us here in Congress wants to ensure that the American Dream of homeownership does not become a nightmare for our constituents. I support this resolution. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I rise to support House Resolution 526, recognizing homeownership and responsible lending. As the ranking member of the House Committee on Financial Services Subcommittee on Housing and Community Opportunity, I want to thank the gentleman from Maryland, Representative CUMMINGS, and Chairman FRANK and Chairwoman MALONEY for working in a cooperative fashion to ensure that the language protects borrowers while preserving access to homeownership opportunities.

Over the past several years, the housing market has helped to drive the national economy as Americans bought and refinanced homes in record numbers. The benefits of homeownership are undeniable. For this reason, there has been a significant focus on improving homeownership opportunities for everyone, including the low-income borrower. At the same time, the subprime market has flourished and provided credit to many families that may not have qualified under conventional standards.

Today, this country enjoys record-high homeownership rates. More than 68 million Americans own a home. Of this 68 million, 50 million homeowners have a mortgage, and 13 million of them have a subprime loan. According to a recent Chicago Tribune article, "Subprime loans, often with adjustable rates, made homeownership possible for millions of Americans whose credit ratings or income levels made them ineligible for cheaper prime loans."

However, of the 13 million subprime loans, roughly 5 percent of them are entering foreclosure. According to the data released by the Mortgage Bankers Association, these numbers are on the rise. These mortgage foreclosure rates raise eyebrows and call into question what actions are to be taken to help homeowners keep their homes, and I would like to emphasize the word "action." While I believe that this resolution under consideration outlines many important facts, most of which Americans have seen printed in the news for months, it does not take action. The resolution tells the House something that we already have authority to do, and that is to take action.

Americans are waiting for the leadership of this House to exercise that authority. We can talk about the increase in foreclosure rates until we are blue in the face, and why is the leadership in this House waiting. The fact of the matter is, this body needs to join forces with the folks in the public and private sectors to take action immediately.

What it is we should be doing right now is to ensure that the 650,000 homeowners and others who may follow can keep their homes. First we can and should pass a Federal Housing Administration modernization bill. I introduced H.R. 1752, the Expanding American Homeownership Act of 2007, a bill identical to the one that passed the House last July by a strong bipartisan vote of 415–7.

However, on the same day, two of my colleagues on the other side of the aisle introduced another FHA reform bill that includes a new and controversial housing trust fund provision. This trust fund provision has stalled the bill. So while the other side of the aisle is holding out for a brand-new trust fund, millions of Americans may lose their homes in 2007 because they did not have the refinancing option that a modernized FHA could have offered them.

In testimony before the House Financial Services Committee, U.S. Department of Housing and Urban Development Assistant Secretary for Housing Brian D. Montgomery urged Congress to pass an FHA reform bill and said FHA could help hundreds of thousands of additional borrowers to secure a safe and affordable mortgage. He said that the best thing to help subprime borrowers is to reform FHA, and he added that HUD is prepared to immediately implement FHA reforms.

Second, this resolution mentions we can immediately increase opportunities for housing counseling. It also says that we should raise public awareness. I think that first by advertising available resources we can both raise public awareness and increase opportunities for housing counseling. It is crucial to promote financial literacy and educate our youth and adults. This is the most direct way of ensuring that consumers understand the terms of their loan so that they may avoid predatory loans and foreclosure altogether.

I am pleased that on June 25, Neighborhood Works America and the Ad Council launched a national ad campaign aimed at preventing home foreclosures. Homeowners in trouble can try to save their homes by calling a hotline, 888–995–HOPE, a number provided by the Homeowner Preservation Foundation.

In addition, we have about 2,300 HUD-certified housing counseling agencies across the country. Americans should know they can visit HUD's Web site or call 800–569–4287 to find a HUD-certified counselor in their neighborhood. HUD-certified counselors can give straightforward and free or low-cost advice to potential or existing homeowners about buying a home, refinancing a mortgage, or preventing foreclosure.

Third, we need to address the root problems resulting from predatory or bad subprime loans. The Federal regulators have recently stepped up to the plate and tried to address the increasing number of foreclosures through interagency guidance on subprime loans. The guidance to mortgage lenders focuses on loans in the subprime market, particularly adjustable rate mortgage products. It specifies that a lender's assessment or a consumer's ability to repay should be based on the fully indexed rate, assuming a fully amortized repayment schedule. The guidance also focuses on the need for clear and balanced communication to the borrower with regard to mortgage loan benefits.

I support these efforts, but there is much more to do. I know that the issue of mortgage fraud is hot in the Chicago area. We need to ensure that law enforcement has the necessary tools and resources to crack down on fraudulent activities.

Finally, I support this resolution because I agree with my colleagues on the importance of shedding some light on actions that Congress or Federal regulators can take to help homeowners enter into realistic and affordable loans in the future. As we consider our options to take action at the Federal level to help Americans keep and own their homes, I would urge my colleagues to carefully weigh the potential consequences of such actions.

We should allow secondary mortgage markets to adjust to the rise in foreclosures accordingly and to continue to supply liquidity to the primary mortgage market. Simultaneously, we should take immediate action. We need to pass FHA modernization now, and we need to ensure that people continue to have immediate access to financial education and counseling, credit, and viable mortgage options so that people in future generations can realize the American Dream of homeownership.

Again, I thank the gentleman from Maryland (Mr. CUMMINGS) for his hard work on this resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1515

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to manage the time in lieu of the gentlewoman from New York (Mrs. MALONEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 2 minutes.

The gentlewoman from Illinois decided to get into another bill, the FHA bill, and made a couple of statements about it, one of which is inaccurate and one of which is incomplete.

The inaccurate one is to suggest that it has been held up because of the fact that we want to use some of the money that will be generated by the bill, by specifically removing the cap on home equity mortgages, for affordable housing. I understand her objection to our trying to spend some money for more affordable housing construction, but that is not what held up the bill.

We ran into a dispute between those people who do the home equity mortgage servicing and the AARP over the fees to be charged. We adopted an amendment; it was a bipartisan amendment. Our colleague from Georgia, Mr. MARSHALL, and the gentlewoman from Florida (Mrs. GINNY BROWN-WAITE) offered an amendment, and that led to a dispute. I asked that the groups try to work this out, and they have done that, so we are now able to come to the floor with that bill. But we then ran out of time because of the appropriations process. But what held that bill up was that dispute over funding.

Secondly, the gentlewoman said we passed this very good bill last year. We passed a bill last year, and I voted for it because, with the other party then in control, we couldn't make it better. But here is the major difference between that bill and the bill we will bring forward regarding subprime. Under the bill we passed last year and under the position of the gentlewoman from Illinois, people with weaker credit who make all of their payments will be charged more. I think it is inappropriate for the Federal Government to do that.

The FHA, under the bill that was passed last year, would extend credit to borrowers with weaker credit, would guarantee their mortgages but charge them more. Under our bill, because we don't think that the Federal Government ought to charge people more if they are meeting their responsibilities, we cross-subsidize, and we say, if you have weaker credit, your initial payments will be higher. But if you make your payments for 5 years, you will get all of the money back, and I look forward to debating that difference.

I don't think we should be penalizing people, and I don't think people making $40,000 a year who are diligent in making their payments ought to pay more than us.

Mr. Speaker, on this resolution, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS) who was the main sponsor of this important resolution.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding, and I want to thank Mr. FRANK for his leadership and the assistance of his staff in helping us bring this resolution to the floor. And certainly I also say thanks to the ranking member of the subcommittee and the chair of the subcommittee.

Mr. Speaker, I rise today to encourage my colleagues to join me in supporting the passage of H. Res. 526, which supports homeownership and responsible lending. Specifically, this resolution expresses the sense of the House that government action should be taken to protect home buyers from unscrupulous brokers and lenders.

This resolution was inspired by the plight of the American people, the people of Maryland, and my neighbors in Maryland's Seventh Congressional District who have lost their homes to foreclosure or who are currently facing foreclosure.

The dramatic increase in foreclosures is directly related to the emergence of the subprime mortgage industry, which has grown from less than 8 percent of the total mortgage market in 2001 to approximately 20 percent of the market today.

While subprime loans are not inherently dangerous, practices within the industry are turning homeownership, an essential component of the American dream, into a nightmare, costing many people their ticket to the middle class and/or preventing them from passing property on to their children.

Subprime mortgage loans are geared towards borrowers with low credit scores. Other characteristics of the loans often include low initial payments based on a fixed introductory or "teaser" rate that expires after 2 or 3 years and then adjusts to a variable rate for the remaining term of the loan; no payment or rate caps on how much the payment amount or interest rate may increase on the reset dates; and substantial prepayment penalties.

Terms of this nature present incredible risks to consumers who find it impossible to meet the increased payment requirements. Furthermore, the risk of foreclosure increases when borrowers are not adequately informed of product features and risks. And I would say to this House, we must be very careful not to blame the victim.

Many believe that the government should just allow the market to correct itself. However, remaining idle while the situation continues to get worse is unconscionable. According to the Center for Responsible Lending, approximately one in five subprime loans issued in 2005 and 2006 will go into default, costing 2.2 million homeowners their homes over the next several years.

RealtyTrac, a real estate research firm, estimates that foreclosures have increased by 42 percent from 2005 to 2006, to 1.2 million. This translates into one foreclosure for every 92 households. Most alarming is the fact that new foreclosure events in May 2007 totaled over 176,000, an increase of 19 percent since April and of 90 percent since May of 2006.

Recent reports estimate that 5,700 homeowners in Maryland were facing foreclosure and over 36,000 were late on their mortgages in the first quarter of the year. Most startling is the fact that, in June, Maryland ranked 22nd nationally in foreclosures, up from 40th in 2006.

My congressional district alone had 466 foreclosures in the month of May. This equates to a 570 percent increase since May 2005.

Mr. Speaker, these are astounding figures, but when combined with the impact that foreclosures have upon families and their communities, there is little doubt that immediate action needs to be taken to address this national crisis. We must do everything in our power to protect the future of homeownership.

A foreclosure results not only in the loss of a stable living place and significant investment for a family, but it also lowers the homeowner's credit rating, creating barriers to future home purchases and also hindering the ability to pay rent. It typically takes a victim of foreclosure 10 years to recover and buy another house, which means that more and more potential homeowners will be taken out of the home buyer base.

For lower-income communities attempting to revitalize, the consequence of increased foreclosures is often a substantial setback in neighborhood security and sustainability. Areas of concentrated foreclosures can affect the price that other sellers can get for their houses. As higher foreclosure rates ripple through local markets, each house tossed back into the market adds to the supply of for-sale homes and could bring down home prices. In the last 2 years, foreclosures have cost the city of Baltimore approximately $1.8 billion in reduced property values.

Finally, the predominance of subprime loans in low-income and/or minority neighborhoods means that the bulk of the spillover costs of foreclosures are concentrated among the Nation's most vulnerable households. These neighborhoods already have incidences of crime, and increased foreclosures have been found to contribute to higher levels of violent crime. Because of the inherent dangers posed by foreclosures, we must act now to save families across this Nation and preserve our communities.

Various pieces of legislation have been introduced in the House and Senate to help homeowners refinance their homes, but congressional action alone will not fix the problem. Earlier this year, I sent a letter to Chairman Bernanke of the Federal Reserve asking that action be taken to protect homeowners from predatory lending practices using its authority under the Home Ownership Equity Protection Act. I am pleased that the board and other regulators recently issued guidelines to lenders that encompass many of the ideas expressed in the letter sent in May and in House Resolution 526, which states that the government action should do the following: enforce rules to eliminate unfair and deceptive practices in subprime mortgage lending; encourage lenders to evaluate a borrower's ability to reasonably repay the mortgage over the life of the loan, not just at the introductory rate; establish clear minimum standards for mortgage originators; require that disclosures clearly and effectively communicate necessary information about any mortgage loan to the potential borrower; reduce or eliminate abuses in prepayment penalties; address appraisal and other mortgage fraud; raise public awareness regarding mortgage originators whose loans have high foreclosure rates; and increase opportunities for loan counseling.

Mr. Speaker, in closing, I would like to reiterate that owning a home is an essential component of the American dream. Simply put, homeownership has the power to transform lives. Therefore, I urge all of my colleagues to vote in favor of this resolution and continue working to address this critical issue. Again, I thank Chairman FRANK for his leadership.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time but would just ask one question of the chairman.

I think this is so important, and you mentioned that the FHA bill will be coming up. I was curious as to when we would be considering a subprime bill?

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. In the fall. As the gentlewoman knows, this period is appropriations period, except for the voucher bill where we had gotten in line.

But I would hope that we can work in committee on the subprime. I would note, by the way, that 2 years ago, the current ranking member of the full committee was the chairman of the Subcommittee on Financial Institutions, and he was pretty far along in conversations with my two colleagues from North Carolina, Mr. WATT and Mr. MILLER. And frankly, I think if we had not been interfered with from above, we might have gotten a bill a couple of years ago, I think we can pick up where we left off. I am optimistic we can do a bill this fall.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman, and I thank the gentleman from Maryland (Mr. CUMMINGS) for bringing this resolution forward and outlining the important facts that will enable and make certain that people can keep their homes.

Mr. Speaker, I yield back the balance of my time.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H. Res. 526, supporting home ownership and responsible lending.

A recent study released by the Center of Responsible Lending reveals 2.2 million subprime home loans made in recent years have already failed or will end in foreclosure this year at a cost of 164 billion to consumers.

Despite low interest rates and a favorable economic environment during the past several years, the subprime market has experienced record high foreclosure rates. In 2006 alone there were more than 1.2 million foreclosures, a 42 percent increase from 2005. I am sad to report that my home state of Ohio has one of the highest foreclosure rates in the nation.

As you may know a number of factors drive sub prime foreclosures, including adjustable rate mortgages with steep built-in rate and payment increases, prepayment penalties, limited income documentation, and no escrow for taxes and insurance. Often individuals who are eligible for prime rates are steered into accepting high-cost subprime mortgage rates without fully understanding the risks of the mortgage products they choose. People are being manipulated by aggressive mortgage brokers and lending firms into taking subprime rates. It is our responsibility to keep them from being exploited.

Unfortunately many of these individuals are African Americans in urban areas, targeted by lending firms with these high-cost loans. In the last several years, poor neighborhoods with large minority populations like Cleveland, Chicago, Philadelphia and Atlanta have experienced a sharp rise in foreclosures, in some cases more than doubling over the past decade. In Cuyahoga County alone, where Cleveland is located, the foreclosure rate is 17 percent, 12 percent higher than the national average.

Mr. Speaker, we must put an end to these practices that are hurting consumers and prohibiting them from achieving the American dream of home ownership. I urge my colleagues to support my Predatory Mortgage Lending Practices Reduction Act, H.R. 2061 and H. Res. 546 so we may prevent predatory lending and ensure the fiscal security of the American people.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of House Resolution 526, "Supporting Ownership and Responsible Lending." Home ownership plays an integral role helping this Nation's citizens realize the American Dream.

Now more than ever we must increase the awareness of risky loans to protect present and future homeowners. Home ownership is a vital part of our Nation's economy. It benefits neighborhoods by raising property values and providing economic and social capital.

Nationally, in 2006, a record setting 75,000,000 Americans owned homes. In the 7th District of Illinois, there are 238,000 housing units. Of those 238,000 units 49 percent are owner occupied and 51 percent are renter occupied. Fifty-four percent of those who rent spend more than 30 percent of their income on housing.

The housing boom from 2001 to 2006, lower mortgage rates and increased liquidity in the secondary mortgage market, all led to the growth of sub-prime mortgage industries. These secondary mortgage markets created home ownership opportunities for lower income families, people with little or no credit histories, and families without any access to down payments.

The downside to these newly formed opportunities would be the birth of predatory lending. This occurs when lenders hide the true cost of sub-prime loans from unsophisticated borrowers. These unfair practitioners are the main reason for the sudden wave of foreclosures. Foreclosure, when considering both legal and administrative expenses, would cost the borrower an average of $7,200.

In Chicago alone, due to the predatory lending practices of various institutions, the rate of foreclosure on sub-prime loans is 19.2 percent; this is up 37 percent from approximately 5 years ago. From my understanding the property value surrounding the foreclosed home is devalued by $30,000.

This would cause responsible lenders to lose thousand of dollars per foreclosure. Another negative aspect of this sudden rise in foreclosures is the costly affects that it has on local government because abandoned homes cost districts tax revenue.

By definition the lost that is suffered by the districts will have a spiraling effect throughout the community, taking funds from education and the economy.

I commend the Hon. ELIJAH CUMMINGS for introducing House Resolution 526, "Supporting Ownership and Responsible Lending." I am a firm supporter for enforcing rules that would prevent persons from falling victim to unfair practices. By enforcing rules to eliminate unfair practices in sub-prime mortgage lending, addressing appraisal and other mortgage fraud, and increasing opportunities for loan counseling, we will raise the awareness of risky loans and protect present and future homeowners.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in proud support of H. Res. 526, as offered by my distinguished colleague from Maryland and fellow member of the U.S. House Committee on Transportation and Infrastructure, Congressman ELIJAH CUMMINGS. This resolution seeks to recognize and support home ownership and responsible lending.

Ownership of property is an exciting prospect, especially when individuals acquire property that they can truly call "their" own. As once stated in Essence magazine, "ownership gives a sense of power and permanence; you are the ruler of your castle and not the pawn of a landlord." For many Americans, home ownership is an important attribute to realizing the American dream. Whether it means buying a home for the first time or refinancing, home ownership is a powerful economic stimulus, both for the individual homeowners, as well as the national economy. It benefits neighborhoods by raising property values and providing economic and social capital in previously distressed communities.

Mr. Speaker, our Nation recently experienced a housing boom from 2001 to 2006, due to historically low mortgage rates, rising home prices, and increased liquidity in the secondary mortgage market—factors that led to the growth of the sub-prime mortgage industry. In the year 2006 alone, more than 75,000,000 Americans owned homes, and the home ownership rate reached a near record high of nearly 69 percent. For non-Hispanic whites in 2006, the home ownership rate was 76 percent, while the rate for African Americans fell at only 48.2 percent. Hispanic home ownership rate was at 49.5 percent, and that of Asians, Native Americans, and Pacific Islanders were at 60 percent.

The buying of a home is usually the largest purchase that most people will ever make in their lifetime. To many individuals, this is known as a "huge responsibility with great benefits." Sub-prime market has created home ownership opportunities for lower-income people, families without access to down payments and people with little or no credit histories. On the other hand, it has also created opportunities for "predatory" lending, where unscrupulous lenders hide the true cost of sub-prime loans from unsophisticated borrowers.

Higher cost sub-prime mortgage loans are most prevalent in lower income neighborhoods with high concentration of minorities. This is simply unacceptable. In the past few months, it has become increasingly clear to the American people that irresponsible sub-prime lending practices have contributed to a wave of foreclosures, which are in essence, harming our communities and disrupting housing markets. In 2005, 53 percent of African Americans and 37.8 percent of Hispanics took out subprime loans.

Home ownership is critical in building wealth because it signifies the accumulation of appreciable assets. It has been proven consistently that property usually constitutes one's greatest financial asset because ownership of property is one of the single largest investments that an individual can make. On the other hand, foreclosures can be detrimental to an individual, legally and administratively. The average foreclosure causes lenders to loose thousands of dollars and costs the borrower an average $7,200 in administrative charges. For the local government, abandoned homes cost districts tax revenues.

As a public servant and a representative of the people, I strongly urge my colleagues to vote in favor of H. Res. 526. The time has come for us to raise awareness about the dangers of risky loans and to protect homeowners from unscrupulous lending practices from mortgage brokers and lenders. We must demand the enforcement of rules eliminating unfair and deceptive practices in sub-prime mortgage lending, as well as the establishment of clear minimum standards for mortgage originators. Among many things, H. Res. 526 would help in the reduction and elimination of abuses in prepayment penalties, as well as increase opportunities for loan counseling.

Knowledge is the remedy for fear, however knowledge is not enough. We must apply that knowledge to achieve change.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and agree to the resolution, H. Res. 526.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FOREIGN INVESTMENT AND NATIONAL SECURITY ACT OF 2007

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Investment and National Security Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. United States security improvement amendments; clarification of review and investigation process.
Sec. 3. Statutory establishment of the Committee on Foreign Investment in the United States.
Sec. 4. Additional factors for consideration.
Sec. 5. Mitigation, tracking, and postconsummation monitoring and enforcement.
Sec. 6. Action by the President.
Sec. 7. Increased oversight by Congress.
Sec. 8. Certification of notices and assurances.
Sec. 9. Regulations.
Sec. 10. Effect on other law.
Sec. 11. Clerical amendments
Sec. 12. Effective date.

SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMENDMENTS; CLARIFICATION OF REVIEW AND INVESTIGATION PROCESS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (a) and (b) and inserting the following:

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COMMITTEE; CHAIRPERSON.—The terms 'Committee' and 'chairperson' mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

"(2) CONTROL.—The term 'control' has the meaning given to such term in regulations which the Committee shall prescribe.

"(3) COVERED TRANSACTION.—The term 'covered transaction' means any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

"(4) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

"(5) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

"(6) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means, subject to rules issued under this section, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

"(7) CRITICAL TECHNOLOGIES.—The term 'critical technologies' means critical technology, critical components, or critical technology items essential to national defense, identified pursuant to this section, subject to regulations issued at the direction of the President, in accordance with subsection (h).

"(8) LEAD AGENCY.—The term 'lead agency' means the agency, or agencies, designated as the lead agency or agencies pursuant to subsection (k)(5) for the review of a transaction.

"(b) NATIONAL SECURITY REVIEWS AND INVESTIGATIONS.—

"(1) NATIONAL SECURITY REVIEWS.—

"(A) IN GENERAL.—Upon receiving written notification under subparagraph (C) of any covered transaction, or pursuant to a unilateral notification initiated under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee—

"(i) shall review the covered transaction to determine the effects of the transaction on the national security of the United States; and

"(ii) shall consider the factors specified in subsection (f) for such purpose, as appropriate.

"(B) CONTROL BY FOREIGN GOVERNMENT.—If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

"(C) WRITTEN NOTICE.—

"(i) IN GENERAL.—Any party or parties to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

"(ii) WITHDRAWAL OF NOTICE.—No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review, unless a written request for such withdrawal is submitted to the Committee by any party to the transaction and approved by the Committee.

"(iii) CONTINUING DISCUSSIONS.—A request for withdrawal under clause (ii) shall not be construed to preclude any party to the covered transaction from continuing informal discussions with the Committee or any member thereof regarding possible resubmission for review pursuant to this paragraph.

"(D) UNILATERAL INITIATION OF REVIEW.—Subject to subparagraph (F), the President or the Committee may initiate a review under subparagraph (A) of—

"(i) any covered transaction;

"(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

"(iii) any covered transaction that has previously been reviewed or investigated under this section, if—

"(I) any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A);

"(II) such breach is certified to the Committee by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and

"(III) the Committee determines that there are no other remedies or enforcement tools available to address such breach.

"(E) TIMING.—Any review under this paragraph shall be completed before the end of the 30-day period beginning on the date of the acceptance of written notice under subparagraph (C) by the chairperson, or beginning on the date of the initiation of the review in accordance with subparagraph (D), as applicable.

"(F) LIMIT ON DELEGATION OF CERTAIN AUTHORITY.—The authority of the Committee to initiate a review under subparagraph (D) may not be delegated to any person, other than the Deputy Secretary or an appropriate Under Secretary of the department or agency represented on the Committee.

"(2) NATIONAL SECURITY INVESTIGATIONS.—

"(A) IN GENERAL.—In each case described in subparagraph (B), the Committee shall immediately conduct an investigation of the effects of a covered transaction on the national security of the United States, and take any necessary actions in connection with the transaction to protect the national security of the United States.

"(B) APPLICABILITY.—Subparagraph (A) shall apply in each case in which—

"(i) a review of a covered transaction under paragraph (1) results in a determination that—

"(I) the transaction threatens to impair the national security of the United States and that threat has not been mitigated during or prior to the review of a covered transaction under paragraph (1);

"(II) the transaction is a foreign government-controlled transaction; or

"(III) the transaction would result in control of any critical infrastructure of or within the United States by or on behalf of any foreign person, if the Committee determines that the transaction could impair national security, and that such impairment to national security has not been mitigated by assurances provided or renewed with the approval of the Committee, as described in subsection (l), during the review period under paragraph (1); or

"(ii) the lead agency recommends, and the Committee concurs, that an investigation be undertaken.

"(C) TIMING.—Any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date on which the investigation commenced.

"(D) EXCEPTION.—

"(i) IN GENERAL.—Notwithstanding subparagraph (B)(i), an investigation of a foreign government-controlled transaction described in subclause (II) of subparagraph (B)(i) or a transaction involving critical infrastructure described in subclause (III) of subparagraph (B)(i) shall not be required under this paragraph, if the Secretary of the Treasury and the head of the lead agency jointly determine, on the basis of the review of the transaction under paragraph (1),

that the transaction will not impair the national security of the United States.

“(ii) NONDELEGATION.—The authority of the Secretary or the head of an agency referred to in clause (i) may not be delegated to any person, other than the Deputy Secretary of the Treasury or the deputy head (or the equivalent thereof) of the lead agency, respectively.

“(E) GUIDANCE ON CERTAIN TRANSACTIONS WITH NATIONAL SECURITY IMPLICATIONS.—The Chairperson shall, not later than 180 days after the effective date of the Foreign Investment and National Security Act of 2007, publish in the Federal Register guidance on the types of transactions that the Committee has reviewed and that have presented national security considerations, including transactions that may constitute covered transactions that would result in control of critical infrastructure relating to United States national security by a foreign government or an entity controlled by or acting on behalf of a foreign government.

“(3) CERTIFICATIONS TO CONGRESS.—

“(A) CERTIFIED NOTICE AT COMPLETION OF REVIEW.—Upon completion of a review under subsection (b) that concludes action under this section, the chairperson and the head of the lead agency shall transmit a certified notice to the members of Congress specified in subparagraph (C)(iii).

“(B) CERTIFIED REPORT AT COMPLETION OF INVESTIGATION.—As soon as is practicable after completion of an investigation under subsection (b) that concludes action under this section, the chairperson and the head of the lead agency shall transmit to the members of Congress specified in subparagraph (C)(iii) a certified written report (consistent with the requirements of subsection (c)) on the results of the investigation, unless the matter under investigation has been sent to the President for decision.

“(C) CERTIFICATION PROCEDURES.—

“(i) IN GENERAL.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be submitted to the members of Congress specified in clause (iii), and shall include—

“(I) a description of the actions taken by the Committee with respect to the transaction; and

“(II) identification of the determinative factors considered under subsection (f).

“(ii) CONTENT OF CERTIFICATION.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be signed by the chairperson and the head of the lead agency, and shall state that, in the determination of the Committee, there are no unresolved national security concerns with the transaction that is the subject of the notice or report.

“(iii) MEMBERS OF CONGRESS.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be transmitted—

“(I) to the Majority Leader and the Minority Leader of the Senate;

“(II) to the chair and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of any committee of the Senate having oversight over the lead agency;

“(III) to the Speaker and the Minority Leader of the House of Representatives;

“(IV) to the chair and ranking member of the Committee on Financial Services of the House of Representatives and of any committee of the House of Representatives having oversight over the lead agency; and

“(V) with respect to covered transactions involving critical infrastructure, to the members of the Senate from the State in which the principal place of business of the acquired United States person is located, and the member from the Congressional District in which such principal place of business is located.

“(iv) SIGNATURES; LIMIT ON DELEGATION.—

“(I) IN GENERAL.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be signed by the chairperson and the head of the lead agency, which signature requirement may only be delegated in accordance with subclause (II).

“(II) LIMITATION ON DELEGATION OF CERTIFICATIONS.—The chairperson and the head of the lead agency may delegate the signature requirement under subclause (I)—

“(aa) only to an appropriate employee of the Department of the Treasury (in the case of the Secretary of the Treasury) or to an appropriate employee of the lead agency (in the case of the lead agency) who was appointed by the President, by and with the advice and consent of the Senate, with respect to any notice provided under paragraph (1) following the completion of a review under this section; or

“(bb) only to a Deputy Secretary of the Treasury (in the case of the Secretary of the Treasury) or a person serving in the Deputy position or the equivalent thereof at the lead agency (in the case of the lead agency), with respect to any report provided under subparagraph (B) following an investigation under this section.

“(4) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

“(A) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States posed by any covered transaction. The Director of National Intelligence shall also seek and incorporate the views of all affected or appropriate intelligence agencies with respect to the transaction.

“(B) TIMING.—The analysis required under subparagraph (A) shall be provided by the Director of National Intelligence to the Committee not later than 20 days after the date on which notice of the transaction is accepted by the Committee under paragraph (1)(C), but such analysis may be supplemented or amended, as the Director considers necessary or appropriate, or upon a request for additional information by the Committee. The Director may begin the analysis at any time prior to acceptance of the notice, in accordance with otherwise applicable law.

“(C) INTERACTION WITH INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to the Committee of any additional relevant information that may become available during the course of any investigation conducted under subsection (b) with respect to a transaction.

“(D) INDEPENDENT ROLE OF DIRECTOR.—The Director of National Intelligence shall be a nonvoting, ex officio member of the Committee, and shall be provided with all notices received by the Committee under paragraph (1)(C) regarding covered transactions, but shall serve no policy role on the Committee, other than to provide analysis under subparagraphs (A) and (C) in connection with a covered transaction.

“(5) SUBMISSION OF ADDITIONAL INFORMATION.—No provision of this subsection shall be construed as prohibiting any party to a covered transaction from submitting additional information concerning the transaction, including any proposed restructuring of the transaction or any modifications to any agreements in connection with the transaction, while any review or investigation of the transaction is ongoing.

“(6) NOTICE OF RESULTS TO PARTIES.—The Committee shall notify the parties to a covered transaction of the results of a review or investigation under this section, promptly upon completion of all action under this section.

“(7) REGULATIONS.—Regulations prescribed under this section shall include standard procedures for—

“(A) submitting any notice of a covered transaction to the Committee;

“(B) submitting a request to withdraw a covered transaction from review;

“(C) resubmitting a notice of a covered transaction that was previously withdrawn from review; and

“(D) providing notice of the results of a review or investigation to the parties to the covered transaction, upon completion of all action under this section.”.

SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (k) and inserting the following:

“(k) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

“(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States, established pursuant to Executive Order No. 11858, shall be a multi agency committee to carry out this section and such other assignments as the President may designate.

“(2) MEMBERSHIP.—The Committee shall be comprised of the following members or the designee of any such member:

“(A) The Secretary of the Treasury.

“(B) The Secretary of Homeland Security.

“(C) The Secretary of Commerce.

“(D) The Secretary of Defense.

“(E) The Secretary of State.

“(F) The Attorney General of the United States.

“(G) The Secretary of Energy.

“(H) The Secretary of Labor (nonvoting, ex officio).

“(I) The Director of National Intelligence (nonvoting, ex officio).

“(J) The heads of any other executive department, agency, or office, as the President determines appropriate, generally or on a case-by-case basis.

“(3) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of the Committee.

“(4) ASSISTANT SECRETARY FOR THE DEPARTMENT OF THE TREASURY.—There shall be established an additional position of Assistant Secretary of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary appointed under this paragraph shall report directly to the Undersecretary of the Treasury for International Affairs. The duties of the Assistant Secretary shall include duties related to the Committee on Foreign Investment in the United States, as delegated by the Secretary of the Treasury under this section.

“(5) DESIGNATION OF LEAD AGENCY.—The Secretary of the Treasury shall designate, as appropriate, a member or members of the Committee to be the lead agency or agencies on behalf of the Committee—

“(A) for each covered transaction, and for negotiating any mitigation agreements or other conditions necessary to protect national security; and

“(B) for all matters related to the monitoring of the completed transaction, to ensure compliance with such agreements or conditions and with this section.

“(6) OTHER MEMBERS.—The chairperson shall consult with the heads of such other Federal departments, agencies, and independent establishments in any review or investigation under subsection (a), as the chairperson determines to be appropriate, on the basis of the facts and circumstances of the covered transaction under review or investigation (or the designee of any such department or agency head).

“(7) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the chairperson, without regard to section 552b of title 5, United States Code (if otherwise applicable).”.

SEC. 4. ADDITIONAL FACTORS FOR CONSIDERATION.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) is amended—

(1) in the matter preceding paragraph (1), by striking "among other factors";

(2) in paragraph (4)—

(A) in subparagraph (A) by striking "or" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) identified by the Secretary of Defense as posing a potential regional military threat to the interests of the United States; or"; and

(D) by striking "and" at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(6) the potential national security-related effects on United States critical infrastructure, including major energy assets;

"(7) the potential national security-related effects on United States critical technologies;

"(8) whether the covered transaction is a foreign government-controlled transaction, as determined under subsection (b)(1)(B);

"(9) as appropriate, and particularly with respect to transactions requiring an investigation under subsection (b)(1)(B), a review of the current assessment of—

"(A) the adherence of the subject country to nonproliferation control regimes, including treaties and multilateral supply guidelines, which shall draw on, but not be limited to, the annual report on 'Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments' required by section 403 of the Arms Control and Disarmament Act;

"(B) the relationship of such country with the United States, specifically on its record on cooperating in counter-terrorism efforts, which shall draw on, but not be limited to, the report of the President to Congress under section 7120 of the Intelligence Reform and Terrorism Prevention Act of 2004; and

"(C) the potential for transshipment or diversion of technologies with military applications, including an analysis of national export control laws and regulations;

"(10) the long-term projection of United States requirements for sources of energy and other critical resources and material; and

"(11) such other factors as the President or the Committee may determine to be appropriate, generally or in connection with a specific review or investigation.".

SEC. 5. MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(l) MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.—

"(1) MITIGATION.—

"(A) IN GENERAL.—The Committee or a lead agency may, on behalf of the Committee, negotiate, enter into or impose, and enforce any agreement or condition with any party to the covered transaction in order to mitigate any threat to the national security of the United States that arises as a result of the covered transaction.

"(B) RISK-BASED ANALYSIS REQUIRED.—Any agreement entered into or condition imposed under subparagraph (A) shall be based on a risk-based analysis, conducted by the Committee, of the threat to national security of the covered transaction.

"(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

"(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

"(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

"(ii) specific time frames for resubmitting any such written notice; and

"(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the transaction, before the notice referred to in clause (ii) is resubmitted.

"(B) DESIGNATION OF AGENCY.—The lead agency, other than any entity of the intelligence community (as defined in the National Security Act of 1947), shall, on behalf of the Committee, ensure that the requirements of subparagraph (A) with respect to any covered transaction that is subject to such subparagraph are met.

"(3) NEGOTIATION, MODIFICATION, MONITORING, AND ENFORCEMENT.—

"(A) DESIGNATION OF LEAD AGENCY.—The lead agency shall negotiate, modify, monitor, and enforce, on behalf of the Committee, any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction, based on the expertise with and knowledge of the issues related to such transaction on the part of the designated department or agency. Nothing in this paragraph shall prohibit other departments or agencies in assisting the lead agency in carrying out the purposes of this paragraph.

"(B) REPORTING BY DESIGNATED AGENCY.—

"(i) MODIFICATION REPORTS.—The lead agency in connection with any agreement entered into or condition imposed with respect to a covered transaction shall—

"(I) provide periodic reports to the Committee on any material modification to any such agreement or condition imposed with respect to the transaction; and

"(II) ensure that any material modification to any such agreement or condition is reported to the Director of National Intelligence, the Attorney General of the United States, and any other Federal department or agency that may have a material interest in such modification.

"(ii) COMPLIANCE.—The Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately assure compliance, without—

"(I) unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice has been filed pursuant to subsection (b)(1)(C), and if necessary, reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason; or

"(II) placing unnecessary burdens on a party to a covered transaction.".

SEC. 6. ACTION BY THE PRESIDENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (d) and (e) and inserting the following:

"(d) ACTION BY THE PRESIDENT.—

"(1) IN GENERAL.—Subject to paragraph (4), the President may take such action for such time as the President considers appropriate to suspend or prohibit any covered transaction that threatens to impair the national security of the United States.

"(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to paragraph (1) not later than 15 days after the date on which an investigation described in subsection (b) is completed.

"(3) ENFORCEMENT.—The President may direct the Attorney General of the United States to seek appropriate relief, including divestment relief, in the district courts of the United States, in order to implement and enforce this subsection.

"(4) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by paragraph (1), only if the President finds that—

"(A) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security; and

"(B) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security in the matter before the President.

"(5) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under paragraph (1), the President shall consider, among other factors each of the factors described in subsection (f), as appropriate.

"(e) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under paragraph (1) of subsection (d) and the findings of the President under paragraph (4) of subsection (d) shall not be subject to judicial review.".

SEC. 7. INCREASED OVERSIGHT BY CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(g)) is amended to read as follows:

"(g) ADDITIONAL INFORMATION TO CONGRESS; CONFIDENTIALITY.—

"(1) BRIEFING REQUIREMENT ON REQUEST.—The Committee shall, upon request from any Member of Congress specified in subsection (b)(3)(C)(iii), promptly provide briefings on a covered transaction for which all action has concluded under this section, or on compliance with a mitigation agreement or condition imposed with respect to such transaction, on a classified basis, if deemed necessary by the sensitivity of the information. Briefings under this paragraph may be provided to the congressional staff of such a Member of Congress having appropriate security clearance.

"(2) APPLICATION OF CONFIDENTIALITY PROVISIONS.—

"(A) IN GENERAL.—The disclosure of information under this subsection shall be consistent with the requirements of subsection (c). Members of Congress and staff of either House of Congress or any committee of Congress, shall be subject to the same limitations on disclosure of information as are applicable under subsection (c).

"(B) PROPRIETARY INFORMATION.—Proprietary information which can be associated with a particular party to a covered transaction shall be furnished in accordance with subparagraph (A) only to a committee of Congress, and only when the committee provides assurances of confidentiality, unless such party otherwise consents in writing to such disclosure.".

(b) ANNUAL REPORT.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(m) ANNUAL REPORT TO CONGRESS.—

"(1) IN GENERAL.—The chairperson shall transmit a report to the chairman and ranking member of the committee of jurisdiction in the Senate and the House of Representatives, before July 31 of each year on all of the reviews and investigations of covered transactions completed

under subsection (b) during the 12-month period covered by the report.

"(2) CONTENTS OF REPORT RELATING TO COVERED TRANSACTIONS.—The annual report under paragraph (1) shall contain the following information, with respect to each covered transaction, for the reporting period:

"(A) A list of all notices filed and all reviews or investigations completed during the period, with basic information on each party to the transaction, the nature of the business activities or products of all pertinent persons, along with information about any withdrawal from the process, and any decision or action by the President under this section.

"(B) Specific, cumulative, and, as appropriate, trend information on the numbers of filings, investigations, withdrawals, and decisions or actions by the President under this section.

"(C) Cumulative and, as appropriate, trend information on the business sectors involved in the filings which have been made, and the countries from which the investments have originated.

"(D) Information on whether companies that withdrew notices to the Committee in accordance with subsection (b)(1)(C)(ii) have later refiled such notices, or, alternatively, abandoned the transaction.

"(E) The types of security arrangements and conditions the Committee has used to mitigate national security concerns about a transaction, including a discussion of the methods that the Committee and any lead agency are using to determine compliance with such arrangements or conditions.

"(F) A detailed discussion of all perceived adverse effects of covered transactions on the national security or critical infrastructure of the United States that the Committee will take into account in its deliberations during the period before delivery of the next report, to the extent possible.

"(3) CONTENTS OF REPORT RELATING TO CRITICAL TECHNOLOGIES.—

"(A) IN GENERAL.—In order to assist Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall include in the annual report submitted under paragraph (1)—

"(i) an evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

"(ii) an evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies.

"(B) RELEASE OF UNCLASSIFIED STUDY.—All appropriate portions of the annual report under paragraph (1) may be classified. An unclassified version of the report, as appropriate, consistent with safeguarding national security and privacy, shall be made available to the public.".

(c) STUDY AND REPORT.—

(1) STUDY REQUIRED.—Before the end of the 120-day period beginning on the date of enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study on foreign direct investments in the United States, especially investments in critical infrastructure and industries affecting national security, by—

(A) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which comply with any boycott of Israel; or

(B) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which do not ban organizations designated by the Secretary of State as foreign terrorist organizations.

(2) REPORT.—Before the end of the 30-day period beginning upon the date of completion of each study under paragraph (1), and thereafter in each annual report under section 721(m) of the Defense Production Act of 1950 (as added by this section), the Secretary of the Treasury shall submit a report to Congress, for transmittal to all appropriate committees of the Senate and the House of Representatives, containing the findings and conclusions of the Secretary with respect to the study described in paragraph (1), together with an analysis of the effects of such investment on the national security of the United States and on any efforts to address those effects.

(d) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950, as in effect on the day before the date of enactment of this Act.

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General, to the chairman and ranking member of each committee of the Senate and the House of Representatives having jurisdiction over any aspect of the report, including, at a minimum, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives.

SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

"(n) CERTIFICATION OF NOTICES AND ASSURANCES.—Each notice, and any followup information, submitted under this section and regulations prescribed under this section to the President or the Committee by a party to a covered transaction, and any information submitted by any such party in connection with any action for which a report is required pursuant to paragraph (3)(B) of subsection (l), with respect to the implementation of any mitigation agreement or condition described in paragraph (1)(A) of subsection (l), or any material change in circumstances, shall be accompanied by a written statement by the chief executive officer or the designee of the person required to submit such notice or information certifying that, to the best of the knowledge and belief of that person—

"(1) the notice or information submitted fully complies with the requirements of this section or such regulation, agreement, or condition; and

"(2) the notice or information is accurate and complete in all material respects.".

SEC. 9. REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(h)) is amended to read as follows:

"(h) REGULATIONS.—

"(1) IN GENERAL.—The President shall direct, subject to notice and comment, the issuance of regulations to carry out this section.

"(2) EFFECTIVE DATE.—Regulations issued under this section shall become effective not later than 180 days after the effective date of the Foreign Investment and National Security Act of 2007.

"(3) CONTENT.—Regulations issued under this subsection shall—

"(A) provide for the imposition of civil penalties for any violation of this section, including any mitigation agreement entered into or conditions imposed pursuant to subsection (l);

"(B) to the extent possible—

"(i) minimize paperwork burdens; and

"(ii) coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law; and

"(C) provide for an appropriate role for the Secretary of Labor with respect to mitigation agreements.".

SEC. 10. EFFECT ON OTHER LAW.

Section 721(i) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(i)) is amended to read as follows:

"(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any other authority, process, regulation, investigation, enforcement measure, or review provided by or established under any other provision of Federal law, including the International Emergency Economic Powers Act, or any other authority of the President or the Congress under the Constitution of the United States.".

SEC. 11. CLERICAL AMENDMENTS.

(a) TITLE 31.—Section 301(e) of title 31, United States Code, is amended by striking "8 Assistant" and inserting "9 Assistant".

(b) TITLE 5.—Section 5315 of title 5, United States Code, is amended in the item relating to "Assistant Secretaries of the Treasury", by striking "(8)" and inserting "(9)".

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall apply after the end of the 90-day period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Ohio (Ms. PRYCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield as much time as he may consume to the chairman of the committee, Chairman FRANK, from the great State of Massachusetts.

☐ 1530

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman for her leadership on this bill.

This legislation began last year when she was the ranking member of the Subcommittee on Domestic and International Monetary Policy, which you, Mr. Speaker, now chair, and in a bipartisan way we've brought forward this bill.

A brief history here. The administration, I think, made an error in granting authority to the company, Dubai Ports World, to take over seaports. They should have anticipated the reaction.

I think it was a mistake to let Dubai buy those ports and I'm glad that that was dropped, but I think there was an overreaction. Foreign direct investment is a very good thing for our country. It is a source of jobs.

I remember when I first came here in the early 1980s one of our major goals on the Democratic side, with a lot of Republican support, was to get more foreign direct investment. We had a bill we called the domestic content bill. It was to require that a certain percentage of each car sold in America be made in America, and the purpose of that was frankly to help get Japanese, at that time, automakers to come here.

People should understand foreign direct investment means we're talking direct investment as opposed to buying our bonds or buying financial instruments. It means putting money in here that creates jobs, and it ought to be something welcomed. In a few cases, there could be a problem, but the general rule should be that we welcome foreign direct investment.

Now, after the Dubai Ports and the reaction to it, concern grew in the rest of the world that we were not fully supportive of foreign direct investment, and there was this view that we had scared it away. I mention that because there are some who have incorrectly reported this bill, the CFIUS bill as we call it, the bill giving statutory reform to the Committee on Foreign Investments in the U.S., as an effort further to restrict foreign direct investment. That is the exact opposite of the truth.

We've worked very closely here, not just with the Secretary of the Treasury, Mr. Paulson, a great supporter of foreign direct investment, but also with the Financial Services Forum headed by the former Secretary of Commerce, Don Evans. He's been a real leader in this effort.

This is an effort by the Congress to make clear that we welcome foreign direct investment as a rule, but we will have procedures in place to prevent those exceptional examples where it might be problematic, where it might cause a security problem.

So I, again, want to stress this is the Congress of the United States reaffirming that foreign direct investment is a good thing for our economy, and it is our belief that the structure we have set up will help move things quickly.

By the way, Mr. Speaker, people won't be required to go through the CFIUS process, but they will be given assurance if they do that they can go forward. Now, that's very important for people making investments. So this is a wholly supportive operation, and I thank the gentlewoman from New York and the gentlewoman from Ohio who have worked hard on this; the minority whip, the gentleman from Missouri, who is one of those who helped lead the fight for this. This is a genuine bipartisan bill. We passed it last year, and it's something that I know you will find it hard to believe, Mr. Speaker, after we passed the bill, somehow the United States Senate was unable to do that. I know that will cause some surprise to you, but there we are.

This year, it's different. We passed the bill, and the Senate under the leadership of the Senator from Connecticut, Mr. DODD, has passed a very similar bill, not identical, but they're close. I prefer in a few details what we have, but given the nature of the legislative process, we thought the best thing to do in consultation with the Secretary of the Treasury and with both parties was to accept the Senate version.

So this is accepting the Senate version, but we're accepting the Senate version of our version because what the Senate did was to make some fairly small changes in the bill that we adopted last year.

Now, with that, Mr. Speaker, I'm ready to yield. My understanding is that the chairman of the Armed Services Committee, who is concerned about this bill, wanted to raise a technical point. So I would ask the gentlewoman from New York if she would yield to the gentleman from Missouri for the purposes of his and I having a colloquy.

Mrs. MALONEY from New York. Mr. Speaker, I yield to my distinguished colleague, IKE SKELTON, as much time as he may consume.

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman.

I strongly support H.R. 556, and I voted for it when it first came through House, passing by a vote of 423-0. I support the bill because it will protect the critical technologies and the critical infrastructure of this country by ensuring that these invaluable assets remain in friendly and responsible hands. In so doing, it strengthens our national security, and I think the bill makes many needed changes, especially by adding homeland security and critical infrastructure as essential elements to be considered for protection during national security investigations, and also by adding opportunities for congressional oversight in the process. In short, I'm in complete agreement with the intent of this bill.

I've been working with the chairman, however, to try and clarify some elements of the bill that may not make the intent of Congress fully clear. I believe that it is the intent of the Congress in this legislation to extend the current practice of seeking consensus in the Committee on Foreign Investments in the United States. This practice requires that transactions being reviewed and investigated by the committee must satisfy the concerns of all the agencies involved.

I believe that it is also Congress' intent under this legislation that the appropriate committees of the House, including all relevant committees with a jurisdictional interest in the outcomes of specific transactions under review, be kept informed by the executive branch.

And lastly, I believe that it's the intent of Congress in this legislation to require the executive branch to monitor and enforce the mitigation agreements imposed under this legislation to ensure compliance and to regularly review compliance with these mitigation agreements.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield to me, I would say that I share the chairman of the Armed Services Committee's desire that the intent of Congress be clear. I also note the chairman has identified a technical error in the Senate amendment which should be corrected involving required reports of presidential decisions. I will work to accomplish a correction of this error, and I agree with the gentleman's statement of what the legislation intended and in the specific incidents that he cited.

Mr. SKELTON. Well, I certainly thank the chairman. I agree that there is a technical change required in the bill to ensure that Congress' intent be followed. I note that one good opportunity for making this technical and clarifying change to this bill will come during the House-Senate conference on the National Defense Authorization Act for fiscal year 2008. Will the chairman work with me to ensure that this technical and clarifying change can be made to this bill, including having it considered during the conference on the National Defense Authorization Act?

Mr. FRANK of Massachusetts. If the gentleman would yield to me, I'm glad to say, yes, I will work with the gentleman to ensure that this technical and clarifying change is made, and I agree with him the best way to do that is through the conference on the National Defense Authorization Act.

And while this technically falls in the jurisdiction of the Financial Services Committee, I am deviating from the script I was given to say that I think the besetting sin of this place is an excessive concern about turf. The people who put jurisdiction ahead of substance really should think better.

So I am delighted to be able to provide an example of intercommittee cooperation with my very good friend whom I admire, the gentleman from Missouri, and I will look forward to his correcting this error in that conference with the blessing, I believe, of our committee.

Mr. SKELTON. I thank my friend, my colleague from Massachusetts, and I thank the gentlewoman for yielding.

Mrs. MALONEY of New York. Mr. Speaker, I reserve the balance of my time and inquire how much time remains on my side.

The SPEAKER pro tempore. Twelve minutes.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from New York for the time and also for her leadership on this issue. I rise today in strong support of H.R. 556, and I want to thank Chairman FRANK for building on our work in the last Congress, bringing this bill up when I was a proud sponsor, original sponsor, with Mrs. MALONEY and Mr. BLUNT and Mr. CROWLEY of similar legislation that we passed in this House last Congress, and I am proud to be an original sponsor of this legislation. This has been a bipartisan effort and model for the way Congress should operate all of time.

Mr. Speaker, as we now know and very few knew 18 months ago, CFIUS is charged with assessing the safety and security ramifications of direct foreign investment in the United States of America. The bill before us reforms CFIUS to strike the right balance between ensuring national security and open investment. 9/11 taught us that the number one priority of this government is to do all they can do to assure our citizens' security in their homeland.

Now, Dubai Ports World has left the front page and most people's minds, but it's not forgotten. Congress heard and responded to the immediate concerns voiced by Americans that we could not sell security at our ports at any price. Today, we pass a bill that returns accountability to a broken process, while ensuring job growth and investment in our economy are not collateral damage.

Importantly, the bill we are considering maintains that of the House bill that we introduced last March: Increasing administration accountability for the scrutiny of foreign investment transaction; increasing congressional opportunities for oversight of that process; increasing predictability for businesses negotiating the CFIUS process; formalizing the Department of Homeland Security's role in CFIUS; and creating a formal role for the Director of National Intelligence in analyzing each proposed transaction.

Specifically, Mr. Speaker, the bill before us requires that the Treasury Department and each agency directly involved in scrutinizing a transaction sign a certification that goes directly to the Congress. There's strong emphasis on analysis of every transaction by the Director of National Intelligence, and time is given for all members of the CFIUS committee to digest the analysis before making a decision on a transaction. National security is put first in this process. Nothing stands before it.

It should be noted that the administration has radically overhauled the CFIUS process in the last 18 months since the fiasco. This legislation is needed so there is no backsliding and no further letting down of our guard.

And finally, Mr. Speaker, let me say we cannot wait any longer to enact this legislation. We must send a clear signal to our trading partners. There were concerns that some of the press reports on the reform process gave other Nations the impression that we were going to enact protectionist legislation instead of a bill that continued to welcome foreign investment, which also means domestic job growth.

Trade does not take place in a vacuum. What we do here in the United States affects the environment available to U.S. companies expanding their global reach and the expansion of jobs here at home. Honda Motor Corporation alone has made a $6.3 billion investment in my home State of Ohio, employing over 8,500 people.

I mention this simply to say that we can't get to a point where foreign direct investment is a dirty phrase. The United States remains the world's largest recipient of direct foreign investment but by a decreasing margin. China, which was just a blip on the screen 20 years ago, is now a major competitor for foreign investment dollars. In June, the Commerce Department reported that foreign direct investment into U.S. businesses rose 77 percent in 2006, compared with a year earlier, but remained less than half their peak level in 2000.

If the United States is going to attract the ideas, the people, the capital and companies that will drive economic growth in the 21st century, we need a CFIUS process that protects national security but also keeps America an attractive and accessible place to do business and invest.

I want to thank the many members, the chairman and ranking member especially, who invested so much time and effort to get this process right.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I hope that my colleagues who voted for this bill unanimously are as delighted as I am to see H.R. 556, the CFIUS reform bill, once again on this floor, this time headed for the President's desk.

Strengthening the system of review of foreign direct investment in this country is, as this body has recognized repeatedly, an important national and strongly bipartisan interest.

When the Dubai Ports World matter became front page news a year and a half ago, most Americans had no idea that the Committee on Foreign Investments in the United States existed or what it did.

The Dubai Ports World debacle made clear that the CFIUS process needed strengthening and oversight, both to ensure that foreign investment here does not jeopardize our national security in a post-9/11 world and to encourage and support safe foreign investment in this country to create jobs and boost our economy. This bill is designed to accomplish both of these important goals.

As my colleagues will remember, one of the first bills passed by the Financial Services Committee in this Congress and brought to the floor was the original version of this legislation. I am delighted to say that the Senate adopted our bill with very few changes, and it is back here for final passage.

☐ 1545

This has been a long and consistently bipartisan effort in which several Members played key roles and deserve special recognition.

I would like to especially thank Chairman FRANK and the Democratic leadership, Speaker NANCY PELOSI and Majority Leader STENY HOYER, for their support. They made this bill a priority and quickly moved it forward for passage.

I also thank Minority Whip ROY BLUNT for his work, both in this Congress and in the last, in putting together a coalition to build support for CFIUS reform. Congressman JOE CROWLEY and Congressman LUIS GUTIERREZ played a key role in that coalition, and I thank them.

My former colleague on the Monetary Policy Subcommittee, Congresswoman PRYCE of Ohio, worked with me to hold hearings on this bill in the last Congress. Those hearings built on the seminal report from the GAO on the weaknesses in the CFIUS process.

I also thank Congressman THOMPSON of Mississippi and Congressman KING of the Homeland Security Committee, who encouraged this bill from the start.

I would like to thank those Members' staff, particularly Scott Morris, Joe Pinder, Kevin Casey, Peter Freeman, Kyle Nehvins; my subcommittee staff director, Eleni Constantine and Ed Mills for their tireless work on this bill over the past 2 years.

I would also like to thank the Senate for moving forward promptly on this key issue and for adopting our bill and our bill number.

In particular, I thank Chairman DODD and Senator SHELBY for their bipartisan work in moving this forward and their staffs for the careful dedication they gave to every detail of this legislation.

Finally, I would like to the thank Secretary Paulson, Deputy Secretary Kimmitt, Undersecretary Steel and Assistant Secretary Lowery. It is they and their successors who will ensure that the CFIUS process works under

Congress's oversight. I have appreciated the dialogue we have had over the past 2 years on how the reforms we propose will be implemented, and in some cases, they already have been.

This bill is necessary now more than ever. As the Wall Street journal reported this week, a growing number of countries are imposing new restrictions on foreign investment that go well beyond the strict focus on national security concerns embodied in this legislation.

The story indicates that the new hostility to foreign acquirers reflects a perception that the United States is erecting new barriers to foreign capital. Today's legislation establishes in unequivocal terms that this perception is false.

By strengthening and clarifying the national security review process and maintaining a strict focus on national security, the CFIUS reforms embodied in H.R. 556 clearly endorse the open investment policy of the United States while enhancing our national security protections. In the name of national security, the President can intervene in any transaction, and, similarly, CFIUS can condition approval of a deal on being able to reopen a review. But this bill provides clarity and certainty for investors by requiring a finding by CFIUS that all other remedies have been exhausted before CFIUS can reopen a review.

I would note that the certain and transparent CFIUS procedures in this bill stand in stark contrast to actions by some foreign governments where expropriations of assets have occurred arbitrarily without justification and without recompense for U.S. investors. By passing this bill, we continue our long-standing efforts to ensure that U.S. investors are treated with the same certainty and fairness in foreign markets as we give foreign investors in this bill.

This bill makes several necessary reforms. First, it creates CFIUS by statute, so that its operations, membership and procedures have a sound basis in law, and we are reviewable by Congress.

Second, it requires a full 45-day investigation of foreign government investment, in addition to the 30-day review, which can only be waived by the Secretary or the Deputy Secretary of Treasury. While many foreign governments' transactions are harmless, they also pose certain inherent risks. Governments have more assets and resources than private sector participants and may have nonmarket motives.

Third, it requires review and sign-off on every transaction, by a high-level official. When the Ports World deal became public, no senior official could be found who knew about the approval before it happened. The House bill required all approvals to be made by the Secretary or Deputy Secretary. The Senate bill allows a Deputy Secretary to make a decision, but it also mandates the creation of a special assistant secretary at Treasury whose portfolio would be CFIUS matters. By restricting the additional decision-making ability to one out of the many assistant secretaries at the Treasury, this preserves the accountability and high-level review that motivated the original delegation provision.

Fourth, the bill requires reporting to Congress after the conclusion of reviews. While we do not want to politicize the process of security review, we also want to assure proper oversight.

Fifth, it creates and places and puts in place the importance of review by the National Intelligence Director.

Six, it requires tracking of transactions that are withdrawn from the process. Since deals are often withdrawn because they hit a snag in the initial course of review, it is necessary to make sure that appropriate steps are taken to prevent whatever potential risk was spotted.

For example, this was the case with a Smartmatic transaction that I brought to the attention of Treasury last summer as a matter requiring CFIUS review. As you may recall, press reports indicated that Smartmatic, which had just bought the second largest voting machine company in the United States, Sequoia Voting Systems, had ties to the Venezuelan government.

I thought those allegations needed to be investigated by the body with the power to really get into the tangled ownership of the company, which is CFIUS. Under the broad and flexible definition of national security that the bill puts in place, certainly the ownership of voting machines is a potential national security issue.

A CFIUS review began of the deal. But before it was completed, Smartmatic withdrew and agreed to sell Sequoia. Certainly, this is an agreement that I would want CFIUS to track and make sure actually was followed.

I think we have struck the right balance in this bill in protecting the national security interests of our country, first and foremost, but also providing a certain and clear procedure to encourage safe foreign investment that will create jobs and boost the economy.

I urge my colleagues to once again give this bill their unequivocal support and send it to the President with a bipartisan vote.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to my colleague and good friend from the State of California, the ranking member on the Armed Services Committee, Mr. HUNTER.

Mr. HUNTER. I want to thank my colleague for yielding me some time and for the good work that she has done on this bill, as well as my good friend from New York.

Unfortunately, I oppose this bill for this reason: We passed out what I think was a pretty good bill out of the House. That bill had in it several critical national security elements. One of those elements was that any member of this committee, of the CFIUS committee, including, for example, the Secretary of Defense, or a leader in another agency, could, by a single vote, trigger an investigation if they thought there was a national security problem.

Remember, this bill grew out of the Dubai Ports problem. When we were faced with this takeover of our port operations in a number of key ports by a foreign-owned company, we realized that that company could access information about vulnerable aspects of those particular ports that could, at some point, be utilized in a terrorist activity.

So we understood, and that was a good illustration of how critical this CFIUS process is, especially with this array of foreign investments taking place in this country. So we understood that we needed to reform CFIUS. In those days, during the Dubai Ports problem, before that, you had an arrangement that was largely put together by Presidential directive, and the President, by his directive, gave any member of the CFIUS committee, including SecDef, the ability to raise their hand and basically say, I want an investigation.

Now, we ensured that, as we put this thing together in statute, that we maintained that right. I am turning to the House-passed provision that we passed, that I supported. It talked about an investigation being triggered by a roll call vote, and I am quoting, a roll call vote pursuant to paragraph 3(a) in connection with a review under paragraph 1 of any covered transaction results in at least one vote by a committee member against approving the transaction, meaning that the Secretary of Defense could get up and say, I think there is a problem here, and he could trigger that transaction.

Unfortunately, the product that came back from the Senate didn't have that provision. It had this provision; it said that an investigation would be triggered if "the lead agency recommends and the committee concurs that an investigation be undertaken." They have clearly watered down the ability of one person, for example, the Secretary of Defense, to say, to trigger an investigation upon his demand.

I think that's a fatal flaw, because that takes us back to a weaker position than what we have had under the current practice, which involves an investigation being undertaken if a single member of the committee objects under the present Presidential directive. We are actually going back to a lower standard for triggering an investigation than we had before the Dubai ports problem.

So I think, unfortunately, we have taken a product from the Senate which is fatally flawed in that respect. I would strongly support this provision coming back, this exact same law, coming back with that fix. But I don't know any way we can fix it, or even with a colloquy or in any other way, assign a new congressional intent that will clearly reflect that the words that have been changed aren't, in fact, controlling at this point, but that there is a congressional intent that controls.

Unfortunately, I have to object to the passage of this bill, and I will not support the passage of this bill.

Mrs. MALONEY of New York. Mr. Speaker, I appreciate the gentleman's hard work on this bill and his statements, but I would like to clarify that CFIUS is a consensus body, so each member does and will continue to have an effective veto. This bill does not affect that ability in any way. Chairman FRANK of the committee made that very clear in his statements in committee and on the floor today.

Mr. Speaker, I include in the RECORD a list of important organizations in our country, including the Chamber of Commerce, that have issued letters and statements in support of this legislation.

JULY 10, 2007.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: On behalf of the Financial Services Forum, a trade association comprised of the CEOs of 20 of the largest and most diversified financial institutions, I write in strong support of H.R. 556, the "Foreign Investment and National Security Act of 2007." This bipartisan legislation would ensure that proposed foreign investments in the U.S. meet national security objectives while preserving an open, fair and non-discriminatory investment environment.

Passage of this bill indicates to international investors and trade partners that the U.S. remains open for foreign investment and signals to other countries that they should follow suit by keeping their doors open to U.S. foreign direct investment.

The Forum believes that the legislation strikes the appropriate balance between keeping Americans safe and growing the economy. The included reforms make clear that every Administration will devote time and resources to foreign investment deals that require higher levels of scrutiny, while allowing acquisitions that do not present national security concerns to move forward swiftly.

Foreign direct investment supports employment for over 5 million Americans, who typically earn compensation well above the national average. Investment from abroad supports 19% of all U.S. exports. In 2005, a number of foreign-owned companies reinvested $59 billion in profits back into the U.S. economy. At a time when the competitiveness of the United States is so important, H.R. 556 will help maintain America's global advantage and grow the U.S. economy.

The Forum applauds the bipartisan leaders who worked swiftly and productively to move this bill. H.R. 556 will restore Congressional confidence in the CFIUS process and the Forum urges Members to support this critically important bipartisan bill.

Sincerely,

ROBERT S. NICHOLS,
President and COO,
The Financial Services Forum.

U.S. CHAMBER OF COMMERCE,
CONGRESSIONAL AND PUBLIC AFFAIRS,
Washington, DC, July 9, 2007.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, strongly supports H.R. 556, the "National Security Foreign Investment Reform and Strengthened Transparency Act of 2007," which is expected to be considered by the House under suspension of the rules tomorrow. This bipartisan bill would make certain that the process for vetting proposed foreign investments in the U.S. meets national security objectives while preserving an open, fair, and non-discriminatory investment environment. Passage of this bill sends the right signals to international investors: that the U.S. is open for foreign investment and that the nation's trade competitors should follow suit and keep their doors open to U.S. foreign direct investment.

The Chamber believes that H.R. 556 strikes the appropriate balance between keeping Americans safe and protecting the economy. The proposed reforms to the Committee on Foreign Investment in the United States (CFIUS) make clear that the administration has the flexibility to devote time and resources on foreign investment deals that require the most attention to national security concerns, while allowing acquisitions that do not present any national security concerns to move forward without impediment.

Foreign direct investment supports employment for 5.1 million Americans, who typically earn compensation well above the national average. Investment from abroad supports 19% of all U.S. exports. In 2005, a number of foreign-owned companies reinvested $59 billion in profits back into the U.S. economy. Clearly, this bill will help maintain America's competitive edge and continue to contribute positively to the U.S. economic growth.

The Chamber applauds the bipartisan effort that resulted in the completion of this bill. H.R. 556 will restore congressional confidence in the CFIUS process. The Chamber urges the House to support this critical bipartisan bill with a strong affirmative vote. The Chamber will consider using votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, we have no other requests for time. Let me close by addressing the concerns of my colleague that were just raised. The reforms in many areas of this bill far outweigh the compromise of the committee machinations that were made over in the Senate.

Believe me, it is no small point, and it is one not lost on me. Our product, I believe, is far superior. The Senate's, as the gentleman points out, is weaker than ours.

But I believe that the colloquy between Chairman FRANK and Chairman SKELTON will help us resolve that. Chairman FRANK says it is the intent of this Congress that there is a consensus on the CFIUS, and he agreed to work with Chairman SKELTON and the Defense Authorization Act to correct this.

But taken as a whole, this bill is far superior than current law. It must be enacted, and the sooner the better. Let me reiterate, the rest of the world is watching us here today.

We are passing a balanced bill that does not forget the importance of FDI to our economy, but it protects our ports and our homeland to the extent that this Congress is able to do it.

I believe that we must act quickly. We have been stymied for a year now. We can't afford to send the wrong message. It means that American jobs will be lost, and we will be no safer for prolonging this process. This bill protects our economy, but also the ultimate protection is to our homeland. I urge passage of this bipartisan bill.

Mr. LANTOS. Mr. Speaker, I fully support H.R. 556, the Foreign Investment and National Security Act of 2007.

Greater oversight is needed regarding foreign investment in the United States, and I want to commend Chairman FRANK and Mrs. MALONEY for the work they have done in bringing about this legislation. The Committee on Foreign Affairs has significant jurisdictional interest in this legislation, and I was very pleased at the manner in which our committees have worked on H.R. 556 as it moved through the legislative process.

Mr. Speaker, I want to call attention to two critical issues. First, the treatment that the United States provides to foreign investors is often not reciprocated to United States companies who wish to invest in foreign markets, which threatens bilateral investment relations. The procedures laid out in this bill for the interagency Committee on Foreign Investments in the United States, or CFIUS, allow for a responsible and fair assessment of foreign direct investment into the United States. These procedures, however, stand in stark contrast to actions taken by some foreign governments, where expropriations of assets, often in the energy sector, have occurred arbitrarily, without justification, and without full and fair compensation for United States investors.

Mr. Speaker, we must continue to seek to ensure that U.S. investors are treated fairly in foreign markets, especially when a transaction being evaluated by CFIUS is for a company whose primary place of business is in a country that does not allow foreign direct investment from the United States in the same business sector as that of the covered transaction. In this way, we can seek to ensure that foreign governments honor their commitments in international agreements and provide for a fair and friendly investment climate for United States companies. I am pleased that the gentlelady from New York agrees with me on this score and that the House reports accompanying H.R. 556 address this important issue.

Second, the impact of foreign investments on national security must be considered when reviewing foreign investments into the United States. I am pleased that the Financial Services Committee recognizes the seriousness of how transactions reviewed by CFIUS can impact our national security. The Committee report on H.R. 556 makes clear that Congress expects the acquisitions of U.S. companies, including energy assets, by foreign governments or companies controlled by foreign governments, will be reviewed closely for their national security impact. I fully endorse this view and believe that the United States must remain vigilant in protecting our national security interests.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 556, the "Foreign Investment and National Security Act of 2007". As our Nation pursues the laudable dual goals of free and fair flows of capital and trade in the global economy, it must remain ever vigilant of its own security. Understanding this, H.R. 556 amends existing law to strengthen the process by which the Federal Government performs national security-related reviews of foreign investments in the United States.

First and foremost, this bill establishes in statute the membership of the Committee on Foreign Investment in the United States, CFIUS. H.R. 556 broadens the factors that CFIUS must consider during reviews of proposed foreign investments in the United States. This includes the bill's express intent that critical energy infrastructure-related aspects of national security not be ignored in the CFIUS review process. I am particularly pleased with this provision, as well as the establishment in the bill of adding both the Secretary of Energy and the Secretary of Commerce as permanent members of CFIUS. In short, the Committee on Energy and Commerce appreciates the emphasis laid by the bill on issues that fall squarely within our jurisdiction.

Lastly, I note my support for the bill's requirement that the Inspector General of the Department of the Treasury investigate why that Department has not complied with reporting requirements related to potential industrial espionage or coordinated strategies by foreign parties with respect to U.S. critical technology, as is required under current law. This underscores my strong belief that Congressional oversight is a necessary component in assuring that the laws are properly and thoroughly carried out by the Federal Government.

I do have concerns regarding what I believe are several shortcomings in H.R. 556, when compared to the bill originally passed by the House in February of this year. I am troubled that there is no provision to designate vice chairmen of CFIUS—which, in the bill originally passed by the House, would have been comprised of the Secretaries of Commerce and Homeland Security—and instead replaces it with "lead agencies," to which the responsibility for performing national security reviews would now mainly be delegated. This has the lamentable consequence of hindering the thorough participation of the Department of Commerce in the CFIUS review process, something for which my colleagues on the Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce advocated during their hearing on CFIUS reform in July 2006.

Additionally, H.R. 556 now contains weaker provisions related to the collection of evidence in national security reviews, the approval of such reviews, as well as reporting requirements to the Congress about them. For example, while H.R. 556 originally directed CFIUS to submit reports to the Congress on all actions related to covered transactions, the bill now only provides for reports to be submitted to the Congress upon request. Also, I am alarmed that H.R. 556 no longer protects the Federal Government from liability for losses incurred by parties during CFIUS reviews. Such an omission may dissuade the Government from prosecuting thorough reviews for fear of being sued for remuneration by parties to CFIUS-covered transactions.

Although I have chided the bill for what I perceive to be its most apparent weaknesses, I have always maintained that the desire for perfect legislation should not impede the progress of good legislation. I believe H.R. 556 is good legislation that will contribute to the improvement of the CFIUS. I urge my colleagues to support the passage of H.R. 556.

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand here today as Chairman of the Committee on Homeland Security in support of H.R. 556, the Foreign Investment and National Security Act of 2007. This bill provides necessary reform by formalizing and streamlining the structure and duties of the Committee on Foreign Investment in the United States, CFIUS. This reform combines an understanding of the need for ensuring that foreign investment in the U.S. is in the security interests of the American public with an appreciation for global commerce in the 21st century. Indeed, this bill addresses many of the concerns raised about CFIUS over the past year, especially with regard to its current lack of transparency and oversight. This bill rectifies these concerns by formally establishing CFIUS and its membership, while also streamlining how and when CFIUS review will be conducted. This bill sends an important message to the country and the world: The United States will continue to encourage the international flow of commerce in a manner that demands the security of our country.

Mr. Speaker, the bill formalizes the CFIUS membership and requires the following to serve: (1) Secretaries of Treasury, Homeland Security, Commerce, Defense, State, and Energy; (2) Attorney General; Director of National Intelligence (ex officio); and Secretary of Labor (ex officio); and (3) The heads of any other executive department, agency, or office, as the President determines appropriate, generally on a case-by-case basis.

Under this bill, CFIUS will conduct a review of any transaction by or with any foreign person which could result in the foreign control of any person engaged in interstate commerce in the U.S. to determine the effects of the transaction on the national security of the U.S. CFIUS will determine whether to conduct an investigation of the effects of the transaction on the national security of the U.S. if the initial review of the transaction results in the determination that: The transaction threatens to impair the national security of the U.S. and that the threat has not been mitigated during or prior to the review of the transaction; the transaction is a foreign government-controlled transaction; the transaction would result in control of any critical infrastructure of or within the U.S. by or on behalf of any foreign person, if CFIUS determines that the transaction could impair national security, and that such impairment to national security has not been mitigated by assurances provided to CFIUS; or The lead agency recommends, and CFIUS concurs, that an investigation be undertaken.

Mr. Speaker, I believe that our colleagues in the Senate made remarkable contributions to this bill. For example, I think that its determination to eliminate the option for CFIUS to conduct a second 45-day review at the end of the investigation stage was a wise one. As a result of this change, CFIUS will be required to be efficient and will demonstrate our country's recognition of the importance of not hampering foreign investment that avoids hindering our national security. The Congressional Research Service's independent report, for instance, found that, for all the merger and acquisition activity in 2005, 13 percent of it was from foreign firms acquiring U.S. firms. This is up from 9 percent nearly 10 years before. This statistic shows that foreign investment in the U.S. is vital to our economy.

I must mention, however, my concern with one of the changes to the bill, as passed by my colleagues in the Senate, which eliminates an important role of the Secretary of Homeland Security. Both bills establish the Secretary of the Treasury as the Chairperson of CFIUS. Whereas the original House-passed bill required that the Secretaries of Homeland Security and Commerce be Vice Chairpersons of CFIUS, the current bill eliminates the Vice Chairpersons and, instead, calls for the Secretary of the Treasury to designate, as appropriate, a member or members of CFIUS to be the "lead agency or agencies" on behalf of CFIUS for each covered transaction, and for negotiating any mitigation agreements or other conditions necessary to protect national security. In addition, the lead agency or agencies will work on all matters related to the monitoring of the completed transaction. The "lead agency" role is particularly important because if the Secretary of the Treasury and the head of the lead agency jointly determine that a transaction will not impair the national security of the U.S. in certain cases, then an investigation will not be required.

The Department of Homeland Security has played a vital role with regard to CFIUS cases in the past and has an unparalleled institutional understanding of such cases. In its involvement with such cases, it represents the need to protect our homeland from attack and to ensure that our critical infrastructure is protected and available to the American public during, and in the aftermath of, an attack. In 2006, the Department was involved in each of the 113 CFIUS filings and, in 15 instances, the Department requested mitigation agreements. Thus far in 2007, the Department has been involved in each of the 80 filings and has requested five mitigation agreements. Furthermore, a large number of these filings regard the ownership of critical infrastructure, which is a major initiative of the Department. The Department's past involvement with CFIUS and its mission to protect our country only underscores its need to be second to none when CFIUS reviews cases. That the Department no longer has a clearly articulated leadership role in this process negates its understanding of such matters and undercuts a developing expertise of this new Department. Once this bill is enacted into law, I hope that the Secretary of the Treasury will appoint the Department of Homeland Security as one of the lead agencies in all CFIUS cases, unless there is an explicit reason to do otherwise. The need to protect our homeland is too vital—and the Department's role therein too intrinsic—for it to be left without a leadership position in all CFIUS filings.

This bill, nevertheless, brings the necessary reform to the CFIUS process. Incidents such as Dubai Ports World and China National Offshore Oil Corporation's attempted bid for control of an oil company, Unocal, raised an increased awareness regarding transactions that should receive CFIUS review. Importantly, though, this bill does not represent an isolationist reaction to these incidents but, instead, balances the need for continued foreign investment in the U.S. with the need to review that investment's impact on national security and our critical infrastructure.

Only through this legislation will CFIUS have a formal budget, membership, and a clear mission—protecting American security while maintaining a free and growing economy.

In closing, let me thank my colleagues on the Financial Services Committee for their leadership on this legislation, especially my Democratic colleagues Chairman FRANK as well as Representative CAROLYN MALONEY and Representative JOSEPH CROWLEY of New York. I would also like to thank my colleagues in the Senate.

I encourage my colleagues to pass this legislation with strong bipartisan support.

Mr. RUSH. Mr. Speaker, I rise today in order to express the support of the Committee on Energy and Commerce, and in particular the Subcommittee for Commerce, Trade, and Consumer Protection, for H.R. 556, the "Foreign Investment and National Security Act of 2007." This bill makes much-needed reforms to the process by which the Committee on Foreign Investment in the United States, hereafter: CFIUS, performs national security-related reviews of potential foreign investments in our country.

Since the DB World scandal, the Committee on Energy and Commerce has been actively involved in efforts to reform CFIUS. Along with the Committee on Financial Services and the Committee on (then) International Relations, our Committee received referral of H.R. 5337, the "National Security Foreign Investment Reform and Strengthened Transparency Act of 2006," in May 2006. Following a hearing by the Subcommittee on Commerce, Trade, and Consumer Protection on H.R. 5337 in July 2006, the Committee on Energy and Commerce ordered the bill reported. While H.R. 5337 was approved by the House, the Senate did not take it up before the conclusion of the 109th Congress.

In January of this year, the Committee on Energy and Commerce again received referral of a CFIUS reform bill, this time H.R. 556, the "National Security Foreign Investment Reform and Transparency Act of 2007." In the interest of expediting House passage of this bill, our Committee agreed to waive its right to mark up H.R. 556, provided that the final bill include provisions for the establishment of a vice chairmanship of CFIUS, additional CFIUS reporting requirements to the Congress, and that the Inspector General of the Treasury Department investigate that Department's failure to report on potential industrial espionage or coordinated strategies by foreign countries with respect to U.S. critical technology. This understanding—intended for the express purpose of strengthening Congressional oversight of the CFIUS review process—is reflected in an exchange of letters between the Committee on Financial Services and Committee on Energy and Commerce, which itself is part of the record of the bill's initial House debate.

Given our jurisdictional stake and strong interest in CFIUS reform, the Committee on Energy and Commerce is pleased that the House will vote today on H.R. 556. This bill is the culmination of over a year's effort to improve the process by which our government reviews potential foreign investment in the United States for national security risks. While my Committee does offer its support of H.R. 556, we would note that our support is tempered by concerns with deficiencies in the Senate amendments to the bill. My good friend and colleague, Chairman DINGELL, discusses these concerns in greater detail in a statement which has been inserted into the RECORD. Given this, the Subcommittee on Commerce, Trade, and Consumer Protection fully intends to monitor the implementation of this new law. We feel, nevertheless, that the bill makes a meaningful contribution to the reform of the CFIUS review process and would urge our colleagues to vote for its passage.

Mr. MANZULLO. Mr. Speaker, I am particularly pleased that we are this point in the legislative process to send to the President's desk a bipartisan, bicameral reform of the Committee on Foreign Investment in the United States, CFIUS, process. I first became interested in CFIUS reform when a Chinese state-owned enterprise was in competition with a private Italian and a Canadian firm to purchase a very sensitive machine tool division of Ingersoll Milling. The Chinese eventually decided not to attempt to buy the very sensitive machine tool division of Ingersoll but were able to purchase the non-sensitive production line division, which saved hundreds of jobs. It came up again when IBM decided to sell its personal computer division to Lenovo, partially owned by the Chinese government. It emerged again when the China National Offshore Oil Company, CNOOC, another Chinese state-owned enterprise, was ready to outbid a private firm to acquire Unocal.

Let me make clear that I am a strong supporter of foreign direct investment into the United States. U.S. subsidiaries of foreign companies employ 5.1 million Americans, of which 31 percent are in the manufacturing sector; have a payroll of $325 billion; and account for 19 percent of all U.S. exported goods. Foreign direct investment in the U.S. is important because in many cases it provides capital to purchase companies in the U.S. where there is no domestic financing or interest, thus saving thousands of U.S. jobs. Many foreign companies retained numerous firms and jobs in the northern Illinois district I am proud to represent including Ingersoll Machine Milling (Italy) and Ingersoll Cutting Tools (Israel) in Rockford; Nissan Forklift (Japan) in Marengo; Eisenmann Corporation (Germany) in Crystal Lake; and Cadbury-Schweppes (United Kingdom), which owns the Adams confectionary plant in Loves Park. In fact, Illinois is fifth in the United States in terms of the number of employees supported by U.S. subsidiaries of foreign companies per State.

The House is now prepared to send a comprehensive CFIUS reform bill to the President because of the legitimate concern over a year ago of Dubai Ports (DP) World's proposed acquisition of the London-based Peninsular and Oriental Steam Navigation Company (P&O) management operations of 27 terminals at 6 major U.S. ports east of the Mississippi River. Many Americans were legitimately concerned about the national security implications of this deal. However, it was often overlooked that DP World is a state-owned enterprise, owned by the royal family of Dubai. What does it mean for our national interest when foreign governments acquire private sector companies in America?

In the P&O case, the New York Times reported on February 24, 2006 that this sale came down to a "battle between two foreign, state-backed companies"—DP World and PSA, which is part of the investment arm of the Singapore government. "The acquisition price (for P&O) reflects the advantage that a number of the fastest growing companies enjoy—their government's deep pockets." Here is the key, Mr. Speaker—"DP World paid about 20 percent more (for P&O) than analysts thought the company was worth. Publicly traded companies that were potential bidders were scared off long before DP World's final offer."

You would think this would be a factor in the CFIUS decisionmaking process, particularly after Congress in 1992 required a 45-day review process for acquisitions by state-owned enterprises in reaction to the proposed sale of LTV's missile division to Thomson-CSF, the American subsidiary of a French firm that was then 58 percent owned by the French Government. Yet, CFIUS initially declined to subject the DP World's proposed acquisition of P&O through the additional 45-day review process until pressured by Congress.

I am pleased that H.R. 556 incorporates my main suggestion to mandate all proposed acquisitions of U.S. assets by a foreign state-owned enterprise undergo the more rigorous additional 45-day review process. The free market cannot work if foreign governments subsidize the purchase of U.S. assets. H.R. 556 will make absolutely crystal clear that in every case where there is a proposed acquisition by a foreign state-owned enterprise, it will undergo heightened scrutiny to ensure that there is no hidden agenda by a foreign government that could undermine our national security. We owe it to our constituents to make sure that foreign governments do not undermine our open free market system as a tool to advance their national interests. I congratulate the Chairmen and Ranking Members in both Houses of Congress for working together to produce a bill that will merit the President's signature. I urge my colleagues to support H.R. 556.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 556, I am pleased we are considering the Senate amendment to this legislation, which passed the House earlier this Congress by an overwhelming bipartisan vote. This legislation will require congressional notification for cases sent to second-stage reviews and automatically subjects all transactions involving foreign state-owned companies to a second-stage 45-day investigation.

Last year, the attempt by Dubai Ports World, a port operations company owned by the government of the United Arab Emirates, to purchase operating terminals at 6 U.S. ports was a clear indicator the CFIUS process was in dire need of reform.

Whenever a foreign investment affects our homeland security, it deserves greater scrutiny. It seems to me this legislation strikes the proper balance between strengthening our economy and protecting the American people.

Mr. Speaker, I urge my colleagues to support this legislation and move this bill to the President for his signature.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support, and as a proud co-sponsor of H.R. 556, the bipartisan National Security FIRST Act of 2007. This bill will ensure that never again will the Congress and people of the United States be taken by surprise at the discovery that an administration may have endangered the nation's security by authorizing the acquisition of critical American infrastructure by an entity owned or controlled by foreign government with interests inimical to the United States.

Mr. Speaker, recall how outraged Americans were in January 2006 when we learned of the Bush administration's secret approval of the Dubai Ports World deal. That is when it was disclosed that the secretive Committee on Foreign Investment in the United States (CFIUS) had approved a port deal sought by Dubai Ports World—with only minimal review—despite the deal's national security implications. Dubai Ports World is a company owned by the government of the United Arab Emirates (UAE).

The Dubai port deal would have resulted in the company managing terminal operations at six major U.S. ports, including the Port of Houston in my own congressional district. But that is not all. As the facts began to dribble out, we learned that the CFIUS had not initiated a 45-day national security investigation—despite the fact that UAE had links to 9/11 and notwithstanding the fact the Department of Homeland Security had raised security concerns. It was only in response to the overwhelming disapproval, criticism, and anger of the American people and the Congress that Dubai Ports World announced in early March 2006 that it was divesting itself of these U.S. port operations, effectively killing the deal.

Mr. Speaker, although this was a happy outcome it did not obscure the material fact that the CFIUS process was fundamentally flawed. This is because despite the national security implications, the Bush administration lawfully had approved the Dubai Ports World deal with only minimal review—and with no notification to the Congress.

It is also clear from the record that the Bush administration only gave the Dubai port deal a cursory look before approving it. The secretive CFIUS approved the plan with little review, in only 30 days, and without the 45-day national security investigation that should have been conducted. Further, the CFIUS approval was made by mid-level officials. The senior-level decisionmakers in the administration—including the Secretary of the Treasury, the Secretary of Homeland Security, and the President of the United States—were not involved in the decisionmaking process and learned of it only from media reports. In addition, no Member of Congress was informed of the secretive approval by CFIUS of the port deal—with Members also learning about the deal in press reports.

Mr. Speaker, as a senior member of the Committee on Homeland Security, I participated in hearings that uncovered the weaknesses in the CFIUS regulatory framework and cosponsored bipartisan legislation in the 109th Congress that would have corrected these deficiencies. That bill, H.R. 5337, passed the House 424–0 but the Republican congressional leadership in the last Congress could not get together with the Senate to produce and present to the President a bill he would sign.

We rectify that failure today. H.R. 556 strengthens national security by reforming the interagency Committee on Foreign Investment in the United States (CFIUS) process by which the Federal Government reviews foreign investments in the United States for their national security implications.

The bill requires CFIUS to conduct a 30-day review of any national security-related business transaction. After a 30-day review is conducted, CFIUS would be required to conduct a full-scale, 45-day investigation of the effects the business transaction would have on national security if the committee review determines that the transaction threatens to impair national security and these threats have not been mitigated during the 30-day review. The statutory 45-day review is also triggered if the committee review determines that the transaction involves a foreign government-controlled entity and the CFIUS chairman and vice chairman are unable to certify it poses no threat to the national security. Finally, the 45-day review is required if the Director of National Intelligence (DNI) identifies intelligence concerns with the transaction that he concludes could threaten national security, and these threats have not been mitigated during the 30-day review. The bill also contains numerous other provisions to strengthen the CFIUS review process.

Mr. Speaker, I support H.R. 556 for four important reasons. First, it subjects transactions involving foreign governments to a stricter level of scrutiny. Second, the bill provides for senior-level accountability for CFIUS decisions. Third, the bill improves CFIUS accountability to Congress. Finally, H.R. 556 strengthens the CFIUS review process by establishing a formal role for intelligence assessments for every transaction. I will briefly discuss each of these important procedural improvements.

Mr. Speaker, as I indicated earlier, the Dubai Ports World deal was approved by mid-level officials and without a 45-day national security investigation of the transaction, even though Dubai Ports World was owned by a foreign government. H.R. 556 strengthens current law by requiring in cases involving a company that is controlled by a foreign government, a non-delegable certification by either (1) the chairman of CFIUS (the Secretary of the Treasury) or the vice-chairman of CFIUS (the Secretary of Homeland Security) that the transaction poses no national security threat. In the absence of this non-delegable certification, a second-stage 45-day national security investigation of the transaction must take place.

Next, H.R. 556 ensures senior level accountability for CFIUS decisions by requiring the chairman and vice chairman of CFIUS to approve all transactions where CFIUS consideration is completed within the 30-day review period (limiting delegation of approval authority to the Under Secretary level); and requires that the President approve all transactions that have also been subjected to the second-stage 45-day national security investigation.

H.R. 556 improves CFIUS accountability to Congress. As was noted above, Members of Congress were not notified of the CFIUS approval of the Dubai Ports World deal. This bill rectifies this failure by requiring CFIUS to report to the congressional committees of jurisdiction within 5 days after the final action on a CFIUS investigation, and permits the committees to request one detailed classified briefing on the transaction. The bill also requires CFIUS to file semi-annual reports to Congress that contain information on transactions handled by the committee during the previous 6 months.

Last, H.R. 556 strengthens the CFIUS review process by establishing a formal role for intelligence assessments for every transaction. The bill requires that every transaction be subjected to an assessment by the Director of National Intelligence (DNI) and contains provisions to ensure that the DNI has adequate time to conduct the required assessment.

All in all, Mr. Speaker, H.R. 556 represents an important contribution to our effort to secure the homeland. Last November, the American people voted for change, they voted for competence, they voted for a new direction for our country. I am proud to say that with H.R. 556, the new majority has once again delivered on its promise to chart a new direction to make America safer and more secure.

I urge all Members to join me in supporting H.R. 556.

Mr. KING of New York. Mr. Speaker, I rise today in strong opposition to the Senate's revision of what was a solid, balanced bill, H.R. 556, the "Foreign Investment and National Security Act of 2007." This bill fails to make a number of very much needed reforms to the Committee on Foreign Investment in the United States ("CFIUS"). I am disappointed that the legislation, passed by the Senate and considered today, makes changes to the bill originally passed by the House, that significantly weaken the legislation.

As originally passed by the House, H.R. 556 ensured that the Director of National Intelligence (DNI) is given adequate time to conduct a thorough analysis of proposed transactions. If the DNI identified complex issues that could not be resolved within that initial 30-day review, the transaction would be sent to a

45-day investigation. These intelligence reviews were missing during the Dubai Ports debacle last year and are absolutely vital to our homeland security. The Senate version shortshrifts these intelligence reviews and requires the DNI to complete his work within 20 days. It fails to consider more complicated cases that may require additional scrutiny.

In addition, the bill passed by the House both last year and this year would have elevated the Secretary of Homeland Security to a position as Vice-Chair of CFIUS and required both the Departments of Treasury and Homeland Security to approve all CFIUS findings. This was a sensible approach that balanced foreign investment with national security. In the post-9/11 world, homeland security considerations must be our first consideration, not our last. Elevating the Secretary of Homeland Security to the Vice-Chair position would have ensured that while we encourage foreign investment, we would never again side-step the security of our homeland. The legislation we are considering today does not include this important provision.

The Senate's revision would allow a simple majority to overrule the Secretary of Homeland Security or Defense with respect to whether or not a transaction should receive a more thorough vetting through a National Security Investigation. The House bill had required an investigation if any Committee member thought it necessary to protect our national security. Further, the mechanism for approving the Committee's findings is conspicuously absent from the Senate language, whereas the House allowed for any dissenting Committee member to push the transaction to the President for his consideration.

Each of these provisions was included to prevent a future Dubai Ports scenario. Elevating the Secretary of Homeland Security as Vice-Chair would have ensured that the DHS's concerns were seriously addressed by the Department of Treasury. Giving the DNI adequate time to conduct a thorough review would have guaranteed that Members would get more than a shrug of the shoulders when asking pointed questions about Dubai's reported ties to the Taliban. Rollcall votes would have demanded accountability for what was an ill-informed decision.

I cannot in good faith support this legislation because it fails to make the vital changes noted above to improve the current CFIUS process. We are missing an opportunity to enact reforms that will ensure that a debacle like the Dubai Ports World transaction does not happen again.

I will therefore vote against H.R. 556.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 556. As I have previously stated on this subject, more foreign investment in America, rather than less, is good for the country. But I share the belief we must have a robust review process to screen the few investments that threaten our security. The Committee on Foreign Investment in the United States—CFIUS—was established to ensure such transactions that require greater scrutiny are evaluated in light of these concerns. I believe it is our responsibility to make sure the review process is working as intended and make changes where appropriate to enhance this process.

There is no denying the benefits of foreign investment. Our culture of innovation and risk taking has positioned many of our industries at the forefront of global innovation. Foreign investors recognize potential in U.S. companies and risk their capital on companies because our country welcomes foreign investment. When domestic investment bypasses U.S.-based companies, we should be grateful the gap is often filled by foreign investment. The money provided by foreign investors creates jobs, growth and opportunity here at home, and we will only benefit by encouraging more investment. Shutting off foreign investment will hurt us more than it helps us.

But we must be sure that the need to attract investments is balanced with our obligation to ensure they will not pose a danger or national security threat to our Nation. The foreign investment review process is not new, but the highly publicized proposed transactions involving CNOOC and Dubai Ports last year highlighted to Congress, and the public, a process in dire need of review. Many observed this process by which our government sorts out good investment from bad can be rather opaque. Congress and the relevant Committees—including the Energy and Commerce Committee, which has original jurisdiction dating back to the Exon-Florio Amendment—need to be aware of the criteria used to evaluate the transactions and which transactions should be subject to more rigorous review.

Last Congress we acted on the need to clarify the review process and improve transparency. Through the Congressional process, the House passed legislation, but the Senate did not act. I am pleased the Senate has acted this Congress and we will pass this legislation to become law, but I am disappointed in several changes made to the original House-passed version.

Regardless of the imperfections, this will be an improvement over current law. The legislation will provide consistent criteria with appropriate discretion for foreign investment reviews. The triggers for mandatory reviews will also improve the process without impairing our ability to attract significant and needed foreign investment. The legislation also expands the membership of the review board and will now include additional expertise, including the Secretary of Energy, which can only benefit the review process.

Finally, I am pleased the reporting requirements will provide meaningful information to Congress. More robust information will provide a better understanding of the transactions and the criteria CFIUS evaluated to reach their decisions.

I support the legislation because these changes collectively improve the process for foreign investment reviews and increase the transparency of the process.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 556.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1600

COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Improvement Act of 2007".

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

SEC. 102. FINANCIAL DISCLOSURE REPORTS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking subparagraph (E).

SEC. 103. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking "and the Court of International Trade" and inserting ", the Court of International Trade, and any other court, as provided by law".

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting "and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.".

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking "and the Court of International Trade" and inserting ", the Court of International Trade, and the United States Tax Court, as provided by law".

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting "and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.".

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

"Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 119. Protection of individuals performing certain official duties

"(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

"(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

"(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) DEFINITIONS.—In this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered official' means—

"(A) an individual designated in section 1114;

"(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

"(C) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968) who is employed by a public agency that receives Federal financial assistance; and

"(D) a paid informant or any witness in a Federal criminal investigation or prosecution or in a State criminal investigation or prosecution of an offense that is in or affects interstate or foreign commerce;

"(3) the term 'crime of violence' has the meaning given the term in section 16; and

"(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"119. Protection of individuals performing certain official duties.".

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112;";

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking "20 years" and inserting "30 years"; and

(B) in subparagraph (C), by striking "10 years" and inserting "20 years";

(3) in subsection (b), by striking "ten years" and inserting "20 years"; and

(4) in subsection (d), by striking "one year" and inserting "3 years".

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after "probation"; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking "20 years" and inserting "30 years";

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after "probation"; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking "ten years" and inserting "20 years"; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking "United States," and inserting "United States—";

(2) by striking "Whoever is guilty of voluntary manslaughter," and inserting the following:

"(1) subject to paragraph (3), whoever is guilty of voluntary manslaughter";

(3) by striking "Whoever is guilty of involuntary manslaughter," and inserting the following:

"(2) subject to paragraph (3), whoever is guilty of involuntary manslaughter";

(4) at the end of paragraph (2) (as designated by paragraph (3)), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(3) whoever is guilty of an offense under section 1114 or chapter 73 that involved a killing shall—

"(A) in the case of voluntary manslaughter, be fined under this title, imprisoned for not more than 20 years, or both; and

"(B) in the case of involuntary manslaughter, be fined under this title, imprisoned for not more than 10 years, or both.".

SEC. 208. ASSAULT PENALTIES.

Section 115 of title 18, United States Code, is amended in subsection (b) by striking

“(1)” and all that follows through the end of paragraph (1) and inserting the following:

“(1) The punishment for an assault in violation of this section is a fine under this title and—

“(A) if the assault consists of a simple assault, a term of imprisonment for not more than one year, or both;

“(B) if the assault resulted in bodily injury (as defined in section 1365), a term of imprisonment for not more than 10 years;

“(C) if the assault resulted in serious bodily injury (as defined in section 1365), a term of imprisonment for not more than 15 years; or

“(D) if a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.”.

SEC. 209. DIRECTION TO THE SENTENCING COMMISSION.

The United States Sentencing Commission is directed to review the Sentencing Guidelines as they apply to threats punishable under section 115 of title 18, United States Code, that occur over the Internet, and determine whether and by how much that should aggravate the punishment pursuant to section 994 of title 28, United States Code. In conducting the study, the Commission shall take into consideration the number of such threats made; the intended number of recipients, whether the initial sender was acting in an individual capacity or part of a larger group.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.”.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(4) grants to State courts to improve security for State and local court systems.”; and

(2) in subsection (b), by adding at the end the following:

“Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.”.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(1) by striking “80” and inserting “70”;

(2) by striking “and 10” and inserting “10”; and

(3) by inserting before the period the following: “, and 10 percent for section 515(a)(4)”.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting “and State and local court officers” after “tribal law enforcement officers”; and

(2) in subsection (b)(1), by inserting “State or local court,” after “government,”.

SEC. 303. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2008 through 2011.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

“(f) The Commission may—

“(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 2531);

"(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

"(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).".

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. MAGISTRATE AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after "hold office during good behavior," the following: "magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: "However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.".

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)".

SEC. 505. GUARANTEEING COMPLIANCE WITH PRISONER PAYMENT COMMITMENTS.

Section 3624(e) of title 18, United States Code, is amended by striking the last sentence and inserting the following: "Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner, and of the consequences of failure to pay such fines under sections 3611 through 3614 of this title.".

SEC. 506. STUDY AND REPORT.

The Attorney General shall study whether the generally open public access to State and local records imperils the safety of the Federal judiciary. Not later than 18 months after the enactment of this Act, the Attorney General shall report to Congress the results of that study together with any recommendations the Attorney General deems necessary.

SEC. 507. REAUTHORIZATION OF FUGITIVE APPREHENSION TASK FORCES.

Section 6(b) of the Presidential Threat Protection Act of 2000 (28 U.S.C. 566 note; Public Law 106–544) is amended—

(1) by striking "and" after "fiscal year 2002,"; and

(2) by inserting ", and $10,000,000 for each of the fiscal years 2008 through 2012" before the period.

SEC. 508. INCREASED PROTECTION OF FEDERAL JUDGES.

(a) MINIMUM DOCUMENT REQUIREMENTS.—

(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005(49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver's license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual's address of principle residence.

(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

(B) In the case of a judge of a Federal court, the address of the courthouse.

(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual's driver's license or other identification card issued by that State to the individual.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Sadly, Mr. Speaker, our Nation's judiciary has been the repeated targets of death threats and sometimes even violent acts. In 2005, for example, the family members of a Federal judge in Chicago were murdered. Two weeks later, a State judge, court reporter, and a sheriff's deputy were killed in an Atlanta courthouse. And so it is these acts of violence in the judiciary that bring us together.

Along with others, we have begun on the Judiciary Committee to realize the need for legislation that will perhaps try to deal more effectively with these concerns of safety in the courts. So I am pleased that the gentleman from Virginia, the chairman of the Subcommittee on Crime, BOBBY SCOTT; and Judge LOUIE GOHMERT of Texas, a distinguished member of the committee, have joined with me in this effort.

What we seek to do is improve the security for court officers and the safeguards of judges and their families. We achieve this objective by making several revisions in the current law.

First, we make the current redaction authority of Federal judges under the Ethics and Government Act permanent. What this provision will do is prevent would-be aggrieved litigants and others who might use a Federal judge's personal information to determine how they might threaten him or her or a family member of the court.

Another thing we do in this legislation is authorize an additional $120 million for the United States Marshals Service over the course of the next 6 years. These monies will enable the service to increase ongoing investigations and expand protective services that are currently provided to the Federal judiciary. This is a long overdue item, and we were glad that we reached authorizing agreement on it.

The bill also makes it a Federal offense to publish the personal information of a judge, law enforcement officer, or witness with the intent to cause some act of intimidation or harassment, or to commit a crime of violence. This measure authorizes $100 million over the course of the next 5 fiscal years to create and expand the witness protection programs to assist witnesses and victims of crime.

It has taken a couple years to put these various pieces together in the bill, and we think that time for its passage is immediate, if not overdue, and I urge my colleagues to give favorable consideration to this very commonsense proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 660, the Court Security Improvement Act of 2007. This legislation is a bipartisan effort, as the chairman just mentioned, to improve the security of those who administer our justice system, as well as those who serve as witnesses, victims, and their families.

In recent years, Mr. Speaker, we have seen an increase in violence and threats against judges, prosecutors, defense counsel, law enforcement officers, courthouse employees; and the list is virtually endless. It is critical that we address this violence in order to preserve the integrity of, and the public confidence in, our justice system.

The murders of family members of U.S. District Judge Joan Lefkow and the brutal slayings of Judge Rowland Barton and his court personnel in Atlanta are just a few of the many examples that underscore the need to better protect those who serve our judiciary and their respective families.

According to the Administrative Office of the U.S. Courts, almost 700 threats a year are made against Federal judges. In numerous cases, it has been necessary to assign Federal judges security details for fear of attack by terrorists, violent gangs, drug organizations, and disgruntled litigants.

The problem of witness intimidation and threats has also continued to grow, particularly at the State and local levels, where few resources are available to protect witnesses, victims, and their families.

H.R. 660 improves coordination between the United States Marshals Service and the Federal judiciary and bolsters security measures for Federal prosecutors handling the dangerous trials against terrorists, drug organizations, and other organized crime figures.

This bill also prohibits public disclosure on the Internet and other public sources of personal information about judges, law enforcement officers, victims, and witnesses, and protects Federal judges and prosecutors from organized efforts to harass and intimidate them through false filings of liens or other encumbrances against personal property.

Additionally, H.R. 660 provides grants to State and local courts to improve their security services. I want to thank the majority for working with us to include other important provisions that were not in the original legislation.

Under our bipartisan agreement, the legislation we consider today, Mr. Speaker, also contains increased criminal penalties for assaults against Federal law enforcement officers, makes permanent the redaction authority for judges filing ethics disclosure forms, and reauthorizes the Presidential Threat Task Forces.

Although we were unable to include in this legislation a provision that ensures retired and off-duty police officers permission to carry firearms under a Federal law enacted in 2004, I appreciate Chairman CONYERS' and Subcommittee Chairman SCOTT's promise to move and pass on suspension the Law Enforcement Officers Safety Act of 2007, which accomplishes that goal.

It is imperative, it seems to me, Mr. Speaker, that we continue to work together on a bipartisan effort to ensure that judges, witnesses, courthouse personnel, and law enforcement officers do not have to face threats and violence when discharging their duties.

At the State and local level there is a dire need to provide basic security services in the courtroom and for witnesses. H.R. 660 represents a significant first step in this area.

Mr. Speaker, when I served as chairman of the Crimes Subcommittee in the previous Congress, the House passed legislation to improve court security, only to see it die in the other body. I commend Chairman CONYERS, the distinguished gentleman from Michigan; Ranking Member SMITH, distinguished gentleman from Texas; as well as Crime Subcommittee Chairman SCOTT, the distinguished gentleman from Virginia; and another distinguished gentleman from Virginia, Representative FORBES, for their continued leadership on this issue, and hope that we can successfully get this legislation across the finish line.

Finally, I want to acknowledge what Chairman CONYERS did, what Ranking Subcommittee Chairman BOBBY SCOTT did, and the effects, as you mentioned, Mr. Chairman, of Congressman LOUIE GOHMERT, the distinguished gentleman from Texas who himself is a former judge. These three gentlemen were tireless advocates for better judicial security, and I urge my colleagues to support this critical bipartisan measure.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume for these closing remarks.

I agree with HOWARD COBLE, the gentleman from North Carolina, that our Nation's court system and those who work there must function in a safe and professional environment, and that is what we are improving in this measure. We have worked together in great harmony and cooperation, and the measure helps in a substantial way to promote better security for our judiciary and other court personnel, and I urge our colleagues to support the passage of this critical measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 660, the "Court Security Improvement Act of 2007." This legislation will go a long way toward enhancing the security and integrity of our judicial system and the able men and women who comprise the Federal judiciary.

Mr. Speaker, let me quote the Chief Justice of the Texas Supreme Court: "Our democracy and the rule of law depend upon safe and secure courthouses." That is because an independent judiciary is essential for a regime based on the rule of law. Nothing can do more to undermine the independence of the judiciary than the very real threat of physical harm to members of the judiciary or their families to intimidate or retaliate. In 1979, U.S. District Court Judge John Wood, Jr., was fatally shot outside of his home by assassin Charles Harrelson. The murder contract had been placed by Texas drug lord Jamiel Chagra, who was awaiting trial before the judge.

In 1988, U.S. District Court Judge Richard Daronco was murdered at his house by Charles Koster, the father of the unsuccessful plaintiff in a discrimination case. The following year, U.S. Circuit Court Judge Richard Vance was killed by a letter bomb sent to his home. The letter bomb was attributed to racist animus against Judge Vance for writing an opinion reversing a lower-court ruling to lift an 18-year desegregation order from the Duval County, Florida schools.

In this age of the global war on terror, the danger faced by Federal judges, judicial officers, and court personnel is real, as illustrated by the three murders noted above. The recent and tragic murder of U.S. District Court Judge Joan Humphrey Letkow's husband and mother reminds us that the danger has not abated.

Mr. Speaker, H.R. 660 provides a three-pronged legislative response to the security challenges facing our judicial institutions and personnel. First, it directs the U.S. Marshals Service to consult with the Judicial Conference regarding the security requirements for the judicial branch, in order to improve the implementation of security measures needed to protect judges, court employees, law enforcement officers, jurors and other members of the public who are regularly in Federal courthouses.

The bill also extends authority to redact information relating to family members from a Federal judge's disclosure statements required by the Ethics in Government Act and removes the sunset provision from the redaction authority, thus making the redaction authority permanent.

Mr. Speaker, H.R. 660 also enhances the security and protection of judicial personnel and their families by making it a criminal offense to maliciously record a fictitious lien against a Federal judge or Federal law enforcement officer. This new crime and punishment is intended to deter individuals from attempting to intimidate and harass Federal judges and employees by filing false liens against their real and personal property.

The bill also makes it a crime to publish on the Internet restricted personal information concerning judges, law enforcement, public safety officers, jurors, witnesses, or other officers in any U.S. Court. The penalty for a violation is a maximum term of imprisonment of 5 years. Additionally, the bill increases the maximum penalty for killing or attempting to kill a witness, victim, or informant to obstruct justice or in retaliation for their testifying or providing information to law enforcement by increasing maximum penalties.

All in all, Mr. Speaker, this bill makes a substantial contribution to the enhancement of security of judicial institutions and personnel. I urge all members to join me in supporting this beneficial legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no requests for time, and I too yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 660, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1979) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Recognition of Notarizations Act of 2007".

SEC. 2. RECOGNITION OF NOTARIZATIONS IN FEDERAL COURTS.

Each Federal court shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the Federal court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 3. RECOGNITION OF NOTARIZATIONS IN STATE COURTS.

Each court that operates under the jurisdiction of a State shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC RECORD.—The term "electronic record" has the meaning given that term in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006).

(2) LOGICALLY ASSOCIATED WITH.—Seal information is "logically associated with" an electronic record if the seal information is securely bound to the electronic record in such a manner as to make it impracticable to falsify or alter, without detection, either the record or the seal information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1615

Mr. CONYERS. Mr. Speaker, this measure is a commonsense requirement with respect to the process of notarizing documents that occur in every State, every city, every county. And what we do in H.R. 1979 is simply to require Federal and State courts to recognize documents lawfully notarized in any State of the Union when interstate commerce is, in fact, involved.

As we all know, notary publics play a critical role in ensuring that the signer of a document is, indeed, who he or she claims to be and that the person has willingly and without coercion signed the document. By performing these two tasks, the notary public serves as an indispensable first line of defense against fraudulent acts and other manipulations of contracts and other documents.

Although the purpose of notarizations is the same across our Nation, each State has, in the course of time, established its own laws governing the recognition of notarized documents. And some things are required in some places, and other things are required in others. And so the lack of consistent technical rules and the resultant formalities make it unnecessarily difficult for courts to recognize out-of-State notarizations. Some places impose certain technical requirements, such as dictating that the ink seals must be used, while others require embossers. Some States demand very particular language in the acknowledgment certificate and will, accordingly, reject out-of-State notarizations that lack the same language that they require in their State. And there are many other little details that create snafus, create problems in accepting documents that have been notarized and may be different in some small technical way. These inconsistencies, of course, do not further the goals of notarization. In fact, this problem has led to the bill that we have before us. And I'm very pleased to thank the gentleman from Alabama (Mr. ADERHOLT) and Mr. ARTUR DAVIS, also of Alabama, Mr. BRALEY of Iowa, who have all together introduced this measure. And so what we're seeing here is that we propose to grant relief to these kinds of snafus that occur in accepting out-of-State notarizations.

H.R. 1979 is supported by the National Notary Association, countless numbers of notary publics in many States, the academics that follow this arcane area of the law, and we think that they are correct, that we're making an important revision in how notarized documents are recognized by the courts, all courts. And it's in that spirit that I introduce or urge my colleagues to support H.R. 1979.

I'll reserve the balance of my time, Mr. Speaker.

Mr. COBLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Representative ADERHOLT's bill eliminates unnecessary impediments in handling the everyday transactions of individuals and businesses. Many documents executed and notarized in one State, either by design or happenstance, find their way into neighboring or more distant States. A document should not be refused admission to support or defend a claim in court solely on the ground it was not notarized in the State where the Court sits. H.R. 1979 ensures this will not result.

A notarization, in and of itself, Mr. Speaker, neither validates a document nor speaks to the truthfulness or accuracy of its contents. The notarization serves a different function. It verifies that a document's signer is who he or she purports to be and has willingly signed or executed the document.

By executing the appropriate certificate, the notary public, as a disinterested party to the transaction, informs all other parties relying upon or using the document that it is the act of the person who signed it.

H.R. 1979 compels a court to accept the authenticity of the document, even though the notarization was performed in a State other than where the form is located. This reaffirms the importance of the notarial act.

Mr. Speaker, after hearing testimony on this subject before the Judiciary Committee during the 109th Congress, I have concluded that the refusal of one State to accept the validity of another State's notarized document in an intrastate legal proceeding is just plain provincial and insular.

Some of the examples were based on petty reasons. For example, one State requires a notary to affix an ink stamp to a document, an act that is not recognized in a sister State that may well require documents to be notarized with a raised, embossed seal.

Passing this bill will streamline interstate commercial and legal transactions consistent with the guarantees of the Full Faith and Credit Clause of the Constitution. Mr. Speaker, I urge its passage.

Mr. Speaker, I am pleased to recognize the chief sponsor of the bill, the distinguished gentleman from Alabama (Mr. ADERHOLT), for such time as he may consume.

Mr. ADERHOLT. Mr. Speaker, I appreciate the Chairman's support for this legislation to be brought to the floor. I also want to say that I appreciate Congressman COBLE, his lending his support for this legislation and making sure that it gets to the floor today. And as Chairman CONYERS noted, Congressman DAVIS of Alabama and Congressman BRALEY of Iowa have been very helpful in this effort as well. So I'm glad to have their support.

One other person that has been very supportive that actually called this to my attention initially was a friend of mine from Alabama, MIKE TURNER, some time ago brought this issue to my attention, and so I'm glad that we can work on this and try to get this resolved here on the floor of the House and through the United States Congress.

I'm pleased to have been able to work together with the committee of jurisdiction to find a satisfactory solution to this issue dealing with recognition across State lines. During the hearing that was held during the 109th Congress, which has already been mentioned, by the Subcommittee on the Courts, the Internet and Intellectual Property, then Ranking Member HOWARD BERMAN pointed out that though the topic of notary recognition between the States is not necessarily the most exciting issue, it is an extremely practical one. And to my colleague who, of course, now chairs that subcommittee, I would have to agree with him on both points.

During the hearing, which was held back in March of 2006, we heard from several witnesses who all agree that this is an ongoing and a difficult problem for interstate commerce. To businesses and individuals engaged in businesses across State lines, this is a matter long overdue that is being resolved.

H.R. 1979, the bill today, will eliminate confusion that arises when States refuse to acknowledge the integrity of documents from another State. This act preserves the right of States to set standards and regulate notaries, while reducing the burden on the average citizen who has to use the Court system.

It will streamline the interstate, commercial, and legal transaction consistent with the guarantees of the State's rights that are called for in the Full Faith in Credit Clause of the United States Constitution.

Currently, as the law is today, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, will submit an application, takes an oath of office. Some States require the applicants to enroll in educational courses, pass exams and even to obtain a notary bond. Nothing in this legislation will change these steps. We are not trying to mandate how States regulate notaries which they appoint.

In addition, the bill will also not preclude the challenge of notarized documents such as a will contest.

During the subcommittee hearings on this bill that were held back in the 109th Congress, Tim Reineger, who serves as the executive director of the National Notary Association stated, "We like this bill because it is talking about a standard for the legal effects of the material act, the admissibility of it, not at all interfering with the State requirements for education and regulation of the notaries themselves."

This is an issue that has really lagged on for many, many years. When I was first elected to Congress back in 1997, this was an issue that I was first made aware of, and here we are in 2007, and this issue is still not resolved. And this is an issue that people who deal with notaries on a daily basis deal with, to a lot of frustration.

And simply, this legislation that we have before the House today and that will be going before the United States Senate, hopefully in a very short period of time, will address this problem. It will try to expedite interstate commerce so that court documents and so that when notaries are in one State or the other, they will be fully recognized.

And again, I think it must be stressed that it is in no way trying to mandate what a State should do or should not do. It simply allows there to be more free flow of commerce between the States and particularly when you're talking about the regulation of notaries themselves.

Again, thank you, Mr. Chairman, for your support, Congressman COBLE for your support of this legislation, and allowing it to be able to move forward today. And I would urge my colleagues that when this bill comes for a vote, that they would support it under the suspension of the rules.

Mr. COBLE. In closing, Mr. Speaker, this addresses a problem that has come across my path many times. Back home, Mr. CONYERS, I don't know about you in Michigan, but in North Carolina, I hear this complaint frequently. A document properly notarized in one State, and then as I said, it must be by happenstance, crosses a State line and goes to another State, and then, of course, denial rears her ugly head, and all sorts of confusion results.

□ 1630

So this addresses a problem that needs to be fixed, and I think this legislation does it.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I commend the author of this bill, Mr. ADERHOLT, and always I am pleased to come to the floor with the floor manager on the Republican side, Mr. COBLE.

And I only want to underscore the fact that communications interstate are so common and frequent that this is a long overdue and important improvement in the relations of legal documents between the citizens of the several States. So I am proud to sign off with you and join in urging that this matter be unanimously supported by the distinguished House of Representatives.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1979.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.".

A motion to reconsider was laid on the table.

TRANSITIONAL MEDICAL ASSISTANCE AND ABSTINENCE EDUCATION PROGRAM EXTENSION

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1701) to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM THROUGH THE END OF FISCAL YEAR 2007.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432) is amended—

(1) by striking "June 30" and inserting "September 30"; and

(2) by striking "third quarter" each place it appears and inserting "fourth quarter".

SEC. 2. SUNSET OF THE LIMITED CONTINUOUS ENROLLMENT PROVISION FOR CERTAIN BENEFICIARIES UNDER THE MEDICARE ADVANTAGE PROGRAM.

Section 1851(e)(2)(E) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)(E)), as added by section 206(a) of division B of the Tax Relief and Health Care Act of 2006, is amended—

(1) in clause (i), by striking "2007 or 2008" and inserting "the period beginning on January 1, 2007, and ending on July 31, 2007,"; and

(2) in clause (iii)—

(A) in the heading, by striking "YEAR" and inserting "THE APPLICABLE PERIOD"; and

(B) by striking "the year" and inserting "the period described in such clause".

SEC. 3. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by 301 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking "the Fund during the period" and all that follows and inserting "the Fund—

"(I) during 2012, $1,600,000,000; and

"(II) during 2013, $1,790,000,000.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation that provides a 3-month extension to the transitional medical assistance program under Medicaid.

TMA provides vital support for low-income American families moving off welfare and into work. Under the TMA program, families whose earnings would otherwise make them ineligible for Medicaid can receive up to 12 months of Medicaid coverage. Without TMA, many families transitioning from welfare to work would go without health insurance and could end up back on welfare.

Families leaving welfare often encounter difficulties such as securing health insurance because they have taken low-wage jobs that do not offer employer-sponsored health coverage. In some cases this choice could serve as a deterrent to returning to work, and we want to provide folks with as many incentives as possible to return to work. According to the Congressional Research Service, 79 percent of people with incomes of at least 200 percent of the Federal poverty level benefit from employer-sponsored health insurance, yet only 19 percent of working-age individuals with incomes below the poverty line receive health care coverage through employment. These are folks who earn $10,210 or less a year. If they can't get coverage through their employer, it is essentially cost-prohibitive for them to purchase health insurance.

No one should be made to choose between a job and health insurance. Thanks to TMA, many Americans are spared this tough choice and allowed to move off welfare and into a job while maintaining their health coverage. Without TMA, many of our most vulnerable Americans would be unable to access the health coverage they need.

In my State of Texas, TMA helps provide more than 111,000 people each month continued treatment for ongoing health care needs. A gap in care would be particularly problematic for the one out of four mothers in the program who are in poor or fair health yet transitioning from welfare to work. The extensions of the program is critical to their continued access to necessary health care.

Again in Texas, TMA also reimburses medical providers for more than $300 million in annual expenses for acute medical care, prescription drugs, and other approved Medicaid services. Without TMA, these costs for medically necessary services would be shifted to local governments or charitable organizations, or worse, the client may not receive needed care at all.

Mr. Speaker, TMA enjoys wide-ranging bipartisan support. The National Governors Association strongly supports TMA and its extension. According to the National Governors Association, "without access to regular health care, health problems of a new worker or the worker's family members are likely to lead to greater absenteeism and possibly job loss."

TMA is also supported by the National Conference of State Legislatures, the American Public Health Association, and the National Association of State Medicaid Directors. The administration also supports this vital program as evidenced by the fact that the President included a 1-year extension of TMA in his fiscal year 2008 budget proposal.

Mr. Speaker, in the past Congress has always acted in bipartisan fashion to extend TMA in combination with an equal extension of Federal abstinence education programs. While there is no shortage of debate or opinion on the merits of abstinence education programs, I hope my colleagues will join me in supporting this approach, at least for the short term, so we can ensure that hardworking American families don't lose their health care under the transitional medical assistance program.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

This statement that I am about to read is the statement of Congressman JOE BARTON, the distinguished gentleman from Texas, who I am told is in transit and is not able to be here:

I rise in support of the bill before us today, which extends the programs of transitional medical assistance and the title V abstinence education program. I am pleased that the Congress is able to work together to extend funding for these programs.

I believe it is important that we support the goals of abstinence education and not get bogged down by the politics that inevitably surround the concept. Our school children deserve the opportunity to receive an education regarding the merits of an abstinent lifestyle. Title V funds are optional for States, and it does not prohibit the funding and teaching of contraceptive-based programs.

Abstinence education provides teens the opportunities to learn about the ramifications of sexual activity including pregnancy and sexually transmitted diseases. As I am sure many of my colleagues would attest, I have heard from numerous programs within my State, and I am sure in the State of Texas from where Mr. BARTON hails, that rely on this Federal funding. They believe in the program and hope to continue providing abstinence education opportunities to local teens.

In closing, Mr. Speaker, I would like to reiterate my support for this bill and encourage my colleagues to do the same.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. HARMAN. Mr. Speaker, providing health insurance to those working their way out of welfare is vitally important. However, pairing a program that actually helps American families with one that extends funding for abstinence-only education is truly insulting. To stay healthy, our adolescents must receive accurate information about protecting themselves from sexually transmitted infection. Federal funding should not be squandered on programs that are not medically accurate or scientifically proven to prevent disease and unintended pregnancy. This is especially true as we struggle to find funding to provide American youth with health insurance. Our children deserve better than this.

Politics often requires compromises. But make no mistake; my vote is a vote for working families, and not against proven programs to reduce unwanted teen pregnancies and sexually transmitted infections. The Transitional Medical Assistance program will require future extensions, and I will continue to fight for programs that provide real information and protection for our children.

Mr. GENE GREEN of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the Senate bill, S. 1701.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 40 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1837

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCOTT of Virginia) at 6 o'clock and 37 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings on motions to suspend the rules previously postponed will be taken tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–224) on the resolution (H. Res. 531) providing for consideration of the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008, which was referred to the House Calendar and ordered to be printed.

TIME TO LEAVE IRAQ

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, the time has come for us to leave Iraq. The President intends to continue his war until he leaves office and let the next President clean up his mess. White House advisers debate how to buy more time.

Over 3,600 U.S. troops have been killed. Hundreds, perhaps thousands more, will be killed while we wait for this President to end this war. Thirty thousand U.S. troops wounded. Will that number double while we wait for this President to end his war? Thousands of Iraqi men, women, and children dead, $10 billion each month squandered. Are we ready to spend $200 billion more?

On Sunday, the New York Times laid out why, how, and when the U.S. should end this war. It pulled no punches about how ugly the aftermath might be. It was a hard and honest statement of where we stand right now and where we need to go.

Mr. Speaker, Congress must act. It is time to end this war.

[From the New York Times, July 8, 2007]

THE ROAD HOME

It is time for the United States to leave Iraq, without any more delay than the Pentagon needs to organize an orderly exit.

Like many Americans, we have put off that conclusion, waiting for a sign that President Bush was seriously trying to dig the United States out of the disaster he created by invading Iraq without sufficient cause, in the face of global opposition, and without a plan to stabilize the country afterward.

At first, we believed that after destroying Iraq's government, army, police and economic structures, the United States was obliged to try to accomplish some of the goals Mr. Bush claimed to be pursuing, chiefly building a stable, unified Iraq. When it became clear that the president had neither the vision nor the means to do that, we argued against setting a withdrawal date while there was still some chance to mitigate the chaos that would most likely follow.

While Mr. Bush scorns deadlines, he kept promising breakthroughs—after elections, after a constitution, after sending in thousands more troops. But those milestones came and went without any progress toward a stable, democratic Iraq or a path for withdrawal. It is frighteningly clear that Mr. Bush's plan is to stay the course as long as he is president and dump the mess on his successor. Whatever his cause was, it is lost.

The political leaders Washington has backed are incapable of putting national interests ahead of sectarian score settling. The security forces Washington has trained behave more like partisan militias. Additional military forces poured into the Baghdad region have failed to change anything.

Continuing to sacrifice the lives and limbs of American soldiers is wrong. The war is sapping the strength of the nation's alliances and its military forces. It is a dangerous diversion from the life-and-death struggle against terrorists. It is an increasing burden on American taxpayers, and it is a betrayal of a world that needs the wise application of American power and principles.

A majority of Americans reached these conclusions months ago. Even in politically polarized Washington, positions on the war no longer divide entirely on party lines. When Congress returns this week, extricating American troops from the war should be at the top of its agenda.

That conversation must be candid and focused. Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs. Perhaps most important, the invasion has created a new stronghold from which terrorist activity could proliferate.

The administration, the Democratic-controlled Congress, the United Nations and America's allies must try to mitigate those outcomes—and they may fail. But Americans must be equally honest about the fact that keeping troops in Iraq will only make things worse. The nation needs a serious discussion, now, about how to accomplish a withdrawal and meet some of the big challenges that will arise.

THE MECHANICS OF WITHDRAWAL

The United States has about 160,000 troops and millions of tons of military gear inside Iraq. Getting that force out safely will be a formidable challenge. The main road south to Kuwait is notoriously vulnerable to roadside bomb attacks. Soldiers, weapons and vehicles will need to be deployed to secure bases while airlift and sealift operations are organized. Withdrawal routes will have to be guarded. The exit must be everything the invasion was not: based on reality and backed by adequate resources.

The United States should explore using Kurdish territory in the north of Iraq as a secure staging area. Being able to use bases and ports in Turkey would also make withdrawal faster and safer. Turkey has been an inconsistent ally in this war, but like other nations, it should realize that shouldering part of the burden of the aftermath is in its own interest.

Accomplishing all of this in less than six months is probably unrealistic. The political decision should be made, and the target date set, now.

THE FIGHT AGAINST TERRORISTS

Despite President Bush's repeated claims, Al Qaeda had no significant foothold in Iraq before the invasion, which gave it new base camps, new recruits and new prestige.

This war diverted Pentagon resources from Afghanistan, where the military had a real chance to hunt down Al Qaeda's leaders. It alienated essential allies in the war against terrorism. It drained the strength and readiness of American troops.

And it created a new front where the United States will have to continue to battle terrorist forces and enlist local allies who reject the idea of an Iraq hijacked by international terrorists. The military will need resources and bases to stanch this self-inflicted wound for the foreseeable future.

THE QUESTION OF BASES

The United States could strike an agreement with the Kurds to create those bases in northeastern Iraq. Or, the Pentagon could use its bases in countries like Kuwait and Qatar, and its large naval presence in the Persian Gulf, as staging points.

There are arguments for, and against, both options. Leaving troops in Iraq might make it too easy—and too tempting—to get drawn back into the civil war and confirm suspicions that Washington's real goal was to secure permanent bases in Iraq. Mounting attacks from other countries could endanger those nations' governments.

The White House should make this choice after consultation with Congress and the other countries in the region, whose opinions the Bush administration has essentially ignored. The bottom line: the Pentagon needs enough force to stage effective raids and airstrikes against terrorist forces in Iraq, but not enough to resume large-scale combat.

THE CIVIL WAR

One of Mr. Bush's arguments against withdrawal is that it would lead to civil war. That war is raging, right now, and it may take years to burn out. Iraq may fragment into separate Kurdish, Sunni and Shiite republics, and American troops are not going to stop that from happening.

It is possible, we suppose, that announcing a firm withdrawal date might finally focus Iraq's political leaders and neighboring governments on reality. Ideally, it could spur Iraqi politicians to take the steps toward national reconciliation that they have endlessly discussed but refused to act on.

But it is foolish to count on that, as some Democratic proponents of withdrawal have done. The administration should use whatever leverage it gains from withdrawing to press its allies and Iraq's neighbors to help achieve a negotiated solution.

Iraq's leaders—knowing that they can no longer rely on the Americans to guarantee their survival—might be more open to compromise, perhaps to a Bosnian-style partition, with economic resources fairly shared but with millions of Iraqis forced to relocate. That would be better than the slow-motion ethnic and religious cleansing that has contributed to driving one in seven Iraqis from their homes.

The United States military cannot solve the problem. Congress and the White House must lead an international attempt at a negotiated outcome. To start, Washington must turn to the United Nations, which Mr. Bush spurned and ridiculed as a preface to war.

THE HUMAN CRISIS

There are already nearly two million Iraqi refugees, mostly in Syria and Jordan, and nearly two million more Iraqis who have been displaced within their country. Without the active cooperation of all six countries bordering Iraq—Turkey, Iran, Kuwait, Saudi Arabia, Jordan and Syria—and the help of other nations, this disaster could get worse. Beyond the suffering, massive flows of refugees—some with ethnic and political resentments—could spread Iraq's conflict far beyond Iraq's borders.

Kuwait and Saudi Arabia must share the burden of hosting refugees. Jordan and Syria, now nearly overwhelmed with refugees, need more international help. That, of course, means money. The nations of Europe and Asia have a stake and should contribute. The United States will have to pay a large share of the costs, but should also lead international efforts, perhaps a donors' conference, to raise money for the refugee crisis.

Washington also has to mend fences with allies. There are new governments in Britain, France and Germany that did not participate in the fight over starting this war and are eager to get beyond it. But that will still require a measure of humility and a commitment to multilateral action that this administration has never shown. And, however angry they were with President Bush for creating this mess, those nations should see that they cannot walk away from the consequences. To put it baldly, terrorism and oil make it impossible to ignore.

The United States has the greatest responsibilities, including the admission of many more refugees for permanent resettlement. The most compelling obligation is to the tens of thousands of Iraqis of courage and good will—translators, embassy employees, reconstruction workers—whose lives will be in danger because they believed the promises and cooperated with the Americans.

THE NEIGHBORS

One of the trickiest tasks will be avoiding excessive meddling in Iraq by its neighbors—America's friends as well as its adversaries.

Just as Iran should come under international pressure to allow Shiites in southern Iraq to develop their own independent future, Washington must help persuade Sunni powers like Syria not to intervene on behalf of Sunni Iraqis. Turkey must be kept from sending troops into Kurdish territories.

For this effort to have any remote chance, Mr. Bush must drop his resistance to talking with both Iran and Syria. Britain, France, Russia, China and other nations with influence have a responsibility to help. Civil war in Iraq is a threat to everyone, especially if it spills across Iraq's borders.

President Bush and Vice President Dick Cheney have used demagoguery and fear to quell Americans' demands for an end to this war. They say withdrawing will create bloodshed and chaos and encourage terrorists. Actually, all of that has already happened—the result of this unnecessary invasion and the incompetent management of this war.

This country faces a choice. We can go on allowing Mr. Bush to drag out this war without end or purpose. Or we can insist that American troops are withdrawn as quickly and safely as we can manage—with as much effort as possible to stop the chaos from spreading.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BRING OUR TROOPS HOME FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we are back from our Fourth of July district work period, but our homecoming has not been a particularly happy one because we have received even more bad news from the occupation in Iraq.

Yesterday the nonpartisan Congressional Research Service reported that the cost of the occupation has soared to $10 billion a month, which will add up to half a trillion dollars, thanks to the administration's decision to send more troops and escalate the occupation.

Ten billion dollars a month. I pulled out my calculator. I did some division and found that $10 billion translates into $23 million per month per congressional district. Yes, the President is sending a bill to our constituents in every district every month that says you owe $24 million and you had better pay up because if you don't, I will borrow the money and stick your children and your grandchildren with the bill plus plenty of interest. And I am going to send you another bill just like this one every single month from here on.

Now, some people call the spending on the war the "burn rate." But America doesn't have money to burn. Not when we have critically important investments to make in places that really make a difference for our country, like education; health care; the environment; energy independence; and homeland security, including better security at our ports, at our airports and giving first responders the tools they need to keep our communities safe.

And here is what disturbs me the very most about this burn rate: while the administration throws good money after bad in Iraq, it wants to roll back health coverage for kids right here in America. Those are the wrong priorities. They are the wrong values.

Let's ask ourselves what are we getting for our $10 billion a month. We are getting an Iraq Government that isn't meeting any of the benchmarks. We are contributing to a refugee crisis that has already forced at least 4 million Iraqis out of their homes with tens of thousands leaving every month. And we are stretching our military to the breaking point.

Today, the Army announced that in June it missed its recruitment goal for the second month in a row. It appears that parents, alarmed about the bloodshed and never-ending nature of this occupation, are discouraging their children from signing up. Isn't it ironic that our involvement in Iraq is turning out to be a bad recruiting tool for the United States but a great recruiting tool for al Qaeda and other terrorist groups?

I am encouraged, however, that a growing number of my colleagues on the other side of the aisle are turning against the occupation. But at the same time, the President gave a speech today in Cleveland that showed he isn't budging an inch from his failed escalation strategy. He said that Congress "should wait" for General Petraeus's report on the surge in September before making any decision about Iraq, while admitting at the same time that September is a meaningless goal. That is outrageous. The American people didn't send us to Congress to sit around and wait to do nothing. They sent us here to end the occupation, and that is what we must do.

I have proposed a bill that would achieve that, H.R. 508. It would fully fund bringing our troops home safely and soon. It would accelerate international assistance for reconstruction and reconciliation in order to keep Iraq as peaceful as possible. And it would use diplomacy. It would use diplomacy, not war, to achieve political solutions to regional problems.

We will have a golden opportunity in the days and weeks ahead to chart a new course. I urge my colleagues to heed the call and listen to history and listen to the American people and to bring our troops home.

□ 1845

FRANCIS SCOTT KEY AND SAM HOUSTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Francis Scott Key is best known for being the author of our National Anthem, "The Star Spangled Banner." During the second American revolution, the War of 1812, the British reinvaded the United States, captured Washington, DC, burned this building, the White House and most of this city.

The English then set sail for nearby Baltimore and were determined to take the city, but Fort McHenry was blocking and protecting Baltimore Harbor.

Key, a lawyer, had boldly gone on board a British ship to seek release of a captured United States citizen. The Royal Navy held both Key and his client and refused to release either until after the British naval attack on the fort was completed. During the night, the British bombarded the fort with hundreds of shells and rockets, but at "dawn's early light," the American defenders still held the fort, refusing to surrender, and a massive 30 foot by 40 foot American flag still flew defiantly over Fort McHenry. The unsuccessful British sailed away. Francis Scott Key, upon seeing the flag, wrote our national anthem that was sung this past 4th of July throughout the prairies and plains of America.

But, Mr. Speaker, Key also has a Texas connection. Before Sam Houston made his way to Texas, he served with Andrew Jackson in the Indian wars and was elected United States Congressman for Tennessee for two terms and served as Governor of Tennessee.

After his governorship, Houston spent time in Washington, DC, during the 1830s advocating on behalf of the Cherokee Indians and denouncing the corruption in the Bureau of Indian Affairs.

In 1832, Congressman William Stanbery from Ohio made slanderous accusations about Houston and the Cherokees on the floor of Congress. One morning, Houston was leaving a boarding house on Pennsylvania Avenue and saw Stanbery walking down the street. A confrontation occurred between the two men over Stanbery's statement. A street brawl resulted. Sam Houston thrashed and viciously beat Congressman Stanbery with his hickory walking cane for Stanbery's derogatory remarks on this House floor. Stanbery then pulled a pistol and put it to the chest of Houston, but the pistol misfired. Mr. Speaker, fate saved Sam Houston's life.

The United States Congress ordered the arrest of Sam Houston, charging him with assault and demeaning a Member of Congress. Houston was tried before Congress in a joint session with the Supreme Court acting as judges. The trial lasted a month. Houston spent one full day on this House floor in boisterous oratory stating his positions, that he was defending his honor; Stanbery was the aggressor; and anyway, Stanbery deserved the severe caning.

So what does Francis Scott Key have to do with any of this? Francis Scott Key was Sam Houston's defense lawyer. He did an admirable job in the defense of this later Texas hero, but after the trial was over, Houston was found guilty, publically reprimanded and ordered to pay a $500 fine. Houston refused to pay the fine and, rather than face more problems with Congress, left Washington that same year and began a new life and political career in Texas. And the rest, they say, is Texas history.

General Sam Houston was the successful commander of the Texas Army during the Texas War of Independence from Mexico in 1836. After defeating Dictator Santa Anna on the marshy plains of San Jacinto, Houston became the first president of the Republic of Texas. After Texas was admitted to the United States in 1845, he was a United States Senator and then Governor of the State. Houston is the only person to serve as Governor and Member of Congress from two different States.

Sam Houston's troubles with the legislative bodies continued, however. When Texas voted to leave the Union in 1861, the Governor, Houston, refused to take the oath to support the Confederacy. So the Texas legislature removed General Sam from the office of Governor. Too bad. Maybe if Francis Scott Key had been Sam Houston's lawyer before the Texas legislature, the outcome might have been different.

And that's just the way it is.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under sections 211 and 320(c) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for the House Committees on Energy and Commerce, Ways and Means, and Education and Labor for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to the Committees' budget allocations and aggregates for the purposes of section 302 of the Congressional Budget Act of 1974, as amended, and in response to the bill S. 1701—to provide for the extension of transitional medical assistance, TMA, and the abstinence education program through the end of fiscal year 2007, and for other purposes. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates of the Committees on Energy and Commerce, Ways and Means, and Education and Labor applies while the measure—S. 1701—is under consideration. The adjustments will take effect upon enactment of the measure—S. 1701. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Education and Labor	$0	$0	$−150	$−150	$−750	$−750
Energy and Commerce	0	0	0	0	0	0
Ways and Means	0	0	0	0	0	0
Change in TMA extension bill (S. 1701):						
Education and Labor	13	4	0	5	0	8
Energy and Commerce	−1	−1	134	132	89	87
Ways and Means	0	0	−38	−38	−98	−98
Total	12	3	96	99	−9	−3
Revised allocation:						
Education and Labor	13	4	−150	−145	−750	−742
Energy and Commerce	−1	−1	134	132	89	87
Ways and Means	0	0	−38	−38	−98	−98

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008 [1]	Fiscal years 2008–2012
Current Aggregates: [2]			
Budget Authority	$2,255,558	$2,350,261	n.a.
Outlays	2,268,646	2,353,893	n.a.
Revenues	1,900,340	2,015,841	$11,137,671
Change in TMA extension bill (S. 1701):			
Budget Authority	12	96	n.a.
Outlays	3	99	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,255,570	2,350,357	n.a.

BUDGET AGGREGATES—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008 [1]	Fiscal years 2008–2012
Outlays	2,268,649	2,353,992	n.a.
Revenues	1,900,340	2,015,841	11,137,671

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

Note.—n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Mr. Speaker, this evening, I wanted to come to the floor of the House to talk once again a little bit about health care. Health care in this country is going to be something that is on the front pages during the next 18 months until the next Presidential election, I suspect, and something we're going to devote a great deal of time and energy to on the floor of this House, perhaps even this month.

As we debate the future of medical care in this country over the next 18 months and through the Presidential election that will follow in 2008 and the Congress that convenes in 2009, we've got to decide on the avenues through which our health care system will be based. And essentially, Mr. Speaker, right now we have a system that is based part on the government, part on the public sector, and partly on the private sector.

The issue before us is, do we expand the public sector? Do we expand the government's involvement in health care? Do we expand the government's involvement in the delivery of health services, as popularly referred to as universal health care, and back in the 1990s, it was termed "Hillary care," or do we encourage and continue the private sector involvement in the delivery of health care? The two options bring about a significant number of questions and a significant number of concerns addressed on both sides of the aisle. But I'm hopeful that as we continue to study this problem and debate this problem in this body, we will shed some light on the direction that we should be taking.

And Mr. Speaker, I don't think there is any question that the United States has developed one of the best health care systems in the world. Access can be an issue, but the quality of health care practiced in this country is second to none. You have people coming from all over the world. When I was a medical student at the Texas Medical Center down in Houston, Texas, you would have people coming from all over the word to avail themselves of the medical care that was available at Texas Medical Center. And close to my district in north Texas, you have Southwestern Medical School in Dallas, a number of Nobel Laureates on the clinical faculty there. Unbelievable sources of talent and knowledge that are available to training the young physicians of tomorrow. So these are the types of things we've got to be certain that we preserve, protect and defend as we do things that will perhaps alter the way medicine is practiced in this country.

Now, there are a lot of people who take issue with the fact that I maintain that the United States has the best health care system in the world. Plenty of people here in this body would say that's an overstatement. They would say, you've got a large number of uninsured people in this country, or prescription drugs cost way too much. The issues are there, but you know what, Mr. Speaker? The old saying is that numbers don't lie, but if you torture them long enough, they'll admit to almost anything.

We've got to dispense with a lot of the platitudes and the soundbites and try to get to really what is causing the problems that we have here, and how can we best go about correcting those problems? Well, how about applying some American ingenuity to getting those problems solved.

So, tonight, in talking about the different principles that guide the debate about public versus private in the delivery of health care services, it's important to concentrate a little bit on the background on how we got to the system that we have today.

The idea that we have a problem to solve is not new. Secretary Leavitt, I certainly agree with him when he made the remarks in a speech not too long ago that tackling the division between the two philosophies, public versus private, recently the Secretary said in a speech and in an op-ed piece, he posed the question, should the government own the system, or should the government be responsible for some organization in the system and leave the proprietary standpoint to someone else?

Mr. Speaker, during World War II, this country was faced with some significant problems, and one of the problems was the specter of inflation. So Franklin Roosevelt said, look, we're going to have wage and price controls in this country so that inflation doesn't get out of control. Employees found themselves highly sought after because a lot of the workforce was overseas fighting the war. Employers wanted to keep their employees happy. They wanted to keep them employed. They wanted to keep them loyal to their respective companies, but they were unable to raise wages because there was a Presidential decree that we were under wage and price controls. So the Supreme Court rendered a decision that benefits, things we talk about now as a benefits package, health care, retirement, these things could be available and would not violate the spirit of President Roosevelt's wage and price controls. Thus, the era of health insurance benefits or employer-derived health insurance was born. And Mr. Speaker, it worked tremendously well, so well that it persisted well after the end of the Second World War.

Now, a lot of people will look at Western Europe and say, they've got a government-run system. Why don't we do what Europe did? How did Europe develop a system, a single-payer, government-run system? Even though some of the countries in Western Europe were victorious at the end of the Second World War, the war was fought in their back yard; their economies were devastated. It was important for their governments to stand up a medical care system quickly to avert a humanitarian crisis. That is what led to the institution of single-payer systems that you see in many countries in Europe today.

But America, by contrast, came through the war with a benefits package, if you will, that was available to employees. Employees like it. Employers liked it because the employees were happy. The employees stayed, to some degree, healthier and were able to work more effectively and less time off for sick leave. So the American system persisted and did very well for a number of years.

Now, fast forward some 20 years from the end of the war to the middle of the administration of Lyndon Johnson, fellow Texan, fellow House Member, albeit on the other side of the aisle, but during the tenure of President Johnson, he signed both the Medicare and the Medicaid programs into law. This was a large government program and represented a fundamental shift. It was the first time that the government got involved in a big way in running the practice of medicine. But it was created to focus on the elderly, to focus on their hospital care and their doctor care, and certainly make sure that persons who were then to be covered by Medicare weren't left in poverty in old age because of mounting medical bills.

But then fast forward another 40 years to the 108th Congress, and we had the Medicare system that was big and expensive and was very, very slow at change. It was like trying to turn a battleship. In 2003, in this House of Representatives, the President came to us, in the very first State of the Union message that I attended as a Member of Congress in my first term, and the President said he was going to, or this Congress was going to bring a Medicare prescription drug benefit to Medicare, that people had waited too long for this; it was too important to wait for another President or another Congress. And indeed, Congress set about the work of providing what we now know as the Part D benefit. And within the year, we voted on that package, and within the next year, it was, indeed, starting to be run. But the government system needed to address some of the inefficiencies that were built into the system.

Now, the Medicare prescription drug plan has given seniors access to medications that, quite frankly, they just didn't have available before. And when you look at how medicine has changed from 1965 to 2005, when the Medicare drug plan took effect, the changes that had been brought about by the advances in medical research, my dad was a doctor as well, and I used to tease him that, back in 1965, doctors only had two pharmaceutical choices, penicillin and cortisone, and they were regarded as interchangeable. My dad didn't think that was very funny. But the fact is, you come to 2005, look at the lives that have been saved by the introduction of a medicine like statin, medicines that are used for reduction of cholesterol. Dr. Elias Zerhouni of the National Institutes of Health estimates that 800,000 premature deaths have been prevented between 1965 and 2005 with the introduction of medicines to manage cholesterol and lipid levels in patient's blood. That's a tremendous change. In 1965, some people simply had the heart attack and died. In 2005, 2007, that no longer happens. But they are required, in order to maintain that state of health, to be maintained on a medication. Well, if the medicine is too expensive for the patient to buy, they don't take it, and they suffer the health consequences. And as a consequence, the system becomes more expensive because people end up utilizing the system more frequently and the outcomes for disease management become much worse.

The Medicare Prescription Drug Program has been successful. There have been a certain number of people who have been critical, but it has been a great benefit for seniors. And the fact that it is up and running now well into its second year, there is a great deal of satisfaction, and the penetrance into the number of people who have had prescription drug benefits who are covered by Medicare is now at an all-time high.

Now, in this country, as I mentioned earlier, the government pays for about half of our health care expenditures. We have a GDP of roughly $11 trillion in this country. The U.S. Department of Health and Human Services states that Medicare and Medicaid services alone, in fact when we vote on our Labor-HHS appropriations bill this year, it will be significantly north of $600 billion.

☐ 1900

So that is about a half of what we spend in health care.

The way the other half is broken down, primarily the weight is borne by commercial insurance, by private insurance. There is a significant number of dollars that are contributed as charity care or uncompensated care. Certainly there are some individuals who do still simply just pay for their medical care out of pocket, but about half are from the Government source and half from private sources or the goodwill of America's physicians.

The numbers are going to increase because the overall dollar expenditure in health care is going to increase. The baby boomers are aging. There are more and more advances discovered with every passing month. The Federal Government is going to continue to funnel taxpayer dollars into Medicare. We have to ask ourselves, are we getting value for the dollar? Are we doing the best that we possibly can do with that money? Is the government doing an excellent job of managing our health care dollars? Do we think that the government is better suited to be the arbiter of a person's health care needs, or are those decisions better left up to an individual and their family? And who, at the fundamental end of it all, who is better able, who is going to be able to handle the growing health care needs in this country?

I would argue that if you have a public only, a government-run system, a universal, single-payer system, that in America it is going to be a significant problem. In fact, it will have the perverse incentive of hampering our innovation and perhaps even hampering the delivery of the most modern health care services available.

As an example, I would suggest that we have a model that we can examine, and that is our neighbor to the north in Canada. Canada has a completely government-run system. The Supreme Court in Canada in 2005, however, said that the waiting times in Canada were unconscionable and access to a waiting list did not equate to the same thing as access to care.

Now, in Canada they actually have a safety valve, because if somebody needs a medical procedure or needs a medical test done, they actually do have an area where there is a surplus of medical care available, and that would be on their southern border, the United States of America. So if somebody has the ability to pay and wants to come from Canada and cross the border to Henry Ford Hospital in Detroit, they are very capable of doing that. I am certain that the good folks at Henry Ford Hospital welcome their neighbors from Toronto all the time to sell essentially excess capacity that they have, whether it be an MRI or a CT scan or even a mammogram, heart surgery, or an artificial hip. The things that are on the waiting list in Canada that might take months or even years can be accessed relatively quickly simply by crossing the border. The waiting list is significantly long for some procedures.

If we look across the ocean to the country of Great Britain, the National Health Service, of course, has long been established in Britain. The citizens of that country regard their health system with a good deal of affection. But there is, in fact, a two-tier system in England. If someone is on a list for a hip replacement and has the money to pay for it, they can go outside the system to a private orthopedic physician and have that surgery performed. Obviously, someone who doesn't have the means to provide that for themselves will simply have to stay on the waiting list. You get into a little trouble with the fact that when it takes so long, if someone is of a certain age, another year or two wait is a significant percentage of their remaining expected life years. In many ways that is not fair either. A sad reality that exists, but it is true.

So, in both instances, you can see that where the single-payer, government-run system has been oversubscribed, where they have a private system, either here in the United States for the country of Canada or a two-tiered system in the country of Great Britain, they have a private system to act as a backstop.

So, the question that I would ask is, if the private sector is more nimble and more able to provide care on a timely basis, why in the world would we do anything that would interfere with that system? It is a complex relationship.

How Congress does its job and how we react to the situation can, in fact, have a significant impact on making sure that we have the best health care possible. Certainly I think it is incumbent upon Congress to promote policies that keep the private sector involved in the delivery of health care in this country.

Now, you almost can't talk about health care in this country without talking about the problem of the uninsured. Regardless of the number you use, whether it is 42, 45 or 46 million, it does become a question of access for people without insurance.

But I would also point out that health care is rendered all the time in this country to people who don't have insurance or don't have the means to pay for it. It is not always rendered in the time frame that would be most propitious for the best health outcome, and certainly it is not always administered in the time frame where it is the least expensive type of care, but access to care in this country is, in fact, something that is generally available. But it can become very expensive and the time involved can be significant.

Now, we have a program in this country. It is about to turn 10 years old. In fact, it is a program that we have to reauthorize this year or it will expire at the end of September. This is a program that provides health insurance for children whose parents earn too much money for them to qualify for Medicaid and not enough money to purchase health insurance. So we have the SCHIP program that operates as a joint Federal-State partnership. It does provide some flexibility to States to determine the standards for providing health care funding for those children, again, who are not eligible for Medicaid and whose parents have not been able to get private insurance. The program has been very well thought of. It has been very successful across the board.

This year, in fact, before September 30, we have to reauthorize the State Children's Health Insurance Program. There is going to be a lot of debate. I suspect there will be a lot of debate this month. Certainly, in my Committee on Energy and Commerce and the Committee on Ways and Means, there will be a lot of debate on the best way to go forward with that.

One of the things I have had a problem with since coming to Congress and examining the SCHIP system is the fact that it is a program that was designed to cover children, but, in fact, we have some States that cover adults. Pregnant women, okay, it is reasonable to have them covered under the SCHIP system. But nonpregnant adults, it strains credulity to have a system that is there to provide health care for children, and in four States in this country we actually have more adults covered under the SCHIP program than we do children.

Certainly, where you have a State where all of the uninsured children have been covered by the SCHIP program, it may be appropriate to cover some adults. But until that trigger point is met, until that condition is met, to me it makes less sense to cover adults, when there are children who would benefit from having the coverage from the State Children's Health Insurance Program, to have them remain uncovered while we cover a population where the money was never intended to be used for that purpose.

A bill that I introduced, H.R. 1013, would make certain that SCHIP funds are spent exclusively on children and pregnant women and not on any other group. I hope to be able to have that concept considered when we go through the reauthorization of the SCHIP program.

Last year in Congress we also debated and got through the committee process the reauthorization for Federally Qualified Health Centers. We did not finish the work on that legislation, so we are likely to have to take that up again this year.

But about someone who is not a child, not a pregnant woman, who doesn't have access to health insurance, there are many places in the country where Federally Qualified Health Centers exist that give the patients access to health care without insurance; gives them a medical home, gives them continuity of care, a place they can go and see the same health care providers, whether it be a physician or nurse practioner, can see that person over and over again; provides primary health, oral and mental health and substance abuse services to persons at all stages in the life cycle.

Federally Qualified Health Centers take care of 15 million people in this country every year, typically someone who does not have insurance and so would be counted as one of the uninsured, but the reality is that they do have access to the continuity of care, just as someone who has insurance. Both the SCHIP program and the Federal Qualified Health Centers are designed to help the poorest, youngest and neediest in our communities.

But what about for individuals who can afford to pay some for their health services but just choose not to? We need to get past that point, and certainly there are two things that would improve the access to health insurance for people who do have the ability to pay something for their health care, health savings accounts and health association plans.

Health savings accounts are a tax-advantaged medical savings account available to taxpayers who are enrolled in a high-deductible health plan, a health insurance plan with lower premiums and a higher deductible than a traditional health plan. In the old days we used to refer to this as a catastrophic health plan.

Now, about 1996 or 1997, long before I ever thought about running for Congress, I was a physician in practice back in Texas. The Kennedy-Kassebaum bill was passed by the House and Senate and signed into law. It had in it what was called a demonstration project that would allow 750,000 people in the United States to sign up for at that time what were called medical savings accounts.

I subscribed to one of those. I purchased one of those for my family. The primary reason I did it was not even so much cost considerations but because it kept me in control of making health-care decisions. Those were the days when HMOs and 1-800 numbers were the order of the day, and I wanted to be certain that the health care decisions made in my family were made by my family and not by a bureaucrat or an insurance executive at the end of a 1-800 number.

The medical savings account proved to have a lot of restrictions on them. For that reason, a lot of people shied away from them. So I don't know that they ever got to their full enrollment of 750,000, but to me it was another very viable form of insurance.

Again, the premiums were lower because the deductible was higher, and you were able to put money into an account like an IRA, called a medical IRA, that would grow tax-free. The interest in it would grow tax-free year over year. This money could be used only for legitimate medical expenses, but if you found yourself in a situation where you needed to pay for medical care, yes, you had a high deductible, but now you have saved some money that can offset the high deductible.

When the Medicare Modernization Act passed in 2003, we also did away with a lot of the regulations and restrictions on medical savings accounts, and the follow-on for that are what are called health savings accounts or HSAs.

For an HSA, the funds contributed to the account are not subject to the income tax and can only be used to pay for medical expenses. But one of the best parts about having an HSA is that all deposits stay the property of the policyholder. They don't go to the insurance company. They don't go to the government. They stay under the control and ownership of the person who has put those funds, regardless of the source of the deposit. So even if an employer makes a contribution to that, the funds belong to the person who owns the insurance policy. Additionally, any funds deposited that are not used that year will stay in the fund and grow year over year, different from the old use-it-or-lose-it programs that were so prevalent and popular during the 1990s.

The popularity of health savings accounts has grown considerably since its inception. The latest numbers I have are, unfortunately, a couple of years old. They are from 2005. But by December of that year, 3.5 million people had insurance coverage through an HSA. Of that number, 42 percent of the individuals are families who had income levels below $50,000 a year and were purchasing an HSA type of insurance. Additionally, about another 40 percent were individuals who previously had not been insured. So this allowed a way for people who were previously uninsured to access insurance. A good number of those folks were between the ages of 50 and 60, taking away some credence to the myth that HSAs are only for the healthy and wealthy.

These programs have been well-subscribed. Again, the numbers that I have are from 2005. I suspect they are much more robust at this point.

Well, when you consider a young person just getting out of college, roundabout age 25, if they don't want to go to work for a major corporation and therefore have employer-derived insurance, what are their options? I will tell you, 10 years ago, you didn't have many options. In fact, I tried to purchase a health insurance policy for an adult child just in that situation. You almost couldn't get an insurance policy for a single individual, regardless of the price you were willing to pay.

Fast forward to 2005 or 2007. You can go on the Internet, type "health savings account" into the search engine of your choice, and very quickly you will be given a plethora of choices from a variety of different health plans. In my home State of Texas, a male age 25 looking for health insurance can find a high-deductible PPO plan from a reputable insurance provider for between $60 and $70 a month. So that is eminently affordable.

Sure, there is a high deductible involved with that. That means every fall, if you go get a flu shot, you are probably going to pay for that flu shot out-of-pocket, or if you have money in your health savings account, you can make a draw on that.

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So that type of expense is not going to be covered, but if that individual is in an accident and ends up spending 3 or 4 hours in the emergency room and a day in the intensive care unit, they will be covered because those expenses will rapidly exceed their deductible. That individual will be covered with health insurance. That is a concept that we need to make people aware of, that there are options. Even though you may work for a company that doesn't provide insurance or you are self-employed and are a small group and otherwise would not have access to employer-derived health insurance, the concept of a health savings account is available and marketed over the Internet, and there is a lot of competition for those products. As a consequence of that competition, the price on those has come down in the years since they were introduced.

Mr. Speaker, another concept that we have debated in this House at least every year I have been here is the concept of association health plans. Association health plans allow small employers to band together to get the purchasing power of a larger corporation when they go out and price insurance on the open market.

To date, we have passed that legislation four times that I can recall in the House of Representatives. It never passed in the Senate. I would like to see us take up and at least discuss that as a possibility this year. I don't know in fact if that will happen. But association health plans may not bring down the number of uninsured directly, but it certainly would help bend the growth curve that is going upward of the number of people not covered by insurance because it allows for small employers to get access to much more economic leverage in the market for buying insurance policies and allows them to be able to offer that insurance policy to their employees in the small group market.

It means that a group of perhaps Chambers of Commerce or a group of realtors could band together and offer health insurance to their employees where otherwise it might not have been available. All of these things are important.

Another factor to consider, and we have to be careful here, about a year and a half ago, Alan Greenspan was talking to us just before he left his position at the Federal Reserve. Someone brought up the topic of Medicare, and where is the funding going to come from? Mr. Greenspan said he was confident at some point in the future Congress will come to grips with this problem and will solve this problem.

But he went on to say what concerns me more is, will there be anyone there to provide the service when you require it? Those words really struck me. What he is talking about, are there going to be doctors there in the future? Are there going to be nurses in the future to provide for us when we are the ones who are relying on Medicare for our health services?

Back in my home State of Texas, the Texas Medical Association puts out a journal called Texas Medicine, and last March they had a special issue called, "Running Out of Doctors."

Our country faces a potential crisis with a health care provider shortage or a physician shortage in the future. So when we work on health care issues in this body and on both sides of the aisle, this is going to be important; when we work on health care issues in Congress, we have to be is certain that we retain the doctors of today, that we encourage the doctors who are in training today, and that we encourage those young people who might consider a career in health care, that we encourage them to pursue that dream and realize that dream.

Certainly the doctors of today, those at the peak of their clinical abilities, it is incumbent upon us to make certain that they remain in practice and they continue to provide services, services to our Medicare patients and services to patients who typically have one, two, three or more medical problems. Some of the most complex medical issues that can face a practitioner today will occur in the Medicare population.

Well, what steps do we need to take to make certain that we have doctors in practice, that we have people there able to deliver those services that Alan Greenspan was talking about a year and a half ago? Well, Mr. Speaker, you almost can't have this discussion without talking a little bit about medical liability. Now, in the 4 years prior to this Congress, every year, again, we passed some type of medical liability reform bill in the House of Representatives. It never got enough votes in the Senate to cut off debate and come to a vote. I feel certain it would have passed had it come to an up-or-down vote, but they were never to muster the 60 votes.

We need commonsense medical liability reform to protect patients, to protect patients' access to physicians, to stop the continuous escalation of costs associated with medical liability in this country. And in turn, this makes health care more affordable and more accessible for more Americans because we keep the services available in the communities as they are needed, when they are needed.

Mr. Speaker, I believe we need a national solution. Our State-to-State responses to this problem, some areas, like my State of Texas, have gone a long ways towards solving the problem, but there are many areas in the country where the problem persists, and it does remain a national problem.

We have an example, I think a good example, in my home State of Texas of exactly the type of legislation that we should be considering in the House of Representatives. Texas, in 2003, brought together the major stakeholders in the discussion, included the doctors, patients, hospitals, nursing homes, and crafted legislation that was modeled after the Medical Injury Compensation Reform Act of 1975 that was passed in California in 1975. There were some differences with the California law, but basically it is a cap on noneconomic damages. In Texas, we had a significant problem as far as medical liability was concerned. We had medical liability insurers that were leaving the State. They were simply not going to write any more policies. They closed up shop and left town because they couldn't see a future in providing medical liability coverage in Texas. We went from 17 insurers down to two at the end of 2002, the year I first ran for Congress. The rates were increasing year over year. Running my own practice in 2002, my rates were increasing by 30 to 50 percent a year.

In 2003, the State legislature passed medical liability reform, again based on the California law of 1975. The California law in 1975 was also a cap on noneconomic damages. They had a single cap of $250,000 on all noneconomic damages.

In Texas, the cap was trifurcated. There was a $250,000 cap on noneconomic damages as it pertains to a physician, a $250,000 cap on noneconomic damages as it pertains to the hospital and a $250,000 cap on noneconomic damages as it pertains to a nursing home or a second hospital; so an aggregate cap of $750,000 on noneconomic damages.

How has the Texas plan fared? Remember, we had gone from 17 insurers down to two because of the medical liability crisis in the State. Now we are back up to 14 or 15 carriers. And most importantly, those carriers have returned to the State without a premium increase.

In 2006, 3 years after the passage of the medical liability reform, an insurance company called Medical Protective, I had a policy with them for years and years, Medical Protective company cut their rates 10 percent, which was the fourth reduction since April of 2005.

Texas Medical Liability Trust, my last insurer of record when I left practice in Texas, has had an aggregate cut of 22 percent since the law was passed.

Advocate MD, another insurance company, has filed a 19.9 percent rate decrease. Another company called Doctor's Company has announced a 13 percent rate cut. These are real numbers, and they affect real people in real practice situations in Texas. It is a significant reversal.

The year when I first came to Congress, we lost one-half of the neurosurgeons in the metroplex because of the medical liability expense problem. The doctor looked at the renewal bill and said, I cannot work enough to pay for this and pay for my practice and support my family, so I will go elsewhere. The net effect is it put the whole trauma system in north Texas at risk because one neurosurgeon was going to have to do the work of two, and you cannot physically work 24 hours a day, 7 days a week, delivering that type of care. So the whole trauma system was put at risk before this law went into effect in Texas.

A young perinatologist whom I met during my first year in office, had gone on and gotten specialized training to care for those high-risk pregnancies, well, you can imagine what his medical liability premiums were. Mine were high as an obstetrician. His were even higher as a perinatologist who specialized only in high-risk cases. And, in fact, at a lecture in Texas, he came to me and said, you know, I am going to have to leave the practice of medicine altogether because I simply cannot get insurance.

Well, how are we furthering the cause of patient care if we take a young person who is very dedicated to taking care of the highest-risk pregnancies in the metroplex and we say, sorry, you can't practice because we can't get you insurance anywhere. Happily, in Texas, that situation reversed, and that doctor, I know, is in practice.

The problem with the neurosurgeon, because of the straightening out of the insurance in Texas, has been reversed. Our trauma system is protected, as is the young man who is practicing high-risk obstetrics and saving babies even as we speak.

One of the unintended beneficiaries of the legislation was the benefit for community, small, mid-sized community not-for-profit hospitals who were self insured as far as medical liability was concerned. They had to put so much money in escrow to cover potential bad outcomes that that money was just tied up, and it was not available to them. Now they have been able to back some of that money out of escrow because of putting stability into the system with the cap on noneconomic damages, and now they are able to use that money for capital expansion, nurses' salaries, exactly what you want your small community not-for-profit hospitals to be engaged in. They can, once again, participate in those activities because of the benefits from the medical liability plan that was passed in Texas.

So, Mr. Speaker, I took the language of the Texas medical liability plan, worked with legislative counsel and made it so it would conform with all of our constructs here in the House of Representatives. And although I didn't introduce that legislation, I offered it to the ranking member on our Budget Committee last spring when we offered our Republican budget here on the floor of the House.

Mr. RYAN, the ranking member, had that scored by the Congressional Budget Office, and the Texas plan as applied by the House of Representatives legislative counsel and applied to the entire 50 States would yield a savings of $3.8 billion scored over a 5-year time span. That is not a mammoth amount of money when we talk about the types of dollars we talk about in our Federal budget, some $2.999 trillion, but $3.8 billion over 5 years is not insignificant. And it is basically money that we left on the table because we did not include the language of that medical liability reform in the budget that was passed this year.

Now, when I say the problem, although the problem in Texas is measurably better than it was when I took office here, consider a 1996 study done at Stanford University that revealed within the Medicare system alone the cost of defensive medicine, that is medicine that you practice so that you tone the chart and you look good if something goes wrong and the case is brought to trial; if you have practiced satisfactory defensive medicine, you will be able to defend yourself in the case of a medical liability suit. A couple of doctors and economists at Stanford got together and said, what does this cost Medicare? What does it cost for doctors to practice this type of defensive medicine? And it cost about $28 billion a year back in 1996. I would submit that the number is probably higher today if they were to revise and redo that study.

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So that is a significant amount of money, and the Medicare system is the one that pays for that. Remember, Medicare runs about $300 billion a year. That's almost 10 percent of its budget that is being spent on defensive medicine because of the broken medical liability system we have here in this country. We can scarcely afford to continue on that trajectory that we're on with the medical liability system in this country.

Another consideration, Mr. Speaker, I talked a little bit about young people who are perhaps considering a career in medicine or nursing, and the current medical liability system is a deterrent for going into the practice of health care because they look at the burden that's placed on young doctors and nurses for the payment for medical liability insurance, and we keep people out of the system and it's something we have to consider because, again, remember, we're talking about physician workforce issues and how we keep the doctors of today in practice, but how do we encourage that young person who's in middle school or high school today who's thinking about a career in one of the health professions, and we want them to be able to pursue that dream.

But currently, they get to the end of college and they look at the expense for getting medical training, they look at the money they will have to put up front to purchase their medical liability policy when they get out, and they say maybe it's not worth it.

And the problem, Mr. Speaker, with that is these are our children's doctors and our children's children's doctors who perhaps are not going to go into the healing professions because of problems within the medical liability system. I could talk about that a great deal longer, but let me get to three specific pieces of legislation that really get to the core of dealing with the physician workforce issues and I think the problems that we're going to face in the future if we don't get our arms around this problem.

A recent piece of legislation that I introduced is H.R. 2584, the so-called Physician Workforce and Graduate Medical Education Enhancement Act of 2007. Part of this legislation is to ensure this workforce in the future by helping young doctors with the availability of residency programs.

One thing about physicians is we tend to have a lot of inertia. We tend to go into practice where we did our residency. We tend to not go too far from home when it comes to setting up a medical practice.

So with that in mind, and in fact, that was one of the main thrusts of the article that was included in Texas Medicine, is to develop more residency programs in the communities where the medical need is greatest and develop those residency programs with the type of physician that's needed in those medical communities: Primary care to be certain; obstetrics to be certain; general surgery; again, the types of physicians that we want to be on the front lines practicing in our medium-sized communities. We need to get young doctors in training in locations where they're actually needed.

This bill, the physician workforce bill, would develop a program that would permit hospitals that do not traditionally operate a residency training program the opportunity to start a residency training program and build a physician workforce of the future and build it from the ground up, start at home, start right where it's going to be needed.

On average, it costs $100,000 a year to train a resident, and that cost for a smaller hospital obviously can be prohibitive. Because of the cost consideration, my bill would create a loan fund available to hospitals to create residency training programs where none has operated in the past. The program would require full accreditation and be generally focused in rural suburban inner community hospitals and focus on those specialties that are in the greatest need, and that will, of necessity, be some of the primary care specialties that I just mentioned.

Well, what about those people who may not yet be in medical school but may be contemplating a career in health care? Locating young doctors where they're needed is just part of solving the impending physician shortage crisis that I think will affect the entire health care system nationally. Another aspect that must be considered is training doctors for high-need specialties.

The second bill, H.R. 2583, the High Need Physician Specialty Workforce Incentive Act of 2007, will establish a mix of scholarship, loan repayment funds and tax incentives to entice more students to medical school and create incentives for those students and newly minted doctors to stay in those communities.

This program will have an established repayment program for students who agree to go into family practice, internal medicine, emergency medicine, general surgery or OB/GYN and practice in a designated underserved area. It will be a 5-year authorization at $5 million per year. It will provide additional educational scholarships in exchange for a commitment, a commitment to serve in a public or private non-profit health facility determined where there's a critical shortage of primary care physicians.

Well, in addressing the physician workforce crisis, looking a little bit at residency programs, looking a little bit at medical students and, of course, medical liability but the placement of doctors in locations of greatest need and the financial concerns of encouraging doctors to remain in high-need specialties, the next bill, H.R. 2585, will address perhaps what is the largest group of doctors in this country, what I like to call the mature physician, and certainly the largest and still growing group of patients, our baby boomers, those who are just on Medicare and those soon to be on Medicare.

Now, before I get too far into this, I'm joined by my friend from Pennsylvania. Did you wish to weigh in on this subject this evening?

Mr. DENT. I would very much like to.

Mr. BURGESS. I'm happy to yield to my friend from Pennsylvania for a few minutes and give him time to talk.

Mr. DENT. Mr. Speaker, I first want to applaud you for your leadership on this issue. As an OB/GYN physician, you know this issue probably better than anyone in this institution.

But I just wanted to share with you a perspective from the Commonwealth of Pennsylvania, where we were a crisis State. And you're right on on some of these issues you just discussed, but the bad policy on medical liability reform was far too common in the Commonwealth of Pennsylvania for a very long time.

Our crisis actually originated back in the 1970s when no one would write medical liability insurance. So we created a State fund, and it was supposed to be a stopgap measure. We addressed that stopgap measure almost 30 years later in 2002, 2003.

But the point of the whole issue is you had to buy insurance from the State fund, we call it the MCAT fund, and it's been renamed the MCARE fund, and then you would buy additional insurance from the private sector.

The problem with the program was, though, you would buy your insurance basically today, if you're a young doctor you buy into the MCARE fund, and you're really paying for past claims, unlike a traditional insurance product where you pay your premium today to pay against a future claim, and so this has created an enormous retention problem for us because over the years there are so many unsettled cases in this MCAT fund that what would happen is these claims all collected and we started settling these cases rather aggressively in the late 1990s and 2001 and 2002. And so today's physicians were being assessed with an emergency surcharge to pay for previous medical liability incidents. A major, major problem.

And also, in a city like Philadelphia, where the average jury verdict was more than double that of anywhere else in the Commonwealth of Pennsylvania, where jury verdicts were in excess of $1 million on average, as reported by a jury verdict research, and the rest of the Commonwealth, the verdicts were less than half that.

But my point again is this: we created this State fund, an unfunded liability accumulates, today's doctors are paying for the liability situation of their predecessors, creates an enormous physician recruitment problem. Of course, there's always a retention problem, but the recruitment problem was enormously pronounced because of that policy change.

And so what ultimately happened, because the premiums became so high through this State fund, the people who ultimately had to solve this problem for the physicians were the taxpayers. And so cigarette taxes were used to pay for physicians' premiums, particularly in the high-risk areas, the OBs, the neurosurgeons and many other trauma surgeons and orthopods.

That's what happened in Pennsylvania, and I think many of the remedies you've discussed here, such as caps on noneconomic damages or collateral sources, structured payments, some of the things that you've done in Texas, I'm not as familiar with all those changes, but it certainly had an impact.

I just wanted to applaud you for this. You know, of course, that there's legislation pending in this Congress from some of the legislation last session, and I just want to thank you for yielding, but I just again want to applaud you for your leadership on this issue. I'm glad you're bringing this issue, once again, to the attention of the American people.

Mr. BURGESS. I thank the gentleman for his input. Certainly, the ability to recruit doctors to Texas from Pennsylvania has been greatly enhanced by the passage of the Texas medical liability bill, but you point up a very real problem that the physicians in Pennsylvania face. And, again, it points up the need for a national solution to wait and have the process work its way through every State legislature, State by State. It costs an enormous amount of money, costs an enormous amount of time, and just the effort, the efficiency of those doctors affected is going to be diminished.

So I really appreciate the gentleman taking the time to come down here and add his thoughts about what is happening in his home State of Pennsylvania.

Mr. Speaker, let me go on and talk just a little bit about H.R. 2585. That will address some of the problems that are faced by the physicians who are in practice now, the physicians who are the primary source of care for our

Medicare patients. As baby boomers retire, the demand for services is going to go nowhere but up, and if the physician workforce trends of today continue, we may not be talking about a Medicare funding problem. We may be talking about why there is no one there to take care of our seniors.

Year after year, there's a reduction in the reimbursement payments from the Center of Medicare and Medicaid Services to physicians for the services they provide for Medicare patients. It's not a question of doctors just simply wanting to make more money. It's about a stabilized repayment for services that have already been rendered, and it isn't just affecting doctors. The problem also affects patients. It becomes a real crisis of access.

Not a week goes by that I don't get a letter from a physician from somewhere in the country or a fax that says, you know what, I've just had it up to here, and I'm going to stop seeing Medicare patients. I'm going to retire early. I'm no longer going to accept new Medicare patients in my practice, or I'm going to restrict those procedures that I offer to Medicare patients.

And, unfortunately, I know this is happening because I saw it in the hospital environment before I left practice 5 years ago to come to Congress, and I hear it in virtually every town hall that I have in my district. Someone will raise their hand and say how come on Medicare, you turn 65 and you've got to change doctors. And the answer is, because their doctor found it no longer economically viability to continue to see Medicare patients because they weren't able to pay for the cost of delivering the care. They weren't able to cover the cost of delivering the care.

Now, Medicare payments to physicians are modified annually under a formula that is known as the "sustainable growth rate." Because of flaws in the process and flaws built into the formula, the SGR-mandated physician fee cuts in recent years have only been moderately averted at the last minute; and if long-term congressional action is not implemented, the SGR will continue to mandate physician cuts.

Now, unlike hospital reimbursement rates which closely follow the consumer price index that measures the cost of providing care, physician reimbursements do not. I have a graph here, again from the Texas Medical Association, that shows based on various calendar years what the cuts in the SGR formula have amounted to as far as physician reimbursement versus what the cost-of-living adjustment has been for Medicare Advantage, the Medicare HMOs, for hospitals, for nursing homes, for pharmaceuticals now would be the same type of formula.

Only physicians are asked to live under this formula. In fact, ordinarily Medicare payments do not cover or only cover about 65 percent of the actual cost of providing the patient services. Can you imagine going to any industry or company and ask them to continue in business when you're only paying them 65 percent of what it costs them to stay in business?

The SGR links physician payments updates to the gross domestic product and the reality is that has no relationship to the cost of providing patient services. But simply the repeal of the SGR has been difficult because it costs a lot of money; but perhaps if we do it over time, perhaps we can bring that down to a level that's manageable.

Paying physicians fairly will extend the career of practicing physicians who would otherwise opt out of the Medicare program, seek early retirement or severely restrict those procedures that they offer to their Medicare patients. It also has the effect of ensuring an adequate network of doctors available to older Americans as this country makes a transition to the physician workforce of the future.

In the new physician payment stabilization bill, the SGR formula would be repealed in the year 2010, 2 years from now, but would also provide incentive payments based on quality reporting and technology improvements. These incentive payments would be installed to protect the practicing physician against that 5 percent cut that is estimated to occur in 2008 and 2009.

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Note that this would be voluntary. No one would be required to participate in either program that dealt with quality improvement or technology improvement, but it would be available to doctors or practices who wanted to offset the proposed cuts that would occur in physician reimbursement until the 2 years time the physician repayment formally can be repealed.

Now I know that a lot of the doctors don't like the concept of postponing the SGR by 2 years. In fact, in the bill 2585, by resetting the baseline of the SGR formula, a technique that we used in this Congress back in 2003, by resetting the baseline, the amount of cuts contemplated for 2008 and 2009 are actually modified significantly, and, in fact, there may not be a cut at all in 2008 or 2009. This could translate into an actual positive update for physicians in those 2 years.

But the critical thing, in my mind, is that we have to be, regardless of what we decide to do over the next 2 years, we have got to be working on a long-term solution to get out from under the tyranny of the SGR formula.

Now, why do it this way? Why not just bite the bullet and get the SGR out of the way and get it repealed once and for all? The problem is, it costs a tremendous amount of money to do that. The problem we have in Congress is, if we are required to submit all legislation that we propose to the Congressional Budget Office to find out how much something costs, we are going to be spending the taxpayers' money, we have got to know how much we are going to spend, over what time will we spend it.

Because of the constraints in the Congressional Budget Office, we are not allowed to do what's called dynamic scoring. We can't look ahead and say, you know, if we do this, we are going to save money. The Congressional Budget Office doesn't work that way.

That's why postponing the renewal of the SGR by 2 years, take that savings that is going to occur over those 2 years, sequester it and aggregate that savings and put it towards paying for the repeal of the SGR and replacing it with a cost of living index, the Medicare, economic index that would be fundamentally much fairer.

One of the main thrusts of the bill is to require the Centers for Medicaid and Medicare Services to do just exactly that and to look at the 10 diagnostic codes for which most of the monetary expenditures are rendered. You know the old bank robber, Willie Sutton, when he was asked why he would rob the bank, he said, that's where the money is. Let's go to where the money is. Let's go to those top 10 procedures and diagnoses that spend the greatest amount of Medicare and look for where the greatest amount of savings can be found within that.

The same considerations actually apply to the Medicaid program as well, so it will be useful to go through this process in identifying those top 10 conditions and trying to modify things so that the delivery of care for those top 10 conditions actually ends up costing us less.

With the time that remains, I know I have talked about a lot of stuff tonight, a lot of it is technically very complex. I will admit it, a lot of it is actually very boring to listen to. But it is an incredibly important subject, and it is an incredibly important story that we have to tell here in Congress. It's a story of how the most advanced, most innovative and most appreciated health care system in the world actually needs a little help itself.

The end of the story should read, "happily ever after," but how are we going to get to that conclusion? In fact, the last chapter may well read, "private industry leads to a healthy ending."

At the beginning of this hour, we talked about the debate that will forever change the face of health care in this country. Again, I think it's important to understand, that we understand here in Congress, that we understand what's working in our system and what is not. We can't delay making the changes and bringing health care into the 21st century.

I believe the only way we can make this work is if we allow the private sector to be involved, to stay involved and, in fact, lay the foundation for the improvements that we all want.

The pillars of this system are that we are going to have, be rooted in, the bedrock of a thriving private sector, not the tenuous ground of a public system that has proven costly and inefficient in other countries.

I believe we need to devote our working Congress to building a stronger system and involving the private sector within that system. History has proven this to be a tried and true method. We can bring down the number of insured. We can increase patient access. We can stabilize the physician workforce, and we can modernize through technology, and we can bring transparency into the system. Each of these goals is within our grasp if we only have the foresight and the determination, the political courage to achieve each goal.

Again, I referenced when I was a medical student in Houston, people would come from around the world to come to the Texas Medical Center for their care. There is a reason that people come from around the world to the United States for their health care and for their treatment. We are the best, but we must make adjustments to remain at the top of the game.

POTENTIAL LOSS OF INTERNET RADIO

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, I come to the floor of the House this evening to discuss the potential loss of Internet radio by Americans, a tremendous service that, because of Internet software and musical geniuses, 70 million Americans now enjoy the ability to listen to music by Web broadcasters over the Internet.

It is a tremendous service. It is as ingrained in a lot of Americans' daily lives as a cup of coffee and the morning newspaper.

Unfortunately, I have to inform the House that that service may be gone in a matter of a few weeks if we don't reach a resolution of a, frankly, wrong decision decided by the Copyright Royalty Board. What I am disturbed to report to my colleagues is that some time ago, March 2, 2007, we had a decision by a Federal agency, the ramifications of which would be to shut down the ability of Americans, on a realistic basis, to continue to enjoy Internet-based radio.

The reason this happened is that this board was given the authority to set the royalty that should be paid by Webcasters who stream out this great music, by the way, tremendously diverse music. One of the great things Americans love about Internet radio is you have such eclectic, different types of music, not just top 40. You know, I haven't progressed past the Beach Boys in the 1960s, but there are a lot of kinds of other music. Internet radio has been tremendous by allowing people to enjoy thousands of different genres and types of music.

But now this Copyright Royalty Board has issued a decision which will explode the royalty that these Webcasters are forced to pay to those who generated the music, to the extent that it will make it totally economically impossible for these businesses and these Webcasters to continue to stream music to the 70 million Americans who now enjoy it.

We need to fix this problem. We need to fix it urgently, because the decision will, this guillotine will come down on July 15 if either Congress doesn't act or an agreement is not reached between the parties to adjust this copyright fee that will have to be paid by the Webcasters.

So we need to fix this problem, and, in doing so, we need to do it in a way that is fair to the musicians and artists who create the music that 70 million Americans enjoy over the Internet. These artists work hard in producing this music. They share their genius. It's an artistic gift they have, and they share it with Americans. They need to be compensated fairly to allow them to maintain their business model as well.

Unfortunately, this was a wildly disproportionate decision by this board that is grossly unfair to the distributors of music and simply will allow them not to continue in business. And to give folks a feeling of how distorted this decision will be, I would like to refer to this graph which shows Internet radio per-song royalty rates under preexisting law starting in 2005, that started at $.00008 dollars in 2005, and by 2010, we will have foisted on us 149 percent increase in these royalty rates.

I am not sure any business model can tolerate a three-fold increase just in the per-song royalty rates that these folks are having to undergo. Unfortunately, this royalty rate means about a 300 percent increase for big Webcasters. But because of the particular rules here, it's a 1,200 percent increase for small Webcasters, so the small Webcasters, which are the vast majority of Webcasters will be hit potentially by 1,200 percent increases.

Now, this board, this Copyright Royalty Board has refused to reconsider their decision. What it means in the real world is the Internet going silent. Many of the stations a few days ago went silent to demonstrate and to protest its decision. I know Americans are disturbed by this, and they are now talking to my colleagues. I know thousands of them have communicated with my colleagues as a result of this, so we need to fix this problem.

I know in my district, I am from an area just north of Seattle, First District in the State of Washington, we have a Webcaster called Big R Radio. They stream to over 15,000 listeners who enjoy their product. But because of this decision, their rates are going to go up to a level, and you have got to understand how bad this is, the rates they would have to pay just for their royalties, not for their overhead, their rent, their salaries, the royalties they would have to pay for this exceed by 150 percent the revenues that this business is getting in.

Well, obviously, that's untenable, and this company will have to either go offshore or simply shut down if some change is not made. That is bad for Big R Radio, the company, and it's bad for the 15,000 people that enjoy their music right now. We need to fix this problem.

So the first damage that was done is this per-song radio royalty, but there was another, perhaps even more odious thing that this board did, the preexisting rule required a $500 charge, or, excuse me, a per-station minimum fee. This new ruling required a $500 charge for each streaming station that they offered. Webcasters, of course, stream under certain channels. But under this decision, there was no limit on the amount total in this per streaming channel that would be placed. Many, if not most Webcasters, have multiple channels.

So, if you look at what it will cost, just three of these Webcasters, Pandora, RealNetworks and Yahoo, because they are getting socked with this $500 per channel, and they broadcast literally thousands of channels with no limit, just those three Webcasters would have to pay $1.15 billion, with a B. These rates will dwarf the radio-related revenues by substantially more than $1 billion.

In other words, it will charge these businesses more than $1 billion more than the revenues they generate from this business. That's absurd. It's ridiculous. It has no relationship to economic reality, and it is a government glitch, a foul-up of the highest order that needs to get repaired.

This would result in 64 times more the total royalties collected by the group called SoundExchange that collects these royalties in 2006, an increase of more than, this is a pretty amazing number to me, 10 million percent over the minimum fee of $2,500 per licensee. Clearly, this is beyond the realm of economic reality.

Finally, this royalty board, the third thing that they did, they eliminated the percentage of revenue fees that many small Webcasters use to determine their performance royalty, which would be severely damaging to small Webcasters. So, to put this in perspective, in a global sense, I want to refer to what this will mean in total royalties.

If you look at this chart, you show total royalties in 2004 of $10 million. The estimated fee under the old royalty rule in 2006 would be $18 million. But under this decision, this flawed decision, it will actually be $1.150 million. So if you want to see the difference graphically of what the old royalty would be in 2006, this bubble would go to this supernova, I would call it, in 2006. This is untenable. It needs to be fixed.

Now, in order to fix this, Representative MANZULLO and myself have introduced the Internet Radio Equality Act, it's H.R. 2060, and this bill would fix this problem by doing something that appears eminently fair to me, which would simply have the same rate to be paid by Internet-based Webcasters as broadcasters now pay over satellite radio, over cable radio and over juke boxes.

□ 2000

What we are simply saying is that we ought to have equality, fairness, that is why we named it the Radio Equality Act, by having parity, the same level, which is 7.5 percent of revenue, a transition rate, in 2010. This is something that is fair, equal, and economically realistic to allow 70 million Americans to continue to enjoy their radio over the Internet. And now, 128 Members of the U.S. House of Representatives have cosponsored this bill just in a matter of a month or two; and the reason they have done so is I think they have heard from their constituents who want to keep their service going and realize how ridiculously out of whack this particular decision was.

Now, I know it may surprise some Americans to know that government agencies can make mistakes, but certainly one was made here and we need to fix it, and we need to fix it quickly. On July 15, this decision will go into effect. I encourage my colleagues to look at this bill, H.R. 2060, the Internet Radio Internet Equality Act, and cosponsor it to add their voices to the choir to demand action by the legislature to fix this bureaucratic foul-up.

Obviously, this is supported by a large number of people, not just broadcasters. National Public Radio certainly has an interest in this. I know that many of my constituents enjoy it, and it is in great jeopardy tonight if we don't act. I know one station has already gone off the air because of this bureaucratic snafu. The NPR affiliate Rock Island Illinois-based WVIK served hundreds of thousands of citizens. They have switched off their Web stream because this is an economically untenable situation for them if it is not fixed. So what their constituents and their customers are now hearing over the Internet is silence. Silence may be better than some of the music my kids have listened to over the years, but it is not better than the thousands of stations and access that people have over the Internet. We want to keep that available for Americans.

I also want to say that why I think this is so important is diversity. One of the best things about the Internet is it gives you what you want, not what the broadcaster wants you to listen to. And, frankly, because of the consolidation of the industry and the radio over-the-air industry, we are hearing a lot more of the same thing over and over and over again. And some of it is great music. We are still stuck in the 1960s, many of us, and we enjoy it, but diversity and having access to Appalachian bluegrass or music from the subcontinent of India; I heard of a genre, it was basically heavy metal, hip-hop, country at the same time, and that is quite a genre. But this provides diversity for people, and they ought to have their multiple tastes enjoyed and that is really in jeopardy tonight.

Now, the other thing I want to say is that this decision will go into effect July 15, and these stations will be in great economic jeopardy beginning just in a week or so; and, unfortunately, some of them as of July 15 might shut off their streaming. Others are going to start to consider what to do. Some may consider going offshore, which is not a healthy situation for us for a variety of reasons.

But I want to assure the parties who might be involved in discussions in this that after July 15 it will not be the end of this discussion. If Congress is unable to act before July 15 and if the parties don't reach some resolution of this, July 15 will not be the end of this effort. It will not be the beginning of the end of this effort; it might be the end of the beginning of this effort, because as these stations start to shut down, Congress will be deluged more than they have already been deluged with voices of protestation exercising their right to petition their government for redress of grievances, and one of the biggest grievances people are going to have is they can't hear their radios over the Internet anymore. The 128 cosponsors we have today even before the sword of Damocles has fallen on the music is going to grow, and we are going to be back here to continue to grow this until we get relief.

So I am hopeful that the parties are talking to one another to try to reach an economically viable and fair resolution of this so that artists, performers, songwriters can continue to have a meaningful economic model, so they can continue to do their work and they will be compensated for it; that Web casters can have an economic model to allow them to stream it over the Web, and 70 million Americans can continue to enjoy the pursuit of happiness over the Internet listening to this great music. If that does not happen by July 15, we are going to be back here until it gets resolved and this chorus, this drumbeat will continue. We do not intend to let, in the words of Don McLean's song, not allow the music to die. It is, too, a part of the American culture, and I will encourage my colleagues to help out by cosponsoring this bill.

Mr. Speaker, I yield back the balance of my time.

STEAL AMERICAN TECHNOLOGIES ACT, THE SEQUEL

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I would like to discuss with the Members here assembled and those listening on C–SPAN and those who will be reading the CONGRESSIONAL RECORD an issue that may well be determined here on the House floor in the next few weeks, at least perhaps in this session if not in the next few weeks. It is an issue that will fundamentally alter and I would say dramatically diminish a constitutionally protected right and will have tremendous long-term consequences for our country; yet, very few people in this country know that this issue is coming before us. Very few of our Members even understand that an issue of this significance will be discussed here. But there will be a fight, and there is an issue of great importance that will emerge here in the not-too-distant future.

The fight over this issue of course is not a new fight. In the late 1990s, similar attempts were made at what will be attempted in the next few weeks. Those attempts were made, but they were defeated. They were defeated after the public was mobilized, and powerful forces that were at play here in our Nation's Capital were defeated. Without the public mobilizing against this particular change that was being proposed by the corporate elite here in Washington, our system of technology in the United States would have been dramatically impacted and the well-being of our people in the long run would be condemned.

The battle, which took place in the 1990s, lasted for years. Corporate pressure was brought to bear, and every attempt was made to accomplish what I consider to be an insidious goal through stealth, and it was being done in a way that would keep as low a profile as possible. We see that happening today. Very few of our Members know that there is an issue of this magnitude coming before us, but special interests are already at play. We see people, we see organizations being well financed to come here and talk to us about technology issues, not realizing the real purpose of these organizations and the financing behind them is to push forward a change that will dramatically impact America's ability to be the technological leader of the world and dramatically implicate our innovators and our inventors.

The American people, however, back in the 1990s, once alerted and made aware of the significance to our country of the changes that were being proposed, stood up and fought the good fight and beat back this attempt for fundamental change in a stealth manner. They in fact beat back the onslaught, but just barely. However, once the American people were made aware of the significance of what was going on, they won the day.

Does it sound familiar? Yes, it sounds tremendously familiar if you look at what just happened with the immigration bill in which the elites of this country were trying to foist upon us a bill which would legalize the status of tens of millions of illegals that are in this country, only bringing tens of millions of more illegals into this country, an attempt to foist this off on the American people, to cover it up with clouds of smoke talking about a comprehensive bill whose only purpose was really to legalize the status, to give amnesty to those who are already here. And once the American people understood that, that bill was defeated.

We need that same type of mobilization if America's future generations are to be protected from the greatest theft of American technology and innovation that could ever be imagined by our people today.

Today, we face this onslaught that is very similar to that of the 1990s because the same goals are in mind by the same interest groups who would have fundamentally changed the American patent system, but they were defeated. Luckily, they were defeated because the American people, as I say, were mobilized. What we have here, as we had in the case of the fight on immigration, was that the issue itself, whether it is immigration or the fundamental changes being proposed to our patent system, are part of a greater threat. That threat which would manifest itself every now and then, perhaps four or five times a year we see this emerging, is part of a strategic maneuver by those who we would call globalists.

The fundamental threat is the globalism, which is being advocated and sometimes touted on television, et cetera, is something that, if we don't watch out, will be experienced at the expense of the American people. Globalism as it is being foisted on us as the immigration bill was will come at the expense of the American people of their freedom and their prosperity and, yes, even the safety of our country.

The battle at hand is the globalist strategy to deprive us, the American people, of the greatest source of our Nation's progress and strength: the creative genius of our own people; the innovation and technological leadership that has provided us with a decent standard of living for ordinary people and more freedom than any other country on the planet.

The globalists are at it again, seeking to change our laws in a way which would facilitate their power, would facilitate in this case the theft and transfer of American technology, the theft of the genius of our inventors, which has been one of our country's greatest assets.

People say, how could this possibly be? Well, how could it be that this Congress almost passed, there was a steam engine and a steamroller coming down the path at us that almost passed an immigration bill that would have brought millions, tens of millions, perhaps as many as 50 million more illegals into our country because we would have been legalizing the status of 10 million to 20 million illegals who are here already. How did that almost happen? Well, it almost happened because there are forces at work in a democratic society.

In this case, the globalist forces, the same ones who were at play on immigration, the ones who thought it would be better for everybody if we just had an open border with Mexico, because that is what really was the goal by the immigration fight. The whole fight was all about big businessmen who thought it would be really good to have an open border so we could keep down wages, and of course the liberal left of the Democratic Party who felt that as many immigrants that we have swarming into our country gives them a political base. Well, those same people who are pushing that are now working to push through wholesale changes in our patent laws, changes that will undermine our independent inventors and allow our competitors to steal our technology, American technology, and seriously weaken our country and its competitiveness.

The legislative vehicle for this legalized larceny is H.R. 1908, which I call the Steal American Technologies Act. In this case, because it reflects a very similar bill that was attempted a few years ago, we will call it the Steal American Technologies Act, the Sequel.

□ 2015

It is a dramatic altering of our patent laws, and our patent laws that they're trying to change have been in place since our country's founding. Patent law, of course, is an issue that is somewhat obscure, and it is an issue that is very difficult to understand in that it is related directly to new and unknown technologies and science, and deals with complicated parts of American law.

The globalists have hoped that this issue will seem so perplexing that it will be ignored by much of the public and perhaps not even understood by most Members of Congress. Yet, how Congress resolves this issue, once it's brought before us in legislative form, will determine the future well-being of our people and the security of our country. It is just that important. Just as the immigration bill was important and important for the American people to get involved, this issue is of equal importance to that in terms of our future.

This Congress will determine the fundamental patent law, the legal protections, the organizational structure in which we deal with technology commercialization. All of this will determine what our country is going to be like in the next 50 years and who and what kind of power we will have as a people on this planet. We will be making a determination of what the patent law of the United States of America will be for this generation and future generations of Americans.

Of course, in the past, our Founding Fathers were in the same position; they made the right decision. They put in place patent law, which now we are seeing the elite of this society and the globalists throughout the world trying to bring down this fundamental law that was put into place by our Founding Fathers.

Patent law is part of the American legal system and, as I said, it is something that perhaps has been taken for granted by the American people. Who pays attention to patent law? As I say, it's complicated, hard to understand.

However, every time we turn around, we can see that it is America's technological edge that has permitted the American people to have the highest standard of living in the world and permitted our country to sail safely through the troubled waters of economic crisis, of world wars and of international threats. It is American technology and our genius that has made all the difference when it counted. And it is the American patent law that has determined what technology and at what level of technological development that America has had.

This is not an obscure issue. This is an issue that will change our way of life. This is an issue of vital importance to every American, and it will determine the future standard of living of our people and the safety of our country.

We Americans came to this continent, by and large, as poor immigrants, millions of us. We faced the most undeveloped land imaginable. There was no land anywhere in the world at that time that was more undeveloped than the United States of America. When our Founding Fathers and mothers came here, they suffered deprivation. They were not safe. They were not prosperous. They died of hunger, and they worked very hard. And yes, we had space. Yes, we had lots of space and resources. But it wasn't the space and the resources that changed this group of huddled masses that came here, these poor souls that came here over those hundreds of years. It wasn't the resources and the space that changed their way of life and made them a prosperous and free people.

The secret of America's success is found not in our wide expansions or the deposit of minerals. Instead, the secret to our success can be found in the fact that our people had the freedom that our Founding Fathers fought for, and they had guaranteed rights, and also, of course, we, as a people, had a dream. We had a dream of a country where average people, yes, even people who are below average, can come and can prosper and can live at peace, a country made up of people from every part of the world, every race, every religion, every creed, every ethnic background, who could come and could live together in dignity and with liberty, and, of course, they could live free from fear. They could live with the understanding that everyone's child would have an opportunity to improve him or herself, to enjoy a rising standard of living that was based on their hard work and, yes, as Martin Luther King said, on the content of their character.

We believed, as a people, in rights and believed these rights to be given by God and that the purpose of government was protecting these rights.

Well, most people, when they think of that, think of religion and think of speech and the right of assembly. But patent rights are a right of property. It's a right that is written into our Constitution. The United States of America is one of the only countries of the world to have written into its founding document, the Constitution, a section dealing with patent rights.

Let us note that in the body of the Constitution, before the Bill of Rights, the word right is only used once, and that is the right of an author or an inventor to own and control the product of his labor, his or her labor, for a given period of time.

In fact, Benjamin Franklin was a great inventor as well as one of our Founding Fathers and one of the great champions of liberty in the history of humankind, as was Thomas Jefferson, as was Washington.

It was George Washington who requested of the First Continental Congress that they pass, as one of their first laws, a patent law, the Patent Act of 1790, which became the foundation of America's technological progress from that point till today.

Others of our Founding Fathers were people who believed in freedom, but they also believed in technology. Visit Monticello and see what Thomas Jefferson did with his time after he penned the words of the Declaration of Independence and had served as President of United States. He went back to Monticello and spent his time inventing things, things that would lift the burden from the shoulders of labor. Yes, he, in fact, signed his name as the first Patent Commissioner of the United States, which was invested in the Office of the Secretary of State at that time.

Benjamin Franklin, the inventor of the bifocal and the stove, the potbellied stove, which made a huge difference in the well-being of people for hundreds of years thereafter.

These Founding Fathers were our Founding Fathers, and they knew that with freedom and technology, we could increase the standard of living of our people, all our people, not just the elite, but the average person could come here and live with a modicum of dignity and decency and prosperity in their lives.

Our people were not just the Americans who were here, our Founding Fathers knew that, but were the tens of millions of Americans who would come here in the future on such a grand scale. And we would know, and they knew that if the people were going to come here and occupy this land from one part of the continent to the other, that wealth would have been to be produced on a grand scale as well. It couldn't be relied on just on brute muscle strength and the strength of animals.

Instead, our Founding Fathers knew that machines and technology would produce the wealth necessary to have a free and prosperous society. That's why they built into our Constitution the strongest patent protection of anywhere in the world, and that is why, in the history of mankind there has never been a more innovative nor creative people.

It's not just the diversity of our people that's given us this creativity. It's been the innovation and progress that was inherent in the way we structured our law, our patent law.

Recently I sat next to a Japanese minister over lunch, and he was telling me how Americans are always the ones who are coming up with the creative new ideas; what we do is just improve on those ideas, but we're trying to make our people more creative. And he was discussing different ways. And I said, it's real easy. All you have to do is make sure you change your patent system. You have a fundamentally different patent system than we do. He was shocked. He'd never thought of that.

And, in fact, the patent system in Japan was designed to help corporate interests utilize technology rather than protect the rights of the creators of new ideas. And of course, if the creators are being bullied and robbed, they're not going to come up with much. And guess what? In Japan, they don't, because your Shogun system of elitists in Japan steal the technology from their own creative people, and thus, their people don't create.

Americans have known that they have rights to own their own creations since the founding of our country. That has become part of our character, although most people don't relate it back to the law. Most people don't relate the character of our people back to the law when it comes to freedom of speech and those things in our Constitution as well, freedom of religion. But they are so important to the development of our national character. We would have had a different national character without those rights and without the rights that were granted to our inventors and our technologists in our Constitution by our Founding Fathers.

Everyone has heard about Thomas Fulton's steamboat. Well, let me note that Thomas Fulton didn't invent the steam engine. He invented the steamboat. Because in Europe and elsewhere, they didn't see technology necessarily as something that was very good. The average person thought technology was going to replace me as a job, and the steam engine was not permitted to be used there.

In the United States, the American people always understood machines will help produce more wealth. It will magnify the production and the byproduct of our labor, and it's good for people to have a society which has more wealth rather than less.

So Mr. Fulton put that steam engine on a boat and put it to work because we knew, and the American people as well as our leaders knew, that machines, good technology will help all the people of a country.

Cyrus McCormick invented a reaper that helped produce more food so people were well fed in this country, as compared to other societies which have had so many famines.

Samuel Morse invented the telegraph, which led to the telephone, et cetera. Thomas Edison, the light bulb, and so many other inventions.

Black Americans, here's something that is never recognized too much out of the Black community, but Black Americans have been prolific inventors. Even at times of mass discrimination against our Black fellow citizens, the patent office and rights, property rights for inventions were respected, and the Black community succeeded in, perhaps more than any other community compared to their numbers, in offering inventions and innovations.

Jan Metzlinger was a Black, former Black slave who invented a machine that was used in the manufacturing of shoes which dramatically changed the shoe industry. And before then, Americans had one pair of shoes. They could expect to have one pair of shoes in their life. And it was a Black man who invented the machine that made the production of shoes so effective and efficient that people could have different shoes. And when they wore out, they didn't have to wear shoes that had holes in the bottom of them.

George Washington Carver, one of the great renowned American inventors, respected by scientists, respected throughout the world; there are so many examples of Black inventors, because their rights in that area, that one little area of the Constitution, while they were being suppressed in other areas, their rights for ownership of patents was respected and thus, in that area, they prevailed and they flowered. And they invented things that did wonderful things for our country and the rest of our population. It's too bad it took so long for us to catch up in the other areas of protecting the rights of Black Americans. But they can be proud that, even during the time when they were under suppression, that they were able to succeed in developing new creative ideas that helped this entire country.

We are proud of our history of technologies, because we know, as Americans, as we have always known, that these inventions, no matter who invented them, would produce more wealth with less labor and thus increase the standard of living of all of our people and the opportunity of all of our people. And thus, it built a society which we have become very proud of and that we should be proud of.

But I suggest today that if we change those fundamental laws, which this bill is attempting to do, we will obliterate, in one or two generations, the great progress that we've experienced in the standing of the American people among the nations.

Yes, we look back at the Wright brothers; we remember them. The Wright brothers, who were they? They were men with little education, probably like Mr. Metzlinger. I just mentioned he worked in a shoe factory. These men worked in a bicycle shop, and they ended up inventing something about 100 years ago that they were told was absolutely impossible by the experts.

□ 2030

Yet they went ahead and they received a patent. They received a patent on how to shape the wing of their airplane, and they changed the future of mankind forever as we uplifted humankind off the ground and put us on a road to the heavens. Two Americans, ordinary Americans, not rich people, not educated greatly. Two people who ran a bicycle shop. These are the people we are proud of because we understand that is what America is all about that these people have their rights and freedom.

Innovation, a great creative genius, is the miracle that produced our wealth. Not just the muscle. It was the genius of our people. It was the tenacity of the Wright brothers and Cyrus McCormick and others and their genius that produced the wealth and produced these technologies that have changed all humankind and all Americans. And this creativity that we are talking about was protected by law.

We have treated the intellectual property rights in this country and the creation of new technology just as we have treated other rights. They are property rights and they are respected. They have been part of our country, part of our law, that individuals have a right, as determined by our Constitution and as outlined in our first fundamental laws since 1790, that these property protections would be afforded to American inventors. And that is what America is all about. Every one of us has that kind of opportunity.

Does anyone think that in World War II and in the Cold War that it wasn't our technological genius as well as our commitment to freedom that carried the day? We didn't fight the Germans and the Japanese man to man, just as in the Cold War, we didn't fight the Russians and the Chinese man to man in great battles. No. What happened is, if we would have tried to match them in pure muscle power, we would have lost. Instead, our aerospace workers, our scientists, our inventors, our computer specialists, our missile technicians, our rocket builders, and, yes, those scientists who came up with and are currently about to deploy a strategic missile defense system for the United States, all of these technological workers helped make the difference in those challenges to our national security, whether against the Nazis and the Japanese militarists or the communists. And, yes, perhaps even against radical Islam, should some regime there or in North Korea send a missile in our direction, our technologists may well be providing us a defense. Yes, we won the Cold War without having to suffer a massive conflagration because we relied not only just on the courage and the faith and the freedom but also in the superior technology that was flowing from our people. And that was because our American inventors were matched by no one in the world.

Today it is my sad duty to inform my fellow colleagues and the American people that we face a great historic threat. This threat comes at exactly the time when our country faces economic challenges from abroad as never before. We must prevail over our economic competitors because they are at war with the well-being of the American people. We must win or our country's people will lose. If we lose this battle, our people will suffer, their standard of living will suffer, their freedom will suffer. Future generations will see their standard of living decline as well as the safety and strength of our country. If we do not remain the technologically superior power on this planet, we will face new challenges and we will be defeated and our people will no longer have the prosperity and the rights that were the dream of those founders who came here 300 years ago to inaugurate this wonderful country, the United States of America.

Our adversaries have identified technology as our strong point. They see it right away. Americans are innovative, just like that Japanese minister that I was talking about. Americans are innovative. We have the new ideas, the new concepts. We have the ways of coming up with a different twist. We have the can-do spirit. There is nothing that can't be done with freedom and technology.

Well, they have identified this as our strong point. But it is also a weak point in that many Americans have no idea what legal structure was established that has protected this part of the American character, this legal establishment, this legal foundation that has permitted us to have creative people and build this type of genius within our society.

What I have been talking about is the fundamental patent law of our country. Our economic adversaries and their allies are engaged in a systematic attack on the patent rights of the American people. These adversaries, of course, among them are the leaders of multinational corporations, some of whom are based right here in the United States. These multinational corporations are run by an elite whose allegiance is to no country. Most significantly, we do not know if their allegiance is to the United States of America.

These are the same people who will take the product of research and development grants provided by the taxpayers of the United States and build factories in China based on those technologies. These are the same people who would eliminate jobs in the United States and create factories in China in order to make a 15- to 20-percent profit as compared to a 5- or 10-percent profit here. But over here they would be dealing with American citizens; over there they are dealing with slaves. The corporate elite that does this is behind and is pushing for the changes in our patent law that I am talking about today. And these multinationals and the elite that run them are not watching out for us.

If the globalists are successful, 20 years from now our citizens will wonder what hit them. Pearl Harbor happened in one moment. Our people woke up to the threat and mobilized. Today it is happening slowly. The attack is less evident, but our rights are being robbed and eroded, and changes in our law are being made that will decrease our standard of living and damage our way of life and will be devastating to the American people, and they will not know what hit them. This attack is being conducted not by the bombers on Pearl Harbor, but the bombs that are being planted are being planted by lobbyists in our nation's capital who are working for multinational corporations, who believe, perhaps, that we can make everything better with a globalist strategy. But they are willing to pillage the wealth of our country and transfer that wealth and transfer power overseas in order to succeed in building a new global strategy, a new global concept.

One of the steps necessary for this great global vision to succeed is the destruction of the American patent system. As I say, lobbyists have been hired by well-heeled multinational corporations and by companies who no longer have any desire to pay for the use of technology that has been developed by American citizens. They, of course, are not saying, well, we are going to destroy the patent system. Nobody is just coming up and saying we want to destroy the patent system. We want to steal all of America's technology. They are not saying that because we might be a little upset because we would notice that they are the same people who are setting up factories in China using slave labor and putting our people out of work. They wouldn't be that upfront.

Instead, they are suggesting our patent system is broken and needs to be fixed. We have heard it before: The immigration system is broken. We need a comprehensive bill. And in the end, the comprehensive bill that was coming over here that was being voted on would have made the situation a lot worse. This is exactly what this elite is trying to do right now in terms of American technology and the patent system. They are using a system that needs to be fixed, the patent system, which has some flaws, organizational flaws, and they are saying we are going to fix it; yet the fixes they are proposing would destroy the system as we know it.

No. Instead, we need to correct the flaws in the system. And, again, if it sounds like a replay of immigration, it is exactly right. It is the same strategy. But they failed then, and if the American people are mobilized, they will fail again.

We hear about widespread problems in terms of the Patent Office. This is what we are going to hear from the elite, from the people involved in this globalist attempt to destroy America's patent protections. We are going to hear about patent lawsuits, about horror stories concerning companies that are tied up for years in court and then eventually have to give up and relent to trial laws because there are so many delays inside the patent system. And we are going to hear about examiners who are overworked, underpaid, and without proper education and training.

Well, in reality the patent lawsuits are no more of a major problem than they ever were. Between 1993 and the year 2005, the number of patent lawsuits, versus the number of patents granted has held steady at about 1.5 percent. In fact, in 2006 there were only 102 patent cases that actually went to trial.

But there are some very real changes that are needed and problems that need to be solved in the patent system. Unfortunately, the legislation making its way through the system does not correct these problems. The problems are being used as an excuse to act, but the proposed changes are aimed at other than the more significant goals.

So let's understand that we need patent legislation. We need patent legislation that speeds up the patent process and provides training and compensation for patent examiners and helps us protect our inventors against foreign theft. We need to make sure that the people who are the inventors of our country can use this system. But the bill that is being presented to us and these maladies that are being used to justify this new bill do not correlate.

The fact is the bill will not solve the problems but will obliterate the fundamental rights that have been granted since our country's founding. Just like the immigration bill, as I say. The problems created by our current policymakers, of course, they could have corrected any of these problems with the patent system over the past 10 years, but those problems that are still around are being used as an excuse to destroy the system within a cloud of smoke.

Well, the people have been trying to do this, as I said, for over a decade, the power elite in this country, and they were thwarted. Now they are back. We can all understand what this is all about when we just remember the word "comprehensive." That was being used as a cover not to reform and strengthen our control and management of immigration but to destroy our ability to stop the massive flow of illegal immigration into our country. That is the same thing that is happening in terms of patent legislation.

There are some problems with the way our patent system is operating. It can be much more effective. But instead of correcting those problems, it is being used as a smokescreen. H.R. 1908 is designed not to correct the problems but to destroy the patent protections our people have enjoyed.

So, first, H.R. 1908 creates a post-grant review process. What does it do? The first thing is a post-grant review process, which means that after someone is granted their patent, people can still come back and challenge them after the patent has been granted. For the little guy, this is a disaster because the little guy doesn't have the money for all the lawyers. Once the patent is granted, that should be a situation when the patent is granted. Instead, H.R. 1908 attempts to create an endless process of challenges to a small inventor.

Second, H.R. 1908 changes our patent system to award patents based on first-to-file rather than first-to-invent. This is a little hard to understand, but since our country's founding, if an inventor could prove that he has invented something, he would then be protected. His rights to own that would be protected. In other countries, if big corporations immediately just file patent after patent after patent every time they come to a small step forward, they can protect themselves, but the small inventor will never be able to do so.

Third, the most egregious of all the items in H.R. 1908, and people should pay attention to what I am saying here because this is fundamentally different than every patent system in the world, up until now the American citizen, if he has filed for a patent, until that patent is granted, the patent is kept totally secret.

□ 2045

In fact, patent examiners can go to jail for felonies if they disclose that information. And then, when the patent is granted, no matter how long it takes, even if it takes 10 years to do so, the inventor gets to have 17 years of patent protection where he owns that technology. That has been our tradition. What do we want to do? This bill, H.R. 1908, the "Steal American Technologies Act," the sequel, what does it do? It wants to make sure that anybody who files for a patent, any inventor, if he has not been granted his patent within 18 months, perhaps because of bureaucratic snafus or whatever, that patent is going to be put on the Internet, that patent is going to published for every thief in the world, every Chinese manufacturer, every Japanese manufacturer, every Korean manufacturer, anybody in the world who wants to steal it will be able to have it and be in production before our inventors get their patents even granted to them.

So, let's take a look at these three proposals of this H.R. 1908. The proposed grant review process is a gift to the large corporations and the powerful elites, which they wish to destroy the small inventor. As I say, they are going to be able to grind the small inventor down. For the invalidation of a patent, a company, if they can show they've been economically disadvantaged by the patent, they can force a review of the Patent Office of that patent. So if somebody invents something that's going to be wonderful for a lot of people in the country but will put another business out of work because they don't need buggy whips anymore, then the buggy whip manufacturer, who now has a lot of money because over the years, under the old system, everybody needed a buggy whip, they're going to use that wealth to tie up and destroy those innovators who would bring us forward. Because now, even once the patent is issued, they can keep filing complaint after complaint, challenge after challenge. The little guys will never be able to cope with that.

Second of all, this legislation doesn't stop just there. As I said, it lowers the bar for providing a patent's invalidity to current standards of clear and convincing evidence. It basically lowers, for some of the standards that we have operated on, from clear and convincing evidence to the preponderance of evidence, which of course erodes the confidence an inventor has that his patent won't later be just revoked by the Patent Office. So it's changing the standards and allowing them to have future challenges. The small inventor is going to be ground down.

But, of course, the worst part, what's this? H.R. 1908 also, of course, does not limit the number of times that a patent can be challenged, so time after time grounds these down. So it's not just one challenge after a patent has been granted, but a continual challenge to the small inventor.

This proposed change from first-to-invent to first-to-file is yet another attack on the small inventor. The United States is unique in using the first-to-invent system. All the rest of the countries have first-to-file. And this has ensured that the true inventors will receive the benefit of their invention instead of a thief who happens on some information.

Changing it to first-to-file will create a massive problem for the small inventor. Inventors will have to rush to the Patent Office, hurriedly scrambling to file the necessary documents every time they've made one small step forward. This will cause less thorough applications. So we're going to have people who are applying, because they have to apply for so many, the applications will not be as well thought out and not as thorough. And this will add to the burden of the Patent Office, which will mean there will be even more work for the Patent Office and even more delays.

So this will benefit, yes, large corporations who can afford patent after patent after patent after patent application, but for the small inventor who only has a little bit of money, he will be totally rolled over.

Now, the thieves in China and elsewhere are waiting for the day when we change this patent law to what this last suggestion is under H.R. 1908. Because this is very similar to the immigration bill. The only purpose of the immigration bill was to give amnesty, was to grant legal status to those people who are here legally. The only reason for the patent bill is this particular provision, and that is, American inventors have had a protection that their applications will be secret, if they file in the United States, that their patent will be secret up until that patent is granted to them, but this bill changes it. After 18 months, all patent applications will be made public. Now get into that: Under this bill, after 18 months, even if a patent hasn't been granted, everybody in the world is going to be able to know all of the secrets in the patent application. Thieves around the world will be counting down the days until America's best ideas are put on display and in great detail for everyone to examine, even though the inventor has no protection at that point.

How do we know that this piracy will happen? We know because Japan, which I have mentioned has a different patent system, already publishes patent applications, and it is suffering from a withering attack from China and elsewhere. The Japanese actually take their patent applications and, after 18 months, put them on the Web. Well, what happens? The Japanese patent applications on the Web, that Web site receives 17,000 hits a day from China, and 55,000 hits a day from Korea. The people viewing the Web site are not simply curious about some gizmo or gadget; they're interested in one thing: They want to steal someone else's creative ideas.

H.R. 1908 would give every thief in the world an opportunity to take America's technology and use it even before our people are granted a patent. Why would anybody want to do this? Well, the same people who want to do this are the same people who are building factories in China and use slave labor. I can tell you that right now.

This is basically coming out of the high electronics industry. You know what some of those people are doing right now? Some of those people are over there helping the Chinese Government track down religious dissidents, people who want democracy or believe in God, but want to use the Internet, our technology companies are over there helping them track these people down and throwing them in jail. And you know what they want to do here? They want to steal all the technology from every American inventor and not pay them a royalty. That's what's going on here. And of course, they're in alliance with the other global elitists from other countries.

This is not the type of force in our society that we should permit to make the rules on how this country functions. We would be giving, if this bill passes, our economic competitors, even our enemies, access to our Nation's technological breakthroughs and scientific achievements. H.R. 1908 does that by demanding that all patent applications be put on the Internet to view and to steal even before the patent is issued.

If it's hard to believe, people need to hear it again: We have an elite in the electronics industry that is so intent on taking the technologies that are being developed by our inventors and not giving them royalties, that they want to change this fundamental part of our patent law that has protected our individual inventors, protected them by saying, what you invent is yours for 17 years and that no one will know about your patent application until your patent is issued; they want to change this fundamental nature of our system.

This provision is not only a bad idea and not only will it harm the American inventor, it will hurt the American people by putting us at risk to our enemies. Already we are seeing a flow of technology and of capital assets to China, which is a major adversary, maybe not an enemy now, but perhaps someday an enemy. Our schools are filled with graduate students from China and elsewhere, and they are learning the secrets that cost us billions of dollars of research to come up with. We are not watching out for the American people. And H.R. 1908 would, again, be a dagger in the heart of the American standard of living and our ability to secure our country.

What is really going on here is an effort. Of course, they will claim that we have to do this because Japan does it, and Europe does it. They want to harmonize America's laws, our patent laws, with the rest of the world. Well, why don't they try that with the rest of the Constitution? If we wanted to harmonize the freedom of speech and religion with everybody else in the world, would the American people stand for that? We have the strongest patent protection of any country in this planet, just like we have the protection for other rights. If people want to harmonize with American law, we want a globalist approach to patents or to technology and to freedoms and rights, people can harmonize with us. Let them come up to our standards.

If the American people were out to harmonize the law, that's one thing, but we wouldn't even dream of doing that. The American people would never go along with having our religious freedom or freedom of speech and other freedoms that we have that are guaranteed by our Constitution; we would never permit them to say, well, we have to have the same level of freedom as they have in Singapore or Vietnam or, let's say, Ukraine or Belarus. No. The fact is, the American people are proud that we have guaranteed rights and that our Constitution protects these rights.

And I know that many people do not understand the part that has been played by the rights that were granted in our Constitution to our inventors specifically, but they are vitally important to America's safety and well-being. If we move to harmonize patent law, no, things will not go more smoothly for our country and for the world, what will emerge is a global elite which wants to mandate upon the American people the same things they mandate on the surfs and the servants and the people of other countries who they feel that they are naturally endowed with the right to tell them what to do.

No, no. We believe that every individual has rights in this country, and we are not going to harmonize our laws, whether they're patent laws, and we are proud that we have a standard of living that has flowed from our patent laws and our technology laws. We are proud of that, and we are not going to bring down our standard of living in order to harmonize it with the rest of the world.

And yes, those businesses that are flowing over to China to use slave labor, yes, we do not want the elite of those companies making policy in the United States, especially if it's policy that would allow them to steal innovative and creative technology ideas from America's inventors, from the little guy. The fact is, we have had the strongest protection of patent rights of any place in the world, and thus we have had more innovation and a higher standard of living than the other people of the world. The common man here has the opportunity that common people in other parts of the world do not have because America has had technological superiority. And if our rights to our patent protection are diminished in order to harmonize those rights with the rest of the world, it should be no great surprise when we will end up with the same type of country that they have in those countries, that our people will have the same type of opportunity and standard of living and freedom that they have in third world countries. Is that what we want? Well, the corporate elite doesn't care what we want because they don't care about us. They were the ones that wanted to bring in tens of millions of more immigrants into our society illegally because they knew that if we legalized the status of those 15 to 20 illegals that are already here, that would bring in 50 million more. They don't care enough about us to want to stop that, and they don't care enough about us to want us to have a high standard of living.

This is another inherent conflict between the globalists and the patriots. If we do not win this battle, if we are not vigilant, America will lose and future Americans will not enjoy the freedom and prosperity and safety that we Americans enjoy today.

This destruction of our fundamental patent system is an abomination, a long-term threat to the well-being of the American people, and it will benefit basically wealthy and powerful interests, an elite that has no loyalty to the United States or to our people. Our people have got to know that this is a threat to all of us. Our people need to unite, as we did on the fight against this immigration bill that would have been a disaster for our country and a disaster for ordinary Americans, we need to unite and we need to organize and we need to make sure that people in this body, in the House of Representatives, know that H.R. 1908 is something that is contrary to the interests of our country and is contrary to the interests of working people. And anyone voting for it, it won't be tolerated if that's the way people feel about it. Those advocating the "sledge hammer" approach to patent reform, allegedly addressing just small problems, but using a sledge hammer to fix those small problems, are, in reality, advocating a complete reconstruction, and I would suggest destruction, of our patent laws. If they really want to address specific problems, just like it was in the bill with the immigration, let them target those solutions instead of using a bulldozer in the name of knocking down a mole hill.

□ 2100

Yes, we can make our patent system more efficient. We can make sure that those patent examiners are trained and well educated and that they know the system and that the system works faster and more efficiently.

One thing we could do is make sure everyone who pays for a patent that that money stays in the patent system. Another thing is we can make sure that there are plenty of scholarships available for people who can get their PhDs in their scientific endeavors in these areas so they can come back and work in the patent office. We can correct our problem. But destroying and rearranging the rights of our inventors would be a catastrophe. Think about it. If you have a hangnail, and it is painful, and you go to a doctor, and the doctor goes to great lengths and says, oh, what a horrible hangnail you have there, you must be in pain, and, look, it has a little bit of infection, well, you might listen to your doctor. But what happens when the doctor says, well, I think we are going to get rid of that hangnail problem. We are going to amputate your leg.

This is what this is about. Those people are trying to amputate our legs in the name of getting rid of a hangnail because the Patent Office isn't working efficiently. Well, I would suggest that that doctor, if he suggests to you that he is going to amputate your leg, either he isn't incompetent or he doesn't like you. And you better check and find out. But either way, you don't want to follow his advice.

We are told by those people who want to totally change the patent system that these evil inventors, people like Thomas Edison and Cyrus McCormick, all of these inventors, the people who invented the drugs that have cured polio, these evil inventors, they actually abuse the system because they own it for 17 years. No. It has been that profitability, it has been that spur, that incentive to create that has come up with these miracle cures, that has come up with these machines that have made us more competitive. Our workers cannot be more competitive with the Chinese or the Indians unless we have the technology. If our technologists are going to have all of the product of their genius stolen by the Chinese and Indians even before the patent is issued, how are we going to compete in the future against China and India? No. These people who are inventors, they are not abusing our law. They are the heroes. They are American heroes, just like the Wright brothers were American heroes. They lead to a better way of life.

These large corporations who exploit people and have no loyalty to us, who have armies of lawyers who will steal anything and smash anyone who gets in their way, those are the people we have to watch out for. Those are the people who are behind this proposed change in our patent law. Property rights for the little guy is a good thing. And I don't care if the guys in the corporate board rooms don't agree with me on that. I know that as a Republican people think, oh, well, he must be for business. No, I am for Americans. And I know that today the American people are being abused. If it weren't for the American people, there wouldn't be any freedom anywhere in the world. Any hope for anyone, for mankind and humankind is tied to the willingness of the American people, because we care about them.

Why should we harmonize our laws with the rest of the world off of some global vision that some egghead in some university thought up and taught to his students 20 years ago who now are out trying to implement this global vision?

Our people are not fighting for a new world order. Our people, when they defend this country, are defending our rights and our liberties. If we ever lose that, if we ever lose the allegiance of the little guy to our country, we have lost everything. Because what it seems like here is what we have got going in this country, whether it is patent law or whether it is immigration law, is that the elite no longer have the allegiance to America's little guys.

You know, there is a story that goes with this whole issue. It deals with a little guy who invented the picture tube, Philo Farnsworth. There is a statue to him right down the hallway, a statue here in our Nation's Capital to a country hick named Philo Farnsworth. It shows him there holding a TV picture tube. You know what? Philo Farnsworth was a hick. He had a little training in engineering. He actually figured it out.

RCA, the most powerful company in the United States at that time, spent what is the equivalent of hundreds of millions of dollars to try to find the secret of a picture wave that you could have so you can have a television set and a tube that would capture that. Philo Farnsworth figured it out. He wrote RCA. He said, hey, I figured it out. Come on over and we will discuss it.

Sure enough, the head researcher from the labs at RCA showed up at Philo Farnsworth's home. Philo Farnsworth went out to the barn and showed him everything and how he had done it and how he figured it out. He had his notes. The guy took extensive notes and said, We will get back to you. Do you know what? RCA spent 20 years trying to steal Philo Farnsworth's invention. It went all the way to the Supreme Court. Thank God for the United States of America, the little guy, Farnsworth, beat RCA, the big corporation. That is why we have a statue to him here. That is what America is all about, protecting the rights of the little guy to make this a better world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. POE, for 5 minutes, today and July 11, 12, and 16.

Mr. JONES of North Carolina, for 5 minutes, today and July 11, 12, 13, and 16.

Mr. WOLF, for 5 minutes, July 12 and 13.

Mr. MORAN of Kansas, for 5 minutes, July 11.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes; to the Committee on Foreign Affairs.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1830. An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

A BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on June 29, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 1830. To extend the authorities of the Andean Trade Preference Act until February 29, 2008.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 11, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2348. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Wage Determinations [DFARS Case 2006-D043] (RIN: 0750-AF59) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2349. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Military Construction on Guam [DFARS Case 2006-D065] (RIN: 0750-AF65) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2350. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of Obsolete Acquisition Procedures [DFARS Case 2006-D046] (RIN: 0750-AF62) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2351. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges [DFARS Case 2006-D057] (RIN: 0750-AF67) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2352. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition Integrity [DFARS Case 2006-D044] (RIN: 0750-AF60) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2353. A letter from the Secretary, Securities and Exchange Commission, transmitting the Department's "Major" final rule — Amendments to Rules Regarding Management's Report on Internal Control Over Financial Reporting (RIN: 3235-AJ58) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2354. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Obstetrical and Gynecological Devices; Classification of Computerized Labor Monitoring System [Docket No. 2007N-0120] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2355. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's "Major" final rule — Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements [Docket No. 1996N-0417] (RIN: 0910-AB88) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2356. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's "Major" final rule — Import and Production Quotas for Certain List I Chemicals [Docket No. DEA-239I] (RIN: 1117-AB08) received July 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2357. A letter from the Chief of Staff to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Milano, Texas) [MB Docket No. 05-97 RM-11186 RM-11251] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2358. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 [MB Docket No. 05-311] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2359. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Clarification of Export and Reexport Controls for the People's Republic of China (PRC); New Authorization Validated End-User; Revision of Import Certificate and PRC End-User Statement Requirements [Docket No. 061205125-7125-01] (RIN: 0694-AD75) received June 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2360. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled, "Policy Objectives and U.S. Policy Regarding Iran," pursuant to Public Law 109-364, section 1213(b); to the Committee on Foreign Affairs.

2361. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Determination and Memorandum of Justification pursuant to Section 563 of the Foreign Operations, Export Financing and Related Program Appropriations Act of 2006, Pub. L. 109-102; to the Committee on Foreign Affairs.

2362. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-63, "Fiscal Year 2008 Budget Support Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2363. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2378. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2379. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2380. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2381. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2382. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2388. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2389. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2390. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2391. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category [Docket No. 010319075-1217-02] (RIN: 0648-XA54) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2392. A letter from the Assistant Administrator, Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); U.S. Atlantic Swordfish Fishery Management Measures [Docket No. 061121306-7105-02; I.D. 110206A] (RIN: 0648-AU86) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2393. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area [Docket No. 04011-2010-4114-02; I.D. 042407B] (RIN: 0648-AN17] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2394. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Searching and Detaining or Arresting Non-Inmates [BOP-1128] (RIN: 1120-AB28) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nucla, CO [Docket No. FAA-2006-24826; Airspace Docket No. 06-ANM-3] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2396. A communication from the President of the United States, transmitting notification of his determination that a waiver for Turkmenistan will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c)(2) and (d); (H. Doc. No. 110–44); to the Committee on Ways and Means and ordered to be printed.

2397. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — HAITIAN HEMISPHERIC OPPORTUNITY THROUGH PARTNERSHIP ENCOURAGEMENT ACT OF 2006 [USCBP-2007-0062 CBP Dec. 07-43] (RIN: 1505-AB82) received June 21, 2007, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2398. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Securities Held in TreasuryDirect — received May 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2399. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 6404(g) of the Internal Revenue Code Suspension Provisions [TD 9333] (RIN: 1545-BG64) received June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 660. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; with an amendment (Rept. 110–218, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 713. A bill to establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes; with an amendment (Rept. 110–219). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 986. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 110–220). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1337. A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; with an amendment (Rept. 110–221). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1725. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project (Rept. 110–222). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 359. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estarada Chavez and the farm labor movement; with an amendment (Rept. 110–223). Referred to the Committee of the Whole House on the State of the Union.

Ms. SUTTON: Committee on Rules. House Resolution 531. Resolution providing for consideration of the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008 (Rept. 110–224). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on Ways and Means and Oversight and Government Reform discharged from further consideration. H.R. 660 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on June 29, 2007]

H.R. 957. Referral to the Committees on Financial Services and Ways and Means extended for a period ending not later than July 13, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KILDEE (for himself and Mr. CAMP of Michigan):

H.R. 2952. A bill to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe; to the Committee on Natural Resources.

By Mr. SPACE:

H.R. 2953. A bill to amend the Rural Electrification Act of 1936 to improve the application process for the rural broadband program of the Department of Agriculture; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. SMITH of Texas, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. DAVID DAVIS of Tennessee, Mr. BILBRAY, Mr. GALLEGLY, Mr. YOUNG of Florida, Mr. GINGREY, Mrs. MYRICK, Mr. POE, Mr. DEAL of Georgia, Mrs. CUBIN, Mrs. EMERSON, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. BARTLETT of Maryland, Mr. MCCOTTER, Mr. CARTER, Mr. CANTOR, Mr. FORBES, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. SHAYS, Mr. DREIER, Mr. WILSON of South Carolina, Mr. GARY G. MILLER of California, and Mr. BLUNT):

H.R. 2954. A bill to strengthen enforcement of immigration laws, and gain operational control over the borders of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. FATTAH, Mr. JEFFERSON, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Ms. LEE, Ms. CARSON, Mr. AL GREEN of Texas, Ms. LORETTA SANCHEZ of California, Mr. TOWNS, Mr. ELLISON, Mr. HARE, and Ms. KILPATRICK):

H.R. 2955. A bill to improve calculation, reporting, and accountability for graduation rates; to the Committee on Education and Labor.

By Mr. SKELTON:

H.R. 2956. A bill to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 2957. A bill to amend the Elementary and Secondary Education Act of 1965 to improve educational practices for limited English proficient students and immigrant students; to the Committee on Education and Labor.

By Mr. BACA (for himself, Mr. BURTON of Indiana, Mrs. BOYDA of Kansas, and Mr. CHANDLER):

H.R. 2958. A bill to direct the Federal Trade Commission to review the video game ratings of the Entertainment Software Ratings Board and to direct the Government Accountability Office to study the impact of video games on children and young adults; to the Committee on Energy and Commerce.

By Mr. BISHOP of Utah (for himself and Mr. YOUNG of Alaska) (both by request):

H.R. 2959. A bill to establish a fund for the National Park Centennial Challenge, and for other purposes; to the Committee on Natural Resources.

By Mr. CAPUANO (for himself, Ms. SLAUGHTER, Mr. HINOJOSA, Mr. POE, Mr. AL GREEN of Texas, Mr. THORNBERRY, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mr. CUELLAR, Ms. SHEA-PORTER, Mr. MCNERNEY, and Mr. WELCH of Vermont):

H.R. 2960. A bill to amend the State Department Basic Authorities Act of 1956 and the Foreign Service Act of 1980 to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey:

H.R. 2961. A bill to expand the boundaries of the Wallkill National Wildlife Refuge located in Sussex county, New Jersey, and to authorize appropriations for the acquisition of lands and waters located within such expanded boundaries; to the Committee on Natural Resources.

By Mr. AL GREEN of Texas (for himself, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. HONDA, Ms. KILPATRICK, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2962. A bill to designate Pakistan under section 244 of the Immigration and Nationality Act to permit nationals of Pakistan to be eligible for temporary protected status under such sections; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 2963. A bill to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land

Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. KIRK, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. BOSWELL):

H.R. 2964. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself and Ms. ROS-LEHTINEN):

H.R. 2965. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. MORAN of Virginia, Mr. BLUMENAUER, and Mr. INSLEE):

H.R. 2966. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the conversion of hybrid motor vehicles to plug-in hybrid motor vehicles; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 2967. A bill to prohibit the use of Federal funds in support of any travel undertaken by the President, Vice President, or certain other executive branch officials which includes the attendance by the official at any political campaign or fundraising event unless the sponsor of the event reimburses the Federal government for the actual costs incurred in support of the travel, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 2968. A bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply it to rural areas of every State; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 2969. A bill to establish the GothamCorps program; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 2970. A bill to ensure integrity in the operation of pharmacy benefit managers; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2971. A bill to amend title XIX of the Social Security Act to require States to report data on Medicaid beneficiaries who are employed; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2972. A bill to require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2973. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 2974. A bill to protect innocent parties from certain fees imposed by depository institutions for dishonored checks, and for other purposes; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 2975. A bill to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization (PLO); to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 2976. A bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 2977. A bill to prohibit United States military assistance for Egypt and to express the sense of Congress that the amount of military assistance that would have been provided for Egypt for a fiscal year should be provided in the form of economic support fund assistance; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 2978. A bill to prohibit United States assistance for the Palestinian Authority and for programs, projects, and activities in the West Bank and Gaza, unless certain conditions are met; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 2979. A bill to prohibit the Department of Homeland Security from limiting the amount of Urban Area Security Initiative or State Homeland Security Grant Program grant funds that may be used to pay salaries or overtime pay of law enforcement officials engaged in antiterrorism activities, and for other purposes; to the Committee on Homeland Security.

By Mr. WEINER:

H.R. 2980. A bill to amend title 18, United States Code, to protect individuals performing certain Federal and federally assisted functions, and for other purposes; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 2981. A bill to halt the issuance of visas to citizens of Saudi Arabia until the President certifies that the Kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 2982. A bill to require the National Park Service to make necessary safety improvements to the Statue of Liberty and to fully reopen the Statue to the public; to the Committee on Natural Resources.

By Mr. WEINER:

H.R. 2983. A bill to amend the Internal Revenue Code of 1986 to provide middle class tax relief, impose a surtax for families with incomes over $1,000,000, and for other purposes; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 2984. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to extend energy assistance to households headed by certain senior citizens; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 2985. A bill to require the Secretary of the Treasury to take certain actions with regard to the Arab Bank, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 2986. A bill to prohibit assistance to Saudi Arabia; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 2987. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN:

H.R. 2988. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Ways and Means.

By Mr. WEXLER (for himself, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CLAY, Mr. COHEN, Mr. DEFAZIO, Mr. FARR, Mr. HALL of New York, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. MICHAUD, Mr. WELCH of Vermont, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H. Res. 530. A resolution censuring George W. Bush; to the Committee on the Judiciary.

By Mr. GOHMERT:

H. Res. 532. A resolution recognizing the energy and economic partnership between the United States and Honduras; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. GRIJALVA.

H.R. 21: Mr. UDALL of New Mexico, Mr. DELAHUNT, Mr. SMITH of New Jersey, and Mr. SHULER.

H.R. 60: Mr. LAMPSON.

H.R. 73: Mr. WALBERG.

H.R. 224: Mr. MCCOTTER.

H.R. 303: Mr. SHAYS.

H.R. 406: Mr. HIGGINS.

H.R. 473: Mr. WAMP.

H.R. 500: Mr. BILBRAY and Mrs. EMERSON.

H.R. 538: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 661: Mr. CAPUANO and Mr. FERGUSON.

H.R. 693: Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. NORTON, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. NADLER, Mr. GENE GREEN of Texas, Mrs. CUBIN, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Ms. WASSERMAN SCHULTZ, Mr. KUCINICH, Mr. BERMAN, Ms. HARMAN, Ms. ZOE LOFGREN of California, and Mr. RANGEL.

H.R. 695: Mr. RYAN of Ohio and Mr. WELCH of Vermont.

H.R. 711: Mr. SCOTT of Virginia.

H.R. 725: Mrs. MCMORRIS RODGERS and Mr. BROWN of South Carolina.

H.R. 728: Ms. WOOLSEY.

H.R. 743: Mr. ROYCE, Mr. CULBERSON, Mrs. BOYDA of Kansas, Mr. AL GREEN of Texas, Mr. SHULER, Mr. TIM MURPHY of Pennsylvania, Mr. MAHONEY of Florida, Mr. MURPHY of Connecticut, Mrs. CAPPS, Mr. NUNES, and Ms. CARSON.

H.R. 854: Ms. CARSON.

H.R. 861: Mr. GOODLATTE and Mr. WILSON of Ohio.

H.R. 864: Mr. WAXMAN.

H.R. 895: Mrs. MCCARTHY of New York.

H.R. 969: Mr. KILDEE, Mr. SARBANES, Mr. HARE, Ms. WATSON, and Ms. NORTON.

H.R. 971: Ms. MCCOLLUM of Minnesota and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 980: Mr. COLE of Oklahoma and Mr. LAMPSON.

H.R. 992: Mr. DEFAZIO.

H.R. 1029: Mr. MARSHALL, Mr. BISHOP of Utah, and Mr. WESTMORELAND.

H.R. 1070: Ms. CORRINE BROWN of Florida.

H.R. 1072: Mr. JINDAL.

H.R. 1076: Mrs. MILLER of Michigan, Mr. GILCHREST, Mr. HAYES, Mr. BARTLETT of Maryland, Mr. BAIRD, Mr. RYAN of Ohio, Mr. HOLDEN, and Mr. PUTNAM.

H.R. 1084: Ms. ZOE LOFGREN of California.

H.R. 1092: Mr. COHEN.

H.R. 1108: Ms. ROYBAL-ALLARD, Mr. LANGEVIN, and Mr. HASTINGS of Florida.

H.R. 1110: Mrs. DAVIS of California and Mr. HASTINGS of Washington.

H.R. 1152: Mr. GARRETT of New Jersey.

H.R. 1185: Mr. FARR.

H.R. 1188: Mr. HINOJOSA.

H.R. 1211: Mr. DAVIS of Illinois.

H.R. 1222: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1224: Mr. HARE.

H.R. 1225: Mr. MARKEY.

H.R. 1228: Mr. EHLERS.

H.R. 1245: Mr. ALTMIRE and Mr. HINOJOSA.

H.R. 1275: Ms. CORRINE BROWN of Florida.

H.R. 1280: Mr. NEAL of Massachusetts.

H.R. 1283: Ms. SOLIS.

H.R. 1306: Mr. ISSA and Mr. PALLONE.

H.R. 1308: Ms. ESHOO.

H.R. 1324: Mr. FRANKS of Arizona.

H.R. 1328: Mr. HINOJOSA and Mr. MICHAUD.

H.R. 1338: Mr. UDALL of Colorado and Mr. MARSHALL.

H.R. 1391: Mr. CAPUANO.

H.R. 1400: Mrs. MYRICK, Mr. GUTIERREZ, Mr. HOEKSTRA, and Mr. SMITH of Washington.

H.R. 1428: Mr. SPRATT and Mr. JINDAL.

H.R. 1440: Mr. GOODE.

H.R. 1448: Mr. YOUNG of Florida and Ms. SHEA-PORTER.

H.R. 1464: Mr. KUCINICH and Mr. BISHOP of New York.

H.R. 1514: Mrs. MYRICK.

H.R. 1518: Mr. THOMPSON of Mississippi.

H.R. 1542: Mr. ELLISON and Ms. SUTTON.

H.R. 1551: Mr. FATTAH.

H.R. 1621: Mrs. BOYDA of Kansas.

H.R. 1650: Mr. GARRETT of New Jersey.

H.R. 1671: Mr. HASTINGS of Florida, Mrs. NAPOLITANO, and Mr. STARK.

H.R. 1674: Mr. BARRETT of South Carolina.

H.R. 1687: Mrs. MCCARTHY of New York, Mr. GUTIERREZ, Mr. RUSH, and Mr. DAVIS of Alabama.

H.R. 1713: Ms. GIFFORDS and Mr. CLAY.

H.R. 1742: Mr. HOLT, Mr. SIRES, and Mr. HOLDEN.

H.R. 1748: Mr. BOREN and Mr. CUMMINGS.

H.R. 1778: Mr. DAVIS of Alabama.

H.R. 1801: Mr. UDALL of Colorado and Ms. BERKLEY.

H.R. 1819: Mrs. MALONEY of New York, Ms. ZOE LOFGREN of California, and Mr. HINOJOSA.

H.R. 1927: Mr. SMITH of Washington.

H.R. 1948: Mr. GRIJALVA.

H.R. 1971: Ms. SCHAKOWSKY and Mr. MICHAUD.

H.R. 1974: Mr. MCHUGH.

H.R. 1981: Ms. SUTTON.

H.R. 1992: Mr. OBEY, Mr. HOLDEN, and Mr. SHULER.

H.R. 2003: Ms. KILPATRICK, Ms. MATSUI, Mr. STARK, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. RUSH, and Mr. RANGEL.

H.R. 2016: Mr. GORDON, Ms. MCCOLLUM of Minnesota, Mr. LIPINSKI, and Mr. CHANDLER.

H.R. 2033: Mr. ISSA.

H.R. 2035: Mr. KUHL of New York.

H.R. 2036: Ms. HIRONO.

H.R. 2046: Mr. WEINER and Mr. THOMPSON of Mississippi.

H.R. 2060: Ms. CLARKE, Mrs. NAPOLITANO, and Mr. REYES.

H.R. 2066: Mr. ABERCROMBIE.

H.R. 2108: Ms. MCCOLLUM of Minnesota.

H.R. 2111: Mr. ENGLISH of Pennsylvania.

H.R. 2126: Mrs. BOYDA of Kansas.

H.R. 2154: Mr. KUHL of New York.

H.R. 2164: Mr. HIGGINS and Mr. MITCHELL.

H.R. 2169: Mr. EMANUEL and Mr. WATT.

H.R. 2183: Mr. BOOZMAN and Mr. KLINE of Minnesota.

H.R. 2188: Mr. GRIJALVA.

H.R. 2189: Mr. GUTIERREZ.

H.R. 2204: Mr. WALZ of Minnesota, Mr. ALTMIRE, and Ms. CARSON.

H.R. 2212: Mrs. MALONEY of New York, Mr. OLVER, Mr. BOSWELL, and Mr. KUCINICH.

H.R. 2234: Mr. ROSS, Ms. MCCOLLUM of Minnesota, Mr. WOLF, Mr. PETERSON of Minnesota, Mr. HALL of New York, Mr. HONDA, Mr. GUTIERREZ, Mr. BACA, Mr. ABERCROMBIE, Mr. BOSWELL, and Mr. HOLDEN.

H.R. 2247: Mr. GORDON.

H.R. 2266: Mr. COHEN, Mr. DOYLE, Mr. HINOJOSA, and Mrs. GILLIBRAND.

H.R. 2287: Mr. BARROW and Mrs. MYRICK.

H.R. 2303: Mr. HELLER, Mr. CARNEY, and Mr. FORTUÑO.

H.R. 2327: Mr. HOLT, Mr. KENNEDY, Mr. FRELINGHUYSEN, Mrs. DAVIS of California, Mr. ARCURI, and Mr. GRIJALVA.

H.R. 2343: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2373: Mr. NEAL of Massachusetts and Mr. GUTIERREZ.

H.R. 2380: Mr. HINOJOSA.

H.R. 2390: Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mr. HINCHEY, and Mr. BURTON of Indiana.

H.R. 2405: Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Ms. LEE, Mr. LEWIS OF GEORGIA, and Mr. WEXLER.

H.R. 2416: Mr. GARRETT of New Jersey.

H.R. 2443: Mr. AL GREEN of Texas, Ms. SLAUGHTER, Mr. BARROW, Mr. FORTUÑO, Ms. HIRONO, Mr. ELLSWORTH, Ms. CARSON, and Mr. BRALEY of Iowa.

H.R. 2458: Mrs. MCCARTHY of New York and Mr. ELLISON.

H.R. 2464: Ms. HERSETH SANDLIN, Mr. TIM MURPHY of Pennsylvania, and Ms. CORRINE BROWN of Florida.

H.R. 2478: Mr. PRICE of North Carolina and Mr. ABERCROMBIE.

H.R. 2495: Mr. DOYLE and Mr. FRANK of Massachusetts.

H.R. 2512: Mr. HINOJOSA.

H.R. 2516: Ms. SLAUGHTER.

H.R. 2526: Mr. CAPUANO.

H.R. 2566: Mr. PETERSON of Minnesota and Mr. BLUMENAUER.

H.R. 2580: Mr. INGLIS of South Carolina, Mrs. MUSGRAVE, and Mr. GILCHREST.

H.R. 2583: Mr. GORDON.

H.R. 2596: Mr. KIRK, Mr. PRICE of North Carolina, Mr. EMANUEL, and Mrs. NAPOLITANO.

H.R. 2599: Mr. WU and Ms. SUTTON.

H.R. 2608: Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, and Mr. ELLISON.

H.R. 2610: Mr. HASTINGS of Florida and Ms. BERKLEY.

H.R. 2611: Mr. WELCH of Vermont.

H.R. 2627: Mr. SAXTON.

H.R. 2630: Mr. UDALL of Colorado.

H.R. 2668: Mr. THOMPSON of Mississippi, Mr. MARSHALL, Ms. MATSUI, and Mr. PAYNE.

H.R. 2691: Mr. RAMSTAD.

H.R. 2694: Mr. DAVIS of Illinois, Ms. CARSON, Ms. LEE, Mr. MCINTYRE, Mr. ETHERIDGE, and Mr. WHITFIELD.

H.R. 2701: Mr. LOEBSACK.

H.R. 2702: Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. WU, Ms. KILPATRICK, and Mr. PAYNE.

H.R. 2713: Mr. ARCURI.

H.R. 2714: Mr. BERRY.

H.R. 2715: Ms. SCHAKOWSKY.

H.R. 2720: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, and Mr. WEINER.

H.R. 2745: Mr. SPACE and Mr. HINOJOSA.

H.R. 2814: Ms. GINNY BROWN-WAITE of Florida and Mrs. MYRICK.

H.R. 2818: Mr. BRADY of Pennsylvania, Mr. ENGLISH of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. ABERCROMBIE, and Mr. RUPPERSBERGER.

H.R. 2827: Mr. WELCH of Vermont.

H.R. 2831: Mr. KILDEE, Mr. PAYNE, Mr. BISHOP of New York, Mr. HARE, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Ms. SUTTON, Mr. MARSHALL, Mr. OBERSTAR, Mr. GRIJALVA, Mr. AL GREEN of Texas, and Mr. ACKERMAN.

H.R. 2833: Mr. EMANUEL and Mr. CLAY.

H.R. 2843: Ms. ROS-LEHTINEN.

H.R. 2850: Mr. HASTINGS of Washington, Mr. REICHERT, Mr. BARTLETT of Maryland, and Mr. CAPUANO.

H.R. 2854: Mr. SMITH of New Jersey and Mr. PAYNE.

H.R. 2870: Mr. SERRANO, Mr. RANGEL, and Mr. PAYNE.

H.R. 2899: Mr. LINDER.

H.R. 2900: Mr. WYNN and Mr. HILL.

H.R. 2910: Ms. CARSON, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. CARTER, Mr. RUSH, Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. BOSWELL, and Mrs. NAPOLITANO.

H.R. 2911: Mr. GUTIERREZ.

H.R. 2915: Mr. WELCH of Vermont.

H.R. 2916: Mr. GOODE.

H.R. 2923: Mr. ALEXANDER.

H.R. 2926: Ms. WATSON, Ms. CLARKE, and Mrs. JONES of Ohio.

H.R. 2929: Mr. MORAN of Virginia, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. FARR, Mrs. MALONEY of New York, Ms. MATSUI, Mr. GRIJALVA, Mr. DEFAZIO, Mr. KUCINICH, Mr. HONDA, Mr. FATTAH, and Mr. CLAY.

H.R. 2934: Mrs. BOYDA of Kansas, Mr. HALL of New York, Mr. SHULER, Mr. SPACE, Mrs. GILLIBRAND, Mr. PATRICK MURPHY of Pennsylvania, Mr. MARSHALL, and Mr. KIND.

H.R. 2941: Mr. LANGEVIN, Ms. SLAUGHTER, Mr. HODES, Mr. HIGGINS, Mr. ENGLISH of Pennsylvania, Mr. COHEN, Mrs. BOYDA of Kansas, and Ms. HIRONO.

H.R. 2942: Mr. BURTON of Indiana, Mrs. MCCARTHY of New York, Mr. MURPHY of Connecticut, Mr. SHULER, Mr. ALTMIRE, Mr. MICHAUD, Mr. WILSON of Ohio, Mr. MCGOVERN, Ms. DELAURO, Mr. KILDEE, and Ms. SUTTON.

H.J. Res. 6: Mr. GRAVES.

H.J. Res. 9: Mr. MCHUGH and Mr. PRICE of Georgia.

H.J. Res. 44: Mr. GUTIERREZ, Mr. CROWLEY, Mrs. MALONEY of New York, Mr. SNYDER, Mr. COHEN, Mr. PAYNE, Mr. BURTON of Indiana, and Mr. DEFAZIO.

H. Con. Res. 10: Mrs. CHRISTENSEN, Mr. FATTAH, Mr. JEFFERSON, and Mr. PAYNE.

H. Con. Res. 87: Mr. ANDREWS.

H. Con. Res. 120: Mr. BOOZMAN.

H. Con. Res. 122: Mrs. MALONEY of New York and Mr. CHANDLER.

H. Con. Res. 136: Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Mr. ROYCE, and Mrs. NAPOLITANO.

H. Con. Res. 160: Mr. SHULER, Mr. ROHRABACHER, and Mr. WAMP.

H. Con. Res. 162: Mr. BRALEY of Iowa, and Mr. KANJORSKI.

H. Con. Res. 163: Mr. DAVIS of Illinois and Mr. ROGERS of Michigan.

H. Con. Res. 169: Mr. BERMAN.

H. Con. Res. 181: Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, and Mr. WALZ of Minnesota.

H. Res. 106: Mrs. CHRISTENSEN and Mr. YARMUTH.

H. Res. 111: Mr. FRANKS of Arizona, Mr. ALLEN, Ms. ESHOO, Mr. TIM MURPHY of Pennsylvania, Mr. DAVIS of Kentucky, Mr. WHITFIELD, Mr. ELLISON, Mr. GARRETT of New Jersey, Mr. ACKERMAN, and Mr. KLINE of Minnesota.

H. Res. 121: Mr. PERLMUTTER and Mr. SARBANES.

H. Res. 143: Mr. MCGOVERN and Mr. YARMUTH.

H. Res. 146, Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, and Mr. LEWIS of Georgia.

H. Res. 148: Mr. WEXLER.

H. Res. 169: Ms. BEAN.

H. Res. 208: Mrs. MYRICK.

H. Res. 231: Mr. DAVIS of Kentucky.

H. Res. 282: Mr. STUPAK.

H. Res. 333: Mr. MCDERMOTT and Mr. MORAN of Virginia.

H. Res. 345: Mr. MARKEY, Mr. WALSH of New York, and Ms. KAPTUR.

H. Res. 356: Mr. DAVIS of Illinois, Ms. SOLIS, Mr. SCHIFF, Mr. SHAYS, Mr. WEINER, Mr. SCOTT of Virginia, and Ms. BORDALLO.

H. Res. 373: Ms. LEE and Mr. HINOJOSA.

H. Res. 389: Mr. WAXMAN.

H. Res. 467: Ms. ROS-LEHTINEN, Mr. ENGLISH of Pennsylvania, Ms. FOXX, Mr. TIM MURPHY of Pennsylvania, and Mr. SOUDER.

H. Res. 482: Mr. COURTNEY, Mrs. MCCARTHY of New York, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 489: Mr. STARK, Mr. VAN HOLLEN, and Ms. SCHAKOWSKY.

H. Res. 500: Mr. SOUDER, Mr. WEXLER, Ms. BERKLEY, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 503: Mr. VAN HOLLEN.

H. Res. 504: Mr. CHABOT, Mr. WALDEN of Oregon, and Mr. FORTENBERRY.

H. Res. 509: Ms. MCCOLLUM of Minnesota, Mr. BOSWELL, and Mr. WALSH of New York.

H. Res. 511: Ms. LINDA T. SÁNCHEZ of California and Ms. HARMAN.

H. Res. 519: Mr. CARTER, Mrs. DAVIS of California, Mr. HARE, Mr. BARTON of Texas, Mr. SAXTON, Mr. EVERETT, Mrs. JO ANN DAVIS of Virginia, and Mr. CONAWAY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative George Miller or a designee to H.R. 2669, the College Cost Reduction Act of 2007 (to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008), does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendment to be offered by Representative McKeon of California or a designee to H.R. 2669, the College Cost Reduction Act of 2007, or a designee, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

IN REMEMBRANCE OF AN EXTRAORDINARY VETERAN

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Ms. WILSON of New Mexico. Madam Speaker, on June 17, 2007, our nation lost a wonderful man and veteran: Agapito "Gap" Encinias Silva, from Albuquerque, New Mexico.

Gap was a man of extraordinary character. A World War II veteran, Gap was a member of the distinguished 200th Coastal Artillery, a unit from the New Mexico Army National Guard. Gap found himself stationed at Fort Stotsenberg on Clark Field in the Philippines when World War II broke out.

Along with his fellow soldiers, Gap became one of the "Battling Bastards of Bataan" who held out on the peninsula until they had nothing more to fight with. He survived the infamous Bataan Death March and was interned by the Japanese as a POW for 3½ years. For his service, Gap Silva earned the Bronze Star and three Purple Hearts, along with numerous other decorations. Gap's courage during those difficult years still stands as a testament to the strength and the resilience of the human spirit.

When he came back home, Gap continued to be active within the veteran community, choosing to be involved with organizations such as the Bataan Veterans organization, the American Ex-POWS, the Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and the American Defenders of Bataan and Corregidor. Gap selflessly gave of himself to other veterans to help them with their needs, and to make a difference in their lives. Gap was indeed a leader for his fellow New Mexican veterans. He will be greatly missed.

I first met Gap through his son, whom I worked with in State government. I got to know him even better while working on veterans issues as a Member of Congress. There are a handful of people who really stand out and make an impression on you during the course of one's work. Gap was one of those. He brought dignity and grace to his community service.

Gap is survived by his wife, Socorro, and their seven children, Fred, Patricia, Michael, Agapito Jr., Maurice, Jerome and Erlinda Silva. Gap is also survived by twelve grandchildren: Reina Silva, Thomas Silva, Theresa Utash, Phillip Silva, Emma Gonzales, Danielle Gonzales, James Gonzales, Amanda Silva, Melanie Silva, Rachel Silva, and Emily Silva. Gap also had several great grandchildren, to help carry on his family legacy: Nyssa, Gianna, Jayden, Jude and Sophia. In addition, Gap is survived by his sister Jennie Noriega and by many nieces and nephews.

Madam Speaker, please join with me in paying tribute to Agapito "Gap" Encinias Silva; an unforgettable American hero.

IN TRIBUTE TO LARRY EPSTEIN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Larry Epstein, a decorated veteran of the U.S. Army, whose long service and dedication to the country are deserving of special note. A man of great integrity and honor, Mr. Epstein has been a community leader and an activist on veterans' issues.

I came to know Mr. Epstein through his leadership in the veterans community. He is commander of the New York County Council of the Jewish War Veterans of the USA (JWV), commander of Florence Greenwald Manhattan Post 1 and a national service officer of the JWV.

Mr. Epstein was deeply involved in the effort to save the New York campus of the New York Harbor Healthcare System, located at 23rd Street and 1st Avenue in Manhattan. He devoted time and effort to organizing veterans to provide comments to the CARES Commission in support of the hospital. Thanks to the efforts of Mr. Epstein and all of those who rallied behind the hospital, we were able to preserve an institution that provides high quality care to thousands of New York veterans. Most recently, Mr. Epstein joined me and Congressman JOSEPH CROWLEY in calling for an overall increase in Federal assistance to provide adequate health care for America's wounded troops.

Mr. Epstein had a long and distinguished career in the U.S. military and Reserves that commenced in 1967 and spanned three decades. From the Vietnam era through Desert Shield, Mr. Epstein served our country honorably and with great distinction, demonstrating the highest caliber of dedication.

Mr. Epstein is a graduate of the National Defense University and the United States Army War College class of '92. He has served in the 101st Airborne and has been a staff officer at EUCOM, SOUTHCOM, and PACOM. Among his awards are the National Defense Service Medal with star, Army Commendation with 2 Oak leaves, Reserve Commendation Medal and the Legion of Merit for service in Panama. He has been awarded the Conspicuous Service Star by the New York State Department of Military Affairs. His badges include Air Assault and Israeli Airborne Wings.

In his civilian life, Mr. Epstein has been a computer consultant, private detective, and real estate developer. In Ocean County, New Jersey, he was chairman of the Planning Board of the Township of Ocean. He also served as the local Democratic County Committee chairman. Mr. Epstein ran for Ocean County Freeholder. Although he lost the race, he exceeded expectations by garnering 20,000 more votes than any Democratic candidate for the seat in the preceding decade. The support he received is a testament to his hard work, dedication to his community and effectiveness.

Tragically, Mr. Epstein is suffering from the fatal neurodegenerative disease ALS (amyotrophic lateral sclerosis), commonly referred to as Lou Gehrig's disease. Shockingly, a study conducted by the ALS Association found that men and women who have served in the Armed Forces have a 60 percent greater chance of contracting ALS. No one knows why. On the average, the survival rate is 2 to 5 years after diagnosis. Despite his grave illness, Mr. Epstein continues to work on behalf of his fellow veterans.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing a true hero, Larry Epstein. He exemplifies the ideals of compassion, diligence and loyalty to his comrades.

TRIBUTE TO REAR ADMIRAL (SEL) EARL LENELL GAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SKELTON. Madam Speaker, let me take this means to recognize the outstanding military service and contributions to our country of Rear Admiral (Sel) Earl Lenell Gay, U.S. Navy, on the occasion of his completion of assignment as Director, Navy Congressional Liaison, U.S. House of Representatives.

A native of Atlanta, GA, RADM (Sel) Earl Gay is a 1980 graduate of the U.S. Naval Academy. After attending flight school, he earned his pilot wings of gold in 1981. During several tours, he commanded a fleet operational helicopter squadron and the Fleet Training Squadron for all SH–60 aircraft. Selected to major command, he served as Commanding Officer of the Amphibious Assault Carrier, USS *Belleau Wood* (LHA 3) from March 2003 to October 2004, participating in combat support operations during Operation Iraqi Freedom.

Rear Admiral (Sel) Gay was selected to serve as Director, Navy House Liaison in December 2004. In this highly visible tour, he assisted in the passage of critical Navy budget legislation during the 108th, 109th, and 110th Congresses. Additionally, he planned and led 29 Congressional Delegations (CODELs) across the globe that included meetings with various world leaders in support of America's national security policy. His counsel to me and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

other Members of the House has proved invaluable in articulating the Navy's vision to Congress.

Please join me and our colleagues in thanking Rear Admiral (Sel) Gay and his family for their tireless contributions to a grateful Nation and in wishing them the best in their future.

IN HONOR OF THE RETIREMENT OF A TRUE HERO, LIEUTENANT DAVID M. MAURO

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to a true hero upon his retirement from a long history of public service to his community and his country. On June 1st, Lt. David M. Mauro retired after 26 years of credited service with the Morris County, New Jersey Sheriff's Office. Though the Sheriff's Office will be losing a respected public servant and true expert in gang intelligence and crime prevention, I have little doubt that Lt. David Mauro will continue to be an active member of his community.

Lieutenant Mauro served his country with the U.S. Army Airborne for 6 years before joining the Sheriff's Office in 1984. During his law enforcement career, he served for 12 years as a diver and instructor with the Morris County Underwater Search and Recovery Task Force. Additionally, he served as chief firearms instructor for the Bureau of Corrections, emergency management coordinator, and aerosol instructor.

His true expertise, however, is with gang investigations, and it is there that Lt. Mauro leaves the most indelible mark on Morris County. In 2000, Lt. Mauro founded the Morris County Gang Intelligence Unit and he served as the Unit Commander until 2005. While with this unit, Lt. Mauro was directly responsible for training more than 10,000 people on the subject of gangs and for the validation of 250 gang members within the County and the identification of 15 gangs operating there. Under his command, the Gang Intelligence Unit was nominated for and received a number of commendations, including the Sheriff's/Chief Award in 2001 and a Unit Citation in 2002.

Lt. Mauro was the first member of the Morris County Sheriff's Office to be assigned to the U.S. Department of Homeland Security to serve with the Immigration and Customs Enforcement Gang Investigations Unit. He is also a member of the New Jersey Gang Investigator's Association, East Coast Gang Investigator's Association, National Major Gang Task Force, International Latino Gang Investigator's Association, and the Morris County Latino Peace Officer's Association. He regularly shares his experience by making presentations throughout the community to law enforcement and civic groups about gangs. In fact, he is the founder and Chief Instructor of G.I.U. Associates, a consulting and educational company dedicated to providing gang training to government, corporate, and civic groups.

I commend Lieutenant Mauro for his extraordinary commitment to the people of Morris County and the surrounding community.

HONORING NANCY OSBORNE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to honor Nancy Osborne of Fresno, CA, an anchor and reporter with KFSN–TV, an ABC affiliate in Fresno, on the occasion of her 30th anniversary with the station.

After graduating from California State University, Fresno in 1976 with a bachelor's degree in speech communications and a year of graduate study, Nancy began reporting for ABC30 in 1977. At the time, she was one of only a handful of women in the local broadcast industry, and she later produced and anchored the San Joaquin Valley's first locally produced news magazine show.

Since joining the station, Nancy has become a familiar and trusted presence throughout the Fresno region. She is a first-rate reporter who has set a standard of excellence for her colleagues in the media. Nancy has treated people with respect and dignity and has a commitment to fairness that is appreciated by all who have come in contact with her.

Nancy's commitment to the San Joaquin Valley has been evident throughout the years, as she has shown time and again that she understands that the opportunity to work on behalf of the public interest is a unique privilege. Station officials have succinctly summed up Nancy's contributions, saying that she has spent 30 years "anchoring, producing, and reporting stories that make a difference in the lives of people in the San Joaquin Valley."

Madam Speaker, I rise today to honor Nancy Osborne. I invite my colleagues to join me in thanking her for her outstanding work and wishing Nancy many years of continued success.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed rollcall vote 541 to H.R. 2764 taken on June 22, 2007. Had I been present for this vote, I would have voted "aye."

I stand in strong support of H. Amdt. 390, which would prohibit the use of funds for travel by the Speaker of the House of Representatives to countries that are state sponsors of terrorism.

A TRIBUTE TO ANTHONY F. MARTIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. TOWNS. Madam Speaker, I rise today in recognition of Anthony F. Martin who was born in the Bronx, NY. to parents Joseph and Sylvia in 1945. He is a product of the New York City Public School System, graduating from Thomas Jefferson High School in 1963.

Anthony Martin's family purchased a home in the Brownsville section of Brooklyn making them the first African-American family on their block. It was at the local recreation center where "Tony" learned to swim and play basketball.

Anthony Martin played basketball with many of the all-time greats including the Jackson brothers, Vaughn Harper and a host of other New York athletic powerhouses. After playing basketball in college he began playing in the summer leagues with the Brooklyn 76ers, Rucker and the WBLS Sure Shots.

Anthony Martin's athletic talents were recognized by the New York Institute of Technology where he was offered a full scholarship. As a member of the institute's first graduating class, he received a bachelor of science degree in accounting in 1967. His accomplishments at NYIT were many: captain of the basketball team; treasurer and vice president of the Varsity Club; vice president of the Finance Accounting Management Association and class representative of the Association of Computing Machinery. He also served as a member of the New York All Metropolitan College Team.

Anthony Martin joined the New York City Board of Education as an elementary school teacher after graduating from NYIT. He was also employed with the New York City Parks' Department as a recreation director. While working both jobs he managed to earn two master's degrees from Long Island University and City College. His career also included his current job as a guidance counselor at Erasmus Hall and Paul Roberson High School until his retirement in February of 2007.

Anthony Martin met the love of his life in 1973 on the campus of Medgar Evers College. He and Deborah Young formed a long lasting relationship which blossomed into love and holy matrimony.

Madam Speaker, I would like to recognize the accomplishments and achievements of Anthony F. Martin and his selfless and unwavering dedication to the children of New York City.

Madam Speaker, I ask my colleagues to join me in honoring Anthony F. Martin who has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

TRIBUTE TO MORGAN McGINLEY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize Morgan McGinley on his retirement after four decades of service to the citizens of southeastern Connecticut as a writer and editorial page editor for the Day in New London, Connecticut.

Morgan began his distinguished career at the Day in 1965 and has been the editorial page editor since 1982. His accomplishments and contributions over the years have been recognized by his colleagues with awards from the New England Press Association, the New England Associated Press Executives Association and the Connecticut chapter of the Society of Professional Journalists. He was the first recipient of the James A. Clendinen Professorship of Editorial and Critical Writing at the University of South Florida in 1999 and in 2001, received the Yankee Quill Award for his career-long contributions to the betterment of New England journalism.

Morgan's service to the journalism industry has also furthered the cause of protecting our Nation's critical first amendment rights. His work as the chairman of the Connecticut Council on Freedom of information and as a board member of the Foundation for Open Government in Connecticut helped to foster the public's right to an open and responsive government. In 2001, the Connecticut Council on Freedom of information awarded Morgan the Stephen A. Collins Freedom of Information Award. He also promoted diversity in newspaper publishing as a member of the Task Force on Minorities in the Newspaper Business. His commitment to the responsibility of the media has been felt in the State of Connecticut and beyond for decades and his contributions will resonate for years to come.

Morgan's passion for his job and dedication to the vital role of our Nation's print media has been of great service to the citizens of Connecticut. I ask all my colleagues to join with me and my constituents in thanking Morgan McGinley for his service and wishing him the best in his new endeavors.

IN SUPPORT OF BANNING THE TRANSPORT OF SILVER CARP

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. EMANUEL. Madam Speaker, I rise today in support of the addition of silver and largescale silver carp to the list of injurious species under the Lacey Act. The rule published in today's Federal Register by the U.S. Fish and Wildlife Service finally recognizes the threat that Asian Carp pose to our lakes and rivers. I applaud the Fish and Wildlife Service for responding to the pleas of the Great Lakes delegation and others in moving to ban the importation and interstate transport of silver carp.

The Great Lakes are a national treasure. Representing 95 percent of the United States' surface freshwater and providing drinking water to more than 30 million Americans, the Great Lakes are vital to the commercial, educational, and recreational interests of millions of Americans and Canadians.

Since my first day as a Congressman, I have been committed to restoring and protecting our Great Lakes. Invasive species have long been a serious threat and require a serious answer. We have seen the disastrous effect the zebra mussels have had on water quality and water treatment facilities in Chicago. The silver carp could be an even more severe threat to the Great Lakes, endangering fisheries, ecosystems, and even anglers.

Silver carp are native to Asia, but were brought to the United States as a means to control algae in sewage lagoons and fishery ponds. These fish have escaped into surrounding waters creating an imbalance in their ecosystems and posing a threat of injury due to the carps' ability to propel itself out of the water and into boats.

Today's decision to ban the importation of these two species is a breath of fresh air for the Great Lakes, and I will continue to work with my colleagues to make sure that other species of Asian Carp are included on the list. We cannot take the Great Lakes for granted, and we must remain vigilant in protecting them.

TRIBUTE TO MR. DAVID J. RIGBY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SKELTON. Madam Speaker, let me take this means to recognize the exceptional service of Mr. David J. Rigby on the occasion of his retirement from the Defense Threat Reduction Agency.

Mr. Rigby is a graduate of the University of Tennessee, where he majored in journalism, and the University of Oklahoma, where he completed a graduate program in mass communication. He also attended the Defense Information School in Fort Benjamin Harrison, IN, and the Federal Executive Institute at Charlottesville, Virginia.

Mr. Rigby has a distinguished history of outstanding work and service to his country. A U.S. Air Force Public Affairs Officer, he saw combat duty in Vietnam as an advisor to the Vietnamese Air Force. He was also responsible for directing the news media relations for the Strategic Defense Initiative, also known as "Star Wars." Mr. Rigby has had multiple assignments in the Pentagon and also served on the Reagan White House transition team.

On October 1, 1998, Mr. Rigby began his most recent position as Chief of the Public Affairs Office in the Defense Threat Reduction Agency. From the office's inception, he played a central role in forging the agency's image, shaping its mission, and spreading its message around the world. His talent and leadership helped change what the U.S. Combatant Commands expect of the agency and better prepared U.S. military bases to respond to disaster.

Please join me in sincerely thanking Mr. Rigby for his unwavering service to this country, and in wishing him the best in the future.

IN HONOR OF THE RETIREMENT OF ROBERT WALKER, SUPERINTENDANT OF KITTATINNY REGIONAL HIGH SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise in honor of the public service of Robert Walker, who has spent the past 40 years in proud service to countless New Jersey students as a classroom teacher and school administrator.

A Wisconsin native known for his commitment to his family and his famed Harley Davidson motorcycle, Robert Walker leaves behind him a real sense of respect from the faculty and students with which he has worked. The more than 1,200 students who attend Kittatinny Regional have achieved an excellent reputation for being well-behaved, appropriately dressed, and safety conscious. They exude Robert Walker's sense of pride in their school community.

Furthermore, Robert Walker's message to students and faculty alike is "service above self," and it shows. Kittatinny students have traveled as far as South Carolina to work with Habitat for Humanity. They've raised money for school improvements. And, following the attacks on September 11, 2001, they bonded together to donate supplies needed by the rescue workers at ground zero, delivered personally by Robert Walker and other faculty.

When Robert Walker graduated from high school, he became a draftsman for Union Carbide in Newark. At the urging of a boss, he sought and achieved his college degree and took his first teaching job as a mechanical drawing teacher at Johnson Regional High School in Clark, New Jersey in 1967. The next year, he taught at Sussex County Vocational School, later serving as its assistant principal. In 1975, he moved to Kittatinny Regional High School, where he has been ever since, serving as superintendent for 23 of those years.

Having followed a somewhat non-traditional path to teaching himself, Robert Walker is a strong advocate for alternate-route teachers and has hired individuals from a wide variety of industries—from space engineers to reporters—to teach at his school. In fact, about a quarter of the school faculty are alternate-path teachers.

On July 1, Robert Walker retired from his lifetime of public service as an educator, but I am certain that in the years ahead he will continue to teach and lead all those around him, even if only by his good example. I commend him for his service to his community.

HONORING FRED R. RUIZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mr. Fred R. Ruiz upon being honored with the 2007 Community Salute Award, a tribute given to remarkable individuals who have devoted service to California agriculture, the food service industry and their community. Mr. Ruiz will be receiving this honor from the Ag One Foundation at California State University-Fresno on June 29, 2007.

Mr. Ruiz is co-founder, chairman, and CEO of Ruiz Foods, Inc, the largest manufacturer and marketer of frozen Mexican foods in the Nation. It was in 1964 when the Ruiz family first began with only a mixer, a small freezer, and a willingness to work hard. Today, Ruiz Foods has risen to become one of the Nation's top Hispanic-owned manufacturing firms.

Ruiz Foods manufactures and markets the El Monterey brand of frozen Mexican food. As one of the largest manufacturers of its kind, Ruiz Foods contributes greatly to the consumption of California's beef, wheat, cheese, tomatoes, eggs and many other products. The positive effect on California agriculture and the surrounding community is extraordinary.

Fred Ruiz has demonstrated his dedication to the advocacy of education through his establishment of the Ag One—Fred Ruiz Scholarship Endowment Fund to benefit students pursuing a degree in the College of Agricultural Sciences and Technology.

Madam Speaker, I rise today to honor Mr. Fred R. Ruiz upon receiving the 2007 Community Salute Honor. I invite my colleagues to join me in wishing Mr. Ruiz many years of continued success.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed rollcall vote 542 to H.R. 2764 taken on June 21, 2007. Had I been present for this vote, I would have voted "nay."

As an ardent supporter of the rights of the unborn, I am strongly opposed to this legislation, which weakens existing Federal policies and laws on abortion.

A TRIBUTE TO THE LIFE AND WORK OF DR. ELIAS BLAKE, JR., FORMER PRESIDENT OF CLARK COLLEGE, ATLANTA, GA AND LIFELONG ADVOCATE FOR EDUCATION, CIVIL RIGHTS AND THE ADVANCEMENT OF JAZZ MUSIC, 1922–2007

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor the life and work of Dr. Elias Blake, Jr., former president of Clark College in Atlanta, GA. Dr. Blake was an impassioned advocate for education, social justice and Historically Black Colleges and Universities. His passing is a profound loss to the struggle for higher education in the African-American community.

Dr. Blake led Clark College from 1977 until 1987. During that decade, he developed and implemented a plan that resulted in placing the college on a sound financial path, major improvements in faculty training and curriculum, securing national accreditations for many academic programs, seeking out and retaining the best and brightest minds to enhance their academic and life skills, and enhancing science, mathematics and musical scholarships while making jazz music a signature experience at Clark College.

Madam Speaker, I cannot in this short time do justice to the life and achievements of Dr. Elias Blake, Jr.; however, it is fitting that as his final accomplishment he was working on a study of Brown v. Board of Education, the landmark decision of the United States Supreme Court that overturned segregation in our Nation's public schools.

A lifelong advocate for jazz music, Dr. Blake worked with such notables as Dizzy Gillespie, Max Roach, Billy Taylor, and many others to encourage younger musicians in their musical pursuits. My heart goes out to the family of Elias Blake, Jr. and I want them to know that I appreciate the life and work of Dr. Blake and that he will be greatly missed.

Madam Speaker, I would like to recognize Dr. Elias Blake, Jr. for his continuing dedication to the world's children as well as those children in our community.

Madam Speaker, I urge my colleagues to join me in paying tribute to Dr. Elias Blake, Jr., former president of Clark College.

REGARDING THE SCORE ASSOCIATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. VAN HOLLEN. Madam Speaker, America's small businesses are among the most vital elements of the Nation's economy. Small businesses employ 50 percent of the Nation's workforce, produce 97 percent of all exports and generate the majority of innovations that come from U.S. companies.

Many times, an entrepreneur's dreams become a nightmare because they lack the necessary training to plan and evaluate a business proposal or they lack the proper funding or skills to be successful. That is why Madam Speaker I rise today to recognize the work and committed public service of employees and volunteers of SCORE.

SCORE is a vital source of free and confidential advice for existing and emerging small businesses and has become a trusted and valued partner of the U.S. Small Business Administration. SCORE has 389 chapters nationwide staffed with 10,500 volunteers comprised of working and retired small business owners, successful corporate executives and military veterans and professionals. These experienced business counselors share their knowledge and experience with entrepreneurs in the strictest confidence and without conflicts of interest.

In the past year, SCORE conducted more than 300,000 counseling sessions and held nearly 7,000 workshops with more than 125,000 attendees. SCORE volunteers have devoted more than one million hours to helping America's small business owners and entrepreneurs.

SCORE volunteers deserve to be recognized for their commitment to public service and for their efforts to build strong communities and strong small businesses.

CONGRATULATING SACRED HEART CATHOLIC CHURCH OF WACO ON THEIR 50TH ANNIVERSARY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. EDWARDS. Madam Speaker, on June 24, 2007 the parishioners and community of Waco celebrated the 50th anniversary of the Sacred Heart Catholic Church, a cornerstone of our Central Texas community.

Like many Spanish Franciscan churches in this great nation, Sacred Heart Parish had a very humble beginning. In 1946, the priests of St. Francis Church established three catechetical centers: Hernandez at 2306 Bagby Avenue, Gonzalez at 2224 James Street, and Rosas at 2313 Bagby Avenue. On June 30, 1957, in what became known as a very moving ceremony, the Most Reverend Louis J. Reicher, Bishop of Austin dedicated the Sacred Heart Catholic Church.

Several outstanding and dedicated priests have demonstrated their devotion and commitment to the growth and development of the Sacred Heart Catholic Church over the past 50 years, including Father Francisco Dols, Father Miguel Rigo, Reverend Anthony Ferrer, Father Gonzalo Ferrer, and presently Father Lawrence Soler.

Under the leadership of Father Lawrence Soler, the Sacred Heart Church has impacted the lives of many people. Father Soler, recognized for over 50 years in the priesthood, has a history of unselfish devotion to others, a legacy of personal achievement, as well as, an unwavering commitment to his faith.

The profound words of Father Lawrence, spoken during the 25th anniversary of the Sacred Heart Catholic Church, best describe the impressive past, as well as the bright future of the Sacred Heart Catholic Church: "From a few scattered families it has grown into a closely knit community of faith, pooling its talents, coordinating its efforts for more effectiveness, so that God may be glorified and mankind served. Our greatest strength in the future will be, as it was in the past, our Faith, our Hope, and our Love."

With this compelling mission of faith and the spiritual message of serving others to guide them, the people of Sacred Heart Catholic Church of Waco have touched countless lives. On this 50th anniversary, I rise to honor the moral leadership, dedication to community, and generous spirit of Sacred Heart Catholic Church, and extend my warmest wishes for continued blessings in the years ahead.

IN RECOGNITION OF STAFF SERGEANT MATTHEW P. PATNAUDE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in honor of SSgt Matthew P. Patnaude, 314th Civil Engineering Squadron, United States Air Force. SSgt Patnaude, an Explosive Ordnance Disposal, EOD, Technician, has been recognized by the Air Force Times as the 2007 Airman of the Year.

As an EOD Technician, SSgt Patnaude was deployed to Kirkuk, Iraq, to help protect our armed forces from various forms of enemy ordnance. During his time in Iraq SSgt Patnaude safeguarded over 16,000 coalition troops by executing 105 high-risk missions, neutralizing 45 IEDs, uncovering 9 weapons caches, and disposing of 40,000 pieces of enemy armaments. This exemplary service record alone is reason enough to recognize SSgt Patnaude, but his impressive resume stretches far beyond these black and white numbers.

While on a mission to neutralize a roadside bomb in Iraq, SSgt Patnaude was attacked by an enemy sniper. Although seriously injured by the sniper's bullet, he vectored his security team to the sniper's location, as well as kept the medic treating his wounds advised of the enemy's activities. The SSgt also exemplified courage under fire when wounded by an enemy IED during yet another high-risk mission. Always putting his team first, SSgt Patnaude checked on his chief, radioed security, and set up the area for medical personnel. As SSgt Patnaude's supervisor has previously stated: "his actions under fire are, simply put, heroic."

SSgt Patnaude is the recipient of two Purple Hearts, but praise from his command goes far beyond his service in Iraq. In addition to his impressive record while on-duty, SSgt Patnaude is also deeply involved in community service. SSgt Patnaude volunteers for both Air Force and local community projects, including his role as an Air Force ambassador to the Boy Scouts of America.

I wish to express my admiration and respect for such a fine example of the excellence and heroism that abounds in our Armed Forces. I am proud to have such an exemplary soldier and citizen come from my Congressional District. On behalf of the people of the 25th District of New York, I extend my sincere congratulations to SSgt Patnaude on his selection as the 2007 Airman of the Year.

IN RECOGNITION OF MR. JACK SPARROW

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. ROTHMAN. Madam Speaker, I rise to recognize Mr. Jack Sparrow, a resident of Englewood, NJ, for his work and devotion to the Hope and Heroes Children's Cancer Fund for the Children's Hospital of New York Presbyterian.

Jack Sparrow was born in Brooklyn, NY, on February 12th, 1948. He continued on to St. John's University on a full tennis scholarship. Following graduation, Mr. Sparrow worked in recreational athletics until founding his own home design and construction venture, Quintessence, about 26 years ago. Mr. Sparrow and his company's specialty is designing and building new homes, however his passion remains in historic preservation and restoration. Mr. Sparrow is responsible for numerous historical restoration projects in Bergen County, NJ. Most famously, Mr. Sparrow restored the Brayton Estate in Englewood, originally built in 1857, and his own former house on Franklin Street, built in 1860.

Mr. Sparrow is the proud father of three wonderful children, who have blessed him with four grandchildren. Mr. Sparrow has been very active in his community of Englewood for many years, as a parent, a resident, and a small business owner. He has also been involved in numerous philanthropic organizations as a premier philanthropist, including the American Cancer Society and, most notably, the Hope and Heroes Children's Cancer Fund for Children's Hospital of New York Presbyterian.

Today, I would like to recognize Jack Sparrow's dedication to the Hope and Heroes Children's Cancer Fund for Children's Hospital of New York Presbyterian and I congratulate him on his admirable philanthropic achievements. I send him my very best wishes and thank him for his dedication.

HONORING LARRY A. SHEHADEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to honor Larry Shehadey of Fresno, CA, the patriarch of Producers Dairy Foods and a generous supporter of California State University, Fresno, and its endeavors, on the occasion of his 100th birthday on July 2, 2007.

Larry was born July 2, 1907, in Pleasant Valley, near Yosemite National Park in California. In 1932, he married Nelly Elayne Maascant in San Francisco. He worked for Parr Soap Company and Ready Whip before buying interest in a company called Producers Dairy in Fresno, California. He moved to Fresno in 1950 to protect his interest in the company, and then purchased the company. His wife Elayne worked by his side, making collections and helping to get the company on its feet.

Since Larry took ownership of Producers, the company has been very successful, outlasting some 50 competitors. It has grown to include northern, central, and southern California. Its products include milk, flavored milk, cheese, butter, cottage cheese, buttermilk, orange juice, juice drinks, eggnog, ice cream, and many other products.

Lastly, Larry has donated to numerous local charities in the Central Valley, including Valley Children's Hospital, Saint Agnes Hospital, and California State University, Fresno. Larry made a major $3 million donation to the Save Mart Center in Fresno, and the Tower at the Center has been named Larry A. Shehadey Tower. Over the years, Larry also has supported numerous youth programs, including the Boy Scouts and Big Brothers and Big Sisters. His support of Fresno City College has helped hundreds of students through various scholarships.

Larry and Elayne have two children: John and Richard.

Madam Speaker, I rise today to honor Larry Shehadey. I invite my colleagues to join me in thanking Mr. Shehadey for his support of the Fresno community and wishing him many more years of happiness.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed rollcall vote No. 534 to H.R. 2764 taken on June 21, 2007. Had I been present for this vote, I would have voted "aye."

I am opposed to overturning the long-standing Mexico City policy which prohibits funding for foreign non-governmental organizations that perform or promote abortions as a method of family planning. I stand in strong support of H. Amdt. 368, which would remove the language overturning the Mexico City policy.

HONORING THE 75TH ANNIVERSARY OF VFW PVT. HENRY OSTENDORF POST 1300

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 75th anniversary of the Veterans of Foreign Wars Pvt. Henry Ostendorf Post 1300 in Granite City, IL.

In 1932, our Nation's veterans faced the same problems as the rest of their fellow citizens as the Nation was in the grips of the Great Depression. Many veterans, due to injuries received while on active duty, were at a greater disadvantage as medical bills continued and their ability to find work was compromised.

On May 24, 1932, VFW Post 1300 was instituted by Post 805 in East St. Louis to serve the veterans of Granite City. There were 58 charter members of the initial organization and 21 charter members of the Auxiliary that was formed on August 12 of the same year. Post 1300 was named in honor of Pvt. Henry Ostendorf, the first service member from Madison County, IL, to be killed in action during World War I.

The first Commander of Post 1300 was Pat Doyle. The first post colors were handmade and are still on display in the post's flag case today. The first Auxiliary President was Shirley Stanfill.

From its inception, Post 1300 was active in the community as well as in advocating for the benefit of veterans. Some early civic activities included an Independence Day fireworks extravaganza, begun in 1938, that thrilled the citizens of Granite City and the surrounding communities. During World War II, Post 1300 began sending cards and gift boxes to area service members who were on active duty.

As with many new organizations, Post 1300's first meeting was held in a private residence, the home of Larkin Conaway. The meetings rotated among the homes of members before moving to the Odd Fellows Hall in Granite City. After considerable fund-raising by the post and the auxiliary, the Wendel Bakery building was purchased and renovated for a post home and the first meeting was held there in April 1946. This served until the new post home was first occupied on May 1, 2006.

Although much has changed since 1932, Post 1300 has continued in its service to veterans and to its community. From raising money for veterans, visiting those sick and injured in the hospital and donating flags to area schools to promote patriotism, Post 1300 has been true to the mission of the Veterans of Foreign Wars.

Madam Speaker, I ask my colleagues to join me in congratulating the members of VFW Pvt. Henry Ostendorf Post 1300 both past and present on 75 years of serving veterans and the people of the Granite City, IL, area.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I inadvertently voted "aye" on rollcall No. 564, an amendment to the Interior and Environment Appropriations bill, H.R. 2643. I intended to vote "no" on the amendment, which would have imposed an unacceptable cut to the National Endowment for the Arts. I am pleased that my colleagues did not support this amendment, and I congratulate the gentleman from Washington, Interior Subcommittee Chairman NORM DICKS, who provided such important support for the arts and humanities in his subcommittee's legislation.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed roll call vote 532 to H.R. 2764 taken on June 21, 2007. Had I been present for this vote, I would have voted aye.

As an ardent supporter of the rights of the unborn, I stand in strong support of H. AMDT. 364, which would restore the President's emergency plan for AIDS relief authorization provision requiring 33 percent of HIV/AIDS prevention funding to be spent on abstinence and fidelity promotion programs.

IN HONOR OF JIM BOWMAN, UNITED STATES AIR FORCE

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. ROYCE. Madam Speaker, I rise in recognition of a great American, Mr. Jim Bowman, of the United States Air Force Academy.

After 49 years of service to the Academy, Mr. Bowman has announced his retirement from his position of Assistant Athletic Director in charge of recruiting support for 27 varsity sports teams. Throughout his tenure, Bowman has led numerous sports teams, and has held various positions within the athletic department.

Jim Bowman first came to the Air Force Academy in 1958 and was head junior varsity football coach for 4 years before becoming head freshman coach. He served as frosh coach until the 1975 season when he again assumed the J.V. program. In his five seasons as J.V. Head Coach, his teams compiled a 24–4–1 record and his 1963 and 1975 teams were undefeated. After the 1975 season, he retired as a coach to devote his full duties to the candidate counseling and admissions support program.

His successes as a coach stem from his own on-field prowess, as Jim Bowman was a successful high school and collegiate athlete. Bowman, an all-conference player for Charlevoix High School, went undefeated all 4 years he played. He later attended the University of Michigan, and received his varsity letter as a center in his senior year.

Over his tenure at the Air Force Academy, he was a member of the staff that participated in 17 bowl games, including the 1959 Cotton Bowl and the 1971 Sugar Bowl. He coached over 1,000 Academy football players and helped over 11,000 athletes receive appointments to the Academy. Jim estimates that he has seen over 38,000 Cadets graduate. Indeed, his lifelong dedication is as commendable as it is astonishing.

While he will undoubtedly be missed on the Air Force Academy campus and among the scores that have worked with him to place cadets at the Academy, his legacy will live on.

RECOGNIZING IAN MORRISON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ian Morrison of Oregon, Missouri. Ian recently won the Tar Wars Poster Competition for the state of Missouri. He will formally receive the award in Washington, DC on July 16th.

Tar Wars is the tobacco-free education program for children sponsored by the American Academy of Family Physicians. The Tar Wars Program was established to provide youth with the knowledge to make positive decisions regarding their health and well being by remaining tobacco free. Every year middle school students create posters with creative and encouraging messages representing the many benefits of staying tobacco free. From these entries a winner from each state is chosen.

Madam Speaker, I proudly ask you to join me in recognizing Ian Morrison of Oregon, Missouri. Ian's commitment to excellence is remarkable, and I am honored to represent him in the United States Congress.

HONORING FRANCISCO RAMON ANGONES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to offer my warmest congratulations to Francisco Ramon Angones on the occasion of his swearing in as the first Hispanic president of the Florida Bar and the first Cuban-American to hold this prestigious position in our State.

Francisco R. Angones was born in Havana, Cuba on July 21, 1950. He was the great grandson of Perucho Figueredo, lawyer and composer of the Cuban National Anthem, El Hymno De Bayamo, and came to the United States on June 13, 1961 as an unaccompanied minor in Operation Peter Pan to seek a better life under democracy and freedom. He attended my alma mater the University of Miami where he received a J.D. degree in June of 1976 and a B.A. degree, magna cum laude, in June of 1972.

Francisco Angones is a founding partner of the law firm of Angones, McClure & Garcia, P.A. that resides in my congressional district in Miami, FL. Frank opened the door for future Hispanic-Americans to succeed in our community by being the first Hispanic to serve as president of the Dade County Bar in 1994 and the youngest president of the Cuban American Bar Association in 1982. Frank Angones has had a long and successful career that has spanned many years of outstanding service, dedication, hard work, devotion, and love for the United States. His leadership throughout the past years has helped our community grow to become one of America's largest growing populations and the ideals that it stands for have become an intrinsic part of this country.

Recognizing the need to continue to provide service to those less fortunate, Francisco Angones gathered a group of lawyers together to represent Cuban refugees who suffered from less adequate legal representation at Guantanamo Bay. For this act, the group received the Florida Bar Pro Bono Service Award.

I have known the Angones family for over 20 years and I stand by his wife Georgie and son Frank, Jr. to celebrate their father's many accomplishments. He has left a legacy that others will continue to follow for years to come and I am proud to recognize Frank Angones for his tireless dedication to the judicial process and I ask my colleagues to join me in congratulating Frank on his wonderful service to the community.

HONORING DR. JAMES KING

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor James King, M.D., a family physician in Selmer, Tennessee and president-elect of the American Academy of Family Physicians (AAFP). King was elected to the position by the Congress of Delegates; the AAFP's governing body, in October 2006, where he previously served 3 years as a member of the AAFP board of directors.

Dr. King received his bachelor's degree from the University of Tennessee, Martin, and earned his medical degree at the University of Tennessee Center of Health Sciences, Memphis, in 1982. He completed his residency at the University of Tennessee Family Medicine Residency, Jackson-Madison County General Hospital, in 1985. King is board certified by the American Board of Family Medicine and is an AAFP fellow.

King is in private practice in the rural community of Selmer and serves as assistant clinical professor at the University of Tennessee Center for Health Sciences, Memphis. He is also on the medical staff of the McNairy Regional Hospital in Selmer and serves as medical director of Chester County Healthcare Services.

Prior to his service with the AAFP, he was an active member of the Tennessee Academy of Family Physicians (TAFP). King has served on the committees on public relations, finance, and legislation and governmental affairs. He also has served on the Long-Range Planning Committee, Nominating Committee and Membership Committee. As a member of the TAFP board of directors, King has served as vice president, president-elect, president and board chair.

King received the Outstanding Model Office Teaching Award from the University of Tennessee Family Medicine Residency, Jackson, in 1990 and the TAFP's Family Physician of the Year Award in 1997.

Active in his local community, King has presented the AAFP's Tar Wars tobacco-free education program to area fourth- and fifth-graders on behalf of the TAFP since 2000. He has also had many State and regional appointments, including serving as the chair of the McNairy County Board of Health, a member of the TennCare Steering Committee of the Tennessee Department of Health, a member and then chair of the Primary Health Care Liaison Committee, State of Tennessee.

Madam Speaker, I ask my colleagues to join me in thanking Dr. James King for his extraordinary contributions to medicine and for the profoundly positive impact he has on our community.

HONORING MARINE LANCE CPL. JEREMY L. TINNEL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Marine Lance Corporal Jeremy L. Tinnel, who died the first of July 2007 in support of Operation Iraqi Freedom.

Lance Cpl. Jeremy L. Tinnel, 20, of Mechanicsville, Virginia, died of injuries sustained from a non-hostile accident during combat operations on the Euphrates River just off the shore of Al Anbar Province, Iraq. Tinnel was assigned to 1st Battalion, 2nd Marine Regiment, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

Jeremy was promoted to Lance Corporal January 1, 2007. His military decorations include the Combat Action Ribbon, Iraq Campaign Medal, Global War on Terrorism Service Medal, National Defense Service Medal and the Sea Service Deployment Ribbon. Tinnel left for his second deployment to Iraq on March 7, 2007.

In May 2007, Marine Lance Cpl. Jeremy L. Tinnel was injured by an improvised explosive device. Lance Corporal Tinnel was a turret gunner on a Humvee during a routine patrol on May 14, 2007 when an IED detonated near the right side of the vehicle. The blast blew away the wheels, hood and engine block, and sent the wreckage screeching across the road. However, he remained in Iraq and returned to duty after about a week's recovery.

Born in Richmond, Virginia, Jeremy grew up in Highland Springs and Sandston, Virginia and was home-schooled. He lived in Mechanicsville, Virginia before joining the Marines in August 2004. While in North Carolina, Tinnel met "the love of his life." He and his wife, Angel Nichole Tinnel of Havre de Grace, Maryland, were married in December, 2006 during a small ceremony in Mechanicsville.

Before joining the Marine Corps, Tinnel volunteered for many summers in eastern Henrico County, Virginia at the New Bridge Baptist Church's summer camp ministry and created a puppet character for the church's children's ministry that had a pointy green head, red hair and an English accent.

In addition to his wife, survivors include his father, Herold Tinnel, and stepmother, Joyce Tinnel, of Sandston, Virginia; two sisters, Christy Flowers of Charles City County, Virginia and Laura Tinnel of Sandston, Virginia; and a brother, James Tinnel of Sandston, Virginia.

Madam Speaker, today I ask that you join with me in honoring the life of a man truly dedicated to serving his country.

HONORING ART FINKELSTEIN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor my friend Art Finkelstein from the Napa Valley, who is being honored with the first annual Al Brounstein Meritorious Award during the L'Chaim: To Life! Weekend. Mr. Finkelstein is receiving this high honor for his substantial contributions both to winemaking and to the Jewish community of the Napa Valley.

Mr. Finkelstein was born in Chicago and grew up in Rock Island, Illinois before he moved out west for college. In Los Angeles, where he was a student at the University of Southern California, Mr. Finkelstein became involved with amateur winemaking while pursuing a career as an architect. Having won numerous awards for his wines, he moved to the Napa Valley and opened Whitehall Lane Winery with his brother in 1979.

Mr. Finkelstein has a well-deserved reputation around the Napa Valley as a superb winemaker who enjoys crafting small lots and unique, individual wines. After selling Whitehall Lane in 1988, Mr. Finkelstein and his wife Bunny opened the smaller Judd's Hill Winery to focus on winemaking, not management. This hands-on setting allows him to concentrate on the art of winemaking, seeing the process through from planting to bottling. He has also founded Judd's Hill Microcrush, which allows customers to participate in the winemaking process from grape selection to press and storage, creating a small lot of wine crafted by that individual. In keeping with his love of winemaking, Mr. Finkelstein taught Small Winery Development for several years through Napa Valley College's Small Business Development program.

Beyond the winery, Mr. Finkelstein has for many years been a prominent presence in the Napa Valley community. He has taken the lead in numerous causes throughout our valley. He has been active on the Little League baseball board in St. Helena, and is a trustee with the Jewish Community of Napa Valley where he helps facilitate many of the organization's good works in the arts and education throughout the valley.

Mr. Finkelstein is a trustee of the Congregation Beth Shalom, and has served as Vice-President of the Congregation. He was on the search committee that brought Rabbi David White to the congregation, and assisted with religious services during the transition.

Together, the Finkelstein family has been a social presence in the Napa Valley and I have long valued their friendship. His son Judd and daughter-in-law Holly have joined Art and Bunny at the winery, adding a new level of energy and enthusiasm to the family's new endeavor.

Madam Speaker, it is appropriate at this time that we congratulate my friend Art Finkelstein for the award he is receiving, and thank him for his substantial contributions to winemaking and to our community.

TRIBUTE TO MR. ED STIZZA

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the awarding of the first DaVita Patient Citizens Hero Award to Mr. Ed Stizza from Fountain Hills, AZ for his efforts and activities to educate his community about Chronic Kidney Disease and End Stage Renal Disease.

Mr. Stizza is unquestionably a worthy recipient of the DPC Hero Award, which spotlights individuals who have gone above and beyond to positively impact and progress kidney education and care within their communities. A 30-year patient of diabetes and survivor of colon cancer, Mr. Stizza is a model of perseverance. Four years ago, facing a diagnosis of End Stage Renal Disease, Mr. Stizza turned his battle into an opportunity to empower others. As a dialysis patient for these past 4 years, Mr. Stizza has worked tirelessly to help improve the lives of other dialysis patients, and to educate those in his community who are at risk of kidney failure.

More the 20 million Americans have chronic kidney disease, which if left untreated can lead to End Stage Renal Disease. However, with the help of individuals like Mr. Stizza and particularly his work in support of the Kidney Care Quality and Education Act, the need for dialysis can be reduced and the lives of the more than 400,000 patients currently suffering from ESRD will improve.

Mr. Stizza is the quintessential every day hero who, in the face of numerous obstacles, not only triumphed, but simultaneously worked to improve the lives of others. He has undoubtedly improved the lives of many in his community and beyond.

TRIBUTE TO MR. DAVID J. RIGBY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SKELTON. Madam Speaker, let me take this means to recognize the exceptional service of Mr. David J. Rigby on the occasion of his retirement from the Defense Threat Reduction Agency.

Mr. Rigby is a graduate of the University of Tennessee, where he majored in Journalism, and the University of Oklahoma, where he completed a graduate program in mass communication. He also attended the Defense Information School in Fort Benjamin Harrison, Indiana and the Federal Executive Institute at Charlottesville, Virginia.

Mr. Rigby has a distinguished history of outstanding work and service to his country. A U.S. Air Force Public Affairs Officer, he saw combat duty in Vietnam as an advisor to the Vietnamese Air Force. He was also responsible for directing the news media relations for the Strategic Defense Initiative, also known as "Star Wars." Mr. Rigby has had multiple assignments in The Pentagon and also served on the Reagan White House Transition team.

On October 1, 1998, Mr. Rigby began his most recent position as Chief of the Public Affairs Office in the Defense Threat Reduction Agency. From the office's inception, he played a central role in forging the agency's image, shaping its mission, and spreading its message around the world. His talent and leadership helped change what the U.S. Combatant Commands expect of the agency and better prepared U.S. military bases to respond to disaster.

Please join me in sincerely thanking Mr. Rigby for his unwavering service to this country, and in wishing him the best in the future.

HONORING PATRICK KANE ON BECOMING THE NUMBER ONE DRAFT IN THE NHL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor and congratulate Patrick Kane, a native from South Buffalo, New York on becoming the No. 1 NHL draft player of the year. Patrick Kane is an explosive player, a forceful scorer, and we are privileged to have such a reputable future NHL star player representing the City of Buffalo.

Kane not only made Western New York proud by becoming the first draft choice for the Chicago Blackhawks, he made history as, for the first time ever, Americans were chosen to fill the number one and number two draft slots.

Offensively, Kane's skills are unmatched. In 2006 Kane led Team USA to a gold medal at the 2006 World Under-18 Championship. This past season he continued his amateur hockey career with the London Knights of the Ontario Hockey League. During his time there he showed great potential, winning the league scoring title with 62 goals and 83 assists in just 58 games. For his performance he received the Emms Family Award as OHL "Rookie of the Year" and was named to the Western Conference All Star Team.

One of Patrick's greatest attributes is his speed and versatility. His swift moving hands around the net make him an unstoppable and dynamic scorer. With his offensive prowess and quick feet, Kane has been compared to hockey greats Martin St. Louis and Daniel Briere. His accomplishments are truly an inspiration for youth throughout Western New York.

Madam Speaker, I would like to take this opportunity to recognize and celebrate the achievements of Patrick Kane, the son of Patrick and Donna, the grandson of Donald, a fine young man respected on and off the ice. Traditionally Western New Yorkers are loyal and passionate fans of our local NHL franchise the Buffalo Sabres, but something tells me this season residents across the region will also tune in to root on the "kid from the neighborhood" our own Chicago Blackhawk Patrick Kane.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed rollcall vote 533 to H.R. 2764 taken on June 21, 2007. Had I been present for this vote, I would have voted "nay."

As an ardent supporter of the rights of the unborn, I am strongly opposed to H. Amdt. 367, which would allow international non-governmental organizations—NGOs—who do not comply with the Mexico City Policy to receive family planning assistance from the United States.

HAPPY BIRTHDAY FOR CITY OF GRAND JUNCTION

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SALAZAR. Madam Speaker, next weekend Grand Junction is celebrating its 125th birthday. U.S. Rep. JOHN SALAZAR (CO–3) made the following statement:

"On Grand Junction's 125th birthday, I would like to express my appreciation of this unique and vibrant city and all its citizens.

"Since 'Governor' Crawford founded Grand Junction in the 1880's, the city's history has been remarkable. Though located in the arid Grand Valley, an innovative system of canals and water transfers were built in the late 19th century that allowed Grand Junction's farmers to begin growing fruit, and today Grand Junction is the 'wine country' of the state. As a farmer, I appreciate the importance of teaching younger generations the significance of agriculture and the tremendous value it imparts to a community.

"Grand Junction is also a national leader in all industries and fields. The Preferential Voting System was developed and first used in Grand Junction. Grand Junction citizens helped develop the New Deal, worked on the Manhattan Project and served in Congress.

"The area is also blessed with a variety of natural resources, including uranium and oil shale. In the 1980's the shale-dependent economy crashed after the withdrawal of Exxon Mobile, but with its typical determination, Grand Junction is now a thriving economic power. In 2000 this city was named the 12th strongest economy in the country, a tribute to the resiliency and strength of the citizens of the Grand Valley.

"On the 125th birthday of this city, we pay tribute to a special community that embodies the best of Colorado. Its blend of rural and urban life has enhanced this community and the life of its citizens. The past and traditions of this special place on the Western Slope are worth celebrating. It is an honor and a privilege to represent Grand Junction as it commemorates its 125th birthday."

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. POE. Madam Speaker, due to other congressional business, I unfortunately missed recorded votes on the House floor on Thursday, June 28, 2007.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "no" on rollcall vote No. 606 and "yes" on rollcall vote No. 605.

INTRODUCTION OF THE EVERY STUDENT COUNTS ACT

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to introduce the Every Student Counts Act. In 2001, Congress passed the No Child Left Behind Act with broad bipartisan support. The purpose of No Child Left Behind was to ensure that every student in America could receive a quality education, and over the past 6 years, NCLB has helped shed light on many issues facing our education system today.

However, NCLB has not been without flaw. Certain aspects of the law are difficult to implement or are not having the results that we had hoped for. One of the major shortcomings of NCLB is the law's failure to hold schools accountable for dropouts. Although we believed we addressed this issue in the original NCLB legislation, this portion of the law has not been implemented as we had hoped. Instead, under current law, the only meaningful accountability standard for high schools is students' scores on assessments, not how many students graduate or drop out of school. Unfortunately, this myopic accountability standard has created an incentive for high schools to push out students who are struggling academically, so that their tests scores are not counted in the assessments. Furthermore, the current accountability system also has allowed states to report graduation rates inconsistently and in misleading ways. Finally, NCLB does not require the disaggregation of graduation rates by subgroup, leading to incomplete data on how our schools are doing with all students.

This current high school accountability system is failing both our students and our Nation. Almost one-third of all high school students in the United States fail to graduate with their peers—about 1.2 million every year. In Virginia alone, each year nearly 24,000 students do not graduate with their peers. But the numbers are worse for minorities—only about 50 percent of African American students and 60 percent of Hispanic students graduate on time with a regular diploma, compared to 75 percent of whites.

These numbers only show the tip of the iceberg. Research shows that each dropout, over his or her lifetime, costs the Nation approximately $260,000. At the current rate, more than 12 million students will drop out over the next decade resulting in a loss to the nation of $3 trillion. Statistics also show that high school dropouts are more likely to be on public assistance programs—such as welfare—than students who complete high school. If high school dropouts do find employment, they are much more likely to work at unskilled jobs that offer little opportunity for upward mobility or promotions. Indeed, the median earnings of high school dropouts remain between $20,000 and $30,000 throughout their lives with little increase as they get older. Unfortunately, there is also a relationship between high school dropouts and prison; one estimate states that approximately two-thirds of all prisoners are high school dropouts. In one study in my home state of Virginia, 75 percent of the inmates serving life sentences were found to have reading achievement levels of 4th grade or worse.

Madam Speaker, the large number of dropouts in America's school system is also troubling in terms of America's position in the global economy. The globalization of the marketplace has altered the way the United States and other countries have to compete for business. With the rapid development of the global marketplace, the United States is no longer the single dominant country in the world economy. And in this economy, one of the major competitive advantages we have in America is our advantage in education. We certainly can't compete with other countries with lower wages when many around the world may work for a few dollars or even pennies a day. Nor can we compete in terms of location. Products can be made anywhere and shipped to customers anywhere else overnight. The technology of today—fax machines, cell phones, blackberries and wireless Internet—allows any worker who can work across the hall to work across the globe. One of the main reasons businesses still want to locate in America is because we have well-educated workers. Because of this need for well-educated workers to keep our country competitive, we can't allow—or afford—people to drop out and not reach their full potential.

I am therefore introducing the Every Student Counts Act to bring meaningful accountability to high schools for America's dropout crisis. The legislation builds on the National Governors Association's Graduation Rate Compact, which was signed by all 50 of the Nation's governors in 2005. It would ensure that schools are held accountable for graduating students by creating a single, accurate, and consistent measurement for reporting and accountability of high school graduation rates. The Every Student Counts Act would require high schools to increase their graduation rates by meeting annual, research-based benchmarks with the long-term goal of reaching a 90 percent graduation rate. The bill would also require the disaggregation of graduation data by subgroup to ensure that schools are held accountable for increasing the graduation rate for all of our students. Finally, the bill would give schools credit for graduating students who need extra time by allowing students who graduate in 5 years to count toward a school's successful graduation rates.

It is my hope that with this bill, we can make great strides toward graduating more of America's students and preparing them to succeed in college and in life. I would like to thank RUBÉN HINOJOSA, Chairman of the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness and an original cosponsor of this bill, for his support. I encourage my colleagues to become cosponsors of this critical legislation and hope that we will see it become law during the 110th Congress.

HONORING O.L. RAULERSON

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise tonight to honor the life achievements of O.L. Raulerson, the first Floridian to be elected sheriff in two Florida counties. Mr. Raulerson, who passed this Sunday at the age of 65, devoted his life to serving central Florida communities.

His law enforcement career began with the Florida Highway Patrol, where he served as a State trooper. He later moved to the Highlands County Sheriff's Office, where he first served as sheriff from 1970 to 1977.

Mr. Raulerson transferred to the Okeechobee County Sheriff's Office and after 6 years of service was appointed sheriff of Okeechobee County in 1986. In 1988 he was officially elected sheriff and faithfully served the community for over 10 years.

I would like to extend my deepest condolences to Mr. Raulerson's family and to the Florida communities which have lost a much loved and respected leader.

THE PLUG-IN HYBRID OPPORTUNITY ACT OF 2007

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. MARKEY. Madam Speaker, the goals of achieving energy independence and reducing our global warming pollution cannot be adequately addressed without a transformation in our transportation sector. This sector lies at the nexus of the twin problems of our energy dependence and global warming. Two-thirds of the oil we consume every day goes into the transportation sector. After Congress mandated a doubling of fuel economy standards from 13.5 to 27.5 miles per gallon, our dependence on foreign oil went from 46.5% in 1977 to 27% in 1985. But since then our fuel economy standards have been stuck in neutral or even reverse and our dependence on imported oil has climbed to 60%.

Plug-in hybrid electric vehicles (PHEVs) have the potential. Plug-in hybrid electric vehicles represent a technology that can significantly address these problems. While the transportation sector is powered mostly by oil, the nation-wide electricity grid is only 3% petroleum-fueled according to the Energy Information Administration. Wide use of PHEVs can help transfer petroleum-intensive driving miles to nearly petroleum-free electricity. According to the Department of Energy's Pacific Northwest National Laboratory, if the cars, trucks and SUVs on the road were replaced by PHEVs, 84% could be powered using existing electrical generation infrastructure. This same paper found that replacing our Light-Duty Fleet with plug-in hybrids could reduce our oil consumption by 6.5 million barrels per day and our emission of heat-trapping gasses by 27%.

PHEV technology is beginning to become available and some automakers have produced prototypes and are beginning to announce long-term plans to manufacture plug-in hybrids. However, technology already exists making it possible to convert the roughly 1 million hybrid vehicles that will be on the road this year into plug-in hybrids, capable of getting 150 miles per gallon. This conversion would allow existing hybrids to begin traveling between 20 and 60 miles on a single charge, while using very little gasoline.

With initial conversion costs ranging from $6,000 to $9,500 depending on the size of the battery, the "Plug-in Hybrid Opportunity Act of 2007" would provide consumers with a vital tax incentive of 35% of the cost of conversion, cap the potential credit at $4,000 and expire after 3 years. It is essential that these conversions be included under the plug-in hybrid tax credit, after meeting all the appropriate safety and environmental testing certifications, so that we can begin reducing our dependence on foreign oil and global warming pollution by realizing the benefits of plug-in hybrids now.

CELEBRATING 100 YEARS OF SERVICE BY THE ELDON INN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SHUSTER. Madam Speaker, I rise today to commemorate an establishment that has provided excellent service to the community of Roaring Spring for a century. Built during the early 20th century, the Eldon Inn embodied the visions of industrial pioneers D.M. Bare, A.L. Garver, William Eldon, and Edwin Bobb. Now serving the community as a public library, the Eldon Inn maintains its distinguished reputation as a center of the community.

In 1907, the paper industry of Roaring Spring began to thrive and a few businessmen began, the construction of a modem hotel aimed at accommodating people from all walks of life, needing a place to stay in the budding community. Shortly thereafter the Inn established itself as a provider of safe and comfortable lodgings for everyone from the traveling businessmen and overnight guests, to long-term tenants awaiting opportunities as permanent residents.

The Eldon Inn possessed a unique quality that infused the building into the hearts of the community. The Inn's spacious interior was well suited for Rotary Club gatherings, sales meetings, Scout troops, wedding receptions, school reunions, and even as the town social and business center.

For 59 years, the Eldon Inn upheld its fine reputation as a first-rate establishment. In 1966, the Inn served the community in a new way as the Roaring Spring Public Library. The Public Library sought to expand its holdings and felt that the Eldon Inn would be an ideal location to further its mission of providing centers for learning to the community.

I would like to take this moment to recognize The Eldon Inn for its 100 years of service to the community, its renowned reputation, and future achievements to come. May the community of Roaring Spring always have such a force of good in its backyard.

IN MEMORY OF AUSTIN WHETSELL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. WILSON of South Carolina. Madam Speaker, during the past week the Midlands of South Carolina was in mourning due to the tragic drowning of Austin Whetsell. On Sunday, July 8, the following tribute was placed in the service program at Lexington Presbyterian Church with the service conducted by Dr. David Sinclair:

Austin Pierce Whetsell, born April 1, 1992 died while on a missions trip with his church in Zihuatanejo, Mexico on Sunday, July 1, 2007. Austin was the beloved son of Walter G. Jr. and Kimberly Taylor Whetsell, and the devoted elder brother of Taylor, Trace and Emma Whetsell of Lexington. He was a loving son, brother, grandson, nephew, cousin and friend. Austin was an alumnus of Heritage Christian Academy and had just finished his first year of home school. He was a diligent student who consistently made straight A's and had recently won Second Place for Biology in a school Science Fair. Although he was an avid reader, Austin also enjoyed being outside boating, swimming and fishing with his family and friends.

His great enjoyment of sports began at an early age. He was an avid Gamecocks fan and enjoyed playing baseball, tennis and basketball. Most recently, Austin was selected as an All-Star with the Lexington Dixie Majors. His zeal for doing his best and winning never overshadowed his respect for his opponents and having a godly attitude on the field.

Austin was also an apprentice to his father in his political consulting business and was instrumental in implementing various aspects of the family's direct mail business. Austin's life's goal was to live for God and glorify him. This devotion to his family and friends, as well as his commitment to serve in his church gave evidence to his conviction that his life belonged to God. In preparing for this, his first missions trip, Austin had taken Spanish at the Midlands Home School Resource Center. He wrote that his reasons for going on this trip were to serve the Lord, and to show others what it means to truly be a Christian.

He finished well and his life gives testimony to Missionary Jim Elliot's quotation ". . . he is no fool who gives up what he cannot keep to gain what he cannot lose."

SENATE—*Wednesday, July 11, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, thank You for Your mercies. You bless us with Your presence and inspire us with new opportunities. You strengthen us with the gift of friends and protect us from the pitfalls of temptation. You have given us clean hearts and renewed right spirits within us.

Today, bless the Members of this body as they seek to live with gratitude. Use them to open new doors of possibility for the discouraged and to bolster the courage of those sorely tested by life. Make them a force that will unify and not divide, that will heal and not hurt. Give them a sense of partnership with You in seeking Your best for all of life's seasons.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 11, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the second half. At 10:30 this morning, the Senate will resume the Department of Defense authorization bill. There will be 1 hour of debate on the motion to invoke cloture on the Webb amendment. That debate time will be divided and controlled between Chairman LEVIN and Senator MCCAIN. The minority leader will have 10 minutes under his control at 11:10. I will control the final 10 minutes starting at 11:20. The vote on cloture will occur at 11:30 this morning. As a reminder to Members, they have until 10:30 this morning to file any second-degree amendments regarding the Webb amendment.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

60-VOTE THRESHOLD

Mr. MCCONNELL. Mr. President, let me add to the comments of my good friend, the majority leader. I think we would have a better chance of moving this bill along if we could do what we have done on every other Iraq debate we have had this year, which is to simply enter into an agreement for a series of votes. If we end up in the position of filing cloture on every amendment, it is going to be quite a lengthy process and considerably inconvenient to both sides.

I hope after the vote this morning, we will get back to the way we have dealt with these issues in the past, which is through concurrence and agreement. A series of votes, obviously, with a 60-vote threshold—this is the Senate; that is the way we have done it all year—would be fair to both sides and give both sides an opportunity to express themselves on the most important issue of our national defense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader.

WEBB AMENDMENT 2012

Mr. REID. Mr. President, I say through the Chair to my good friend, the distinguished Republican leader, a 60-vote threshold on everything is something that is new as a result of a minority that is forcing us to have cloture on virtually everything we do. If we go back and look at the Defense bill last year, there were no cloture votes except on final passage of the bill. All amendments were simple majorities, and a significant number of them dealt with Iraq. The 60-vote requirement is something that is new and has been brought about by this new minority. It is something we didn't do last year. We shouldn't do it this year.

The Webb amendment is a simple amendment. It says that if you are in country—let's say a soldier is in Iraq for 15 months. He has to come home and rest for 15 months, train for 15 months. The way it is happening now, they are being rotated very quickly. This isn't the first time this has happened.

The Senate has constitutional authority to act. Take for example the Korean war. We were rushing people over to Korea with inadequate training. Congress stepped in and passed a law saying they needed 120 days of training before they could go to Korea. The Webb amendment is in keeping with what the American people want; that is, to change course in Iraq. This helps do that by dictating that our Guard and Reserve and our Active military have time to come home and retrain and relax before being sent into battle. Statistics show that the second and third and fourth tours of duty are literally deadly. People are getting killed more regularly on the second and third and fourth tours of duty than they are on the first tour for obvious reasons.

The obvious reason, first, is fighting is becoming more fierce, and it is more dangerous in Iraq, but also the soldiers are tired. I called a family in Las Vegas whose son was killed. He went back for his fourth tour of duty and he told everyone there: I won't come back. He didn't. He was killed. That is what this amendment is all about. A simple majority of the Senate should be able to respond to that.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I am sure the majority leader and I will debate the substance of this later this morning. The Webb amendment is a clear interference with the President's authority to deploy troops, the authority of the Secretary of Defense, and the authority of the generals. Suffice it to say, getting 60 votes for a measure is not unusual in the Senate. It certainly has

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

been the case with regard to controversial issues like Iraq all year long. That will continue to be the case on this bill throughout its consideration.

Mr. DURBIN. Will the Republican leader yield for a question?

Mr. MCCONNELL. Mr. President, I won't, only because I have a meeting in my office. But I look forward to engaging the majority whip later in the morning.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half of the time under the control of the majority and the second half of the time under the control of the minority.

The Senator from Illinois.

RESTING THE TROOPS

Mr. DURBIN. Mr. President, I am sorry the Republican leader would not yield for a question. My question would have been, the 60-vote requirement for this amendment so that our troops have time to rest before they are redeployed into combat, this 60-vote requirement which the Republican leader says is routine and normal, I was going to ask the Republican leader, in the two previous Defense authorization bills brought to the floor of the Senate, how many times did we impose a 60-vote requirement on amendments to that bill? The answer is none, never. It was always a majority vote. Now the Republican side has said: We insist on 60 votes for every amendment to the Defense authorization bill. Those following this debate, watching it either in the galleries or on C-SPAN, may wonder what is the big deal. Why? What is the difference?

The difference is obvious. We are about to consider a debate on the war in Iraq. This Senate is evenly divided. With Senator JOHNSON recuperating, it is a 50/49 Senate with 50 Democrats and 49 Republicans on the issue of Iraq. One of the Democratic Senators votes on the other side. So on any given issue, it is 49 to 50, closely divided. Now the ranks on the Republican side are breaking and changing. We now have Republican Senators who are stepping out and publicly saying they disagree with the President. At least five of them have publicly said we need to change the direction of our policy in Iraq. Do the math. If we start with 49 and pick up 5 Republicans, we have 54. That is a majority. We could start carrying amendments to change the policy of the war in Iraq. The Republican leader knows that. So how does he protect the President's position? How does he stop the will of the Senate? By imposing a new standard of 60 votes. Now it takes 60 votes, not just a majority. For the last 2 years, a majority was good enough when it came to every amendment on the Defense authorization bill, including amendments about the war policy in Iraq. But not this time. This time, Senator MCCONNELL has come up with a new McConnell standard when it comes to the Iraq war policy, that it takes 60 votes in the Senate.

The Republican leader can come up with procedural obstacles also. He can make it more difficult. He can continue to slow down the debate on ethics reform. He can slow down the debate when it comes to the war in Iraq. But there are a lot of Senators on this floor on both sides who are going to stick to this task. We are not going to give up that easily. We understand what is at stake. We have lost over 3,600 of our best and bravest American soldiers. For us to prolong this debate, to set up these artificial obstacles in order to perpetuate a policy which is taking the lives of our men and women in uniform, is unacceptable.

The Senator from Kentucky, of course, has his rights under Senate rules. I respect that. But to impose this new standard of 60 votes and then to say on the floor that this is routine and normal is not a fact. That is why I wanted to ask him that question. In the last 2 years, a majority vote was what was used on the Senate floor over and over again when it came to these important issues. We should return to that same majority standard.

I would say to the Senator from Kentucky who tried to defend the President's position, he should go back to his State, as all of us have, and speak to the families of the soldiers, understand what they are going through. Of course, every family of a soldier overseas is lost in prayer and worry every single day about their loved one in battle. But this administration, this President sends these soldiers over again and over again without rest, without retraining, without the equipment they need in battle. That is unacceptable. That is not a standard we should allow when it comes to our defense of America.

Senator JIM WEBB, who has offered this amendment, is a ground-combat veteran of Vietnam, as is Senator HAGEL, another cosponsor of this amendment. They and Senator INOUYE, a veteran of World War II, know what it is like to put on that uniform and risk your life in battle. What they are asking for is time for these soldiers to come home and have a chance to be with their families, to rebuild their lives, to rest, try to put their lives back together, reassociate themselves with their families, retrain, and be ready if they are called again. What I hear from the Senator from Kentucky is: That is unacceptable. This is the President's call. He can keep sending these men and women over again and again, even though it is more dangerous every time they are sent into battle without appropriate rest and training.

When it comes to the vote, the Senator from Kentucky tells us a majority of the Senate is not enough; we need 60 votes to give our soldiers an opportunity to get the rest and retraining they deserve. That is unfortunate. It is part of the obstructionism we are now seeing every single day from the Republican side of the aisle. That isn't why we were sent to Washington. If five or six Republican Senators want to join the Democrats in trying to change the policy in Iraq, they should be given that chance. Using these procedural obstacles is unfortunate for this country and certainly unfortunate for the soldiers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to be recognized for up to 12 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1766 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

IRAQ

Mr. ISAKSON. Mr. President, I relish this opportunity. We have before us in the Senate this week, and probably next week, Department of Defense reauthorization, a reauthorization that is critically important because our men and women are deployed around the world carrying out critical missions.

The Department of Defense reauthorization does some interesting and some good things: an across-the-board 3.5-percent increase in the pay for our men and women in the Armed Forces; an increase in our manning document for the U.S. Marine Corps and the U.S. Army to increase our authorized levels; an important increase in funding and capital for those bases and those States and those communities affected by the most recent BRAC, which it is critically important to see to it, as we reposition our military domestically, that those communities that are affected have the capital and the resources to improve their infrastructure to meet that pressure. Equally important is legislation included that was introduced by Senator CHAMBLISS of Georgia, cosponsored by myself, to accelerate retirement benefits for Guardsmen and Reservists deployed in combat, to let their deployments, as they increase, accelerate the time in which they become eligible for their retirement. These are all great benefits.

Unfortunately, we have no debate on the benefits, nor the need. We continue to debate a question that was on the floor most of the month of May when we did the Iraq emergency supplemental, a debate that is scheduled following the report of General Petraeus in September. But for a reason not sure to me, except political, we debate today something we have already debated once before and will debate again in 60 days and that is the issue of whether we do a precipitous, dangerous, scheduled withdrawal from the overall battle in Iraq today.

I wish to address the Levin-Reed amendment from two perspectives. First is the role of Iraq and its battle in the overall global war on terror, and secondly, the consequences of a scheduled, timed, precipitous withdrawal from that battle. First of all, in terms of beginning to withdraw in 120 days and being out by April, you send the clear signal to those we are in combat with today, which is al-Qaida and the insurgencies in Iraq—the enemies of freedom and liberty around the world—you have scheduled the fact that we, in fact, are leaving. You have offered them the opportunity, which they will seize, to declare victory. In the end, the danger to America and the free world is far greater following that than it is carrying out the tough battle we have today.

I am reluctant to quote anything Osama bin Laden would ever say, but in one of his speeches following the declared fatwah against freedom in the West and America, he said simply: People will follow the strong horse. That is exactly what they will do if we retreat. We may, in fact, have to change our strategy. We may, in fact, reposition ourselves, but we owe it to ourselves to do it when our generals have reported back on their scheduled time. We do it on our timetable and not as a retreat but as a strategy change. We did it earlier this year and are now in the early stages of its implementation.

From a historical perspective, I wish to remind all of us what happened in the last 50 years of the last century. Two great Presidents, one a Republican and one a Democrat, both were confronted with difficult times that threatened America and democracy as we know it: John Kennedy, when the Soviet Union put missiles on the Cuban island and, secondly, when the Iranians took our people as hostages, communism was flourishing and Ronald Reagan was elected and had the will and the courage to confront both. The results of the Cuban Missile Crisis were we did not blink. President Kennedy blockaded the island of Cuba, Khrushchev threatened, but he blinked and they withdrew and missiles are not 90 miles off our shore today. In the case of Iran, and their taking our hostages, and in the case of the Soviet Union, President Reagan stood before the world and said: "Mr. Gorbachev, tear down this wall." Then he had the intestinal fortitude, through the appropriations, to build up our military and the proposal of a mutually shared defense of the United States of America and the free world to finally get the Soviet Union to back away from communism, back down from the Cold War, and today we have a much safer world.

The enemy we face today in the terrorists is no less a threat; they are greater. The policy change our President made in 2001, 9 days after the attack on 9/11, to change it from a reaction to a preemption was precisely right, and the global war on terror and its central battle in Iraq which has been declared so by al-Qaida is, in fact, a necessary preemption in terms of terrorism.

The second point is the consequences of withdrawing precipitously and on a posted schedule. No. 1, before the Foreign Relations Committee, every expert from a Democrat to a Republican, Colin Powell to Madeleine Albright; every institute, every think tank, every foreign Middle Eastern expert said the following: We don't know if the surge will work or what its success will be, but we will tell you this: if the United States withdraws, there will be an outright civil war in the Middle East, hundreds of thousands may die and, quite frankly, millions could, in an uncontrolled, difficult time. If there is one place in the world where that type of turmoil threatens the security of all freedom and all mankind, it is the Middle East. Withdrawal in that case is absolutely the wrong thing to do.

Secondly, when the Mujahedin and terrorists ran the Russians out of Afghanistan, they created a safe haven for terror from which the ultimate 9/11 attack came at America 20 years later. We should not think for a minute that if we leave Iraq, left to the insurgency and the terrorists, the same would not happen. But it wouldn't be 20 years before the attack came against America; it might be a matter of months. It is important for us to continue to pursue the goals of the surge, give the President the chance to make the report this Thursday, General Petraeus the chance to make the report this September, and then have a debate; not in advance of the facts but after we know the facts as they stand. This is too important. This is too important for America.

September 15 is an important date for us to judge the success of our brave men and women who are carrying out the surge today. To declare a retreat today on a timed, precipitous schedule is wrong for America, it is wrong for our effort in the war on terror, and it strikes a dagger in the heart of our new found policy of preemption.

So I appreciate the time the Senate has afforded me this morning. In closing, I ask unanimous consent that a column on this very issue written by Tony Blankley and appearing around the United States today, being syndicated, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From MDJOnline.com, Jul. 11, 2007]

SENATE FAILS TO ADDRESS THE REAL QUESTION ABOUT WAR IN IRAQ

The Senate is emitting an embarrassing level of emotional policy twitching on the topic of Iraq. Sen. Harry Reid can't take the war anymore. He "knows" it is lost. Sen. Olympia Snowe has just about had it with the Iraqi government. If they don't meet her benchmarks—that's it. Sen. Mitch McConnell thinks "that the handwriting is on the wall that we are going in a different direction in the fall, and I expect the president to lead it." Who authored that wall graffiti, he doesn't say. After talking with grieving family members of one of our fallen warriors, Sen. Pete Domenici "wants a new strategy for Iraq."

I haven't seen such uncritical thinking since I hid under my bedsheets to get away from the monsters back when I was 3 years old.

Whether they are talking about war weariness, grief over casualties, fear of their upcoming elections, disappointment with the current Iraqi government or general irritation with the incumbent president: What in the world do such misgivings of U.S. senators have to do with whether we should continue to advance our vital national security interests?

None of these senators have even addressed the question of whether the United States is safer if we leave Iraq than if we stay. Isn't that the key question? The question is not whether the Iraqi government deserves American sacrifice on their behalf.

Our sons and daughters are not fighting, being grievously wounded and dying for Iraq—but for American vital interests. If this were just about Iraqi democracy, I might join the screaming for a quick exit.

But if al Qaeda can plausibly claim they drove America out of Iraq (just as they drove the Soviet Union out of Afghanistan), they will gain literally millions of new adherents in their struggle to destroy America and the West. We will then pay in blood, treasure and future wars vastly more than we are paying today to manage and eventually win our struggle in Iraq.

Our staying power, unflinching persistence in the face of adversity, muscular capacity to impose order on chaos and eventual slaughtering of terrorists who are trying to drive us out will do more to win the "hearts and minds" of potentially radical Islamists around the world than all the little sermons about our belief in Islam as the religion of peace. As bin Laden once famously observed—people follow the strong horse.

We have two choices: Use our vast resources to prove we are the strong horse or get ready to be taken to the glue factory.

Even Bush's war critics who specialize in Middle East affairs (such as the Brookings

Institute) believe that the immediate chaos in the Middle East that will follow our premature departure would likely involve not only regional war there, a new base for al Qaeda, but also a nuclear arms race that would quickly result in the world's most unstable region—which possesses the world's oil supply—armed with nuclear weapons on a hair trigger.

But the debate today in Washington is about none of these strategic concerns. It is exclusively about Washington's political timetable and when the president will bend to such political necessity. For self-admitted politics—rather than national security—to be driving decision making in wartime Washington is not only an unpatriotic disgrace—it is a national menace.

Imagine the following fanciful discussion in April 1943:

FDR: "Ike, you're going to have to get the Normandy Invasion completed by June this year."

Ike: "But I need at least another year to assemble troops and materiel, establish logistics and strategy and train the men for the battle."

FDR: "Sorry. Several senators are feeling very uncomfortable with the war. Frankly, they have just had it. And several of them are worried about their re-election."

Ike: "My men are fighting and dying for yards in Italy right now—and even so, they can't wait to take the war to Hitler next year in France. Tell those pantywaisted senators to unloosen their girdles, take an aspirin and go to bed—and leave the fighting to my men."

FDR: "But we could lose the Senate."

Ike:" Better to lose the Senate than the war."

FDR: "I'm with you, Ike. You beat Hitler, and let me beat the Senate."

Ike:" My men thank you, Mr. President."

Of course, it is an absurdity to imagine such a conversation would have been possible during WWII. And it is a tragedy and disgrace that we are, in fact, having precisely such a conversation today.

But the worm will surely turn. And senators who today proudly call for retreat will then be hiding their faces in shame. And deservedly so. And the public will remember.

Mr. ISAKSON. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

MINORITY RIGHTS

Mr. GREGG. Mr. President, I so greatly admire the Senator from Georgia, and his words are so well spoken, I hope people will take them to heart. I also wish to rise on this issue. Before I do that, I wish to speak briefly on the issue pending, which is the cloture motion on the amendment from the Senator from Virginia, Senator WEBB. I haven't decided how to vote on the amendment of the Senator from Virginia. I have an immense amount of respect for the Senator, the former Secretary of the Navy, whom I greatly admire for his service to this country, but I am deeply concerned by the process which is being used.

It has always been the tradition of this Senate that there would be side-by-side votes. It used to be, when I first arrived, that there were actually second-degree votes, and then we got to a position where everybody knew if you had a second degree, you could always get to the first-degree vote, so you gave people side-by-side votes. Unless the issue is on the fundamental question of an overriding bill, the use of cloture for the purposes of cutting off the debate to that amendment has not occurred around here. This is an attempt to basically make the Senate operate as if it had the autocratic Rules Committee of the House, and it is wrong. It is just plain wrong.

The minority should be afforded the right—and has the right—to assert an amendment to an amendment offered on this floor. It has the right to a second degree if it wishes to, and then the author of the first degree has the right to position himself or herself so he or she can bring that amendment back up. As an alternative to that, the offer of a side by side is the way you resolve the issue. That offer was made to allow a side by side on the amendment of the Senator from Virginia. It was rejected, as I understand it. That is what this cloture vote, for me, is about. It is not about the credibility—not the credibility—it is not about the appropriateness or the correctness of the underlying amendment of the Senator from Virginia; it is about whether the minority has the procedural right to assert its standing as a functioning entity within the body and, therefore, the ability to amend or at least have a side-by-side amendment when amendments are brought to the floor on which there may be other views.

So that is why I intend to vote against cloture. It is not to extend the debate; it is not to, in some way, undermine the bill or even to undermine the amendment; it is to make sure that the rights of the minority are protected in this institution where the rights of the minority are the essence of the way this institution functions.

WITHDRAWAL FROM IRAQ

Mr. GREGG. On the question of Iraq, and specifically as I have my own amendment which I will be offering—it is not my amendment; I have an amendment in which I am joined by other Members, including Senator SALAZAR, on how to proceed in Iraq, and we will be talking about that later—maybe even later today—I wish to speak briefly on an amendment being offered by Senator REID and Senator LEVIN which fixes a timeframe for withdrawal that is arbitrary and which is condensed. That timeframe, as I understand it, would occur within 6 months, when there would be a withdrawal. There are no underlying policy proposals which say that the Government of Iraq has to be a functioning government and has to have the capacity to secure itself and has to have the capacity to maintain stability in order for the withdrawal to occur; the withdrawal simply is going to occur. I think the practical implications for that are pretty staggering and not constructive to the process, quite honestly. I think a precipitous withdrawal from Iraq, which has no underlying policy and which leaves behind a stable government or attempts to leave behind a stable government, will inevitably lead to a desperate government, which will, in turn, lead to chaos, and chaos in Iraq is not in our national interests.

We have to remember what the stakes are. Our purpose of being in Iraq is fundamentally to protect ourselves as a nation. The people who wish to do us harm—and they have made it clear they intend to do us harm and they have done us harm—intend to use their ability to attack the United States as the essence of their war on us. The way you keep them from attacking our Nation is to find them where they are and attack them and to make it very difficult for them to have a safe haven and to disrupt their activities and to find them before they can attack us. That is our philosophy. It is a philosophy which is totally appropriate to the war that we now find ourselves engaged in.

This is not a conventional situation. We are not fighting a nation state. We are fighting individuals who subscribe to a philosophy which says they will have a better afterlife if they destroy Western culture and specifically kill Americans and destroy America. That is their purpose. They have said that and they have done it. Let's not be naive about this. Let's not look at this through rose-colored glasses and say they wish some other outcome and if we are nice to them they will go away; that if we ignore them, they will ignore us. That is not the case.

So we have pursued a policy in Iraq and across the world of finding them before they find us. If Iraq, because of a precipitous withdrawal which leaves no stability behind, is allowed to devolve into chaos, it is very obvious what is going to happen. Besides a civil war, which is obviously already going on, to some degree, which will be expanded radically with many thousands of people, more thousands of people dying, there will undoubtedly occur within Iraq the creation of a client state for Iran, and Iran has made it very clear what their intentions are. Their intentions are to develop a nuclear weapon and produce hegemony throughout the Islamic world.

Secondly, it will become a safe haven for al-Qaida and give them a base of operation which will represent a clear and present threat to us as a nation.

So that type of course of action, although it obviously looks attractive because it gets our troops out of immediate harm's way, and everybody wants to do that to the fullest extent possible, will have the exact opposite effect on our national security. It will actually put us at greater risk.

There has to be an underscoring of the withdrawal, or the drawdown, which I think is the more appropriate term, because even the most strident people on the other side of the aisle who wish to withdraw recognize there is going to have to be some residual force left for the purpose of protecting American assets, such as our embassies, and training, hopefully, troops of the Iraqi Government. But any process for the drawdown really has to be done in the context of leaving behind as stable a government as we can possibly create, or participate in helping to create. That is why I have become a sponsor of and participating in the effort to put in place the proposals of the Iraq Study Group, which essentially outlines a series of steps that can be taken which will, hopefully, lead us toward a drawdown of American troops which is tied to leaving behind a stable government.

The Reed-Levin amendment abandons all of that. It abandons the Iraq Study Group proposal. It abandons the effort to try to leave in place a stable government. It essentially says: Here is the date; we are going to leave by that date. And it is a date certain.

That has two effects. It means the Government of Iraq will inevitably be in desperate shape and potentially collapse, which will lead to chaos, and, more importantly, it means our troops who are on the ground will, during that period leading up to that date, be under significant stress because their morale will be at serious issue because they will know when they get to that date, they are leaving and they are leaving behind a mess and, more importantly, they will be pursuing a mission, which they will have been told by the other side of the aisle at least, has no viability. And how can you ask somebody to go out and walk the streets of Baghdad and participate in "the surge and the clear and hold and hopefully pass on stability" exercise that is going on there if you have the other side of the aisle saying: I am sorry, that mission is irrelevant. You are out there, we don't believe in what you are doing, we have no faith in that effort.

Yes, everyone has total commitment to our troops, but we also have to have a commitment that when we send the troops out on the street, and they put their lives at risk, they know there is a policy behind that effort which is supported. In this case, what is being said is that policy isn't being supported and their efforts on the streets in Baghdad and other places are not going to have support.

It is a very dangerous message to send, first, to our enemies who have a specific date and can ratchet up the violence radically to force that date on us; second, to our troops on the ground; and thirdly, to the long-term stability of a region which is critical to our national interests and which plays a major role in whether we are going to be successful in keeping our homeland, America, from being attacked.

A precipitous withdrawal without a game plan will lead to a dysfunctional and disorganized and possibly collapse of the Government of Iraq, and it will lead to chaos. Therefore, I think it is a very intemperate policy to pursue.

There is also a certain cynicism about it, when you get right down to it, and this bothers me. The people promoting this amendment have constituencies who are truly and sincerely, I am sure, committed to getting us out of Iraq as soon as possible, and they are trying to respond to those constituencies. We see those constituencies all the time, and their intensity is huge; especially in the Democratic Party they have great sway. But the amendment itself is almost a free pass in that everybody knows it cannot pass, and that is the irony. It is a free pass that cannot pass. It cannot pass the Senate because it cannot get 60 votes. If it did pass the Senate, and it did pass the House, it would be vetoed by the President and, clearly, would not go into effect.

So, essentially, what is happening is a policy is being put forward which has serious political implications on the ground and substantive implications on the ground in Iraq but has maybe a political upside in the United States for people who are speaking to that constituency which wants to immediately get us out of Iraq but has no viability behind it, has no expectation of success behind it, and therefore is, to a certain degree—a considerable degree—a rather cynical strategy.

The losers in this effort, quite honestly, are our troops on the ground because they are seeing this debate going forward, and they are scratching their heads saying: Why am I being asked to go out on the streets? Why am I being asked to do this mission when they trying to pass legislation in the Senate which says they don't support the mission, and they know for sure that is not going to become law?

It is not good to pursue this type of an approach on an issue of such importance, of such significance to our Nation, and especially to the men and women who defend us.

I have serious reservations about not only the substance of the proposal but about the politics behind the proposal, knowing that the proposal has no capacity to become law, that it would be put forward in such a way that basically creates false claims, in my opinion, or false opportunities, or alleged opportunities.

This is an immensely serious issue, we all know that. What we need, quite honestly, is some sort of approach that has a little bit of bipartisanship to it, where both sides say: OK, we know we have a difficult situation, an extremely frustrating situation in Iraq. Let's come up with something that is a united policy, a bipartisan policy. That is why the suggestion which is being put forward—to put in place the Iraq Study Group as the blueprint for how we proceed there—is one which I think has some vitality to it.

Is it the perfect answer? Obviously not. There is no perfect answer. In fact, I was interested in hearing Lee Hamilton say there are no good solutions to this situation. It was a very forthright statement that I think resonates strongly.

The fact is, this little gambit—not a little gambit—this significant gambit of putting forward a proposal that speaks to a constituency, but everyone knows is not going to become law, is not constructive for the process.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business. Three minutes remains on the majority side, and three minutes remains on the minority side.

Ms. MIKULSKI. Mr. President, I ask that I may speak in morning business on the Democratic side.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

WEBB AMENDMENT 2012

Ms. MIKULSKI. Mr. President, I rise to speak on the Webb amendment. I know there will be many speakers. Like everything I do, I want to seize the day and talk about what I think about the Webb amendment.

It is almost 10:30 in the morning in Washington. It is 6:30 in the evening in Baghdad. Yesterday, in Washington it was 98 degrees, and everybody was complaining about the heat wave. They couldn't wait until they got into air-conditioning. Well, it was 115 degrees in Baghdad and, boy, would I like to get our troops in air-conditioning—in air-conditioning back home.

I check the temperature every single day in Baghdad because I want to think about our troops. I want to try to envision what they are going through. I think about those men and women out there carrying over 100 pounds of body armor in brutal heat, being shot at, being attacked by brutal IEDs. Yes, it is hot in Baghdad, and it is hot in more ways than one.

We need to care about our troops, and we need to care for our troops. We all say we support our troops. Well, let's support them, all 100 of us, all 100 Senators. Regardless of party and how we voted on the war, let's say we support our troops. Then if we really do support them, let's support the Webb amendment.

The Webb amendment does support our troops and our families and also the employers of those in the Guard and Reserve. But it supports our troops. The Webb amendment gives our troops a breather, and if the Pentagon will not do it, Congress needs to do it. That is why I support the Webb amendment.

I salute the Senator from Virginia. Senator WEBB is a freshman Senator, but he is no stranger to war. He is a warrior's warrior, a combat veteran. He also was the Secretary of the Navy. He knows full well the stresses the men and women in our military are facing and their families are facing.

The Webb amendment is simple and straightforward. It supports our troops by giving them more time at home between deployments. It deals with troop fatigue. It deals with troop exhaustion. For our men and women in the military, if you are in the full-time military, the all-volunteer military, your time at home would be at least as long as the length of your last deployment. For the Guard and the Reserve, no one would be redeployed within three times of their previous deployment.

Why is this important? Our military is overstretched, and our troops are exhausted. Their families are also living with tremendous stress. Every time they hear a news report about another attack, they wonder how their loved one is and if they are surviving. They have an unending, agonizing fear of a strange car pulling up to their home with unbearable news. Whether you are a spouse, a mom, or a dad, or children, you are bearing the stress of this war. The Webb amendment gives our troops a breather and some relief to our families.

This current President says the struggle in Iraq will be long and will require continued sacrifice. Sacrifice from whom? There is no shared sacrifice. The sacrifice is falling on our troops now serving in Iraq and Afghanistan. The sacrifice has been made by those who died in Iraq, by the 85 Marylanders who died in Iraq and Afghanistan.

Mr. President, you are from Maryland. You know that some of the men and women who died came from our service academies—West Point, the Naval Academy. Some came from renowned schools and universities. Some of our kids came from the school of hard knocks. One, named Kendall Frederick, only had a green card. He died when a bomb hit his convoy when he was driving to get his fingerprints taken so that he could become an American citizen. Thousands of others are wounded.

Some say we are micromanaging the war. You know what. I am for micromanaging the war. Maybe if we micromanaged the war, it would not be costing us $12 billion a month, and maybe we wouldn't be going it alone. So no matter how one feels about deadlines or benchmarks, we must support our troops. And I believe this is the way to do it.

I conclude by saying this: While our troops are out there every day in 115-degree heat, let's see what the Iraq Parliament is doing. Our guys are fighting for a military solution. Let's see what they are doing for a political solution.

The Iraqi Parliament cannot even reach a quorum. Mr. President, 12 members of the Iraqi 38-Member Parliament no longer attend Cabinet meetings. So one-third of the Cabinet doesn't show up for meetings. Seventy-five Members of the Iraqi Parliament are boycotting, refusing to do any work at all so that the very Parliament cannot get a quorum. While the Iraqi Parliament doesn't show up and stays home in its air-conditioning, our guys and gals are out there patrolling Baghdad in 115-degree heat with 100 pounds of equipment and body armor. Listen, if you support the troops, support Webb.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson of Nebraska (for Levin) amendment No. 2011, in the nature of a substitute.

Webb amendment No. 2012 (to amendment No. 2011), to specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom.

Nelson of Florida amendment No. 2013 (to amendment No. 2012), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be for debate only, with the time equally divided and controlled between the chair and ranking member of the Armed Services Committee or their designees, with the 20 minutes immediately prior to 11:30 a.m. divided equally between the two leaders, with the majority leader controlling the final 10 minutes.

Who yields time?

Mr. McCAIN. Mr. President, I would ask the sponsor of the amendment if he would like to begin or does he choose to have me discuss this amendment? I am amenable to either course.

Mr. WEBB. Mr. President, I am comfortable with the Senator from Arizona beginning the discussion. We are waiting for the chairman to arrive.

Mr. McCAIN. Well then, Mr. President, I will go ahead.

I understand there is 20 minutes equally divided; is that correct, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Arizona controls 20 minutes.

Mr. McCAIN. Mr. President, I will yield myself just 4 minutes and then save some of the remaining time.

Mr. President, this amendment calls for a congressionally mandated fence that would surround every soldier, sailor, airman, and marine and every military unit in the Armed Forces. If their days at home don't equal the days deployed, these soldiers, by law, could not be deployed in support of operations in Iraq or Afghanistan. It is quite a restriction.

I have done some research recently, since I heard about this amendment, and it is certainly without precedent in wartime, and we are in wars, both in Iraq and Afghanistan. Rather than get into the debate about the length of the war in Iraq again, I think most people appreciate the fact that the war or the conflict in Afghanistan will be with us for a long time. I mention that because I have yet to see a congressional proposal to end our engagement in Afghanistan where we were successful in ousting the Taliban, but, obviously, there are more challenges we have to meet in the future.

In the Defense authorization bill, we have provisions to increase the size of the Marine Corps and the Army, which I hope will alleviate some of the enormous strain that has been placed on our Guard, Reserve, and Active-Duty Forces. I understand the deep concern of the Senator from Virginia about this issue. Our Guard and Reserve are being stressed in a way that is unprecedented, probably since World War II, when everybody was called to serve, just about, and I certainly understand the concerns raised here. I share them with Guard members and members of the Reserve all the time.

We have called people back to active duty in an almost unprecedented fashion, so I understand the intent of this amendment. But if we put such a requirement into law in wartime, I think it would be bad congressional micromanagement. It would be a precedent that no President could live with and an expression of distrust in military leaders, particularly of the Secretary of Defense, Mr. Gates, who promptly established dwell-time policies on assuming office and is doing his utmost to enforce them.

Senator WEBB has expressed his belief that this amendment would do no harm. Well, those whom we charge with the responsibilities—both the Department of Defense and the Joint Chiefs of Staff—have indicated that if enacted, the amendment would have immediate adverse effects on their ability to accomplish their military missions.

The Joint Staff told us this amendment would "eliminate the flexibility of the services to manage and mitigate exceptions to dwell time planning goals" and that "future support to IAF/OEF may be severely impacted."

The Joint Staff went on to say, "The requirements will result in future capability gaps in combat and combat support forces both in IAF and OEF units." For reservists, the requirement will "exacerbate the stress on the current force, providing sourcing challenges and creating shortfalls."

The Department of Defense stated, "In emergency situations, where forces are needed quickly, the waiver process could affect the war fight itself by delaying forces needed in theater." And they went on to say, "The proposed language stipulates minimum periods between deployments in both units and individuals. The requirement to meet both criteria for units and individuals before deployment could severely limit options for sourcing rotations."

That is the view of the people we entrust with the responsibilities to defend our Nation, and I do not diminish the responsibility of the Congress as well. This amendment could—and according to military planners, would—do harm. And it shouldn't be a surprise.

So the amendment has a Presidential waiver provision, which I am sure will be emphasized in the course of this discussion, but it doesn't make the amendment better. Attempts at using it would only lead to endless delays and bickering about whether deployment "meets an operational emergency posing a vital threat to national security interests." Those kinds of decisions should clearly be made by the President of the United States. That is what the Constitution says when it outlines specifically that the President of the United States shall serve as Commander in Chief.

Now, the Congress, as they have in the past, has the power of the purse, and if we don't like what the President—the Commander in Chief—is doing, then we can cut off those appropriations. Sometimes we have done that, much to our dismay in afterthought. For example, I referred earlier—yesterday—to a decision to cut off any military assistance or any kind of assistance to Cambodia, and we watched helplessly as 3 million people were slaughtered in a genocide of proportions almost unmatched in the 20th century. I say "almost." So I believe this kind of decision should be made by the Commander in Chief.

I wish to assure my colleague from Virginia that I will work with him in every way to get this legislation passed, which increases the size of our Marine Corps and Army, and we should continue, just as quickly as we can, to recruit these brave individuals and to maintain the standards we think are important in order to have this highly qualified All-Volunteer Force.

I would also again point out that there are men and women who want to go back to Iraq. There are men and women who want to serve again in Afghanistan. There are men and women who feel a sense of urgency and a desire to serve. Would the amendment of the Senator from Virginia preclude them from additional service? I don't know.

So I hope we can continue to work together on this issue, and I hope we can turn down this amendment, even though I certainly agree with the sentiments and the concern of the Senator from Virginia.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield a moment first to Senator WEBB to comment on the question which Senator McCAIN just raised about whether people can voluntarily go back before the dwell time period is over, and then I will yield myself 8 minutes, after which I will yield the remainder of my time to the control of Senator WEBB.

Mr. WEBB. I thank the Senator for yielding for a factual reference on the one point the Senator from Arizona raised, and I will reserve the remainder of my time for later on.

There is a waiver provision in this amendment that allows anyone who wants to return to duty in Iraq or Afghanistan to do so and without affecting the rights of other people to be deployed, according to the amendment.

Mr. LEVIN. Mr. President, there is ample evidence that 4 years of war has stressed our Armed Forces to the breaking point. Our Army and Marine Corps are stretched dangerously thin. They are wearing out. Earlier this year, we watched as they scrambled and pulled together the personnel, equipment, and training to meet the surge of additional forces to Iraq. They will continue to struggle to sustain this higher surge force level if it extends beyond this fall.

Unit rotations into and out of an overseas mission has been a fixture of U.S. military operations for many years. However, unit-rotation schemes have significant strategic risks, and risks are increased when deployed force levels spike or drop as our military strategy changes in the political or security environment, such as was done for past elections or the recent surge.

Short-notice deployment accelerations and extensions are inherently risky and complicate unit preparation and operations on the ground. Risks increase when we do not have sufficient ground forces overall to accomplish what we are asking them to do and still allow time for nondeployed units and individuals to fully recover from their last or prepare for their next deployment.

Multiple deployments with insufficient dwell time contribute to several problems among our troops: Insufficient dwell time increases operational risk as troops and units deploy without the time necessary to fully man, equip, and train before they leave their home station. Insufficient dwell time between rotations contributes to the retention problems we are seeing, especially among midgrade officers and sergeants. Insufficient time between rotations creates higher rates of mental health issues among troops with multiple and extended deployments. Insufficient dwell time puts much higher stress on our military families, resulting in higher than normal levels of divorce or abuse.

Last January, the Secretary of Defense announced a new approach to unit rotation. Among our Active component forces, he wanted to immediately achieve a minimum 1-to-1 deployed to at home or dwell time, on the way to achieving a goal of 1-to-2 or greater dwell time. Our Guard and Reserve forces would deploy for no longer than 12 months from start to finish, with a goal of no less than 5 years between deployments.

Well, the Webb amendment reflects those policy goals. The Webb amendment mandates that for each day deployed to Iraq or Afghanistan, an Active-Duty servicemember will spend 1 day at home, and it mandates that our Guard and Reserves get a minimum of 3 years between deployments. It is essential that as we vote we understand that the amendment provides waiver authorities to the President and service chiefs to ensure the flexibility to respond to any emergency the Nation may face in the future, and those decisions are left to the President.

Mr. President, there is precedent for the Webb amendment. Congress took action in 1999 to relieve some of the deployment burden our forces were facing at that time and to drive the Department of Defense to a more precise management system that would take better care of troops and their families. It is true that Congress has the power of the purse, but under that same Constitution, we also have the power to regulate the Armed Forces by law, and that is what the Webb amendment seeks to do.

Congress established in law an annual deployment threshold for Active and Reserve forces above which servicemembers are entitled to special pay. We put that in law as part of our constitutional authority to regulate the Army and the Navy. The Secretary of Defense exercised his national security waiver authority of that requirement right after 9/11. It is not unusual to have a waiver authority in law. It is not unusual for the executive to use that waiver authority, as they have done before.

Due to the deployment management standards of this earlier legislation, the services have in place the systems necessary to plan and execute the requirements of this amendment, and so it has served its purpose, and this one will as well.

It is a very useful amendment. The Defense Department will have to make earlier strategic and operational decisions, which will allow greater precision in planning unit and individual rotations, and that will result in greater predictability and stability for our troops and their families.

The Webb amendment promotes the health of our troops, ensuring time for post-deployment evaluation and recovery. The Webb amendment also promotes readiness, ensuring that units and personnel have the time—the most precious of resources—to man, equip, and train for any future mission.

I hope the Senate will adopt the Webb amendment. It will be a useful contribution to the readiness and well-being of our Armed Forces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, however the Senator from Michigan wants to handle it—I have 12 minutes remaining. I wish to yield to the Senator from South Carolina for 5 minutes, the Senator from Georgia for 5 minutes, and I will take the remaining 2 minutes. If the Senator from Michigan or the Senator from Virginia wants to intervene between those two, that will be fine.

I yield 5 minutes to the Senator from South Carolina and, following whatever remarks on the other side, the Senator from Georgia for 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, as to the effect of this amendment, whether it is good or bad, I am here to say I think it is a terrible idea. I don't think it is remotely a good idea. The intent of the amendment is to take care of the troops. I don't question anybody's intent or motivation. If you want to take care of the troops, let them win. What we are about to do with this amendment is something we have never done in the history of this country. We are about to go down the road where the Congress steps into military operations and creates congressional mandates that will basically change the relationship between the commander—the executive branch—and the congressional branch in a way that I think is very ill-suited to winning the next war. It is a dangerous precedent to allow troop rotations to be governed by politicians who are looking for the next election.

Commanders do not get elected. They make decisions in the national security interest apart from the next political election. The moment you put politicians in the role of making troop deployments, then you are allowing the political moment to determine what the outcome of the war will be. Not only is this constitutionally ill-advised and unfounded, politically it is a disaster in the making, to allow any Congress during any war to step in and say troops can only go here and they can't go there, they have to stay home this much—it basically destroys the ability of commanders in the field to get the resources they need to fight and win the wars we send them to fight and win.

The easy way to do this, the right way to do it, is to stop the war. The consequences of this amendment are devastating, in terms of a constitutional relationship between the branches. It interjects politics into military decisions in a way that will come back to haunt this country. The effect of this amendment on the surge will be to kill it. Why don't you say you want to kill it? Why create a situation, through troop rotations, that will have the effect of making sure the surge cannot go forward, because the ripple effect of this ever becoming law would be to stop the surge at a time when the additional troops do matter and are making a difference when it comes to defeating al-Qaida.

The waiver provision—the President of the United States is not going to begin to entertain this. No President would. No President could sit on the sidelines and watch the authority of the Commander in Chief be taken over by the political moment. The relationship this amendment would create between future Commanders in Chief and the Congress and the military is a dangerous precedent because it would allow the political moment to take over troop deployments. The needs of the war at the time would become no greater than the poll for the moment. We cannot win a war that way.

In World War II you were in for the duration—and it is tough. My Lord, the troops need to be praised. They need to be paid more. They need to have better benefits. Their families need more services. But the last thing in the world we should do, in the name of helping them, is to put 535 people in charge of where they go and how they go—because we are not exactly visionary. I don't think we have risen to the level in this Congress of being able to say we are visionary leaders for this country. I think what we have done is reinforced at every turn that this is about the political moment.

Congress is at 20-something percent for a reason. What I can't understand is what the 20 percent see and like.

I ask my colleagues not to make a mistake for the ages. Not in the name of taking care of the troops should we fundamentally put politics in military decisions, as we have never done before. In the name of protecting the troops we should not destroy a surge the troops are involved in that is beginning to defeat the most vicious enemy known to the planet, al-Qaida. The effect of this amendment, regardless of its intent, is to destroy a strategy that we sent General Petraeus off to execute, in a back-door way, and to fundamentally put politics in decisions in a way that will haunt this country forever, so I urge a resounding "no" vote.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the Webb amendment and urge my colleagues to vote against the cloture motion. This amendment is about restricting the President and his military leaders' ability to prosecute a war that we have asked them to execute, and for which we unanimously confirmed General Petraeus to carry out. It is an unwise and harmful effort to limit the ability of the President and his military leaders and handicap their use of personnel and resources available to them.

Senator WEBB's amendment would preclude "deployment" of certain active and reserve forces based on the number of days they have spent at home. Keep in mind these restrictions would apply to the Nation's most experienced and capable troops during a time of war when we face an unpredictable and highly adaptive enemy.

Keep in mind that during World War II and other wars of this country, servicemembers participating in those wars deployed for 3 and 4 years with little or no break. With this in mind the current proposal by Senator WEBB seems out of step with history and what it has taken to win the wars of this country. I can think of no way in which the Webb amendment will help our Nation succeed in Iraq.

This amendment ignores the fact that we are at war and that artificial conditions imposed by Congress on the use of troops are not helpful. Senator WEBB is not alone in worrying about the effects of this war on the readiness of the Armed Forces, on the soldiers and marines and their loved ones, and on the ability of our all volunteer force to continue to perform under this demanding schedule of rotations. Senator WEBB's amendment, however, is not a solution to any of these problems. Senator WEBB stated that his amendment "does not micromanage the military nor does it tie the hands of our operational commanders in theater." The Pentagon disagrees. The Pentagon has said that if the Webb amendment passes, operations and plans would need to be significantly altered. Units or individuals without sufficient "dwell time" would need a waiver to deploy based on threat. This waiver process adds time, cost, and uncertainty to deployment planning.

In emergency situations the waiver process could affect the war fight itself by delaying forces needed in theater. Units would need to be selected for deployment based on dwell criteria that may in fact cause significant disruption to needed reset, planned transformation or unit training schedules.

And from the Joint Staff: For fiscal year 2008, four Army brigade combat teams are projected to incur "dwell violations;" gaps in manning would be seen in aviation, intelligence, engineer, medical and military police; gaps would be seen in high demand units, specifically EOD, security forces, forces supporting detainee operations, and mobility aircrews. For individual members: "anticipate high operational impact due to breakdowns in unit cohesion and problems in filling individual shortfalls in tasked units."

Public approval ratings for the President and for Congress may be at all time lows, but the admiration of the American people for our military only gets higher. Why? Well, one reason is they take their responsibilities seriously and they train, prepare, and plan to win. And we should let them win—not legislate a recipe for failure which the amendment clearly does.

The power of the Congress under article 1 of the Constitution to "make rules for the Government and Regulation of the land and naval forces" is well understood, as is the President's authority under article 2 to command our military forces as Commander in Chief. This amendment, however, is an unprecedented wartime attempt to limit the authority of the President and the military leaders by declaring substantial numbers of troops and units "unavailable."

Putting aside all concerns about potential contingencies that might arise, this amendment is unworkable and will make the task of generating cohesive units for rotations impossible. Here is the Joint Staff's bottom line on the Webb amendment: If a 1:1 dwell policy is codified in law, eliminating the flexibility of the services to manage and mitigate exceptions to the dwell planning goals, future support to OIF/OEF may be severely impacted. Specifically, the requirement to provide 15 months of dwell for Army units scheduled to execute forthcoming planned 15 month deployments will result in future capability gaps in both OIF and OEF unless the force requirements are simultaneously reduced to a substantial degree. The same will apply to Marine Corps units.

I am also concerned by the provision in the amendment that would allow individual members to "volunteer" to forego their "dwell time to deployment" ratio and seek a waiver from the Chief of Staff, CNO or Commandant of the Marine Corps to allow them to—voluntarily—return to the combat zone. I don't think it could be more clear that this provision in the amendment would undermine unit cohesion and readiness by encouraging debate in the ranks about when to deploy next. It would pit one soldier against another, leaders against those led, and encourage the kind of "cross leveling" that has been called "evil and corrosive" by our Reserve and Guard leaders. This notion in the amendment would introduce a whole new meaning to the concept of an "All Volunteer" military force: volunteerism instead of duty. It would drive wedges between soldiers and between marines, and could only hurt discipline and undermine the effectiveness of troops in the field.

I would like to take a step back and talk more generally about our ongoing debate on Iraq and reflect on some of the dialogue that has transpired over the past few days and weeks, both in this body and elsewhere. I am very concerned that so many of my colleagues, and observers elsewhere, are declaring the President's change in strategy for Iraq—which he embarked on this past January—a failure when all the troops to implement that strategy have only been in Iraq for 3 weeks.

In my opinion, leaders—particularly in elected offices—should do what the word implies, and that is "lead." It does not take a leader to follow opinion polls, which is what I am afraid that many of my colleagues are doing.

Our commanders and ambassador do not believe that the war is lost. Asked whether the U.S. could win in Iraq and leave behind a stable government, GEN David Petraeus said, "If I didn't believe that I wouldn't be here."

We have seen promising indicators since the President announced the new strategy in January. While al-Qaida and other extremists have conducted a counter-surge resulting in numerous horrific mass-casualty terrorist attacks, and while it is too early to declare the surge a success or failure, we have seen: A substantial drop in sectarian murders in Baghdad since January; arms caches found at more than three times the rate of a year ago; attacks in Anbar at a 2-year low; total car bombings and suicide attacks down in May and June; signs of normalcy in Baghdad, like professional soccer leagues, amusement parks, and vibrant markets; recruiting for Iraqi police forces drawing thousands of candidates; young Sunnis signing up for the army and police and more Shia rejecting militias.

Some believe that setting a timeline and pulling troops out of Iraq regardless of conditions on the ground would be a responsible end to the conflict and/or would put needed pressure on Iraq's government. The collective judgment of our intelligence community is that this would increase, not decrease, the violence and hinder national reconciliation. In fact, a rapid withdrawal would almost certainly lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi Government, and have adverse consequences for national reconciliation.

Some have said that General Petraeus does not believe the U.S. military can make a difference in Iraq. While General Petraeus has indeed said the ultimate solution to Iraq's problems is a political one, he has consistently argued that such a solution can only come with the improvements in security he is trying to achieve.

I was last in Iraq in early May and learned several things during my trip that have convinced me that the President's plan deserves a chance to work and that a change in strategy now is the wrong course. For example: There has been a significant reduction of sectarian murders and assassinations in Baghdad; attacks in Ramadi have eased by 74 percent in the past 3 months; there have been 263 weapons cache discoveries in the past 3 months, a 192 percent increase; over the past 6 weeks, daily attacks in Ramadi have dropped from an average of 20–25 a day to less then 3 per day. Last year, only two tribal areas were viewed as cooperative with U.S. forces and 17 were uncooperative. Today, all 23 tribal areas in Ramadi are cooperating with U.S. forces to fight al-Qaida militants. There are no uncooperative tribes. Iraqis are now volunteering by the thousands to join local police and army forces. At the end of March, there were over 1,200 army recruits in just 2 days.

Also from my trip to Iraq I learned that there are still issues that we and the Iraqis need to work on and watch closely. There are several political issues the Iraqis need to address, including passing a hydrocarbon law, continuing reconciliation efforts, debaathification, and holding provincial elections. These are keys to political progress.

We need to work to emplace additional provisional reconstruction teams—PRTs—in Iraq to help with reconstruction.

However, the foundation for these political issues being resolved and for the Iraqi Government continuing to mature and take responsibility is improved security throughout the country. That is the approach the President has taken, that General Petraeus is executing, and that is showing signs of progress. We should not abandon it because we live in an impatient society that wants to see results before the President's strategy is even fully implemented. We should stick with the plan, give it a chance to work, and listen to our military and civilian leaders when they report back on the strategies progress in the coming months.

I ask my colleagues to vote against cloture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WEBB. Mr. President, I know the Senator from Arizona wanted to have 2 minutes. Does he want to take it now?

Mr. McCAIN. We retain the balance of time, Mr. President. I withhold at this time.

The PRESIDING OFFICER. He will take his time later.

Mr. WEBB. How much time does the Republican side have?

The PRESIDING OFFICER. The Republican side only has 2 minutes remaining.

Mr. WEBB. I wish to reserve 2 minutes for our side.

The PRESIDING OFFICER. I will notify the Senator when 2 minutes remains.

Mr. WEBB. Mr. President, first I say I think there is a lot of misunderstanding and misrepresentation that has been made over the past couple of days with respect to this amendment.

Before I get into the amendment, I wish also to express, again, my admiration for the Senator from Arizona—we have been friends for many years—and my appreciation for his service. I watched his comments yesterday with respect to the end of the time in Southeast Asia. I think he knows I still adamantly support what we attempted to do in Vietnam and I have written about those days with some frequency and clarity over the years. In my view, this is not about the situation in Southeast Asia.

I warned against what I believe is the strategic blundering of going into Iraq in the first place, but I will set that aside today. There was a lot of talk this morning and yesterday, some of it about process—the Senator from New Hampshire mentioning he wanted to see side by side, that he was going to oppose this amendment based on the cloture process itself.

The Senator from South Carolina—I want to address some of the things he said. He keeps talking about the political moment here. I don't think there is a political moment in this issue. There may be on other issues. I approach this issue from the perspective, among others, as someone who served 3 years as Assistant Secretary of Defense, where I was responsible for dealing with mobilization issues and was required to learn with a great deal of detail what they used to call war maps. Those are manpower flow issues.

I also point out, because of the some of the other comments that were just made, that the Commandant of the Marine Corps, when he took office, mentioned that his ultimate goal was to see a 2:1 rotational cycle with respect to deployment of marines. I point that out because this amendment sets out a bare minimum floor for the use of American troops of 1:1. If you have been gone a year, you should get a year back. If you have been gone 7 months, you should get 7 months back. If we were arguing optimal scenarios, I would understand a little bit more the pushback we are getting from the other side. We are not trying to put optimal historical scenarios on the table here. We are trying to get a bare minimum floor that will protect the well-being of our troops.

We have data that has been shown—we don't need to go over it today—about how this is affecting the retention of high-quality people, how it is affecting emotional difficulties people are having. We need to step forward and act responsibly.

Some Republicans have questioned the constitutionality of this amendment. There is no issue here. Article I section 8 says the Congress has the power to make rules for government and regulation of the land and naval forces, and we have done so many times in the past. Some say this is meddling in the President's warmaking authority. To the contrary, the Congress has the power and the duty to place proper restraints on executive authority, particularly when it comes to the well-being of our troops. We did that in Korea in 1951.

It was not, as the Senator from South Carolina might allege, meddling in the Korean war. It was a situation where the Department of Defense was sending soldiers overseas before they had been fully trained. We stepped in, the Congress, our predecessors, stepped in. They put a law into place saying you cannot deploy anybody until they have been in the military at least 120 days. This is what we are doing, only on the other end of it.

We are saying: After 4 years of a ground occupation in Iraq, we have a responsibility to get some stability into the operational tempo. Yesterday my colleague from Alabama, Senator SESSIONS, warned that the amendment would, in his words, alter the traditional power of the President as it relates to all future wars, any war now, or series of wars in the future.

My friend, I hope, will reread my amendment carefully. He will find that this amendment applies to Iraq, Afghanistan, and certain NATO-sponsored activities. Senator SESSIONS also stated his concerns, as he put it, that this is another amendment trying to set another strategy written by a group sitting in air-conditioned offices.

I would like to emphasize a few points. The first is, this amendment does not represent strategy. It is an amendment that protects the well-being of our troops by setting a bare minimum floor on how they are being used no matter what strategy is in place.

Second, the experiences that led some of us to this conclusion did not come from sitting in air-conditioned offices. I would like to point out, as far as I can determine, Senator CHUCK HAGEL is the only ground combat veteran on the other side of the aisle. He certainly is the only ground combat veteran from Vietnam on the other side of the aisle. He is a lead cosponsor of this amendment.

On this side of the aisle, all the ground combat veterans are cosponsors, along with 35 Members of the Senate. I believe, if I may say, we collectively understand a truth acquired the hard way and a truth that transcends politics. We are trying in all good faith to do something about it.

Finally, I would like to point out, again, this amendment has the full support of the Military Officers Association of America. This is the largest association of military officers in the country, 368,000 members. And these are officers who are not restrained from speaking their opinions by having to serve inside today's political process.

VADM Norbert Ryan wrote a letter—I will quote one paragraph of it—a letter supporting the necessity of this amendment. He pointed out his association is very concerned that steps must be taken to protect our most precious military asset, the All-Volunteer Force, from having to bear such a disproportionate share of national wartime sacrifice.

He also said, and I think this is vital to the decision we are making on this amendment:

> If we are not better stewards of our troops and their families in the future than we have been in the recent past, our organization believes strongly that we will be putting the all-volunteer force at unacceptable risk.

These officers, 368,000, are joining us in a very real concern; that under current policy many of our ground forces are actually spending more time in Iraq than they are at home. This is 4 years into an occupation. There is not a strategic justification for this at this point in our commitment in Iraq. And there is no political reason, in my view, to oppose an amendment that places proper restraints on this sort of conduct by the executive branch.

This amendment recognizes that the Congress has a duty to exercise leadership when it comes to the well-being of our men and women in uniform. In the words of Admiral Ryan, it is a recognition that we have a responsibility to become better stewards of our troops and their families than we have been in the recent past.

I will say to my colleagues, as I did yesterday, the American people are watching us. They are watching us closely with the expectation that we will finally take some sort of positive action that might stabilize the operational environment in which our troops are being sent again and again.

They are tired of the posturing that is giving the Congress such a bad reputation. They are tired of the procedural strategies designed to protect politicians from accountability and to protect this administration from accountability. They are looking for concrete action that will protect the well-being of our men and women in uniform.

So the question in this amendment is not whether you support this war or whether you don't, it is not whether you want to wait until July or September to see whether one particular set of opinions or benchmarks or summaries might be coming in. The question is, more than 4 years into the ground operations in Iraq, that we owe stability and a reasonable cycle of deployment to the men and women who are carrying our Nation's burden. That is the question. That is the purpose of this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. McCAIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Republican side has 2 minutes, and the Democratic side has 3 minutes 36 seconds.

Mr. McCAIN. Mr. President, I ask to be recognized for the remaining time.

Very briefly, I have made my comments about this amendment. America has been engaged in other wars at other times, and we have not put time limitations on the periods that they would be in rotation. I think it is clearly executive branch decisionmaking, which is clearly pointed out in the Constitution.

I just want to add, while my friend from Michigan is on the floor of the Senate, we are probably not going to get cloture on this amendment. Then it will be a decision of the majority leader as to whether we go forward. If there is another amendment that will be brought up, I fully expect to have the same right that has been extended to the minority over the 20 years that I have been here as a Member of Congress; that is, that I be allowed to propose an amendment from our side.

I have managed many bills on the Senate floor. I have never prevented—I have never prevented—an amendment from being proposed. I hope the Senator from Michigan will extend me that same courtesy.

By the way, we now are finding significant criticism about our insistence on the 60 votes in side by sides, something that was a standard procedure when the other side was in the minority. So history clearly indicates that is the way we have been doing business. Whether it is correct or not, and whether it causes gridlock is another subject. But to criticize this side because we are insisting on the same parliamentary procedures as were insisted upon by the other side when they were in the minority, it seems to me, is a bit inconsistent.

I hope I would be able to, if the Webb amendment is disposed of, propose an amendment from my side as has been the custom all of the years that I have been here; otherwise, I think we may spend some time in a parliamentary situation. I am not ready to give up that right of the minority.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia.

Mr. WEBB. Mr. President, I would just particularly like to, again, emphasize that there are no constitutional issues here. There is no issue of moving units around or micromanagement in the way that the Senator from South Carolina was alleging. This is a very simple amendment, and I am ready to proceed to a vote.

I yield the floor

Mr. LEVIN. Mr. President, am I correct the leaders have reserved the final 20 minutes before the vote on cloture?

The PRESIDING OFFICER. Their time begins in 1 minute.

Mr. LEVIN. Mr. President, is the Senator from Michigan correct that if cloture is not invoked, the pending amendment would remain the Webb amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, let me first respond to the question earlier in the day of my good friend, the majority whip, about whether votes at the 60-vote level are somehow a new addition to debates of Defense authorization bills. Of course, the answer is emphatically no. The question is, frankly, almost laughable. A quick review of the CONGRESSIONAL RECORD shows, contrary to Senator DURBIN's assertion, the Republican majority agreed to a 60-vote threshold on the Kennedy amendment during last year's Defense authorization debate.

Indeed, the Kennedy amendment was part of a UC agreement that set up side-by-side votes on the Enzi and Kennedy amendments. Both, of course, were given 60-vote thresholds, the same exact format that we offered on the Webb and Graham amendments yesterday.

Senator DURBIN said there was never a 60-vote threshold. He was wrong. What Republicans are asking for is not unprecedented. It is not even uncommon. It is there for the distinguished majority whip to review online. But I certainly appreciate him asking the question.

We are just a couple of days into this debate. But a familiar and troubling pattern is already beginning to emerge. We could have voted on the Webb amendment yesterday. The Republicans were willing to move forward with votes on the side-by-side amendments. We said so at the time. Yet the Democratic majority insisted on a cloture filing instead that had no other effect than to simply slow things down. We are about to have that same vote with the same threshold and the same result that we could have had yesterday, all for no apparent reason.

Two days into this debate, we are already heading down the same fruitless road we went down with the emergency supplemental bill when the Democratic majority delayed the delivery of funds for our troops in Iraq and Afghanistan for more than 3 months.

The bill we finally sent to the President's desk was guaranteed to draw a veto, so the Democratic majority delayed it some more. In the end, they gave the President the bill he asked for. They wasted 3 months of the Senate's time fussing and fighting over the original request and then gave him what he wanted in the first place. It was a total and complete waste of time.

Now, here we go again. Two days into this debate, we are already wasting time on an amendment we know the President will veto. The Webb amendment contains many good things that Republicans strongly support. But it also limits the President's authority as Commander in Chief, and combined with other objectionable provisions in this bill will provoke, of course, a veto.

The President vetoed the emergency supplemental because it carried restrictions on his constitutional authority as Commander in Chief. He will do it on this bill too. We know that for a fact. No one here disagrees with the idea that our forces should be rested, trained, and well-equipped. Republicans showed yesterday that we are committed to giving our soldiers and marines everything they need. That is why the underlying bill begins the expansion of the Army and Marine Corps. That is why Republicans offered a side-by-side amendment yesterday that would have given our men and women in the field all of these things without language that would draw a Presidential veto.

If the Democratic majority would have allowed us a vote on the Graham amendment, we could have stood here today and told the troops that rest, training, and equipment are on the way. But, instead, we are going to dangle all of these things in front of them knowing they won't be delivered. The Democratic majority is trying to force us to make a false choice between these two options, to pit the troops against their Commander in Chief. This is not just foolish, it is wrong. By putting limits on the President's authority to control forces in the field, the Webb amendment also amounts to a back-door effort to hamstring the Petraeus plan. It is the first vote on a strategy that has not been fully manned for just about a month. Every Senator in this Chamber knows we will get a progress report on General Petraeus's strategy in September, 2 months from now. We should wait for that assessment before rushing to judgment.

A Democratic-led Senate sent General Petraeus to Iraq, confirmed his nomination unanimously. He has a plan. He is executing it. We need to let him do his work. Let me say again, the Webb amendment contains a policy objective that Republicans enthusiastically share. What we do not share is the belief that the President's constitutional powers as Commander in Chief should be eroded by politicians in Washington in a time of war as this debate proceeds.

We will debate a number of amendments that seek to limit the President's authority and dictate operational plans for the war in Iraq. I expect that at least some of them will seek to order an immediate withdrawal of our combat forces. These amendments would provide a direct way to end our involvement in Iraq, and the Senate will consider them in due course. But the Webb amendment is different. It would curtail the deployment of reinforcements to Iraq, denying our military commanders the ability to sustain current force levels in Iraq, especially in Anbar Province, where most agree there has been considerable evidence of success. The Defense Department establishes dwell times through policies that have been developed over time by our commanders and leaders. Those leaders in turn respond to the requests of commanders in the field. The waiver contained in the Webb amendment sets an unreasonably high bar.

Republicans, meanwhile, will insist on amendments that protect the Nation's ability to defeat terrorists and wage war against al-Qaida. Therefore, I urge a "no" vote against the Webb amendment as it seeks to limit the President's authority as Commander in Chief and will deny our field commanders operational forces. I urge my colleagues to do the same.

Before yielding the floor, I wish to go back a minute to the 60-vote threshold issue with which I began my remarks. The suggestion has been made from the other side that somehow it is unusual to have a 60-vote threshold. Let's take a look at some of the votes we have had on Iraq proposals this very year. We agreed to a 60-vote threshold on the Gregg and Murray amendments as side by sides which answered the all-important question of whether to fund the troops. We have had 60-vote thresholds on vote No. 43, the Biden resolution; vote No. 44, the Levin resolution; vote No. 51, the Reid resolution; vote No. 74, the Reid resolution; vote No. 117, the supplemental funding bill; vote No. 167, the Feingold amendment; vote No. 168, the Warner amendment; vote No. 169, the Cochran amendment; and vote No. 171, the Reid amendment. On all of these controversial Iraq proposals, we didn't have a simple majority threshold but a 60-vote threshold. So the notion that is being spun on the other side that this is somehow an unusual event is absurd on its face. All you have to do is look at the record this year and, not to mention, be reasonably alert to the way the Senate has operated. For most of the time since I have been here, controversial measures, we know, require 60 votes. Let me explain the reason for that.

Any one of the hundred Senators can object to a time agreement that would allow a matter to be dealt with, with under 60 votes. That is an option frequently exercised in this body on both sides of the aisle. What we have done, as a practical matter in dealing with the Iraq debates this year, is recognize the obvious, which is that it would be difficult on these controversial measures for the leaders of either party to produce an up-or-down vote. Therefore, we have simply agreed to have a 60-vote vote, and it considerably expedites consideration of measures and prevents having to file cloture, running the risk that if cloture is invoked, somebody will require that we use 30 more hours in addition to that. In short, there is a sensible way to move forward on this bill. I hope we will adopt it later this afternoon and move on through with this very important measure for the defense of our country.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I was in college a number of years ago. One of the things we studied was George Orwell's "1984," which is a classic. It is a classic because George Orwell points out a futuristic society as he sees it. One of the things that has become known as Orwellian thought is where someone says something and the opposite is true. That is what George Orwell's book was all about. What we have heard now from my friend, the distinguished Republican leader, is Orwellian. His words were: Democrats are slowing things down. I mean, if there were ever anything in the world that is Orwellian, referring back to the book "1984," it is that Democrats are slowing things down.

As a result of the envy of Republicans for losing the elections last November, they have done everything they can to slow this body down so we would look bad. We have had to file cloture many times, 43 times. Never, ever in the past history of this country has that been done. I have been in the minority, and I have held leadership positions in the minority. For years past, people picked their fights on relatively few issues where cloture would have to be filed. Not with the Republicans—on everything we have done. They are filibustering things they support now. So ladies and gentlemen of the jury, which is America, understand, we have heard Orwellian speak here this morning: Democrats are slowing things down.

Yesterday marked 6 months from the day that President Bush introduced his temporary troop escalation plan to the American people. Six months ago President Bush implicitly acknowledged the Iraq policy he had been pursuing for nearly 4 years had failed. He asked the American people to overlook those 4 years of failure and trust his new plan to place tens of thousands of additional American troops in the middle of an intractable civil war, and it would bring about success. Six months ago, nearly 4 years after taking us into a war based on deception and falsification, including there being no weapons of mass destruction, the President asked us for trust. Despite his failure to convince other countries to share the burden of war with us, forcing our own brave troops to shoulder the burden of war virtually alone, he asked us for trust.

After nearly 4 years of strategic blunders and tragic mismanagement that left our troops without either the equipment they needed or the strategy for success they deserved, he asked us for trust. At a time when more than 3,000 American lives have already been lost, tens of thousands more wounded, and Iraq in flames, President Bush asked us for more trust so he could put tens of thousands of additional American troops in harm's way. Since then, 6 months, 600 more dead Americans, and $60 billion, that is where we are. Sectarian violence has not diminished. Importantly, the Iraq Government has failed to take meaningful steps to begin taking responsibility for its own country's future. Still, President Bush and his Republican allies ask us for more patience, more trust, more time.

They say that after more than 4 years of incompetence and mismanagement, they finally think they are entitled to more trust. I don't think so. That is akin to a quarterback throwing three interceptions—one, two, three interceptions—comes to the coach and says: Coach, trust me. I am not going to change anything, but trust me. Leave me in the game.

There is no evidence that the escalation is working. They refer to Anbar Province, and there are some good things happening there, but everybody knows that the bubble is being squeezed and terrible things are happening in other places. They are no longer bombing police stations only and health clinics and markets. They are now destroying villages. Three days ago they set off a 5-ton bomb and blew up a town. The town is gone.

Conditions are deteriorating and more lives are being lost every day. The days of trust have long since passed. Some would rather wait until September before forcing the President to change course. If there were real signs of progress or real reason for hope, that might make sense. If the real costs being borne by our troops and their families were not so high, perhaps we could afford more patience and more trust. If we wait until September, more Americans will die, more Americans will be wounded; a third of the troops being wounded are wounded grievously; our treasure will be more depleted; and the Middle East will become ever more destabilized. Our efforts to focus on the real war on terror will be impeded.

What do we have in the Middle East now? We have a civil war raging in Lebanon. The Palestinians are fighting among themselves. There is civil war. We have ignored Israel. We have Iran thumbing their nose at us and a conflagration in Iraq.

If the real costs being borne by our troops and their families were not so high, we could afford more patience and more trust. But the costs are high. Waiting until September is not the answer. Holding out hope, blind hope, blind trust that progress will appear out of thin air for reasons no one is able to articulate is not the answer. This Department of Defense authorization bill and the amendments that will be offered to it are the next chance we have to chart a responsible new course out of Iraq. The American people demand the new course. Democrats demand it. Republicans demand it. Independents demand it. They deserve it.

Our brave men and women in uniform also deserve it. They deserve more than speeches expressing disapproval or dismay with the current course. Our votes, not our voices, will determine whether we heed the call for a new course. Our votes, not our voices, will demonstrate whether we reject President Bush's failed policy. Our votes, not our voices, will prove whether our resolve is firm and whether we are prepared to lead.

We will work hard this week and next week to pass a Defense authorization bill that reflects a resolve to pursue a responsible and binding new policy. That is going to require Republican support. Already we are seeing some Republicans speak out against the President's Iraq policy. We hope that they and other Republicans will put their words into action by not just saying the right things but voting the right way. That can start today. We have an amendment before us that is critical for the strength of our military and the well-being of our troops. Regardless of where we stand on this ill-advised war, I would hope we stand as one in our commitment to keeping our military the strongest in the world. We should all agree we can't sustain that strength if our men and women in uniform are not being given the protection and care they need.

That is not a Democratic talking point or a Republican talking point. It is common sense. That is why I rise to support the amendment offered by my friend and colleague, Senator JIM WEBB of Virginia, and cosponsored by dozens of others. It is also why I am so surprised the Republican leadership has decided to block this amendment, and that is what they are doing. They are blocking the amendment, once again, to stand for obstruction and stand against progress. I fear it is a sign of what is to come from the minority party in the tough votes ahead.

In the Roll Call publication this morning, the Republican leader is quoted as saying there will be a 60-vote requirement on anything we do on this bill.

Senator WEBB's readiness amendment begins the critical and long overdue process of rebuilding our badly overburdened military. Who better to offer this amendment than the top two cosponsors: Senator JIM WEBB of Virginia. I say to these young people who are pages, you are seeing on the Senate floor a real American hero, a Marine captain at age 23, a Naval Academy graduate about whom books have been written for his heroism, two Bronze stars, a couple Purple Hearts, Silver Star, Navy Cross.

CHUCK HAGEL is the other cosponsor. One of the great stories I have heard in my life is a story of CHUCK HAGEL and his brother. You go to his office and there is a picture of CHUCK HAGEL and his brother in Vietnam, arm in arm, as soldiers. CHUCK HAGEL saved his brother's life in Vietnam.

These are the two cosponsors of this amendment. Do they know what it means to go to battle, do they know what it means to go to battle unprepared and unrested? Yes, they do.

Also, Senator WEBB has another little niche I would like to talk about, and that is his son Jimmy is also a Marine who just got back from fighting in Iraq. The Marine JIM WEBB knows the consequences of overburdening the military and knows that ours is stretched nearly to the breaking point. Senator JIM WEBB knows the consequences of overburdening the military, and he knows that ours is stretched nearly to the breaking point. So does CHUCK HAGEL.

Here are a few signs—and there are many—of that burden: Among the Army's 44 active combat brigades, all but one has served at least one tour in Afghanistan. Thirty-one of them have had two or more tours. Among the National Guard and Reserves, more than 80 percent have been deployed to Iraq or Afghanistan, with an average of 18 months per deployment.

This week, the Army announced that recruitment has fallen short by 15 percent for the second month in a row. The qualifications they are looking for have been so written down. Now you do not have to graduate from high school. Now you can have committed crimes before joining the military.

Last year, the active Army was 3,000 officers short, and that is only projected to increase. So much of the equipment and supplies meant for Guard and Reserve use here at home has been sent to Iraq and Afghanistan, and now only about 30 percent of essential equipment remains. That shortfall is costing an estimated $36 billion—just one of many hidden costs of this war.

We have all heard of the heavy personal costs this overburdening of the military is causing: higher rates of post-traumatic stress disorder. Eighty percent of the married men and women coming home from Iraq are divorcing.

Our troops are not machines. They are human beings. They are parents missing Little League games, spouses missing anniversaries, children of mothers and fathers who wait and worry for their safety. These honorable men and women wearing our uniform need and deserve time off from the trauma of war. War is trauma, and no war has been more traumatic than this war, where there is a faceless enemy blowing up streets.

Could we have order, Mr. President.

The PRESIDING OFFICER (Mr. CASEY). The Senate will come to order. Please take your conversations off the floor.

Mr. REID. These gallant men and women need time off from the trauma of war, as I said, to see their families and reconnect to their normal lives.

The Webb amendment is simple. It states if a member of the active military is deployed to Iraq or Afghanistan, they are entitled to the same length of time back home before they can be redeployed.

It also states that members of the Reserves may not be redeployed within 3 years of their original deployment, which will not only give them time to recover from deployment, but will restore our Reserve forces to respond to emergencies here at home.

Mr. President, I am going to use my leader time right now..

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Anyone who watched the tornadoes in Kansas and other States' emergencies knows how crucial a well-maintained and supported Reserve force is to our domestic safety. Some have tried to confuse this issue by calling it an infringement of Presidential authority. This is not true. It is false.

Article I, section 8 of the Constitution empowers Congress to "make rules for the government and regulation of the land and naval forces." That is in our Constitution. And this amendment provides ample Presidential waivers in the case of an emergency that threatens our national security.

The Webb amendment sets a standard and binding policy, but it does not tie the President's and Congress's hands to respond to an emergency.

If we are committed to building a military that is fully equipped and prepared to address the challenges we face throughout the world—and I know we are—then we must support this amendment.

If we are committed to repaying in some small measure the sacrifices our brave troops are making every day—and I know we are—then we must support this amendment.

I am discouraged that the Republican leadership chose to block this troop readiness amendment. If Republicans oppose troop readiness, they are entitled to vote against it. If Republicans do not believe our courageous men and women in uniform deserve more rest, including mental health downtime, they can vote "no" on this amendment. If they do not agree that constant redeployments and recruiting shortages are straining our Armed Forces, they can vote "no" on this amendment.

But to block this amendment—to not even give it an up-or-down vote—shows that some of my Republican colleagues are protecting their President rather than protecting our troops. But just because some in the minority party are choosing obstruction does not mean all Republicans must follow in lockstep.

I think it should alarm everybody to read the New York Times newspaper today. On the front page of the newspaper, it talks about what this administration does to people who they appoint to high-ranking positions. This one was a Surgeon General of the United States. To show how this administration is directing its employees to act—and I am afraid leaking over into the legislative branch of Government—listen to some of the things the Surgeon General was directed to do.

Dr. Carmona said the administration "would not allow him to speak or issue reports about stem cells, emergency contraception, sex education, or prison, mental and global health issues."

"Dr. Carmona said he was ordered"—now, listen to this one—"he was ordered to mention President Bush three times on every page of his speeches." Any time he gave a speech, he had to mention President Bush's name three times or he could not give the speech.

> . . . administration officials even discouraged him from attending the Special Olympics because, he said, of that charitable organization's long-time ties to a "prominent family". . . .

Now, we know that President Kennedy's sister got this started many years ago. He could not even attend the event.

> "I was specifically told by a senior person, 'Why would you want to help those people?'". . . .

We are Senators. We have the ability, by virtue of our constitutional duties, to have a say in what goes on in this country. We are separate and equal branches of Government. My Republican colleagues must speak out against what the administration is directing this Congress to do. We need to stop protecting the President and start protecting our troops. That is what this amendment is all about. And to think that this administration is getting down into the weeds of things by saying how many times you have to mention his name in a speech speaks volumes of what is going on here in the Senate.

I urge all my colleagues who believe we need a new course to support this amendment, to vote for cloture. It is a crucial first step on the path toward a responsible end to this war.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Webb, et al., amendment No. 2012, to H.R. 1585, Department of Defense Authorization, 2008.

Jim Webb, Richard J. Durbin, Daniel K. Akaka, Jack Reed, Carl Levin, H.R. Clinton, Russell Feingold, Jeff Bingaman, Christopher Dodd, Frank R. Lautenberg, John Kerry, Patty Murray, Jon Tester, Sherrod Brown, Ken Salazar, B.A. Mikulski, Joe Biden, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2012, offered by the Senator from Virginia, Mr. WEBB, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—41

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Thune
Voinovich

NOT VOTING—3

Brownback
Johnson
Vitter

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Virginia is recognized.

AMENDMENT NO. 2012, WITHDRAWN

Mr. WEBB. Mr. President, I withdraw my amendment and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2087 TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, on behalf of myself, Senators REED, SMITH, HAGEL, KERRY, SNOWE, BIDEN, OBAMA, and CLINTON, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON, proposes an amendment numbered 2087 to amendment No. 2011.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a reduction and transition of United States forces in Iraq)

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 2088 TO AMENDMENT NO. 2087

Mr. REED. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2088 to amendment No. 2087.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

Mr. LEVIN. Mr. President, our intention, after discussing this with the ranking member, is that we will now set aside these amendments and then the Republican side would designate another amendment that would then be offered. We understand it relates to Iran. That is our intention. I don't know if the sponsor of that amendment is ready.

I wonder if the Senator from Connecticut could introduce the amendment and, if he is not ready to speak on it, yield to other persons who could speak on other matters and his amendment.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend from Michigan. I am prepared to go forward whenever the Chamber would like. I understand the Senator from Massachusetts has a statement as in morning business.

Mr. LEVIN. If the Senator from Massachusetts is ready, I ask unanimous consent that the Senator from Massachusetts be recognized and afterward the Senator from Connecticut be recognized—if that is the intent of the ranking member.

Mr. McCAIN. Mr. President, reserving the right to object, and I will not object, perhaps the Senator from Connecticut could have his amendment pending, and then the Senator from Massachusetts could speak in morning business. I ask the Senator from Massachusetts, for planning purposes—and I know he is traditionally and characteristically brief—I wonder how long he might be.

Mr. KENNEDY. With the persuasion of my friend from Arizona, I expect to be 20 to 25 minutes. I am glad to do it at any time. I would like to speak on the amendment that has been offered. I understand that generally the authors of the amendment are usually recognized first. I am prepared to wait my turn. I would like to talk for 20, 25 minutes after that.

Mr. McCAIN. Mr. President, in deference to the age and seniority of the Senator from Massachusetts, I am more than happy to agree that after Senator LIEBERMAN proposes his amendment, the Senator from Massachusetts be recognized and then we return to debate on the Lieberman amendment, if that is agreeable to my friend from Michigan. If so, I ask unanimous consent for that.

Mr. LEVIN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

AMENDMENT NO. 2073 TO AMENDMENT NO. 2011

Mr. LIEBERMAN. Mr. President, pursuant to the unanimous consent agreement entered into, at this time I call up my amendment No. 2073.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 2073 to amendment No. 2011.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on support provided by the Government of Iran for attacks against coalition forces in Iraq)

At the end of title XV, add the following:

SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a "state sponsor of terrorism," one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent "Country Reports on Terrorism," stated that "Iran remained the most active state sponsor of terrorism" in 2006.

(3) The most recent Country Reports on Terrorism report further stated, "Iran continued [in 2006] to play a destabilizing role in Iraq . . . Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces."

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, "We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran."

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, "The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies . . . even advice in some cases, has been very, very substantial and very harmful."

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, "We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force. . . . We believe that he works directly for the supreme leader of the country."

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, "What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups . . . both in Iraq and also in Iran. . . . We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force."

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the

Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, "We believe Hezbollah is involved in the training as well."

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, "The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq."

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, "The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations."

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between $750,000 and $3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that "[o]ur intelligence reveals that senior leadership in Iran is aware of this activity" and that it would be "hard to imagine" that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, "There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq."

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that "there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction".

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center "regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers".

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, "[They] could not have conducted this complex operation without the support and direction of the Qods Force."

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act of hostility against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail—

(A) the external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form, but may contain a classified annex.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as the Senate resumes debate on Iraq, our heartfelt support and appreciation go to our troops in harm's way. All Americans support our troops. They have fought bravely and continue to do so under extraordinary circumstances. They have answered the call to service. Many are on their third or fourth tour of duty in Iraq, separated from their families and loved ones for years. They have borne a great burden, and we owe them an extraordinary debt of gratitude.

History will write, however, that the President has repeatedly failed them by failing to have a policy worthy of their sacrifice. The President failed our troops from the outset by sending them into this misguided war without a plan to win the peace and by refusing to send sufficient troops to keep the peace.

Who can forget the words of GEN Eric Shinseki, who warned that America would need several hundred thousand troops to secure Baghdad? Who can forget the way the administration shunted him aside, ignored his advice, and allowed the looting and violence to spiral out of control? The administration's insistence that a small rapid force could achieve regional change and maintain a stable Iraq was utterly wrong, and chaos took the place of peace.

The President also failed our troops by repeatedly sending them into battle without proper equipment. Secretary Rumsfeld's callous comments that "stuff happens" and his mindless assertion that you go to war with the Army you have, not the Army you might want or wish to have at a later time still ring loud and clear in this Chamber, a constant reminder of the failure of leadership at the highest levels of the Pentagon.

The President failed our troops by relying for too long on a military solution to politically inspired violence and failing to engage in sustained regional diplomacy. We have been behind the curve every step of the way rather than leading, reaching out, and working to find solutions with Iraq's neighbors.

The President has also failed our returning troops home. Who can forget the horror we felt over the reports of our injured soldiers being housed in mold-infested rooms at Walter Reed Hospital? The services and medical care our troops need and deserve have fallen far short of meeting our responsibility.

We have given this President every opportunity. He has failed our troops by clinging to an unworkable policy that delivers less and less for our military and our mission in Iraq and stands no chance of succeeding now, in September, or ever.

The best way to honor our troops is to bring America's involvement in this misguided war to an end, not to pour more and more American lives into the endless black hole of our failed policy in Iraq.

The American people know this war is wrong. Voting against it was the proudest vote of my entire career in the Senate. It is wrong to abdicate our responsibility by allowing this failed war to drag on and on and allowing casualties to mount higher and higher. We don't need to wait until September to know that the surge will prove to be no better than the surges and failed strategies that preceded it.

President Bush keeps trying to buy more time for his failed policy by promising yet again that hope and change is around the corner. But after more than 4 years of such smoke and mirrors, Congress and the American people have lost faith in the President's competence in managing the war.

The American people have heard these new pleas before from the President. The death of Saddam's sons was supposed to have quelled the violence. It didn't. Capturing Saddam and bringing him to justice was supposed to stop the violence. It didn't. Three elections and a new Iraqi Constitution were supposed to have brought stability. They didn't. At every critical step, the administration has promised calm, but there is no calm. Our soldiers have constantly been faced with an increasingly violent and lethal insurgency.

The promise of success around the corner through the surge is no different. Initially, the administration told the American people the surge would add 21,000 troops to Iraq, but they didn't reveal the fact that there would be a wave after the surge, and we ended up sending nearly 30,000 troops.

In January, Secretary Gates said:

> It's viewed as a temporary surge.

In February, Secretary Gates told the Senate Appropriations Committee:

> I think General Petraeus believes that we will have a pretty good idea whether this surge and whether this strategy is working, probably by early summer.

In April, Secretary Gates told us more time would be needed. He said:

> I think it's been General Petraeus' view all along that . . . some time, at some point during the summer, mid to late summer, perhaps, he has thought that he would be in a position to evaluate whether the plan was working so far.

In May, President Bush said even more time would be necessary. He told us:

> As General Petraeus has said, it will be at least the end of the summer before we can assess the impact of this operation. Congress ought to give General Petraeus' plan a chance to work.

A week later, Secretary Gates said the administration would "make their evaluation of the situation and the surge in September."

Temporary surge, early summer, mid to late summer, at least the end of the summer, September—these are the administration's desperate efforts to hide its failure just a little longer. I have no doubt that in September the administration will ask for yet another chance, but there are no more chances. Time is up. It is wrong to ask the American people and our military to cling to the false hope that September will bring change. It is wrong to ask our troops to bear the brunt of a failed policy. It is past the time to acknowledge that the administration's policy has failed and adopt a new course now to begin to withdraw our troops from Iraq. The facts are clear.

President Bush argued that the surge would bring security, create an opportunity for political reconciliation, and enable reconstruction to make progress. When he announced the surge last January, the President said:

> America will change our strategy to help the Iraqis carry out their campaign to put down sectarian violence and bring security to the people of Baghdad.

Yet, more than 6 months later, the violence continues unabated in Baghdad.

The Pentagon's own June report on Iraq, which covered the months of February through May, stated:

> Violence against coalition and Iraqi security forces remained consistent with previous levels.

Unidentified bodies continue to be found in Baghdad at an alarming rate. Press reports say that in April, 411 unidentified bodies were found. In May, 726 bodies were found. In the first 6 days of June alone, 167 bodies were found. Many showed signs of torture and execution. Some have been beheaded. U.S. casualties have also increased in Baghdad during the surge. Our troop losses in Baghdad this year have more than doubled over the same period as last year. The number of Americans killed in Baghdad from January through June in 2006 was 96, but the number from January through June of 2007 was 250—2½ times higher.

The presence of additional U.S. troops in Baghdad has also resulted in the spread of violence outside the city. The Pentagon's June report confirmed this trend. It said:

> Many insurgents and extremists have moved operations to Diyala, Ninewa, and the outlying areas of Baghdad Province . . .

American soldiers are bearing the brunt of the violence, and they understand this trend as well. From January through June of this year, we lost 86 troops in Diyala—more than four times the number of troops killed there in all of 2006.

Attacks against Iraqi civilians are spreading across the country as well. According to the Associated Press, nearly 1,900 Iraqis have been killed in suicide attacks in 2007 and more than 4,400 have been wounded.

Our troops continue to be attacked and killed at a higher rate than ever across Iraq. Every month in 2007, American casualties have been higher than the same month in 2006. In January of this year, 83 of our soldiers were killed, compared to 62 the same month a year ago. In February of this year, 80 of our soldiers were killed, compared to 55 in the same month a year ago. In March of this year, we lost 81 of our soldiers, compared to 31 in March a year ago. In April of this year, 104 of our soldiers were killed, compared to 76 in the same month a year ago. In May of this year, 126 of our soldiers were killed, compared to 69 in the same month a year ago. In June of this year, 100 of our soldiers were killed, compared to 61 in the same month a year ago.

We don't need to wait until September to conclude that the surge has led to greater violence, not less, and that the time has come to bring our troops home.

Political progress has been nonexistent. In announcing the surge in January, President Bush told the American people that it would facilitate reconciliation. He said:

> Most of Iraq's Sunni and Shia want to live together in peace—and reducing the violence in Baghdad will help make reconciliation possible.

In fact, it has not happened.

In December 2006, the Iraq Study Group outlined a list of commitments made by the Iraqi Government and stated that by the end of 2006 or early 2007, Iraqis would need to approve a provincial election law, set an election date, approve a petroleum law, approve a debaathification law, and approve a militia law. In fact, none of the dates have been met and none of the crucial Iraqi legislation so essential to reconciliation has been approved.

The Pentagon's report in June made this point bluntly. It said:

> Key legislative or reconciliation actions—such as the Hydrocarbon Law, de-Ba'athification reform, and Article 140 (Kirkuk)—were not completed during this reporting period.

The Pentagon's June report also addressed the problem more generally. It said:

> Reconciliation remains a serious unfulfilled objective.

It said:

> Mass-casualty attacks on Shi'a targets and the April 2, 2007 attack on the Council of Representatives have made the Shi'a wary of reconciliation.

It said:

> There is also significant evidence of violence against Sunni Arabs, sometimes involving government security forces, that undermines reconciliation efforts.

It said:

> Public perceptions of violence have adversely affected reconciliation.

As long as the commitment of our troops continues to be open ended, there is unlikely to be progress on reconciliation. It won't be until the Iraqis know our troops will not fight their civil war indefinitely that they will begin to make the hard political choices necessary to achieve reconciliation.

Importantly, the surge has not even been able to deliver on the President's goal of enabling reconstruction to go forward and fulfill its promise of a better standard of living for the Iraqi people.

On the fundamental issue of providing basic services for the Iraqi people, the Pentagon report in June said:

> The Iraqi government has made little progress.

Despite the billions and billions of dollars our Government has spent on reconstruction, the Special Inspector General for Iraq Reconstruction found that Iraq is still plagued by power outages, inadequate oil production, and shortages of clean water and health care. Electricity levels in Baghdad are half of what they were before the invasion. At the Baghdad International Airport, almost $12 million was spent on electrical generators, but more than half the money invested has been wasted.

Problems with reconstruction are not limited to Baghdad. Of eight reconstruction projects that the United States had declared a success 6 months to a year earlier, the special inspector general found that seven of them were no longer operating as designed because of plumbing and electrical failures, lack of proper maintenance, or apparent looting. Of the 142 primary health care clinics planned for Iraq, only 15 have been built, and of those 15, only 8 are open to the public. Mr. President, 800 schools have been built and thousands of teachers have been trained, but less than a third of the Iraqi students attend class.

No one in this administration can tell the American people in good faith and good conscience that we are making progress in Iraq. Bringing this war to an end will not destroy the administration's policy. The policy has already self-destructed. Nothing good will come of staying on the same perilous failed course.

Iraq is sliding deeper and deeper into civil war. Instead of solving the problem, the open-ended presence of our military is only making it worse.

The choice is clear: Do we continue to put our trust in those who have led us astray, or do we end this failed policy and begin a new course in Iraq?

Finally, the cost in precious American lives for this failed mission is reason enough to end this mistaken and misguided war. But the costs here at home hit us again this week when our Congressional Research Service raised the estimate of what we are spending in Iraq from $8 billion to $10 billion a month. With the passage of this latest Defense spending bill, we will have spent $450 billion on the war.

We know where this money comes from. It comes from America's families, and it means that urgent domestic priorities at home are going unmet because they are starved of funds.

We know we must deal with the soaring cost of health care and finding a way to cover the millions of Americans who have no health insurance at all. This festering crisis is a major worry for families across America, and we owe it to our people to address it.

Six million uninsured children in America should be enrolled in the Children's Health Insurance Program, but there is not enough money to do that. For the cost of 6 weeks in Iraq, we could cover every one of these children.

For less than the cost of 1 month in Iraq, we could double the budget for the Centers for Disease Control to keep American families safe from bioterrorism and other deadly epidemics.

For the cost of 2 weeks in Iraq, we could double the funding for the National Cancer Institute, which is vital to finding a cure for that deadly disease.

For the cost of 1 day in Iraq, we could double the ability of the Food and Drug Administration to protect Americans from unsafe foods by increasing inspections, upgrading facilities, and hiring more safety personnel. For less than the cost of a day in Iraq, we could allow a million uninsured Americans to be served by community health centers.

In education, the price of Iraq is also very high. Each year, 400,000—400,000—high school graduates do not go to 4-year colleges because they cannot afford it. For the cost of less than a week in Iraq, every one of those students—every one—could receive the assistance they need to go to college.

We know that early education programs, such as Head Start, make an enormous difference to a child's future. But Head Start now serves only half of the millions of children who are eligible for the program. For the cost of 3 weeks in Iraq, we could serve every eligible child and family in the Nation.

The administration has failed to fund the No Child Left Behind Act by $56 billion since its enactment in 2002. For the cost of less than 6 months in Iraq, we could make our public schools whole by providing all the funding they have been denied over the past 5 years. For the cost of only 49 days in Iraq, we could fully fund this important program for every public school in this country.

The war in Iraq is also denying urgently needed resources for the first responders and emergency personnel who are keeping us safe at home in all 50 States. For the cost of 1 month in Iraq we could provide 3 million portable radios to our first responders, enabling them to communicate during a natural disaster or terrorist attack. We could provide our heroic firefighters with 12 million additional units of breathing gear or 40,000 new firefighting vehicles.

The list goes on and on and on. Countless high-priority items at home must go underfunded or unfunded because the war in Iraq is draining vast amounts of resources. In the days ahead, the Senate will debate these all important issues. For the sake of our men and women in uniform, for the sake of our values and our ideals, we must adopt a new course and bring our troops home to the heroes welcome they have so clearly earned and get about the business of putting America back on track.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2073

Mr. LIEBERMAN. Mr. President, a short while ago, I called up amendment No. 2073, which would require a report on support provided by the Government of Iran for attacks against coalition forces, American forces, in Iraq.

I am going to speak about this now at some length, but let me say at the beginning that I offered this amendment in the hope that it will bring forth a strong, unified statement by the Senate that we have noted the evidence presented by our military of the involvement of the Iranian forces in the training and equipping of Iraqi terrorists, who have then gone back to Iraq and are responsible for the murder of hundreds of American soldiers there, and, I would say, thousands of Iraqi soldiers and civilians as well. So in the midst of the controversy that exists in our country, and as reflected in the Senate over the war in Iraq in general, I am hopeful this amendment will offer an opportunity for us to come together to accept the evidence our military has given us of Iran's involvement in the murder of hundreds of American soldiers and together to stand and say to the Iranians that this must stop. Here is the evidence. We know what you are doing. This must stop.

Then, in an operational clause of the resolution, to ask, finally, within 30 days after enactment of the act and every 60 days thereafter, the commander of multinational forces in Iraq and the U.S. Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail external support or direction provided to anticoalition forces by the Government of the Islamic Republic of Iran or its agents.

There are some other points in that which I will get to in a minute.

Whether you are pro-war in Iraq or antiwar in Iraq, whether you think we ought to mandate a withdrawal of some or all of our troops or you disagree with that, it seems to me every Member of this Chamber ought to come together around the evidence that our military has provided of what the Iranians are doing to kill our soldiers and to tell them we know it and we want them to stop it.

Yesterday I came to the floor to speak at the beginning of the debate about what I thought was involved. I quoted our colleague and friend from Indiana, Senator LUGAR, who made a very thoughtful speech with which I agree in large part, disagree with in small part. I cited with appreciation Senator LUGAR's statement in his remarks. Again, obviously, we all know Senator LUGAR is a skeptic when it comes to the strategy we are following in Iraq or the course that it has taken or the concern about the political timetable here in Washington. We are not talking about that, but to acknowledge for the record that I know Senator LUGAR is skeptical about where we are now. Nevertheless, he had a very strong statement in that speech he made here on the Senate floor with which I agree totally in which he outlined the national security interests of the United States in how the war in Iraq ends. One of them was to prevent Iran from dominating parts of Iraq. Another was to preserve our credibility in the region, in the Middle East, the credibility that has been so important in attempting over decades, now, to maintain some minimal level of stability in the Middle East—clearly a region of the world that is important to us in many ways. In the most direct way, unfortunately, because of our failure to adopt an independent energy policy, we continue to depend too much on oil and gas that comes from the Middle East so we have an interest in keeping it stable. Obviously we have tremendous spiritual ties to the Middle East as well as more broadly political and economic ties.

I mention this because Senator LUGAR did talk about Iran and the importance of maintaining American credibility in the region. To me, nothing illustrates the stakes here and the larger conflict we are dealing with in the Middle East more clearly than the deadly and destabilizing role that is being played today by the Government of the Islamic Republic of Iran and its agents in Iraq.

The fact is that for months and months now, our military commanders and diplomats have been telling us about a proxy war the Iranians have been waging against our soldiers, other coalition forces, and our allies in Iraq. GEN David Petraeus, the commander of multinational forces, and others, have spoken bluntly and publicly and I would say repeatedly about how the Iranian Quds Force, an elite unit of the Iranian Guard Force, has been training, arming, funding, equipping, and directing the extremists in Iraq, terrorists who then go back into Iraq and attack our troops. This past February, senior military officials of ours in Baghdad described forensic evidence that implicated Iran at that time in the deaths of at least 170 American servicemembers, and one may assume that the number has gone up significantly since then. That is 170 American servicemembers killed as a result of the involvement of Iran through Iraqi terrorist allies in Iraq; lost lives of Americans as a result of what Iran and its proxies are doing.

Last week, the United States military spokesman for the Multi-National Force Iraq, BG Kevin Bergner, presented new and I think stunning details about Iran's complicity in deadly attacks against our servicemembers. I present this resolution to say to our military, at the beginning: We hear you, but also say to the Iranians: We see what you are doing and we are simply not going to accept it.

The fact is, the previous warnings that have been given, and disclosures given by our military about Iranian involvement in Iraq, in some sense have drifted up into the media air which is so cluttered with so much else from the Middle East, from Iraq—so much controversy that it seems to not have settled into the collective consciousness of Members of Congress, let alone the American people, about what Iran is doing to our soldiers, our sons and daughters, our husbands and wives, our friends, our neighbors.

It is time for the Senate to say to Iran: We know what you are doing. It is time for you to stop it.

Last Monday, according to General Bergner—he made the statement last Monday—he said Iran has been using its territory—this is more specific than has ever been said publicly by the American military before—Iran has been using its territory to train and organize Iraqi terrorists who then go back and kill Americans in Iraq.

General Bergner said groups of up to 60 Iraqi militants at a time have been taken to three training camps near Tehran—again, more specific information than ever has come out before publicly—three training camps operated by the Quds Force near Tehran, where these extremists from Iraq have received instruction in the use of mortars, rockets, improvised explosive devices, bombs used by suicide bombers, or those set off in sophisticated ways from a distance, and other deadly tools of warfare that they then use against our troops in Iraq.

Iran is also, General Bergner pointed out—and this I thought was stunning and should not be allowed to fade after a day's news cycle away—Iran is using the Lebanese Islamist terrorist group Hezbollah as a surrogate to help build up its terrorist allies in Iraq. That is what General Bergner, our general, our spokesperson in Baghdad, said. So they are bringing their Hezbollah terrorist clients from Lebanon, which is threatening and fighting the established Seniora Government in Beirut, which is our ally, a moderate government, an ally of ours—the Iranians are bringing Hezbollah from Lebanon to Iraq and Iran, to train Iraqis to kill Americans and Iraqis. We know this in part, General Bergner made clear, because our forces have captured one of the Hezbollah leaders, Ali Moussa Dakdouk, inside Iraq. He was captured, a Lebanese Hezbollah Islamist terrorist leader captured inside Iraq. Documents were recovered attendant to that, that detailed the relationship between the Iranian regime and the extremist groups that they are sponsoring in Iraq. So said BG Kevin Bergner, spokesperson for our forces in Iraq.

General Bergner also reported last Monday that the U.S. military has concluded that the senior leadership—that is a quote, "the senior leadership"—in Iran is aware of the activities of the Quds Force in sponsoring attacks against our soldiers in Iraq and that, in his words, it is "hard to imagine" that the Supreme Leader of Iran, Ayatollah Ali Khamenei, does not know of them.

These are very serious statements, very serious charges by a respected and authoritative spokesperson for the U.S. military.

Those who follow the complicated inner world of Iranian Government know, to the best of our ability to follow it, that this elite military/terrorist group, the Iranian Revolutionary Guard Corps, IRGC, and the Quds Force that is part of it—their leadership is selected and reports directly to the Supreme Leader of Iran, Ayatollah Ali Khamenei, not to President Ahmadinejad.

So there is plenty of basis in the evidence that we have, in the involvement of the Quds Force and the Iranian Revolutionary Guard Corps, which we know reports to the Supreme Leader of Iran, that the Supreme Leader of Iran knows what they are doing and presumably has approved it. If he didn't know what they were doing, he certainly does now because the American military has been telling the world. They are probably wondering whether anybody has been listening, for months and months now, that this is exactly what Iran has been doing.

It goes without saying, but I want to say it, that no one in this Chamber is looking for a fight with Iran. But that does nothing to alter the fact that Iran has, through its proxies, initiated a fight against us. That is a reality we no longer have the luxury of ignoring. It is a reality we must confront in the defense of the men and women who wear the uniform, the proud uniform of the United States of America in battle in Iraq today. Iran's actions in Iraq fit squarely within a larger pattern of expansionist, extremist behavior by the Islamic Republic of Iran in the Middle East over all the years, more than a quarter of a century now, since 1979 when the revolution occurred in Iran, when the American Embassy was seized, when the hostages were held in an outrageous act for more than a year.

We know the Iranian Government has used radical Islamist groups throughout the years since then as its regional proxies. We know these proxies have been dispatched to attack and murder American soldiers and citizens in the past.

What am I speaking of? I am speaking of the Marine Corps barracks bombing in Beirut in 1983, 24 years ago, which killed 241, I believe, American marines. All the evidence that was gathered after that to me makes a compelling case that that attack was carried out by Hezbollah, which is sponsored, supported, equipped, trained, directed by Iran.

Then there was the Khobar Towers attack in Saudi Arabia in 1996, where American military and other personnel lived. Again, American blood on the hands of Iran from all the evidence that I have seen about the cause of that attack, the perpetrators being agents of the Iranian Government.

We know these proxies who have worked aggressively and consistently on behalf of the extremist regime in Tehran to undermine moderate governments in the region, to extend Iranian influence. It is happening now in a way that seems to me to be more concerted, more aggressive than ever before. You can pick your reason for it. You can say the Supreme Leader Khamenei, President Ahmadi-Nejad, fanatics, anti-Americans shouting, urging their followers by the thousands to shout: Death to America. Death to America. They have been doing that since 1979, continue to do it. You can't take it as a meaningless chant. We have to take extremists at their word because we have seen too often in our history, most recently with all that Osama bin Laden was telling us he would do to us in the 1990s, that in fact he did it, most tragically on 9/11.

But some would say that this move throughout the region by Iran is to take the mind of the unhappy Iranian majority off the failure of the Ahmadi-Nejad Government to help make the economy go. Others would say that this is the moment when the Iranians think that American and other powers who have kept the balance and stability in the region will not respond to their aggression. Whatever. We have to open our eyes and see what is happening in the Middle East today. In addition to sponsoring attacks on Americans and Iraqis in Iraq, Tehran is also training, funding, and equipping radical terrorist groups that are working to destabilize Lebanon, the Palestinian Authority, and Afghanistan. Afghanistan is a fascinating example because there they are now, by all the evidence our military has, the U.S. military, Iran is now supporting the Taliban, which historically has been its enemy. The Taliban now, according to what our military tells us, appears to be receiving Iranian weapons in their ongoing war against the Government of President Hamid Karzai, our ally, the hope for a new Afghanistan, and the American and NATO forces there.

In fact, in one sense, it makes perfect sense that Iran is using Hezbollah to aid extremists in Iraq. The fact is, each of the seemingly separate conflicts I have described in the Middle East has a connection. They are part of a larger regional war that we are involved in, but so are so many of our allies in the region. Israel, obviously; but also broadly in the Arab world. If you have been to the Middle East, as I have recently, within a month, you find the level of anxiety—beyond concern, anxiety—in the Arab world among our allies about the movements and intentions of Iran is palpable.

The fear, of course, is that Iran is moving to establish itself as the dominant power in the region and to establish its own brand of Islamist extremism as the dominant ideology-theology in the region. In some sense, this is an undeclared war, but it is nonetheless very real. This is a fight the Iranians want to wage in the shadows, I suppose so they can escape some responsibility for blood on their hands. But it is also evident, as the American military and Governments of Lebanon and Afghanistan and Palestinian Authority have themselves made clear.

In debating this bill, which is the Department of Defense authorization bill, our first and foremost responsibility—in fact, it expresses itself so many ways in the language of this bill, which was unanimously reported out of the Senate Armed Services Committee on which I am honored to be a member—our first and foremost responsibility is to protect our national security and to protect our troops who are protecting our national security.

If we do not respond to the evidence that has been presented to us about the acts of the Iranian Government and their agents, I fear—I conclude—we will have failed on both counts. Our troops are being attacked and killed by the agents of Iran. The very least that we in this Chamber can do is to send a clear and unmistakable message to the Government in Iran that we know what you are doing and we insist that you stop.

That is why I am offering this amendment today to the Defense Authorization Act. I hope my colleagues will see it as a commonsense, common-ground amendment that confronts the Government of the Islamic Republic of Iran with the evidence of its attacks on American soldiers in Iraq.

The amendment details the evidence already in the public record that has been put forward over the past year by General Petraeus and other senior U.S. officials about Iran's involvement in violence and destabilizing activities in Iraq.

I repeat what I said at the outset. Whether you are for or against the war in Iraq, whether you are for or against an amendment mandating a deadline or a timeline for withdrawing our troops, I hope we all can find common ground in making this statement, that we see the evidence of Iran's complicity in the deaths of American soldiers and we insist they stop. This amendment is not a call for war against Iran. I—as do all the Members of this Chamber, I am sure—always favor diplomacy first.

But this is a call to defend our troops and our vital interests which are under attack by Iran. It is a call for all of us to wake up to the outrageous actions that are being undertaken by the extremist Government in Tehran. It is important that we no longer deceive ourselves. If Iran can get away with the murder of American soldiers and pay no price, it will do it again and again and again. We cannot allow Iran to have a license to wantonly and deliberately murder our troops.

For if we sit silently by while this is happening, they will continue to take actions that are hostile to us, and the chances of us achieving what I think everybody in this Chamber would want us to achieve, which is to stop the Iranians from developing nuclear weapons, will simply be impossible.

The choice we face with Iran is not a choice between war and peace, it is at this moment a choice between turning a blind eye to the murder of our troops and confronting those who are murdering them. It is a choice between sending a message of determination and deterrence, which hopefully will end this action by the Iranians and sending a message of weakness and appeasement.

Just as our men and women in uniform are serving in Iraq to protect and defend all of us, they respond to what their Nation asks them to do, so too do we in this Chamber have a responsibility that I know we all acknowledge. It comes out of this Department of Defense authorization bill loudly and clearly. We accept our responsibility to do everything in our power to defend the men and women in uniform who serve us.

Support our troops I know is not just a bumper sticker, it is a solemn pledge of this Government, and everyone who serves it, including those of us who are privileged to serve in the Senate.

I hope this resolution can form the foundation for a larger, longer conversation that we in Congress need to have about the struggle we are in with Iran regionally, the threat its Government possesses to the security not just of our soldiers whom I have talked about but to our allies in that region whom I have talked about, and, ultimately, I fear to our country, the United States of America, and the way our policy must take account of that reality.

The threat posed by Iran to our soldiers' lives, our security as a nation and our allies in the Middle East is a truth that cannot be wished or waved away, it must be confronted. This amendment gives the Senate the opportunity to do that. So let us then with one voice tell the fanatical, anti-American leaders of the Government in Tehran, who I believe do not represent the majority of the Iranian people, that they cannot attack our troops without consequence. Let us with one voice tell our brave soldiers in Iraq, that Iran's assault on them will not go unnoticed or unanswered by this Senate. The regime in Iran, I fear, is betting that our political disunity about Iraq will constrain us in responding to its attacks. I do not believe that.

For the sake of our Nation's security, for the sake of our soldiers, we must—and I am confident will—prove them wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend the Senator from Connecticut for his amendment. There is an awfully important message that is in that amendment about the threatening activities of Iranians against us in a number of parts of the world but more specifically in Iraq. This amendment is intended to capture some of the problems which are created by those activities of Iranians in Iraq particularly.

What we are trying to work out with the Senator from Connecticut, and again I commend him on his initiative, I think it is a very important one and I think it is possible the Senate can speak with one voice and we should speak with one voice on this issue.

There are language modifications which we are suggesting and which I have already had a chance to talk to my good friend from Connecticut about. I think if we either can have a brief quorum call or if anybody else who is here wishes to address the Senate on this or other subjects, they could be recognized at this point. But in the absence of that if I note——

Mr. LIEBERMAN. Mr. President, I wish to respond to my friend from Michigan, to thank him for his general expression of support for the amendment I offer and also for some of the suggestions he has made to me. Our staffs are working now.

Again, I wish this to be a clear statement, but I wish it to be a unified statement. I believe that, together, we can achieve that result. So I thank him. I will continue to work on it.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, the Senate is once again debating future U.S. policy in Iraq. I, like others, have long advocated a new direction for our policy. I will continue to vote in a manner consistent with changing course in Iraq. However, today I rise not to speak about policy, tactics, or strategy. I will speak today only about our troops and their families.

First, the numbers are important. At last count, 3,609 Americans have lost their lives in Iraq, including 169 from Pennsylvania, the third highest death toll in the Nation. Over 25,000 have been wounded in Iraq, including more than 1,100 from Pennsylvania. Approximately 156,000 Americans, both Active-Duty and Reserve forces, are currently serving in Iraq, including more than 8,000 from Pennsylvania.

Certainly, numbers don't tell the whole story, especially when we consider the traumatic effect this war has had on individual families. These fighting men and women were born into families, not divisions and brigades. They are sons and daughters, wives and husbands, brothers and sisters, and, of course, fathers and mothers. Their love for their families is matched only by their devotion to our Nation. This war has impacted these families in many different ways.

We remember today and every day with gratitude and reverence those more than 3,600 soldiers and marines who have died, who gave, as President Lincoln said, the last full measure of devotion to their country. Their families have loved and lost, and the sharp pain of that loss may, we pray, diminish over time, but certainly the ache and the hurt will long endure because someone they loved, someone whose strong, warm embrace gave them comfort, will no longer be there for them. In fact, that person in the family is missing.

Some families have a loved one who served in Iraq and returned home, thank God, but, like 25,000 others, was wounded in Iraq. These families have paid a terrible price for the courage and dedication of their family members.

Today, we remember the bravery of our fighting men and women. Their bravery is so inspiring to all of us. I met one of them in March who represents so many across this land of the brave, this country we call America, our America. His name is Joshua Humberger, of Grapeville, Westmoreland County, PA, 20 years old from a small town, like many of our fighting men and women from small communities across America, in this case southwestern Pennsylvania. Joshua is in the Army National Guard. He received a Purple Heart and other commendations after he was wounded when the vehicle he was riding in was hit by a bomb, killing his commander, SFC Daniel Brozovich of Greenville, PA, way up in Mercer County near the Ohio border. Two others, Ryan Griffin and Robert Kaminiski, both of Allegheny County, were injured as well in the attack.

To say that Joshua was injured in this attack is an understatement. Here is what one news article said about his injuries:

> His left leg was amputated at the knee. His stomach was pierced by shrapnel and surgeons had to remove part of his lower bowel.

Despite all of the pain he and his wife Jessica have endured, he said during my visit: I want to go back. I want to go back to continue serving.

Where do these young men and women find the strength? We have to ask that. I have to say I don't know because it is hard for me to fully appreciate or comprehend such courage. They must be finding this courage from a reservoir of faith, love for and from their family, and an abiding allegiance to this Nation.

We know other families have loved ones who are in Iraq now or have had family members there for a long time. But even if a soldier returns home from Iraq and is not killed or wounded, even if that is the case, in a family, they are still missing while they are there, even if the Lord keeps them safe.

Today, we think of a lot of expressions of how to talk about this. One of them that comes to mind is from the great rock music icon Bruce Springsteen, who has roots in New Jersey, the Presiding Officer's State. I know he is proud of that. His words come to mind today. Written in the aftermath of 9/11, they help explain what our families have endured during this war. Bruce Springsteen's song "You're Missing" says in part:

> Your house is waiting. Your house is waiting for you to walk in. But you're missing. You're missing when I shut out the lights. You're missing when I close my eyes. You're missing when I see the sun rise. You're missing. Children are asking if it's alright. Will you be in our arms tonight?

We ask that question as well, Mr. President.

To pay small tribute to those who are missing from their homes and families because they lost their lives far away on a battlefield in Iraq, I wish to take a few moments to read the names and hometowns of the 169 Pennsylvanians killed in action:

Shawn M. Davies, Aliquippa/Hopewell; Aric J. Barr, Allegheny; Joseph P. Goodrich, Allegheny; Luis O. Rodriguez, Contrera-Allentown; Larry Parks, Jr., Altoona; Russell G. Culbertson III, Amity; Stevon Alexander Booker, Apollo; Joshua J. Henry, Avonmore; Todd M. Siebert, Baden; Allan R. Bevington, Beaver Falls; Clint Richard Matthews, Bedford; Russell A. Kurtz, Bethel Park; Christopher D. Coffin, Bethlehem; Frederick A. Carlson, Bethlehem; Brent W. Dunkleberger, Bloomfield; Paul D. Karpowich, Bridgeport; John H. Todd III, Bridgeport; Christopher E. Loudon, Brockport; Tristan Smith, Bryn Athyn; and Carl J. Morgain, Butler.

George A. Pugliese, Carbondale; Oliver J. Brown, Carbondale; Kimberly A. Voelz, Carlisle; Nicholas B. Morrison, Carlisle; Gregory A. Cox, Carmichaels; Aaron M. Genevie, Chambersburg; Brandon M. Hardy, Cochranville; John T. Bubeck, Collegeville; Nils George Thompson, Confluence; Shelby J. Feniello, Connellsville; Timmy R. Brown, Jr., Conway; Matthew C. Bowe, Coraopolis; Michael W. Franklin, Coudersport; Michael J. Cleary, Dallas; Joseph M. Kane, Darby; Jason A. Shaffer, Derry; Kenneth E. Zeigler II, Dillsburg; Colby J. Umbrell, Doylestown; Travis L. Manion, Doylestown; and Steven R. Tudor, Dunmore.

Corey L. Small, East Berlin; Christopher Scott Seifert, Easton; Joshua P. Klinger, Easton; Ashly L. Moyer, Emmaus; Ernest G. Bucklew, Enon Valley; Donald Samuel Oaks, Jr., Erie; Victor

M. Cortes III, Erie; Jeremy R. Horton, Erie; Mark T. Resh, Fogelsville; Bradli N. Coleman, Ford City; Sean P. Huey, Fredericktown; Dylan R. Paytas, Freedom; Mark P. Phelan, Green Lane; Roger Alan Napper, Jr., Greenburg; Eric W. Slebodnik, Greenfield Township; Michael A. Marzano, Greenville; Daniel A. Brozovich, Greenville; William L. Evans, Hallstead; Lee A. Wiegand, Hallstead; and John Kulick, Harleysville.

Sean Michael Thomas, Harrisburg; Barton R. Humlhanz, Hellertown; Ronald E. Baum, Hollidaysburg; Brandon E. Adams, Hollidaysburg; Daniel R. Lightner, Jr., Hollidaysburg; Curtis J. Forshey, Hollidaysburg; Keith A. Bennett, Holtwood; Landon S. Giles, Indiana; Randy D. McCaulley, Indiana; Bradley G. Kritzer, Irvona; Robert H. Dembowski, Ivyland; Michael R. Cohen, Jacobus; David Michael Veverka, Jamestown; Dennis J. Veater, Jessup; Andrew Joseph Baddick, Jim Thorpe; Raymond R. Buchan, Johnstown; Christopher A. Golby, Johnstown; Aaron J. Rusin, Johnstown; Andrew R. Jodon, Karthaus; and Ross A. McGinnis, Knox.

Jacob Walter Beisel, Lackawaxen; Jason L. Frye, Landisburg; Jsoeph Basil Maglione III, Lansdale; Maurice J. Johnson, Levittown; Jae S. Moon, Levittown; Ryan S. Ostrom, Liberty; Stephen P. Snowberger III, Lopez; David E. Dietrich, Marysville; Keith A. Callahan, McClure; Christopher E. Cutchall, McConnellsburg; Mark Joseph Kasecky, McKees Rocks; Edward W. Carman, McKeesport; Micheal J. Smith, Media; Michael E. McLaughlin, Mercer; Jeremy M. Campbell, Middlebury; Louis E. Allen, Milford; Zachariah W. Long, Milton; Edward W. Shaffer, Mont Alto; Daniel L. Arnold, Montrose; and Nathaniel E. Detample, Morrisville.

Thor H. Ingraham, Murrysville; Travis C. Zimmerman, New Berlinville; Clifford L. Moxley, Jr., New Castle; Albert Pasquale Gettings, New Castle; Orlando E. Gonzalez, New Freedom; Jennifer M. Hartman, New Ringgold; Brandon J. Van Parys, New Tripoli; Timothy L. Hayslett, Newville; Kyle J. Grimes, Northampton; Justin W. Dreese, Northumberland; Brett D. Swank, Northumberland; John R. Priestner, Leraysville; Jonathan Roy Kephart, Oil City; Kyle J. Renehan, Oxford; Jeremy E. Maresh, Penn Forest Township; Brian R. Faunce, Philadelphia; Francis J. Straub, Jr., Philadelphia; Adam C. Conboy, Philadelphia; Carl W. Johnson II, Philadelphia; and Edward W. Brabazon, Philadelphia.

Joseph M. Nolan, Philadelphia; Rodney A. Jones, Philadelphia; Nicholas J. Zangara, Philadelphia; Brahim J. Jeffcoat, Philadelphia; Gennaro Pellegrini, Jr., Philadelphia; Albert M. Nelson, Philadelphia; Wesley J. Williams, Philadelphia; David R. Bernstein, Phoenixville; Douglas J. Weismantle, Pittsburgh; Rafael L. Navea, Pittsburgh; Nicholas A. Tomko, Pittsburgh; Robert E. Hall Jr., Pittsburgh; Patrick Brian Kenny, Pittsburgh; Mark W. Melcher, Pittsburgh; Jason M. West, Pittsburgh; Thomas E. Vandling, Jr., Pittsburgh; Steven Freund, Pleasant Hills; Andrew W. Brown, Pleasant Mount; Sherwood R. Baker, Plymouth; and Jaror C. Puello-Coronado, Pocono Summit.

Craig S. Ivory, Port Matilda; Anthony L. Sherman, Pottstown; Scott R. Smith, Punxsutawney; Tamarra J. Ramos, Quakertown; William V. Fernandez, Reading; Joseph Minucci II, Richeyville; Tony L. Knier, Sabinsville; Timothy J. Lauer, Saegertown; Robert T. Mininger, Sellersville; Matthew J. Sandri, Shamokin; Douglas E. Kashmer, Sharon; Kurt E. Krout, Spinnerstown; William R. Sturges, Jr., Spring Church; Tristan Neil Aitken, State College; Eric A. McIntosh, Trafford; Carl F. Curran, Union City; Eric R. Hull, Uniontown; Jeffrey P. Toczylowski, Upper Moreland; Lonny D. Wells, Vandergrift; and Neil Anthony Santoriello, Verona.

Steven W. Szwydek, Warfordsburg; Michael T. Gleason, Warren; Ryan J. Kovacicek, Washington; Dale Thomas Lloyd, Watsontown; Brent A. Adam, West View; William J. Maher III, Yardley; Allen J. Dunckley, Yardley; Martin W. Kondor, York; and, finally, Sean R. Mitchell, Youngsville.

May they rest in peace.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I come to the floor today to reassert my support for a change of course in Iraq and to briefly address some of the amendments we are going to consider in the next few weeks concerning Iraq policy.

Two weeks ago, I had the honor of experiencing firsthand one of the more memorable events to occur in this Senate in the 6 months since I have been here. It was late on a Monday evening, and just as you are right now, Mr. President, I was sitting in the Presiding Officer's chair. It was around 10 o'clock at night, and I was thinking that maybe the day's events had been about concluded. Well, OK, I was thinking maybe I was the only Senator left at the Capitol and that it was time to go home. Then onto the floor came Senator LUGAR.

In my short time in the Senate, I have come to know the senior Senator from Indiana as a man with the deepest respect both from and for his colleagues, a leader who always puts principle above politics, and a Senator who earned the right to speak and be heard long before I came to Washington.

For the next 15 minutes, I listened to Senator LUGAR—standing right over there—as he delivered a poignant, pragmatic assessment of our Nation's position in Iraq. Rising far above the partisan crossfire that too often fills this Chamber, the Senator from Indiana urged his fellow Members of Congress and members of the administration to suspend their party differences and to come together.

As he said that night:

> In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved. Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I hope all of my colleagues will recognize that our current strategy in Iraq is not working, that a new strategy based on the drawing down of U.S. forces is necessary, and that this strategy must be implemented now.

After 4 years, over 3,600 American soldiers have been killed; over 25,000 have been wounded; and almost $450 billion has been spent. We cannot wait until next year or even next month to change strategy.

After 4 years, we cannot wait for the Iraqi Government to demonstrate progress before we begin bringing our soldiers home, when it has shown no indication of a commitment to compromise and reconciliation.

And after 4 years, we cannot ask our men and women in the field to continue to risk life and limb indefinitely in pursuit of a policy that is not working.

As Senator LUGAR said that night:

> A course change should happen now, while there is still some possibility of constructing a sustainable bipartisan strategy in Iraq.

Well, certainly, what we saw today on the floor of the Senate did not demonstrate that kind of bipartisan strategy. I personally thought it was obstructionism that we were not allowed to at least continue the debate and to vote on Senator WEBB's amendment. I believe we have to have a change of course.

Our troops have done what we have asked them to do. They deposed an evil dictator. They guaranteed free elections in the country of Iraq. They gave the Iraqi people the opportunity to vote and to establish a new government.

We all know there can be no purely military solution in Iraq. This has been agreed on by so many military commanders, experts, and Members of this body on both sides of the aisle that it does not need to be argued anymore. And we all recognize true stability in Iraq will only come through political and economic compromises between Iraq's main ethnic groups, and only the Iraqis themselves can reach these compromises.

Given this, shouldn't our strategy be focused on transitioning to Iraqi authority now, not at some undefined time in the future?

We must push the Iraqi Government to assume the duties it was elected to perform and to lead the process of meaningful negotiation and dealmaking. Our open-ended commitment is impeding this process and inhibiting the will and the ability of the Iraqi people to stand up and take responsibility for their own country.

Nine months ago, the Iraq Study Group proposed a pragmatic change of course that focused on political and economic initiatives, intense regional and international diplomacy to tie all nations with an interest in Iraq together, and the beginning of a phased redeployment of U.S. forces from Iraq.

Since the issuance of the Iraq Study Group report, some conditions on the ground have remained the same, and a number have gotten worse. In the last 3 months, more U.S. troops were killed than in any other 3-month period during the entire war.

I urge my colleagues to set aside differences, to forget about past disagreements or voting records, and to focus on what is best for our troops in the field going forward. We owe it to these brave men and women in the field to get this policy right.

I believe the best thing we can do—for our troops, for our national interest, and for the Iraqis themselves—is to begin bringing our troops home and to remove the bulk of the U.S. combat forces by the spring of next year. We would still maintain a presence capable of protecting U.S. personnel, training Iraqi forces, and conducting counterterrorism and other specific operations.

Keeping the 150,000 U.S. soldiers in Iraq is undermining our ability to achieve our objectives there and in the region. We need to start bringing them home. As Senator LUGAR said that night:

> A diplomatic offensive is likely to be easier in the context of a tactical drawdown of U.S. troops in Iraq. A drawdown would increase the chances of stimulating greater economic and diplomatic assistance for Iraq from multi-lateral organizations and European allies, who have sought to limit their association with an unpopular war.

In March, I visited Baghdad and Fallujah and saw, firsthand, the bravery and commitment of our troops. Of the 22,000 troops involved in the surge, 3,000 of them are from my State of Minnesota. I met a number of these troops. Some of them just came up to me in cafeterias or on the street, and they were from Minnesota. I can tell you that they did not complain. They did not complain about their tour extensions. Some of them—in fact, nearly all of them—had been set to come home in January. They did not complain about that. They did not complain about their equipment. They did not complain about the heat. All they asked me was—first of all—what was the score of the State high school hockey tournament, and then they asked me if I would call their mom and dad, and if I would call their husband or wife when I got home to tell them they were OK.

My most lasting memory of that trip was standing on the tarmac at the Baghdad Airport, when nine Duluth firefighters called me over to stand with them. And they were there in front of their firetruck for one purpose, and that was to salute as six caskets, each draped with the American flag, were loaded on a plane.

They did not know who the brave soldiers were who died, but they knew when they were sent home, and when their families were there to meet them, their families' lives would never be the same. And they were there to show their respect.

Whenever I speak with the moms or dads or husbands or wives of soldiers who were killed, I always ask them how they are doing. When I asked this question of a mom recently from western Minnesota, she said: You know, people keep asking me that. They keep asking me how I am doing. And, you know, I really don't know what to say. She said: Do you have any ideas about what I should say? And I told her: Well, I can tell you what the other mothers have been saying. They have been saying that they wake up every morning, and they try so hard to hang together for their family, and then something happens—they see a picture or they remember something—and they are never the same for the rest of the day. And they have their good moments, but their lives will never be the same.

We owe it to these families to honor the sacrifices their sons and daughters have made and to begin bringing our troops in Iraq home so that other families do not experience similar anguish.

This is a different kind of war we are fighting. It has made demands on the National Guard that are unprecedented. At times, up to 40 percent of the troops fighting in Iraq have been members of the National Guard and Reserves. In many respects, this war has involved a different kind of soldier.

In Vietnam, the average age of an American soldier was 19 years old. In Iraq and Afghanistan, the average age of Active-Duty soldiers is 27, and the average age of National Guard members over there is 33 years old.

Three-fourths of all soldiers serving in Iraq and Afghanistan have families of their own, and fully one-half of those who have been killed have left families behind.

Almost 22 percent of all Reserve and Guard members have had multiple deployments to Iraq and Afghanistan. I have met some of these families. When I was up in Duluth, I met a brother and a sister—teenagers. Both of their parents had been in Iraq, and they were both going back again.

For 4 years, these citizen soldiers have gone above and beyond the call of duty and made extraordinary sacrifices. It is time to begin bringing them home.

We are finally starting to see some of our National Guard and Reserve members in Minnesota coming back, just as others across the country are taking their place. These men and women from Minnesota are completing one of the longest deployments of any U.S. military unit since the war began. They were originally scheduled to return home at the beginning of this year, only to find out weeks before they expected to ship back home that their tours had been extended as part of the President's surge strategy. Already a few hundred of these Guard members have been reunited with their loved ones, and by August the entire unit should be back in Minnesota, reconnecting with friends and family, beginning the process of transitioning to normal life. Having served and sacrificed for 16 months, these men and women have earned their rest and the right to live their lives in peace.

That is why I cosponsored and voted for the amendment offered by my friend from Virginia, Senator WEBB, also cosponsored by Senator HAGEL. This amendment, as my colleagues know, would require regular units deployed to Iraq and Afghanistan to remain at home at least as long as they were deployed and give Guard and Reserve members 3 years at home for every 1 year they are deployed.

The President's policies have placed unprecedented demands on our military in the 4 years of this war. Our forces are exhausted and overstressed. It is critical, both for morale and for operational safety, that units be given proper time to rest, recuperate, and retrain before redeploying. America's Armed Forces have a proud history and tradition that is unparalleled in the world, but when their ability to function properly is in danger, Congress must step in and address this situation.

I am disappointed that most of my colleagues on the other side of the aisle chose to block this responsible proposal rather than allowing a simple majority vote. This amendment would begin the process of repairing and rebuilding our military, while maintaining our Nation's ability to meet any threat to our Nation's security. We owe this to the members of the National Guard and Reserve and to their fellow soldiers across the country.

Since I have been in the Senate, I have joined many of my colleagues on countless occasions in asking when this war's supporters would publicly acknowledge the realities on the ground and finally allow a change of course that begins bringing our forces home. Each time we ask this question, we are told to be patient, that progress is just around the corner, and that it would be counterproductive to establish a timetable for withdrawal. After my trip to Iraq, I met with the President with three other Senators, and I talked to him about this. He said he supported the Iraq Study Group, but he didn't believe in the timetables. He didn't want the deadlines. Again, we were told it will be counterproductive to establish a timetable for withdrawal.

Now we have reached a point where the patience of many of even the most loyal supporters of this war—and I am someone who opposed this war from the beginning—but the patience of even the most loyal supporters of this war has been exhausted.

We have reached a point where Senators who have dedicated their lives to serving our national interests cannot stand silent as America's strength and standing in the world is continually undermined. We have reached a point where the necessary changes in our strategies in Iraq may finally be possible. I urge my colleagues to vote for these changes. We simply cannot wait any longer.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is my understanding that the Levin-Reed amendment has been laid down. I wish to say a few words about it and the situation in Iraq in general.

Once again, the Senate is confronted with a series of votes over the future of Iraq. These votes present a very simple choice: Continue with more of the same, or change course. To me, the choice is crystal clear. The United States should and must change course in Iraq. We must begin to redeploy our forces and reevaluate what is truly in our national interests.

This is not the first time we have been confronted with such a choice. Many of us have voted over and over and over again for change, yet this President has refused to listen. He has worn blinders. He has ignored the views of Congress and the American people. Majorities in both the Senate and the House have voted to redeploy our forces from Iraq, but the President vetoed the legislation and there were not the votes to override, so we are back again facing many of the same questions. Will the President listen this time?

In this current debate new voices have emerged, raising significant concerns about the progress of the war. This includes Senator LUGAR, the deeply respected Senator from Indiana, who said in a very eloquent speech before this body—and I have had the privilege of reading it in detail and I wish to quote him:

> In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved.

This includes Senator WARNER, who has said that waiting until September is too long. This includes Senator VOINOVICH, Senator HAGEL, Senator SMITH, and Senator SNOWE, who have questioned the current path. Will this President listen?

Moving from the Halls of Congress to the streets of Baghdad, it is clear to see that this is not a rhetorical game. It is about facts on the ground, and the facts are this: It has been 4½ years since U.S. forces entered Iraq. That is longer than we conducted World War II. Yet, the nation remains in chaos. Violence continues unabated. The insurgency is as strong as ever. The internecine fighting between Shia and Sunni is strong. Every day, there are more bombings, more IEDs, more deaths. In total, we have lost 3,600 brave men and women, almost 500 since this surge began 5 months ago. On average, four U.S. troops are being killed every day in Iraq.

Has the surge worked? Five months into it, it is clear that the surge has failed to stop the violence. Fatalities and sectarian attacks are on the rise. At no period in the war have we lost as many American troops as in the last 3 months. If the trend continues, 2007 will be the deadliest since the war began.

The promise of the surge was not that it would solve all of Iraq's problems, but that it would increase security and stability so that Iraq's government could confront the difficult political questions. So we must ask the question: Has it? But in this area too, there has been no progress; no progress on passing an oil revenue-sharing law; no progress on reforming the de-Baathification system which, to a great extent, was responsible for this insurgency in the first place; no progress in holding provincial elections, and no substantial progress on any other benchmark.

In fact, the Maliki government seems to be under siege. Sectarian tensions are mounting, and there have been calls for a no-confidence vote in the Prime Minister. So the vaunted surge has not worked and there has been no political progress. Yet, this President has asked for more time and more resources, and he gives no hints that he now recognizes how dire the situation is. He gives no indication that he believes the course must be changed. He provides the American people with no exit strategy. To me, this represents a major failure of leadership.

I believe America's continued mission in Iraq is counterproductive. Therefore, the time has come for a change of course. I believe that within 120 days, we must begin to redeploy our combat troops. The goal would be to transition the majority of U.S. troops out of Iraq by April 2008, and that is exactly what the Levin-Reed amendment does. A small supporting force would remain in Iraq for the purposes of training, counterterrorism, border security, and force protection. This would move the vast majority of our troops out of harm's way.

Just as importantly, moving out of Iraq would open the door to a reevaluation of our national security interests in the region. Our Nation faces major challenges, and the primary focus on Iraq has allowed these problems to fester unaddressed. These include preventing terrorists from gaining safe haven in Afghanistan or, yes, Iraq. That is an abiding national security interest of this country. Senator LUGAR alluded to it in his remarks. I certainly agree. To prevent Iraq from becoming a safe harbor for terrorists should remain a national security goal of the United States.

Secondly, preventing the violence from spreading throughout the Middle East, Afghanistan, and the cities of Europe.

Third, thwarting Iranian domination of the region, and persuading the Iranian government that continued development of nuclear weapons is not in its best interests. This can't be done by not talking with Iran; it can only be done by talking with Iran. This is what we should be doing.

Fourth, pursuing an Israeli-Palestinian peace settlement. Yesterday afternoon, I met with the Foreign Minister of Egypt and he agreed. This is a window of opportunity to move toward a peace settlement between the Israelis and the Palestinians. To once again overlook that opportunity is a big mistake.

Finally, containing the damage done to our credibility around the world. Our credibility has suffered. The war has spawned terror. Over this past weekend, I happened to hear Peter Bergin, the distinguished expert on Osama bin Laden, speaking on CNN. He estimated that terrorism has increased sevenfold because of our involvement in Iraq.

Many people say if we leave Iraq, the Middle East collapses. I don't believe that. If we leave Iraq, we leave Shia and Sunni to come to grips with the problems between them, without the United States being a buffer and creating the point of attack for terrorists and insurgents.

I say remove that point of attack and begin to solve some of the problems.

The simple truth is that none of these initiatives can be pursued adequately so long as we are bogged down in Iraq. So I believe the time has come to change course. We are 4 years and $450 billion into the war. Costs are increasing at $10 billion a month. We are losing 100 soldiers a month. Our Armed Forces are stretched thin, equipment is worn, recruiting is down, and no one can estimate what the impact will be come next April, when forces will be unable to meet the rotations.

We will be paying the costs of this war for decades to come. Thanks to medical science and battlefield medicine, many soldiers ordinarily would have died, but they have been saved. Some have egregious injuries. We have all seen the people with traumatic brain injury, amputees—single, double, quadruple amputees, people who will need care for the rest of their lives.

We have a choice: more of the same or change course. The Levin-Reed amendment represents a change of course. It represents this Senate standing up and saying forcefully we want our people out. We want redeployment within 120 days, and we want us off the streets, no longer to be that point of attack between Shia and Sunni. So the choice could not be clearer. It is time to act. I am very much in support of a Levin-Reed amendment. I very much hope we will have a chance to vote on the substance of it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MENENDEZ. Reserving the right to object, and I don't intend to object, I ask my colleague from Kentucky if he would amend his request to have myself recognized after he finishes speaking.

Mr. BUNNING. Mr. President, I so amend the request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise today to discuss my strong feelings about our dialog in Congress on the war in Iraq. I am concerned not only with the defeatist message some of us are sending our brave men and women in our Armed Forces on a daily basis but also with the message being sent to terrorists and those who wish to harm us. Instead of focusing our attention this week on how to provide our Armed Forces with the best equipment possible to complete their mission, many in this body continue to play political games with the war. This political game is deflating troop morale and strengthening our enemies.

Some of our colleagues believe they know the situation on the ground in Iraq better than my friend General Petraeus, the commander of the multinational force in Iraq. They believe we should begin a withdrawal of our troops from Iraq. The people who are best qualified to decide our troop levels are the commanders on the ground, not the politicians in Washington, DC.

I wish to talk specifically to the Democrats who want to immediately withdraw. Contrary to what the base of the Democratic Party may think, this war is not a Republican war and it is not just a President Bush war; it is an American war. When we vote to send troops into battle, they fight under the American flag. If we win or lose in Iraq, the United States of America wins or loses—not the Republican Party and not just President Bush.

I saw yesterday the Democratic Senatorial Committee is now running ads in selected States asking Republican Senators to vote to immediately bring our troops home from Iraq. I watched the ads. I played them on my television, and I played them on the computers in my office. Not surprisingly, they did not mention once what would happen if American forces withdrew quickly from Iraq. Nor did they mention that the head of the DSCC and the Senate majority leader voted to authorize the war. There is a shocker.

If we take the advice of the political arm of the Senate Democrats and pull out of Iraq, chaos will rule the day in Iraq and spread throughout the Middle East, in spite of what some of our colleagues on the other side have said.

That is why many of the Democrats who want to bring our troops home now don't talk about the harsh consequences of pulling out. This is precisely why we should not politicize war in 30-second sound bites.

I also wish to briefly address my Republican colleagues who may be feeling the political pressure back home as we debate this war. Our constituents sent us to Washington, DC, to make tough decisions, not to cast votes based on public opinion polls. Many of you know the consequences of pulling out of Iraq. I know because we have talked about it in our conferences. But stay strong enough until September, when General Petraeus will brief us on the effects of the change in strategy. Let us all then reevaluate the changes we made. The changes we made have only been fully implemented for less than a month. I acknowledge that the signs of success have been slow and, yes, many mistakes have been made with past strategies. But that is how war is. Mistakes sometimes are made. We learned from our mistakes and we moved forward with a new strategy. This new strategy is now in place.

General Petraeus is working, with the increase of thousands of American troops, to bring safety and stability to Baghdad and Anbar Province, putting insurgents on the run. The partnership between the United States and Iraqi forces against terrorist insurgents is increasing. Last month, more than 10,000 Iraqi tribes in the Baghdad area reached agreements with the United States and Iraqi forces for the first time to oppose al-Qaida. These tribe members fought alongside al-Qaida in the past, and they are now providing our troops with information about their former allies.

We are at a critical point in our fight against al-Qaida and the extreme terrorist insurgents. I urge my colleagues to look at the long-term consequences of prematurely abandoning our mission in Iraq. Anyone who believes we can bring an abrupt end to our involvement in this conflict and still conduct successful counterterrorism operations in Iraq is wrong. Defeat in Iraq will come with a hefty price that will be paid by future generations of Americans. If the United States leaves, there will be a regional explosion of Islamic terrorism and extremism that will throw the entire Middle East into greater upheaval. The Iraqi Government may well collapse and throw the country into a state of chaos. Iran will dominate the Middle East, and our national security will be severely compromised.

It is because of these consequences that we should allow General Petraeus and the troop surge the opportunity to succeed. We cannot pull the rug out from underneath him right after we give him more tools to try to succeed in his mission. That would be both irresponsible and unfair. We promised to give him until September to report back with the progress on the surge, and we should hold true to this promise. That is 2 months from now—2 months from now.

Finally, I also wish to address the efforts made by some of my colleagues across the aisle to overturn effective policies that we have in place to fight against terrorism.

I oppose changing the 2006 Military Commissions Act to give legal rights to suspected terrorists. Detained enemy combatants are not ordinary criminal defendants and are not entitled to a trial in a civilian court, or to habeas corpus review.

Make no mistake about it, these terrorists are at war with us and we should treat them like it. We already have the mechanisms in place for detainees to challenge their enemy combatant status. These procedures are more protective of detainees' rights than any military commission in American history.

I find it ridiculous that we are faced with debating this issue again. The Senate has already voted on four separate occasions in the past 2 years to ensure that suspected terrorists do not have automatic access to Federal courts to challenge the legality of their detention.

How many more times are we going to be forced to vote on this issue? Let me be clear. I oppose weakening our current procedures. The changes being proposed will only end up strengthening the rights of terrorists.

I also oppose efforts to close the detention facility at Guantanamo Bay, Cuba. I realize there have been several negative reports and stories in the media in the past about this facility.

Let me set the record straight. The vision of Guantanamo Bay the media tries to portray to the American people is very different from the reality of the facility. I have personally visited the facility at Guantanamo Bay and found it to be nothing like what is described in the media. The facility includes air-conditioning, good meals, religious worship areas, and a top-notch hospital and health care facility. The terrorists there are treated with dignity while they show contempt for our troops. Don't forget that these terrorists are the worst of the worst. They are all extremely dangerous.

The job our troops do there is critical to our war effort. If those terrorists stay locked up there, they cannot harm us and they cannot bomb and do all the things that are being done presently more effectively in Iraq by being detained in Guantanamo Bay. And they do provide us with intelligence.

I applaud our troops for their efforts. They are working very hard to secure our freedom. It is thanks to their efforts and those made in the war in Iraq and the war on terrorism that our Nation's freedoms remain protected. The brave men and women of our Armed Forces and their families sacrifice on a daily basis for our freedoms because they believe their mission is too great to fail. I ask my colleagues: Are we really ready to declare their mission already lost? Are we really ready to do that when we finally have discovered a new method of attack?

I, for one, am ready to stand behind our troops and stand side by side with General Petraeus. I will vote against any amendments that restrict the flexibility of our military commanders to run this war or hurt our fight to end terrorism. I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the unanimous consent agreement, the Senator from New Jersey is recognized.

The Chair advises the Senator from Virginia that under a previous unanimous consent agreement, the Senator from New Jersey is to be recognized.

Mr. WARNER. That is correct. I wonder if my colleague will yield for the purpose of a unanimous consent request?

Mr. MENENDEZ. I will be happy to yield.

Mr. WARNER. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from New Jersey, the Senator from Arizona, Mr. KYL, be recognized for a period of 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to speak out once again against the war in Iraq and in support of our troops. Today, we had an opportunity to do just that—to support the troops, troops such as these who are pictured here who actually have been serving our country and recently became U.S. citizens.

"Support the troops"—how many times have we heard that said on the floor of the Senate? We have heard that refrain time and time again from the very people who earlier today voted against the very essence of what it is to support the troops.

From the beginning of the Iraq war, we have heard its supporters say that somehow supporting the war equals supporting the troops. But from the beginning of this fiasco, it has been clear that the troops have been a secondary consideration for those who were bent on rushing into an ill-conceived war. Going to war without a postwar plan to stabilize Iraq, is that supporting the troops? Refusing to listen to generals about the troop levels needed to win the peace, is that about supporting the troops? Sending our soldiers into a war zone without the appropriate bullet-proof vests, without the appropriate vehicles, with inferior equipment, is that supporting the troops? Letting Walter Reed's conditions worsen, is that supporting the troops? Extending tours of duty without regard to the consequences to our soldiers and their families, is that supporting the troops? Giving our soldiers only a brief stop at home before shipping them back in to a civil war in Iraq, is that supporting the troops?

It seems to me that the very least we can do for our brave men and women who carry out their orders with exquisite skill and bravery in an unimaginable situation in Iraq is to give them enough time to catch their breath before they are sent back.

Clearly, never have so few been asked to do so much in these continuing deployments. If one thinks about it, the number of men and women who are presently deployed and have been deployed compared to 300 million people in this country, how is it so few have been asked to do and sacrifice so much.

Today, the Republican leadership wouldn't even let them have the right opportunity for the respite they need in between these continuing deployments, deployments that are taking our troops and virtually grilling them into the ground. A Republican minority stopped a majority of the Senate and overwhelmingly the will of the American people in supporting the troops through a procedural roadblock. This should not have been a partisan effort by Republicans. It should not have been. In essence, those who put those roadblocks up have voted once again to stay the course, no change to the President's failed war policy, no alteration to this dead-end course, not even to give our troops some well-deserved rest.

I applaud my colleague from Virginia, Senator WEBB, as well as my colleague from Nebraska, Senator HAGEL, both decorated combat veterans who stood up for our troops in their amendment. They know personally—this is not esoteric for them—they know personally of the sacrifice our soldiers make each and every day for the country they love, the country we all love. But they are not pawns. They are the best and bravest, and they deserve better than what the Senate did today.

I hope the American people speak out in support of our troops. I ask those Senators who oppose giving them the appropriate recess between deployment, the appropriate time so that they, even having to go back into the war, could have the appropriate time, as the military itself devises and has as goals as to what it should be, that at least for whatever time they are deployed abroad, that they have that time back here at home, back here with their families, back here to be able to rejuvenate themselves and go back to do the mission which they willfully do, could we not do that much for them? I hope the American people will speak out with an incredibly loud voice to our colleagues who don't believe they deserve that much, who used a procedural roadblock.

Mr. President, I am outraged.

As someone who voted against the war, I am outraged that 4 years after the start of an elective and unnecessary war which we were led into based on false premises and false promises, we have not yet ended it.

I am outraged that every delay in moving toward a transition out of Iraq and ending the war in Iraq means more American lives lost.

I am outraged that we have spent $450 billion on this war and that for each additional month we continue to be engaged in Iraq under the present course, we spend another $10 billion a month.

I am outraged that the President's war has cost us our prestige and influence abroad and has undermined our security around the world.

I am outraged that the war in Iraq has kept our focus away from the war in Afghanistan, the birthplace of the Taliban, home to al-Qaida, the land of Osama bin Laden, and the place where the attacks of September 11 were planned.

I am outraged that we always hear the same story and the same promises from this administration.

As I listen to some of my colleagues, as well as the administration, fear should not be the basis for our policy. But that is what the administration and its supporters in the Senate offer each time—fear. The Bush administration always says that change is just around the corner, that we should wait just a little longer for success. The Bush administration always has a new plan with new benchmarks and new deadlines, but they never meet those benchmarks or those deadlines, so they just change them. The Bush administration always says we are making progress on the ground. Yet the facts contradict them.

The truth is that we still haven't stopped the insurgency, that hundreds of Iraqis are still being killed each day, and that the Iraqi Government still hasn't acted on key benchmarks. The truth is that we are being driven down a dead-end street by an administration without a roadmap for a lasting peace.

So I say, as Senator Robert Kennedy did in March of 1968 in a speech about Vietnam:

> We are entitled to ask—we are required to ask how many more men, how many more lives, how much more destruction will be asked, to provide the military victory that is always just around the corner, to pour into this bottomless pit of our dreams?
>
> But this question the administration does not and cannot answer. It has no answer—none, but the ever-expanding use of military force and the lives of our brave soldiers, in a conflict where military force has failed to solve anything in the past.

Those were his words then. I believe they ring true today. Today, we are living with the consequences of the administration's failed policy. Over 3,600 American troops have been killed in Iraq since the beginning of this war, including 87 servicemembers with ties to my home State of New Jersey. April and May was the deadliest 2-month period of the war for U.S. troops, with 230 servicemembers killed. We have now spent over $400 billion on the war in Iraq. We continue a burn rate of about $10 billion a month. Frankly, as a member of the Senate Budget Committee, I never believed the administration's estimate that the so-called surge would cost only $5.6 billion, and these new numbers prove once again that we have been misled.

This was a terrible weekend, with over 250 people killed in Iraq, including 150 Iraqis who perished in a bombing that the New York Times described as "one of the deadliest, if not the deadliest" single bombing since the start of the war. Suicide attacks have more than doubled across Iraq, from 26 in January to 58 in April.

In terms of reconstruction, oil production in Iraq is still lower than it was before the war 4 years ago. Baghdad is getting under 6 hours of electricity a day, significantly less than before the war. And the President's escalation plan, the so-called surge, simply isn't achieving the results we were promised.

Imagine that, another broken promise. Just like when we were told: We know where the weapons of mass destruction are. Just like we were told about the yellow cake uranium from Niger, when the President came before the Congress in his State of the Union speech and used that term to engender support for his war policy. We found out it wasn't true, and that ended up having a CIA agent outed because her husband, a former United States Ambassador, proved that, in fact, that wasn't true. If that had been under any other administration, it would have been called treason. Just like we were told: We will be greeted as liberators. Just as the President landed on the aircraft carrier with a big banner behind him saying "Mission Accomplished." How many lives have been lost since mission accomplished? Just like "the insurgency is in its last throes." We have heard that so many times.

Well, it is about time to add the surge to that infamous list. I think we all knew that the strategy to secure Baghdad would simply lead insurgents to move into other areas, and that is exactly what has happened.

As Anthony Cordesman from the Center for Strategic and International Studies said in recent testimony before the House Foreign Affairs Committee:

> The U.S. is having to expand its counterinsurgency operations broadly outside Baghdad. Limited tactical successes really don't matter unless such casualties include substantial cadres of leaders and experts that cannot be easily and rapidly replaced. The insurgents can simply disperse, stand down, and regroup.

Now, I know the administration likes to tout victories in individual Iraqi provinces or cities as markers of success, but I believe all we are seeing is what is sometimes called the balloon effect. We clamp down on insurgents in one area, they spring up in another. We never actually solve the problem.

Let's be frank about the status of the Iraqi Government. The New York Times describes the Iraqi Parliament and Cabinet as "barely able to function." Apparently, 12 Cabinet members aren't even attending Cabinet meetings anymore; 74 out of the 275 Members of Parliament are boycotting the Parliament. And numerous others don't attend anyway.

We have heard a lot about benchmarks. They keep changing, of course. It is now clear to anyone and should be to everyone that the Iraqi Government will not meet any of the much-touted benchmarks the Bush administration has outlined. I believe we are engaged in a ceaseless act of repetitive denial by this administration.

In fact, the Bush administration is shortly going to try to present a completely new set of "accomplishments" and downplay their previous benchmarks. A recent Washington Post article notes:

> Those achievements are markedly different from the benchmarks Bush set when he announced his decision to send tens of thousands of additional American troops to Iraq.

Let's take a look at the benchmarks the Bush administration told us would be met.

We were told that by the end of 2006 a provincial election law would be approved and new election laws would be put in place. It is the middle of 2007. That benchmark has not been met.

We were told the Iraqis would approve a law for debaathification. But that benchmark has not been met.

We were told the Iraqis would create a law to help restrain sectarian militias. That benchmark has not been met.

We were told the Iraqis would establish a law to regulate the oil industry and share revenues. That benchmark has not been met.

We were told by March the Iraqi Government was supposed to hold a referendum on constitutional amendments. But, again, that benchmark has not been met.

As I have said time and time again, benchmarks without consequences are just aspirations. And I am sick and tired of hearing about goals that are never met. Yet despite this lack of results, the administration refuses to admit their strategy has failed. Instead, they want to move the goalpost. They just want to alter their perception of reality.

Finally, I cannot close without discussing the cost of the war in Iraq. Our expenditures in Iraq saddle our Nation's finances and our children's future. We spend approximately $10 billion a month in Iraq. We spend $2.5 billion a week in Iraq. We spend more than $328 million every day in Iraq. And we spend more than $13.5 million an hour—an hour—in Iraq.

Let me just put our Iraq spending in perspective. For what we spend in a month and a half in Iraq, we could fully fund No Child Left Behind next year, ensuring that every school district in the United States has the funds promised to them to meet the goals of the law for a quality education for every child. Just for what we spend in 1½ months, we could meet all of that goal next year.

For what we spend in approximately 3 days in Iraq, and with an additional $1 billion, we could substantially improve security at our Nation's ports, including increased scanning of cargo containers. I represent one of the largest ports on the eastern seaboard, clearly one of our huge gaping holes to our domestic security.

For what we spend in just over 2 months in Iraq, we could pay the $21 billion cost of implementing the remaining 9/11 Commission recommendations to secure our homeland, implementations that would truly make our country, its communities, and its families far more secure. Yet we need to look beyond the economic cost of the war at its true cost: 3,609 American lives. That has no price to it. It is invaluable. These are the sons and daughters, mothers and fathers, brothers and sisters, husbands and wives of fellow Americans, and we now have more than 26,695 sons and daughters of America who are wounded in ways that will affect their lives forever. I hope a grateful nation remembers them now and in the future.

In conclusion, I ask, Mr. President, how many more deadlines will be missed? How many more benchmarks will be set, not met, and then forgotten? How many more times will we be told to wait just a few more months? How many more times will the administration say that change will happen soon, 4 years later? How many more broken promises? And how many lives must be lost in the meantime? How long will this administration wait to come to the inevitable conclusion that we must transition out of this war?

Mr. President, it is over. Your failed strategy, your ill-conceived war must come to an end before more damage is done, before more lives are lost, before more national treasure is squandered. Let's get our troops home so we can start the hard work of meeting our domestic homeland security challenges, of meeting our security challenges elsewhere in the world—for which we have real challenges—of strengthening our foreign policy and mending our international relations.

I know as I visit back in New Jersey, so many of my constituents say to me: Why is it that you all in the Senate cannot just simply put an end and seek the transition to this war? To do that, we truly need profiles in courage in the Senate. We need bipartisan support. Democrats do not have the 60 votes in the Senate to stop a filibuster, the procedural process by which the Republican minority thwarts the will of a majority of the Senate and the American people, nor do we have the 67 votes needed to override a Presidential veto. It will take colleagues from both sides of the aisle to meet that challenge.

I challenge my Republican colleagues, who now say they are dismayed and have a different view than the President—and I applaud them for coming to that conclusion. And I say it is time to back their words with meaningful votes here on the floor of the Senate—now, before we lose more lives and national treasure. Now is the time, not tomorrow. Now is the time, not next month. Now is the time, not next year.

I will end today by reminding all of us of what Senator Robert Kennedy said about the war in Vietnam. He said:

> Past error is no excuse for its own perpetuation. Tragedy is a tool for the living to gain wisdom, not a guide by which to live. Now, as ever, we do ourselves best justice when we measure ourselves against ancient tests, as in the Antigone of Sophocles, where he said, "All men make mistakes, but a good man yields when he knows his course is wrong, and repairs the evil. The only sin is pride."

The only sin is pride. The only sin is pride. Let's not allow pride to be the obstacle to changing our course in Iraq, to making sure we save more lives of the men and women who bravely answer the call of the Nation's trumpets. Let's make sure ultimately we strengthen our security by having the resources both at home and abroad to meet our real challenges. Let's change the course. And over the next week, we will have that opportunity.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I have listened carefully to the remarks of my colleague, the junior Senator from New Jersey, and among the things he said are that he is outraged that we haven't ended this war. And he said, speaking to the President of the United States: Your ill-conceived war should come to an end before more lives are lost. He concluded by saying: Now is the time, not next month, not next year.

Mr. President, while my colleague is still on the Senate floor, it seems to me that we should talk a little bit about what the obligations are of someone who has those feelings. It seems to me that anybody outraged that we haven't ended the war now has an obligation to offer an amendment before this body to do so. When he says now, before more lives are lost, that should suggest the only thing the Senate can do and the House can do is to cut off the funding for the war. But that is a way to end the war, it seems to me, instead of arguing about the amount of deployment time, the time of rest between deployments for our soldiers, if that is the state of the situation, that the Senator believes we ought to be getting right to the bottom line before any more lives are lost and cut off the war.

My own view is not as pessimistic, not as defeatist. My own view is that General Petraeus is right; that there is an opportunity for us to succeed in our mission. And when I talk about supporting the troops, and I think about when General Petraeus talks about supporting the troops, the best way to support the troops is to support the troops, meaning to not only provide what they need to succeed in their mission in a material sense but to provide the political and moral support they need to continue their mission.

Mr. MENENDEZ. Will the Senator yield?

Mr. KYL. I will in a moment. Since I addressed the Senator's remarks, I will be happy to yield to him.

But that support is critical to the success of their mission. They don't think they have lost this war, contrary to some on the other side of the aisle here. They don't think they have lost, and they believe they can succeed in their mission. The kind of defeatist talk I have heard here, unfortunately, it seems to me, leads to the notion that it is a question of which one of them, which one of these brave soldiers or marines or airmen or sailors are going to be the last one to die in a failed cause.

That is not the message we should be sending from the Senate. It is not the message the political leaders, who should be supporting these troops, should be sending—not just to the troops and to their families but also to our allies and our enemies.

I will be happy to yield.

Mr. MENENDEZ. I appreciate the Senator yielding. I don't know whether he voted for cloture on the amendment offered by Senator WEBB and Senator HAGEL. But when we talk about supporting the troops, here are two Members of this body who are distinguished, decorated combat veterans who know what it is to fight a war, and they both, as well as others, said it is critical for our troops to have a rotational cycle that gives them some respite equal to the time they are deployed. I don't know why we couldn't have had a straight up-or-down vote. That would be about supporting the troops.

Last, I say to my distinguished friend, we can have differences on the war. I believe that, in fact, having these blinders in which we continue to say "stay the course regardless of consequences" is ultimately leading us down a road that is not in the best interests of the United States and its security. So we differ.

I hope you will consider voting for the Levin-Reed amendment. That will give us an opportunity to begin the end of the war and transition out in a way that ultimately will secure the United States.

Mr. KYL. I appreciate the comments of my colleague. Let me reiterate, it seems to me if one is outraged, and if one believes the war should end now, before another life is lost, instead of arguing about how many months there are between troop deployments and making that the attempted argument here, that you ought to get right to the bottom line and decide to cut off the money for the war.

I have a different point of view. Of course, I am not going to vote for that amendment because I believe that General Petraeus, having been unanimously confirmed, has an opportunity and basically the right to expect our support in carrying out the mission which we have sent him to achieve and which we have sent all these soldiers and marines and others to achieve as well.

We undercut that mission by cutting it short, by cutting off our support. It is not a matter of giving it more time. The last brigade of the five brigades that were brought in on the surge just got into theater. This surge has just gotten underway in its full form and General Petraeus has said he is going to come back in September and give us a report on how he thinks it is going. Obviously, it will be an interim report. One couldn't expect necessarily that all the results could be achieved in the short period of time between now and September. But, nonetheless, that will be a time when he can come back and give us a report.

I suggest we ought to at least wait until we receive that report before concluding that all is lost and that we have to bring the troops home and that that is the best way to support them. They don't believe that. I have spoken to the troops in Iraq. They believe they are winning and that they can win. Early reports from this surge suggest they are right.

I am not going to prejudge it, however. All I ask of my colleagues is that they not prejudge it either, that they not come in here with a defeatist attitude and say all is lost, it can't work, we should bring everybody home, and it doesn't matter whether General Petraeus has just gotten started, it doesn't matter that we have confirmed him unanimously and that we have sent him into harm's way to accomplish this mission. None of that matters. Our political judgment is all that matters and we ought to begin a withdrawal.

That is fundamentally wrong, and I am glad my colleagues will defeat these amendments which would have the effect of undercutting our mission and, as I said, the mission and morale of our troops.

I wished to speak briefly to the amendment of Senator LIEBERMAN, who has been a stalwart and steadfast beacon of truth—truth that needs to be spoken to the kind of threats this country faces, especially with respect to the overall terrorist threat, both as it emanates from terrorist groups and also as it is supported by state sponsors of this terrorism. That is what his amendment goes to. It goes to the state sponsorship of terrorism by the state of Iran.

It is an excellent amendment which needs to be adopted by this body, in my view. As he has noted, Iran has a long history of supporting terrorism and it continues to develop a nuclear capability. It is actively undermining our efforts in Iraq. It is responsible for the death of Americans, and it needs to be confronted.

Senator LIEBERMAN's amendment documents many of Iran's dangerous actions in Iraq and it directs, in its conclusion, a regular report to Congress to better inform us and the American people of the destructive and intolerable role of Iran. We need this information to help formulate our policies as well as to mobilize public opinion to support them.

Let me discuss a few of the items that are in his proposal and why it needs to be supported by this body. We know that Iran has become the primary ideological, financial, and logistical supporter of terrorists seeking to attack the West and one of the major financial supporters. We know because the U.S. Department of State has listed Iran as a state sponsor of terrorism. It is one of only five countries in the world to be so designated.

The State Department's most recent report stated: "Iran remains the most significant state sponsor of terrorism."

This is not in doubt. It provides significant financial backing to terrorist groups such as Hezbollah, Hamas, and Islamic Jihad in an organized effort to undermine the Israeli-Palestinian peace as well as our efforts throughout the Middle East. It is trying to undermine moderate regimes throughout the Middle East, to establish itself as the dominant regional power—this, by the way, being considered a matter of great concern by other nations in the region. It wants to reshape the region in its own ideological image.

Iranian-sponsored terrorism has caused the death of Americans, for example, in the 1996 Khobar Towers bombing in Saudi Arabia, where 19 U.S. servicemembers were killed. It provided assistance to al-Qaida. According to the 9/11 Commission report, in late 1991 and 1992, discussion in Sudan between al-Qaida and Iranian operatives led to an informal agreement to cooperate and provide support, even if only training for actions carried out primarily against Israel and the United States. Not long afterward, senior al-Qaida operatives and trainers traveled to Iran to receive training in explosives.

Iran has continued its relations with al-Qaida. At least eight of the 9/11 hijackers traveled through Iran between October of 2000 and February of 2001. Its aggressive sponsorship of terrorism is a vital national security threat to the United States.

Let me mention its nuclear capability. It continues to defy the international community by developing its nuclear capability. Nuclear weapons in the hands of the most significant state sponsor of terrorism is a risk to the United States, and we have to do everything we can to prevent that. The most recent evidence includes the apparent construction of a new tunnel complex near one of Iran's major nuclear sites. A former United Nations weapons inspector, David Albright, noted Iran built a tunnel complex near the Isfahan uranium conversion plant in order to protect a range of nuclear-related equipment and that Iran may be construct a similar facility near Natanz, fearing that the underground halls at Natanz are vulnerable to destruction by military attack.

I support the administration's commitment to pursuing a diplomatic solution to this danger, but although the United Nations has imposed sanctions on Iran, nothing has come of this. If Iran continues to develop its nuclear capability, obviously we maintain the right to take appropriate action, and I therefore will continue to support efforts to marginalize this threat that Iran poses to the West and to the United States.

Finally, let me make a comment about the undermining of our efforts in Iraq. This is the most immediate threat from Iran, and it is a significant focus of the amendment of Senator LIEBERMAN. The most recent Country Reports on Terrorism from the State Department states:

> Iran . . . continues to threaten its neighbors and destabilize Iraq by providing weapons, training, advice and funding to select Iraqi Shia militants.

Then-Ambassador to Iraq Khalilzad stated last year:

> We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They provide money to Shiite militias and they train some of the groups. We can't say whether Tehran is supporting al-Qaida but we do know that al-Qaida people come here from Pakistan through Iran. Ansar al-Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran.

General Petraeus recently stated:

> The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies with explosives and so forth, even advice in some cases, has been very, very substantial and very harmful.

Iranian interference in Iraq is not the rogue actions of low-level personnel. Here is what General Petraeus recently stated, which I think is critical:

> We know that it goes as high as Brigadier General Qassem Suleimani, who is the head of . . . the Qods Force . . . of the Iranian Guards Corps. That is quite high level. We believe he works directly for the supreme leader of the country.

This support is material and is leading directly to the deaths of American servicemembers.

Brigadier General Bergner, spokesman for the Multi-National Force in Iraq, recently stated that the Qods Force operates three camps near Tehran and that:

> [The] Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use [Explosively Formed Penetrators], mortars, rockets, as well as intelligence, sniper and kidnapping operations. In addition to training, the Qods Force also supplies the special groups with weapons and funding of $750,000 to $3 million U.S. a month.

In February, the U.S. military reported that at least 170 deaths of coalition troops could be attributed to weapons with ties to Iran.

Iranian actions are killing Americans and undermining our efforts in Iraq. The Congress needs to take this threat seriously and begin to take appropriate actions to deal with it. Senator LIEBERMAN's amendment is an important step in dealing with the threat that Iran is imposing.

I urge my colleagues to support the amendment.

Mr. President, I ask unanimous consent that an op-ed, written by Senator LIEBERMAN and carried in the Wall Street Journal on July 6, 2007, be printed in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 6, 2007]

IRAN'S PROXY WAR

Earlier this week, the U.S. military made public new land disturbing information about the proxy war that Iran is waging against American soldiers and our allies in Iraq.

According to Brig. Gen. Kevin Bergner, the U.S. military spokesman in Baghdad, the Iranian government has been using the Lebanese terrorist group Hezbollah to train and organize Iraqi extremists, who are responsible in turn for the murder of American service members.

Gen. Bergner also revealed that the Quds Force—a special unit of the Iranian Revolutionary Guard Corps whose mission is to finance, arm and equip foreign Islamist terrorist movements—has taken groups of up to 60 Iraqi insurgents at a time and brought them to three camps near Tehran, where they have [received instruction in the use of mortars, rockets, improvised explosive devices and other deadly tools of guerrilla warfare that they use against our troops. Iran has also funded its Iraqi proxies generously, to the tune of $3 million a month.

Based on the interrogation of captured extremist leaders—including a 24-year veteran of Hezbollah, apparently dispatched to Iraq by his patrons in Tehran—Gen. Bergner also reported on Monday that the U.S. military has concluded that "the senior leadership" in Iran is aware of these terrorist activities. He said it is "hard to imagine" Ayatollah Ali Khamenei—Iran's supreme leader—does not know of them.

These latest revelations should be a painful wakeup call to the American people, and to the U.S. Congress. They also expand on a steady stream of public statements over the past six months by David Petraeus, the commanding general of our coalition in Iraq, as well as other senior American military and civilian officials about Iran's hostile and violent role in Iraq. In February, for instance, the U.S. military stated that forensic evidence has implicated Iran in the death of at least 170 U.S. soldiers.

Iran's actions in Iraq fit a larger pattern of expansionist, extremist behavior across the Middle East today. In addition to sponsoring insurgents in Iraq, Tehran is training, funding and equipping radical Islamist groups in Lebanon, Palestine and Afghanistan—where the Taliban now appear to be receiving Iranian help in their war against the government of President Hamid Karzai and its NATO defenders.

While some will no doubt claim that Iran is only attacking U.S. soldiers in Iraq because they are deployed there—and that the solution, therefore, is to withdraw them—Iran's parallel proxy attacks against moderate Palestinians, Afghans and Lebanese directly rebut such claims.

Iran is acting aggressively and consistently to undermine moderate regimes in the Middle East, establish itself as the dominant regional power and reshape the region in its own ideological image. The involvement of Hezbollah in Iraq, just revealed by Gen. Bergner, illustrates precisely how interconnected are the different threats and challenges we face in the region. The fanatical government of Iran is the common denominator that links them together.

No responsible leader in Washington desires conflict with Iran. But every leader has a responsibility to acknowledge the evidence that the U.S. military has now put before us: The Iranian government, by its actions, has all but declared war on us and our allies in the Middle East.

America now has a solemn responsibility to utilize the instruments of our national power to convince Tehran to change its behavior, including the immediate cessation of its training and equipping extremists who are killing our troops.

Most of this work must be done by our diplomats, military and intelligence operatives in the field. But Iran's increasingly brazen behavior also presents a test of our political leadership here at home. When Congress reconvenes next week, all of us who are privileged to serve there should set aside whatever partisan or ideological differences divide us to send a clear, strong and unified message to Tehran that it must stop everything it is doing to bring about the death of American service members in Iraq.

It is of course everyone's hope that diplomacy alone can achieve this goal. Iran's activities inside Iraq were the central issue raised by the U.S. ambassador to Iraq in his historic meeting with Iranian representatives in Baghdad this May. However, as Gen. Bergner said on Monday, "There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here." The fact is, any diplomacy with Iran is more likely to be effective if it is backed by a credible threat of force—credible in the dual sense that we mean it, and the Iranians believe it.

Our objective here is deterrence. The fanatical regime in Tehran has concluded that it can use proxies to strike at us and our friends in Iraq, Afghanistan, Lebanon and Palestine without fear of retaliation. It is time to restore that fear, and to inject greater doubt into the decision-making of Iranian leaders about the risks they are now running.

I hope the new revelations about Iran's behavior will also temper the enthusiasm of some of those in Congress who are advocating the immediate withdrawal of U.S. forces from Iraq. Iran's purpose in sponsoring attacks on American soldiers, after all, is clear: It hopes to push the U.S. out of Iraq and Afghanistan, so that its proxies can then dominate these states. Tehran knows that an American retreat under fire would send an unmistakable message throughout the region that Iran is on the rise and America is on the run. That would be a disaster for the region and the U.S.

The threat posed by Iran to our soldiers' lives, our security as a nation and our allies in the Middle East is a truth that cannot be wished or waved away. It must be confronted head-on. The regime in Iran is betting that our political disunity in Washington will constrain us in responding to its attacks. For the sake of our nation's security, we must unite and prove them wrong.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I rise in support of the amendment offered by the Senator from Connecticut. The amendment puts Iran on notice that we in the Congress are aware of actions taken by Tehran that have resulted in the deaths of U.S. service personnel. We are aware of it, and we must do everything we can to stop it as quickly as possible.

While my colleagues and I may have legitimate differences over our policy in Iraq, we stand firmly united against those individuals and regimes that would seek to harm our troops. For some time now, American diplomats and military officers have suspected that key Iranian Government elements are actively engaged in supporting individuals and groups seeking to destabilize the Iraqi Government and who are deliberately targeting American troops for attack. There is a body of evidence, a body of reporting on Iranian material support to Shia militias, reports that suggest that Iranian support for the most lethal of the improvised explosive devices and for armor-piercing explosively formed projectiles. Together, these weapons account for a high percentage of American casualties in Iraq.

But the evidence of Iranian activity in Iraq does not end there. In order to increase its influence in Iraq, bleed the United States and disrupt our efforts in Iraq, Iran has engaged in numerous specific acts. A few of the publicly available reports include:

In February of this year, our military confirmed that at least 170 members of the U.S. Armed Forces have been killed and at least 620 wounded by weapons tied to Iran.

On May 27, then-MG William Caldwell, spokesperson for the Multi-National Force in Iraq, said:

> What we do know is that the Iranian intelligence services, the Qods Force, is in fact training, equipping, and funding Shia groups . . . both in Iraq and in Iran. . . . We have in detention now, people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.

On April 26, General Petraeus stated that the Qazali network, a network directly connected to the Iranian Quds Force, was responsible for the sophisticated attack against the Karbala Provincial Joint Coordination Center in Iraq, which resulted in the murder of five American soldiers, four of whom were first abducted.

Last week Brigadier General Bergner, current spokesman for Multi-

National Force Iraq, stated the following:

> The Iranian Quds Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.
>
> Coalition forces have captured Ali Musa Daqdaq, whom the U.S. believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.
>
> The Iranian Quds Force operates three camps near Tehran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah. The Quds Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EFPs, mortars, rockets, as well as intelligence, sniper, and kidnapping operations.
>
> Iraqi extremists receive between $750,000 and $3 million every month from Iranian sources.
>
> . . . our intelligence reveals that senior leadership in Iran is aware of this activity and that it would be hard to imagine that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

Let me be clear. This amendment is not a call for war. However, it is a clear message that America stands by our troops and our interests in Iraq and that all Americans are united against those who would do them harm.

I ask my colleagues to join us in sending this message. If the Government of Iran wishes to prevent further international isolation and increased tension with the United States, it must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support for those who are destabilizing Iraq and killing American troops. That is about as simple as it gets. I would hope that however divided we may be on other questions of policy, we can all agree on that.

As my friend from Connecticut says, this amendment is a quite commonsense, common-ground proposal that would send a clear message on behalf of America, our interests, and those who risk everything to protect it.

I remind my colleagues of several quotes made by various Iranian leaders, including the Iranian President Ahmadinejad, who said:

> Israel is a tyrannical regime that will one day be destroyed.

He said on another occasion:

> Israel is a rotten dry tree that will be annihilated in one storm.

Another time he said:

> The skirmishes in the occupied land are part of a war of destiny. Israel must be wiped off the map.

Those are not the words of the Senator from Connecticut, the Senator from Michigan, any one of our enemies, but the elected leader of the State of Iran, who has said on numerous occasions that Israel must be wiped off the map.

So it is not just what the Iranian Government is doing in Iraq, it is the continued threat to the State of Israel. The Iranians, along with the Syrians, continue to arm Hezbollah. They are in the process of replacing the rockets expended in the battle in southern Lebanon as a result of the attack of Hezbollah on Israeli forces, the capture of Israeli servicemen. It is clear that the United Nation's Security Council resolution calling for the disarmament of Hezbollah in southern Lebanon is not in any way, sense, or form being enforced. In fact, Hezbollah is being rearmed rather than disarmed.

There is no doubt that the Iranian Government is attempting to realize an age-old dream of Persian influence and superiority in the Middle East. This is a real and serious threat.

I haven't even talked about the nuclear weapons development. It is well known to most of my colleagues here—all of them, as a matter of fact. As they continue to progress down the path to acquisition of a nuclear weapon, I am not concerned—I am concerned, but I am not as concerned about the fact that Iran develops a nuclear weapon and puts it on a missile aimed at Israel. I am far more concerned about the Iranians acquiring a nuclear weapon and handing it over to one of the terrorist organizations with which they have intimate and close ties.

This is a great threat in the region. Even if we are out of Iraq, let's suppose the worst-case scenario happens. I think one of the greatest threats to stability in the region is the insertion of Iran in a broad variety of ways in Iraq, beginning with southern Iraq, and their support of continued organizations that practice terror in the region.

I also think that obviously you would have some kind of Sunni involvement sponsored by the Saudis and you would have a number of other catastrophic situations, including the Turks not being able to withstand an independent Kurdish state. All of those are subjects for a debate for another day and discussion.

But the threat Iran presents, not just to Iraq, not just to the region, but peace in the world, is real. It is extremely urgent that we address it. If we fail to do so, as we have failed to address threats of terrorism in various shapes and forms in the past, we will pay a very heavy price. That is why I am very pleased to support the amendment of my friend from Connecticut.

Before I yield, could I also say I think that the Senator from Michigan and I and the Senator from Connecticut would be glad to enter into a time for a vote on this amendment at his convenience and that of the leadership's convenience.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend, the distinguished colleague from Arizona, Senator McCAIN, for his strong, clear, convincing, compelling statement to me. I am honored he has signed on as a cosponsor of this amendment I have offered, which is specifically related to the Iranian support, training, equipping of terrorists that go back into Iraq, are responsible for the death of Americans and Iraqis.

He stated the evidence very clearly. It is powerful evidence. This is an opportunity, as he said, no matter where you are on whether we ought to have a mandatory deadline or a goal or whatever about our policy in Iraq, to stand together and say, when American soldiers are being killed as the result of a concerted campaign by another government, acting through its agents, and our military—not some distant third party—but our military and our intelligence community are telling us that, clearly we are going to stand together here in the Senate and send a united message to Tehran: We know what you are doing. Stop it.

I thank the Senator from Arizona and Senator KYL, who spoke before.

Mr. President, at this time I ask unanimous consent to add Senator COLLINS of Maine and Senator SESSIONS of Alabama as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank Senator LIEBERMAN for offering this amendment because it is a very detailed list of activities that the Iranian Government is engaging in.

I say the Iranian Government purposefully, because I do believe that parts of their Government are deeply involved in trying to undermine our activity in Iraq. I hope this is something we can rally behind. I hope this is one of the amendments the whole Congress can get behind, the whole Senate can get behind, just as we have with pay raises and other things to help the troops.

I guess I would ask the question a different way: Do you doubt that what Senators LIEBERMAN and McCAIN have just alleged about Iranian activity is true? Does any Member of the Senate question the accusations that are being leveled at the Iranian operatives and Government vis-a-vis their involvement in Iraq? Is it something we can all agree on?

I would say that if you disagree, come to the floor and tell us why we are wrong. As you have just heard from Senators McCAIN, LIEBERMAN, and KYL, the accusations are very serious and they run deep. The accusations basically say that the Iranian Government, through the Quds organization, their military revolutionary, their guard component, is actively involved in undermining the young democracy in Iraq, and actively involved in killing Americans.

If you doubt that, if you disagree with that, come and tell us where we are wrong. If you agree with that concept, this a chance to speak up and say that is wrong. I hope everyone in this body can muster the ability to tell the Iranian Government that what you are doing in Iraq is wrong and must stop.

The question we must ask ourselves as a nation is: Why is Iran doing this? Everyone has a reason for whatever decision they make as a governmental body. Every organization has a reason for whatever decision they make. Iran has a reason. Can we figure that out? Is it a mystery to us? It is not a mystery to me. The reason I think Iran is trying to destabilize Iraq and drive Americans out of Iraq and the region is because Iran's worst nightmare is a functioning democracy on their border.

Iran is a theocracy controlled by some of the most brutal people in the Middle East. The Iranian President is up there in terms of rhetoric with Adolph Hitler. He is saying things in 2005, 2006, and 2007 that you thought were coming out of the 1920s and 1930s. Does he mean it? I think he does.

Senator MCCAIN said the second prize would be a missile with a nuclear weapon aimed at Israel. That is second prize. First prize for a nuclear-armed Iran would be a terrorist organization getting the bomb.

Now, does anybody believe Iran is trying to produce power through a nuclear program for peaceful purposes? Come here and say so. Do you have any doubt that the Iranian regime is trying to go nuclear for all of the wrong reasons? I have no doubt, I have no doubt that they are in Iraq trying to kill Americans so we will leave. I have no doubt they wish the Maliki government and anything like the Maliki government to fail. They are not interested in a democracy in their backyard. Neither is Syria. The biggest threat they can imagine is to have neighbors who can decide their own fate, to have people next door who can vote for their own leaders, where Sunnis, Shiahs, and Kurds come together, form a new economy and a new government. That is a dictator's, a theocracy's worst nightmare.

I completely understood why Iran is doing what they are doing. What I cannot understand is why we are doing what we are about to do. Why would we abandon this infant democracy, even though it is harder than we would like. We have made mistakes that are too numerous to count. But look at our own history. It took us 11 years to write our own Constitution. Four years ago the people in Iraq were living under a brutal dictator. Four years ago the police force had one mission: Take care of the dictator. The Army had one goal: Take care of the dictator.

Now you have people trying to come together and found a new country out of the ashes of a dictatorship. If you look at history, at our own history, you know how hard it is. But let me tell you the payoffs are enormous if we could pull this off. And when I say "we," I mean Americans and the big moderate forces in Iraq. It will transform the region.

Look at what happened to Qadhafi when Saddam Hussein went down. Things matter. If we fail in Iraq, it matters. And all the momentum that would be built by a successful outcome, which I think is very possible, that same—a different type momentum will be created by failure.

Who is the biggest winner and loser in Iraq? If Iraq fails, if the Government collapses and it becomes a chaotic situation, who would win? I would argue that at the top of the list would be al-Qaeda, because al-Qaeda would have a place to operate. I am not saying al-Qaeda dominates all of Iraq. I am saying they will have regions in Iraq where they use fear and intimidation to operate and they will be stronger.

I do believe with all of my heart and soul that if Iraq fails and this new democracy is curbed, the biggest winner will be the Iranian state. They will have influence over parts of Iraq that will make them stronger.

Another big loser would be Turkey, because the Kurdish north will become incredibly unstable. So I do not think it is a mystery as to what Iran is up to. They are trying to destroy a force that presents a great threat to their existence, their existence as a theocracy that suppresses any form of moderation.

We have a magic moment in the Middle East to change it for the better. It is going to be hard, it is going to be tough, and it is going to take sacrifice, but it will work if we stay with a model that has always worked.

What is that model? When people get up and preach the destruction of their neighbor and they preach genocide and they preach hate and division, the model that has always worked is for the good people to say no. Every time someone like the President of Iran has come along with his hateful, destructive message and no one checks it, over time good people die. Eventually, the killing gets to be so great and the carnage is so hard to look at, good people rally to stop it. We have a chance here to head off what I think is a bloodbath in the making. We have a chance to control an Iranian Government that is up to no good. We have a chance to stand with the forces of moderation and affect the outcome in Iraq for the better.

Will they become the United States of Iraq overnight? No. But here is, indeed, good news, that due to the surge, with additional military capability, there is something going on in Iraq that should be encouraging. al-Qaeda flourished under the old strategy. They were able to dominate different regions of Iraq. When they had control of those regions, they did what every thuggish group has done in history. They did what every ideologically driven, hate-filled group has always done. They overplayed their hand. They have done some vicious, terrible things, and the people who have lived under their thumb have said: I have had enough. This new strategy has empowered these people in the Sunni areas of Iraq to turn away from al-Qaeda and embrace something new. It has been possible because of General Petraeus and our brave men and women. Indeed, it is good news.

At the end of the day, this war on terror is about choices. Our hopes and dreams are that people in the Mideast, if given a choice, will reject al-Qaeda and find a new way. Our hope and dream is that the Iranian regime will not get stronger but weaker. The only way to ensure that it will get weaker is to make sure its neighbors are protected from its vicious behavior. The only way we will ever win this war is not just killing al-Qaeda but giving the power to those who say no to al-Qaeda to control their own destiny. The only way we will ever control Iran is to stand up to it, just as we had a chance with Hitler and we let many opportunities pass.

Do I believe Iran is going to conquer the world? No. But I do believe Iran unchecked will change the world for the worse. I believe with all my heart and soul that Iranian efforts to get a nuclear weapon are real, and if they are successful, we will have a nightmare on our hands because I think they would use the weapon or at least empower somebody who would use the weapon. That would create chaos in the Mideast. I know that if I am the Prime Minister of Israel, I am not going to sit on the sidelines and watch that happen. I believe if Iran gets more out of control than they are now, you are going to create a nuclear arms race in the Mideast. I believe if Iraq can push through the hard times and we can achieve stability and say no to al-Qaeda and contain Iran, momentum will be built for the next generation of those in Iraq and all over the Mideast to embrace a form of living we can tolerate.

There are plenty of people in Iraq—and I have met them, and you have, too—who are dying for their own freedom. What more can we ask? If you want to be a judge in the United States, you go through a confirmation hearing, and it is pretty awful. If you want to be a judge in Iraq, they try to kill your family. If you want to be a political leader in the United States, it is a pretty tough life, but in Iraq it could end your life.

To those who are willing to raise their hand and say: I am willing to stand up to al-Qaeda, I have had enough, God bless you. May God bless you. May the United States have the courage to stand by you. To those who see Iran as a growing threat, God bless you. May the United States have the courage to stand by you. To the young men and women who are going for the third and fourth time, God bless you. You see it better than anybody else. You know why you go back. You go back because you see hope where people here see no hope. You see change where we deny change exists. You see the ability to make the world better through your sacrifice, and you see the ability of passing on a better world to your children. You see the ability to affect things for the better so your kids won't have to do what you are doing. God bless you.

I hope and pray that this Congress, this Senate, and this country can muster the will to do the things that have always worked in the past. When you see evil, don't appease it; confront it. When you see hatred and bigotry, change it. Be willing to do the hard things now so that there will be a better life for those who come behind.

This strategy called the surge has been long overdue. We have paid a heavy price for misunderstanding the nature of what was required after the fall of Baghdad. We have been stubborn, and at times we have been arrogant. But at the end of the day, we are a good people. We stand for the good. The best we have is our men and women in uniform, and they are there in large numbers, volunteering to stay and to keep reenlisting. Whatever mistakes we have made in the past, let's not compound them.

I argue to my colleagues that the biggest mistake is yet to come, a mistake for the ages. That would be to adopt a policy that will make sure Iran wins and this new democracy in Iraq fails, to adopt a policy that will allow al-Qaeda to come back stronger than they were before—and they will, as surely as I am standing here speaking—and slaughter those who have chosen to say no to them. If that happens, there will be a whole generation of moderation in the Mideast silenced. That will mean the next generation of Americans will be in the Mideast for a bigger war to fight. It is really literally up to us, as a democratically elected body, as to what course we take.

I do not question anybody's intent, patriotism, or motivation. But don't be blinded by the mistakes of the past. Don't misunderstand our enemy. Our enemy does not want to be misunderstood. al-Qaeda has written out the script for the world. The script says: Get us out of the Mideast, destroy forms of moderation in the Gulf States, and destroy Israel. They have written it down, just as Hitler wrote it down. I believe it can be stopped, just as Hitler was stopped. The Iranian leadership is not hiding where they want to go. They are challenging us to stop them. I hope we will rise to the occasion because we can stop them. The strongest weapon in our arsenal is not just the brave men and women who take up arms but the value system of our country which is so much superior to the hate-filled demagoguery of al-Qaeda and to the totalitarian nature of Iran.

These are monumental times which I thought I would never live to see. I never thought in my lifetime I would see the world go backward instead of forward when it comes to standing up to evil. But such is life, such is fate.

To the brave men and women who have reenlisted and gone back for the third and fourth time, here is what I can say about you: History will judge you well because when your country needed you the most, you did not follow the political moment; you followed ideals that will last for a lifetime—truth, justice, and the American way.

God bless you.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I am very appreciative of the remarks of the Senator from South Carolina. His eloquence is both compelling and informative.

I thank my friend from Connecticut for his amendment.

Mr. President, there has been printed in the RECORD an article by Senator LIEBERMAN of Friday July 6, 2007, that appeared in the Wall Street Journal.

I hope many of my colleagues will find the time to read this piece by Senator LIEBERMAN.

My friends from South Carolina and from Connecticut have made the arguments on behalf of the present strategy. One of the aspects of this debate we are in will center to some degree around Iranian influence in Iraq and the need for, or not, face-to-face talks with Iran. Let me make it clear in the beginning that I think America should be ready to talk to anybody at any time under any circumstances as long as somehow it isn't injurious to America's prestige or cause. But I think those who would come to this floor and argue about the need for face-to-face talks with the Iranians and how somehow that is the Rosetta Stone or nirvana—something that all we need to do is sit down and talk face to face with the Iranians—should be aware of the recent experience we have had with the Iranians. There were talks between Washington and Tehran last month in Baghdad, and the subject was security issues. Many of us were aware of those.

I quote the chief military spokesman, BG Kevin Bergner:

> There absolutely is evidence of Iranian operatives holding weapons, training fighters, providing resources, helping plan operations, resourcing secret cells that is destabilizing Iraq.
>
> We would like very much to see some action on their part to reduce the level of effort and help contribute to Iraq's security. We have not seen it yet.

Obviously, we know that tensions between the United States and Iran are very high, especially after the United States seized five Iranians earlier this year in northern Iraq for which there was clear and compelling evidence they were helping the insurgents. We also know Iran has five U.S. Iranian citizens held on "security-related charges," a gross violation of human rights. I am surprised there is not more outrage in the United States over this basic kidnapping of American citizens.

The important part of this discussion is that our Ambassador to Iraq, Mr. Ryan Crocker, met with his Iranian counterpart last month in Baghdad. I know I share the view of most people who have had interface with Ambassador Crocker that he is one of the finest who has ever served in the Foreign Service as a diplomat and representative of the United States in all parts of the Middle East. One of the issues Ambassador Crocker raised was the type of roadside bomb which cuts through armor and is most lethal that is being supplied by the Iranians. Tehran's response last week was that they would study a request from Baghdad for a second meeting but warned the decision may take weeks.

Our No. 2 U.S. diplomat, Daniel Speckhard, said:

> We do not yet have another meeting scheduled for that dialogue with Iraq and Iran.

He said the first meeting produced general assurances that Tehran had a common interest in seeing a stable Iraq on its border, but these words had not been matched by deeds.

In other words, we have had a meeting with the Iranians. We have had various representations and representatives approach the Iranians on this issue. We have tried very hard and we will continue to try very hard to convince the Iranians that chaos in Iraq is not in their interest. I am not talking about U.S. interest but their interest. But it seems, as Daniel Speckhard said, what we have seen during the first meeting is, from our perspective, a sense that their actions were out of line with their stated goals and objectives.

Relations between the two countries obviously are being strained by Iran's nuclear program, which, in the minds of most experts, is by no means peaceful.

As I said at the beginning of my remarks, and this will be part of one of the amendments that is proposed, the United States should engage in face-to-face talks with the Iranians. That is fine. As I say, it is fine with me as long as it doesn't undermine U.S. prestige and enhance the prestige of a nation that continues to say things such as:

> Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.
>
> Remove Israel before it is too late and save yourself from the fury of regional nations.
>
> Israel is a tyrannical regime that one day will be destroyed.

We are supposed to sit down in face-to-face negotiations with a government whose President said, concerning the Holocaust:

> They have invented a myth that Jews were massacred and place this above God, religions and the prophets.
>
> The real Holocaust is what is happening in Palestine where the Zionists avail themselves of the fairy tale of Holocaust as blackmail and justification for killing children and women and making innocent people homeless.

That is the rhetoric of the Government of Iran.

I hope we can convince them that an al-Qaeda-significant presence in Iraq and increased chaos in the region is not in Iran's long-term interests because we need them. We need them to join with us in trying to bring about some kind of stability in the region. I hope that will happen.

I note the presence of the deputy Democratic leader on the floor. As I have discussed with the Senator from Michigan, the distinguished chairman, we are prepared to vote at whatever the leader's convenience is. It is my understanding—if I could have the attention of the Senator from Michigan—that after that, according to our conversation—

Mr. LEVIN. I apologize, Mr. President.

Mr. McCAIN. That is quite all right—that there would be a pending Hagel amendment and then a discussion of an amendment by Senators SALAZAR and ALEXANDER, and then there would be made in order probably a Kyl amendment from this side, in keeping with the back and forth of amendments, obviously, depending on the good will and agreement of the leadership.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are drafting a unanimous consent request to put in place what the Senator from Arizona has just described. But what it would be is that immediately following the disposition of the Lieberman amendment, as modified—and the modification is almost completed—that then there would be a recognition of Senator HAGEL, with 2 hours, I believe, equally divided, and then there would be—I have not had a chance to talk with the Senator from Arizona, but it may be preferable to have the Kyl amendment just offered and laid down today and then the hour for Senators SALAZAR and ALEXANDER and their cosponsors, with a half an hour, as I understand it, for the Senator from Arizona or his designee, to be recognized after that hour for Senators ALEXANDER and SALAZAR et al. But their hour would be purely for a matter of debate. There is no amendment of theirs that would be pending at this time.

Mr. McCAIN. Mr. President, could I ask the indulgence of the Senator from Michigan? Perhaps an hour for Senators SALAZAR and ALEXANDER and a half hour at the same time, so perhaps we could have a back and forth and use the hour and a half in its entirety, if that would be agreeable.

Mr. LEVIN. Mr. President, I think that would be the intention.

Mr. WARNER. Mr. President, if I could ask the distinguished managers, this amendment by Messrs. SALAZAR and ALEXANDER is of considerable importance, and there are some of us who would like to comment on that.

Mr. McCAIN. Sure. Could I respond?

Mr. WARNER. Not as a part of that hour. I think they wish to have an hour reserved under the two principals together with their distinguished list of cosponsors. There are some of us who are not cosponsors who may have comments.

Mr. McCAIN. Mr. President, I believe that this hour they asked for is in addition to the discussion of the regular amendment when it comes up on the floor sometime in the next—

Mr. LEVIN. Whenever it comes up.

Mr. McCAIN. Whenever it comes up. They were seeking unanimous consent just to discuss for an hour the merits of their amendment. I had said, well, we should try to also have a half hour and a time limit. Obviously, all of this is in keeping with the wishes of the majority. The Senator from Michigan and I are trying to—

Mr. WARNER. Well, it is simply that I have some concerns about the Salazar-Alexander amendment. I do not wish to encroach on such time as they wish, but it would seem to me those of us who may have some concerns should have the opportunity to speak in the proximity of their discussion so the Members would have the benefit of both views.

Mr. LEVIN. Mr. President, if the Senator will yield on that, Senator McCAIN, actually, I think, was intending to protect that interest in the half hour which he requested. If that is not sufficient, then we could make that an hour.

Mr. WARNER. Mr. President, I would perhaps seek to have 10 minutes. That is all.

Mr. McCAIN. Mr. President, why don't we do this: have an hour—and I am sure we will not use it—an hour each.

Mr. LEVIN. We will have a unanimous consent request. This is being cleared on our side. I would also ask that Senator SMITH be recognized for 10 minutes between now and the time we will, hopefully, vote on the Lieberman amendment.

Is the modification at the desk? Is that ready?

Mr. LIEBERMAN. I say to the Senator, through you, Mr. President, the modification is ready.

Mr. LEVIN. Mr. President, I think the Senator from Illinois is going to be recognized at this point. After he has his colloquy with Senator LIEBERMAN, I would again seek the floor to put in place that unanimous consent agreement which we have just broadly outlined.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to ask unanimous consent, through the Chair, to have a brief colloquy with Senator LIEBERMAN about his pending amendment, as modified, so there is clarification here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

First, we all acknowledge that Iran is involved in sending deadly weapons into Iraq which are threatening the lives of American soldiers as well as those who are trying to seek a peaceful and stable Iraq. That is a fact. It is one that the Senator from Connecticut has condemned, and I join him in that condemnation. I think that is a large part of his effort with this amendment.

Secondly, I might add that Senator SMITH of Oregon and I have introduced a resolution relative to the proliferation issue in Iran, and we have quite a few cosponsors on both sides of the aisle. We are not calling it on this bill, but we may soon, and to find diplomatic ways to discourage Iran from developing nuclear weapons, which would be destabilizing and dangerous to the Middle East and the world.

But I have a specific question I want to ask of the Senator from Connecticut in light of the modification of his amendment. Does this amendment, now, that the Senator has presented, as modified, authorize the use of military force by the United States against Iran?

Mr. LIEBERMAN. Mr. President, through you, responding to my friend from Illinois, the direct and short answer is no, it does not. In fact, in the modification I will soon send to the desk, we have added a section that says explicitly what was intended implicitly, which is, "Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran."

I say to my friend from Illinois, my hope here—in the midst of a contentious debate in which there is division in the Senate—is that no matter where one stands on the issues we are debating, on the facts that the U.S. military has presented about the complicity of Iran and its agents in training and equipping terrorists who are then coming in and killing Americans and Iraqis, there is agreement. And there is agreement also on the "therefores" or the "resolved," which is, these are intolerable and unacceptable acts, and we call on the Government of the Islamic Republic of Iran to take immediate action to stop them.

Significantly—to me, anyway—we set up an operational procedure where, in the first 30 days and then every 60 days thereafter, General Petraeus or his successor, the Ambassador to Iraq and successor, will report to us on any new evidence about the activities of Iran in Iraq.

But because I want very much for this to be a statement that as many of the Members here—hopefully, all—could support, I do want to make it clear because I understand this is not meant as an authorization of the use of force or in any other way to speak to the use of force against Iran.

Mr. DURBIN. Mr. President, I thank the Senator from Connecticut for this clarification.

I yield the floor.

Mr. LIEBERMAN. Mr. President, if I might, at this time I would like to send to the desk a series of modifications to this amendment that are the result of negotiations, particularly with my friend from Michigan, the chairman of the Armed Services Committee, Senator LEVIN.

I have been told we are still working on it. I thought we had agreement. OK. So I will say we continue to work on these modifications, which the ones I have seen we have approved together.

Does the Senator from Michigan have late-breaking news?

Mr. LEVIN. Mr. President, if the Senator will yield, the only issue is it is not in the proper form. I would urge the Senator to describe that modification. By the time he describes it, and I have had a comment or two, it will be in a form we could send to the desk.

Mr. LIEBERMAN. Excellent. Essentially, these are corrections to clarify what the intention of myself and the sponsors, such as Senator McCAIN, were in submitting this. There were some helpful suggestions made, for instance, from the Intelligence Committee that wanted the reports done by the commander of the Multi-National Force and our Ambassador to Iraq to be done in cooperation with the Director of National Intelligence.

We have added a specific recitation of the fact that on May 28 of this year, Ambassador Crocker met in Baghdad with representatives of the Government of Iran to express concern about Iranian anticoalition activity in Iraq.

We call on the Director of National Intelligence to issue the National Intelligence Estimate on Iran that has been promised for some time now without further delay.

We indicate that we support diplomacy with the representatives of the Government of Iran in order to stop any actions by the Iranian Government or its agents against U.S. servicemembers in Iraq.

Again, we hope they will respond to these diplomatic initiatives.

And then, finally, the section I referred to in my colloquy with Senator DURBIN, that this is not intended to authorize or otherwise speak to the use of Armed Forces against Iran.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me again thank the Senator from Connecticut for these modifications. There are a number of other smaller modifications in the body of the amendment. The only one which I will read, make note of here—although there are a number of other very small ones—however, the one I do want to particularly point out, for those who are following this debate, is that the words "of hostility" are eliminated on line 14, page 7 in order to avoid any suggestion that this—I will give my interpretation, which I think fits exactly with what the Senator from Connecticut said—to avoid any implication in the body of the amendment that there is an authorization here for the use of force. And the words "of hostility," in the context of that line, might have given an impression contrary to what is now explicit, that "Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran."

Again, I thank our friend from Connecticut for these modifications. I support the amendment. In fact, I ask unanimous consent that I be added as a cosponsor to the amendment, and that Senator SALAZAR be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. With that, Mr. President, we wait for the form, and also the unanimous consent request which—

Mr. McCAIN. Mr. President, maybe we could let Senator SMITH proceed and then——

Mr. LEVIN. Mr. President, as soon as the modification is in proper form, it is the stated intention of the Senator from Connecticut to send that to the desk. In the meantime, if the Senator from Oregon could be recognized for 10 minutes.

Mr. McCAIN. Mr. President, could I just ask, is it the intention of the Senator from Michigan to call for a vote immediately after Senator SMITH's 10 minutes, to alert all Members?

Mr. LEVIN. To alert all Members, I think we will be ready for a vote at 5 minutes to 4 o'clock on the Lieberman amendment.

Should we get the yeas and nays on that amendment now? We have to wait until after it is modified to get the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I wish to say to the senior Senator from Arizona how much I admire him. In recent days, because of my difference with Senator McCAIN on the way forward in Iraq, many members of the press, particularly in my home State, have asked me how can I continue to support Senator McCAIN. I would like to answer that publicly for the Senate RECORD.

I support Senator McCAIN for more than just the fact that he is a colleague, for more than just the fact that he is a genuine American hero, for more than the fact that he is a man of unbreakable principle. I support him still because he is my friend. When friends have differences, you don't walk away from a friend. I don't. You weather the bumps in the road, and you do what Senator McCAIN has done with me; and that is to talk civilly and to counsel, and when there is a disagreement, that it is discussed as gentlemen, that it is discussed as friends.

But I come to the floor to speak for the Levin-Reed amendment. I am the original Republican cosponsor of this proposal. I am proud to cosponsor this amendment because it calls for what I have been stating for 7 months. It sets up a timetable to draw down our troops.

The amendment instructs the Secretary of Defense to transition U.S. forces starting approximately 4 months from the enactment of this legislation through the spring of 2008. Further, this amendment explicitly outlines the role of the U.S. military in Iraq as threefold. An appropriate amount of troops will remain to protect our diplomats, our military installations, and infrastructure. We will continue to train, equip, and provide logistical and intelligence support to the Iraqi security forces, sharing intelligence with them. Then, the third and most important point: We will be there to turn over every rock, every crevice, and seek out every al-Qaeda killer who wishes to harm Americans.

Al-Qaeda is our mortal foe. This is the war on terror, for want of a better term. It is a war from which we cannot retreat.

Over the past 7 months, when I spoke out pleading for a new course in Iraq, there has been a great cacophony of noise about how to go forward. Some of my colleagues have said to just cut off the funding. I have believed that to be dangerous and dishonorable. President Bush has said stay the course, and I find that troubling. What "stay the course" means is, we will continue to spend $12 billion a month. We will lose roughly three American soldiers a day. In addition to that, there will be countless wounded and maimed for life, for which I don't have a number.

Underpinning the current course and the argument of many of my colleagues on this side of the aisle is the hope, the predicate, that at the end of the road there will be an Iraqi government that will govern effectively and democratically. I believe President Bush's formulation, that we will stand down when they can stand up, is backwards. I come to that conclusion, based on numerous trips to Iraq, that they will not stand up until we begin standing down.

Like Senator McCAIN and many of my colleagues, I recently was in Iraq.

To be with our troops is to be inspired, to be humbled in their presence because of the remarkable work they are doing and the cause for which they are fighting. As inspiring as that is, it is equally depressing, then, to meet with Iraqi political leaders, democratically elected, whom we think ought to be focused on reconciliation. What I have found is they are focused on revenge. What I have learned firsthand is that Americans have no comprehension of the complexity, the factionalism, and the intensity of hatred that exists in some parts of the Middle East. On top of the factionalism, there are ancient sectarian strifes which produced a low-grade civil war that we cannot win, and which is not ours to win. It is theirs to win.

As I said 7 months ago, there is no good option for how we come home, but it does seem to me that Senator LEVIN and Senator REED best express my own conclusions. That is why I cosponsored their amendment, and that is to recognize al-Qaeda is our mortal foe. We must take them on where we can. But, ultimately, we have to get capable and effective Iraqi political leaders, too, so that they are pressured to do the most basic kinds of governing: Establishing an oil revenue-sharing law, debaathification, setting up local elections, allowing the processes of democracy to work, establishing a rule of law that gives people confidence, spending their oil revenue money for the restructuring and rebuilding of their own country. All of the money from the oil we are helping them pump sits in bank accounts, stuck by their Parliament.

My fear is that what our presence and current posture are doing is simply keeping a civil war at a low-grade level. Civil wars end in one of two ways: one side wins and the other loses, or they fight it out until they figure it out. My fear is that we delay the day for them figuring it out with our current posture. I would love to be proven wrong. I pray that President Bush is right. But I believe it is our obligation to have this debate to help change the course and the policy of the U.S. Government and to help change the course and policy of the Iraqi Government. We cannot want democracy more for them than they want it for themselves, and what they seem bent on is an ethnic cleansing of their neighborhoods, a religious division. Ultimately, those are their decisions, not ours. But as long as we say we will take the bullet first, they will let us.

I believe the Levin amendment provides a way forward with a responsible division of labor. Let the Iraqi forces that we have trained and equipped handle their security in Baghdad and in other communities. Let us help them by taking on al-Qaeda. The amendment envisions a much smaller American footprint. Our forces are trained and equipped in a way to handle that kind of mission, but as we speak, we are straining our military capacities and our personnel to a breaking point. I don't believe we should just abandon it, irrespective of consequences. That is why I urge my colleagues to look seriously at the Levin amendment, to consider it as the way forward that is both responsible as it relates to the Middle East and effective as it relates to the defense of the American people.

So as a Republican, I am for the Levin amendment. I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me first thank my good friend from Oregon for his extraordinarily prescient and moving statement. His support of this amendment has been a matter of great importance to the Nation, as well as to him personally and to the troops and their families. I want to personally tell him how moved I am by his words, and I wish everybody in this country could have heard his words. Hopefully, as many as possible will take a moment to read the words of Senator SMITH.

Mr. President, I believe we will be ready to move to a vote very shortly. I think there will be a UC which will set the time for 10 minutes after 4, but we will wait for the staff. Can we announce that it will be 4:10 for the vote? If I could get the attention of the Senator from Arizona, because I am asking for unanimous consent that the vote now be scheduled for 10 minutes after 4.

Mr. McCAIN. Whatever the Senator says.

Mr. LEVIN. I thank the Senator. Between now and then, the modification will, hopefully, be ready. It is at the desk. Does this require a motion or a unanimous consent or just a request to modify? I think the Senator from Connecticut needs——

The PRESIDING OFFICER. The sponsor has the right to modify the amendment at this time.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent—actually, I don't have to ask unanimous consent; it is automatically modified.

The PRESIDING OFFICER. The amendment will be so modified with the changes that are at the desk.

The amendment, as modified, is as follows:

At the end of title XV, add the following:

SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a "state sponsor of terrorism," one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent "Country Reports on Terrorism," stated that "Iran remained the most active state sponsor of terrorism" in 2006.

(3) The most recent Country Reports on Terrorism report further stated, "Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces."

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, "We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran."

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, "The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies . . . even advice in some cases, has been very, very substantial and very harmful."

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, "We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force . . . We believe that he works directly for the supreme leader of the country."

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, "What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran.... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force."

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, "We believe Hezbollah is involved in the training as well."

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, "The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq."

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with

Lebanese Hezbollah, stating, "The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations."

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between $750,000 and $3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that "[o]ur intelligence reveals that senior leadership in Iran is aware of this activity" and that it would be "hard to imagine" that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, "There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq."

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that "there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction".

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center "regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers".

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, "[They] could not have conducted this complex operation without the support and direction of the Qods Force."

(21) On May 28, 2007, the United States Ambassador to Iraq, Ryan Crocker, met in Baghdad with representatives of the government of the Islamic Republic of Iran to express U.S. concern about Iranian anti-coalition activity in Iraq;

(22) Section 1213(a) of the FY 2007 John Warner National Defense Authorization Act (P.L. 109-364) required that the intelligence community produce an updated National Intelligence Estimate (NIE) on Iran.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end any training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(3) It is imperative for the executive and legislative branches of the federal government to have accurate intelligence on Iran and therefore the intelligence community should produce the NIE on Iran without further delay;

(4) Congress supports U.S. diplomacy with the representatives of the Government of the Islamic Republic of Iran in order to stop any actions by the Iranian government or its agents against U.S. service members in Iraq;

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq in coordination with the Director of National Intelligence shall jointly submit to Congress a report describing and assessing in detail—

(A) any external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form to the extent practical consistent with the need to protect national security, but may contain a classified annex.

(d) Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran.

Mr. LIEBERMAN. Mr. President, I thank my friend from Michigan. I appreciate the fact we will vote in 10 minutes. I think we have an opportunity to do something both very important and together, both of which are important. It is Senators collectively blowing the whistle on the Iranians and telling them we know what they are doing and that we know it is resulting in the death of American soldiers in Iraq, and they better stop it. It is as simple as that. They can read into that whatever else they want. But so far as they may believe in Tehran that they can take advantage of what they view as political differences in the United States or partisan differences, I think this does give us the opportunity, across party lines and every other potential divider, including our position on the war in Iraq, to say: When we have evidence a foreign nation is contributing to the death of American soldiers, we are going to stand together against that.

So I appreciate very much the work we have done. I am honored that Senator McCAIN is a cosponsor. I am honored again that Senator LEVIN has become a cosponsor. I think we have the opportunity now to do something very united and important.

I thank the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. LEVIN. Mr. President, again, I thank my good friend from Connecticut for his cooperation and for his modification of his amendment. I think it now will command and should command the overwhelming vote of the Senate. There is no division when it comes to threats to the troops of the United States. Those troops are threatened in many ways in Iraq, and one of the ways they are threatened is by the activities of Iranians.

We want to make it very clear to the Government of Iran that we speak as one when it comes to protecting those troops from those kinds of threats. I hope that message gets through to the leaders of Iran loudly and clearly as a result of the adoption—or the expected adoption—of the Lieberman amendment.

Mr. President, I ask unanimous consent that the time until 4:10 today be for debate with respect to the Lieberman amendment No. 2073, as modified, with the time equally divided and controlled between Senator LIEBERMAN and Senator LEVIN or their designees; that no amendments be in order to the Lieberman amendment prior to the vote; and that at 4:10, without further intervening action or debate, the Senate proceed to vote in relation to the Lieberman amendment, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Under the previous order, the yeas and nays have been ordered on the Lieberman amendment No. 2073, as modified, and the question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—97

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Brownback
Johnson
Vitter

The amendment (No. 2073), as modified, was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized.

AMENDMENT NO. 2032

Mr. HAGEL. Madam President, I ask unanimous consent to call up the Hagel-Levin amendment, No. 2032, on troop deployment length, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nebraska [Mr. HAGEL], for himself and Mr. LEVIN, proposes an amendment numbered 2032.

Mr. HAGEL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the length of deployment of members of the Armed Forces for Operation Iraqi Freedom)

At the end of subtitle C of title XVI, add the following:

SEC. 1535. LIMITATION ON LENGTH OF DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.

(a) LIMITATION.—Commencing 120 days after the date of the enactment of this Act, the deployment of a unit or individual of the Armed Forces for Operation Iraqi Freedom shall be limited as follows:

(1) In the case of a unit or individual of the Army (including a unit or individual of the Army National Guard or the Army Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 12 consecutive months.

(2) In the case of a unit or individual of the Marine Corps (including a unit or individual of the Marine Corps Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 7 consecutive months.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to designated key command headquarters personnel or other members of the Armed Forces who are required to maintain continuity of mission and situational awareness between rotating forces.

(c) WAIVER AUTHORITY.—The President may waive the applicability of the limitation in subsection (a) in the event of a requirement for the use of military force in time of national emergency following consultation with the congressional defense committees.

(d) DEPLOYMENT DEFINED.—In this section, the term "deployment" has the meaning given that term in subsection 991(b) of title 10, United States Code.

Mr. HAGEL. Madam President, this amendment that Senator LEVIN and I offer this afternoon, joined by my distinguished colleagues, Senators WEBB, SNOWE, and HARRY REID, says the following: A unit of the Army, including the Army National Guard and the Army Reserve, may not be deployed or continued or extended on deployment for more than 12 consecutive months, and a unit of the Marine Corps, including the Marine Corps Reserve, may not be deployed or continued or extended on deployment for more than 7 consecutive months.

We recognize that some flexibility is required, therefore this amendment includes an exemption for forces needed to maintain continuity of mission and situational awareness between rotations.

We all recognize we are in a war, and we understand that extraordinary circumstances will arise which may require an extended deployment. To that end, this amendment also provides the President of the United States with the authority to waive the provision in times of national emergency.

To be clear, this amendment complements but is different from the Webb-Hagel amendment that we voted on this morning which sought to ensure that our troops have a minimum time at home between deployments. The war in Iraq has pushed the U.S. Army to the breaking point. When we deploy our military, we have an obligation to ensure that our troops are rested, ready, prepared, fully trained, and fully equipped. Today's Armed Forces are being deployed repeatedly for increasing periods of time. This is quickly wearing down the troops and their families, impacting the mental and physical health of our troops.

Further, these deployments are affecting the recruiting and retention rates of the military. For example, the Army reached only a little over 80 percent of its recruiting goal for June. This is the second month in a row that the Army has failed to recruit the number of new soldiers needed to fill the ranks. And this is with large cash bonus incentives. Over $1 billion in cash bonus incentives were offered and given last year.

Earlier this year, Secretary of Defense Gates declared the intent of the Department of Defense to deploy soldiers for not more than 12 months, and marines for not more than 7 months at a time. But in April, Secretary Gates announced that all Army units would deploy for 15 months because there were not enough rested forces available for redeployment.

He said:

> Without this action, we would have had to deploy 5 Army active duty brigades sooner than the 12-month-at-home goal. I believe it is fair to all soldiers that all share the burden equally.

Let me give an example of an extended, out-of-control deployment that recently hit my home State of Nebraska. Last month, 250 members of the Nebraska Army National Guard from the First Squadron, 167th Cavalry, and First Squadron, 134th Long Range Surveillance Detachment, returned to Nebraska from an 18-month deployment to Iraq. Yes, not 12 months, not 15 months—18 months, 18 months in Iraq, away from their families, their children, and their jobs.

Let me remind you again, this is a National Guard unit. That doesn't even include the 4 months of pre- and postmobilization training stateside.

Yesterday's Miami Herald reported the story of an Army reservist—not a member, again, of the regular Army. This reservist had been ordered to report to Iraq for his fifth deployment since we had been there.

During a House Foreign Affairs Committee hearing on June 27, retired GEN John Batiste, who commanded the Army's 1st Infantry Division in Iraq, testified that, in his words:

> Active-duty companies preparing for deployment to Iraq within the next 6 months at less than 50 percent strength, are commanded by young, inexperienced lieutenants [—young NCOs—] and these units are lacking the equipment they need for training.

General Batiste's testimony before the House 2 weeks ago is not the first testimony to direct our attention to this reality, this fact. A June 24 article in the New York Times cited the concern of anonymous administration officials, Bush administration officials, who were quoted. "The reality, the [Bush administration] officials said, "is that starting around April [of next year] the military will simply run out of troops to maintain the current effort."

The Bush administration officials continue in this New York Times story by saying, "By then," April of next year, the President "would either have to withdraw roughly one brigade a month or extend the tours of troops now in Iraq and shorten their time back home before redeployment."

This is on top of the already established policy of 15 months for the Army, in some cases, as we know from my example of the Nebraska National Guard unit, 18 months.

On June 23, the Washington Post quoted former Army Chief of Staff General Gordon Sullivan when he said:

> There isn't much more land power available for use in Iraq or Afghanistan. We are now "all in."

Another U.S. military strategist was quoted in the same article as saying:

> I do not believe we've ever had enough troops to do all the tasks we should be doing in Iraq.

In February, General Peter Pace, the Chairman of the Joint Chiefs of Staff, reported to Congress that there is now, in his words—this is a quote—"significant risk that our military will not be able to respond to an emerging crisis in another part of the world."

The Army continues to increase its reliance on men and women from the Navy and Air Force to fill Army vacancies in theater because we do not have enough soldiers. In April, at a hearing, the Department of Defense Task Force on Mental Health found that the military is putting already strained troops at greater risk of mental health problems because of repeated deployments to Iraq and Afghanistan.

The Mental Health Advisory Team-IV assessment replaced in May found that soldiers who deployed longer than 6 months or had deployed multiple times were far more likely to screen positive for mental health issues and that deployment length was directly linked to morale problems in the Army.

I wish to also note two other recent statements about what is going on within our force structure. This comes from an April edition of the Army Times.

> The military is so short of equipment that it will take years after the war in Iraq ends to bring it up to authorized levels.

That was what the Chairman of the Joint Chiefs of Staff, Peter Pace, told a House subcommittee.

Of course, I think if we review the front page of most newspapers in America this morning, we are once again reminded what is going on in Iraq. I have heard in some of the debate on this issue the arguments against these amendments, the amendment that Senator WEBB and I and others offered this morning, as a number of my colleagues are offering this afternoon that shows this is unconscionable, that somehow we have never done this before.

Well, I think we have laid to rest, or I hope we have, the issue of the constitutionality of the Congress of the United States being part of setting war policy. I would remind those who have some confliction about this or misunderstanding, that they read article I of the Constitution. It is rather clear what the constitutional powers of the Congress of the United States are.

If it is not our responsibility to deal with these great issues of our time—and I might remind all of us once again it is the Congress of the United States the Founders of this Nation entrusted with the sacred responsibility of declaring war. The administration or a President does not have that constitutional authority. It goes beyond that.

But I would also say we have never had a war fought in this country by American troops that has been an all-volunteer Army, an all-volunteer Army and force structure. So in Vietnam, where some of us served, we did not have a manpower problem. We did not have a manpower problem because we had a draft.

Now, we can go back to a draft. But we have to face the reality of what we are doing to the finest military the world has ever known—the best led, best educated, best equipped, most disciplined, and most focused, most selfless force structure the world has ever known—professional.

So when I hear: Well, we have never done this before, obviously Congress did get involved in Korea and all wars. But we have never fought two wars with an all-voluntary Army. So obviously we have limitations on force structure.

The answer is not to continue to push and force the force structure to the breaking point—which we are doing now. And every general will tell you the same thing and every senior NCO will tell you the same thing, that is what we are doing. We are destroying the finest force structure the world has ever known, which took us, incidentally, 30 years to build because of what we did to it after Vietnam.

In addition to that, we have been asking a very few individuals to bear all the burden and make all the sacrifices to sustain a war in Iraq that is now in its fifth year, longer than the entire duration of World War II. We have a mismatch with capability and manpower and mission. We have forces in 140 nations all over the world, but yet we have the smallest standing force since World War II.

Something is wrong here. What do we do? Well, we keep going back to the soldiers and the marines: Well, you can do another 3 months, can't you, or 4 months or 5 months? You can do two or three deployments, can't you? You are a volunteer. You are a professional.

It will not work. I think we are seeing very clear evidence of that.

Who does look out for the rifleman? Who cares about the man and the woman at the bottom who are always the ones who have to do the fighting and dying? This is not an abstraction. This not an abstraction to them. We need to address this. We need to address it clearly.

Well, for these reasons and others, I am hopeful that our colleagues will take a serious look at this serious amendment because I think it does address some of our issues, not all of our issues. It is not intended to address all of our issues.

But we are in a situation where things are not getting better, things are getting worse. If we expect these men and women whom we ask to make all the sacrifices for all of us, then we owe them at least some responsible policy, policy worthy of them and policy worthy of their sacrifice. That is what this amendment addresses.

I am grateful for my distinguished colleague and the dear friend, old friend, the junior Senator from Virginia's leadership; certainly the chairman of the Armed Services Committee and others who are cosponsors. I might note this is a bipartisan amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I would like to add my support to the Senator's amendment. I would state again my appreciation for his service to our country and for all the tough stands he has been willing to take here over the past few years on these vital issues.

Before I speak on this amendment, I would like to state briefly it is my understanding that in a press conference after the vote of this morning, when my earlier amendment failed to receive 60 votes, received 56 votes, there were some comments made by Members of the other party about my mentioning that in my amendment all of the ground combat veterans in the Senate were cosponsors of my amendment.

In the emotion of the time, apparently it was turned around into an assertion that I was trying to make a distinction about quality of service, or that people of one type of military background were being pitted against another. I say I regret anyone would think that speaking affirmatively about service, about service of individuals, was somehow speaking negatively about the service of anyone else or about people who have not served. I think that it is interesting to point out that in the amendment I offered, every ground combat veteran who is in the Senate cosponsored it. I am grateful for that. I think that does say something about the experiences that people have had in that environment, nothing more, nothing less.

With respect to the amendment from the Senator from Nebraska, this again is an issue that goes directly to the quality of the environment in which people who have stepped forward and served are being offered in the U.S. military today. People who step forward to serve do so because they love their country. They do so because they have family traditions. They do so in many cases because they like to soldier. But they do so looking to us, the national leadership, to place their service in this right context and to address that service with a period of stewardship.

I was stunned earlier this year when the policy was announced that those in the Army were going to go to 15-month deployments with only a 12-month dwell time back here after these deployments. This is the Active-Duty people. The normal rotation is 2 for 1 historically. If you are gone for a year, you are supposed to have 2 years back. Now we are down to less than 1 to 1.

I called the Chief of the Staff of the Army. I asked him about it. I said: How do you do this? He just came back from Iraq. How do you do this to your own people?

His comment to me: We have to feed the strategy. We don't articulate the strategy.

I had to empathize with the situation he was in. That is one of the reasons I developed the motivation to try and help the situation by addressing it in the Congress. Senator HAGEL has very clearly laid out the facts, the situation we face; that our troops, in many ways, have reached the tipping point, and the final tipping point came when we went below this 1-to-1 ratio, which is an absolute minimal floor.

The optimal ratio, as I said on the active side, is 2 to 1. We have a failed manpower policy which has placed the well-being and the availability of our troops in jeopardy. It is time for us to get to the place, after 4 years as an occupying force in Iraq, where the condition and the availability of our troops should drive our operational policies and not the other way around.

We are seeing the canary in the coal mine with respect to our military people. They have been giving more and more as these policies, those experimental policies, have gone forward. We are seeing a failing retention of experienced middle-grade officers and noncommissioned officers. We are seeing an increasing attrition rate against Army company-grade officers, the most graphic example of that being the West Point classes of 2000 and 2001. These are the two most recent classes that have finished their 5-year obligation.

As of the end of last year, 54 percent of the class of 2000 had left the Army. As of the end of last year, 46 percent of the class of 2001 had already left the Army. This is well above, well above by multiples, attrition rates in the previous Iraq environment. The Marines have also seen an upward trend from the loss of critical midgrade noncommissioned officers.

As Senator HAGEL pointed out, we are seeing difficulties in recruitment. With respect to the National Guard in Virginia, we have seen, since 2001, nearly 6,000 soldiers of the Virginia National Guard, and more than 2,000 members of the Air Guard, entering Federal service in support of these different operations.

We can be justly proud that all of these people have stepped forward to serve. At the same time we need to put a balance into how they are being used. As I mentioned a minute ago, that balance will be found in shaping our operational policies toward the availability of our troops. There is no strategy that should be driving the use of our troops in the way they are being used. For that reason, I support the amendment and urge my colleagues to do so.

I yield the floor.

Mr. SALAZAR. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. It is my understanding that time is being equally taken from both sides during the quorum call; is that correct?

The PRESIDING OFFICER. We are not under controlled time at the moment.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate considers the Hagel amendment No. 2032 and the Graham sense-of-the-Congress amendment relating to readiness during today's session, that there be a total of 90 minutes, equally divided, between Senators HAGEL and GRAHAM or their designees, with the amendments being debated concurrently; that no amendments be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative votes in order for the amendment to be agreed to; that if either or both of the amendments receive 60 affirmative votes, then the motion to reconsider be considered made and tabled; that if neither amendment receives 60 affirmative votes, then the amendment be withdrawn; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Hagel amendment; that upon disposition of the Hagel amendment, the Senate proceed to vote in relation to the Graham amendment; that there be 2 minutes of debate, equally divided, prior to a vote in relation to the Graham amendment; following disposition of the Graham amendment, Senator McCAIN or his designee be recognized to offer the next first-degree relevant amendment, to be followed by Senator LEVIN offering a relevant second-degree amendment; further, that the time for debating the Hagel and Graham amendments be considered to have begun at 4:50 p.m. and charged according to usage to this point.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. So the two votes would occur, I ask the chair, at what time?

The PRESIDING OFFICER. At 6:20.

Mr. LEVIN. Mr. President, I did not hear the Republican leader.

Mr. McCONNELL. Mr. President, I was just inquiring when we expect the two votes, and the chair said 6:20.

The PRESIDING OFFICER. At 6:20.

Mr. LEVIN. I thank the leader.

Senator McCAIN and I have had discussions on this, that it was our hope we could have majority votes on these matters, but there would have been objection to that.

Is that a fair statement?

Mr. McCAIN. Mr. President, that is correct.

Reserving the right to object, did the distinguished chairman mean to also announce that we intend to bring up the wounded warriors amendment tomorrow?

Mr. LEVIN. Mr. President, I thank my friend from Arizona. It is my intention that I bring up the wounded warriors amendment tomorrow as the amendment referred to here. It is a Levin-McCain et al. amendment. It is a bipartisan amendment. But it is the amendment that I intend, as of this moment, to bring up as the amendment referred to in this UC.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. McCAIN. Mr. President, just reserving the right to object to clarify one more time, we intend to debate and vote on Graham and Hagel side by side. Then I would offer an amendment that would be considered. Following that, I think, is when the Senator from Michigan, along with I think 99 others, would be offering the wounded warriors amendment on behalf of our veterans.

Mr. LEVIN. Mr. President, I thank my friend for that clarification.

Mr. DURBIN. Mr. President, reserving the right to object, I would like a clarification. Does this mean every amendment now to the Defense authorization bill will require 60 votes?

Mr. McCAIN. That is my understanding.

Mr. LEVIN. I would hope that would not be the case and that be decided on a case-by-case basis.

Mr. McCAIN. Yes. I think it would be decided case by case and probably not by me.

Mr. LEVIN. I hope that will not be the case.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, let me clarify something I said. Senator McCAIN is correct, and I misspoke. The reference to my bringing up the wounded warriors legislation is not governed by this UC. It is my intention. After the matters that are governed by this UC, that is what I would do. I can be recognized by the Chair under the rights of recognition in this body, and that is my intention.

I thank my friend from Arizona for that clarification.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I just want to make a couple comments about the pending amendment and the amendment Senator GRAHAM and I have filed in response to it.

Our amendment makes clear that the goal of our Armed Forces is to have the kind of time in theater and dwell times that our military has sought to achieve and that are sought to be achieved by the amendment but that it is a goal rather than an absolute fixed requirement that becomes the policy of the U.S. military determined by congressional action.

The reason for that is twofold. By mandating a certain policy for deployment time or dwell time, the Congress is engaged in the most explicit micromanaging of what is obviously a function for the Commander in Chief and military commanders to perform. The deployments of troops are clearly Commander in Chief obligations and responsibilities. This is not something Members of Congress are knowledgeable about or would have the ability to dictate in any responsible fashion. As a result, for us to adopt a mandatory policy here would be the height of micromanagement.

It also, of course, would be unconstitutional. We do have some obligation in this body to recognize that there is a difference between our legislative responsibilities and the executive responsibilities of the President, which include his responsibilities as Commander in Chief. Clearly, the dwell times of troops or units or the amount of time in theater for a unit is clearly an obligation of the Commander in Chief, not something for the Congress to determine. Therefore, secondly, this would represent an unconstitutional action by the U.S. Congress.

Why would there be a need for us to take that kind of step, literally throwing the gauntlet down in front of the President, when we could, instead, adopt an amendment such as Senator GRAHAM and I have filed, which recognizes the validity of the goal of the Senator from Nebraska; that is, to have this kind of general dwell time versus Active-Duty time—but does not purport to act, by Congress, in a way that is antithetical to the President's responsibilities as Commander in Chief. There is no reason for us to adopt as a Senate policy something which the military already has as its own goal and which the Congress can express is also, therefore, a goal of the U.S. Congress.

This certainly helps to give guidance to the President as Commander in Chief. It expresses our views as to what we deem to be desirable, but it does not hamper the President's operation of the war or infringe on his constitutional authority.

So I urge my colleagues to simply reflect for just a moment on the two reasons why I do not believe adopting the Hagel amendment is a wise idea and why we can achieve just as much by adopting the side-by-side amendment Senator GRAHAM and I have filed, which states this policy as a goal, as indeed it is, and it is perfectly appropriate as a goal but does not seek to intrude on the Commander in Chief's authority in this regard.

Mr. LEVIN. Mr. President, if the Senator from Arizona will yield, I see that Senator SALAZAR is on the floor of the Senate as well. It is our intention—Senator McCAIN and I have spoken—that after these two votes, we then go into morning business. It is our understanding that Senator SALAZAR, Senator ALEXANDER, and a number of other Senators during that period are going to want to speak relevant to the amendment which they have filed. The amendment will not be before us. It will just be that they will be talking about their amendment.

We tried to find a place for that to happen earlier today. It didn't happen. The time that it can happen very readily would be during that period of morning business that would come after the two votes which are presently scheduled. So I just want to put the Senate and, more importantly, Senators SALAZAR, ALEXANDER, and others on notice about that possibility. For those who also want to comment on that amendment perhaps from a different direction, a different degree, opposition, or whatever, they obviously would be free to do so at that time, or at any other time, because this is not the time when that amendment is going to be offered.

Senator McCAIN is back on the Senate floor. I indicated, I would say to the Senator, that during the period of morning business, that group of Senators and any other Senator who wants to comment on that amendment would be more than free to do so. It would not be pending before the Senate. It would be just for their discussion. But I wanted to put them on notice because they tried earlier in the day to have that opportunity.

Mr. McCAIN. Mr. President, if I could just add to that, the Senator from Virginia, Mr. WARNER, was particularly interested in engaging in that discussion.

Mr. LEVIN. He was, indeed, and there are others, I know.

Mr. KYL. Mr. President, if there is no one else to speak to the amendments that are pending, let me just read one other thing that is relevant to these amendments.

We had before us earlier an amendment by the junior Senator from Virginia that, in effect, is the flip side of the amendment of the Senator from Nebraska. The first amendment dealt with the dwell time which necessarily had an effect on deployment time. The Senator from Nebraska focuses on deployment time, which of course would also have an effect on so-called dwell time. So they both generally deal with the same subject but go at it from a different perspective.

With regard to the first amendment, and this would also be relevant to the pending amendment, I wanted to quote three things from the Statement of Administration Policy concerning that language. First of all, the Statement of Administration Policy on March 19 reads as follows:

> It is unwise to codify in law specific deployment and dwell times since this would artificially limit the flexibility of our commanders to conduct operations in the field and infringe on the President's constitutional authority as Commander in Chief to manage the readiness and availability of the Armed Forces.

Mr. President, on May 10, the Statement of Administration Policy read as follows:

> These provisions could unreasonably burden the President's exercise of his constitutional authorities, including his authority as Commander in Chief and his ability to conduct diplomatic, military, and intelligence activities or supervise the executive branch.

Then, just by way of example, the Department states that it has managed deployments by using the dwell ratio of individuals as the criteria for deployment.

The Department routinely deploys units at less than a 1:1 deployment to dwell ratio if the individuals within a unit meet minimum dwell requirements. The proposed language stipulates minimum periods between deployments for both units and individuals. The requirement to meet both criteria for unit and individuals before deployment could severely limit the options for sourcing rotations.

Mr. President, this is another way of saying what I said before, which is that there are reasons at any given time the Commander in Chief, acting through his military commanders, might deploy a certain unit for a certain purpose, and the individuals within that unit may or may not meet the optimal goals. Nevertheless, it is the goal of the military and therefore the Commander in Chief to try to meet these goals as much as possible.

What we are saying in the Graham-Kyl amendment is that these should remain the goals of the Commander in Chief and the military, and the Congress is specifically expressing our support for these goals. But for us to actually legislate a specific requirement would not only tie the President's hands and severely restrict his options as this statement verifies, but would also impermissibly intrude on his constitutional authorities.

So it is another way of saying what I said before, which is that it is a mistake to adopt the amendment as drafted, but we can achieve the same purpose in expressing our intent by the adoption of the Graham-Kyl amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, has amendment No. 2078 been called up, as modified?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 2078, AS MODIFIED, TO AMENDMENT NO. 2011

Mr. GRAHAM. Mr. President, I would like to call up amendment No. 2078, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. KYL and Mr. MCCAIN, proposes an amendment numbered 2078.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on length of time between deployments for members of the Armed Forces)

At the end of subtitle C of title X, add the following:

SEC. 1031. SENSE OF CONGRESS ON DWELL TIME BETWEEN DEPLOYMENTS FOR MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) the wartime demands placed on the men and women of the Armed Forces, both in the regular and reserve components, and upon their families and loved ones, since the terrorist attacks on the United States on September 11, 2001, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments require as much certainty as possible about the amount of time they will be at their home stations before commencing a subsequent extended operational deployment; and

(3) the goal, consistent with wartime requirements, for dwell time between extended operational deployments of members of the Armed Forces should be—

(A) for members of the regular components of the Armed Forces, no less 12 months between deployments; and

(B) for members of the reserve components of the Armed Forces, no less than 5 years between deployments.

Mr. GRAHAM. Mr. President, consistent with the unanimous consent agreement, I will take some time to talk about the Graham-Kyl alternative to Senators HAGEL and WEBB: No. 1, an observation about this whole debate based on what we did this morning. The author of this amendment, Senator HAGEL, has my deepest respect and admiration. He is a friend, and I hope he continues in public service for a very long time because he brings a lot of knowledge and wisdom to this body. Senator HAGEL and Senator WEBB have served in uniform. They have served in combat. They have my utmost respect. We just disagree. Quite frankly, you could bring Audie Murphy back from the dead, and he couldn't convince me this is a good idea.

I am a military lawyer. The only people who ever wanted to do harm to me were my own clients. But I have enjoyed being in the military. I have had occasion to serve as a military lawyer for quite a while now.

To those in the body, you have gotten here the same way as the rest of us. You convinced the citizens of your State that you had good judgment and were qualified for the job. I respect everybody in this body, including those who have served in the military in different capacities. But this is really—to be honest, every Senator's judgment is just as good as the next when it comes to things like this. I firmly believe we are making a mistake to try to get the Congress involved in dwell time or time on the ground in the way that is being proposed.

Do we all find it uncomfortable and disheartening that the Guard and Reserve and Active-Duty Forces have been stressed? Yes. That is why we are trying to increase the military, the Army and the Marine Corps, by 90,000. We have paid a heavy price for the mistakes of the past—not having enough people in Iraq, putting too much stress on our military—and we are beginning to correct that problem. We have a surge going on that is music to my ears in terms of changing the battle space.

What we have done in the past has not worked. The reason it failed in the past is we didn't have enough troops to secure the country, and we finally have gotten around to doing something different. The "something different" has increased combat capability twofold. For every combat soldier we had in Iraq before the surge, we have an additional soldier or marine and combat support person, which has made a dramatic difference.

The idea for Congress to step in at this point in time and say that soldiers, sailors, airmen, marines, members of the military—that by congressional mandate they are going to be locked into X amount of time in theater, is not only an unwise use of the moment, it is a constitutional problem for the ages.

The problem of this war is it is unpopular. I understand. No war is popular. I wish mankind could get away from trying to kill each other, but we haven't quite gotten there yet.

One thing you can say about this Congress—I think the last couple of Congresses I have been involved in—is you can accuse us of a lot, but you can't accuse us of being visionary. I don't think there is much visionary politics going on in the Congress. One of the things I would like to get the body to focus on is what would this amendment mean in terms of a constitutional restructuring? If this actually became law, what would be the effect on military commanders and the ability of those commanders to deploy troops based on military necessity? What would be the change in relationship between the Congress and the executive branch? It would be fundamental. The last thing we need in any war is to have the ability of 535 people who are worried about the next election to be able to micromanage how you fight the war. This is not only micromanagement, this is a constitutional shift of power. This is a degrading of military flexibility in a way that will haunt this country.

Now, this will not be the last war. The only thing I can tell you is there will be other wars, and that is sad to say, but it is true. Let's not turn the Constitution upside down and play a role that will impede the ability to win this war and the next war because we are upset with President Bush or because we made mistakes. The Congress has never done this before.

The reason the Congress has never done this before is because it would be a horribly bad idea. When you are at war, the last thing you want to interject in troop movements, how long they stay and where they go, is the political polling of the moment. The effect of this amendment is not only would it change a constitutional balance that has served us well over time, in regard to the surge it would disrupt rotation schedules that have been set.

My amendment, along with Senator KYL, expresses a goal that has been expressed by Secretary Gates. We are trying to make sure that Active-Duty Forces are not overutilized, and that their stays in theater are no longer than 15 months. We are trying to make sure that our Reserve Forces are not deployed in theater and activated for more than 1 year out of 6. These are goals that will make our military stronger. But we find ourselves at a time when we are adjusting strategy, and the strategy we are moving to is more labor intensive. It would be a mistake to use the idea of helping the troops as the reason to change the constitutional balance that will make every other war difficult to prosecute.

After having been to Iraq numerous times, what most troops want is for us to win. I spent the Fourth of July in Baghdad with Senator MCCAIN. I have had a lot of wonderful experiences as a Member of Congress, but I would have to put this up at the top in many ways.

Here is the setting: It is the Fourth of July, our Independence Day. We are in Baghdad. General Petraeus is having a ceremony for people who decided to reenlist in theater. It is at a Saddam Hussein palace. It is no longer used by Saddam Hussein; it is being used by coalition forces to help free the Iraqi people from their brutal oppression. We had over 600 American military members reenlisting, to do it yet again in Baghdad in the middle of a war. It was the largest reenlistment, they tell me, in the history of the country in a war zone.

Right after that ceremony, there were about 130 green card holders—noncitizens who are members of the military—who became naturalized citizens on that day. To be in their company, to just be around them buoyed my morale. It made be very proud of our military, and it humbled me.

To my colleagues here, I don't question your motives. We all understand the stress on the military, and we should support these goals. But we should not at this crucial time in this war make a decision that will fundamentally change the constitutional balance that has kept us free and make a decision that will allow politicians to take away from commanders the ability to deploy troops. The last thing we need is deployment and tour length based on polling. That is exactly what you would get.

Now, in terms of the waiver, I understand you can say: Well, wait a minute. The President can waive it. No President would ever accept this. There are people running for President in this body, and I would ask them: If you were Commander in Chief, would you sit on the sidelines and let the Congress take this authority away from you and your military commanders? Would Ronald Reagan? Would any President—you fill in the name—sit on the sidelines in any other war and let the Congress do what we are about to do? The answer would be no. They wouldn't look at the waiver as being a way for them to manage. What they would do is they would say: Wait a minute. I will have to veto this because this is an unconstitutional incursion upon my authority as Commander in Chief.

I am going to yield and let Senator INHOFE speak, but I would mention one thing about the troops. We are meeting our recruiting and retention goals. Three of the four services met or exceeded their goals. People who have served in Iraq and Afghanistan are reenlisting at the highest rates of anybody in the military. From the troops' perspective, I wish for one moment we could see the need to win this war in Congress as much as they see the need to win it in theater.

With that, if I am controlling the time, I yield to my good friend from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator for yielding. It is my understanding—although I came down here thinking I had a little more time—that we are down to 2½ minutes or something.

Mr. GRAHAM. Mr. President, I thought we had 40 minutes. What time is left?

The PRESIDING OFFICER. Two minutes remain for the Senator from South Carolina. Some of the time was allocated previously.

Mr. GRAHAM. To continue to use our time, I yield what time is left to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me, since we don't have the time I thought, explain why this is unique. We already voted on the Webb amendment. I don't see that there is any difference here. There is something that hasn't been talked about since I mentioned this last Monday and that is that this President inherited a situation that was a personnel crisis. We are dealing with that now—a personnel crisis. I remember back during the 1990s, we were cutting down—I am not criticizing anybody, but we had this euphoric attitude that the Cold War was over, and we didn't need a military anymore. They cut back our modernization program and our personnel and defense spending.

Let's look at this chart. If you look at this and put it into perspective as to why we should not try to micromanage this thing and let the military do it, this is where we were. During the early 1990s—the Clinton administration—this black line represents the baseline from 1993 and where we would be in 2001, or at the end of that 8-year period, had we spent the amount of money we were spending from the baseline that was established in fiscal year 1993. If you take that and take what the President requested—the red line down here—fortunately, we were able to get some above that, but it still meant we were $313 billion less than we should have been.

That is what put us into the position we are in today. It was a personnel crisis. So now we are going to have to get the maximum use. We are not going to be able to have mandated deployments and returns and be able to prosecute this or any other war. If we were not in this position, I would still oppose the idea of Congress micromanaging a war. That is what the military chiefs in the field are supposed to do and what they are trained to do.

This shows you why we have the crisis today, and we are trying at the same time to rebuild a military that was torn down during the 1990s, and we should not have found ourselves in this position.

This President has done a lot. We increased the number of Active Duty in the Army and Marine Corps, reducing the stress on the deployable Active-Duty personnel. Help is on the way. The increase would shorten deployment length and give soldiers and marines more dwell time at home, but it is not mandated from us. It is going to come from the resources we are expecting and anticipating we will have.

While many units are close to a 1-to-1 deployment dwell-time schedule, certain units have been extended to 15-month tours. Look, all of us have Reserve units at home and Guard units, and we have our regular services going. We know the deployments are strained. This is why they are strained. We are trying to make up for the losses we sustained back during the 1990s. If we continue to do what we are doing now, the move we are making will allow the Army to ensure that Active-Duty units have at least 12 months at home. We are prepared to do that now. All of the services are rebalancing force structure and cross components to ensure they have the right types of units with the right skills in the greatest demand.

These are some of the actions that have been taken now. If we leave this alone and in the hands of the chiefs, we have right now the great General Petraeus in a position where he is trying to get this thing done. I have to tell you that my 14th trip to the AOR showed me that things are working very well. If you remember what the President said back on January 10, he said we are going to have to win this war from the bottom up, not from the top down. That is what is happening now. These efforts have gotten the clerics in Iraq into a position where they are no longer having anti-American messages, and we are winning this thing from the bottom up. It is brand new.

In all my trips there, I have never seen such a dramatic change as I did prior to this last trip. We actually have people going out now and doing what we do in neighborhood watch programs throughout America. We are now getting the Iraqis to do this. We have Iraqi civilians with spray paint cans painting circles around the undetonated IEDs. We have them doing these things. We have our troops going out, and instead of going back to the green zone, they are living with the Iraqi security forces in their homes. This is what we call the bottom up. It is working. We have monitored the clerics and what they were doing in their mosques in their weekly presentations. Prior to January, 85 percent of the presentations were anti-American. Since April, we have not had anti-American presentations. What is happening right now is the clerics realize we could cut and run on them and then the terrorists could come back in and they will be in control. They don't want that. This is a bottom-up type of support that we have at the present time.

We have to continue this. The President said back on January 10 that we had to do this from the bottom up. That is what we intend to do. How much more time do I have?

The PRESIDING OFFICER. Thirty seconds.

Mr. INHOFE. I wish we were not in the position we are in. I can remember coming down here, I bet, every other week during the 1990s and talking about what was happening to the military, saying we cannot make these cuts. There it is on the chart, $313 billion below the baseline, just holding what we had together at that time. So now we are paying the price for it. Now we have to get the very most out of the personnel we have. We do have plans to expand that to 92,000 in the next 5 years. We know we are going to do that. Help is on the way.

We cannot all of a sudden pull the rug out from under our troops, which is what we would do now in starting to micromanage this war from the Congress.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator's time has expired.

The Senator from Virginia is recognized.

Mr. WEBB. Madam President, I wish to take 5 minutes and address some of the issues raised on the other side and speak briefly about the Graham setaside.

First, Senator KYL from Arizona read a communication from the administration expressing its disagreement with the approach Senator HAGEL's amendment is taking. I would like to say, quite obviously, that one would expect the administration to object to rational acts that might be placing restraints—even proper restraints—on Executive authority.

A number of constitutional issues have been raised. There are no constitutional issues in this amendment—any more than they were in the amendment I offered earlier. This is a proper exercise of authority under article I, section 8 of the Constitution. In fact, to respond to what Senator GRAHAM said, there have been Presidents who have allowed this congressional authority to take place. The most graphic example was President Truman during the Korean war, when American troops were being sent overseas without proper training, and the Congress passed a requirement that no troops could be sent overseas unless they had been trained for 120 days. That was the Congress taking measures to protect the well-being of troops being sent into harm's way. We are doing essentially the same thing.

There was a comment about the difficulty that might be had in the military with respect to individual troop rotations versus unit-group rotations. This is simply not an issue. It has never been an issue. Every troop returning from a combat zone or in the military has in their record book the date they came back. There are a lot of individuals who have returned from deployments overseas who were being put in the units that were getting ready to deploy. That concept is called backfill. So you can have an individual who has only been back for a few months being put into a unit that arguably has been back for a year. That is not taking care of the individual.

There was a comment by Senator GRAHAM about the Hagel amendment creating down-range constitutional issues—issues that might affect us in other wars. This is simply not true. If you read the amendment, it is limited to Operation Iraqi Freedom.

Finally, there have been comments about the attitude of the U.S. military. I think that poll after poll demonstrates that the attitudes of our people in military uniform are very directly a mirror of the attitudes of the people in the country at large. There is not that much of a distinction at all.

With respect to this amendment that has been offered, this side by side, clearly, it is being offered as cover for people who are going to vote against the Hagel amendment and who voted against the amendment I proposed. I urge my colleagues not to vote for it.

First of all, it is a sense of the Senate. It has no legal authority whatsoever. Second, the goals that are in this amendment are no different than current policy. So there is no sense in anyone who wants to attempt to help the people who are being sent into harm's way again and again with some reasonable timelines to vote for this. It is simply a statement of existing policy. If you agree with existing policy and you want to vote for a sense of the Senate, you may want to vote for this. I urge my colleagues not to.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. How much time do we have?

The PRESIDING OFFICER. The Senator has 8 minutes 15 seconds.

Mr. HAGEL. And the other side?

The PRESIDING OFFICER. No time remains.

Mr. HAGEL. Madam President, I wish to follow along with what my distinguished colleague from Virginia was addressing and that is the difference between the two amendments that are before the Senate. I will address the Graham resolution first. I think therein lies the most significant difference between the Graham amendment and the Hagel amendment.

The Graham amendment is a sense-of-the-Senate resolution. The Hagel amendment is a piece of legislation that, if enacted, would have the force of law.

I wish to also address an issue that has developed some credibility in this debate in the last 2 days and that is that Congress has no role in this. I have heard some of my colleagues talk about micromanaging the war and micromanaging the Defense Department. We do have a Constitution. If you look at article I of the Constitution, section 8, I will read a sentence or two from that regarding the issue of what the role of the Congress is. Certainly, I think most everybody knows that only the Congress can declare war and raise money for our Armed Forces.

More to the point, it says Congress has the responsibility "to make Rules for the Government and Regulations of the land and naval Forces." That would certainly include the Army and Marines. "To provide for calling forth the Militia to execute the Laws of the Union . . . ; to provide for organizing, arming, and disciplining the Militia. . . ." And it goes on.

I hope we can lay to rest this issue of somehow the Congress is mucking around in someone else's business. I don't believe so. I suppose we could dispense with congressional action and abolish the Congress, and some people would find that more effective and efficient. Until we change the Constitution, I doubt that is going to happen.

We do have a responsibility for our Armed Forces. As I said earlier, who does look out for the rifleman, for the men and women whom we ask to bear all the burden, make all the sacrifices, do the fighting, and do the dying? They tell me this is an abstraction, that we don't have any role here. Come on. A colleague said recently in this debate that the war is unpopular. Of course, it is. Why is it unpopular? Because Congress is mucking around in this? No, I think just the opposite. The war is unpopular because our policy is not working in Iraq. We are ruining our military over Iraq. Just as General Petraeus has said before our committee, there will be no military solution in Iraq.

I think most of us understand that only a political accommodation, only a political reconciliation is going to work Iraq toward some sense of stability, some sense of security. But yet we keep pushing the military out there, pushing the military out there, let them do it, let them do it, as we ruin our military.

Of course, the Congress has a very important and significant responsibility and role in this debate. I remind everyone what has happened to our military because of what we are doing.

One other point. What is more important in a free society? Is an abstract policy more important than our people, more important than our marines and our soldiers? They are our most precious and important resource.

Our amendment, this bipartisan amendment, gives the President waiver authority if the President believes it is in the national interest, it is a national emergency to change this policy. He has that authority. We don't micromanage. We don't tie his hands. If we listen to some of this debate, a 12-month deployment in Iraq is outrageously simple and easy and that somehow we are incurring on the President's power and the power of the Secretary of Defense to do that. That actually used to be the policy. I know it is outrageous to ask these people to only spend 12 months, that 15 months, 18 months is better, plus two, three, four tours is good. Yes, Congress has a role in this effort and this is what our amendment does. We include the Army National Guard. We include the Army Reserve. We include the Marines.

In the end, as we look at the full and complete dynamic picture of Iraq and what we are asking out of these men and women in uniform, then some semblance of common sense, some semblance of decency in how we treat our people is required.

Today our force capability does not match our mission. We are destroying our military. We are overburdening our military. We are burning out the circuits of our military, not because they are not good and professional and doing everything we tell them and ask of them. Of course, they are. But they can't do this alone. As General Petraeus has said, there will be no military solution to Iraq. Of course.

We need a policy worthy of these men and women whom we ask to fight and die for this country. Today this policy is not there. This is beginning to change that policy. I hope our colleagues will look seriously at this amendment and understand the very significant differences between the Hagel-Levin amendment versus the Graham-Kyl amendment. There are differences.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, is there any time remaining?

The PRESIDING OFFICER. There is 1 minute 20 seconds remaining.

Mr. LEVIN. Madam President, I wish to ask the sponsor of this amendment, my recollection is that when the 12-month deployment was extended by 3 months, the Secretary of Defense announced it was his goal to bring it back to 12 months; is that correct?

Mr. HAGEL. Madam President, the distinguished chairman is correct. He said that in open hearings before the Congress—I believe, in fact, before the Senator's committee.

Mr. LEVIN. I believe he said it somewhere publicly; I can't remember. One of the reasons to oppose the Graham amendment, it seems to me, is stated here: that the goal should be 15 months, which is worse than the current goal. The current deployment fact is 15 months, but the goal is to bring it back to 12 months. We want to do more than state a goal, we want to put this in law that it is a goal with a waiver.

What intrigues me about the Graham amendment is it is worse than the current goal. The goal is to bring that back to 12 months, and the Graham amendment is listed as being 15 months as the goal. I think it ought to be opposed on a number of reasons, reasons that have been stated, but also because it states as a goal a longer deployment length than what is the current DOD goal, which is 12 months.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HAGEL. Madam President, that is another reason the amendments are clearly different and the Hagel-Levin amendment is far better.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2032.

Mr. HAGEL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Voinovich
Warner

NOT VOTING—3

Brownback
Johnson
Vitter

The PRESIDING OFFICER. Under the previous order, not having garnered 60 votes, the amendment is not agreed to and is withdrawn.

AMENDMENT NO. 2078

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on the Graham amendment.

Who yields time? The Senator from Arizona.

Mr. KYL. Madam President, the goal here was to try as much as possible to achieve a balance between the time individuals and units are deployed and the time they have for duty or rest back in the States. That goal is the goal of the military today. It did not have to be mandated by the U.S. Congress, which would not only represent micromanagement of the Commander in Chief's responsibilities but could arguably even infringe on his constitutional authorities as Commander in Chief. We can, however, express that as our general sense, that should be the goal of our military, and I believe the amendment Senator GRAHAM and I have, which basically mirrors the language of the Hagel amendment but expresses it as a goal rather than a mandate, will achieve that purpose of expression by this body. Therefore, I urge my colleagues, if they wish to express that sense, to support the amendment.

Mr. LEVIN. I wonder if the Senator, after he is done, will yield 20 seconds to me?

Mr. WEBB. Madam President, I urge my colleagues to vote against this measure. It is a cover measure. It is a sense of Congress. It has no legal impact. This is a cover amendment because of earlier votes. It states as a goal, a goal that members of the regular components should be deployed for no more than 15 months. The stated goal of the Department of Defense is 12 months. This is not something people should be voting for.

I yield the floor.

Mr. LEVIN. Madam President, is there any time remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. LEVIN. Madam President, the stated goal of the Department of Defense remains 1 year, so this amendment, which says the goal should be 15 months for deployed forces, is harder on the troops than the current goal. I am going to read the current goal from Secretary Gates' January 12 Armed Services Committee statement:

> The goal for the active force rotation cycle remains 1 year deployed for every 2 years at home station.

So the Graham amendment goal of 15 months is harder.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mrs. McCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—41

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Shelby
Specter
Stevens
Thune
Warner

NAYS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Smith
Snowe
Stabenow
Sununu
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—4

Brownback
Cardin
Johnson
Vitter

The PRESIDING OFFICER. Under the previous order, not having garnered 60 votes, the amendment is not agreed to and is withdrawn.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I now ask unanimous consent that the Republican leader be recognized in order to speak regarding an amendment to be offered at a later time; further, that following those remarks, Senator ALLARD and then Senator SALAZAR be recognized to speak for up to 10 minutes each on the same subject; and then, that following those remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; and then Senator SALAZAR be recognized to control 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2061

Mr. McCONNELL. Madam President, there is an old saying that goes: If you want something done right, you have to do it yourself. For years I have led the fight in Congress to push the Department of Defense to safely and efficiently dispose of the deadly chemical weapons stored at the Blue Grass Army Depot in Madison County, KY, and in other facilities across the country. For years, forces burrowed deep within the middle layers of the DOD bureaucracy have dragged their feet on this issue and refused to comply with Congress's directions. As a result, for years the people of Madison County have had to live with 523 tons—523 tons—of chemical weapons right in their midst, including VX nerve agent, one of the deadliest nerve agents ever created. Just 10 milligrams of VX is enough to kill a human being, and they have over 100 tons of it stored just down the road from a schoolhouse.

My colleagues and I have had enough, and we have concluded that if you want to do something right, you have to do it yourself. Therefore, I rise today to speak about an amendment I filed on Tuesday, amendment No. 2061, that will set a deadline into law for DOD to complete work on the disposal of the chemical weapons at the Blue Grass Army Depot and other facilities.

The deadline in this amendment will hold DOD to complete work on the disposal within 10 years; that is, no later than 2017. Thanks to years of delay and mismanagement, last year the Defense Department formally notified Congress it could not make the deadline set in the Chemical Weapons Convention, or CWC, and that deadline, of course, is 2012.

The United States has committed itself to that document and therefore will be in violation of its treaty obligations. But now DOD's latest projections would put off the completion of the disposal process at the Blue Grass Army Depot until 2023. That is 11 full years past the original deadline, and that is simply unacceptable.

I have documents from DOD that confirm that with sufficient funds, the entire U.S. chemical weapons stockpile could be eliminated by 2017, the deadline set by this amendment about which I am speaking, or maybe even sooner. If that goal can be met, then it certainly should be met.

Compounding the longstanding mismanagement within DOD on this issue is that the Department has consistently failed to request sufficient funds for disposal efforts. For years Congress has had to do the heavy lifting by increasing funds and making clear our commitment that these weapons be disposed of safely and with dispatch. A formal deadline in law, along with a regular reporting requirement, should finally push DOD to request sufficient funds in the future. That seems to be the only way to get DOD to ask for the funds it needs to get the job done.

Authorizers and appropriators of both parties, and in both Houses, have repeatedly expressed frustration at DOD's sluggish response to Congress's will. For years, the Department has flouted Congress and continued business as usual. That simply has got to stop. Passing this amendment will send a strong signal to the Department of Defense that Congress has had enough of their pigheaded stubbornness on this issue, and we are not going to take it anymore.

To prove we mean business, this amendment will also provide an additional $49.3 million for chemical demilitarization activities at Blue Grass Army Depot and a comparable facility at Pueblo Depot in Colorado. My colleagues from Colorado will be speaking to that momentarily. Those funds are fully offset in the bill. The money will be targeted to the two depots that have the farthest to go to dispose of their stockpiles, so this extra funding will help speed up the elimination of chemical weapons.

Delaying the disposal of chemical weapons in Kentucky and Colorado until the 2020s would cost the taxpayers an additional $3.3 billion. Appropriating $49.3 million and setting a firm deadline in law now will save us that $3.3 billion later.

The Department has over 16,000 tons of lethal chemical agents stored in military depots across our country. VX nerve gas stolen by a terrorist from the Blue Grass Army Depot in Kentucky could have grave consequences for Americans living as far as away as Los Angeles, Houston, Miami, or even here in Washington, DC.

The risk from these weapons is particularly acute for those who live near these storage facilities. Every risk assessment ever done has concluded that the longer these deadly weapons lie fallow, the more unstable and the more dangerous they become.

The threat of terrorism posed by our failure to dispose of these weapons is not limited to the storage of such materials in the United States. With America soon to be in breach of its treaty obligations under CWC, it will be all the more difficult for us to prod Russia to dispose of its outstanding chemical weapons. Storage of Russia's chemical weapons is much less secure than our own. The longer these weapons continue to sit in storage throughout Russia, the greater the opportunity for them to fall into terrorist hands. So at its core, continued foot-dragging poses a national security and homeland security risk to our country.

Finally, I note, as I said earlier, this is a bipartisan amendment. My good friend from Colorado, Senator SALAZAR, joins me, obviously, as a cosponsor, as well as Senator ALLARD. This is something that Senator BUNNING, my colleague from Kentucky, also joins as a cosponsor and feels strongly about as well.

A vote for this amendment will tell DOD that Congress is fed up, fed up, with its intransigence on this issue. A vote for this amendment is a vote to save the taxpayers $3.3 billion. A vote for this amendment is a vote to dispose of deadly nerve agents that are just down the street from our homes, our churches, and our schools.

Most importantly, a vote for this amendment is a vote to make the American people safer and more secure. When this Congress directs DOD to safely and efficiently dispose of these deadly weapons, and when we authorize and appropriate a sufficient amount of money so they can get the job done, that is exactly what we expect them to do. It is a shame we have to place a legally binding deadline on the Department to get them to do this. But if we want this job to be done right, we are going to have to step in and set a deadline ourselves.

I urge my colleagues to support this amendment when it is subsequently offered.

I yield the floor.

Mr. REID. Madam President, I know there is an order that recognizes the Senator from Colorado for 10 minutes, both Senators from Colorado for 10 minutes each, and following that the Senator from Colorado will be recognized for up to 60 minutes.

I ask unanimous consent that my two friends allow me to speak after they have done their first 10 minutes; that is, 20 minutes, that I be allowed to speak for a few minutes before Senator SALAZAR begins his 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Madam President, I thank my good friend from Kentucky for introducing this resolution, and his superb leadership on this particular issue. It is always a pleasure to be able to join my colleague from Colorado, Senator SALAZAR, in these efforts to help make Colorado a better place to live.

This is an important issue not only to Kentucky but extremely important as far as the State of Colorado. I rise today to support the McConnell amendment; that is, amendment No. 2061, and urge my colleagues to join with me as it is debated here on the Defense authorization bill.

The amendment itself is very straightforward. It requires the Department of Defense to complete destruction of our chemical weapons stockpile no later than the year 2017. To that end, additional military construction funding in fiscal year 2008 is also authorized at the Pueblo Chemical Depot in Colorado, and the Blue Grass Army Depot in Kentucky. These additional military construction funds were identified by the program manager as necessary to help meet any accelerated schedule changes at the two sites.

Before I get into the details of why acceleration at these sites is necessary, let me first give a little background about the Chemical Weapons Convention.

The United States, by ratification of the Chemical Weapons Convention, was to have disposed of our chemical weapons by 2007; that is, this year. In April of 2006, the United States requested a 5-year extension allowed by the treaty, which was granted in December last, 2006.

The extension gives the United States until April 29, 2012 to destroy its stockpile. However, in its extension request the United States explicitly noted that. We do not forecast 100 percent destruction by the new deadline, but remains committed to completing its stockpile destruction under international observation as quickly as possible.

I voted against the Chemical Weapons Convention when it was before us for ratification. Nevertheless, the United States has signed the convention, and this body voted to ratify it. Therefore, I believe our Nation has an obligation to comply with the convention. Yet clearly the Department's budget requests have been insufficient to meet the escalating costs of the program for the destruction of our Nation's chemical weapons stockpile. I believe the Department should have added money to its budget request to pay for these new costs. Unfortunately, they have not.

This body knows this is not the first time I have joined my good friend and colleague, Senator McCONNELL, on the Senate floor to discuss these activities. At our urging, the Senate Appropriations Committee passed several provisions in the 2005 supplemental appropriations bill that forced the Department of Defense to move forward with the destruction of chemical weapons at the depot in Blue Grass and Pueblo.

One provision in particular required the Department to spend $100 million within 120 days at the destruction sites. I point out this provision because some might be concerned the sites cannot spend more than they already have. This, in fact, is not true. The program managers at the Pueblo and Blue Grass sites are only limited in their schedules by the amount of dollars they receive. The Department of Defense has consistently failed to provide sufficient funding for this program, forcing those who run it to make programmatic decisions that pit demilitarization sites against each other. The Department of Defense has in the past failed to provide adequate program management.

Finally, it has repeatedly stopped and restarted design work and operations, adding huge startup costs and considerable schedule delays.

I also think it is important that my colleagues understand how many weapons are stored at these facilities. At Pueblo there are 780,078 rounds of chemical warheads being stored. Each one of these rounds is filled with liquid mustard agent. These weapons have been stored at Pueblo since the 1950s and represent 8.5 percent of the original U.S. chemical stockpile. At Blue Grass there are 523 tons of chemical agents representing 1.7 percent of the total U.S. stockpile. The complicating factor for Blue Grass is that the stockpile consists of blister and nerve agent in projectiles and rockets.

Following the terrorist attacks on September 11, 2001, the Department of Defense recognized that these sites posed a significant risk to the local communities. With this view in mind, in a memorandum, E.C. Aldridge, then-Under Secretary of Acquisition, Technology, and Logistics, directed that the ACWA program be accelerated for this reason. For the surrounding communities, these stockpiles are a continual reminder of the threat they face. We must accelerate the destruction of these weapons.

There is no doubt in Senator McCONNELL's mind, nor in mine, that the Department has been inconsistent and unreliable regarding this program. Only by passing this amendment and inserting a legally binding date will the Department make chemical demilitarization a priority. We both strongly believe that it is past time for Congress to intervene.

I urge my colleagues to support the amendment.

I thank Senator McCONNELL for his hard work, as well as Senator SALAZAR for his dedication and effort in helping clean up the depot at Pueblo.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I rise with my colleagues from Kentucky, Senators BUNNING and MCCONNELL, and especially with my good friend and colleague from Colorado, Senator ALLARD, to speak in support of amendment No. 2061, which will help us get back on track with the obligation of the United States to destroy chemical weapons stockpiles both in Kentucky and in Colorado and to do it in a timely and safe way.

The Pueblo chemical depot in Colorado and the Blue Grass Army depot in Kentucky are home to vast scores of chemical weapons munitions that are supposed to be destroyed by 2012. That deadline was mandated by the congressionally ratified Chemical Weapons Convention. Unfortunately, the United States has been woefully behind in fulfilling these responsibilities because of consistent underfunding of a program that is essential to our national security and to the safety of nearby communities.

At the Pueblo site, we have 780,000 munitions filled with over 2,600 tons of liquid mustard agent, around 8.5 percent of the original U.S. chemical stockpile. These are chemical weapons. These munitions sit in 96 huts in high security as they await disassembly and destruction. But they pose a threat not only to the communities of Pueblo and Colorado Springs in my State but to our Nation if, in fact, these chemical weapons were to somehow end up in the wrong hands.

So the matter we speak about today with this amendment has everything to do with creating a strong defense for our Nation and dealing with the threats that we face in homeland security.

Every year we have to come into this Chamber and fight to put money back into the Assembled Chemical Weapons Alternatives Program. That is the authority that is overseeing the destruction operation both at Pueblo and Blue Grass. We had been successful in getting the administration to put $55 million back into the budget earlier this year. This, along with our joint efforts last year to keep $131 million in this program, has allowed us to actually get moving on construction of the facilities where they will destroy this agent.

If you visit the Pueblo chemical depot today, you will see the contractors in Pueblo have now begun to lay the utilities and foundations for the processing facility that will treat the agent. It is a welcome sight to see the Earth finally moving. Unfortunately, though, continued underfunding is preventing construction from moving as quickly as it could and should. Because the funding stream is so weak, contractors have to inch along with the construction of the buildings. Even the DOD admits there is a need for an additional $32 million in fiscal year 2008.

With that additional money, they could actually put up the walls and close the building where they will disassemble these very dangerous munitions. They will be able to build a structure where they will process the mustard agent. They will be able to move ahead with the control and support building and finalize the utility building. The amendment we offer today would fulfill this stated need of the program. It would put $49.3 million back into the program for military construction, $32 million of which will be used at the Pueblo chemical Army depot.

The amendment also holds the Department of Defense's feet to the fire on destroying these weapons. It is no secret that DOD is going to miss the 2012 treaty deadline for weapons destruction at the Pueblo chemical Army depot. That is what happens when you drag your feet and fail to put adequate resources behind a program that is essential to our national security.

Our amendment says if we fail to meet the treaty deadline, the Department of Defense should complete work on the destruction of the entire stockpile of lethal chemical agents and munitions absolutely no later than 2017. That is 10 years from where we are today. Every 6 months the Department, under our legislation, will have to report to Congress on the progress they are making, what resources are needed, and how much funding is programmed to fulfill this requirement.

For those of us who have been fighting this fight for the Pueblo site, as well as Kentucky Blue Grass, the hard deadline for Pueblo is a dramatic improvement. At the current pace and with the current administration's funding projections, destruction activities there are expected to be completed sometime in 2021. That is almost 10 years past the deadline under the treaty that the United States approved for the destruction of these kinds of chemical weapons. This is absurd, especially with the DOD's own admission that with higher funding levels they could complete destruction of Pueblo a full 5 years earlier than that. There is not a single advantage to drawing the process out to 2022 or later. Construction costs only rise, and the security risks do not fade.

We are obliged not only by treaty but by our responsibility to communities that neighbor these installations to do a better job.

I thank Senator ALLARD for his leadership on this issue. I thank my colleagues from Kentucky for their hard work and leadership. The citizens of Kentucky and Colorado are watching closely. I am certain all Americans would like us to fulfill our treaty obligations by destroying these chemical weapons as quickly and safely as possible.

When amendment No. 2061 comes before the Senate for a vote, I respectfully urge my colleagues to join us in support of that amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LADY BIRD JOHNSON

Mr. REID. Madam President, inside this desk is the name Johnson of Texas, majority leader. That, of course, is the signature of Lyndon Johnson, who was majority leader, Vice President of the United States, President of the United States. I have the honor of being able to work from this desk.

Lyndon Johnson is a legend from the great State of Texas, the Lone Star State. He was a Member of Congress, U.S. Senator, majority leader, Vice President, and the 36th President of the United States. But just as importantly, for those who know anything about Lyndon Johnson, were not these honors that were bestowed upon him by others but the fact that he married a wonderful woman, Lady Bird Johnson.

What a name, Lady Bird Johnson. Anytime you read about Lyndon Johnson, you have to understand the power of his wife.

Caro's book, "Master of the Senate," has a lot in it about Lady Bird Johnson.

My wife understands, I am sure, a little bit what she went through. In the book, it describes how he would bring people home with little notice for dinner, and it was always available. Mr. Rayburn, the Speaker, came to their home at least once a week for dinner, many times unannounced except by the President calling at the last minute.

Today, America has lost this great woman. The greatest asset Lyndon Johnson had was his wife. I join my colleagues and all Americans in tribute to this great American woman.

I did not have the good fortune to know Lady Bird Johnson. She died today at age 94. But those who did know her said if you were to look up in the dictionary the term "lady," you would find Lady Bird Johnson's picture. She truly stereotyped a lady.

I believe it is fair to say that you did not have to know Lady Bird Johnson—I did not—to admire her for the causes she championed.

As I said briefly, I have my own special appreciation for Mrs. Johnson because I have some idea of what Landra, my wife, puts up with being married to the majority leader.

He was a domineering personality, her husband. She was, during all of the domination he had—with his poking Senators in the chest and the things he is now legendary to have done—she was always the same graceful woman no matter the situation she found herself in. She was the same person no matter what the situation. She served during challenging, extraordinary times. President Johnson went through some very difficult times. She was always at his side.

She did not ask for the role of First Lady, but she embraced that role with grace and dignity.

As First Lady, she was instrumental in the Highway Beautification Act, which came to be known as "Lady Bird's bill." She had many other initiatives that enhanced our natural world. She was a champion for children with programs such as Head Start. Later in life, her passion continued, most notably in her work opening the Lady Bird Johnson Wildflower Center outside Austin, TX, where she will lie before reaching her final resting place at the Johnson family ranch in Stonewall, TX.

I can think of no better tribute to Lady Bird Johnson than to close with her own words. She said once:

> Some may wonder why I chose wildflowers when there is hunger and unemployment and the big bomb in the world.
>
> Well, I, for one, think we will survive, and I hope that along the way we can keep alive our experience with the flowering earth. For the bounty of nature is also one of the deep needs of man.

My thoughts and warm feelings are with her two daughters, Lynda, whom I know quite well, and Luci, whom I know of, and, of course, Lynda's husband, our former colleague, Chuck Robb—who served with such dignity in the Senate; I had the good fortune of being able to serve with this wonderful Senator, great Governor of the State of Virginia, an extraordinary, gallant marine—and Ian, Luci's husband, and Lady Bird's many grandchildren and great-grandchildren, all of whom she loved as only a mother and grandmother could love.

Mr. ALEXANDER. Mr. President, I would like to say a word about Lady Bird Johnson.

We have had many graceful First Ladies in the United States, but Lady Bird Johnson can truly be said to have been the First Lady of America the Beautiful. Her husband used to joke that he would hear rustling in the hall at the White House. It would be, as he would say, Lady Bird and Lawrence Rockefeller meeting to work on conservation projects. Her legacy was the Highway Beautification Act of 1965. She understood that we have a great many important issues in our country but that one of our great characteristics is the beauty of our country. Italy has its art, Egypt has its pyramids, and we have the great American outdoors. Lady Bird Johnson knew that for everybody—not just the wealthy with big homes and big lawns—the beauty of our country was something to preserve. She did that, and she changed our entire national attitude about its importance. She brought out the best in us in terms of appreciating the beauty of America.

I visited the Wild Flower Garden in Austin, TX, before. I have seen the blue bonnets there in the spring, and I have seen how she influenced the flowers to grow in the rights-of-way on Texas highways. They even adopted the motto in Texas "Don't mess with Texas." I am sure that is a legacy of Lady Bird Johnson as well. But not only did flowers begin to grow along the rights-of-way in Texas, they did in Tennessee and in a lot of other places—in States such as Colorado. Lady Bird Johnson has made her mark in our country.

Our family had the privilege of knowing the Johnsons and especially Linda and Luci—Linda married to Chuck Robb, a former Senator. We were good friends. We spent many times together at Governors' conferences, and our children know one another. We express to Linda and Luci and that family our sympathies. We know they have great pride in their mother as well as their father. But we think of their mother tonight as we think of her as the First Lady of America the Beautiful and remember her contributions.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Madam President, more time has passed, and more American troops have lost their lives overseas. I feel very strongly that we should take a few moments in the U.S. Senate to honor them.

Outside my office here in Washington, we have a tribute called "Faces of the Fallen." Visitors to the Senate from across the country have stopped by the memorial. I encourage my colleagues to come see this tribute on the third floor of the Hart Building.

I last came to the Senate floor to honor our fallen troops at the end of May. And between that time and the end of June, the Pentagon announced the deaths of 165 troops in Iraq and Afghanistan. I want them to be remembered. So today, I will insert their names into the RECORD:

SPC James L. Adair, of Carthage, TX; SSG Robb L. Rolfing, of Milton, MA; SGT Shin W. Kim, of Fullerton, CA; SGT Michael J. Martinez, of Chula Vista, CA; SGT Giann C. Joya Mendoza, of North Hollywood, CA; SPC Dustin L. Workman II, of Greenwood, NE; PFC Cory F. Hiltz, of La Verne, CA; SGT William W. Crow Jr., of Grandview Plaza, KS; SGT Frank M. Sandoval, of Yuma, AZ; SSG Daniel A. Newsome, of Chicopee, MA; SFC Nathan L. Winder, of Blanding, UT; CAPT Darrell C. Lewis, of Washington, DC; SGT Joel A. Dahl, of Los Lunas, NM; PFC Andre Craig Jr., of New Haven, CT; CPL Derek C. Dixon, of Riverside, OH; SPC Eric C. Palmer, of Maize, KS; SGT Michael J. Montpetit, of Honolulu, HI; PFC Henry G. Byrd III, of Veguita, NM; SGT William E. Brown, of Phil Campbell, AL; SPC Dominic N. Rodriguez, of Klamath Falls, OR; 1LT Daniel P. Riordan, of St. Louis, MO; SGT Joel A. House, of Lee, ME; SGT Jimy M. Malone, of Wills Point, TX; SPC Derek A. Calhoun, of Oklahoma City, OK; SSG Michael D. Moody Jr., of Richmond, VA; SGT Chris Davis, of Lubbock, TX; PVT Shane M. Stinson, of Fullerton, CA; SPC Carter A. Gamble Jr., of Brownstown, IN; PFC Jerimiah J. Veitch, of Dibble, OK; MAJ Sid W. Brookshire, of MO; SSG Darren P. Hubbell, of Tifton, GA; SPC Joe G. Charfauros Jr, of Rota, Mariana Islands; SPC Joseph P. Kenny, of Veneta, OR; SGT Alphonso J. Montenegro II, of Far Rockaway, NY; SGT Ryan M. Wood, of Oklahoma City, OK; PFC Daniel J. Agami, of Coconut Creek, FL; PFC Anthony D. Hebert, of Lake City, MN; PFC Thomas R. Leemhuis, of Binger, OK; A1C Jason D. Nathan, of Macon, GA; SPC Karen N. Clifton, of Lehigh Acres, FL; PFC Raymond N. Spencer Jr., of Carmichael, CA; PFC Jacob T. Tracy, of Palestine, IL; SGT Shawn P. Martin, of Delmar, NY; SSG Stephen J. Wilson, of Duluth, GA; SGT Dustin J. Perrott, of Fredericksburg, VA; SFC William A. Zapfe, of Muldraugh, KY; PFC Joshua S. Modgling, of Las Vegas, NE; SPC Darryl W. Linder, of Hickory, NC; SGT Derek T. Roberts, of Gold River, CA; SPC Val J. Borm, of Sidney, NE; PFC Larry Parks Jr., of Altoona, PA; SGT Richard K. Parker, of Phillips, ME; CAPT Joshua E. Steele, of North Henderson, IL; SFC Christopher D. Henderson, of Hillsboro, OR; SFC John M. Hennen, of Vinton, LA; PFC David A. Wilkey Jr., of Elkhart, IN; 1LT Frank B. Walkup, IV, of Woodbury, TN; SSG Roy P. Lewsader, Jr., of Belleville, IL; SGT Danny R. Soto, of Houston, TX; CPL Zachary A. Grass, of Beach City, OH; PFC Michael P. Pittman, of Davenport, IA; CPL Dustin R. Brisky, of Round Rock, TX; SSG Michael A. Bechert, of New Castle, IN; MAJ Kevin H. Sonnenberg, of McClure, OH; MSG Arthur L. Lilley, of Smithfield, PA; PFC Casey S. Carriker, of Hoquiam, WA; SPC Josiah W. Hollopeter, of San Diego, CA; LTC Glade L. Felix, of Lake Park, GA; SPC Damon G. LeGrand, of Lakeside, CA; LCpl Johnny R. Strong, of Waco, TX; PVT William C. Johnson, of Oxford, NC; PFC Cameron K. Payne, of Corona, CA; CPL Llythaniele Fender, of Medical Lake, WA; CPL Meresebang Ngiraked, of Koror, Republic of Palau; SPC Adam G. Herold, of Omaha, NE; PVT Scott A. Miller of Casper, WY; SGT Cory M. Endlich of Massillon, OH; SSG Brian M. Long of Burns, WY; SGT Charles E. Wyckoff Jr. of Chula Vista, CA; SGT Dariek E. Dehn of Spangle, WA; A1C Eric M. Barnes of Lorain, OH; SFC Greg L. Sutton of Spring Lake, NC; SrA William N.

Newman of Kingston Springs, TN; PFC Timothy R. Vimoto of Fort Campbell, KY; SGT Matthew Soper of Kalamazoo, MI; SGT Kimel L. Watt of Brooklyn, NY; PFC Justin A. Verdeja of La Puente, CA; PFC Shawn D. Gajdos of Grand Rapids, MI; SSG Timothy B. Cole Jr. of Missouri City, TX; SSG Juan F. Campos of McAllen, TX; SPC Jacob M. Lowell of New Lenox, IL; SGT Andrews J. Higgins of Hayward, CA; SSG Greg P. Gagarin of Los Angeles, CA; SGT James C. Akin of Albuquerque, NM; SGT Tyler J. Kritz of Eagle River, WI; SGT Robert A. Surber of Inverness, FL; SGT Caleb P. Christopher of Chandler, AZ; TSgt Ryan A. Balmer of Mishawaka, IN; SSG Matthew J. Kuglics of North Canton, OH; SPC Jeremiah D. Costello of Carlinville, IL; SPC Keith V. Nepsa of New Philadelphia, OH; SGT Charles R. Browning of Tucson, AZ; SGT Shawn E. Dressler of Santa Maria, CA; PFC Joshua D. Brown of Tampa, FL; CWO Christopher M. Allgaier of Middleton, MO; CWO Joshua R. Rodgers of Carson City, NV; SSG Charlie L. Bagwell of Lake Toxaway, NC; SGT Jesse A. Blamires of West Jordan, UT; SGT Brandon E. Hadaway of Valley, AL; SSG Travis W. Atkins of Bozeman, MT; SGT Bruce E. Horner or Newport News, VA; LTC Michael A. Robinson of Sylacauga, AL; SPC Doonewey White of Milpitas, CA; SPC William J. Crouch of Zachary, LA; 1LT Kile G. West of Pasadena, TX; SGT Anthony D. Ewing of Phoenix, AZ; CPL Zachary D. Baker of Vilonia, AR; CPL James E. Summers the 3rd of Bourbon, MO; SPC Alexandre A. Alexeev of Wilmington, CA; SGT Bacilio E. Cuellar of Odessa, TX; SPC James E. Lundin of Bellport, NY; PFC Joshua M. Moore of Russellville, KY; CPL Jonathan A. Markham of Bedford, TX; PFC Matthew E. Baylis of Oakdale, NY; PFC Matthew A. Bean of Pembroke, MA; PFC Robert A. Liggett of Urbana, IL; SGT Richard V. Correa of Honolulu, HI; 1LT Keith N. Heidtman of Norwich, CT; CWO Theodore U. Church, OH; SSG Thomas M. McFall of Glendora, CA; PFC Junior Cedeno Sanchez of Miami, FL; PFC Charles B. Hester of Cataldo, ID; SPC Clinton C. Blodgett of Pekin, IN; LCpl Emmanuel Villarreal of Eagle Pass, TX; SPC Francis M. Trussel Jr. of Lincoln, IL; SPC Mark R. C. Caguioa of Stockton, CA; LCpl David P. Lindsey; SGT Nicholas R. Walsh; SPC Erich S. Smallwood of Trumann, AR; PVT William L. Bailey the 3rd of Bellevue, NE; SPC Alexander Rosa Jr. of Orlando, FL; SPC Mathew P. LaForest of Austin, TX; SFC Robert E. Dunham of Baltimore, MD; SSG Russell K. Shoemaker of Sweet Springs, MO; CPL Victor H. Toledo Pulido of Hanford, CA; CPL Jonathan D. Winterbottom of Falls Church, VA; PFC Casey P. Zylman of Coleman, MI; SGT Iosiwo Uruo of Agana Heights, Guam; PFC Robert H. Dembowski of Ivyland, PA; SSG Steve Butcher Jr. of Penfield, NY; PFC Daniel P. Cagle of Carson, CA; SPC Benjamin J. Ashley of Independence, MO; SSG Kristopher A. Higdon of Odessa, TX; PFC Robert A. Worthington of Jackson, GA; SSG David C. Kuehl of Wahpeton, ND; SSG Shannon V. Weaver of Urich, MO; SGT Brian D. Ardron of Acworth, GA; CPL Michael W. Davis of San Marcos, TX; SGT Robert J. Montgomery Jr. of Scottsburg, IN; PVT Oscar Sauceda Jr. of Del Rio, TX; SSG Joseph M. Weiglein of Audubon, NJ; SGT Eric L. Snell, of Trenton, NJ; SPC Farid Elazzouzi, of Paterson, NJ; PFC David J. Bentz III, of Newfield, NJ; SGT Trista L. Moretti, of South Plainfield, NJ.

Madam President, as you heard, this list includes five soldiers from New Jersey: SSG Joseph Weiglein; SGT Eric L. Snell; SPC Farid Elazzouzi; PFC David J. Bentz III; and SGT Trista L. Moretti.

Staff Sergeant Weiglein was killed after an IED, or "improvised explosive device," blew up while he was on patrol. He was 31.

Sergeant Snell died after his unit came under fire from insurgents in Baghdad. He was 35.

Specialist Elazzouzi was killed by an IED, after it exploded outside his vehicle. He was 26.

Private First Class Bentz was also killed by an IED, after it exploded outside his vehicle. He was 20 years old.

And Sergeant Moretti died of injuries sustained in combat. She was 27.

To date, more than 3,500 American men and women have lost their lives in Iraq. And more than 400 have lost their lives in Afghanistan. We will not forget them and the Nation will not forget their sacrifice.

RESTORING NATIONAL PARKS

Ms. CANTWELL. Madam President, during the fall of 2006, Mount Rainier, Olympic, and North Cascades National Parks endured incredible devastation from tremendous wind and rainstorms. Mount Rainier National Park received almost 18 inches of rainfall in 36 hours. Rivers and streams all over the park overwhelmed their channels, with floods that exceeded anything the park had experienced in its 108-year history. Olympic National Park experienced a series of Pacific storms that brought significant road and trail damage. North Cascades National Park Complex experienced numerous winter windstorms, which resulted in abnormally large numbers of downed trees over trails and floods causing damage to several roads. The National Park Service estimated that damage to roads, trails, campgrounds, and buildings in all three parks exceeded $40 million.

Today I recommend to National Park Director Mary Bomar the awarding of National Park Service commendations to the entire staff of Mount Rainier, Olympic and North Cascades National Parks for their commitment to repair and restore these parks. Their efforts exemplify the mandate of the National Park Service "to provide for the enjoyment of [the parks] in such manner and by which means as will leave them unimpaired for the enjoyment of future generations."

Immediately following the storm, the personnel of these national parks worked continuously, often during their days off, to repair roads, rebuild trails, clean up campgrounds, and repair facilities. The citizens of Washington have a great interest in ensuring that the health, public and economic benefits, and welfare of Mount Rainier, North Cascades, and Olympic National Parks are restored for present and future generations. Without the extraordinary efforts of Park Service employees, it is likely that the parks would be decades from completing repairs, to the extent that they would be completed at all.

It is my honor as a Senator of the State of Washington to recognize the heroic efforts of these men and women and express my gratitude on behalf of my constituents and all Americans that enjoy and treasure these parks as "sanctuaries of enjoyment, recreation, learning, and personal renewal."

INTERNATIONAL PROJECT CITIZEN

Mr. COCHRAN. Madam President, I am pleased to advise the Senate that on July 15–17, 2007, more than 250 students from 33 countries will travel to Washington, DC, to participate in Empowering a New Generation for Democracy: The International Project Citizen Showcase. The showcase is the culmination of months of work by students to create public policy plans to solve problems in their local communities from around the world.

Project Citizen, which is funded by the U.S. Department of Education under the Education for Democracy Act, actively engages young people in the civic life of their communities. This interactive education program promotes engagement in government by challenging students to identify a public policy issue that is important to them, propose a solution, and create a political action plan for implementation of their solution. This year's projects addressed a wide range of issues from drug addiction to neglected historical monuments.

I invite my colleagues to observe these impressive portfolios on exhibit Tuesday, July 17, from 10 a.m. to 3 p.m. and from 5 p.m. to 7 p.m. in the Russell Caucus Room.

I ask unanimous consent that the list of countries represented in Project Citizen be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Student teams from the following locations are expected to participate:

EUROPE AND EURASIA

Bosnia and Herzegovina
Bulgaria
Croatia
Czech Republic
Estonia
Kosovo (under UN administration)
Lithuania
Montenegro
Northern Ireland
Russia (East)
Russia (West)
Slovakia
Ukraine

ASIA

China
India
Indonesia
Thailand

NEAR EAST

Jordan
West Bank and Gaza

AFRICA

Ghana
Mali
Nigeria
Senegal
South Africa

LATIN AMERICA AND THE CARIBBEAN

Argentina
Chile
Colombia
Costa Rica
Dominican Republic
Ecuador
Panama
Peru
Venezuela

UNITED STATES

Florida
Washington

CONGRATULATING NICHOLE BERNIER

Mr. KENNEDY. Madam President, I welcome this opportunity to extend my warmest congratulations to Nichole Bernier of Wellesley, MA, as she celebrates her fortieth birthday. Nichole is a truly remarkable woman—a distinguished author, a community leader, a wonderful wife to her husband Tom, and a magnificent mother to her children Connor, Hadley, and Declan.

Nichole has worked tirelessly for over a decade on a variety of charitable causes, including animal welfare, education, and cancer research. Through both her writing and her activism, Nichole has made an impressive difference in people's lives, especially those in need.

Her service and dedication have meant a great deal to countless fellow citizens. It's a privilege to join her family and her many, many friends in congratulating her on this important milestone in her life, and I wish her many happy returns.

ADDITIONAL STATEMENTS

HONORING MESA STUDENTS

• Mr. DOMENICI. Madam President, today I wish to recognize six of New Mexico's youth who have participated in a national Mathematics, Engineering, Science and Achievement, MESA, USA competition. The competition held at the University of Maryland focused on physics this year and New Mexico had one team from middle school and one team from high school participating. Every participating team made a Trebuchet, or catapult with weight on one end and a projectile on the other. The teams were judged on accuracy, distance, and design.

Four students from Sarracino Middle School in Socorro won the middle school division of the Jamboree Statewide competition held at the University of New Mexico. After winning there, they competed at the University of Maryland and took the third place position for all middle school participants at the national MESA USA competition. Sam Hale, Daniel Jaramillo, Tyler Lam, and Jordan Vinson, all eighth graders, proved with their teamwork that they were a force to be reckoned with.

Two Belen High School graduates also represented New Mexico well at the competition. Samantha Huynh and Matthew Swanson won the high school division of the Jamboree State-wide competition held at the University of New Mexico. They, too, participated in the national competition in Maryland.

I am always proud to learn of students such as these who have taken their learning in the classroom to another level. These sorts of competitions allow students to think outside the box and come up with new solutions to old problems. Problem-solving skills, such as these displayed during the competition, prove to be invaluable for this Nation's future.

Congratulations again. I know these future leaders will accomplish great things.•

HONORING COLONEL GARY B. CARNEY

• Mr. INHOFE. Madam President, today I honor a retiring soldier from my home state. Colonel Gary B. Carney demonstrated exceptional meritorious service as Commander of McAlester Army Ammunition Plant, MCAAP, Oklahoma, the largest U.S. government-owned, government-operated explosive ammunition plant. The plant has a storage capacity of more than six million square feet, and stores more than 700,000 tons of ammunition valued at more than $65 billion. He skillfully balanced management of this significant portion of the total defense ammunition stockpile mission with the plant's other mission as the sole Department of Defense source for bomb production.

Colonel Carney effectively managed both manufacturing and depot operations stemming from Operating Enduring Freedom and Iraqi Freedom. During his tenure Colonel Carney oversaw an increase in revenue not seen since the Vietnam Era, totaling $228.2M. Also during his tenure the plant shipped 32,680 short tons of munitions, the largest tonnage shipped to date in support of Operation Iraqi Freedom.

Expansion of the public/private partnership program occurred under his leadership as well. The commercial industry partnership business base at MCAAP increased four-fold under Colonel Carney's leadership. Additionally, MCAAP was selected as the integrator for the Excalibur guided projectile in partnership with Raytheon. The Raytheon/MCAAP team fielded the Excalibur, the newest and most accurate projectile, three months ahead of schedule, significantly enhancing our military's warfighting capability.

Under his leadership, MCAAP led the way in Lean Six Sigma, LSS, with actual/cost avoidance savings of $5.319M. LSS training intensified so that 28 employees received green belt training while 18 received black belt training; 29 completed LSS executive training and 22 more completed project sponsor/project selection training. All MCAAP employees received Lean Six Sigma awareness training.

In 2006 MCAAP's ammunition inventory accountability received an overall green rating in 10 out of 10 major functional areas during the Supply Depot Operations review. This rating and rapid turn-around is a marked improvement over previous years. This significant achievement was directly orchestrated by Colonel Carney through his initiative, leadership, tenacity and ability to motivate the work force.

Colonel Carney's business acumen, dedication to duty, vision and ability to inspire and lead people reflect great credit upon himself, the Joint Munitions Command and the U.S. Army. On behalf of the U.S. Senate and a grateful Nation, I would like to wish him congratulations on a job well done.•

DR. ED RICHARDSON

• Mr. SHELBY. Madam President, today I pay tribute to Dr. Ed Richardson, who has dedicated over 40 years of his life to improving Alabama's public education system. On July 15, 2007, Ed will step down as Auburn University's 17th President, and he will leave behind a legacy of achievement unparalled in Alabama.

In the 1960s, Dr. Richardson worked in dual roles as a high school science teacher and assistant principal, with the objective of becoming a scientist for NASA. However, following a tragic accident that claimed the life of the Cloverdale School's principal, Dr. Richardson abandoned that aspiration to assume the role of principal. Taking over this position would propel Dr. Richardson into a long career in education, rising to the ranks of local superintendent, superintendent and university president.

In 1982, Dr. Richardson was named superintendent of Auburn's school system, a career move that at the time was considered unwise. But he had a vision of excellence that proved the naysayers wrong. Thirteen years after becoming superintendent, Auburn's school system was regarded as one of the best in Alabama.

Dr. Richardson's success at turning around Auburn's school system made him the ideal candidate for state superintendent. Faced with a formidable opponent who had the backing of the Governor and the Alabama Education Association, Dr. Richardson fought a hard campaign and was appointed Alabama's state superintendent 1995.

While serving in this position, Dr. Richardson oversaw many legislative and policy changes to Alabama's educational system. Although he may be best known for implementing Alabama's Educational Accountability Act, which holds schools responsible for the performance of their students, he is also responsible for creating performance report cards for schools and universities.

During Dr. Richardson's tenure as Alabama's superintendent, the high school drop out rate fell to historic lows, thanks in large part to his efforts to strengthen the State's high school graduation requirements, making them some of the most rigorous in the Nation. During this time, student academic performance reached an all-time high.

Recognizing the importance of our educators, Dr. Richardson restored teacher testing to hold higher education instructors responsible for their students' performance. He also launched the Alabama Reading Initiative and piloted the Alabama Math, Science and Technology Initiative to give teachers the training and tools they need to better teach these important subjects.

In 2004, Governor Bob Riley approached Dr. Richardson to take over as interim president at Auburn University. Following his acceptance of the position, Dr. Richardson wasted no time in taking charge and making much needed changes in key administrative positions. The culmination of his hard work came in December 2004, when Auburn regained its accreditation status.

Finally, after serving two and a half years as interim president at Auburn University, the board of trustees unanimously named Dr. Richardson Auburn University's 17th President. As president of Auburn, Dr. Richardson pursued an aggressive agenda. He focused on the development of Auburn's research park, improving its airport, effecting changes in the structure of the university's agriculture programs and forging a close relationship with Auburn University-Montgomery.

As Dr. Richardson, along with his wife Nell, embarks on another phase in his life he will remain an inspiration to many and will be remembered for his dedication and many contributions to Alabama's public education system. I wish him much luck in his future endeavors and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Ed Richardson.●

HONORING KIDS CROOKED HOUSE

● Ms. SNOWE. Madam President, today I congratulate Kids Crooked House, a tremendously innovative small business from my home State of Maine, which recently won Yahoo's Ultimate Connection Contest on June 25. As a result, Yahoo will provide the company with a marketing prize package worth $100,000.

The Kids Crooked House of Windham crafts custom playhouses for children throughout the country. What makes the Kids Crooked House so special is the attention paid to detail in creating the playhouses. These playhouses are by no means run-of-the-mill: each one is crafted based on the buyer's specification and design, and all are unique. They range from brightly colored houses with twisted roofs and walls to playhouses based on cartoons or movies.

Glen Halliday, the owner of Kids Crooked House, opened his business in 2004 after facing a typical parental dilemma; namely, how to get kids away from the television and computer, and engaged in more outdoor activity. After searching for an affordable, yet original, playhouse for his children, he was unsatisfied. Mr. Halliday decided to take it upon himself to create a playhouse with an innovative twist. He designed a playhouse that was brightly painted, with oddly shaped sides and crooked windows. In light of his childrens' delight with the playhouse, Mr. Halliday determined that his product could appeal to numerous other children nationwide. Just last year, Mr. Halliday brought his idea to the Yarmouth Clam Festival in Maine, where the company received the Directors Choice trophy and garnered first place for the best small business float in the annual parade.

Winning Yahoo's Ultimate Connection Contest opens the door for the Kids Crooked House's expansion. Mr. Halliday and operations manager Jeff Leighton are meeting with Ivanka Trump, daughter of Donald Trump, and several marketing executives for lunch in New York City, where they will be able to discuss the business and gain valuable advice on how to grow in the future. Over the next year, Kids Crooked House will continue to receive input and consultation from marketing officials.

What is most exciting about this opportunity is Mr. Halliday's future plans for the company. Mr. Halliday is looking to increase employment by adding more carpenters and to expand sales worldwide after receiving calls from throughout Europe and as far away as Pakistan. He hopes to begin production of "crooked" dog houses, but his ultimate goal is to build complete playgrounds for hotels and resorts.

Clearly, Kids Crooked House has demonstrated a commitment to quality craftsmanship, which has not gone unnoticed. The company works by a mantra of "If a kid can dream it, we can build it." What a wonderful perspective. It is always a pleasure to see small businesses with such a dedication to children, and having a company that fills such a specific niche in Maine is a boost to our State. The upcoming year will be an exciting and beneficial one for Kids Crooked House, and I wish everyone associated with the business continued success and many more smiling childrens' faces.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 359. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

H.R. 660. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 1725. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho

California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project.

H.R. 1904. An act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

H.R. 1979. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 2121. An act to modify a land grant patent issued by the Secretary of the Interior.

H.R.2381. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The message also announced that pursuant to 44 U.S.C. 2501, and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the National Historical Publications and Records Commission: Mr. LARSON of Connecticut.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 359. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estarada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

H.R. 1725. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled Non-Potable Distribution Facilities and Demineralization Desalination Recycled Water Treatment and Reclamation Facility Project; to the Committee on Energy and Natural Resources.

H.R. 1979. To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

H.R. 2121. An act to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

H.R. 2381. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1904. An act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2506. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Public Television Stations Digital Transition Grant Program" (RIN0572–AC02) received on July 10, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2507. A communication from the Acting Deputy Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred in the Capital Investment Fund; to the Committee on Appropriations.

EC–2508. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report of the authorization of the Secretary of the Air Force to enter into multiyear contracts for the procurement of up to 60 F–22 aircraft beginning with the 2007 program year; to the Committee on Armed Services.

EC–2509. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 10, 2007; to the Committee on Armed Services.

EC–2510. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the operations of the National Defense Stockpile during fiscal year 2006; to the Committee on Armed Services.

EC–2511. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, an annual report relative to the Plutonium Storage at the Department of Energy's Savannah River Site; to the Committee on Armed Services.

EC–2512. A communication from the Secretary of Housing and Urban Development, transmitting, proposed legislation intended to ensure that the Federal Housing Administration continues to play a key role in serving low- and moderate-income homebuyers; to the Committee on Banking, Housing, and Urban Affairs.

EC–2513. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, an annual report relative to its system of internal controls for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2514. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2515. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, an annual report relative to the Bank's system of internal controls for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2516. A communication from the Senior Vice President for Resource Management, Export-Import Bank of the United States, transmitting, pursuant to law, an annual report relative to the Buy American Act for fiscal year 2006; to the Committee on Banking, Housing , and Urban Affairs.

EC–2517. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's Strategic Plan for fiscal years 2007 through 2012; to the Committee on Commerce, Science, and Transportation.

EC–2518. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Award Fee Administrative Changes" (RIN2700–AD33) received on July 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2519. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Administration's position on budgeting for the Cedar Bayou, Texas Navigation Improvement Project; to the Committee on Environment and Public Works.

EC–2520. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference" (FRL No. 8336–1) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2521. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, and West Virginia; Control of Emissions from Existing Other Solid Waste Incinerator Units" (FRL No. 8338–7) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2522. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorpropham, Linuron, Pebulate, Asulam, and Thiophanate-methyl; Tolerance Actions" (FRL No. 8131–6) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2523. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Criteria for the Safe and Environmentally Protective Use of Granular Mine Tailings Known as 'Chat'" ((RIN2050–AG27)(FRL No. 8326–1)) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2524. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cymoxanil; Pesticide Tolerance" (FRL No. 8130–5) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2525. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indoxacarb; Pesticide Tolerance" (FRL No. 8137–8) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2526. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District" (FRL No . 8439-2) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2527. A communication from the Director, Statutory Import Programs Staff, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes in the Insular Possessions Watch, Watch Movement and Jewelry Programs" (RIN0625-AA72) received on July 10, 2007; to the Committee on Finance.

EC-2528. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Citizenship Documentation Requirements" (RIN0938-AO51) received on July 9, 2007; to the Committee on Finance.

EC-2529. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Prescription Drugs" (RIN0938-AO20) received on July 9, 2007; to the Committee on Finance.

EC-2530. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of Phase I of Medicare Health Support Pilot Program Under Traditional Fee-for-Service Medicare"; to the Committee on Finance.

EC-2531. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Coverage Determinations"; to the Committee on Finance.

EC-2532. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Europe and Eurasia, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2533. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Africa, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2534. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Latin America and the Caribbean, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2535. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2536. A communication from the Acting Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Legislative and Public Affairs, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2537. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of aircraft, with an original acquisition value of more than $14,000,000, including the F-16 AM to Jordan; to the Committee on Foreign Relations.

EC-2538. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Department of State Acquisition Regulation—Technical Amendments" (RIN1400-AC34) received on July 10, 2007; to the Committee on Foreign Relations.

EC-2539. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Policy Objectives and U.S. Policy Regarding Iran"; to the Committee on Foreign Relations.

EC-2540. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Promising Strategies to End Youth Homelessness"; to the Committee on Health, Education, Labor, and Pensions.

EC-2541. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Vaccine Injury Compensation Program: Calculation of Average Cost of a Health Insurance Policy" (RIN0905-AA68) received on July 9, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2542. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on July 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2543. A communication from the Assistant Secretary for Administration and Management, Office of the Chief Financial Officer, Department of Labor, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Chief Financial Officer, received on July 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2544. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-2545. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from W.R. Grace in Erwin, Tennessee, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2546. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from the Dow Chemical Company site in Madison, Illinois, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2547. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from Los Alamos National Laboratory to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2548. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, the report of a draft bill intended to authorize automatic enrollment of all newly hired Federal employees and members of the uniformed services into the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-2549. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2550. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2551. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2552. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the use of the Physicians' Comparability Allowance Program by federal agencies; to the Committee on Homeland Security and Governmental Affairs.

EC-2553. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report entitled "Report to the Congress on the Refugee Resettlement Program"; to the Committee on the Judiciary.

EC-2554. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to pattern-based data-mining technology; to the Committee on the Judiciary.

EC-2555. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2006, through December 31, 2006; to the Committee on the Judiciary.

EC-2556. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during calendar year 2006; to the Committee on the Judiciary.

EC-2557. A communication from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on July 10, 2007; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 1763. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1764. A bill to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 1765. A bill to amend title 10, United States Code, to expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. HARKIN, Mr. STEVENS, Ms. MURKOWSKI, and Mr. AKAKA):

S. 1766. A bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1767. A bill to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1768. A bill to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 1769. A bill to amend the Communications Act of 1934 to facilitate number portability in order to increase consumer choice of voice service provider; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 1770. A bill to provide for the establishment of emergency wildland fire suppression funds; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mr. DODD, Mr. STEVENS, Mrs. HUTCHISON, Ms. KLOBUCHAR, Mr. WARNER, Mr. DURBIN, Mr. MCCAIN, and Mr. COLEMAN):

S. 1771. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. OBAMA (for himself, Mr. ISAKSON, Ms. MIKULSKI, Mr. BUNNING, and Mr. SANDERS):

S. Res. 268. A resolution designating July 12, 2007, as "National Summer Learning Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 280

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 446

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 681

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 681, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 849

At the request of Mr. CORNYN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 911

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval

Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1172

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1382

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1514

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1518

At the request of Mr. REED, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1709

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1709, a bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes.

S. 1744

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1744, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Carolina (Mrs. DOLE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2012

At the request of Mr. WEBB, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 2012 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2014

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 2014 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2016

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 2016 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2019

At the request of Mr. LEVIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from

Maryland (Mr. CARDIN), the Senator from Virginia (Mr. WEBB), the Senator from Delaware (Mr. BIDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2019 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2020

At the request of Mr. COLEMAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Carolina (Mrs. DOLE), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 2020 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2022

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Ms. CANTWELL), the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2029

At the request of Mr. GREGG, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 2029 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2041

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2041 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2043

At the request of Mr. DURBIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 2043 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2049

At the request of Mr. CHAMBLISS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 2049 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2055

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 2055 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2056

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 2056 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2060

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2060 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1764. A bill to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today, with my colleague from Idaho, Senator CRAIG, I rise to introduce a bill to amend the Idaho Admissions Act of July 3, 1890, to permit Idaho to administer Morrill Act lands and the proceeds there from in accordance with contemporary investment standards.

The State of Idaho has been working to update its management of endowed assets received as part of statehood from the Federal Government to ensure the maximum longterm financial return to the beneficiaries. Key to endowment reform is the implementation of contemporary investment principles that require asset diversification to reduce the risk of loss and that permit a trustee to deduct reasonable costs of administration of the assets normally incurred by a prudent fiduciary. Of the Federal grants to Idaho as part of statehood, only the Morrill Act limits investments in bonds of the U.S. or Idaho and precludes deducting reasonable administrative expenses incurred by the trustee. This bill would allow the State of Idaho to administer the Morrill Act assets under the same fiduciary standards now applicable to all of Idaho's other federally granted endowments.

Additionally, a broad group of State, Federal, and private interests, including the University of Idaho College of Agricultural and Life Sciences, the State of Idaho, United Dairymen of Idaho and Allied Industry, College of Southern Idaho, the Idaho Cattle Association, Idaho Wool Growers, the Idaho National Laboratory, and Federal agencies have joined together in developing plans for the Idaho Center for Livestock and Environmental Studies to serve as a premier center for research and education in dairy and beef science. The important mission of the center is to enhance the quality of life for the citizens of Idaho, the pacific Northwest, and the Nation by furthering the educational and scientific mission of the University of Idaho and its public/private partners, by providing a state-of-the-art animal research facility capable of large-scale research that provides sound scientific results and educational opportunities intended to: protect our air, land and water, improve the welfare and productivity of our livestock, encourage the efficient use of energy and capital, and enhance workforce and economic development.

The University of Idaho, as a partner in the project and beneficiary of the Morrill Act endowment, is well positioned to utilize endowment assets to both continue to carry out the educational purposes and maintain the underlying real estate endowment while contributing to the project. However, modernization of the management of endowed assets needs to occur in order for such a worthy project to move forward.

That is why the legislation Senator CRAIG and I are introducing today will provide more flexibility while allowing for the allocation of management expenses in the same fashion as other State endowments, expand investment authority to match other State endowments, and provide for the use of the earnings from management of the sale of endowed lands to be used for the acquisition, construction and improvements for the operation of research farms for teaching and research purposes.

I ask that my colleagues act on this measure in a timely manner.

By Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. HARKIN, Mr. STEVENS, Ms. MURKOWSKI, and Mr. AKAKA):

S. 1766. A bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise to introduce new legislation to tackle the escalating problem of global warming. Together with Senators SPECTER, HARKIN, STEVENS, MURKOWSKI, and AKAKA, I am introducing a bill we have entitled the "Low Carbon Economy Act of 2007" which would reduce greenhouse gas emissions that result from the production and use of energy in the United States. We do this with the support of many influential labor organizations and unions, business leaders, concerned conservationists, and environmental groups. I believe this legislation represents an important milestone in the debate on global warming. It is the product of over 2 years of deliberation and analysis based on committee hearings, on stakeholder workshops, on discussions among individual Senate offices.

I would like to make three basic points to my colleagues today that I hope will persuade them to join us in cosponsoring the Low Carbon Economy Act and to bring about action on global warming in this Congress.

The first point is that the time for action is now. The second point is the most effective approach combines technology research and development and deployments with market incentives to reduce greenhouse gas emissions. And the third point is that effective global action is only possible with leadership from the United States.

First, as to the point that the time for action is now, the United States committed in 1992—that was 15 years ago—to participate in a framework to stabilize greenhouse gas concentrations in the atmosphere. Since that time, what we know about global warming has become more and more alarming. According to the latest scientific findings of our world's leading experts—that is, the Intergovernmental Panel on Climate Change—the confidence that humans are altering the Earth's climate has reached 90 percent certainty.

As scientists have grown more certain and more concerned, so have our citizens. Across the country, Americans are seeing signs of global warming, not as a concern for the distant future, but as having an impact on their lives today. More intense hurricanes in the gulf, record-breaking wildfires and heat waves in the West, accelerating beach erosion on the eastern seaboard, melting permafrost in Alaska, all give us a taste of what climate change could mean. If we do not get together with other nations to start limiting emissions soon, we will have to expect worse in the future.

Across the country, convenience about climate change has motivated Governors, State legislators, and mayors to show that States and cities and individuals can help to manage this most important environmental problem of our time. Their motivation has another root, however, and that is frustration. I am talking about frustration that the Federal Government has failed, so far, to show the leadership and take the action necessary to meet this challenge.

It is against this backdrop we are introducing this legislation today, with the support of this historic new coalition. My colleague from Pennsylvania, Senator SPECTER, represents a State that relies heavily on manufacturing and coal production—a fossil fuel that is responsible for the emission of greenhouse gases. He has consistently fought to protect the economy of his State and of the country. This bill we are introducing continues that tradition. It does so with the full backing of labor organizations, such as the AFL–CIO, unions, such as the Steelworkers and the United Mine Workers.

My colleagues from Alaska, Senators STEVENS and MURKOWSKI, represent a State that is likely to be among those most directly affected by global warming. Alaska balances a reliance on fossil fuel production with the demands of a unique natural habitat and a long history of indigenous cultures that are threatened by the warming climate.

My Democratic colleagues from Iowa and Hawaii, Senators HARKIN and AKAKA, have helped bring to the table a way to include the agricultural community in greenhouse gas markets and to strengthen our protection of coastal lands and impacts on the poor.

This bipartisan coalition also has the support of companies, such as PNM, from my home State of New Mexico, Exelon, and American Electric Power. We have also worked closely with numerous conservation organizations to design provisions in the legislation to ensure that America's fish and wildlife can survive the effects of climate change.

As a result, 23 major national conservation organizations, representing millions of hunters and anglers, have expressed support for this approach we have taken to fish and wildlife conservation. They recognize the enormous threat posed by climate change, and they support the way we have responded to that in this proposed bill.

Combined with the support of other labor unions, such as the United Brotherhood of Boilermakers, the United Auto Workers, and the International Brotherhood of Electric Workers, this bill demonstrates that the ground has shifted sufficiently in Washington and we can realistically press for action now in this Congress.

My second point is the action we need now is a combination of technology incentives—both to develop the technology, and to use that technology, or deploy that technology—and also limits on emissions. Only mandatory limits will create the economy-wide price signal needed to spur serious investment and innovation in finding ways to curb emissions.

The bill we have put together is the product of a long process of deliberation and analysis. In 2005, I put forward a proposal based on the recommendations of the bipartisan National Commission on Energy Policy. In the time that has passed since then, we have worked on this issue in the Senate Energy Committee with colleagues to understand the best way to reduce greenhouse gas emissions. We convened hearings and we hosted workshops tailored to learn about key design features of mandatory market-based programs and the European experience with these programs.

I have concluded we need massive investment in technologies that are more efficient and less carbon intensive if we are going to effectively confront global warming. I doubt there is a single Member of this body who does not believe new options for generating electricity and for fueling our economy are needed, whether it is to limit climate risks or to reduce our oil dependence and enhance our energy security.

Where we have come to a standstill has always been in finding the resources to make the research and development investments we need and to provide the incentives that will get these new technologies widely adopted in the marketplace once they are available. This Low Carbon Economy Act provides funding for an unprecedented push to develop and deploy new climate friendly technologies on a massive scale.

Specifically, the bill would more than triple the Federal investment in low-carbon energy technologies and would ease the transition to a globally competitive, low-carbon economy. In addition, this bill would provide bonuses—worth approximately $100 billion over 30 years—to ambitious and innovative companies that are willing to take on the challenge of building commercial-scale powerplants that capture and sequester carbon dioxide emissions.

Implementing the transition to a low-carbon economy is enormously important and it is also equally challenging. It requires new technology, new resources, and new policies, but most of all it requires political will. I am confident we can rise to the challenge if we can work together in a bipartisan manner to craft legislation that considers both our environmental and our economic challenges.

This Nation has a longstanding interest in developing clean domestic energy resources—an interest that predates our current concerns about climate change. But the problem has been this interest has waxed and waned in the past, usually in direct relation to the price of oil, along with our commitment and our ability to devote the resources it takes to get the job done.

Now, through enactment of this Low Carbon Economy Act, we can spur our industries and our universities, our entrepreneurs and our innovators to push the limits of feasibility in ways that have led to technology breakthroughs in the past. Examples, of course, are the space program, the Internet, and the communications revolution.

But voluntary initiatives and incentives alone will not get the job done. Many of my colleagues have expressed a reluctance to tread into the water of climate caps and regulation because they fear that burdening the economy before we have the technology available to meet the goals we set out would be unwise. We have concluded that further delay while we wait for technology is not a responsible strategy.

We can invest billions of dollars in research on technology, but those technologies will always be more expensive than the current way of doing business as long as the current way of doing business allows greenhouse gases to be released to the atmosphere without any charge at all. In a competitive market economy, it is unrealistic to expect companies to do otherwise than to maximize their profits and to look out for the bottom line. That means businesses will not implement new technologies unless those technologies make good financial sense.

The truth is, we have many of the technologies we need today to get started on this problem of reducing greenhouse gas emissions. We can begin deploying them today while we invest in research for newer technologies for use tomorrow. It is absolutely essential we have a combination of technology incentives and price signals to make both of these things happen.

This Low Carbon Economy Act reflects this central premise, generating both the revenue needed to ensure that new technologies are available when we need them and the price signal needed to spur business to invest in deploying those technologies as soon as possible.

My final point is that an approach such as the one that is set out in this Low Carbon Economy Act offers the best hope for reestablishing U.S. leadership on the issue of climate change at this point in time. People will continue to debate the stringency of our proposal—whether it is too aggressive or too weak—but the bottom line is that other nations are looking to the United States to embrace mandatory action.

There has been much focus lately on China's rapidly growing emissions, but the fact remains ours is the world's richest economy and the one with the highest greenhouse gas emissions. Even if China's emissions eclipse ours this year or in the next few years, it is still the case that our historic and ongoing emissions account for a large, and some would say, a disproportionate share of the problem.

Our continued failure to implement a mandatory program has meant we have not been the driving force we need to be to bring countries together to resolve this serious issue. Nor has it put us in a position to encourage rapidly industrializing nations, such as China, India, and Brazil, to pursue a low-carbon pathway as they develop their economies.

Make no mistake, our legislation recognizes that all of the large emitting countries need to be seriously involved in global efforts to combat climate change and need to participate in good faith. The administration has put forward a program to engage developing countries through loan guarantees, cost-sharing for demonstration projects, and information sharing. I support this approach, but I am also convinced that it will only work as part of a broader policy initiative that includes mandatory limits on U.S. emissions.

Included in this Low Carbon Economy Act is funding for these programs so that the United States can put forth a true effort to make significant relationships work abroad. But we need to take a more aggressive step at home while we pursue this strategy abroad. Only through this leadership can we expect others to see that they too must do their part. Only through this leadership will we be able to rebuild the credibility we need to inspire an effective global response, including, if necessary, working with other leading countries to apply pressure on nations that continue to avoid implementing emissions limits. To sum up, we are well aware that the U.S. cannot do this alone. But we are equally convinced that others will not do their share unless the U.S. leads the way.

In conclusion, we ask our colleagues to join us in cosponsoring the Low Carbon Economy Act. With their help, it is my hope we can bring the Senate to take action on this issue by the end of the year. I also hope the President will work with us to work out the details of this proposal going forward. Congress cannot do this without the leadership of the President. The issue is too significant to be able to make progress without having active and constructive dialog with the administration at every step of the way. Congress must make it known that we intend to forge ahead with or without the administration's help and the President's help. I hope the majority leader is able to schedule time here on the Senate floor to deal with this issue of global warming later this year. Only with deadlines and a structured process will the Senate be able to devote the energy and attention the issue needs and deserves.

I pledge to work in earnest with my colleagues, including the chairman of the Senate Environment Committee, Senator BOXER, and with Senators LIEBERMAN and WARNER of that committee, who I know are working on this issue. I hope they and others will see this legislation as a framework that will be helpful to them in developing an approach to bring to the Senate floor.

Ultimately, I am optimistic we can take the best ideas and succeed in passing legislation because there is now broad agreement within this body and within the business community and the general public about the need for real progress and action on the issue. Let's not wait any longer, when we know that one course of action we cannot afford and cannot defend is continued paralysis.

Mr. SPECTER. Mr. President, I have sought recognition to join Senator BINGAMAN, chairman of the Senate Committee on Energy and Natural Resources, in introducing the Low Carbon Economy Act of 2007. This legislation represents the most comprehensive and responsible approach to date in reducing our Nation's greenhouse gas emissions, which contribute to the growing threat of global climate change.

The amount and quality of scientific data continue to improve our understanding of global climate change. This information points toward potentially severe ramifications for Earth's climate, ecosystems, and life as we know it. The most recent assessment in February 2007 by the Intergovernmental Panel on Climate Change, IPCC, concluded that "most of the observed increase in globally averaged temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations." This 90 percent likelihood of human impact on the global climate adds to the compelling case that action to fight climate change is warranted.

Some skeptics of the human contribution to this global problem remain, however their voices grow more distant as more information comes to light. Given past uncertainties, I have previously been unable to support legislative proposals which have threatened U.S. economic interests without meaningful environmental benefit. The Senate voted 95-0 in 1997 to overwhelmingly support the Byrd-Hagel resolution, S. Res. 98, rejecting the Kyoto protocol for its unequal treatment of developed and developing nations, as well as the potential serious harm to the U.S. economy. Subsequently, the Senate has twice voted on climate change legislation offered by Senators MCCAIN and LIEBERMAN—failing by votes of 43-55 in 2003 and 38-60 in 2005. As I stated on the Senate floor at the time, the McCain-Lieberman bill did not contain adequate consideration of the U.S. economy, nor did it adequately address the global nature of the problem.

However, due to my increasing concerns about the threats of climate change, in 2005, I joined Senator BINGAMAN in offering an amendment to the Energy Policy Act, amendment No. 866, which was passed by voice vote after an unsuccessful attempt—43-54 vote to table" or set it aside. The amendment called on the U.S. Congress to "enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that: (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions."

In January of this year, Senator BINGAMAN and I announced a "discussion draft" of legislation to achieve these goals. Today, we are introducing a revised bill which has been shaped by a comprehensive and inclusive stakeholder process which brought together over 300 representatives of consumers, energy producers, manufacturers, workers, and environmental advocacy organizations, as well as numerous Senate offices.

The "Low Carbon Economy Act" creates a strong and credible approach to reduce U.S. greenhouse gas, GHG, emissions while protecting the U.S. economy and engaging developing countries. The act creates a cap-and-trade program for U.S. GHG emissions that is modeled on the successful Acid Rain Program. By setting an annual target and allowing firms to buy, sell, and trade credits to achieve the target, the program is designed to elicit the most cost-effective reductions across the economy. The target is set to avoid harm to the economy and promote a gradual but decisive transition to new, low-carbon technologies.

The strategic targets of the act are: reducing U.S. GHG emissions to 2006 levels by 2020 and 1990 levels by 2030. To limit economic uncertainty and price volatility, the government would allow firms to make a payment at a fixed price in lieu of submitting allowances. This fee, referred to in the bill as the "Technology Accelerator Payment"—TAP—starts at $12 per metric ton of CO_2-equivalent in the first year of the program and rises steadily each year thereafter at 5 percent above the rate of inflation. If technology improves rapidly and if additional GHG reduction policies are adopted, the TAP option will never be engaged. Conversely, if technology improves less rapidly than expected and program costs exceed predictions, companies could make a payment into the energy technology deployment fund at the TAP price, to cover a portion or all of their allowance submission requirement.

Under the act, carbon dioxide (CO_2) emissions from petroleum and natural gas are regulated "upstream"—that is, at or close to the point of fuel production. For these fuels, regulated entities are required to submit tradable allowances equal to the carbon content of fuels produced or processed at their facilities. Regulated entities that must submit allowances include: petroleum refineries, natural gas processing facilities, fossil fuel importers, large coal-consuming facilities, and producers/importers of non-CO_2 GHGs. GHG emissions from coal are regulated "downstream" at the point of fuel consumption.

The proposal sets out a detailed methodology for distributing tradable emission allowances. At the beginning of the program in 2012, a majority—53 percent—of allowances are given out for free to the private sector. This amount is gradually reduced each year after the first 5 years of the program. In addition, 8 percent of allowances will be set aside annually to create incentives for carbon capture and storage to jump-start these critical technologies; 24 percent of total allowances will be auctioned by the government to generate much-needed revenue for the research, development, and deployment of low- and no-carbon technologies, to provide for climate change adaptation measures, and to provide assistance to low-income households; 5 percent of allowances are reserved to promote agricultural sequestration; and 1 percent of the allowances will reward companies that have undertaken "early actions" to reduce emissions before program implementation. Another 9 percent of the allowances are to be distributed directly to States which can use associated revenues at their discretion to address regional impacts, promote technology or energy efficiency, and enhance energy security.

To effectively engage developing countries, the act would fund joint research and development partnerships and technology transfer programs similar to the Asia Pacific Partnership. The bill also calls for a 5-year review process that provides an opportunity to reassess domestic action in light of efforts by our major trade partners—and relevant scientific and technological developments. If other countries are deemed to be making inadequate efforts, the President could recommend to Congress that products imported from such countries must be accompanied by allowances—from a separate reserve of allowances—sufficient to cover their embedded greenhouse-gas content. If there is sufficient international progress in reducing global greenhouse gas emissions, the President could recommend changes in the U.S. program designed to achieve further reductions—e.g., to at least 60 percent below 2006 levels by 2050.

There are many other provisions of this comprehensive legislation that help set the U.S. on the right track in taking meaningful steps to combat global climate change and put our trading partners on notice that we take this issue very seriously. Strong U.S. leadership will go a long way in moving the Nation and the world toward a cleaner and more sustainable future. I am pleased that the legislation we introduce today has so much support from labor groups, energy companies, and conservation and sportsmen organizations. Senator BINGAMAN and I intend to work closely with our colleagues and all interested stakeholders to answer questions and consider feedback on our proposal.

I invite my colleagues to join us in cosponsoring the Low Carbon Economy Act of 2007 and I look forward to a meaningful debate on global climate change and the U.S. role in leading the world in technology development.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1767. A bill to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with my colleague, Senator LOTT, I am introducing legislation to fix an unforeseen problem that unfairly affects the ability of physicians called up to duty in the National Guard and Reserve to maintain their practices while they are serving our country.

Under the Medicare rules, a doctor who is absent from his practice can enter into a reciprocal billing arrangement with another doctor, who cares for the absent physician's patients and bills Medicare accordingly. However, these arrangements cannot last longer than 60 days. After 60 days, a second replacement must be found. Failure to find a replacement can mean losing patients to other doctors or providing care that won't be reimbursed by Medicare.

For doctors called up to active National Guard or Reserve duty, finding physicians to cover their patients while they are gone is hard enough, especially if they have practices in remote and rural areas.

Asking these doctors to find replacements every 60 days is just too much. These folks are already making tremendous sacrifices for all Americans, and there is no good reason to ask them to shoulder this additional burden, along with all the other challenges that they must confront while they are called up to active duty. The least Congress can do is ensure that these brave men and women aren't also asked to sacrifice their medical practices.

In May, the House of Representatives passed a bill introduced by Congressman MIKE THOMPSON, and Congressman SAM JOHNSON that temporarily suspended the 60 day rule through the end of the year. Senator LOTT and I are introducing the same piece of legislation today. We are also introducing a bill that will provide a permanent fix to this problem; Congressman THOMPSON and Congressman JOHNSON are also introducing the permanent fix today in the House.

I urge the Senate to pass both pieces of legislation as soon as possible. These doctors are making enormous sacrifices and are responsible for saving countless lives. We owe it to them to ensure that when they come home, their medical practices remain viable. Fixing this Medicare rule will help ensure this.

I ask unanimous consent that the text of S. 1767 and S. 1768 be printed in the RECORD.

There being no objection, the text of the bills was ordered to be printed in the RECORD, as follows:

S. 1767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO 60-DAY LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after "of more than 60 days" the following: "or are provided (before January 1, 2008) over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

S. 1768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO 60-DAY LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after "of more than 60 days" the following: "or are provided over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

By Mr. PRYOR (for himself, Mr. DODD, Mr. STEVENS, Mrs. HUTCHISON, Ms. KLOBUCHAR, Mr. WARNER, Mr. DURBIN, Mr. MCCAIN, and Mr. COLEMAN):

S. 1771. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I ask unanimous consent that text of S. 1771, the "Virginia Graeme Baker Pool and Spa Safety Act," be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Virginia Graeme Baker Pool and Spa Safety Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASME/ANSI.—The term "ASME/ANSI" as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) BARRIER.—The term "barrier" includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(3) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(4) MAIN DRAIN.—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(5) SAFETY VACUUM RELEASE SYSTEM.—The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(6) SWIMMING POOL; SPA.—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

(7) UNBLOCKABLE DRAIN.—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

SEC. 4. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover.

SEC. 5. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 6(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 6; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit

from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 $2,000,000 to carry out this section, such sums to remain available until expended.

SEC. 6. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 4; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 5 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 5 of this Act.

(3) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 7. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 8. CPSC REPORT.

Not later than 1 year after the last day of each fiscal year for which grants are made under section 5, the Commission shall submit to Congress a report evaluating the effectiveness of the grant program authorized by that section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 268—DESIGNATING JULY 12, 2007, AS "NATIONAL SUMMER LEARNING DAY"

Mr. OBAMA (for himself, Mr. ISAKSON, Ms. MIKULSKI, Mr. BUNNING, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 268

Whereas all students experience a measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas recent research indicates that ⅔ of the achievement gap between low-income children and their more affluent peers can be explained by unequal access to summer learning opportunities, which results in low-income youth being less likely to graduate from high school or enter college;

Whereas recent surveys indicate that low-income parents have considerable difficulty finding available summer opportunities for their children;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas students who participate in the Building Educated Leaders for Life ("BELL") summer programs gain several months' worth of reading and mathematics skills through summer enrichment, and students who regularly attend the Teach Baltimore Summer Academy for two summers are ½ year ahead of their peers in reading skills;

Whereas thousands of students in similar programs make measurable gains in academic achievement;

Whereas recent research demonstrates that most children, particularly children at high risk of obesity, gain weight more rapidly when they are out of school during the summer;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities;

Whereas a wide array of schools, public agencies, nonprofit organizations, universities, museums, libraries, and summer camps in many States across the United States, will celebrate annual Summer Learning Day on July 12, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 12, 2007, as "National Summer Learning Day", in order to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of the children of our Nation;

(2) urges the people of the United States to promote summer learning activities, in order to send young people back to school ready to learn, to support working parents and their children, and to keep the children of our Nation safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high quality summer learning opportunities in the lives of young students and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2065. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2066. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2067. Mr. KENNEDY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2068. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2069. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2070. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2071. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2072. Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2073. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. KYL, Mr. GRAHAM, Mr. COLEMAN, Ms. COLLINS, Mr. SESSIONS, Mr. LEVIN, Mr. SALAZAR, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2074. Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. PRYOR, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2075. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2076. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2077. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2078. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra.

SA 2079. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2080. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2081. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2082. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2083. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2084. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2085. Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2086. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mrs. MCCASKILL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2087. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2088. Mr. REED proposed an amendment to amendment SA 2087 proposed by Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2089. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2090. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2091. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2092. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2093. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2094. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2095. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2096. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2097. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2098. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2099. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2100. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2101. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2102. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2103. Mr. CARDIN (for himself, Mr. BIDEN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2104. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2105. Mr. NELSON of Nebraska (for Mr. JOHNSON) submitted an amendment intended to be proposed by Mr. NELSON of Nebraska to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2106. Mr. OBAMA (for himself, Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2107. Mr. BROWN (for himself, Mr. VOINOVICH, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2108. Mrs. CLINTON (for herself, Mr. FEINGOLD, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2109. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2110. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2111. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2112. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2113. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2114. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2115. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2116. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2117. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2118. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2119. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2120. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2121. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2122. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2123. Mr. CARPER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2124. Mr. NELSON, of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2125. Mrs. FEINSTEIN (for herself, Mr. HARKIN, Mr. DODD, Mrs. CLINTON, Mr. BROWN, Mr. BINGAMAN, Mr. KENNEDY, Mr. WHITEHOUSE, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2126. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2127. Mr. WEBB (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2128. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as "National Homeless Youth Awareness Month".

SA 2129. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, supra.

SA 2130. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2065. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. CONDOLENCE AND SOLATIA PAYMENTS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the amounts authorized to be paid per incident for condolence and solatia payments in Iraq and Afghanistan are identical.

(b) QUARTERLY REPORT.—The Secretary of Defense shall include in the report submitted to the congressional defense committees under section 1201(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2077) a description of each condolence or solatia payment in excess of $2,500 made during the reporting period in Iraq or Afghanistan, including the date, location, and circumstances of each such payment.

SA 2066. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking "Funds" and inserting "(a) Funds"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.".

SA 2067. Mr. KENNEDY (for himself and Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. HATE CRIMES.

(a) SHORT TITLE.—This section may be cited as the "Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007".

(b) FINDINGS.—Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct “races”. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) DEFINITION OF HATE CRIME.—In this section—

(1) the term “crime of violence” has the meaning given that term in section 16, title 18, United States Code;

(2) the term “hate crime” has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term “local” means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§249. Hate crime acts

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) DEFINITIONS.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

"(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

"(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

"(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender and gender identity," after "race,".

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ", including data about crimes committed by, and crimes directed against, juveniles" after "data acquired under this section".

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2068. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 1517. MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES.

Of the amount authorized to be appropriated by section 1510(a) for the Joint Improvised Explosive Device Defeat Fund, $40,000,000 may be available for the Joint Improvised Explosive Device Defeat Organization to mitigate the effects of Explosively Formed Projectiles (EFPs).

SA 2069. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

SEC. 3126. REPEAL OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended by striking subsection (g).

SA 2070. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

SEC. 2406. CONSTRUCTION OF FACILITIES AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled "Special Operations Command" in section 2401(a) is hereby increased by $68,000,000.

(2) PROJECTS AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects at Cannon Air Force, New Mexico, pursuant to paragraph (1) is allocated for the following projects in the following amounts:

(A) $31,000,000 for the construction of Special Operations Forces C–130 Fuel Cell and Corrosion Control Hangars.

(B) $7,500,000 for the construction of a Special Operations Forces CV–22 Simulator Facility.

(C) $17,500,000 for the construction of Special Operations Forces UAV Squadron Operations / Ground Control Stations.

(D) $12,000,000 for the construction of a Special Operations Forces MC–130 Squadron Operations Facility.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by $68,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $68,000,000.

SA 2071. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

SEC. 2406. CONSTRUCTION OF SPECIAL OPERATIONS FORCES C-130 FUEL CELL AND CORROSION CONTROL HANGARS AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled "Special Operations Command" in section 2401(a) is hereby increased by $31,000,000.

(2) PROJECT AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects for the Special Operations Command at Cannon Air Force, New Mexico, pursuant to paragraph (1) may be available for the construction of Special Operations Forces C–130 Fuel Cell and Corrosion Control Hangars.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by $31,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $31,000,000.

SA 2072. Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. RECODIFICATION IN TITLE 38, UNITED STATES CODE, OF CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

"CHAPTER 33—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE RESERVE COMPONENTS

"SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

"Sec.
"3301. Educational assistance program: establishment; amount.
"3302. Eligibility for educational assistance.
"3303. Time limitation for use of entitlement.

"3304. Termination of assistance.
"3305. Failure to participate satisfactorily; penalties.
"3306. Administration of program
"3307. Reports to Congress.

"SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

"3321. Purpose.
"3322. Educational assistance program.
"3323. Eligibility for educational assistance.
"3324. Time limitation for use of entitlement.
"3325. Termination of assistance.
"3326. Administration of program.

"SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

"§ 3301. Educational assistance program: establishment; amount

"(a) ESTABLISHMENT.—To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of Veterans Affairs, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3302 of this title the opportunity to receive educational assistance under this subchapter and shall maintain a program to increase the rate of educational assistance under this subchapter in accordance with subsection (i).

"(b) AMOUNT OF PAYMENT.—(1) Each educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each person entitled to educational assistance under this subchapter who is pursuing a program of education. Except as provided in subsections (d) through (f), the educational assistance allowance shall be paid at the rates in effect under the former chapter 1606 of title 10, as in effect immediately before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, as increased under paragraph (3).

"(2) For each month of less than half-time pursuit of a program of education, educational assistance under this subchapter shall be paid at a rate of 25 percent of the amount payable for a month of full-time pursuit of a program of education, except that no payment may be made to a person for less than half-time pursuit if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

"(3) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1) equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(c) APPROVED PROGRAMS OF EDUCATION; MAXIMUM MONTHS OF ASSISTANCE.—(1) Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

"(2) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any person under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

"(3)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

"(i) be charged against the entitlement of any individual under this subchapter; or

"(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

"(d) PROGRAMS OF APPRENTICESHIP.—(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this subchapter is—

"(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this subchapter;

"(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

"(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

"(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this subchapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this subchapter, the person's entitlement under this subchapter shall be charged at the rate of—

"(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

"(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

"(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

"(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

"(e) CORRESPONDENCE COURSES.—(1)(A) The amount of the educational assistance allowance payable under this subchapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

"(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

"(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

"(ii) the actual charge to the person for such course or courses.

"(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

"(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to the individual as an educational assistance allowance.

"(f) FLIGHT TRAINING.—(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid private pilot certificate and meets, on the day the individual begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of paragraph (1) shall be paid an educational assistance allowance under this subchapter in the amount equal to 60 percent of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(3) No educational assistance allowance may be paid under this subchapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(4) The period of entitlement of an individual pursuing a program of education described in paragraph (1) shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to that individual as an educational assistance allowance for such program.

"(5) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training.

"(g) INDIVIDUALIZED TUTORIAL ASSISTANCE.—(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this subchapter who—

"(i) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

"(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

"(B) The Secretary of Veterans Affairs shall not approve individualized tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance is necessary for the person to successfully complete the program of education.

"(2)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall pay to a person receiving individualized tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed $100 for any month, nor aggregate more than $1,200. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this subchapter.

"(B) A tutorial assistance allowance may not be paid to a person under this paragraph until the educational institution at which the person is enrolled certifies that—

"(i) the individualized tutorial assistance is essential to correct a deficiency of the person in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

"(ii) the tutor chosen to perform such assistance is qualified to provide such assistance and is not the person's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

"(iii) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

"(3)(A) A person's period of entitlement to educational assistance under this subchapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of $600.

"(B) A person's period of entitlement to educational assistance under this subchapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of $600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this subchapter.

"(h) COURSES BEYOND BACCALAUREATE DEGREE.—A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this subchapter, subject to the availability of appropriations.

"(i) SPECIAL SKILLS.—(1) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(2) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of this title and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 3302(a)(1) of this title, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of this title as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries of the military departments under regulations prescribed by the Secretary of Defense.

"(j) LICENSING AND CERTIFICATION.—(1) Subject to paragraph (3), the amount of educational assistance payable under this subchapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this subchapter.

"§ 3302. Eligibility for educational assistance

"(a) ELIGIBILITY.—A person who—

"(1) after June 30, 1985—

"(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

"(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

"(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);

is entitled to educational assistance under section 3301 of this title.

"(b) ACTIVE DUTY FOR TRAINING REQUIRED.—Educational assistance may not be provided to a member under this subchapter until the member has completed the initial period of active duty for training required of the member.

"(c) NOTIFICATION.—Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled be given a statement in writing summarizing the provisions of this subchapter and stating clearly and prominently the substance of sections 3304 and 3305 of this title as such sections may apply to the person. At the request of the Secretary of Veterans Affairs, the Secretary of Defense shall transmit a notice of entitlement for each such person to that Secretary.

"(d) BAR FROM DUAL ELIGIBILITY.—A person who serves in the Selected Reserve may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited. However, a person may not receive credit under the program established by this subchapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(a)(1)(B) of title 10.

"§ 3303. Time limitation for use of entitlement

"(a) TIME LIMITATION.—Except as provided in subsection (b), the period during which a person entitled to educational assistance under this subchapter may use such person's entitlement expires: (1) at the end of the 14-year period beginning on the date on which such person becomes entitled to such assistance; or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

"(b) EXCEPTIONS.—(1) In the case of a person—

"(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter; or

"(B) who, on or after the date on which such person became entitled to educational assistance under this subchapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on December 31, 2001, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 10143(a) of title 10,

the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.

"(2) The provisions of section 3031(f) of this title shall apply to the period of entitlement prescribed by subsection (a).

"(3) The provisions of section 3031(d) of this title shall apply to the period of entitlement prescribed by subsection (a) in the case of a disability incurred in or aggravated by service in the Selected Reserve.

"(4) In the case of a member of the Selected Reserve of the Ready Reserve who serves on active duty pursuant to an order to active duty issued under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10—

"(A) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

"(B) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

"§ 3304. Termination of assistance

"Educational assistance may not be provided under this subchapter—

"(1) to a member receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

"(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

"§ 3305. Failure to participate satisfactorily; penalties

"(a) PENALTIES.—At the option of the Secretary of the military department concerned, in consultation with the Secretary of Veterans Affairs, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this subchapter, and during which the member has received such assistance, may—

"(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 3302 of this title, whichever is less; or

"(2) be subject to repayment requirements prescribed by the Secretary of Veterans Affairs that are similar to the repayment provisions under section 303a(e) of title 37.

"(b) COLLECTION OF FUNDS.—The Secretary of Veterans Affairs shall collect any amount required to be repaid under subsection (a)(2).

"(c) EFFECT OF REPAYMENT.—Any repayment under subsection (a)(2) shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.

"§ 3306. Administration of program

"(a) PAYMENTS.—(1) Except as provided under paragraph (2), payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

"(2) Payments for increases in rates of educational assistance under section 3301(i) shall be made from amounts in the Department of Defense Education Benefits Fund under section 2006 of title 10. Amounts for such payments shall be made available to the Secretary in accordance with the provisions of section 2006(d) of title 10.

"(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

"(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1606 of title 10, as in effect immediately on September 30, 2008.

"§ 3307. Biennial report to Congress

"The Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this subchapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this subchapter during those fiscal years. The Secretary may submit the report more frequently and adjust the period covered by the report accordingly.

"SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

"§ 3321. Purpose

"The purpose of this subchapter is to provide educational assistance to members of the reserve components called or ordered to active service in response to a war or national emergency declared by the President or Congress, in recognition of the sacrifices that those members make in answering the call to duty.

"§ 3322. Educational assistance program

"(a) PROGRAM ESTABLISHMENT.—The Secretary of Veterans Affairs, shall establish and maintain a program as prescribed in this subchapter to provide educational assistance to members of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3323 of this title the opportunity to receive educational assistance under this subchapter.

"(b) AUTHORIZED EDUCATION PROGRAMS.—Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

"(c) BENEFIT AMOUNT.—(1) The educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each member entitled to educational assistance under this subchapter who is pursuing a program of education authorized under subsection (b).

"(2) The educational assistance allowance provided under this subchapter shall be based on the applicable percent under paragraph (4) to the applicable rate provided under section 3015 of this title for a member whose entitlement is based on completion of an obligated period of active duty of three years.

"(3) The educational assistance allowance provided under this section for a person who is undertaking a program for which a reduced rate is specified in chapter 30 of this title, that rate shall be further adjusted by the applicable percent specified in paragraph (4).

"(4) The adjusted educational assistance allowance under paragraph (2) or (3), as applicable, shall be—

"(A) 40 percent in the case of a member of a reserve component who performed active service for 90 consecutive days but less than one continuous year;

"(B) 60 percent in the case of a member of a reserve component who performed active service for one continuous year but less than two continuous years; or

"(C) 80 percent in the case of a member of a reserve component who performed active service for two continuous years or more.

"(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any member under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

"(2)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) shall not—

"(i) be charged against the entitlement of any individual under this subchapter; or

"(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

"(B) The payment of the educational assistance allowance referred to in subparagraph (A) is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

"(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

"(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

"(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

"(e) AVAILABILITY OF ASSISTANCE FOR LICENSING AND CERTIFICATION TESTS.—The provisions of section 3301(j) of this title shall apply to the provision of educational assistance under this subchapter, except that, in applying such section under this subchapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.

"(f) FLIGHT TRAINING.—The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

"(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(2) the individual possesses a valid private pilot certificate and meets, on the day the member begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

"(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"§ 3323. Eligibility for educational assistance

"(a) ELIGIBILITY.—On or after September 11, 2001, a member of a reserve component is entitled to educational assistance under this subchapter if the member—

"(1) served on active duty in support of a contingency operation for 90 consecutive days or more; or

"(2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full time National Guard duty under section 502(f) of title 32 for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

"(b) DISABLED MEMBERS.—Notwithstanding the eligibility requirements in subsection (a), a member who was ordered to active service as prescribed under subsection (a)(1) or (a)(2) but is released from duty before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty shall be entitled to educational assistance under this subchapter at the rate prescribed in section 3322(c)(4)(A) of this title.

"(c) WRITTEN NOTIFICATION.—(1) Each member who becomes entitled to educational assistance under subsection (a) shall be given a statement in writing prior to release from active service that summarizes the provisions of this subchapter and stating clearly and prominently the substance of section 3325 of this title as such section may apply to the member.

"(2) At the request of the Secretary of Veterans Affairs, the Secretary of the military department concerned shall transmit a notice of entitlement for each such member to that Secretary.

"(d) BAR FROM DUAL ELIGIBILITY.—A member who qualifies for educational assistance under this subchapter may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall make an irrevocable election (in such form and manner as the Secretary of Veterans Affairs may prescribe) as to the program to which such service is to be credited.

"(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this subchapter who is also eligible for educational assistance under subchapter I of this chapter, chapter 30, 31, 32, or 35 of this title, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) under which program the member elects to receive educational assistance.

"(2) The restriction on duplication of educational assistance under paragraph (1) does not apply to the entitlement of educational assistance under section 3301(i) of this title.

"§ 3324. Time limit for use of entitlement

"(a) DURATION OF ENTITLEMENT.—Except as provided in subsection (b), a member remains entitled to educational assistance under this subchapter while serving—

"(1) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(2) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve).

"(b) DURATION OF ENTITLEMENT FOR DISABLED MEMBERS.—(1) In the case of a person who is separated from the Ready Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter, such person's entitlement to educational assistance expires at the end of the 10-year period beginning on the date on which such person became entitled to such assistance.

"(2) The provisions of subsections (d) and (f) of section 3031 of this title shall apply to the period of entitlement prescribed by paragraph (1).

"§ 3325. Termination of assistance

"(a) IN GENERAL.—Except as provided in subsection (b), educational assistance may not be provided under this subchapter, or if being provided under this subchapter, shall be terminated—

"(1) if the member is receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

"(2) when the member separates from the Ready Reserve, as provided for under section 3324(a)(1) or section 3324(a)(2), as applicable, of this title.

"(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this subchapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.

"§ 3326. Administration of program

"(a) PAYMENTS.—Payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

"(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

"(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1607 of title 10, as in effect immediately on September 30, 2008.".

(b) TRANSFER OF AMOUNTS FOR BENEFITS ACCRUED BEFORE OCTOBER 1, 2008.—

(1) FISCAL YEAR 2009.—By not later than October 1, 2008, the Secretary of Defense shall transfer to the Secretary of Veterans Affairs from the funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces education liabilities under chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date, such funds as may be required by the Secretary of Veterans Affairs to make payments with respect to such liabilities during fiscal year 2009. Such amounts shall be deposited into the Readjustment Benefits Account of the Department of Veterans Affairs and shall be used only by the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a). Funds deposited in the Readjustment Benefits Account under this paragraph may not be used to pay any benefit that is payable from the Readjustment Benefits Account other than a payment of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(2) TREATMENT OF RECEIPTS.—Receipts that would otherwise be credited to the account established for the payment of benefits under the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for the payment of benefits under the chapters 1606 and 1607 of such title (other than such benefits under section 16131(i) of such title), shall be credited to the Readjustment Benefits Account of the Department of Veterans Affairs and merged with funds deposited in that account under paragraph (1), to be available for the same purposes and subject to the same limitations as such funds.

(3) AGREEMENT FOR SUBSEQUENT FISCAL YEARS.—By not later than October 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement under which the Secretary of Defense shall transfer to the Secretary of Veterans Affairs all remaining funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces liabilities under the former chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date. Such amounts shall be deposited into the education account of the Readjustment Benefits Account of the Department of Veterans Affairs and shall be available to the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(4) REPORT.—By not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Veterans Affairs of the Senate, and the Committee on Veterans Affairs of the House of Representatives a detailed report on the agreement between the Secretary of Defense and the Secretary of Veterans Affairs and the status of the transfer of funds described in paragraph (2). Such report shall include the date on which the Secretary of Defense has agreed to complete such transfer.

(c) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Educational Assistance for Members of the Reserve Components .. 3301".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS ON BAR ON DUAL ELIGIBILITY FOR BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by striking "chapter 106 or 107 of title 10" and inserting "under subchapter I or subchapter II of chapter 33 of this title, under chapter 107 of title 10"; and

(ii) in subsection (c), by striking "chapter 106 of title 10" and inserting "subchapter I of chapter 33 of this title".

(B) Section 3221(f) of such title is amended by striking "chapter 106 of title 10" and inserting "subchapter I of chapter 33 of this title".

(C) Section 3681 of such title is amended—

(i) in subsection (a), by striking "34, 35, or 36 of this title or 106 or 107 of title 10," and inserting "33, 34, 35, or 36 of this title"; and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting before the period the following: ", and subchapters I and II of chapter 33 of this title"; and

(II) in paragraph (2), by striking "Chapters 106 and" and inserting "Chapter".

(2) CONFORMING AMENDMENTS RELATING TO DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—

(A) DEFINITION OF ARMED FORCES EDUCATION LIABILITIES.—Paragraph (1) of section 2006(b) of title 10, United States Code, is amended to read as follows:

"(1) The term 'armed forces education liabilities' means liabilities of the armed forces for benefits under chapter 30 and section 3301(i) of title 38 and for Department of Defense benefits under paragraphs (3) and (4) of section 510(e) of this title, including funds provided by the Secretary of Homeland Security for education liabilities for the Coast Guard when it is not operating as a service in the Department of the Navy.".

(B) DEFINITION OF NORMAL COST.—Paragraph (2) of such section is amended by striking subparagraph (C) and inserting the following new subparagraph:

"(C) The present value of the future Department of Defense benefits payable from the Fund (including funds from the Department in which the Coast Guard is operating) for educational assistance under section 3301(i) of title 38 to persons who during such period become entitled to such assistance.".

(3) CROSS-REFERENCE AMENDMENTS.—

(A) CHAPTER 106 OF TITLE 10, UNITED STATES CODE.—

(i) Section 2131 of title 10, United States Code, is amended to read as follows:

"§2131. Reference to subchapter I of chapter 33 of title 38

"Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter and chapter 1606 of this title, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of title 38).".

(ii) The table of sections at the beginning of chapter 106 of such title is amended by striking the item relating to section 2131 and inserting the following new item:

"2131. Reference to subchapter I of chapter 33 of title 38.".

(B) CHAPTER 1606 OF TITLE 10, UNITED STATES CODE.—Chapter 1606 of such title is amended by striking all after the chapter heading and inserting the following:

"Sec.
"16131. Reference to subchapter I of chapter 33 of title 38.

"§16131. Reference to subchapter I of chapter 33 of title 38

"Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of that title).".

(C) CHAPTER 1607 OF TITLE 10, UNITED STATES CODE.—Chapter 1607 of such title is amended by striking all after the chapter heading and inserting the following:

"Sec.
"16161. Reference to subchapter II of chapter 33 of title 38.

"§16161. Reference to subchapter II of chapter 33 of title 38

"Provisions of law related to educational assistance for members of the reserve components of the Armed Forces supporting contingency operations and certain other operations, as formerly set forth in this chapter, are set forth in subchapter II of chapter 33 of title 38 (beginning with section 3321 of that title).".

(4) ADDITIONAL CONFORMING AMENDMENTS.—

(A) TITLE 38, UNITED STATES CODE.—

(i) Section 3485 of title 38, United States Code, is amended—

(I) in subsection (a)(4)(E), by striking "chapter 1606 or 1607 of title 10" and inserting "chapter 33 of this title";

(II) in subsection (b), by striking "chapter 30, 31, 32, or 34 of this title or chapter 1606 or 1607 of title 10," and inserting "chapter 30, 31, 32, 33, or 34 of this title"; and

(III) in subsection (e)(1)—

(aa) by striking ", chapter 30, 31, 32, 35, or 36 of this title, or chapter 1606 or 1607 of title 10" and inserting "or chapter 30, 31, 32, 33, 35, or 36 of this title"; and

(bb) by striking "section 2135 of such title" and inserting "section 3305 of this title".

(ii) Section 3672(c) of such title is amended—

(I) in paragraph (3)(A), by striking "chapters 30 and 35 of this title and chapter 1606 of title 10" and inserting "chapters 30, 33, and 35 of this title"; and

(II) in paragraph (4), by striking "chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be" and inserting "chapter 30, 33, or 35 of this title".

(iii) Section 3674 of such title is amended—

(I) in subsection (a)(1), by striking "and chapter 106 of title 10"; and

(II) in subsection (c), by inserting "33," after "32,".

(iv) Section 3680A(d)(1) of such title is amended—

(I) by striking "or under chapter 106 of title 10" the first place it appears; and

(II) by striking "or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10" and inserting "or chapter 30, 31, 32, 33, or 35 of this title".

(v) Section 3684A(a)(1) of such title is amended by striking "chapter 30 or 32 of this title or in chapter 106 of title 10" and inserting "chapter 30, 32, or 33 of this title".

(vi) Section 3688(b) of such title is amended by striking ", chapter 30, 32, or 35 of this title, or chapter 106 of title 10" and inserting "or chapter 30, 32, 33, or 35 of this title".

(vii) Section 3689 of such title is amended by inserting "33," after "32," each place it appears.

(viii) Section 3692 of such title is amended—

(I) in subsection (a), by striking "or 35 of this title and chapter 1606 of title 10" and inserting "33, or 35 of this title"; and

(II) in subsection (b), by striking ", chapters 30, 32, and 35 of this title, and chapter 1606 of title 10" and inserting "and chapters 30, 32, 33, and 35 of this title".

(ix) Section 3695(a) of such title is amended—

(I) by striking paragraph (4) and inserting the following new paragraph (4):

"(4) Chapters 30, 32, 34, 35, and 36 of this title and subchapters I and II of chapter 33 of this title."; and

(II) in paragraph (5), by striking ", 1606, 1607,".

(x) Section 3697(a) of such title is amended by striking "chapter 30, 32, 34, or 35 of this title, or chapter 106 of title 10," and inserting "chapter 30, 32, 33, 34, or 35 of this title".

(xi) Section 3697A(b)(1) of such title is amended by striking "or 32 of this title or chapter 106" and inserting "32, or 33 of this title or chapter".

(B) TITLE 10, UNITED STATES CODE.—Section 510(h) of title 10, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "additional educational assistance under chapter 1606 of this title or to basic educational assistance under subchapter II of chapter 30 of title 38" and inserting "basic educational assistance under subchapter II of chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title"; and

(II) in subparagraph (B)—

(aa) by striking "chapter 1606 of this title or chapter 30 of title 38" and inserting "chapter 30 or subchapter I of chapter 33 of title 38"; and

(bb) by striking "either such chapter" each place it appears and inserting "either such provisions"; and

(ii) in paragraph (3)(A), by striking "educational assistance under chapter 1606 of this title" and all that follows through "as the case may be" and inserting "basic educational assistance under chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title from an entitlement to such basic educational assistance under chapter 30 of that title or educational assistance under subchapter I of chapter 33 of that title, as the case may be".

(C) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 2304(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(g)) is amended by striking "chapter 30 of title 38 or chapter 1606 of title 10" and inserting "chapter 30 or 33 of title 38".

(D) INTERNAL REVENUE CODE OF 1986.—Section 25A(g)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code" and inserting "chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SA 2073. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. KYL, Mr. GRAHAM, Mr. COLEMAN, Ms. COLLINS, Mr. SESSIONS, Mr. LEVIN, Mr. SALAZAR, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XV, add the following:

SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a "state sponsor of terrorism," one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent "Country Reports on Terrorism," stated that "Iran remained the most active state sponsor of terrorism" in 2006.

(3) The most recent Country Reports on Terrorism report further stated, "Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces."

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, "We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran."

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, "The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies... even advice in some cases, has been very, very substantial and very harmful."

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, "We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force.... We believe that he works directly for the supreme leader of the country."

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, "What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran.... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force."

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, "We believe Hezbollah is involved in the training as well."

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, "The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq."

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, "The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations."

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between $750,000 and $3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that "[o]ur intelligence reveals that senior leadership in Iran is aware of this activity" and that it would be "hard to imagine" that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, "There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq."

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that "there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction".

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center "regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers".

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, "[They] could not have conducted this complex operation without the support and direction of the Qods Force."

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act of hostility against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail—

(A) the external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form, but may contain a classified annex.

SA 2074. Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. PRYOR, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking "this chapter while serving—" and all that follows and inserting "this chapter—

"(1) while the member is serving—

"(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

"(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

"(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

"(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

SA 2075. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

SEC. 2406. CONSTRUCTION OF SPECIAL OPERATIONS FORCES CV-22 SIMULATOR FACILITY AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled "Special Operations Command" in section 2401(a) is hereby increased by $7,500,000.

(2) PROJECT AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects for the Special Operations Command at Cannon Air Force Base, New Mexico, pursuant to paragraph (1) may be available for the construction of a Special Operations Forces CV-22 Simulator Facility.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by $7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $7,500,000.

SA 2076. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle G—Pay Protection for Members of the National Guard and Reserve

SEC. 691. SHORT TITLE.

This subtitle may be cited as the "Helping Our Patriotic Employers at Helping Our Military Employees Act of 2007" or the "HOPE at HOME Act of 2007".

SEC. 692. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform service in the uniformed services for a period of more than 90 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service in the uniformed services.

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given in section 4303 of title 38;

"(2) the term 'service in the uniformed services' has the meaning given that term in section 4303 of title 38 and includes duty performed by a member of the National Guard under section 502(f) of title 32 at the direction of the Secretary of the Army or Secretary of the Air Force;

"(3) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(4) the term 'basic pay' includes any amount payable under section 5304.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as added by this section) beginning on or after September 11, 2001.

SEC. 693. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) READY RESERVE-NATIONAL GUARD CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

"SEC. 45O. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year is an amount equal to 50 percent of the actual compensation amount for such taxable year.

"(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day during a taxable year when the employee was absent from employment for the purpose of performing qualified active duty.

"(c) LIMITATION.—No credit shall be allowed with respect to a Ready Reserve-National Guard employee who performs qualified active duty on any day on which the employee was not scheduled to work (for reason other than to participate in qualified active duty).

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' means—

"(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

"(B) hospitalization incident to such duty.

"(2) COMPENSATION.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

"(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

"(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

"(e) PORTION OF CREDIT MADE REFUNDABLE.—

"(1) IN GENERAL.—In the case of an eligible employer of a Ready Reserve-National Guard employee, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

"(2) ELIGIBLE EMPLOYER.—For purposes of this subsection, the term 'eligible employer' means an employer which is a State or local government or subdivision thereof.

"(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

"(i) section 3111(b), and

"(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

"(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking "plus" at the end of paragraph (309), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following:

"(32) the Ready Reserve-National Guard employee credit determined under section 45O(a).".

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45O(a)," after "45A(a),".

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45N the following:

"Sec. 45O. Ready Reserve-National Guard employee credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 694. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding after section 30C the following new section:

"SEC. 30D. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the employment credits for each qualified replacement employee under this section.

"(2) EMPLOYMENT CREDIT.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(A) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

"(B) $12,000.

"(b) QUALIFIED COMPENSATION.—The term 'qualified compensation' means—

"(1) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

"(2) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

"(3) group health plan costs (if any) with respect to the qualified replacement employee.

"(c) QUALIFIED REPLACEMENT EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified replacement employee' means an individual who is hired to replace a Ready Reserve-National Guard employee or a Ready Reserve-National Guard self-employed taxpayer, but only with respect to the period during which—

"(A) such Ready Reserve-National Guard employee is receiving an actual compensation amount (as defined in section 45O(b)) from the employee's employer and is participating in qualified active duty, including time spent in travel status, or

"(B) such Ready Reserve-National Guard self-employed taxpayer is participating in such qualified active duty.

"(2) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' has the meaning given such term by section 45O(d)(3).

"(3) READY RESERVE-NATIONAL GUARD SELF-EMPLOYED TAXPAYER.—The term 'Ready Reserve-National Guard self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code.

"(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a), 1396(a), or any other provision of this chapter with respect to any wages or other compensation paid to an employee shall be reduced by the credit allowed by this section with respect to such employee.

"(e) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(B) the tentative minimum tax for the taxable year.

"(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(B) the 2 succeeding taxable years.

"(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a small business employer or a Ready Reserve-National Guard self-employed taxpayer.

"(2) SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(3) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' has the meaning given such term by section 45N(d)(1).

"(4) SPECIAL RULES FOR CERTAIN MANUFACTURERS.—

"(A) IN GENERAL.—In the case of any qualified manufacturer—

"(i) subsection (a)(2)(B) shall be applied by substituting '$20,000' for '$12,000', and

"(ii) paragraph (2)(A) of this subsection shall be applied by substituting '100' for '50'.

"(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term 'qualified manufacturer' means any person if—

"(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

"(ii) all of such person's facilities which are used for production in such business are located in the United States.

"(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.".

(b) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) of the Internal Revenue Code of 1986 (relating to rule for employment credits), as amended by this Act, is amended—

(1) by inserting "or compensation" after "salaries", and

(2) by inserting "30D," before "45A(a),".

(c) CONFORMING AMENDMENT.—Section 55(c)(3) of the Internal Revenue Code of 1986 is amended by inserting "30D(e)(1)," after "30C(d)(2),".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 30C the following new item:

"Sec. 30D. Ready Reserve-National Guard Replacement Employee Credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 695. INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.

(a) IN GENERAL.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

"(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid after December 31, 2006.

SEC. 696. TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.

(a) PENSION PLANS.—

(1) IN GENERAL.—Section 414(u) of the Internal Revenue Code of 1986 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

"(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

"(B) SPECIAL RULE FOR DISTRIBUTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

"(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

"(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).".

(2) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting "AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY" after "USERRA".

(b) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new sentence: "The term 'compensation' includes any differential wage payment (as defined in section 3401(h)(2)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SA 2077. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

Recommendation # 23 of the September 8, 2005, Final Report of the 2005 Defense Base Closure and Realignment Commission, relating to the relocation of units from the Roberts United States Army Reserve Center and the Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana, shall be interpreted as authorizing the relocation of such units to suitable State property in the vicinity of greater Baton Rouge, Louisiana.

SA 2078. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. SENSE OF CONGRESS ON DWELL TIME BETWEEN DEPLOYMENTS FOR MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) the wartime demands placed on the men and women of the Armed Forces, both in the regular and reserve components, and upon their families and loved ones, since the terrorist attacks on the United States on September 11, 2001, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments require as much certainty as possible about the amount of time they will be at their home stations before commencing a subsequent extended operational deployment; and

(3) the goal, consistent with wartime requirements, for dwell time between extended operational deployments of members of the Armed Forces should be—

(A) for members of the regular components of the Armed Forces, no less 12 months between deployments; and

(B) for members of the reserve components of the Armed Forces, no less than 5 years between deployments.

SA 2079. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. REIMBURSEMENT FOR COSTS OF MEETING AIR FORCE SAFETY REQUIREMENTS FOR FLIGHT TRAINING OPERATIONS, PUEBLO MEMORIAL AIRPORT, COLORADO.

None of the funds authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force may be made available for Air Force flight training operations at Pueblo Memorial Airport, Colorado, until the Secretary of the Air Force certifies to the congressional defense committees that the Air Force has begun negotiations with the City of Pueblo, Colorado, for the reimbursement of costs incurred by the City in meeting Air Force safety requirements related to fire protection, crash rescue, and other emergency response capabilities required for such flight training operations.

SA 2080. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. ANNUAL ASSESSMENTS OF MOOD AMONG CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§4362. Cadets: annual assessment of mood among cadets

"(a) IN GENERAL.—The Secretary of the Army shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment of the mood among cadets at the Academy. The Superintendent shall conduct each such assessment through a survey of cadets conducted for that purpose.

"(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed to assess the mood and perceptions of cadets with respect to the following at the Academy:

"(1) With respect to sexual harassment and sexual violence—

"(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

"(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

"(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving cadets or other Academy personnel, including the enforcement of such policies; and

"(D) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

"(2) Race and ethnicity.

"(3) Religion.

"(4) Alcohol-related behavior.

"(5) Trust and confidence in the leadership of the Academy.

"(6) Fear of reprisal.

"(7) Trust and confidence in the response of the Academy to sexual assault.

"(8) Any other matters that the Secretary considers appropriate.

"(c) ANNUAL REPORTS.—(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

"(2) Each report shall include the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during such program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

"(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

"(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

"(F) Any other matters that the Superintendent considers appropriate.

"(3) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary of the Army under this subsection, together with the comments of the Secretary of the Army on such report.

"(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 403 of such title is amended by adding at the end the following new item:

"4362. Cadets: annual assessment of mood among cadets.".

(3) CONFORMING REPEAL.—Section 4361 of such title is amended by striking subsections (c) and (d).

(b) UNITED STATES NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

"§6981. Midshipmen: annual assessment of mood among midshipmen

"(a) IN GENERAL.—The Secretary of the Navy shall direct the Superintendent of the Naval Academy to conduct at the Naval Academy during each Academy program year an assessment of the mood among midshipmen at the Academy. The Superintendent shall conduct each such assessment through a survey of midshipmen conducted for that purpose.

"(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed to assess the mood and perceptions of midshipmen with respect to the following at the Academy:

"(1) With respect to sexual harassment and sexual violence—

"(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

"(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

"(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving midshipmen or other Academy personnel, including the enforcement of such policies; and

"(D) any other issues relating to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

"(2) Race and ethnicity.

"(3) Religion.

"(4) Alcohol-related behavior.

"(5) Trust and confidence in the leadership of the Academy.

"(6) Fear of reprisal.

"(7) Trust and confidence in the response of the Academy to sexual assault.

"(8) Any other matters that the Secretary considers appropriate.

"(c) ANNUAL REPORTS.—(1) The Secretary of the Navy shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

"(2) Each report shall include the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving midshipmen or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving midshipmen or other Academy personnel during such program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

"(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

"(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

"(F) Any other matters that the Superintendent considers appropriate.

"(3) The Secretary of the Navy shall transmit to the Secretary of Defense, and to the Board of Visitors of the Naval Academy, each report received by the Secretary of the Navy under this subsection, together with the comments of the Secretary of the Navy on such report.

"(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

"6981. Midshipmen: annual assessment of mood among midshipmen.".

(3) CONFORMING REPEAL.—Section 6980 of such title is amended by striking subsections (c) and (d).

(c) UNITED STATES AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

"§9362. Cadets: annual assessment of mood among cadets

"(a) IN GENERAL.—The Secretary of the Air Force shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment of the mood among cadets at the Academy. The Superintendent shall conduct each such assessment through a survey of cadets conducted for that purpose.

"(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed to assess the mood and perceptions of cadets with respect to the following at the Academy:

"(1) With respect to sexual harassment and sexual violence—

"(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

"(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

"(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving cadets or other Academy personnel, including the enforcement of such policies; and

"(D) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

"(2) Race and ethnicity.

"(3) Religion.

"(4) Alcohol-related behavior.

"(5) Trust and confidence in the leadership of the Academy.

"(6) Fear of reprisal.

"(7) Trust and confidence in the response of the Academy to sexual assault.

"(8) Any other matters that the Secretary considers appropriate.

"(c) ANNUAL REPORTS.—(1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

"(2) Each report shall include the following:

"(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

"(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during such program year.

"(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

"(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

"(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

"(F) Any other matters that the Superintendent considers appropriate.

"(3) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary of the Air Force under this subsection, together with the comments of the Secretary of the Air Force on such report.

"(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

"9362. Cadets: annual assessment of mood among cadets.".

(3) CONFORMING REPEAL.—Section 9361 of such title is amended by striking subsections (c) and (d).

(d) CONFORMING REPEAL OF REQUIREMENT FOR FOCUS GROUPS.—Subsection (b) of section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2205; 10 U.S.C. 4361 note) is repealed.

SA 2081. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. DISPOSITION OF QUALIFIED OIL SHALE REVENUES.

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (1)—

(i) by striking "all moneys received during the period specified in paragraph (2)" and inserting "during the period beginning on November 18, 1997, and ending on December 31, 2017, all amounts received"; and

(ii) by striking "and shall not be subject to the distribution to the States pursuant to subsection (a) of such section 35" and inserting "for distribution in accordance with subsection (g)"; and

(B) by striking paragraph (2) and inserting the following:

"(2) Any amounts deposited under paragraph (1) shall not be subject to distribution to the States under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).''; and

(2) by striking subsection (g) and inserting the following:

"(g) USE OF REVENUES.—

"(1) DEFINITIONS.—In this subsection:

"(A) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(B) STATE.—The term 'State' means the State of Colorado.

"(C) STATE FUND.—The term 'State fund' means the oil shale special fund established under Colo. Rev. Stat. 34-63-104.

"(2) DISTRIBUTION OF REVENUES.—Of the amounts deposited under subsection (f)(1)—

"(A) 50 percent shall be transferred from the Secretary of the Treasury to the State for deposit in the State fund, for use in accordance with paragraph (3); and

"(B) 50 percent shall be deposited in a special account of the Treasury, to be available to the Secretary without further appropriation until expended, for use in accordance with paragraph (4).

"(3) USE OF STATE FUND.—Amounts deposited in the State fund under paragraph (2)(A) shall be used by the State in accordance with the provisions of the State fund to assist State agencies, school districts, and political subdivisions of the State affected by the development and production of energy resources from oil shale land in planning for and providing facilities and services associated with the development and production.

"(4) USE OF SPECIAL ACCOUNT.—

"(A) IN GENERAL.—The Secretary shall use amounts deposited in the special account under paragraph (2)(B) only for 1 or more of the following purposes:

"(i) Any necessary environmental restoration, waste management, or environmental compliance activities with respect to Oil Shale Reserve Numbered 3 that are—

"(I) the responsibility of the United States; and

"(II)(aa) identified in the report relating to Oil Shale Reserve Numbered 3 submitted by the Secretary to Congress in November 2005; or

"(bb) identified by the Secretary after the date of the submission of the report described in item (aa).

"(ii) Any necessary additional analysis, site characterization, and geotechnical studies or monitoring that the Secretary determines to be necessary to support environmental restoration, waste management, or environmental compliance with respect to Oil Shale Reserve Numbered 3.

"(iii) Financial assistance to local governments in the States of Colorado, Utah, and Wyoming affected by the development and production of energy resources from oil shale land in the form of grants awarded in a manner prescribed by the Secretary to carry out planning for, and providing infrastructure that may be necessary to address, community needs created by new energy production and development activities.

"(iv) Financial assistance to the States of Colorado, Utah, and Wyoming for purposes of—

"(I) conducting studies requested by the Secretary; or

"(II) carrying out coordination and consultation activities under this section.

"(v) Any additional administrative costs incurred by the Bureau of Land Management for the coordination and processing of use authorizations on Federal land, inspection and enforcement activities, and monitoring necessary to implement section 369 of the Energy Policy Act of 2005 (42 U.S.C. 15927).

"(B) COORDINATION.—To ensure accountability and demonstrated results, the Secretary shall coordinate with the Secretary of Energy, the State, local governments, and other interested persons in using amounts in the special account under this paragraph.".

SA 2082. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the "Help for Military Children Affected by War Act of 2007".

(b) GRANTS AUTHORIZED.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency that—

(A)(i) had a number of military dependent children in average daily attendance in the schools served by the local educational agency during the school year preceding the school year for which the determination is made, that—

(I) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the preceding school year; or

(II) was 1,000 or more,

whichever is less; and

(ii) is designated by the Secretary of Defense as impacted by—

(I) Operation Iraqi Freedom;

(II) Operation Enduring Freedom;

(III) the global rebasing plan of the Department of Defense;

(IV) the realignment of forces as a result of the base closure process;

(V) the official creation or activation of 1 or more new military units; or

(VI) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense; or

(B)(i) enrolls not less than 1 military dependent child affected by Operation Iraqi Freedom or Operation Enduring Freedom, as certified by the Secretary of Education; and

(ii) is not eligible for a payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702, 7703).

(2) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term "military dependent child"—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) USE OF FUNDS.—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii);

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii), including the hiring of a military-school liaison; and

(4) other basic educational activities associated with an increase in military dependent children.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Defense **$200,000,000** to carry out this section for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(2) SPECIAL RULE.—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 561 or 562 of this Act or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

SA 2083. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—MILITARY COMMISSION AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Restoring the Constitution Act of 2007".

(b) INEFFECTIVENESS OF CERTAIN PROVISIONS.—The amendments made by section 1023 of this Act shall not go into effect.

SEC. 1602. DEFINITION OF UNLAWFUL ENEMY COMBATANT.

Paragraph (1) of section 948a of title 10, United States Code, is amended to read as follows:

"(1) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means an individual who is not a lawful enemy combatant and—

"(A) who directly participates in hostilities in a zone of active combat against the United States; or

"(B) who—

"(i) planned, authorized, committed, or intentionally aided the terrorist acts on the United States of September 11, 2001; or

"(ii) intentionally harbored any individual described in clause (i).

The term is used solely to designate individuals triable by military commission under this chapter.".

SEC. 1603. CONSTRUCTION WITH GENEVA CONVENTIONS.

Subsection (g) of section 948b of title 10, United States Code, is amended to read as follows:

"(g) CONSTRUCTION WITH GENEVA CONVENTIONS.—To the extent that any provision of this chapter is determined to be inconsistent with the obligations of the United States under the Geneva Conventions, the Geneva Conventions shall prevail, and such provision shall be deemed to have no further force or effect.".

SEC. 1604. DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS BY COMBATANT STATUS REVIEW TRIBUNAL NOT DISPOSITIVE FOR PURPOSES OF JURISDICTION OF MILITARY COMMISSIONS.

Section 948d of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 1605. TRIAL COUNSEL AND DEFENSE COUNSEL.

(a) REPEAL OF AUTHORITY FOR CIVILIAN TRIAL COUNSEL.—Subsection (b) of section 948k of title 10, United States Code, is amended to read as follows:

"(b) MILITARY TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

"(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(2) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.".

(b) AUTHORITY FOR CIVILIAN DEFENSE COUNSEL.—Subsection (c) of such section is amended to read as follows:

"(c) DEFENSE COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

"(1) a judge advocate (as so defined) who is—

"(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

"(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

"(2) a civilian who is—

"(A) a member of the bar of a Federal court or of the highest court of a State; and

"(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.".

(c) CONFORMING AMENDMENT.—Subsection (d)(1) of such section is amended by striking "subsection (b)(1)" and inserting "subsection (b)".

SEC. 1606. EXCLUSION FROM TRIAL BY MILITARY COMMISSION OF STATEMENTS OBTAINED BY COERCION.

Section 948r of title 10, United States Code, is amended by striking subsections (c) and (d) and inserting the following new subsection (c):

"(c) EXCLUSION OF STATEMENTS OBTAINED BY COERCION.—A statement obtained by use of coercion shall not be admissible in a military commission under this chapter, except against a person accused of coercion as evidence that the statement was made.".

SEC. 1607. MODIFICATION OF AUTHORITIES ON RULES FOR MILITARY COMMISSIONS.

(a) RULES GENERALLY.—Subsection (a) of section 949a of title 10, United States Code, is amended to read as follows:

"(a) PROCEDURES AND RULES OF EVIDENCE.—(1) Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial shall apply in trials by military commission under this chapter.

"(2) The Secretary of Defense may, in consultation with the Attorney General, make such exceptions in the applicability in trials by military commission under this chapter from the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military or intelligence operations during hostilities. Such exceptions may not be contrary to or inconsistent with this chapter.".

(b) EXCLUSION OF EVIDENCE SEIZED INSIDE THE UNITED STATES WITHOUT WARRANT.—

Subsection (b)(2)(B) of such section is amended by inserting "seized outside the United States" after "Evidence".

(c) DISCRETION OF MILITARY JUDGE TO EXCLUDE HEARSAY EVIDENCE DETERMINED TO BE UNRELIABLE OR LACKING IN PROBATIVE VALUE.—Subsection (b)(2)(E)(ii) of such section is amended by striking "if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value" and inserting "if the military judge determines, upon motion by counsel, that the evidence is unreliable or lacking in probative value".

SEC. 1608. SELF-REPRESENTATION OF ACCUSED BEFORE MILITARY COMMISSIONS.

Section 949c of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) SELF-REPRESENTATION BY ACCUSED.—(1) Notwithstanding any provision of subsection (b), the accused may represent himself in his defense before a military commission under this chapter.

"(2) The accused's representation of himself in his defense shall be governed by such rules as the Secretary of Defense shall prescribe. Such rules, and any rights, privileges, or limitations under such rules, shall be consistent with rules applicable to self-representation by an accused in a criminal trial under the laws of the United States and international law.

"(3) If the accused represents himself under this subsection, the accused—

"(A) shall be assisted in his defense by military defense counsel detailed in accordance with subsection (b)(2); or

"(B) may be assisted in his defense by civilian defense counsel meeting the requirements of subsection (b)(3), together with military defense counsel so detailed.

"(4) Any civilian counsel assisting in the defense of an accused under this subsection shall comply with the provisions of subsection (b)(4).

"(5) Subsection (b)(7) shall not apply with respect to any defense counsel assisting in the defense of an accused under this subsection, except to the extent the accused is unable to carry out his defense.".

SEC. 1609. ENHANCEMENT OF AUTHORITIES ON DISCOVERY OF WITNESSES AND OTHER EVIDENCE.

(a) DISCOVERY OF SOURCES, METHODS, AND ACTIVITIES RELATING TO CERTAIN GOVERNMENT ACTIONS.—Subsection (c) of section 949j of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "The military judge" and inserting "Except as provided in paragraph (3), the military judge"; and

(2) by adding at the end the following new paragraph:

"(3) Notwithstanding any other provision of this chapter, the military judge may, upon motion of defense counsel and at the discretion of the military judge, order trial counsel to disclose to defense counsel the sources, methods, or activities (including classified sources, methods, or activities) by which the United States obtained any out of court statement the United States intends to introduce at trial if the military judge determines, after ex parte review, in camera review, or both, that evidence of such sources, methods, or activities, as the case may be, might reasonably tend to affect the weight given to the out of court statement by the members of the military commission. The military judge shall revoke such an order in the event the United States elects not introduce the out of court statement concerned at trial.".

(b) DISCRETION OF MILITARY JUDGE TO TAKE CERTAIN ACTIONS IF SUBSTITUTE FOR CLASSIFIED EXCULPATORY EVIDENCE IS INSUFFICIENT TO PROTECT RIGHT OF DEFENDANT TO FAIR TRIAL.—Subsection (d)(1) of such section is amended by adding at the end the following: "If the military judge determines that the substitute is not sufficient to protect the right of the defendant to a fair trial, the military judge may—

"(A) dismiss the charges in their entirety;

"(B) dismiss the charges or specifications or both to which the information relates; or

"(C) take such other actions as may be required in the interest of justice.".

SEC. 1610. REVIEW OF MILITARY COMMISSION DECISIONS BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES RATHER THAN COURT OF MILITARY COMMISSION REVIEW.

(a) REVIEW.—

(1) IN GENERAL.—Section 950f of title 10, United States Code, is amended to read as follows:

"§950f. Review by Court of Appeals for the Armed Forces

"The United States Court of Appeals for the Armed Forces, in accordance with procedures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title is amended by striking the item relating to section 950f and inserting the following new item:

"950f. Review by Court of Appeals for the Armed Forces.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 47A of title 10, United States Code, is further amended as follows:

(A) In section 950c(a), by striking "the Court of Military Commission Review" and inserting "the United States Court of Appeals for the Armed Forces".

(B) In section 950d, by striking "the Court of Military Commission Review" each place it appears and inserting "the United States Court of Appeals for the Armed Forces".

(C) In section 950g(a)(2), by striking "the Court of Military Commission Review" each place it appears and inserting "the United States Court of Appeals for the Armed Forces".

(D) In section 950h, by striking "the Court of Military Commission Review" each place it appears and inserting "the United States Court of Appeals for the Armed Forces".

(2) UNIFORM CODE OF MILITARY JUSTICE.—Section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by striking "Decisions" and inserting "Except as provided in sections 950d and 950g of this title, decisions".

SEC. 1611. SCOPE OF REVIEW OF DETENTION-RELATED DECISIONS.

(a) SCOPE OF REVIEW OF UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—Section 950g of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) SCOPE OF AUTHORITY FOR REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Subsection (b) of section 950j of such title is amended to read as follows:

"(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter, section 2241 of title 28, and any other habeas corpus provision, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after October 17, 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.".

(c) TERMINATION OF SUPERSEDED AUTHORITY FOR REVIEW OF CSRTS.—Section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended by striking paragraphs (2) through (4).

SEC. 1612. REPEAL OF PROHIBITION ON TREATY OBLIGATIONS AS ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.

Section 5 of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2631; 28 U.S.C. 2241 note) is repealed.

SEC. 1613. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) IN GENERAL.—Section 6(a) of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2632; 18 U.S.C. 2441 note) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting after "international character" the following: "and preserve the capacity of the United States to prosecute nationals of enemy powers for engaging in acts against members of the United States Armed Forces and United States citizens that have been prosecuted by the United States as war crimes in the past"; and

(B) by striking the second sentence; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate" and inserting "the President has the authority, subject to congressional oversight and judicial review, to promulgate"; and

(ii) by striking "higher standards and";

(B) in subparagraph (B), by striking "interpretations" and inserting "rules"; and

(C) by amending subparagraph (D) to read as follows:

"(D) The President shall notify other parties to the Geneva Conventions that the United States expects members of the United States Armed Forces and other United States citizens detained in a conflict not of an international character to be treated in a manner consistent with the standards described in subparagraph (A) and embodied in section 2441 of title 18, United States Code, as amended by subsection (b).".

(b) MODIFICATION OF WAR CRIMES OFFENSES.—

(1) INCLUSION OF DENIAL OF TRIAL RIGHTS AMONG OFFENSES.—Paragraph (1) of section 2441(d) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(J) DENIAL OF TRIAL RIGHTS.—The act of a person who intentionally denies one or more persons the right to be tried before a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples as prescribed by common Article 3.".

(2) INCLUSION OF IMPOSITION OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT AMONG OFFENSES.—Such section is further amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(K) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—The act of a person who subjects, or conspires or attempts to subject, an individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, to cruel, inhuman, or degrading treatment or punishment."; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(F) the term 'cruel, inhuman, or degrading treatment or punishment' shall be applied for purposes of paragraph (1)(K) in accordance with the meaning given that term in section 6(c)(2) of the Military Commissions Act of 2006 (42 U.S.C. 2000dd–0).".

(3) INCLUSION OF CERTAIN OTHER VIOLATIONS OF COMMON ARTICLE 3 AMONG OFFENSES.—Paragraph (1) of such section is further amended by adding at the end the following new subparagraph:

"(L) CERTAIN OTHER VIOLATIONS OF COMMON ARTICLE 3.—The act of a person not subject to chapter 47 of title 10 (the Uniform Code of Military Justice) who commits, or conspires or attempts to commit, an act not otherwise enumerated under this paragraph that constitutes a violation of common Article 3 and is an act which, if committed by a person subject to chapter 47 of title 10, would be punishable under that chapter by the penalty of death or confinement for one year or more.".

(4) ADDITIONAL DEFINITIONAL MATTERS.—Paragraph (2) of such section is further amended—

(A) in subparagraph (D)—

(i) by striking clause (ii) and inserting the following new clause (ii):

"(ii) serious physical pain;"; and

(ii) in clause (iii), by striking "(other than cuts, abrasions, or bruises)"; and

(B) in subparagraph (E)(ii), by striking "and non-transitory".

SEC. 1614. RESTORATION OF HABEAS CORPUS FOR INDIVIDUALS DETAINED BY THE UNITED STATES.

(a) RESTORATION.—Subsection (e) of section 2241 of title 28, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 7 of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2636; 28 U.S.C. 2441 note) is repealed.

SEC. 1615. EXPEDITED JUDICIAL REVIEW OF MILITARY COMMISSIONS ACT OF 2006.

Notwithstanding any other provision of law, the following rules shall apply to any civil action, including an action for declaratory judgment, that challenges any provision of the Military Commissions Act of 2006 (Public Law 109–366), or any amendment made by that Act, on the ground that such provision or amendment violates the Constitution or the laws of the United States:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard in that Court by a court of three judges convened pursuant to section 2284 of title 28, United States Code.

(2) An interlocutory or final judgment, decree, or order of the United States District Court for the District of Columbia in an action under paragraph (1) shall be reviewable as a matter of right by direct appeal to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after the date on which such judgment, decree, or order is entered. The jurisdictional statement with respect to any such appeal shall be filed within 30 days after the date on which such judgment, decree, or order is entered.

(3) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action or appeal, respectively, brought under this section.

SEC. 1616. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on October 17, 2006, the date of the enactment of the Military Commissions Act of 2006 (Public Law 109–366), immediately after the enactment of that Act and shall apply to all cases, without exception, that are pending on or after such date.

(b) REVISIONS TO WAR CRIMES OFFENSES.—The amendments made by section 1613(b) shall take effect on the date of the enactment of this Act.

SA 2084. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

(c) LEGAL STATUS OF CONTRACT PERSONNEL.—

(1) INCLUSION OF CONTRACTORS UNDER MILITARY EXTRATERRITORIAL JURISDICTION ACT.—Paragraph (1)(A) of section 3267 of title 18, United States Code, is amended—

(A) in subparagraph (ii)(II), by inserting before the semicolon the following: "or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation"; and

(B) in subparagraph (iii)(II), by inserting before the semicolon the following: "or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation".

(2) CONTINGENCY OPERATION DEFINED.—Such section is further amended by adding at the end the following:

"(5) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10.".

(d) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall, in consultation with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Iraq Reconstruction, submit to Congress a report.

(2) CONTENT OF REPORT.—The report shall include—

(A) a description of the status of Department of Justice investigations of abuses alleged to have been committed by contract personnel performing private security functions, other contract personnel, or contractors under covered contracts, which shall include—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the capacity and effectiveness of the Department of Justice in prosecuting misconduct by such contract personnel.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 2085. Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. POSTDEPLOYMENT MEDICAL AND MENTAL HEALTH SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

Section 1074f(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The system";

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraph:

"(2) The postdeployment examination shall be conducted not later than 90 days after the date of the return of a member to the United States from a deployment as described in subsection (a). The examination shall include a comprehensive medical and mental health assessment conducted on an individualized basis by personnel qualified to conduct such examinations.".

SA 2086. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mrs. MCCASKILL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle II of title V, add the following:

SEC. 593. DISCHARGE OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) TEMPORARY MORATORIUM ON DISCHARGES.—Effective as of the date of the enactment of this Act, the Secretary of a military department may not, except as provided in subsection (b), discharge from the Armed Forces for personality disorder any member of the Armed Forces (including a member of the National Guard or Reserve) who has served on active duty in a combat zone until the later of the dates as follows:

(1) The date of the completion by the Secretary of Defense of a review of the policies and procedures of the Department of Defense for diagnosing a personality disorder in members of the Armed Forces.

(2) The date of the issuance by the Secretary of Defense of policies and procedures to ensure the appropriate use of discharge of members of the Armed Forces for personality disorder, which discharges shall be based on standard clinical diagnostic practices, including the practices outlined in the most recent edition of the Diagnostic Statistical Manual for Mental Disorders.

(3) The date of the establishment by the Secretary of Defense of an independent review board for discharges of members of the Armed Forces for personality discharge, including for members so discharged on or after September 12, 2001, and before the date of the enactment of this Act.

(4) The date of the submittal by the Secretary of Defense of a report to Congress on the progress in implementing the requirements of paragraphs (1) through (3).

(5) The date that is 45 days after the date of the submittal of the report referred to in paragraph (4), which period shall permit Congress to consider the report.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply with respect to any member of the Armed Forces who provided false or misleading information, or omitted providing information about past criminal behavior, that is material to a discharge for personality disorder during recruitment for or enlistment in the Armed Forces.

SA 2087. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

SA 2088. Mr. REED proposed an amendment to amendment SA 2087 proposed by Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military actvities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

SA 2089. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, strike lines 11 and 12 and insert the following:

"(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(14) Such other responsibilities as the Secretary shall specify.".

SA 2090. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, strike lines 17 and 18 and insert the following:

"(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(15) Such other responsibilities as the Secretary shall specify.".

SA 2091. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) Any national or international paralympic sporting event (other than a sporting event described in paragraph (1) through (4))—

"(A) that—

"(i) is held in the United States or any of its territories or commonwealths;

"(ii) is governed by the International Paralympic Committee; and

"(iii) is sanctioned by the United States Olympic Committee; and

"(B) for which participation exceeds 100 amateur athletes."; and

(2) by adding at the end the following new subsection:

"(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

"(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.".

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after "international sporting competitions" the following: "and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,"; and

(2) by striking "45 days" and inserting "15 days".

SA 2092. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following

SEC. 604. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking "fiscal years 2004, 2005, and 2006" and inserting "fiscal years 2009 through 2012".

SA 2093. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1532.

SA 2094. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 510. EVALUATION OF POLICIES AND PRACTICES ON RECRUITMENT, RETENTION, AND PROMOTION OF OFFICERS WHO ARE MEMBERS OF MINORITIES.

(a) PANEL FOR EVALUATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall establish a panel of distinguished individuals in the private sector to carry out an evaluation of the policies, procedures, and practices of the military departments on the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members or minority groups to identify potential improvements to such policies, procedures, and practices in order to improve and enhance the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups.

(b) REPORT.—Not later than 180 days after the establishment of the panel required by subsection (a), the panel shall submit to the Secretary and Congress a report on the evaluation carried out under that subsection, including—

(1) a description of the evaluation; and

(2) such recommendations for legislative or administrative action as the panel considers appropriate in order to improve and enhance the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups.

SA 2095. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: "When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.".

SA 2096. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 501, between lines 2 and 3, insert the following:

SEC. 2842. COMPREHENSIVE ACCOUNTING OF FUNDING REQUIRED TO ENSURE TIMELY IMPLEMENTATION OF 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION RECOMMENDATIONS.

The Secretary of Defense shall submit to Congress with the budget materials for fiscal year 2009 a comprehensive accounting of the funding required to ensure that the plan for implementing the final recommendations of the 2005 Defense Base Closure and Realignment Commission remains on schedule.

SA 2097. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON COST OF REESTABLISHMENT OF THE READINESS OF THE ARMED FORCES TO STATUS BEFORE COMMENCEMENT OF HOSTILITIES IN IRAQ.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committee a report setting forth the current estimate of the cost of reestablishing the readiness status of the Armed Forces to the readiness status of the Armed Forces immediately before the commencement of hostilities in Iraq in 2003, including any costs associated with replacement or repair of equipment and other assets of the Armed Forces.

(b) SUBMITTAL DATE.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2009 as submitted under section 1105(a) of title 31, United States Code.

SA 2098. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON COST OF TRANSITIONING TROOPS INTO MILITARY AND CIVILIAN LIFE IN THE UNITED STATES AFTER THE COMPLETION OF OPERATION IRAQI FREEDOM.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committee a report setting forth the current estimate of the costs of transitioning members of the Armed Forces into military and civilian life in the United States after the completion of Operation Iraqi Freedom, including the costs of any logistics associated with the return of such members and their equipment to the United States and the costs of any transition assistance and other support programs anticipated to be required to assist such members in returning and adjusting to military or civilian life, as applicable, in the United States.

(b) SUBMITTAL DATE.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2009 as submitted under section 1105(a) of title 31, United States Code.

SA 2099. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, after line 24, add the following:

SEC. 1070. EXTENSION OF DATE OF APPLICATION OF NATIONAL SECURITY PERSONNEL SYSTEM TO DEFENSE LABORATORIES.

Section 9902(c)(1) of title 5, United States Code, is amended by striking "October 1, 2008" each place such term appears and inserting "October 1, 2011" in each such place.

SA 2100. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, insert the following:

SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that "[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally".

(3) The Iraq Study Group noted that "Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world".

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that "a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.... The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory."

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that "Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence".

(8) The Iraq Study Group noted that "Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons."

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, "Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs."

(11) The Iraq Study Group found that "[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

SA 2101. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.

(a) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

"§16131A. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

"(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

"(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the person's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $4,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

"16131A. Accelerated payment of educational assistance.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

"§ 16162A. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

"(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

"(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

"(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the member's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $3,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

"16162A. Accelerated payment of educational assistance.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking "for two continuous years or more." and inserting "for—

"(i) two continuous years or more; or

"(ii) an aggregate of three years or more.".

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

"(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

"(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

"(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

"(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

"(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

"(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

"(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.".

SA 2102. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, between lines 16 and 17, insert the following:

(vii) A standard for the appointment of a physician or other health care professional who is independent of the medical evaluation board and who shall—

(I) serve to inform the servicemember of the process and procedures for the medical evaluation board; and

(II) provide the servicemember with advice and counsel regarding the medical condition of the servicemember and the findings and recommendations of the medical evaluation board.

SA 2103. Mr. CARDIN (for himself, Mr. BIDEN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1234. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PREVENTION OF MASS ATROCITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Secretary of Defense and the Secretary of State to provide training and advice to the command of an international intervention force that seeks to prevent mass atrocities.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An evaluation of any doctrine currently used by the Secretary of Defense or the Secretary of State to prepare for training and advising the command of an international intervention force.

(2) An assessment of the current capability of the Secretary of Defense and the Secretary of State to provide training and advice to the command of an international intervention force in keeping with the "responsibility to protect" doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005.

(3) An assessment of the potential capability of the Secretary of Defense and the Secretary of State to support the development of new doctrine for training and advising an international intervention force in keeping with the "responsibility to protect" doctrine.

(4) Recommendations as to the steps necessary to allow the Secretary of Defense and the Secretary of State to provide more effective training and advice to international intervention forces.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, "international intervention force" means a military force that—

(1) is authorized by an international organization such as the United Nations, the Economic Community of West African States (ECOWAS), the North Atlantic Treaty Organization (NATO), the European Union, or the African Union; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

SA 2104. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

(c) LEGAL STATUS OF CONTRACT PERSONNEL.—

(1) INCLUSION OF CONTRACTORS UNDER MILITARY EXTRATERRITORIAL JURISDICTION ACT.—Paragraph (1)(A) of section 3267 of title 18, United States Code, is amended—

(A) in subparagraph (ii)(II), by inserting before the semicolon the following: "or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation"; and

(B) in subparagraph (iii)(II), by inserting before the semicolon the following: "or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation".

(2) CONTINGENCY OPERATION DEFINED.—Such section is further amended by adding at the end the following:

"(5) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10.".

(d) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall, in consultation with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Iraq Reconstruction, submit to Congress a report.

(2) CONTENT OF REPORT.—The report shall include—

(A) a description of the status of Department of Justice investigations of abuses alleged to have been committed under all Federal agency contracts and subcontracts in support of military and reconstruction efforts in Iraq and Afghanistan, including—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the capacity and effectiveness of the Department of Justice in prosecuting misconduct by such contract personnel.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 2105. Mr. NELSON of Nebraska (for Mr. JOHNSON) submitted an amendment intended to be proposed by Mr. NELSON, of Nebraska to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities

of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

The Secretary of Education shall—

(1) deem each local educational agency that received a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a fiscal year 2008 basic support payment for heavily impacted local educational agencies under such section; and

(2) make a payment to such local educational agency under such section for fiscal year 2008.

SA 2106. Mr. OBAMA (for himself and Mrs. McCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—A family member of a recovering servicemember described in subsection (b) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(b) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(c) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (a) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(d) DEFINITIONS.—In this section:

(1) The term "benefit of employment" has the meaning given such term in section 4303 of title 38, United States Code.

(2) The term "caring for", used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) The term "employer" has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) The term "family member", with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) The term "recovering servicemember" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SA 2107. Mr. BROWN (for himself and Mr. VOINOVICH, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 593, add the following:

(g) GARY LEE McKIDDY.—Subsection (a) applies with respect to Garry Lee McKiddy for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty between October 25, 1969, and May 6, 1970, the day he died during a combat operation in Cambodia while serving as a Specialist Four in the 1st Cavalry Division of the United States Army during the Vietnam era.

SA 2108. Mrs. CLINTON (for herself, Mr. FEINGOLD, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. REPORT ON PLANNING AND IMPLEMENTATION OF UNITED STATES ENGAGEMENT AND POLICY TOWARD DARFUR.

(a) REQUIREMENT FOR REPORTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in Darfur, in eastern Chad, and in north-eastern Central African Republic, and on the contributions of the Department of Defense and the Department of State to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its obligations under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such obligations, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement responsibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) A comprehensive explanation of the policy of the United States to address the crisis in Darfur, including the activities of the Department of Defense and the Department of State.

(3) A comprehensive assessment of the impact of a no-fly zone for Darfur, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(4) A description of contributions made by the Department of Defense and the Department of State in support of NATO assistance to AMIS and any covered United Nations mission.

(5) An assessment of the extent to which additional resources are necessary to meet the obligations of the United States to AMIS and any covered United Nations mission.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—Each report submitted under this section shall be in an unclassified form, but may include a classified annex.

(2) AVAILABILITY.—The unclassified portion of any report submitted under this section shall be made available to the public.

(d) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2426) is repealed.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED UNITED NATIONS MISSION.—The term "covered United Nations mission" means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

SA 2109. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle D—Nuclear Terrorism Prevention

SEC. 3131. SHORT TITLE.

This subtitle may be cited as the "Nuclear Terrorism Prevention Act of 2007".

SEC. 3132. DEFINITIONS.

In this subtitle:

(1) The term "Convention on the Physical Protection of Nuclear Material" means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term "formula quantities of strategic special nuclear material" means uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), as set forth in the definitions of "formula quantity" and "strategic special nuclear material" in section 73.2 of title 10, Code of Federal Regulations.

(3) The term "Nuclear Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term "nuclear weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

SEC. 3133. FINDINGS.

Congress makes the following findings:

(1) The possibility that terrorists may acquire and use a nuclear weapon against the United States is the most horrific threat that our Nation faces.

(2) The September 2006 "National Strategy for Combating Terrorism" issued by the White House states, "Weapons of mass destruction in the hands of terrorists is one of the gravest threats we face."

(3) Former Senator and cofounder of the Nuclear Threat Initiative Sam Nunn has stated, "Stockpiles of loosely guarded nuclear weapons material are scattered around the world, offering inviting targets for theft or sale. We are working on this, but I believe that the threat is outrunning our response.".

(4) Existing programs intended to secure, monitor, and reduce nuclear stockpiles, redirect nuclear scientists, and interdict nuclear smuggling have made substantial progress, but additional efforts are needed to reduce the threat of nuclear terrorism as much as possible.

(5) Former United Nations Secretary-General Kofi Annan has said that a nuclear terror attack "would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty".

(6) United Nations Security Council Resolution 1540 (2004) reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and directs all countries, in accordance with their national procedures, to adopt and enforce effective laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist purposes, and to prohibit attempts to engage in any of the foregoing activities, participate in them as an accomplice, or assist or finance them.

(7) The Director General of the International Atomic Energy Agency, Dr. Mohammed ElBaradei, has said that it is a "race against time" to prevent a terrorist attack using a nuclear weapon.

(8) The International Atomic Energy Agency plays a vital role in coordinating efforts to protect nuclear materials and to combat nuclear smuggling.

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure that such weapons and materials do not fall into the hands of terrorists.

SEC. 3134. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States of the highest priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

SEC. 3135. SENIOR ADVISOR TO THE PRESIDENT FOR THE PREVENTION OF NUCLEAR TERRORISM.

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the Senior Advisor to the President for the Prevention of Nuclear Terrorism.

(b) DUTIES.—The Senior Advisor to the President, under the direction of the Assistant to the President for National Security Affairs, shall be responsible for—

(1) advising the President on all matters relating to preventing nuclear terrorism and responding to a nuclear terrorism event;

(2) directing and coordinating the formulation of United States policies for preventing nuclear terrorism, including—

(A) developing plans, including timelines, measurable milestones, and targets to which the departments and agencies of the United States Government can be held accountable, to better prevent nuclear terrorism;

(B) identifying and addressing gaps, duplication, and inefficiencies in existing programs and taking other appropriate actions to overcome obstacles to accelerated progress to prevent nuclear terrorism;

(C) overseeing and coordinating the development, by the departments and agencies of the United States Government, of accelerated and strengthened program implementation strategies and diplomatic strategies with respect to the prevention of nuclear terrorism;

(D) overseeing and coordinating the development of budget requests for programs to prevent nuclear terrorism and ensuring that such requests adequately reflect the priority of the threat of nuclear terrorism; and

(E) identifying such new initiatives to prevent nuclear terrorism as may be needed; and

(3) coordinating United States efforts to implement such policies.

SEC. 3136. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—In furtherance of the policy described in subsection (a), and consistent with the requirement for "appropriate effective" physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies, shall seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies, shall—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary, work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in

subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available as appropriate to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

SEC. 3137. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material and radiological materials, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, formula quantities of strategic special nuclear material, or radiological materials.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized diplomatic and technical plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide using the financial and technical assistance of the United States are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material and radiological materials.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3136(b) and related policies.

(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.

SA 2110. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO ADDRESS ENCROACHMENT OF MILITARY INSTALLATIONS.

(a) FINDINGS.—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled "The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment", Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) Increasing and appropriate emphasis is being given to regional, landscape-scale efforts such as the Southeast Regional Partnership for Planning and Sustainability (SERPPAS) and the Western Regional Partnership (WRP).

(4) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

(5) With the exception of the Air Force, the military departments are working to fully integrate the authority provided by section 2684a of title 10, United States Code, into their programs to address encroachment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) develop additional policy guidance on the further implementation of the Range and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) continue to give emphasis to regional, landscape-scale partnerships and initiatives such as the Southeastern Regional Partnership for Planning and Sustainability (SERPPAS) and the Western Regional Partnership (WRP);

(3) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land;

(4) ensure that the Department of the Air Force takes full advantages of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the Air Force; and

(5) provide significant additional resources to the program, to include dedicated staffing at the installation level and additional emphasis on outreach programs at all levels.

(c) REPORTING REQUIREMENTS.—

(1) RECOMMENDATIONS FOR PROPOSED LEGISLATION.—The Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted with the budget of the President under section 1105 of title 31, United States Code)—

(A) recommendations for proposed legislation to address the issues highlighted by the Department of Defense in Chapter 6 of the initial report submitted to Congress under section 2684a(g) of title 10, United States Code; or

(B) an explanation of the reasons for not recommending any such legislation.

(2) REPORTING OF CERTAIN ACTIONS TAKEN.—The Secretary of Defense shall include information on actions taken to address the matters addressed under subsection (b) in the report submitted to Congress by not later than March 1, 2008, under section 2684a(g) of title 10, United States Code.

SA 2111. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. REDEPLOYMENT REQUIREMENTS AND SPENDING RESTRICTIONS RELATED TO MILITARY OPERATIONS IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is no military solution to the ongoing conflict in Iraq;

(2) the President should change direction in Iraq if he wants to find a solution to the conflict in that country; and

(3) the President should launch a new diplomatic offensive in order to promote reconciliation and stability in Iraq, by appointing a special envoy to engage Iraqi leaders, regional leaders, and international organizations, such as the United Nations and the Arab League.

(b) REDEPLOYMENT OF UNITED STATES COMBAT FORCES.—

(1) REDEPLOYMENT REQUIRED.—The Secretary of Defense shall begin the phased redeployment of members of the Armed Forces from Iraq not later than 30 days after the date of the enactment of this Act, and shall redeploy all such forces, except those who are essential for the limited purposes set forth in paragraph (2), by April 30, 2008.

(2) EXCEPTION FOR LIMITED PURPOSES.—The requirement to redeploy forces under paragraph (1) does not apply to forces essential—

(A) to conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations;

(B) to provide security for United States infrastructure and personnel; or

(C) to train and equip Iraqi security forces.

(c) ARMED FORCES READINESS.—Upon completion of the redeployment required under subsection (b), funds authorized to be appropriated by this title for Operation Iraqi Freedom may be available to be expended in accordance with the lists of program priorities or requirements not included in the President's proposed budget for fiscal year 2008 submitted to the Committees on Armed Forces of the Senate and the House of Representatives by the Chief of the National Guard Bureau, the Chief of Staff of the Army, the Commandant of the Marine Corps, the Chief of Staff of the Air Force, and the Chief of Naval Operations. Such amounts may not exceed—

(1) $1,000,000,000 for the National Guard Reserve Equipment Account;

(2) $10,288,000,000 for the Army;

(3) $3,189,600,000 for the Marine Corps;

(4) $16,943,600,000 for the Air Force; and

(5) $5,657,000,000 for the Navy.

(d) LIMITATION ON USE OF FUNDS IN EVENT OF FAILURE TO REDEPLOY FORCES.—Twenty-five percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 2008 for activities in Iraq may not be obligated or expended unless the number of members of the Armed Forces deployed in Iraq by December 31, 2007, is at least 50,000 fewer than the number so deployed as of July 11, 2007, unless the President certifies to the congressional defense committees that it is still possible to redeploy all such forces, except those who are essential for the limited purposes set forth in subsection (b)(2), by April 30, 2008.

(e) REPORT.—Not later than 60 days after the date of the enactment of this Act, and every 30 days thereafter until May 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the status of redeployment efforts under this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting funding for personal protective equipment or other equipment or materiel necessary for improving the safety of members of the Armed Forces.

SA 2112. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. STUDY ON IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the Active and Reserve Components who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the Active and Reserve Components who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 584. STUDY ON ESTABLISHMENT OF PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF DEPLOYED MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of deployed members of the Active and Reserve Components. The study shall include an assessment of the following:

(1) The effectiveness of family-to-family support programs in—

(A) providing peer support for families of deployed members of the Active Reserve and Components;

(B) identifying and preventing family problems in such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety; and

(D) improving family readiness and post-deployment transition for such families.

(2) The feasibility and advisability of utilizing spouses of members of the Armed Forces as counselors for families of deployed members of the Active and Reserve Components, in order to assist such families in coping throughout the deployment cycle.

(3) Best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members of the Active and Reserve Components.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a) not later than 180 days after the date of the enactment of this Act.

SA 2113. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

"§ 2410r. Multiyear procurement authority: purchase of synthetic fuels

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the Secretary of Defense may enter into contracts for a period not to exceed 10 years for the purchase of synthetic fuels.

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case prepared by the Department of Defense, that—

"(1) the proposed purchase of fuels under such contract is cost effective for the Department of Defense; and

"(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years.

"(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The Secretary may not purchase synthetic fuels under the authority in subsection (a) unless the lifecycle greenhouse gas emissions from such fuels are not greater than the lifecycle greenhouse gas emissions from similar conventional petroleum-based fuels.

"(d) SYNTHETIC FUEL DEFINED.—In this section, the term 'synthetic fuel' means any liquid, gas, or combination thereof that—

"(1) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

"(2) is produced by chemical or physical transformation of domestic sources of energy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

"2410r. Multiyear procurement authority: purchase of synthetic fuels.".

SA 2114. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, strike lines 8 through 11 and insert the following:

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institu-

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SA 2115. **Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

On page 47, strike lines 15 through 18 and insert the following:

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress

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SA 2116. **Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle F of title VI, add the following:

SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in coordination with the Chief of the National Guard Bureau, shall establish a national combat veteran reintegration program to provide National Guard members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program. The Secretary may also use funds made available to carry out this section to support reintegration programs for members of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve and their families.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members through the four phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(c) CONSULTATION.—The National Guard Bureau Chief shall consult with the following parties during establishment of the program:

(1) The Adjutant General of the Minnesota National Guard and officials associated with the State's "Beyond the Yellow Ribbon" Reintegration Program, the Adjutant General of New Hampshire, the Adjutant General of Oregon, and the Adjutant General of Washington.

(2) Adjutants General of the remaining States and territories.

(d) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the National Guard Bureau as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The National Guard Bureau shall establish the Office for Reintegration Programs within the National Guard Bureau Joint Staff. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard family and support programs. The Directors of the Army National Guard and Air National Guard may appoint liaison officers to work with the permanent office staff. The office shall closely coordinate with the Army National Guard and Air National Guard Directorates for Manpower and Personnel with respect to existing family support structure, mobilization schedules, training schedules, training plans and programs, and any other personnel issues.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze "lessons learned" and suggestions from State National Guard organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard organizations. Representatives from State National Guard organizations with successful reintegration programs may augment the office staff.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Chief of the National Guard Bureau shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, the Director of the National Guard Bureau Manpower and Personnel Directorate (J-1), and any other Department of Defense, Federal Government agency, or outside organization as determined by the Chief of the National Guard Bureau. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Chief of the National Guard Bureau.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard organizations;

(ii) an assessment of any unmet resource requirements;

(iii) an assessment of the reintegration program's further inclusion of other Reserve Component members and the necessity for further expansion to incorporate all the Reserve Components; and

(iv) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(4) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—The Office for Reintegration Programs shall employ personnel to administer the Yellow Ribbon Reintegration Program at the State level. The Chief of the National Guard Bureau shall assign State Deployment Cycle Support Team members based on State need, geographical dispersion, and military population. The Office for Reintegration Programs is encouraged to employ wounded service members and returning combat veterans whenever possible. The primary function of team members shall be—

(A) developing and managing the reintegration curriculum;

(B) contracting and recruiting for necessary service providers; and

(C) ensuring that providers' skills adapt to the unique military nature of the reintegration program.

(e) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard organizations. The Office of Reintegration Programs shall consult with affected State National Guard organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

(f) FUNDING.—For purposes of carrying out this section, the following amounts may be available:

(1) From amounts authorized to be appropriated by section 421(9) for the Army National Guard for personnel, $100,000,000.

(2) From amounts authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, $23,000,000.

SA 2117. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, add the following:

SEC. 416. REVISION OF AUTHORIZED VARIANCES IN END STRENGTHS FOR SELECTED RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(3) of title 10, United States Code, is amended by striking "2 percent" and inserting "3 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

SA 2118. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1061(b), add following:

(8) If any plan referred to in paragraph (7) includes replacing or modifying warheads—

(A) an assessment of the estimated cost of the replacement or modification of warheads under such plan during the 10-year period beginning on the date of the implementation of such plan; and

(B) a statement of the anticipated schedule for the replacement of warheads in the stockpile over time.

SA 2119. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 871(b), add following:

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than January 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors or subcontractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

SA 2120. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 415, between lines 2 and 3, insert the following:

(C) activities for the coordination of research technology development and concepts of operations on improvised explosive defeat with the military departments, the Defense Agencies, the combatant commands, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government.

SA 2121. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MODIFICATION OF AUTHORITIES RELATING TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) APPROVAL REQUIRED FOR CERTAIN ACTIONS.—Section 2326 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) APPROVAL REQUIRED FOR CERTAIN ACTIONS.—(1) A contracting officer may not take an action described in paragraph (2) unless the contracting officer has documented the need for the action in writing and received the approval of the head of the contracting activity.

"(2) An action described in this paragraph is an action as follows:

"(A) Entry into an undefinitized contractual action for or on behalf of the Department of Defense.

"(B) Obligation of more than 25 percent of the negotiated overall ceiling price for an undefinitized contractual action before the contractual terms, specifications, and price are definitized.

"(C) Obligation of more than 50 percent of the negotiated overall ceiling price for an undefinitized contractual action before the contractual terms, specifications, and price are definitized.".

(b) ALLOWABLE PROFIT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is amended to read as follows:

"(f) ALLOWABLE PROFIT.—A contracting officer shall—

"(1) address the reduced cost risk to a contractor with respect to costs incurred pursuant to an undefinitized contractual action before the contractual terms, specifications, and price are definitized by allowing a profit or fee on such costs that does not exceed 50 percent of the profit or fee that would otherwise be allowable for such costs; and

"(2) ensure that the profit allowed with respect to costs incurred during the performance of the remaining part of the contract reflects any reduced risk to the contractor with respect to such performance.".

(c) SCOPE OF UNDEFINITIZED CONTRACTUAL ACTIONS.—Paragraph (1) of subsection (h) of such section, as so redesignated, is amended by striking "procurement action" and inserting "procurement action (including a contract, a task or delivery order issued against an existing contract, or a modification that changes the scope of an existing contract)".

(d) CONFORMING AMENDMENT.—Paragraph (3) of subsection (c) of such section, as so redesignated, is amended by striking "subsection (g)" and inserting "subsection (h)".

(e) ANNUAL REPORTS.—Not later than 30 days after the end of each of fiscal years 2008 through 2012, the Secretary of Defense shall submit to the congressional defense committees a report on undefinitized contractual actions that are not definitized within established time frames and not-to-exceed guidelines. Each report shall include the following:

(1) The number and total dollar value of undefinitized contractual actions entered into for or on behalf of the Department of Defense that have not been definitized—

(A) within 180 days of award;

(B) before 40 percent of the work is complete; and

(C) before 50 percent of the funds have been obligated.

(2) The actions that the Department of Defense has taken and plans to take to reduce the number and dollar value of undefinitized contractual actions in each of the categories listed in paragraph (1).

SA 2122. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) REVIEWS REQUIRED.—Section 2330 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) INDEPENDENT MANAGEMENT REVIEWS.—(1) Each senior official responsible for the management of acquisition of contract services shall ensure that an independent management review is conducted on an annual basis for any contract for services entered for or on behalf of the Department of Defense valued in excess of—

"(A) $250,000,000, in the case of a contract awarded to a single contractor; or

"(B) $1,000,000,000, in the case of a contract awarded to multiple contractors.

"(2) An independent management review under this subsection shall be conducted by a team of Department of Defense employees with an expertise in the acquisition of contract services who do not have direct responsibility for the management of the contract to be reviewed.

"(3) Each independent management review of a contract for services conducted under this subsection shall, at a minimum—

"(A) evaluate contract performance in terms of cost, schedule and requirements;

"(B) assess the contracting mechanisms used, including the use of competition, the contract structure and type, the definition of contract requirements, cost and pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

"(C) evaluate the contractor's use, management, and oversight of subcontractors;

"(D) review the staffing of contract management and oversight functions;

"(E) assess alternative contracting approaches;

"(F) make specific recommendations to ensure that the contract is managed and performed in a manner that is consistent with applicable requirements of law and regulation and best protects the interests of the Department of Defense; and

"(G) develop lessons learned that can be applied to other contracts for services entered for or on behalf of the Department of Defense.

"(4) An annual review shall not be required under this subsection for any contract under which the work has been substantially completed (as determined by the Secretary of Defense).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts awarded before, on, or after that date.

(2) LIMITATION ON FUTURE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—Beginning on the date that is one year after the date of the enactment of this Act, no option shall be exercised under a contract that is subject to the requirements of subsection (c) of section 2330 of title 10, United States Code (as amended by subsection (a) of this section), unless an independent management review of the contract has been performed in accordance with the requirements of such subsection (c) in the previous year.

SA 2123. Mr. CARPER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE.

(a) TRAINING REQUIREMENT.—Section 2333 of title 10, United States Code is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

"(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

"(3) The joint policy shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.".

(b) COMPTROLLER GENERAL REPORT.—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

"(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

"(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

"(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies. and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so added).".

SA 2124. Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. TRANSITION OF MISSION OF UNITED STATES FORCES IN IRAQ.

(a) IN GENERAL.—Commencing as of the date of the enactment of this Act, the President shall immediately begin the transition of mission for all United States forces in Iraq.

(b) TRANSITION OF MISSION.—United States forces in Iraq shall be limited to—

(1) protecting United States personnel and infrastructure in Iraq;

(2) continuing the training and equipping of Iraqi security forces;

(3) securing Iraq's borders in order to halt and prevent the influx of foreign and al Qaeda fighters into Iraq; and

(4) continuing the conduct of counterterrorism operations against al Qaeda, al Qaeda-affiliated forces, and other terrorist groups engaged in destabilization efforts in Iraq.

(c) GOAL FOR ACTIONS.—The goal of completing the transition and redeployment of United States forces to a new mission in accordance with this section shall be March 31, 2008, as outlined in the report of the Iraq Study Group.

SA 2125. Mrs. FEINSTEIN (for herself, Mr. HARKIN, Mr. DODD, Mrs. CLINTON, Mr. BROWN, MR. BINGAMAN, Mr. KENNEDY, MR. WHITEHOUSE, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following new section:

SECTION 1070. REQUIRED CLOSURE OF GUANTANAMO BAY DETENTION FACILITY.

(a) CLOSURE OF DETENTION FACILITY.—Not later than one year after the date of the enactment of this Act—

(1) the President shall close the Department of Defense detention facility at Guantanamo Bay, Cuba; and

(2) all detainees held at such facility shall be transferred from the facility.

(b) RESTRICTION ON TRANSFER OF DETAINEES OUTSIDE THE UNITED STATES.—No detainee transferred under subsection (a)(2) who is kept in the custody or control of the United States may be transferred to a facility that is located outside the continental United States.

(c) REPORTING REQUIREMENTS.—

(1) IMPLEMENTATION PLAN.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report describing plans to implement subsection (a), including the legal justification for continuing to detain any individual under United States custody under such plans.

(2) UPDATES.—The President shall keep Congress fully and currently informed of the steps taken to implement subsection (a).

(d) RULES OF CONSTRUCTION.—

(1) NO ADDITIONAL DETENTION AUTHORITY.—Nothing in this section shall be construed as altering or adding to existing authorities for the detention or treatment of individuals in United States custody.

(2) IMMIGRATION STATUS.—The transfer of an individual under subsection (a) shall not be considered an entry into the United States for purposes of immigration status.

SA 2126. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.

Section 9902(j) of title 5, United States Code, is amended to read as follows:

"(j) PROVISIONS RELATING TO REEMPLOYMENT.—

"(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

"(2)(A) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who becomes employed in a position within the Department of Defense following retirement under section 8336(d) or 8414(b) shall be subject to section 8344 or 8468.

"(B) The Secretary of Defense may, under procedures and criteria prescribed under subparagraph (C), waive the application of the provisions of section 8344 or 8468 on a case-by-case or group basis, for employment of an annuitant referred to in subparagraph (A) in a position in the Department of Defense.

"(C) The Secretary shall prescribe procedures for the exercise of any authority under this paragraph, including criteria for any exercise of authority and procedures for a delegation of authority.

"(D) An employee as to whom a waiver under this paragraph is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

"(3) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who was employed in a position within the Department of Defense following retirement under section 8336(d) or 8414(b) after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 103–160) shall, within 90 days after the Department of Defense issues regulations on this subsection and after the Department takes reasonable efforts to notify employees, be able to elect to be covered by paragraph (1) or (2) of this subsection.".

SA 2127. Mr. WEBB (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 236, line 8, strike "and accounting for" and insert "accounting for, and keeping appropriate records of".

On page 236, between lines 14 and 15, insert the following:

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

On page 236, line 15, strike "(C)" and insert "(D)".

On page 236, beginning on line 15, strike "for the reporting of all incidents in which—" and insert "under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—".

On page 236, line 19, strike "or".

On page 236, strike line 22 and insert the following:

ations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 236, line 23, strike "(D)" and insert "(E)".

On page 236, line 23, strike "investigating—"and insert "the independent review and, where appropriate, investigation of—".

On page 236, line 25, strike "(C)" and insert "(D)".

On page 237, line 4, strike "(E)" and insert "(F)".

On page 237, line 8, strike "(F)" and insert "(G)".

On page 237, strike line 15 and insert the following:

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals; and

On page 237, line 16, strike "(ii)" and insert "(iii)".

On page 237, line 16, strike "rules of engagement" and insert "rules on the use of force".

On page 238, beginning on line 15, strike "and accounting for" and insert "accounting for, and keeping appropriate records of".

On page 238, strike line 23 and insert the following:

ations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

On page 238, line 24, strike "(iii)" and insert "(iv)".

On page 239, line 4, strike "or".

On page 239, strike line 7 and insert the following:

bat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 239, line 10, strike "comply with—" and insert "are briefed on and understand their obligation to comply with—".

On page 240, line 3, strike "rules of engagement" and insert "rules on the use of force".

SA 2128. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as "National Homeless Youth Awareness Month"; as follows:

On page 3 line 5 after "November." Strike the period and insert "2007."

SA 2129. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as "National Homeless Youth Awareness Month"; as follows:

Amend the title to read:

"Recognizing the month of November 2007 as "National Homeless Youth Awareness Month".

SA 2130. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1234. REPORT ON SECURITY CAPABILITIES NEEDED TO STABILIZE DARFUR, SUDAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should assemble a multinational coalition to stabilize the Darfur region of Sudan; and

(2) the United States Government, with the concurrence of the Government of Chad, should help provide for the necessary improvements to the airfield located in Abeche, Chad, in order to support potential multinational operations, facilitate a possible United Nations deployment to Chad and Darfur, and support humanitarian operations.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to Congress a report on the security capabilities needed to stabilize Darfur.

(2) CONTENT.—The report required under paragraph (1) shall—

(A) identify countries and multinational organizations, including the North Atlantic Treaty Organization, with the capacity to contribute to the stabilization of Darfur;

(B) describe the current operational status of the airfield located in Abeche, Chad, and include recommendations for upgrades to the Abeche airfield to support enhanced operations and a large increase in air traffic, including a cost-estimate for such upgrades; and

(C) identify the level of forces needed to achieve and maintain stability in Darfur.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 11, 2007, at 9 a.m., in order to conduct a hearing on the nominations of the Honorable Bijan Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Ms. Diane G. Farrell, of Connecticut, to be a member of the board of directors of the Export-Import Bank of the United States; Mr. William Herbert Heyman, of New York, to be a director of the Securities Investor Protection Corporation; Mr. William S. Jaisen, of Virginia, to be a Director of the Securities Investor Protection Corporation; and Mr. Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m. room 253 of the Russell Senate Office Building.

The hearing will examine the weather and environmental satellite programs of the National Oceanic and Atmospheric Administration, including the role of the National Aeronautics and Space Administration in developing such satellites.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Carried Interest, Part 1."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate, on Wednesday, July 11, 2007, at 10 a.m. in order to conduct a hearing entitled "Strengthening the Unique Role of the Nation's Inspectors General."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part VI" on Wednesday, July 11, 2007, at 10 a.m. in Dirksen Senate Office Building, room 226.

Witness list

Sara M. Taylor, Formerly Deputy Assistant to the President and Director of Political Affairs, The White House.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 11, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Review of EPA's Proposed Revision to the Ozone NAAQS."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent that Julie Blanks, a legislative fellow in my office, be granted the privilege of the floor during the remainder of the debate on H.R. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HOMELESS YOUTH AWARENESS MONTH

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 226 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 226) recognizing the month of November as "National Homeless Youth Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the title amendment at the desk be agreed to; that the motions to reconsider be laid upon the table en bloc; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2128) was agreed to, as follows:

On page 3 line 5 after "November," strike the period and insert "2007."

The resolution (S. Res. 226), as amended, was agreed to.

The preamble was agreed to.

The amendment (No. 2129) was agreed to, as follows:

Amend the title to read:

Recognizing the month of November 2007 as "National Homeless Youth Awareness Month".

The resolution, as amended, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

NATIONAL SAVE FOR RETIREMENT WEEK

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 240.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 240) designating October 21 through October 27, 2007, as "National Save for Retirement Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas the cost of retirement continues to rise, in part, because people in the United States are living longer than ever before, the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that is realistically needed to adequately fund retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement;

Whereas many employees may not be aware of their retirement savings options and may not have focused on the importance of and need for saving for their own retirement;

Whereas many employees may not be taking advantage of workplace defined contribution plans at all or to the full extent allowed by the plans or under Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save for retirement and the availability of tax-advantaged retirement savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21 through October 27, 2007, as "National Save for Retirement Week";

(2) supports the goals and ideals of National Save for Retirement Week, including raising public awareness about the importance of adequate retirement savings and the availability of employer-sponsored retirement plans; and

(3) calls on the Federal Government, States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the retirement savings of all the people of the United States.

ORDERS FOR THURSDAY, JULY 12, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., tomorrow morning, July 12; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 30 minutes, with Senators permitted to speak therein, with the time equally divided and controlled between the two leaders or their designees; that at the close of morning business, the Senate resume consideration of H.R. 1585, the Department of Defense authorization bill, and then proceed to the McCain or designee amendment, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, I ask unanimous consent that at the conclusion or yielding back of the time controlled by Senator SALAZAR, Senator WARNER be recognized for up to 10 minutes, and that at the conclusion of Senator WARNER's remarks, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I appreciate the consideration of my colleagues for letting me squeeze in time to complete the Senate's work for today and to say a few nice things about the great Lady Bird Johnson.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business, with Senators permitted to speak for up to 10 minutes each, and the Senator from Colorado, Mr. SALAZAR, in control of the first 60 minutes.

The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, let me first say I join with the majority leader in sending our condolences to the Johnson family and in remembering the great life Lady Bird Johnson lived and the contributions she made to our Nation.

During this period of morning business we will be speaking in the following order: First, Senator COLLINS, and then I will follow her; following my statement, Senator ALEXANDER; following Senator ALEXANDER's statement, Senator PRYOR; and then following his statement, if he is able to get here from another commitment, we will have Senator NELSON from Florida also speak on this issue.

With that, I yield the floor to my colleague from Maine, Senator COLLINS.

NEW IRAQ STRATEGY

Ms. COLLINS. Madam President, let me start by thanking the Senator from Colorado for his courtesy to me this evening as well as my friend from Tennessee.

I rise today to join my distinguished colleagues from both sides of the aisle in discussing a bipartisan way forward on what is the greatest challenge facing our country; that is, the war in Iraq. I commend the two leaders of this effort, Senator SALAZAR and Senator ALEXANDER, for their leadership in crafting a well-grounded strategy based on the recommendations of the Iraq Study Group.

I have repeatedly expressed my strong opposition to the President's strategy of sending tens of thousands of additional troops to Iraq. Despite that opposition and the opposition of many others, the administration pushed forward with its plan, arguing that the surge would give the Iraqi Government the time and space necessary to make the political compromises that are necessary to end the continued sectarian violence. Unfortunately, my initial concerns about the surge strategy have proven to be well-founded.

First, there has been a terrible loss of life among our troops over the past few months. In fact, 331 American soldiers were killed from April to June—the highest 3-month level of the war. One such soldier was SGT Joel House, a brave and patriotic Mainer whose funeral I attended in Lee, ME, just last week. Our troops have sacrificed so much.

Second, the fact is that the Iraqi Government has utterly failed to pursue the political reforms necessary to quell the sectarian violence. Our troops have done their part, but the fact is virtually all the experts agree that a solution to the sectarian violence is found in political reforms, not in military action. When you combine the increased sacrifice of our troops and the unwillingness or inability of the Iraqi leaders to act, it is not surprising that more and more Americans are questioning the President's strategy in Iraq.

It is clear our country needs a new direction in Iraq. We need a new strategy that will redefine our mission and set the stage for a significant but gradual withdrawal of our troops over the next year. We do not have to search far and wide for this new policy. It is right before us. It has already been mapped out in the unanimous recommendations of the bipartisan Baker-Hamilton Iraq Study Group. The Iraq Study Group's recommendations chart the path forward and remain just as viable today as they were when they were first released in December.

The Baker-Hamilton report sets forth three core principles for salvaging a measure of stability for Iraq and the surrounding region.

First, the report says the United States must shift the primary mission of its military forces in Iraq from combat to training, with the goal of removing all combat brigades not necessary for training, force protection, and counterterrorism activities against al-Qaida and other foreign jihadists by March of 2008. Shifting the mission of our troops to a new and more defined and narrower set of goals will ultimately encourage the Iraqi military to step up to the plate while lowering U.S. casualty rates, relieving our servicemembers of heavy deployment schedules, and improving the long-term readiness of our military.

Second, the Iraq Study Group Report states that U.S. support for the Iraqi Government should be conditioned on Iraq making progress in meeting specific benchmarks.

In May, Senator WARNER and I authored legislation to require the President to provide two reports to Congress—one which will be released tomorrow and the other on September 15—on whether the Iraqis are meeting 18 benchmarks essential to achieving political reconciliation. Although we have not yet seen the report that is scheduled to be released tomorrow, from everything I have heard, the Iraqi Government is extremely unlikely to have met any of the benchmarks we have laid out. The Warner-Collins proposal also included a provision to condition the release of reconstruction funds to progress made by the Iraqi Government. Surely, if the Iraqis are not passing the political reforms that are necessary, the United States should not continue to provide reconstruction funds. This requirement which is in the law now is also consistent with the Iraq Study Group's recommendations.

Third, the Iraq Study Group says the United States must launch a new diplomatic effort in the region to ensure Iraq's long-term stability, or to help ensure its stability. Iraq cannot be addressed effectively in isolation from other major regional issues and interests. Both the international community and Iraq's immediate neighbors are clearly not doing enough to foster its stability, and it is long past time for that to change. Senator SALAZAR and Senator ALEXANDER have incorporated these recommendations into legislation I have cosponsored and into the amendment we will be offering to the Defense authorization bill. How significant it is that this amendment enjoys widespread, bipartisan support because it is long past time for a new bipartisan approach to the war in Iraq.

Iraqi leaders must reach political agreements in order to achieve reconciliation, and their failure to do so is unfair to our American troops who are making such grave sacrifices. The responsibility for Baghdad's internal security and for halting the sectarian violence must rest primarily with the Government of Iraq and the Iraqi security forces. At the same time, it is important we continue the mission of fighting al-Qaida and the counterterrorism mission. But an open-ended commitment of American forces in Iraq simply does not provide the Iraqi Government with the incentives it needs to adopt the political reforms that give Iraq the best chance of quelling the sectarian violence. Ultimately, resolving the sectarian violence requires a solution in which the Sunni minority is more fully integrated into the power structures and oil revenues are more equitably distributed among Iraq's citizens.

This war and the way it has been prosecuted has cost our Nation so much over the past 4 years. It has cost us the lives of our men and women in uniform, and it has cost us billions of dollars. While our Nation's Armed Forces have sacrificed gravely, they continue to answer the call of duty. They inspire us, but they have more than done their part. Many of our Nation's soldiers, sailors, marines, and airmen have been to Iraq more than once. This, of course, has been so hard on them, and it has also been difficult for the families they leave behind.

We especially need to thank our National Guard members and our reservists. Far too much has been asked of these citizen soldiers, their families, and employers. Whether they are from Maine or Michigan or Minnesota or Mississippi, these citizen soldiers have put their lives on the line and their jobs and families aside to answer the call of duty. But we as a nation are asking too much of them given the failures of the administration's policies in Iraq.

We must chart a new course. Now is the time to demonstrate to these servicemembers and their families and to the American people at large that we in Congress can move past politics, partisan politics on the critical issues facing our country as we seek a new direction in Iraq. We must demonstrate that we can build a bipartisan approach to bringing a responsible conclusion to this war, and that is exactly what the Salazar-Alexander amendment would do. It is based on well-thought-out, careful, balanced, bipartisan, and unanimous recommendations of the Iraq Study Group, and I hope my fellow Senators will join us in supporting this measure.

Madam President, again, my thanks to the chief sponsors of this amendment for accommodating my schedule.

I yield the floor.

Mr. SALAZAR. Madam President, let me first of all say thank you to Senator COLLINS for her work and for her seeking a solution to Iraq and joining with the other cosponsors of this legislation. As is so often the case, SUSAN COLLINS is part of a group of people in the Senate who try to find a solution to the problems our Nation faces. So I appreciate her comments, and I appreciate her being a cosponsor of this legislation as well.

I rise tonight in this period of morning business to speak in support of amendment No. 2063, which is the amendment to implement the recommendations of the Iraq Study Group. I wish to say first of all that this is probably the most bipartisan amendment we have seen to deal with Iraq. I thank Senator ALEXANDER for his help and his leadership in terms of getting this legislation drafted. It is legislation we have been working on for a long period of time with members of the Baker-Hamilton Commission, with Secretary Baker and Lee Hamilton, and we will refer to them later on.

I wish to say a particular thanks to my colleagues who have joined with us in this effort, including Senator PRYOR of Arkansas, Senator CASEY, Senator LINCOLN, Senator NELSON of Florida, Senator LANDRIEU, and Senator MCCASKILL, all of whom on this side of the aisle have shown great leadership in trying to find a new way forward in Iraq.

I also thank my Republican colleagues, including Senator LAMAR ALEXANDER, who has worked tirelessly on this effort for the last several months, as well as Senator BENNETT, Senator GREGG, Senator COLLINS, Senator SUNUNU, and Senator DOMENICI for being a part of this effort, wherein 13 Members of the Senate have come together and have said that if we deal with what is the most difficult national issue we face today—and that is the war in Iraq and foreign policy in the Middle East—and how it is that we move forward to try to put together the Humpty Dumpty that has been created in that part of the world, we are going to have to do it in a bipartisan way. It is going to require Democrats and Republicans understanding that we need a new way forward in Iraq.

Despite all of the debate and rhetoric we have heard on the floor of the Senate and around the country on the issue of Iraq, the truth is that there was only one group that has taken a substantive, in-depth, coherent look at the problem in Iraq and throughout the Middle East and has created a roadmap on how to salvage stability in Iraq and try to do our best to create peace in the Middle East. That is the Iraq Study Group, chaired by Lee Hamilton and Jim Baker, along with distinguished Americans who served on that Commission for the last year. Their report came out in December, not long ago. It was the only comprehensive way forward that has been laid out in a bipartisan way since we began this effort in Iraq now many years ago.

Madam President, before I speak more about my amendment, I want to say thank you to Senator LEVIN and Senator WARNER, and others on the Armed Services Committee, who worked so hard in bringing the Defense authorization bill to the floor. I admire Senator LEVIN and the members of the committee and the thoughtful leadership they bring to us on national security issues. I have been proud to support Senator LEVIN in his call for a change in the policy in Iraq. He recognized long ago that we need to chart a new course in our Iraq war policy. Now is the time. This is the place. This is the week, and next week, when we will hopefully craft that policy. I share Senator LEVIN's goal, which is peace and stability in the Middle East and the safe return home of our troops who are now in harm's way.

As we debate this issue, I hope we will keep in mind the sacrifices our soldiers and airmen and sailors and marines are making on the ground today in Iraq. We must be ever mindful that on these fundamental issues of war and peace there ought to be an American way forward. That American way forward should not be a Democratic, a Republican, or an Independent way forward; it ought to be an American way forward because we have over 150,000 of our men and women in uniform in harm's way tonight as we debate this issue on the Senate floor.

It is a personal issue. When we think about what has happened to the men and women who have died in this war in Iraq, we should all think about the weight we have on our shoulders because it is a significant weight, but it pales in comparison to the weight and the sacrifice we ask our men and women in uniform to bear every day in the fields of Iraq and Afghanistan. So it is to them, who are serving, that we owe the best policy we can develop in the Senate.

In Iraq, 3,601 Americans have been killed since the beginning of the war. All of us who have gone to Walter Reed and other hospitals and visited with the brave men and women who have come home without arms and legs, those who have suffered from brain injuries and other kinds of injuries that will stay with them for the rest of their lives—there are almost 27,000 of them who have suffered those kinds of wounds in Iraq. From my State of Colorado, we have 51 people who have been killed in Iraq since the beginning of the war. We have another 443 who have been wounded. Just from Fort Carson alone, which is the home of many of our soldiers who served in Iraq, we have had 215 casualties from Fort Carson in El Paso County.

It is to these men and women that we have a solemn obligation to make sure we develop the kind of policy they deserve to have as they fight on behalf of a mission for the United States of America. They deserve a policy that changes their role in Iraq from combat to a much more limited role, focused on training and on equipping the Iraqi forces. They deserve a policy that includes a major and new diplomatic offensive led by the United States but aimed at gathering all of Iraq's neighbors around the table. They deserve a policy that underscores the need for a comprehensive diplomatic approach, which is critical to creating the conditions necessary for a troop withdrawal so that we can bring our troops home safely and back to their families. They deserve a policy that conditions U.S. political, economic, and military support on Iraq's progress in meeting specific benchmarks. The Government of Iraq simply must take on a greater responsibility for the fate of their country. It is foremost their responsibility.

These are the broad principles which I believe should guide us as we consider the various amendments to the bill. I hope we can come together across party lines—Democrats and Republicans—to support a change in strategy in Iraq.

I have been pleased to join with colleagues from both sides of the aisle in crafting an amendment that I believe will result in that constructive change. Our amendment is simple. It implements the recommendations of the Iraq Study Group. I believe the work of that group is a model for how we can come together in good faith. The Iraq Study Group was comprised of our finest and most experienced public servants in America, equally drawn from both political parties. They worked together for months to reach consensus on a comprehensive set of recommendations as required by the U.S. Congress in legislation that funded and created the Iraq Study Group. I appeal to my colleagues on both sides of the aisle to take a fresh look at the group's report and consider how we can use it as part of the solution in creating a successful policy in Iraq.

We will have much more to say about our amendment at a later point in the debate. But as we consider Iraq's policy, I hope we can agree that we must change course. I hope we can agree that the brave men and women serving in Iraq deserve our best effort to reach common ground. I hope we can agree on a path forward that will create a better future for Iraq, for the Middle East, and a better and more peaceful future for the United States of America.

Madam President, to recap, our bipartisan amendment, which now has 13 cosponsors, would essentially do three things.

First, it would require a mission change for our country in Iraq. This would be our national policy and our national law if our proposed legislation becomes law and is signed by the President. That change, as set forth in the Iraq Study Group Report and in our legislation, would remove our troops from a combat mission over to a training mission and a mission that is specifically defined to chase al-Qaida. That more limited mission is an appropriate one for us here, and that limited mission is one that I believe has the bipartisan support of most Members of the Senate.

Secondly, this legislation also conditions, for the first time, the efforts of the United States of America and Iraq on the progress that is made by the Iraqi Government in terms of meeting the benchmarks identified in our legislation. It conditions, for the first time, the Iraqi Government stepping up to the plate and doing what they should be doing, which is providing the functional government that brings about security for their own people. It ought not to be the responsibility of the U.S. Government to be in the middle of policing a civil war in Iraq.

Third, the legislation sets forth a comprehensive, diplomatic approach to deal with the issues not only in Iraq but also in the region. The fact is, as those of us who have been in that region over the last several years know, there are places in that region—countries that have been sitting on their hands and have not been helping bring about stability in Iraq. We also know Iran and Syria and other countries have been playing a negative role in terms of achieving the goal of stability in Iraq. At the end of the day, it will take an international effort and a regional peace plan to bring about the stability we all want not only for Iraq but for the Middle East.

In conclusion, I will say this about the Iraq Study Group and their recommendations. Some Members of the Senate have characterized this amendment as not doing much. Some Members of the Senate will probably come to the floor at some point in the debate and say this legislation is too prescriptive; it tells the President too much what to do. Well, we will handle those particular criticisms.

The one I wish to deal with briefly is this sense that we have gotten from some Members of the Senate that the Iraq Study Group recommendations happened a long time ago and they are no longer relevant today. I know of no one who spent as much time studying these issues of Iraq and the challenges we face there than former Congressman Lee Hamilton, the Chairman of the Commission. This is what Lee Hamilton had to say with respect to this legislation:

> The recommendations of the Iraq Study Group are as timely and urgent today as they were in December.

Madam President, I hope that my colleagues open their hearts and their minds to the direction set forth in the Iraq Study Group Report and that they join the bipartisan effort with the Presiding Officer and the Senator from Tennessee and other colleagues who are cosponsors of this amendment to this legislation.

I know my colleague from Tennessee, Senator ALEXANDER, is on the floor. I yield to him.

(Mr. SALAZAR assumed the Chair.)

Mr. ALEXANDER. Mr. President, I thank the Presiding Officer, Mr. SALAZAR, the Senator from Colorado, for his impressive leadership in helping our Senate and our Congress and our President and our country find a consensus about where we go from here in Iraq. That is, as he said, truly our most urgent and difficult issue. It is on the minds of every single Senator every day. It is the first thing on my mind. It deserves to be. Adding up the lives, the dollars—$10 billion a month, 3,600 lives, and many wounded—it is a difficult situation.

Mr. President, the occupant of the chair has said this himself. It struck me that we should spend less time in what we think of as the world's greatest deliberative body lecturing Baghdad about coming up with a political consensus and more time working together ourselves to come up with a political consensus about what to do in Iraq. After all, they are an infant democracy and we are the oldest democracy; we ought to be able to do more than make speeches and have partisan votes. Of course, we respect each other's positions, but at some point, there is consensus about where we go from here.

We owe it to our troops fighting there, when they look at Washington, not to see us shouting at one another but saying, yes, we can agree on why you are there, where we are going to be in a while, what our goals are, and say to the rest of the Middle East that we know what we are doing in Iraq, give them a chance to flourish and say we in the U.S. have free debate, but we are capable of coming to a conclusion, especially on our most urgent issue. That is why this report is so important.

When I saw this report in December, what attracted me about it was, first, the members of this group—Larry Eagleburger, Secretary of State for Bush 1; Vernon Jordan, National Urban League, a close friend of President Clinton's; Ed Meese, President Reagan's Attorney General; Justice Sandra Day O'Connor; Leon Panetta, President Clinton's Chief of Staff; William Perry, Secretary of Defense for Clinton; Chuck Robb, former U.S. Senator; Alan Simpson, the former Republican whip; and, at one point, Roberts Gates, who is now the Secretary of Defense in this administration. They unanimously agreed, after 9 months, about what to do in Iraq. In 9 months, they unanimously agreed.

I thought that perhaps President Bush, in January, in the State of the Union Address, would invite them to sit in the gallery, as Presidents often do, and point to them and say: There they are, nine of our most distinguished Americans who have been working for 9 months trying to understand where to go on our most difficult issue.

They say there is no magic formula. They say it is grave and deteriorating. They say the consequences of the cost, but they have a recommendation and it is a sensible recommendation, and the President might have said it is not my recommendation, it is theirs, but I accept their recommendation and I invite you to do the same.

I think the President would have received a good deal of bipartisan support in this body had he done that. The President and our country need that. A President's job is to see an urgent need, to develop a strategy to meet it, and to persuade at least half the people he is right. Even if President Bush is right about the current strategy, he hasn't persuaded a broad enough number of Americans that he is right or a broad enough number in this body that he is right in order to sustain his policy in Iraq.

A part of Presidential leadership is recognizing that adjustments have to be made to take into account the views of others and then, having done that, to go forward. That is Presidential leadership. It is not Presidential weakness. It is what I wish President Bush had done in January, and I said so then, and I said so in March on the floor of the Senate. I have learned sometimes you have to say things two or three times around here before anybody hears.

Senator SALAZAR heard it. We talked about it and the outgrowth is this legislation that Senator SALAZAR worked so well on to develop, and so expertly, which Secretary Baker and Congressman Hamilton have told me accurately represents the recommendations of the Baker-Hamilton group.

Exactly what does Baker-Hamilton do? One, it establishes a long-term presence for the United States in Iraq but a limited one. Two, it says as soon as security conditions on the ground permit—and it estimates that would be a year—we would move our combat forces out of the combat business and into the support, training, and equipment business in Iraq. And third, it steps up regional and diplomatic efforts to cause others in the region to help Iraq succeed.

That is it. Those three things. There are 79 recommendations in this book. I am not sure all of us would agree with all of them. But that is not the point. There is a new direction for the United States in Iraq in this book, and if we were to adopt it and the President were to agree with it, what our legislation says is the President should formulate a comprehensive plan to implement the recommendations of the Iraq Study Group. That in plain English to me means the President would take all these recommendations, call together his advisers, come up with a plan, and do his best to implement it.

Would he be able to implement every provision? I doubt it. Would he say this was recommended in December and I didn't get the law until September, so I am going to adjust some timetables? I would expect so. Would he have some improvements to make and some suggestions to make? I would guess he would. But he would come up with a comprehensive plan, and then he would proceed with it. Then, of course, we would have our constitutional duty to review it. We don't have to approve it under our recommendation, we just review it and we appropriate money and we have other things we could do. But what we could say to our troops, the world, and the country is that we have found a common way forward in Iraq. We know what we are doing, and we are doing it together. And that is the job of our Government.

The Senator from Colorado dealt with a couple of objections that have been made. Let me deal with three or four very quickly. We will have other time to do that. I see the Senator from Arkansas is here. I am looking forward to what he has to say.

One objection that was made was this may be dated. It was December. One Senator said this was a snapshot taken some time ago and times have changed. I don't see this as a snapshot. I see the war in Iraq as more like a movie. You go into it after 15 minutes or you go into it 30 minutes after it started and it is the same movie. You see the same characters. It is the same story. A few adjustments might have to be made, but it is the same story. And as Lee Hamilton said, the recommendations are as relevant today as they were in December. And I would say that February would have been a better time than March to adopt the recommendations. April would have been better than March. Today is better than last month, and last month would be better than today. The sooner they are adopted, the better.

A second point. One Senator said this doesn't have many teeth in it. I used to work in the White House for a wise man named Bryce Harlow 40 years ago. I was an impatient young man. I said: Mr. Harlow, we need to do more of this or more of that. I forget the issue.

He said: LAMAR, in the White House, just a little tilt here makes a great big difference out there.

That was a very wise statement. If the President of the United States and the Congress of this country were to agree this month on a new course in Iraq that defined a limited long-term role, shifted the mission from combat to training, support, and equipment over a period of months, subject to unexpected developments on the ground, and stepped up our diplomatic and political efforts, that is a major shift in strategy.

Next, I have heard from the other side that it has too many teeth, too prescriptive on the President. That is not the way I read it. Sometimes that comes from this side. The White House has some worries about that as well. But that is not the way I read our amendment. It is the sense of the Congress that the President and the Congress should agree that the way forward in Iraq is to implement this and the President should formulate a comprehensive plan to do so.

I assume the way the President does that is he gets the law in September, and he sits down with his advisers. I suppose the first person he would sit down with is General Petraeus whose advice we are all looking forward to. He would ask his advice about the surge, ask the Joint Chiefs what they think, ask a lot of people, and then within a few weeks, send us his plan. That is what we ask him to do.

It is not so prescriptive either about the changes in troops on the ground because it says in another section, section 1552, that while we intend to move our troops out of the combat business into support, equipping, and training business—and the goal is within about a year to do that—that it is subject to unexpected developments on the ground.

Here is what the report itself actually said:

> By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq. At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue. Intelligence and support efforts would continue. Even after the United States has moved all combat brigades out of Iraq, we would maintain a considerable military presence in the region, with our still significant force in Iraq and with our powerful air, ground, and naval deployments in Kuwait, Bahrain, and Qatar.

In other words, when we move out of the combat business into these other areas, we still have troops there, we still are able to go after al-Qaida, we still can protect the troops who are there, and we are sending a message to the rest of the Middle East: Stay out, give Iraq a chance to flourish.

The other thing I have heard, and I say this in conclusion—I thank you, Mr. President, for your time—is that all people hear in the debate in the Senate is discord. I hear another message. It is not as loud as the discord, it is not as loud as the partisan votes, but I hear a lot of consensus. It may surprise some people to hear me say that. I hear a lot of consensus and the seeds of that consensus are in the Iraq Study Group report.

For example, the administration has already begun to act on some of the recommendations in the Iraq Study Group report by increasing the number of troops embedded in Iraqi forces, using milestones to chart progress, by meeting with Iraq's neighbors, including Iran and Syria. The President's National Security Adviser has pointed to the Iraq Study Group report as valuable. The President himself has spoken well of it.

Across the aisle on the Democratic side, where there is a great desire by many Members for a fixed timetable, which is not a part of the Iraq Study Group, the Democratic proposals still have been guided by this document. For example, working on milestones for improvement in Iraq, limiting the role of the United States to one of training and equipping and counterterrorism operations and stating as a goal the drawdown of combat forces by a year from now. That is all part of over there. I hear more consensus than I do discord.

I guess my message to my colleagues is much the same as the Senator from Colorado said. We have a responsibility to vote and state our convictions, but we also have a job to do, and our job to do is to look for a way to come to some consensus about where we are going from here in Iraq and agree on it so when our troops look back, they know we support them, we really support them because we know what they are doing. And when the Middle East looks it up, they know to stay out. And when the rest of the world looks at this great deliberative body, they know occasionally on the foremost issue facing our time, we can come to a conclusion, we can join hands with the President, even though we may debate with him and say, OK, Mr. President, let's have a new strategy, one on which we agree, we together, and that we need to do.

We have an opportunity that is very rare, and it is impressive to have seven Democratic Senators and six Republican Senators on this subject at this time supporting a comprehensive recommendation. One of our former colleagues, Senator Daniel Patrick Moynihan, wrote a book about Boss Plunkitt of Tammany Hall. Since I said some respectful advice to my colleagues about what I thought our job was, I say to the President respectfully: Mr. President, one of Boss Plunkitt's favorite maxims was: When you seize your opportunities, you take them. This is an opportunity for the President to develop bipartisan support for a way forward in Iraq that has a long-term presence there, but limited, with a different mission for our combat troops and enhanced political and regional support.

I respectfully suggest that January would have been the best time to seize this opportunity, but today is a much better time than September.

I thank the Chair and I congratulate him for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I want to be on the record as thanking you for your leadership on this legislation. You shared it with me more than a couple of months ago now. I know you worked on it for a number of months before that. The Senate and the American people owe Senator KEN SALAZAR of Colorado a real debt of gratitude for drafting this legislation and pushing it to the point it has gotten to today.

I open by reading the first two paragraphs of the executive summary of the Iraq Study Group. This was written 6 months ago. It says:

> The situation in Iraq is grave and deteriorating. There is no path that can guarantee success, but the prospects can be improved.
>
> In this report, we make a number of recommendations for actions to be taken in Iraq, the United States, and the region. Our most important recommendations call for new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly. We believe that these two recommendations are equally important and reinforce one another. If they are effectively implemented, and if the Iraqi government moves forward with national reconciliation, Iraqis will have an opportunity for a better future, terrorism will be dealt a blow, stability will be enhanced in an important part of the world, and America's credibility, interests, and values will be protected.

That was true when it was written 6 months ago, and it is still very relevant today.

Today, I want to talk about amendment No. 2063 and encourage my colleagues to consider voting for it and even cosponsoring it. One of the things Senator SALAZAR did when he drafted this amendment is he worked very hard to try to honor the integrity of the findings and the recommendations of the Baker-Hamilton group, and he has done that. You can look at each paragraph of amendment No. 2063 and see that it reflects the essence of what the Iraq Study Group was trying to communicate to us.

In fact, we have had a couple of colleagues come to us in the last several days and say: Well, if you will just change this paragraph or this sentence or this one word, or if we can just work a little bit on this text, then I might be a cosponsor. Well, the problem there is, if we change that, then we would be trying to change what the Iraq Study Group recommended, and we are not going to do that. The purpose of this amendment is to take this bipartisan commission's work and put it into legislation.

Some people ask: Who made up this group? What is so magic about the Iraq

Study Group? Well, let me tell you, it has two former Secretaries of State, it has the former chairman of the House Foreign Affairs Committee, it has a former Supreme Court Associate Justice, it has a former White House Chief of Staff, it has a former Secretary of Defense, and two former United States Senators. This is a group that comes together with a lot of intelligence, with a lot of experience, and with a lot of knowledge about the region and international affairs and history.

I think the Iraq Study Group is the best effort that America has yet put forward on a thoughtful, responsible approach to Iraq. One of the things I like about the Iraq study group's recommendations and their conclusions is it is not just setting an artificial timetable. I am a little bit out of sync with some of my Democratic colleagues on wanting to set a timetable on Iraq. I don't think we ought to have a public timetable in the law. I know many of my Democratic colleagues disagree with me, and a few of my Republican colleagues do as well. But the thing I like about the Iraq Study Group legislation, the Salazar-Alexander amendment, is, it is much more comprehensive than simply a timetable. In fact, it is more comprehensive than just military.

It tries to take a different approach. It really tries to change American policy in Iraq. And it is a multifaceted approach on trying to deal with the issues in Iraq and the region. So what you are looking at with the Iraq Study Group is you are not just looking at a military solution. General Petraeus has said if we just have a military solution we are going to lose. So the Iraq Study Group anticipates that, and it says we need a diplomatic solution, an economic solution, a political solution, and a military solution. I think it is the most comprehensive approach that anyone has put forward yet on Iraq.

Again, this is a bipartisan group that has come together, and this amendment is bipartisan. We have seven Democrats and six Republicans. By this time tomorrow we may have seven and seven, or eight and eight, or some combination thereof. We don't know exactly the number of cosponsors we will end up with, but certainly we hope we will have a solid majority of Senators who will support this amendment when it has a chance to come up.

As Senator SALAZAR said, and Senator ALEXANDER echoed, part of what this bill does is it gets U.S. forces out of the business of combat and into the business of training and equipping others. And, really, what we are trying to do is stabilize Iraq.

One thing I think the Iraq Study Group does over and over, for several pages in its findings, in its report, on several pages, is it talks about diplomacy and regional diplomacy and how important it is to have the neighborhood, so to speak, around Iraq—people inside Iraq and around the region—to have a part in stabilizing Iraq and making the region more stable and stronger.

I have heard a couple of criticisms, such as my colleagues mentioned tonight, and one is that it is too prescriptive, that our legislation is too prescriptive. Another is that it doesn't do anything. And those are kind of polar opposite criticisms. In fact, there is an old saying that when you are settling a lawsuit, if both sides are unhappy, maybe you have a good settlement. So I would say in this situation, at least one way to look at it is both sides are unhappy.

We are trying to thread the needle. We are trying to find a bipartisan solution on Iraq, a bipartisan consensus in this body. In fact, I would say this: With all due respect to my colleagues, and my House colleagues, and the President, the last thing in the world we should ever have a party-line vote on is Iraq. We have 150,000 troops in Iraq. They are getting shot at every day. They are putting their lives on the line for this country and for Iraq every single day. There are people out there trying to kill them, trying to maim them, trying to blow them up—you name it—every day. We should never have a party-line vote on Iraq. We just shouldn't do it. And this amendment right here, this is an effort to try to bring the consensus that we need on Iraq.

Senator ALEXANDER told me a couple of months ago, he said: You know, we talk about needing a political consensus in Baghdad. He said: What we really need is a political consensus in Washington, DC, on Iraq. And I think he is right. The Salazar-Alexander amendment tries to get to that consensus.

I will say this: For the Senators who believe this amendment doesn't do anything, I disagree. I think this is a significant step in a new direction, in a positive direction for Iraq. In fact, you can look at the amendment itself, and it has 13 sections. It is true that 3 of the 13 are sense-of-Congress sections—3 out of 13. But that means 10 of 13 are binding, 10 of 13 actually change U.S. policy and have requirements that have teeth. I would encourage my colleagues who mistakenly believe this amendment doesn't do anything to actually look at the language of the amendment and they will see it is a very significant improvement over our current policy in Iraq.

Some people say it is too prescriptive. In other words, it binds the President's hands too much. I disagree. When you look at the language that Senator SALAZAR and members of the Iraq Study Group came up with when they drafted this, really what you are talking about is laying out some very specific things but also giving the President quite a bit of flexibility. And I think that is important. He is the Chief Executive. He is the Commander in Chief, and I think Senator SALAZAR and Senator ALEXANDER have found the right balance in drafting this amendment.

The last thing I will say in closing, going back to the Iraq Study Group Report that came out this past December, and back to the executive summary—I started with reading the first two paragraphs of the executive summary, so let me conclude by reading the last two paragraphs of the executive summary in the Iraq Study Group Report:

> It is the unanimous view of the Iraq study group that these recommendations offer a new way forward for the United States in Iraq and the region. They are comprehensive and need to be implemented in a coordinated fashion. They should not be separated or carried out in isolation. The dynamics of the region are as important to Iraq as events within Iraq.
>
> The challenges are daunting. There will be difficult days ahead. But by pursuing this new way forward, Iraq, the region, and the United States of America can emerge stronger.

Again, I think those words were true 6 months ago, I think they are relevant today, and I think we need to give the Iraq Study Group recommendations a chance to succeed.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Might I inquire as to the floor? I understand it is available to anyone at this time; no time constraints? I would like to speak for a few minutes.

The PRESIDING OFFICER. The Senator has been allocated 10 minutes under the previous order.

Mr. WARNER. Fine. I thank the Presiding Officer, and I wish to commend the Presiding Officer for his work, as, indeed, my good friend, Senator ALEXANDER, and this colleague.

I must state, with a sense of total modesty, that my contribution tonight would be just to express some concerns. I have followed the work of your group. Very kindly, the principals on this have invited me to join, but I have thus far not done so because I can't find yet the answers to some critical issues I have in mind.

First, I say to my colleagues that I had a little to do with starting the group now known as Baker-Hamilton, or the Iraq Study Group. I think I worked with my colleague who did the major part of the work, Congressman FRANK WOLF, and then we engaged a local, highly recognized, and well-qualified group in Washington associated with studies to take on some of the infrastructure. It was a remarkable recruiting of talent, which my colleague recited, and I think they did a very credible and fine job.

It was a major contribution at a time in the fall of 2006 when there was a great deal of concern among many of us about the situation in Iraq. I had returned in that fall from a trip to Iraq and expressed publicly my thoughts that the country was just drifting aimlessly sideways, and that remark, together with remarks of others of a similar nature, sparked the intensity of the administration's undertaking their, I think, very thorough review leading up to the President's remarks when he announced a change in strategy on January 10, 2007.

Now, I have referred to the Iraq Study Group work. I think there were 7, 8, 9 months that they studied, with hearings and so forth. But when they put pen to paper and wrote it, it was a snapshot of the situation that faced this Nation and, indeed, our partners, the coalition forces, in Iraq. They made certain assumptions at that time which led to the strategy they outlined.

Among those assumptions was that we had reason to believe the Iraqi Government, freely elected, in place, was going to become a truly representative unity government of all factions. They committed a certain number of benchmarks, and it was thought at that time that those benchmarks could be met. That, I think is fair to say, was an assumption they had.

Our country, together with our coalition partners, had been in training with the Iraqi forces for some 2 years plus at that time, building up their own internal army, national guard, and police force. So the Iraq Study Group, in my judgment, took a snapshot of the situation in the fall of 2006, put it to paper, and it was in the President's framework of things that were considered when he derived his policy and enunciated it in January.

I, together with, I think, the colleagues on the Senate floor tonight, said to the President, after his announcement on January 10, that I was concerned that more of the Iraq Study Group concept was not infused into his new strategy. I remember specifically addressing the issue of the sectarian violence, now described by some as a civil war of some stage, and injecting the American GI, who really had no background in the complicated culture of the Muslim religion and the Muslim people, into that situation.

And I am not in any way denigrating that religion or that culture. Indeed, it is one of the oldest and, I think, most respected on Earth today. But, nevertheless, there are among the Muslim religion a few who really are dead set on changing the world—we know all about that—and now they are wreaking utter havoc, primarily in Iraq, and to an extent now in Afghanistan.

But that snapshot and those assumptions have not been borne out. We do not have any real evidence before us today, or real basis for much hope as to what this Iraqi Government might achieve in the foreseeable future. The President specifically said on January 10, the Armed Forces of Iraq will take the lead. We will be largely in a supporting role. We will embed forces, we will train, we will supply, but they are taking more of the lead. In fact, they have to a limited extent but not to the extent that I believe are the hopes and expectations that were raised in the President's January 10 framework of remarks. Certainly the Government has not performed as we had hoped and expected. The Armed Forces are making a contribution today but not to the degree that was anticipated in the fall of 2006.

I could go on and recite other concerns I have about this report, namely, can anyone point to where the Department of Defense sat down and studied the strategy in this report and has reached conclusions as to whether it would work better than the current strategy? Would it bring about a greater strength of government? Would it bring about a greater will, simple will among the Iraqi forces, to take on more and more responsibility?

I think, before we recommend to this body and, indeed, if it were to pass and become legislation, to the President, that he consider implementing a major portion, as this amendment describes, of the recommendations of the Iraq Study Group, someone better bring forth a careful military analysis of what might occur given the situation today—not the situation in the fall of 2006—of what would happen if we made a shift in strategy from the one now employed to this.

That is essential, if we are asking Senators to support that. Show us some analytical study of this strategy and how it would bring about greater results than the current strategy being employed.

There is great credibility attached to this report, primarily because of the extraordinary membership—their experience, their achievements in the private and public sector. Do we know for a fact that all members of that committee are endorsing the concept that now the Senate should lift their report as written and prepared some 8 months ago? Are there not some among that group who might question today whether the assumptions that they had that led to their report are still there to support now a shift of strategy? I don't know. I don't see that evidence. I wish to see something from the members, each one, because I think it would be difficult if we shifted to this Iraq Study Group and one or more of the members of that group got up in the public and said: What we said then is simply not going to work today.

I think that is important because you are trading on the credibility of men and women of clear conscience, extraordinary backgrounds, who did, I think, a very fine job as best they could based on facts which have largely changed, or facts or assumptions that have not materialized.

We talk about a bipartisan resolution. I think the colleagues tonight joined me some weeks ago in putting together a consensus of a bipartisan nature, to go forward and to guide this Nation. It was, somewhat to my surprise, taken almost verbatim by the appropriators and included in the recent appropriations bill—I say recent, it was 6 or 8 weeks ago—and is now the law.

Part of that report that I wrote together with colleagues here said we ought to have an independent analysis of the Iraqi security forces as they exist today and what they might represent 2, 3, 4, 5 months into the future. I must say—I say it with a sense of humility—I persuaded a former commandant of the Marine Corps, Jim Jones, a man who has enormous credibility on both sides of the Congress, House and Senate, to head that group. I have met with him. He brought in distinguished retired military officers. Tonight, as we are here debating, they are in Iraq, preparing a report for this Congress and for the President as to their best judgment as to the military proficiency, the capability and will to fight of the Iraqi forces today and what is the likelihood that will improve in the months to come, because so much of all of our strategy, be it the surge strategy or any strategy, is dependent on that. As the President has said most eloquently: When they stand up, we will stand down.

I believed we needed an independent study, not to criticize the Department of Defense which for months has provided report after report of their analysis, but we ought to get a second opinion. That is now being prepared and will be brought forth, I think, in large part and made public prior to the President making his September 15 analysis.

That report we put together, which was adopted by the appropriators, the bill we had here, required the President to report to the Congress on or before July 15. I believed it was very important for colleagues to have a current analysis by the President, drawing upon the CENTCOM Commander, Admiral Fallon, drawing upon General Petraeus and other elements of the administration, to provide the Congress with a set of facts so, on the assumption we leave here early in August on a recess, we have a current analysis provided by the executive branch.

That report will be forthcoming. I think it is imminent. I happen to know the dates—I think we do—but I am not at liberty to divulge them tonight.

That report will also analyze the benchmarks, which benchmarks we recited in that bill which was voted on by this Chamber, or adopted by over 50 votes. We had to have a 60-vote margin. We couldn't make the 60 but we made it over 50. They will talk about each of the benchmarks and whether the Iraqi Government has made them and, if they have not, what the administration has done to try to encourage the Government to meet those benchmarks.

At this point in time there is a lot of conscientious work going on directed at the September timeframe when reports by General Jones and his group will come forth, the President will make another report, I am hopeful that the intelligence components of our Government will have an upgraded National Intelligence Estimate—so much is to be learned, when all this information is brought to the attention of the American public and to the Congress in the first weeks of September.

It is my urging that colleagues at this time in the debate on this bill, the annual authorization bill, try not to preempt and prejudge how this information will be formulated and given to the American public early in September.

I will close with a bit of a personal story. In 1951, 1952, I was privileged to serve in the United States Marine Corps. I was with a squadron of fighter bombers in old, cold Korea during that winter. I was a ground officer, a staff officer. I don't claim any fame whatsoever. I was doing my duty. But I watched those aviators as they would take off every day. I had occasion, because of my duties, to go up to visit the infantry and watch them.

At the same time, in the fall of 1951–1952, there was sort of a conference going on, largely in Panmunjon and elsewhere, to try to bring about peace and resolve that conflict. I remember these individuals who had to go out in harm's way each day, many of them, and said: I am wondering if I am going to be the last soldier, marine, or airman to take the last bullet because next time we may wake up and they have resolved this problem.

It dawned on them, but they went on and performed their duties. I say there is some parallel to this situation. Were the Senate to adopt this piece of work—about which I say to my colleagues, you have worked hard on, your hearts are in it—it would send a signal that what the soldiers, sailors, airmen, and marines are doing today, carrying out the orders of the Commander in Chief, it would put in question that strategy. Their minds would go through that same thought: Well, if they are going to change it, why don't we change it right away? Because I don't want to be the last soldier to take the last bullet, if we are going to change this strategy and this strategy is not achieving the goals that were laid down.

It has the possibility of bringing about a great concern of those young people, so valiantly fighting and giving life and limb to carry out the orders of the President.

I think we have to pause, reflect on what we say and what we do as we are working on this bill. It seems to me the President is Commander in Chief and has made a decision. He is within, I think, 48 hours going to release this report and speak to the Nation. Practically speaking, this amendment I presume will not be brought up—I know as a fact—prior to his statement. But it seems to me we ought to listen carefully to what he has to say and his resolve as to what strategy we should be following in the ensuing days and weeks to come. I translate that into the minds of these young people fighting this fight and their families here at home, so worried, understandably, about the welfare of their loved ones.

I say to my colleagues, have you looked at the intelligence? I have taken it upon myself to go out to the various entities of the intelligence part of our community and specifically asked them about what they think the consequences would be if there were a change to this strategy. I am not at liberty to give their responses but I urge you to access on your own initiative that information and reflect upon it as you move forward and you endeavor to persuade other colleagues to join you in this endeavor.

Mr. President, I thank you for the opportunity to come tonight to express my views to good friends, friends who worked with me and did work with me on that piece of legislation which eventually became a part of the appropriations bill and is now the law of the land. That is the legislation that requires the President in 48 hours to make a report to the Nation and to the Congress and to lay down what his intentions are for the weeks to come, until he gives his next report on September 15.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Colorado.

Mr. SALAZAR. I ask unanimous consent that we have another up to 15 minutes in morning business, equally divided between myself and Senator ALEXANDER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I want to respond to some of the concerns and comments from my distinguished friend, the great Senator from Virginia. He and I had the opportunity to travel to Iraq and to Afghanistan about a year or so ago. There is no one on this Senate floor that I respect any more than the Senator from Virginia. I consider him to be a colleague and a role model in the working relationship that he and the chairman of the Armed Services today, Senator LEVIN, have. It is, I think, an example of how we ought to do things on the Senate floor more often. The fact that we have a Department of Defense authorization bill, which is a very good bill, in front of the Senate today is a manifestation and a testament to the great work and the bipartisan spirit of Senator WARNER and Senator LEVIN. It is with great respect I offer these comments on some of the concerns that he raised.

First, with respect to the Iraq Study Group report being simply a snapshot of what was happening in December, I respectfully disagree with that assessment of what they did. It was not as if on December 15 or the day that the Iraq Study Group delivered their recommendations that they said this is a picture of what is happening in Iraq today. What the Iraq Study Group did is they took a look at the history of what had happened in Iraq. They took a look at the regional conflicts and at the dynamics that were driving the conflicts in that region and they reached a number of different conclusions which were as true in December as they are today, and which were as true, frankly, a year before December as they are today.

So it was not a snapshot, it was taking an assessment of the historic conflict in the region, some of which has gone on not for 4 or 5 years but 10 years, 100 years, 1,000 years, in some cases, in terms of the sectarian conflict we see today in Iraq.

It was out of that history that they came up with what they perceived to be the best way forward for the country in terms of how we dealt not only with the issue of Iraq but the very integrated issue of the Middle East conflict with respect to the whole future of not only Iraq but also the neighbors in that region.

So it was not a snapshot, from my point of view. In our dealings with both Congressman Hamilton and Secretary Baker, as we came forward and fashioned this legislation, it was their view that this legislation was, in fact, the best way forward. It was written in consultation with input from Senator ALEXANDER. I reached out to both Congressman Hamilton as well as Secretary Baker. This amendment was written with their best thoughts in mind on how we could faithfully implement the recommendations of the Iraq Study Group.

So I daresay that the characterizations that cochairman of the commission, Hamilton, had to say yesterday about the importance and current relevancy of this recommendation of the Iraq Study Group are still as relevant today as they were in December. In fact, Congressman Hamilton said the Baker-Hamilton Commission recommendations today were, in fact, as relevant as they were in December and that the urgency of the implementation of those recommendations, if I may paraphrase him, was even more urgent today than it was back in December as we continue to drift sideways, spiral downward frankly, in the conditions in Iraq.

I do not argue it was a snapshot. It was a recommendation that came out after an indepth study by some of the best experts in the world, including our military advisers. Secondly, my friend from Virginia also says that circumstances have changed in Iraq, that the Iraqi Government may not be as functional as any of us would want the Iraq Government to be.

Well, the fact of the matter is that no one has sent the clear direction by law to the Iraqi Government that support from America to the Iraqi Government and to the Iraqi people is dependent on them making progress on the ground. This legislation does that specifically, as the Iraq Study Group recommends.

Thirdly, there were lots of military advisers that were involved in providing advice, counsel, and guidance to the Iraq Study Group. It included ADM James Ellis, GEN John Keane, GEN Edward Meyer, GEN Joseph Ralston, LTG Roger Schultz and hundreds of other people who were consulted for their expertise in the formulation of the recommendations that went into the Iraq Study Group.

Finally, I would say that of all the debate we have had on Iraq, the fundamental reality still remains the same. There is only the one group chartered, in part because of the leadership of the Senator from Virginia, that took a comprehensive look at the situation in Iraq and the Middle East and came up with a set of recommendations that were comprehensive in nature.

When you look at the bipartisan composition of that commission, they spoke on what is in the best interests of America based on the best information they were able to acquire from around the world and the best military and foreign policy experts we have. So, in my view, the Iraq Study Group recommendations are still as relevant today as they were in December.

I would urge my colleagues to join us in this bipartisan effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Virginia for coming back to the floor from another engagement and offering his comments on our proposal. He has made an extraordinary effort to do that at a late hour in the evening. I am grateful to him for that.

I hope he will not mind my saying that I have seen him agonize over this war. We have talked about it privately, going many months back before many Senators did, about how do we reconcile our national interests with the lives of young men and women from Virginia and Tennessee, which we have to think about every day.

He was one of the first to raise questions about our strategy. Because he did and because of his background as Navy Secretary and his service in World War II and in the Korean War and his senior position on Armed Services, everyone paid attention when JOHN WARNER spoke.

We have paid attention to his advice every step of the way. What I would like to say, very briefly, in response to my friend from Virginia, is this: I would hope that over the next few days as we consider this, that he will think a little differently about his own contribution to the shift in direction our country needs.

His first contribution, in addition to his statement, is the Iraq Study Group report. He was a little too modest about it. He had a major role in getting it started. If he had not, we would not have the kind of membership on the Iraq Study Group that we had with Secretary Baker and the leaders of so many different administrations.

Their recommendations need not be put on the bookshelf as a bookend, they need to be used.

Having said that, I can understand how he and the President and others might be concerned that if one were to read our proposal too prescriptively, they would say: Well, how can we pick up 79 recommendations and say, Mr. President, do all of those things.

The way I read our amendment, we do not do that. The way I read our amendment we say very simply that the President and the Congress agree the way forward in Iraq is to implement this comprehensive set of recommendations, and the President himself should formulate a comprehensive plan to do so.

In another part of the amendment, when we get to the part about when the troops come home or when the troops' mission moves from a combat mission to a support and equipping mission, that is all subject to unexpected developments in the security situation on the ground.

So I would say with respect to my colleague from Virginia, that another way—and perhaps I am reading it wrong, but the way I read it, another way to read this is to say: Let's take the wisdom of this group of 10 people, one of them who has ended up as Secretary of Defense in this administration, and say: That gives us a framework. We can adopt that together. And then, Mr. President, you take these recommendations and you draw up a plan.

This is not going to be a plan that the Senator from Colorado and I drew up. The President is the only one authorized to draw it up. As it affects troops, it is subject to security developments on the ground; there is no fixed deadline of any kind here.

I assume that what the President would do, if he were to receive this as a law, which might be September by the time it got all the way through the conferences, the first person he would sit down with is General Petraeus and say: Tell me again about the surge. How are things on the ground? What is your recommendation?

The second thing he might do is sit down with General Jones and say: Tell me, General, what have you found out about the position of the Iraqi forces?

Then I think he would call in the Joint Chiefs and the intelligence folks and say: I have to develop a plan. Give me your advice about what works and what does not work. Then he would present us the plan within 90 days. But it is not subject to our approval. It is his plan.

Now, we can then do what we can do with our constitutional duties about it. But the one thing I am afraid we will miss if we do not move to adopt the recommendations now of the Iraq Study Group is the bipartisan support that was in that group that the Senator from Virginia helped to create and the bipartisan support that is on this floor for those recommendations. The President doesn't have that now. Without that, he cannot sustain a long-term mission in Iraq of any kind, I am afraid. I think we have to have one of some kind over a long time.

So I think this goes about as far as it can within this group to say to the President: Okay. We can agree with you. But now you draw up the plan according to these structures.

I greatly respect the Senator from Virginia. I will continue to listen to him. I am deeply grateful to him for coming back to the floor tonight. I thank him for his direction in helping to make possible the Iraq Study Group plan, General Jones' study. I know we will have many more discussions. But the one thing I do not want the President to lose is the opportunity to borrow for our long-term strategy the bipartisan support in this document and the bipartisan support on this floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have had the privilege of serving in this body for 29 years. I have never met a finer gentleman than my colleague from Tennessee. I thank you for your gracious reference to this humble Senator.

I simply say that this has been a constructive debate. We have an honest difference of opinion. But I would urge that perhaps you check into some of the analysis that has been performed in certain segments of the Government about the current operations and how the benchmarks, so to speak—or maybe I withdraw those words—the points of strategy that are in the Iraq Study Group will or will not adopt.

I would simply say the obvious to my colleagues, that that report of the Iraq

Study Group is still on the President's desk. I do not think he requires the need of the Senate to tell him what is in it. He knows. He looked at it, I have been given that assurance, very carefully before he devised his January 10 strategy.

The concern, the greatest concern I have is sort of sending out a signal we have throughout, that this strategy would be working better than this current strategy. I frankly felt that and expressed that on January 10. But I have to accept the fact that he is the Commander in Chief. He made the decision. He decided not, at this time, to implement the framework of the Baker-Hamilton report but to go ahead with the surge.

I am hesitant to criticize him now. I criticized pretty heavily, if you look at the CONGRESSIONAL RECORD, in January. I urged in several speeches that more of this Iraq Study Group concept be incorporated in the surge strategy. But having done that, I feel obligated now to support the President because he is committed to follow the law of the land as originated in this Chamber in a bill which I sponsored, and I believe my distinguished colleague from Tennessee did vote for. That bill, almost in its entirety, was incorporated into the appropriations bill by the conference of the House and the Senate, and it is the law of the land.

I hope the report that will be forthcoming in 48 hours reflects the seriousness of how the President approached the mandates of the Congress: Report to us on July 15. I have every reason he will do a report no later than September 15. At that time, he will have the benefit of a surge which is now, as envisioned, fully staffed and implemented by our complement of soldiers, together with such other Iraqi complements and perhaps some coalition forces, and we will then have been shown, did the surge work.

I, frankly, think the surge, if allowed to continue in the September timeframe, will have achieved a measure of what they set out to do. But the corollary obligation of the Iraqi Government to accept an improved security situation in Baghdad, created by the sacrifice of soldiers, sailors, and airmen, and marines in the surge, and the Iraqi fighters with them, they will not have taken advantage of what was achieved by that enormous sacrifice. That is my great concern. I hope I am wrong.

But in the time that remains, I am doubtful the concept that greater security in the Baghdad region will translate into greater activity and accomplishments by the Iraqi Government.

While there may be some military success, I don't see the signs now of the success that was anticipated by the Iraqi Government.

I close by saying I thank you for the opportunity. I commend you for your hard work and what you believe in. That is important in this institution, your own personal involvement and will to fight for what you believe. But I do urge you to take a look at what the intelligence community is looking at, determine the current military analysis. I say to my colleague from Colorado, indeed, there were a number of witnesses, professional retired witnesses with military experience that contributed to this. But again, they were looking at a situation and a factual basis that has substantially changed. I say to my colleagues, look at the intelligence, get some military analysis, and then think through carefully if the President has this on his desk still, it is there, do we need to pass a bill in the Senate and send a signal that would begin to engender some doubt in what we are doing now as being the best course of action and the risks associated with the men and women trying to carry forward and respond to the orders of the Commander in Chief. That is my fervent plea to you.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow morning.

Thereupon, the Senate, at 9:12 p.m., adjourned until Thursday, July 12, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 11, 2007:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

JOHN S. BRESLAND, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

JOHN S. BRESLAND, OF NEW JERSEY, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE CAROLYN W. MERRITT, TERM EXPIRING.

CHARLES RUSSELL HORNER SHEARER, OF DELAWARE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE CAROLYN W. MERRITT, TERM EXPIRING.

TENNESSEE VALLEY AUTHORITY

THOMAS C. GILLILAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2011, VICE WILLIAM BAXTER, RESIGNED.

WILLIAM H. GRAVES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012. (REAPPOINTMENT)

SUSAN RICHARDSON WILLIAMS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIANE D. RATH, OF TEXAS, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE WADE F. HORN, RESIGNED.

INTERNATIONAL MONETARY FUND

DANIEL D. HEATH, OF NEW HAMPSHIRE, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE MARGRETHE LUNDSAGER, TERM EXPIRED.

DEPARTMENT OF STATE

MARK KIMMITT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS), VICE JOHN HILLEN, RESIGNED.

ROBIN RENEE SANDERS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

GENE ALLAN CRETZ, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LIBYA.

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD M. KERR, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE, VICE GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS G. MILLER, 3543

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. WILLIAM E. WARD, 9000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. TROMBETTA, 2104

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL CHARLES A. ANDERSON, 4562
BRIGADIER GENERAL KEVIN J. BERGNER, 6581
BRIGADIER GENERAL DANIEL P. BOLGER, 5269
BRIGADIER GENERAL JAMES E. CHAMBERS, 2025
BRIGADIER GENERAL BERNARD S. CHAMPOUX, 8048
BRIGADIER GENERAL ROBERT W. CONE, 7395
BRIGADIER GENERAL ANTHONY A. CUCOLO III, 7278
BRIGADIER GENERAL YVES J. FONTAINE, 2513
BRIGADIER GENERAL MARK A. GRAHAM, 0072
BRIGADIER GENERAL DAVID D. HALVERSON, 1089
BRIGADIER GENERAL MICHAEL D. JONES, 8227
BRIGADIER GENERAL PURL K. KEEN, 3412
BRIGADIER GENERAL DAVID B. LACQUEMENT, 3241
BRIGADIER GENERAL RAYMOND V. MASON, 6999
BRIGADIER GENERAL JOHN F. MULHOLLAND, JR., 5953
BRIGADIER GENERAL THEODORE C. NICHOLAS, 4035
BRIGADIER GENERAL PATRICK J. O'REILLY, 7262
BRIGADIER GENERAL JOHN E. STERLING, JR., 4109
BRIGADIER GENERAL RANDOLPH P. STRONG, 2219
BRIGADIER GENERAL MERDITH W. B. TEMPLE, 2899
BRIGADIER GENERAL WILLIAM J. TROY, 4572
BRIGADIER GENERAL PETER M. VANGJEL, 6018
BRIGADIER GENERAL DENNIS L. VIA, 0020

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID ARCHITZEL, 0741

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN D. STUFFLEBEEM, 4012

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. (SELECTEE) ADAM M. ROBINSON, JR., 9660

HOUSE OF REPRESENTATIVES—*Wednesday, July 11, 2007*

The House met at 10 a.m.

The Reverend Dr. Calvin V. French, Pastor Emeritus, Community of Christ Church, Washington, DC, offered the following prayer:

God of our fathers and our God, who has watched over us from generation to generation, in prosperity and adversity, in peace and in war, we give Thee thanks.

As we begin this day filled with fresh challenges and high duties that confront us, we are encouraged knowing that Thy mercies and Thy grace are new every morning. As we prepare for work, we look to Thy Word and heed the counsel in Proverbs: "Trust in the Lord with all thy heart, and lean not upon thy own understanding. In all thy ways acknowledge Him, and He will direct thy path."

We thank Thee for our Republic where free thought and expression and diversity are honored. Help us to hear the pleas of the people, but to hear more clearly the voice of the Eternal while remembering the words of our Founding Fathers that we are one Nation under God.

When evening comes and our duty is done, may we know the deep contentment of work completed and words spoken which honor our Nation and glorify Thy name.

In His holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. CONAWAY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONAWAY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. CALVIN V. FRENCH

(Mr. BOSWELL asked and was given permission to address the House for 1 minute.)

Mr. BOSWELL. Madam Speaker, I would like to take this moment to share some information about who just offered our prayer, my pastor in Washington, DC.

Dr. French is Pastor Emeritus of the Community of Christ Church located at 3526 Massachusetts Avenue, N.W., Washington, DC. He served the congregation for 25 years before retiring. Previous to his assignment in Washington, he held pastorates in Boston, Philadelphia and Des Moines. He has served as a pastor for 50 years.

Reverend French holds degrees from Grace University, Iowa University, Drake University, and Temple University. He has done graduate work at Harvard University and studied at Princeton Theological Institute.

Dr. French for the past 28 years has been a licensed clinical member of the American Association of Marriage and Family Counselors. He has been active in this discipline and currently is licensed in the State of Maryland.

Dr. French is presently serving on the board of trustees for Graceland University. When his faith group started a theological seminary, he was asked to serve as one of the first board members. Previous to these appointments, he served for 10 years on the board of Park College in Kansas City.

Reverend French is a member of the Rotary Club of Washington, DC, having joined in 1981. He has served on the Rotary Foundation and is presently on the governing board for Washington Rotary. He has the distinction of being the only pastor to be elected president of the Washington Club in its 84-year history. While in Washington, Reverend French has been involved in many community activities, including working with St. Luke's in establishing a neighborhood shelter for men.

Dr. French has been appointed to the following boards and commissions during his ministry in Washington: President Clinton appointed him to represent the White House on the USO governing board. In this capacity, he visited various military installations and helped to provide a support program for the Armed Forces and their families. Dr. French was appointed by the National Institutes of Health to serve as a representative of the National Conference on Health Fact Finding Board. The board was designed to research and explore the needs in minority health and education. He was selected for the Board of National Conference on Ministry to the Armed Forces. This board provides opportunities for all denominations who so wish to have chaplains from their faith in the various military services. They also work closely with the Chief of Chaplains in helping to provide ministry to the troops. Reverend French served on this board for 12 years. And, lastly, Dr. French was asked to be a delegate on the United States Attorney General's Commission on Pornography. This study ended with recommendations presented to Congress.

For the past 25 years, he has represented the parent church of his denomination in governmental affairs, providing liaison service to the various agencies of the government as well as to the Congress. On occasion he has been invited to offer the opening prayer for both the House and Senate.

Dr. French is married to E. LaVon Crum French, a lawyer who served the U.S. House of Representatives Small Business Committee for 9 years, who is sitting in the galley. The following 17 years she served in a special magisterial appointment as Special Master for the National Childhood Vaccine Injury Program for the U.S. Court of Federal Claims. She retired in April of 2005. A son, Colin V. French, is a tax lawyer in Dallas, Texas. He is married to Amanda, also a lawyer, and they have two daughters, Carolyn and Kelsey. Dr. Kelsey French is a clinical psychologist and is married to Vince Bzdek, the news editor for the Washington Post. They have two children, a daughter, Zola, and a son, Xavier, and live in Washington, DC.

HEALTH-IT INTRODUCTION

(Mr. MOORE of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MOORE of Kansas. Information technology has significantly changed the way we live and do business, making it easier to communicate with others, manage our personal finances or even track a package we ship across the country. Unfortunately, the health care industry lags far behind other sectors in its utilization of information technology. The inefficiencies and redundancies that result from this lack of automation costs the industry billions of dollars a year, but, more importantly, it costs lives and reduces quality of care.

As Congress considers health care reform proposals, focus should be given to system changes providing patients with more choices, more convenience and control over their health care records. That is why today I will be introducing the Independent Health

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Record Trust Act. I will introduce this with Congressman PAUL RYAN from Wisconsin, and we have over 30 original cosponsors, to establish a market-driven approach to building a national health information network through the establishment of federally certified organizations called Independent Health Record Trusts. Individuals would have the option to sign up for an account to be managed by a health record trust similar to the way banks offer and maintain credit card accounts. Patients will have ownership of their electronic records and can create multiple health entries so their dermatologist will not see their mental health history. We will be introducing this today. We hope for speedy passage through the Congress.

OUR FUTURE ENERGY SUPPLIES

(Mr. CONAWAY asked and was given permission to address the House for 1 minute.)

Mr. CONAWAY. Mr. Speaker, most credible estimates of future energy supplies for this country indicate that, by 2025, we will still be importing millions of barrels of crude oil and refined products every single day. That scenario is not positive for America. We should begin today looking at policies that decrease our dependence on foreign crude oil, policies that increase domestic production of crude oil, policies that increase the private investment in domestic production of all energy sources, including crude oil and natural gas, policies which will help stabilize prices to consumers both for gasoline and electricity.

Any policy that we look at that does the opposite, that increases our dependence on foreign crude oil, reduces domestic production, reduces private investment in sources of energy, and arbitrarily increases prices to consumers must be challenged and opposed. These are important. They do not wear party jerseys. They are simply the right answer for America. It is our job to get those policies in place.

REPEAL THE TIAHRT AMENDMENT

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to urge the repeal of the Tiahrt amendment which is up for a vote in the Appropriations Committee tomorrow.

The Tiahrt amendment restricts the use of firearm tracing data. Tracing data lets our police departments locate the gun dealers who sell guns used in crimes. One percent of gun dealers sell 57 percent of the guns used in the crimes across the country. That is a staggering statistic. If we can crack down on that 1 percent, we can make our streets and our police officers safer.

The collection of tracing data does not prevent anyone from not buying a firearm; it simply gives law enforcement officials the tools they need to do their job. Let's make our streets safer and help law enforcement by repealing the dangerous Tiahrt amendment.

With that, I hope the American people start calling their Congresspeople. This is important for all communities and all cities around this country.

NINE NEW ENTITLEMENTS, DECREASED COLLEGE AFFORDABILITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in opposition to H.R. 2669 and in support of the McKeon alternative. As the father of three college graduates and a college sophomore, I understand the financial burden higher education poses on families and students. That is why I am proud of Republican efforts, particularly those of Representatives BUCK McKEON and RIC KELLER to expand college access and increase affordability.

As lawmakers, our number one education priority should be to ensure that college is affordable for any student. Unfortunately, H.R. 2669 pits the Federal Family Education Loan program against the Direct Loan Program and creates an imbalance in the student loan industry. Instead of helping students, the Democrat entitlement bill would require student borrowers to pay thousands more for a college education. H.R. 2669 creates nine new entitlement programs, placing the interests of colleges and universities above the needs of low-income students, and does nothing to expand college access and affordability for middle-class families.

Congress should not be playing politics with college educations. I urge my colleagues to vote in favor of the McKeon alternative.

In conclusion, God bless our troops, and we will never forget September 11th.

□ 1015

ADMINISTRATION'S BENCHMARKS ON IRAQ

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, this Saturday the President will issue an interim report on the Iraqi government's success or failure meeting the benchmarks. But prior to taking a look at that report, we have another set of benchmarks to look at; that is, the benchmarks for President Bush's administration and what they've done on the Iraqi policy.

When the war began, The White House said that Americans would be greeted as liberators. That's not happening.

Next we were told oil revenues would finance the reconstruction of the Iraqi society. Not happening.

Then we were told that the insurgency was in its last throes. Not happening.

Then we were told that we were planting a democracy in the heart of the Mideast. Not happening.

At every turn, the administration's benchmarks for the Iraqi strategy have failed to meet their own measure of success. And the American people have been asked to pay for this failure.

Two years ago, we were spending $5 billion a month in Iraq. It is now reported that we're up to $10 billion a month in resources, not counting the amount of lives we lose on a monthly basis.

Mr. Speaker, we've waited long enough. The President's strategy of more troops, more time, more money and more of the same has run its course. It's time for a new direction.

DON'T CALL THEM RADICAL ISLAMIC TERRORISTS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the blissfully ignorant British bureaucrats have decided to ignore who they are fighting. In the name of political correctness, Prime Minister Brown is refusing to acknowledge acts of terror are committed by Islamic radical insurgents.

The British Government has banned the use of words such as "Muslim" and "war on terror." Acts of terrorism are now referred to as "criminal acts." The Islamic extremists who commit the attacks are being referred to as "communities."

Islamic terrorists can go ahead and continue the barrage of terror because proper Britain won't even acknowledge who they are.

When did the great nation of Britain turn into the timid, politically sensitive, fearful country that is more concerned about hurting the feelings of terrorists than protecting their island? It's time for Britain to boldly name the enemy at the gate, to turn around and fight for their country, not hide behind niceties.

Winston Churchill wasn't afraid to name and fight the Nazis when he said, "We shall go to the end; we will defend our island whatever the cost will be; we will fight on the beaches; we will fight in the fields and on the streets. We will never surrender."

And that's just the way it is.

H.R. 2669—COLLEGE COST REDUCTION ACT OF 2007

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of the College Cost Reduction Act. For far too long we've watched as Pell Grants have stayed flat and tuition has continued to soar, over 40 percent in the last 6 years alone.

Students today are graduating with greater and greater debt. As a result, they are increasingly unwilling to take critical public sector jobs such as first responders, law enforcement officials, nurses and teachers because of the modest salaries. For example, nearly 32 percent of graduates pursuing teacher careers can't afford to repay their loans on a starting teacher's salary.

By passing the College Cost Reduction Act, we are encouraging and rewarding public service by providing $5,000 in loan forgiveness to graduates who take public service jobs.

Mr. Speaker, this is one excellent provision that makes an important investment in our communities, and it's just one of the many reasons I'm going to be supporting this legislation today.

I urge all of my colleagues to support the College Cost Reduction Act.

SAFETY OF CHINESE PRODUCTS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, in recent months the number of unsafe products imported to the United States from China, ranging from seafood and pet food to toys and toothpaste, has grown steadily. Chinese-made products have accounted for 60 percent of recalls this year, according to the U.S. Consumer Product Safety Commission.

China's small-scale food producers have been accused of unsanitary production, conditions, using tainted or substandard ingredients, and failing to register with the authorities. About 350,000, or 78 percent, of China's food processing operations employ 10 people or less.

Americans are rightly concerned when they learn many of the products imported from China pose a threat to their health. American consumers have grown to expect that the products they buy at their local markets are safe for their entire family. That is why it is vitally important for Congress to hold hearings on these issues to better examine how we can protect our constituents from substandard Chinese products.

CONSTITUENT VIEWS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this past week was our home work week, and we went to visit with our constituents and see what the people thought.

In the Ninth District of Tennessee, I found a people I know who felt that this war that we're engaging in is one that we need to bring our troops home from. They spoke of their family members who served in the previous war and said, there's no purpose in what we're doing, and we don't understand it.

I saw a people who saw the movie "Sicko" and came away amazed. And as I toured the Federal Correctional Institute, I felt like I was watching "Sicko" in live theater, for I saw that if you're in prison, you get all the health care you want, but if you don't commit a crime, you don't get health care in this country. And Michael Moore has made a valid point.

And I saw a people who feel like crime is a great problem in this country and their neighborhoods and who commend this Democratic Congress for passing the COPS bill and having more money for the hiring of policemen and for better technology.

And I saw a people that wondered what's going on with our President and our Vice President and asked more and more about impeachment. It's something that the American Congress needs to consider strongly, for our executive powers are out of control.

AMERICANS LOVE A FAIR FIGHT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the American people love a fair fight, and so do I. In the debate over America's future, we especially want to hear all the facts and all the arguments on every side of the issue.

Unfortunately, some in our Nation's Capitol want to achieve that result by bringing back what is known as the Fairness Doctrine, an archaic government regulation imposed by the Federal Communication Commission that for decades required broadcasters to present controversial issues in a fair and balanced manner.

Now, it sounds acceptable enough. But there is really nothing fair about the Fairness Doctrine, Mr. Speaker. This is a relic of America's broadcasting past, and it should stay in the past where it belongs.

Fortunately, 2 weeks ago, 309 Republicans and Democrats in the Congress voted in favor of the Pence amendment to prevent the FCC for 1 year from reinstituting the Fairness Doctrine.

While I was pleased with the bipartisan passage of this legislation, today we will open a second front to ensure that the Fairness Doctrine can never come back again. In cooperation with colleagues in the House and the Senate today, we will unveil the Broadcaster Freedom Act, which will ensure that the FCC and any future administration cannot re-regulate the airwaves of America without an act of Congress.

I urge my colleagues on both sides of the aisle, join me in cosponsoring the Broadcaster Freedom Act and preserve the free airwaves of America.

REDEPLOYMENT OF OUR TROOPS FROM IRAQ

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Mr. Speaker, even for those convinced the surge in Iraq is a mistake, the manner in which we implement a decision to leave that country is critical to our Nation. Therefore, any Congress mandating a new security policy through force of law owes a careful explanation to the country why and how it is to be done, including dealing with what would occur in the aftermath.

However much Americans may agree with us a desire to reduce U.S. forces and withdraw them from Iraq quickly, this Nation must face the alternative of what will happen in the region once that redeployment is done by a force of law.

We must remember it took us approximately 6 months to withdraw a small number of troops just from Somalia. We have 160,000 troops in Iraq and over 100,000 contractors, but the time line of about a year that is needed for a safe redeployment also works well to protect our regional interests in a strategic approach to end this war. It provides the time needed for a strategy of regional accommodation to take effect with Iran, Syria and Saudi Arabia, a strategy that rightly relies upon the long-term interests in a stable aftermath. Therefore, ending this war is necessary but insufficient.

How we end it and by what means is even of greater importance for our troops' safety and our own security.

IT'S TIME WE END THIS WAR

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, a recent CRS report shows that the United States is now spending $10 billion a month fighting the war in Iraq. That's over $2.5 billion a week.

And what does the American taxpayer get for this $10 billion a month? An Army being broken by repeated deployments; a National Guard that is unready or unable to respond to natural disasters or terrorist attacks at home because many of our men and women are in Iraq and most of our equipment is; an escalation in Iraq that has resulted in more death and little reduction in violence; an Iraqi government that is unable to govern, Iraqi security forces that refuse to fully stand up.

The war in Iraq has cost every man, woman and child in my district $3,077. For over $3,000 a person, the people in my district have gotten a war that was a strategic mistake and has made them less safe. It is time we end this war.

H.R. 2669, THE COLLEGE COST REDUCTION ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H.R. 2669, the College Cost Reduction Act of 2007. This intelligent bill increases Federal scholarship amounts and loan limits to provide students with additional assistance in paying for college, and to help them rely less on costlier private loans.

In fact, when I went to school, college, 25 years ago, college tuition at my university was $8,000 a year, and my Pell Grant was $2,700 a year. Today, that very school costs $38,000 a year, and the Pell Grant is $4,100 a year. We need to do something about this situation.

As part of this legislation, I am pleased to see that the Congress is moving to enact $5,000 of Federal student loan forgiveness for students who are using the education they receive to serve their community and country in areas of national need.

Loan forgiveness provides a powerful message to a student: Your Government will help you if you choose to help your Nation.

The College Cost Reduction Act is an important step towards investing in American college students and our future workforce, and I look forward to working with my colleagues to pass this today.

MORE BUREAUCRACY, LESS EDUCATION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today the House will vote on the College Cost Reduction Act, which sounds good on the surface, but once you begin to peel back the layers of this onion, you find that it is just rotten to the core. It contains billions of dollars of new spending, and worse still, it will never even see the light of day. The President has vowed to veto the bill.

And it creates nine new entitlement government programs at a cost of $197 billion over 5 years. That's nine new programs. And this is just the tip of the iceberg with the leadership spending this year. $20 billion more than expected on the President's budget. They had $6 billion more in new spending on January's omnibus, $17 billion they added to troops spending. It goes on and on, and it is enough to make a taxpayer cry.

And if there's one thing that we all know, once you've got a government program, you've got a government program. Ronald Reagan said it best. There is nothing so close to eternal life on Earth as a Federal Government program.

The leadership knows this bill will not fly with the American people. I encourage my colleagues to vote "no."

ACTIONS SPEAK LOUDER THAN WORDS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, a week does not go by without at least one or two Republican Senators coming forward and saying what many of us have known for months, that the President's Iraq strategy has failed. First it was Senators LUGAR and VOINOVICH. Then last week Senator DOMENICI joined them in saying that a serious change in course is needed. And then on Monday Senator SNOWE told NBC News that the time has come for binding legislation to bring home most of our troops.

The Senate Republican comments are welcome, but actions speak louder than words. Senate Republicans can't just say that a change in direction is needed; they have to actually help us change the course of the war.

And where exactly are the House Republicans? Does their silence indicate that they will once again rubber-stamp the President's failed Iraq policy?

If they won't listen to us, they should at least listen to respected members of their own party who are saying that we simply cannot continue on this same failed course.

Mr. Speaker, this month Democrats will once again demand change in Iraq. And it's time that our Republican colleagues join us.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 531 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 531

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; (2) the amendment in the nature of a substitute printed in part B of the report on the Committee on Rules, if offered by the gentleman from California, Mr. McKeon, or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2669 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. HOLDEN). The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 531 provides for consideration of H.R. 2669, the College Cost Reduction Act of 2007, under a structured rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking member of the Committee on Education and Labor. The rule makes in order and provides appropriate waivers for a single amendment in the nature of a substitute offered by Representative McKEON of California or his designee.

Mr. Speaker, educational opportunity is the backbone of what we are about and everything that makes this Nation great. For this reason, I am very pleased to support the rule and the underlying legislation that will give our students a real opportunity to go to college and give them the vital tools necessary to prepare them to enter the workforce and build a positive future.

The College Cost Reduction Act addresses one of the most important and difficult issues facing our Nation. While access to higher education is more critical than ever for our younger generations, the cost is rapidly moving out of reach for many low- and middle-income families. This problem is nothing less than a crisis. How many students have had their dreams shattered because they could not afford their tuition? And how much potential has our Nation lost because of the failure to address this issue?

If students cannot afford to get the education and training necessary for them to make a productive and positive impact in our communities, it hurts us all. Investment in our younger generations not only improves their future, but it helps our economy and our retired workers whom they will help to support. It ensures our national security, continued improvements in health outcomes as well as advances in manufacturing and technology. Improving access to higher education is not only about helping America's middle class and our students and families who are in need. It is about strengthening America.

But instead of helping our students prepare themselves for a better future, recent Congresses and the administration chose to cut funding for student loan programs and have allowed this issue to become the crisis it is today. It is time for priorities to change, and this bill is part of making that happen.

Tuition and fees at 4-year public colleges and universities have risen 41 percent after inflation since 2001. The typical American student now graduates from college with $17,500 worth of debt. If we do not take action immediately, financial barriers will prevent at least 4.4 million high school graduates from attending a 4-year public college over the next decade. This Congress has a responsibility to help our students and our working families.

Mr. Speaker, I have witnessed the heartbreak of parents who work hard day in and day out who have to tell their child that they cannot afford to send them to college. I have listened to these struggling parents and heard the ache in their voices. It is a story that is far too common. It is unacceptable and we must take action. And today we do.

H.R. 2669, the College Cost Reduction Act, will provide the single largest increase in college aid since the GI bill, and it will put college education back within reach of so many families. H.R. 2669 follows on the College Student Relief Act that passed overwhelmingly, 356–71, in this new Congress earlier this year. That bill cut interest rates in half on subsidized student loans over the next 5 years. For the average student in the State of Ohio at institutions like the University of Akron and Lorain Community College, this means a savings of roughly $4,320 once the cuts are phased in. It is estimated that our proposal will help roughly 175,000 students just in Ohio alone and 5.5 million nationwide. Our bill increases the maximum Pell grant scholarship by at least $500 over the next 5 years while also expanding eligibility to include and serve more students with financial need. In Ohio, roughly 224,000 students will benefit from these changes to the Pell grant program. And nationwide, over 5.7 million students will benefit and another 600,000 will become eligible for the grants, making the possibility of a college education for them a reality.

Additionally, this legislation recognizes the value of our public servants, and it shows how much we respect what they do. Individuals working jobs that make our world turn, teachers and firefighters, nurses, law enforcement officers, librarians, we provide upfront tuition assistance to qualified undergraduate students who commit to teaching in public schools in high-poverty communities or high-need subject areas. And we provide loan forgiveness for first responders, law enforcement officers, firefighters, nurses, public defenders, prosecutors, early childhood educators, librarians and others. We are investing not only in the potential of individual students, Mr. Speaker. We are investing in the strength of our communities and our country. And the return on our investment as a Nation and our students and people will, without question, provide an enormous return.

But our failure to invest likewise will have incredibly harmful consequences. Our bill makes clear we understand the importance of this investment.

And, Mr. Speaker, to make a good bill even better, the College Cost Reduction Act will benefit all of these students and families at no new cost to taxpayers. We make these important investments in education through government spending cuts. With this bill, we take the billions of access taxpayer subsidies that have gone into the profit margins of private lenders and invest it in direct support for our students. Overall, H.R. 2669 will save almost $20 billion in taxpayer money and reinvest that money in the needs of our students. This is about where the priorities of our Nation and this Congress lie.

Mr. Speaker, as I said earlier, the lack of access to higher education is a crisis for our Nation, and it is a burden that no family in this great country should have to bear. The College Cost Reduction Act puts us in a position to help these families and assist our students who simply want to learn and be prepared to enter the workforce and contribute to society. This bill does more than just pay lip service to the virtue of a college education. Today we act to help families, students and our country.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, earlier this year, the Democrat majority approved what I consider an irresponsible budget plan that calls for more spending now followed by massive tax increases in the future. Their budget plan only called for one committee, the Education and Labor Committee, to find cost savings, and that turned out, Mr. Speaker, to be a mere $750 million over 5 years.

In comparison, when Republicans were in control, the fiscal year 2006 budget resolution called on eight House and Senate committees to find a total of $35 billion in savings over 5 years. As a result, Congress passed and President Bush signed into law the Deficit Reduction Act, which saved American taxpayers $38 billion.

House Resolution 531 provides for the consideration of the Democrat majority's attempt to rein in spending, the College Cost Reduction Act. However, Mr. Speaker, this bill is nothing more than an illusion. While the bill does find savings, it immediately spends most of it, $18 billion, to create nine new entitlement programs. These entitlement programs, which grow automatically every year without congressional review, pose the largest threat to our long-term economic health. Essentially, these programs run on auto pilot with no accountability to the taxpayers writing the check.

Entitlement programs currently today make up well over half of the Federal budget and in the next decade will consume nearly two-thirds of our budget. History has proven that once an entitlement program is created, it lives forever, and even improving these programs has proven to be a very difficult task.

Taxpayers will be paying for the new entitlement programs created under this proposal for at least 5 years and likely for many years to come, thus wiping out any savings that may be achieved with this bill in the short term.

Mr. Speaker, I have to say that I share the goal of increasing access to higher education. Education in general is very important to the future of our country. But there are many approaches the Democrat majority has chosen to take in this bill that shifts the responsibility for personal decisions made by students to the taxpayers. For instance, this bill guarantees that borrowers, no matter how much they borrow, will not have to pay more than 15 percent of their income in loan payments and allows the borrowers to have the balance of their loans disappear, disappear, Mr. Speaker, after 20 years and thus be paid for by the American taxpayer. This bill also requires those same taxpayers to pick up the outstanding student loan tab for public sector employees after just 10 years. Now, Mr. Speaker, while I agree we should encourage people to enter the public sector, I feel this approach places too heavy a fiscal burden on American taxpayers.

I believe that we must do all that we can do to make education more affordable for those who wish to pursue their education so that more Americans can achieve the dream of graduating from college. With tuition costs on the rise, students and their families are facing the inevitable question of how to pay for college education. The cost of attaining a college degree has increased over the years, and students are finding it increasingly difficult to pay for college without financial assistance.

So I believe, Mr. Speaker, that we must take a balanced approach that increases the transparency of higher education costs and targets aid to the neediest students while controlling spending and lowering the deficit.

□ 1045

Therefore, Mr. Speaker, I will support the McKeon substitute amendment, which increases the maximum Pell Grant award by $350 next year and $100 thereafter and provides a plan for improved accountability with regard to tuition costs.

If the McKeon amendment is not adopted, I will oppose the College Cost Reduction Act, which increases a maze of Federal regulations and bureaucracy for students and parents to navigate, directs more resources to institutions of higher education rather than students, and creates new entitlement spending at the long-term expense of the American taxpayer.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, at this time I yield 4 minutes to the distinguished gentleman, a member of the Rules Committee from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. I thank my colleague from Ohio for yielding me the time.

Mr. Speaker, my home State of Massachusetts is famous for the quality of its colleges and universities. In the Third Congressional District alone, which I represent, there are 15 colleges and universities. Some of these schools specialize in the fields of medicine, nursing, pharmacy, and health sciences. Others are community and other 2-year colleges that provide education and training for students to earn associate degrees, transfer to 4-year institutions, or upgrade their skills and experience in order to become more productive in their chosen careers.

We are privileged to have such internationally recognized colleges as Clark University, Worcester Polytechnic Institute, and Holy Cross College in my district. I have many public and private institutions, such as Worcester State College and Assumption College, which provide students with a well-rounded advanced education.

These schools attract a great diversity of students to central Massachusetts each year, over 30,000 in the Worcester area alone. H.R. 2669, the College Cost Reduction Act, will help these students realize the dream of a college education without mortgaging their futures in the process.

Mr. Speaker, this bill overhauls the student aid system and provides debt relief in order to make college more affordable for students and their parents. As others have noted, it is the single largest investment in higher education since the GI Bill. And it provides these new benefits at no new cost to the taxpayer, reducing excess subsidies that have been paid by the Federal Government to lenders in the student loan industry.

But this bill also supports and protects the 90 percent of student loan lenders that are nonprofit lenders or smaller community-based lenders. H.R. 2669 recognizes their unique mission, putting all their profits back into students and into our communities.

The College Cost Reduction Act provides a fee reduction for these lenders, making them better able to compete with large national lenders and serve students and their families. The small lenders that make up the Massachusetts Educational Financing Authority, for example, provide students and families with straightforward information and advice on how to apply for and choose a college financing plan. Along with free financial aid seminars and advice, they also provide low-cost loan programs for parents and students. H.R. 2669 will allow these types of lenders to better serve the students and families of central Massachusetts by making their loans even more affordable.

Mr. Speaker, I want to thank Chairman MILLER and the members of the Education and Workforce Committee for bringing us a bill that provides such substantial increases for the Pell Grant program, initiatives to help control colleges costs, increased funding for Perkins loans, greater support for the critical Upward Bound program, and restructuring the way in which students repay their loans. If we look at the Pell Grant alone, over 87,000 Massachusetts students will benefit over the next 5 years from an estimated $357 million in additional Pell Grant funding.

Mr. Speaker, the challenge of affordable education affects not just the poor, but the middle class as well. Parents and students alike have been frustrated by the lack of action by the previous congressional leadership. I love when I hear my colleague from Washington say we all share the goal of helping struggling students be able to afford a college education. Well, students don't need our sympathy. They don't want us to feel their pain. They want us to do something. And for years they haven't done anything. Well, today we are going to do something.

Times have changed. And today we will pass a bill that will make higher education a reality for countless students and contribute greatly to a brighter economic future. We will not be able to compete in a global economy unless we have a well-educated workforce, and we need to invest in our students, and this bill does it.

I urge bipartisan support for the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I just point out to my friend from Massachusetts that, since Republicans have been in control, that Pell Grants, individually, have nearly doubled in that length of time. I think the students are being well served, and they are responsible. And I think that is a very, very good policy.

With that, Mr. Speaker, I yield 4 minutes to my friend from Minnesota, a member of the Education and Workforce Committee (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to this rule. Once again, the majority has seen fit to stifle debate when considering significant legislation.

Yesterday, I and several other members of the Education and Labor Committee presented amendments to the members of the Rules Committee with the expectation that those amendments would be seriously considered. It's now become apparent that that hearing was really just a facade; the decision had already been made to exclude those amendments.

If I had had the opportunity to offer my amendment today under a fair rule, House Members would have seen that the concept of my amendment was simple: to ensure that those most in need, college graduates that serve the public interest and college students in need of government grants, are the direct beneficiaries of Federal interest rate reductions. Instead, the majority has treated us to a show worthy of the best Las Vegas illusionist, a reconciliation process intended to reduce the growth in entitlement spending that instead creates nine new entitlement programs. That's right. The reconciliation process is designed to reduce the growth in entitlement spending to cut the Federal deficit; and, instead, this bill creates nine new entitlement programs.

While openly declaring that the underlying bill expands educational benefits for students, a little sleight of hand instead reveals legislation that fails to target aid to those students most in need.

My amendment, rejected by the Rules Committee along party lines, would have focused our limited Federal funding on those college graduates that chose a path offering less monetary reward, but serving, arguably, a much greater public purpose. My amendment achieved this goal by ensuring that those graduates who can pay their loans under a higher interest rate do so by establishing an income cap of $65,000 for single graduates and $135,000 for married couples, the income levels at which the existing student loan tax reductions are phased out.

After reaching that income level, which is almost twice the average family income of a student eligible to receive a subsidized student loan, the interest rate for a loan would have reverted to the current level of 6.8 percent. Those graduates who may not have as high an income, however, would have seen their interest rates stay at the reduced level. This includes, of course, those most in need because they chose to serve the public interest: members of the Armed Forces, first responders, nurses, teachers, and other graduates who choose careers in public service. By adding a fair, balanced income cap adjustment, we would have generated additional savings that could have been directed toward another truly deserving group, those utilizing need-based aid through the Pell Grant program.

Unfortunately, more than 400,000 students, Mr. Speaker, are fully prepared to attend a 4-year college but will be unable to do so because of enormous financial barriers. As a member of the Education and Labor Committee, it is paramount for me to prioritize the expansion of secondary education access for low- and middle-income students whenever possible. I am disappointed, but sadly, not surprised, the majority has instead chosen to rely on the same tired strategy of expanding entitlement spending for institutions to the detriment of currently college students struggling to pay their high tuition costs.

Ms. SUTTON. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman, a distinguished member of the Rules Committee from Florida (Ms. CASTOR).

Ms. CASTOR. I thank my colleague, Ms. SUTTON from Ohio, who is a true fighter for education reform for the working families of Ohio and all Americans.

Mr. Speaker, I strongly support the College Cost Reduction Act under this rule, as we are charting an historic new investment in our students and our communities.

All Americans should salute the leadership of Chairman GEORGE MILLER and Speaker NANCY PELOSI for their leadership in education and this single largest investment in higher education since the 1944 GI Bill.

Chairman MILLER, on behalf of the students, colleges and universities in the State of Florida, I thank you for your dedication. And we also thank you in the State of Florida because you worked tirelessly with me and my colleague from the Rules Committee, Mr. HASTINGS, to ensure that students from States like Florida that have low tuition and low State support have access to additional need-based aid.

Passage of this act will increase access to college by making it more affordable. The cost of higher education in this country has skyrocketed over recent years. Thousands of students are left with overwhelming debt after graduation due to higher student loan rates and declining financial aid. Some may not make it to the college classroom at all because it has become so cost prohibitive.

In Florida, the average debt after college is more than $18,000 per student. But in America, no young person with a desire to learn should be barred from moving on to college due to financial hurdles, and this act removes many of those hurdles today. The College Cost Reduction Act cuts student loan interest rates in half and increases Pell Grants by at least $500 per student over the next 5 years. In the State of Florida alone, Federal loan and Pell Grant aid will increase by $762 million that will benefit over 340,000 students. In my home area, the Tampa Bay area, we have the ninth largest university in the country in the University of South Florida, over 40,000 students in that university. In addition, there is the University of Tampa, the Hillsborough Community College, Manatee Community College and St. Petersburg College. So let the message go forth to those students and those families that help is on the way, that they will not have to struggle with those higher student loan interest rates; they can depend on a little more help when it comes to the Pell Grant.

This bill also acknowledges that some high school students need a little extra help to be college ready, particularly students who may be the first in their family to attend college. We're going to keep these students on track to go to college and stand up for them and protect Federal dollars for their success.

We owe a debt of gratitude to the gentleman from Virginia, Mr. BOBBY SCOTT, because he offered an amendment to this bill to maintain the Upward Bound program. I am proud to support his amendment which is contained in this bill that nationwide will protect the Upward Bound program.

In my hometown of Tampa, this means standing up for those students I met on Monday. I met with students at the great Middleton High School in Tampa. Jasmyn Hendricks and Clifton Tyson are students in the Upward Bound program at the University of South Florida.

Imagine a high school student that takes 20 Saturdays out of their life to learn about what it means to go to college, and then they spend their summers there, too. They are typically the first ones in their family to go to college. And we know that if they achieve their high school diploma, they will have a higher salary; but if they achieve their college degree, they are set up for success in life, and our communities benefit.

Jasmyn said to me, as her eyes welled up with tears, that before Upward Bound, I knew I wanted to pursue higher education, but there was no way. Jasmyn considers her Upward Bound program her second family. She said, There was no money. I just couldn't see a way for me to get to college after high school. Then Upward Bound comes along and introduces us to the fact there are college scholarships, grants and help.

Clifton, who is an athlete, said that he used to see sports as his only avenue to college; but since starting at Upward Bound, he now says sports is his second gateway. He wants to go to college for academics.

It was completely unfortunate that the White House targeted the Upward Bound program for budget cuts. In this day and age when we are spending so much money overseas, up to $10 billion in Iraq, they target monies for folks that need to go to college.

Mr. Speaker, the College Cost Reduction Act is a momentous and historic step in a new direction, the right direction for higher education in America. It opens the door to college to thousands of students where those doors were previously slammed shut.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the ranking member of the Education and Workforce Committee, Mr. MCKEON of California.

□ 1100

Mr. MCKEON. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule. This rule would provide for consideration of fiscally irresponsible legislation that will create nine new entitlement programs and misdirect billions of dollars in aid towards colleges, universities, college graduates and even philanthropic organizations, rather than low-income students and parents and those who need it the most.

My colleagues who were around in the last Congress may remember that when we passed a real budget reconciliation bill, the Education and Workforce Committee found some $18 billion-plus in savings, two-thirds of which we directed towards deficit reduction and one-third of which we directed towards increased student benefits, for real students, such as higher loan limits, more grant aid for low-income, high-achieving students and loan forgiveness for high-demand teachers. Unfortunately, H.R. 2669 takes us in a drastically different direction.

The rule before us provides for continued abuse of the budget reconciliation process as a backdoor way to implement significant changes to programs best addressed through regular order. Not a single committee hearing has been held on this bill. The potential impact of many of its student loan cuts has never been weighed and no one has provided adequate reasons regarding why or how many of the nine new entitlement programs created under the bill are necessary or fiscally responsible.

So, by creating a bundle of new entitlement programs, complete with new bureaucracy, rules, regulations, this bill places billions of dollars in new Federal spending on autopilot with no accountability to taxpayers whatsoever. Instead, this measure could be improved by infusing more savings into the Pell Grant program. Pell is a proven success that has helped millions of young people attend college, and I am grateful that this rule will give the House an opportunity to move billions out of new, misdirected entitlement spending and into Pell later today.

Even so, the rule allows for the continuation of a budget reconciliation process that has been flawed, abused and used as a springboard for billions in new entitlement spending. As a result, I urge my colleagues to join me in opposing the rule and the underlying bill.

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), a distinguished member of the Committee on Education and Labor.

Mr. SCOTT of Virginia. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of the College Cost Reduction Act and the rule which makes in order the manager's amendment to the bill. I would like to thank Chairman MILLER and Subcommittee Chairman HINOJOSA for their work on this bill.

We know that higher education is crucial, not only to the individual but also to our Nation. We know, for example, that the more you learn, the more you earn. We know that those who are in college are much less likely to be involved with welfare, much less likely to be involved in crime. Education is critical for our national economy. We know that the economic future of the United States depends on the success of our higher education policy.

We live in a high-tech, high-information economy, so the number of college students that we have will be an important economic resource. We can't afford to have any of our children fail to achieve full potential because they were not able to afford to go to college.

There are many improvements in the bill. The cost of education through student loans will be made more affordable. There are significant increases in Pell Grants. One of the major increases, the first in the last 4 years, $500 over the next 4 years, will be the increase in the maximum Pell Grant award. We know this is critical, because in the last 6 years, the cost of college education has gone up about 55 percent, but in the last 4 years, the Pell Grant didn't go up at all.

This bill makes significant investments in Historically Black Colleges and Universities and other minority-serving institutions. A significant portion of the students at these colleges and universities are first-generation students. We know they often come from low-income families, so support of these institutions is critical. We know that these colleges offer an opportunity that otherwise would not be there.

This bill also makes improvements in Upward Bound. It provides additional funds for Upward Bound because many qualified Upward Bound programs were not funded this year because the program just ran out of money. Upward Bound focuses on those who have the potential to go to college but may not, just because they don't think they are expected to go to college. This bill makes critical improvements in the Upward Bound program and makes sure that those qualified programs can get funded.

Mr. Speaker, the College Cost Reduction Act will reduce the cost of going to college. It will enable many to go to college that otherwise could not have afforded to go to college. Chairman MILLER's amendment makes improvements to the bill, and therefore I support the rule and support the bill and urge my colleagues to do the same.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the committee.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose this rule for a number of reasons. Yesterday I testified to the Rules Committee regarding my amendment to allow the U.S. Department of Education to continue its evaluation of the Upward Bound program. I am astonished that, because of the Rules Committee action, the full House is not given an opportunity to consider this amendment.

Let me first of all make it abundantly clear, I am a very strong supporter of the Upward Bound program. There have been some preliminary studies in the Department of Education that indicate the program may not be living up to its potential. I am not sure I believe those. But currently the Department of Education has announced a rigorous, random assignment study, that is considered the gold standard of research methodologies, to evaluate the Upward Bound program's impact on students most in need of services. I believe this is a very important study to determine exactly what works best in Upward Bound and how we can improve it.

Unfortunately, during the Education and Labor Committee's consideration of the College Cost Reduction Act, the committee adopted an amendment by voice vote to prohibit this important evaluative study of the Upward Bound program, not so much because they were against the program, but because of an ancillary aspect of it that the amendment was aimed at. My amendment would have left the ancillary program out in the dust, but would have allowed the study to go forward. As a scientist and a strong advocate for research funding, I know it is imperative that we conduct rigorous evaluations using the most sound, scientifically robust methodology to identify best practices in Federal programs, and I wish that my amendment had been made in order.

It is unfortunate that this bill does not promote good evaluation, which is critical to ensuring that taxpayer dollars are spent wisely and effectively. It also ensures that students are benefiting from proven services.

Finally, I want to express my dismay that the manager's amendment strikes the two amendments that I offered during committee consideration, which were adopted by voice vote and are noncontroversial. In particular, I am dismayed that an amendment I offered about sustainability programs at universities is removed by the manager's amendment.

I thought with Speaker PELOSI's high priority on environmental improvement and saving energy, that the new majority would accept that amendment, as they did in committee, and would let it remain in the bill so that we can wake up some of our higher educational institutions and get them to adopt sustainability programs and also establish academic programs so that future students can be educated in sustainability principles, so that we in fact as a nation can "go green" much more rapidly.

For these reasons, I will vote "no" on this unfair rule.

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN), a leader in education policy.

Mr. VAN HOLLEN. Let me thank the gentlewoman from Ohio for the time, and thank her for her leadership on education issues.

Mr. Speaker, this is a good day for students around the country, and it is a good day for all Americans, and I commend the Education and Labor Committee for their good work on this legislation.

During the first 100 hours of this new Congress when we passed legislation to cut the interest rates on student loans in half, many of us stood in the well here and said, this is just the beginning. That was an important first step to making college more affordable and giving millions of students a chance to further their educations and to brighten their futures.

We stand here today to take the next step, the largest investment in student loans since the GI Bill. We are keeping the promise that we made to the American people and American students, cutting interest rates on student loans in half and now increasing Pell Grants, raising the cap on low-interest Federal loans and making it easier for students who are being pinched by other costs to pay back the payments on their interest rates and their loans.

In addition, this bill makes it easier for young people to enter public service and serve their communities by extending loan forgiveness to law enforcement officers, first responders, librarians and nurses and giving more assistance than ever to undergraduates who commit to teaching in high-need locations or subject areas. As we make these very vital changes to give more opportunities to students, we do so in a fiscally responsible manner by cutting exorbitant fees to lenders.

Mr. Speaker, by opening the doors to college and maintaining a balanced budget, we are working to ensure the best possible future for our young people. By increasing the opportunity incentive to enter public service, we harness the ability and ambition of our best and brightest. And by helping students achieve advanced degrees, we are ensuring that the United States remains on the forefront of innovation and discovery in an increasingly competitive global economy.

Mr. Speaker, I think we would all agree, there is no better investment that we can all make than in the area of education. Students and middle America are feeling the pinch of rising costs in many areas. This helps provide them greater means to open the door of college and opportunity to more and more Americans.

I encourage my colleagues to join with all of us in taking this very important step for the students of this country and, indeed, for all America.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), another member of the Education and Workforce Committee.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule and the underlying bill, H.R. 2669, the so-called College Cost Reduction Act. Like many of my colleagues, I have serious concerns about the new mandatory spending that is included in this legislation. H.R. 2669 creates nine new entitlement programs, most of which do not attempt to address the hurdles many prospective and current college students face.

Mandatory spending entitlement programs already consume the largest portion of the Federal budget. The uncontrolled growth of entitlement programs, particularly Medicare, Medicaid and Social Security, will eventually consume the entire Federal budget by 2050 if left unchecked. That means the Federal Government would have no available funds for programs other than entitlements; no militaries, highways, courts, law enforcement or border security.

So how are we addressing this looming crisis today? Well, it seems we are addressing it by creating new entitlement programs, nine of them. The new programs created under this legislation will not undergo the annual scrutiny of the appropriations process. Regardless of the success or failure of these programs, the American taxpayer, our constituents, will continue to pay for these new programs available to anyone that meets the basic qualifications.

Another serious concern is that some of the mandatory spending in H.R. 2669 is directed towards colleges, universities and philanthropic organizations. Traditionally entitlement programs have been directed at individuals who are in need of the Federal assistance, such as Medicare, Social Security, food stamps and student loans. Directing the mandatory funding under this legislation to institutions, instead of low- and middle-income students who need the assistance most, sends the wrong message about the priorities of this Congress.

During the Education and Labor Committee markup, I supported a substitute amendment offered by Mr. McKEON that would have invested $12 billion in the Pell Grant program, more than double the increase provided by this bill. It also reduced the PLUS loan interest rates for the Federal Family Education Loan Program to match the interest rate in the Direct Loan Program, currently 7.9 percent. The funding provided under the McKeon substitute would have been directed to those who need the assistance most, the students, without creating new programs and additional bureaucracy for students and parents to navigate.

Finally, I have concerns about maintaining the viability of the FFELP. In the last Congress, the Education and Workforce Committee made $20 billion in changes to FFELP by eliminating and reducing Federal subsidies to lenders. Just 2 years later, we are back again squeezing student loan lenders. My concern is this legislation is using the reconciliation process as a backdoor attempt to kill FFELP.

Mr. Speaker, I am disappointed that I have to oppose the rule and this legislation. There are a few provisions in this legislation that I believe would help college students and address some concerns in areas of academic need.

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However, I cannot support a bill that creates new mandatory spending for institutions at a time when we are addressing the looming crisis with our existing entitlement programs for individuals. I urge my colleagues to vote against the rule and against H.R. 2669.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Utah (Mr. BISHOP) who spent a long career in education and also a member of the Education and Workforce Committee.

Mr. BISHOP of Utah. Mr. Speaker, a couple of years ago I was in the position of the gentlewoman from Ohio managing some of the rules for the bills, and often I was chagrined and offended by people who would complain about amendments not being made in order when they had been fully vetted and defeated in the committee.

I want you to know as I rise to talk about one amendment that was not made in order, this is not necessarily the case. Even though I had offered it in committee, I withdrew it in the committee in the spirit of comity to try to work towards a solution for this floor, not realizing that the Rules Committee would callously deny all amendments made in order on this bill.

Reconciliation is already a procedural process that limits the right of the minority to have input. To further restrict their rights by not recognizing any amendments, and indeed taking out amendments that were passed in the full committee, is something that certainly is not the definition of open government.

The issue I wish to address I will continue to talk about because philosophically I think it is larger than the bill we are actually discussing. The Department of Education drafted the language I presented, not to say they endorsed it, but to let you know this was not a cavalier but a serious effort at solving a problem. In fact, the amendment was passed last year by this body in the Higher Ed Reauthorization Act, but was one of the bills that the Senate refused to accept or consider during the last year.

I want to publicly thank the subcommittee chairman, Mr. KILDEE, for speaking to me about this amendment, Mr. McKEON, the ranking member, and his staff for talking to us at length about this amendment, and also the Department of Education.

To the full committee chairman I wish to apologize. Part of my process with these types of amendments is to sit down with the ranking member as well as the chairman to explain my purpose and intent. Six different times since the committee met, I have made an effort to try to meet with the chairman of the full committee and each time those efforts were rebuffed. So I apologize to him for not doing what I think should be the normal process.

The last time we did a reconciliation bill, there was a new entitlement that was inserted on the insistence of the Senate. That was the wrong process. But it did establish an increase in a new Pell Grant program which I like, and it required this Pell Grant to go to those who had a rigorous academic schedule, something else I like. But it also gave the Department of Education the right to establish criteria which would drive curricula. That is the part I cannot accept.

In the charter of the Education Department, it was forbidden for them to have this power. In Federal statutes, it is forbidden for them to have this power. State constitutions forbid it; yet this program has opened the door for future abuse.

In the committee it was asked: Shouldn't all States have common standards? To allow the Federal Government to establish those common standards gives the Federal Government power taken from parents and local school boards to drive curriculum decisions. It is almost like saying can't we be partially pregnant. No.

If the Department of Education has the ability to establish some curriculum decisions, they also have inherently the ability to establish all curriculum decisions, even though the current Department of Education is trying hard not to abuse this power by still saying there are four broad areas that qualify. They themselves have admitted that it needs to be refined. And what the future Department of Education without this same kind of approach would have simply meant that there can be abuse of the system in the future.

Most curriculums are always going to be driven, especially of electives, by a teacher. Other curriculum is driven by graduation requirements. But curriculum can also be driven by outside requirements. When the four colleges in Utah decided that students should have 2 years of foreign languages before they go to college, the enrollment in foreign language programs quadrupled. When the Federal Government can dangle out money for Pell Grants by taking specific classes, that will drive curriculum decisions, and it is philosophically wrong to give them that kind of power.

In this bill there is much good. Much of the good has already been stated in forms of hyperbole. There is also much bad.

In 2005 when this program to which I object was created, it was the wrong thing to do. This particular bill has nine different new entitlements which are also the wrong thing to do, so I am assuming this is probably about nine times as bad.

It is a poor and abusive procedure when we deny amendments on the floor and you deny amendments that were passed in committee and remove them without having the chance to address them again. So I will vote against this rule because it is an abuse of the procedure that unfairly limits the rights of the minority.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Pasco for yielding, and I congratulate him on his fine management of this rule; and I thank my friend from Ohio for her thoughtful remarks.

I have to say, as I have been listening to the debate from my friends on the other side of the aisle, they continually say this is a great day for education. But the tragic thing is that this is a horrible day for future generations. Why? Well, as the gentleman from Utah (Mr. BISHOP), the former Rules Committee member, just stated, there are nine new entitlement programs included in this measure that is designed for budget savings. Reconciliation is all about trying to rein in the reach of the government, trying to bring about a modicum of fiscal responsibility.

Yesterday up in the Rules Committee, the distinguished Chair of the committee, my friend from Martinez, California, Mr. MILLER, when asked why it is we are making these mandatory instead of discretionary, meaning we would have the opportunity to look at them again, to possibly make modifications in them, he said we have authorization bills that are done and they end up dying, so we need to make these programs mandatory.

Well, Mr. Speaker, every single Democrat and Republican regularly talks about the need to rein in the so-called mandatory spending. We spend our time around this place talking about discretionary spending, earmarks and what we expend on the discretionary level. And it is a drop in the bucket compared to the mandatory programs that are out there. As we all know, Social Security, Medicare, veterans benefits, a wide range of mandatory programs exist, and this bill that is designed to bring about a reduction in spending establishes nine new mandatory programs.

So, Mr. Speaker, it is very obvious that we need to defeat this rule and bring about a reconciliation bill that in fact will not expand the number of mandatory programs, and we have an opportunity to do that right now. When we go into this vote, Mr. HASTINGS is going to seek to defeat the previous question so we will have an opportunity to make in order the Castle amendment. A very, very respected member from Delaware, the former Governor of the State who is an expert on dealing with our Nation's education needs, offered an amendment in the Rules Committee that was unfortunately denied. That amendment simply said that as we look at these nine mandatory programs that are put into place, he goes ahead and establishes them. But instead of making them mandatory, he makes them discretionary, discretionary so that we will have an opportunity as Members of Congress to look at those issues. And the savings created go to what everyone says they want to increase, and that is the Pell Grant program.

Mr. Speaker, I am proud to regularly support the notion of our global leadership role when it comes to trade, when it comes to technology, and I recognize that it is absolutely imperative for the United States of America to have the best education system possible so that we can remain competitive globally.

I have just come back with a number of my colleagues from Indonesia, from Mongolia and other countries in Asia over the Independence Day break, and one of the things that we found is that education is a key issue in these countries. We all know that in the United States of America we seem to be falling behind, so it is imperative that we do all that we can to ensure that there is access to education for our young people. I believe that we can put into place policies that will allow us to make education more affordable and more accessible without a dramatic increase in the number of mandatory programs.

The gentleman from Utah (Mr. BISHOP) talked about his amendment that was denied totally by the Rules Committee. The only thing made in order in this bill is a manager's amendment that will actually be self-executed, not considered on the floor and debated but self-executed if this rule in fact passes, and the amendment in the nature of a substitute that is going to be offered by the ranking member of the committee, Mr. MCKEON. But other than that, all of the other amendments that were offered, Democrats and Republicans were denied an opportunity to offer any amendments.

My California colleague, Mr. BILBRAY, had a thoughtful amendment dealing with the basic pilot program as it relates to illegal immigration. All it was saying was that institutions that get Federal funding are required to comply with the basic pilot program as it relates to the hiring, potential hiring of people who are in this country illegally. That amendment is not going to be able to be debated or even considered in this measure.

Mr. EHLERS had amendments that he sought to make in order, as did Mr. KLINE. They were very thoughtful proposals. Not one of them was made in order.

Mr. Speaker, I urge my colleagues to join with Mr. HASTINGS as he moves to defeat the previous question so that we can make Mr. CASTLE's amendment in order. That will allow us to take the expansive mandatory spending and shift it to discretionary spending, and the savings that we have go to the Pell Grant program.

If we do in fact fail in our quest to defeat the previous question, I hope my colleagues will vote against this rule so we can start over and do a very good and decent reconciliation package on this.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, 19 amendments were submitted to the Rules Committee. Sadly, the Democrats only allowed one single amendment to be considered, as the ranking member pointed out. Even more concerning is that this rule provides that the Miller manager's amendment shall be considered as adopted once this resolution is adopted, if in fact it is adopted.

They have carefully chosen to self-execute this amendment which does not allow for a separate debate or clarification on the amendment, and the maneuver prohibits Members from voting specifically on the Miller manager's amendment. Members should be aware that the Miller manager's amendment reduces the amount of short-term savings to taxpayers.

In addition, if this rule is adopted, the misdirected College Cost Reduction Act can be fast-tracked through the Senate and therefore protected from filibuster.

So I am asking my colleagues to not only vote "no" on this restrictive rule, but also to vote "no" on the previous question so we can amend the rule to allow the House to consider the amendment offered by Mr. CASTLE of Delaware and provide the appropriate waivers.

As the ranking member pointed out, the Castle amendment would simply end the entitlements in this bill. I think that is a very important policy statement. Further, the savings from these entitlements would go to increase the Pell Grants by $100 in the next 2 years and $50 through 2018. So by defeating the previous question, we will give Members the ability to vote on the merits of the amendment.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, I yield myself the balance of my time.

We have heard here today why we must pass this rule and pass the College Cost Reduction Act, and I wanted to commend and thank Chairman MILLER for his tremendous leadership in getting this done.

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As I said earlier, educational opportunity is the backbone of our Nation, and our students, our families and our country have waited long enough for this to happen.

With all due respect to my colleagues on the other side who seem intent on further delay, 12 years of Republican rule provided ample opportunity to act on this issue and pass a bill, to act on amendments. The American people cannot wait any longer.

This is an issue that many of us here in Congress hear about when we return to our districts because a lot of families are worrying about how they will pay for their children's education, and today, we are going to work with them. Their government is going to work with them and not against them.

I'd like to share today on the floor a letter that I bet mirrors letters that every one of our Members receives. This is a letter that came to me from a constituent, and I will share part of it.

It says: "Is anything ever going to be done about the exorbitant cost of a college education in this country? How are the middle class supposed to save for retirement and also pay the exorbitant cost of a college education for our children?

"This country seems to be obsessed with debt, because the colleges and the high schools as well, tell you that you should expect to be in a certain amount of debt upon graduation from college. I guess if you're wealthy, it's not an issue. So the middle class are the ones that are left struggling.

"With such an importance put on having a college education to get a decent paying job in this country, how are our children supposed to be able to afford a home and car upon graduation from college when they will be so far in debt with student loans?

"As for the parents, any raises we receive go toward the continually increasing cost of medical insurance, gasoline, utilities, property taxes, et cetera. I know, in my own case, we seem to be going backwards instead of forward, and we by no means live extravagantly or beyond our means.

"I am looking forward to hearing from you."

Well, today, this constituent hears from me and hears from this Congress, and I ask all of my colleagues to join me in supporting this rule.

For my constituent and her daughter, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 531 OFFERED BY MR. HASTINGS OF WASHINGTON

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; (2) the amendment in the nature of a substitute printed in part B of the report on the Committee on Rules, if offered by the gentleman from California, Mr. MCKEON, or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; (3) the further amendment printed in section 3 of this resolution, if offered by the gentleman from Delaware, Mr. CASTLE, or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2669 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The amendment referred to in section 1 is as follows:

At the end of part A of title I of the bill add the following new section:

SEC. 105. ADDITIONAL INCREASE IN MAXIMUM FEDERAL PELL GRANTS.

(a) FUNDS FOR ADDITIONAL INCREASE.—In addition to the amounts made available to increase maximum Federal Pell Grants by section 401(a)(9)(A) of the Higher Education Act of 1965 (as amended by section 101(b) of this Act), or by any other section of this Act, there shall be available to the Secretary of Education, from funds not otherwise appropriated, the following additional amounts:

(1) $420,000,000 for each of the fiscal years 2008 and 2009; and

(2) $207,500,000 for each of the fiscal years 2010 through 2017.

(b) USE FOR ADDITIONAL MAXIMUM FEDERAL PELL GRANTS.—Amounts made available to the Secretary of Education pursuant to subsection (a) of this section shall be used to provide increases in the amounts of the maximum Federal Pell Grant for which a student shall be eligible during an award year, in addition to any increases provided by section 401(a)(9)(B) of the Higher Education Act of 1965 (as amended by section 101(b) of this

Act), or by any other section of this Act, in the following amounts:

(1) $100 for each of the award years 2008–2009 and 2009–2010; and

(2) $50 for each of the award years 2010–2011 through 2017–2018.

Page 51, line 10, strike "shall be available" and insert "are authorized to be appropriated".

Page 62, line 8, strike "shall be available" and insert "are authorized to be appropriated", and on line 12, strike "made available" and insert "authorized".

Page 78, line 17, strike "shall be available" and insert "are authorized to be appropriated".

Page 79, line 20, strike "shall be available" and insert "are authorized to be appropriated".

Page 109, line 4, strike "shall be available" and insert "are authorized to be appropriated".

Page 110, line 24, strike "shall be available" and insert "are authorized to be appropriated".

Page 129, line 18, strike "shall be available" and insert "are authorized to be appropriated".

Page 131, beginning on line 2, strike ", and there are appropriated to the Secretary, from funds not 4 otherwise appropriated,".

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SUTTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 531 (if ordered); suspending the rules and adopting House Resolution 526; and suspending the rules and passing S. 1701.

The vote was taken by electronic device, and there were—yeas 221, nays 198, not voting 12, as follows:

[Roll No. 607]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Bean
Berkley
Blumenauer
Brady (PA)
Cubin
Davis, Jo Ann
Herseth Sandlin
Higgins
Hinojosa
Porter
Towns
Young (AK)

□ 1157

Mr. PICKERING changed his vote from "yea" to "nay."

Mr. SPRATT changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 12, as follows:

[Roll No. 608]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson

Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Bean
Berkley
Blumenauer
Brady (PA)
Cubin
Davis, Jo Ann
Herseth Sandlin
Higgins
Hinojosa
Porter
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING HOME OWNERSHIP AND RESPONSIBLE LENDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 526, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and agree to the resolution, H. Res. 526.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 7, not voting 13, as follows:

[Roll No. 609]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark

Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—7

Blackburn
Deal (GA)
Flake
Foxx
Paul
Turner
Westmoreland

NOT VOTING—13

Bean
Berkley
Blumenauer
Brady (PA)
Cubin
Davis, Jo Ann
Hare
Herseth Sandlin
Higgins
Hinojosa
Porter
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1212

Mrs. BLACKBURN changed her vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HARE. Mr. Speaker, during rollcall vote No. 609 on June 11, 2007 I was unavoidably detained. Had I been present, I would have voted "yea."

TRANSITIONAL MEDICAL ASSISTANCE AND ABSTINENCE EDUCATION PROGRAM EXTENSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 1701, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the Senate bill, S. 1701.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 291, nays 126, not voting 14, as follows:

[Roll No. 610]

YEAS—291

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
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Yarmuth

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Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gohmert
Goode
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
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Lamborn
Latham
Lewis (CA)
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Linder
Lucas
Manzullo
Marchant
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McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
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Moran (VA)
Myrick
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Nunes
Paul
Pence
Peterson (PA)
Pickering
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Pryce (OH)
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Royce
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Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walberg
Wamp
Weller
Wicker
Wilson (NM)
Wilson (SC)
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NOT VOTING—14

Bean
Berkley
Blumenauer
Brady (PA)
Courtney
Cubin
Davis, Jo Ann
Green, Gene
Herseth Sandlin
Higgins
Hinojosa
Porter
Towns
Young (AK)

□ 1218

Mr. KIRK changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2669.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COLLEGE COST REDUCTION ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 531, I call up the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be referred to as the "College Cost Reduction Act of 2007".

(b) Table of Contents.—

Sec. 1. Short title; table of contents.
Sec. 2. References; effective date.

TITLE I—INVESTING IN STUDENT AID

Part A—Increasing the Purchasing Power of Pell Grants

Sec. 101. Mandatory Pell Grant Increases.
Sec. 102. Support for working students.
Sec. 103. Simplified needs test and automatic zero improvements.
Sec. 104. Definitions.

Part B—Making Student Loans More Affordable

Sec. 111. Interest rate reductions.
Sec. 112. Increases in loan limits.
Sec. 113. Reduction of lender special allowance payments.
Sec. 114. Elimination of exceptional performer status for lenders.
Sec. 115. Reduction of lender insurance percentage.
Sec. 116. Guaranty agency collection retention.
Sec. 117. Unit costs for account maintenance fees.
Sec. 118. Increased loan fees from lenders.
Sec. 119. Student loan information.

Part C—Rewarding Service in Repayment

Sec. 141. Loan forgiveness for service in areas of national need.
  "Sec. 428K. Loan forgiveness for service in areas of national need.
Sec. 142. Income contingent repayment for public sector employees.
Sec. 143. Income-based repayment.
  "Sec. 493C. Income-based repayment.
Sec. 144. Definition of economic hardship.
Sec. 145. Deferrals.
Sec. 146. Maximum repayment period.

TITLE II—REDUCING THE COST OF COLLEGE

Sec. 201. State commitment to affordable college education.
  "Sec. 132. State commitment to affordable college education.
Sec. 202. Consumer information and public accountability in higher education.
  "Sec. 131. Consumer information and public accountability in higher education.
Sec. 203. Incentives and rewards for low tuition.
  "Sec. 401B. Incentives and rewards for low tuition.
Sec. 204. Cooperative education rewards for institutions that restrain tuition increases.

"TITLE VIII—COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES

  "Sec. 801. Eligible institutions.
  "Sec. 802. Authorization of appropriations; reservations.
  "Sec. 803. Grants for cooperative education.
  "Sec. 804. Demonstration and innovation projects; training and resource centers; and research.

TITLE III—ENSURING A HIGHLY QUALIFIED TEACHER IN EVERY CLASSROOM

Part A—TEACH Grants

Sec. 301. TEACH Grants.

"SUBPART 9—TEACH GRANTS

  "Sec. 420L. Program established.
  "Sec. 420M. Eligibility; applications; selection.
  "Sec. 420N. Definitions.
  "Sec. 420O. Program period and funding.

Part B—Centers of Excellence

Sec. 311. Centers of excellence.

"Part C—Centers of Excellence

  "Sec. 231. Definitions.
  "Sec. 232. Centers of excellence.
  "Sec. 233. Appropriations.

TITLE IV—COLLEGE ACCESS CHALLENGE GRANT PROGRAM

Sec. 401. College Access Challenge grants.

SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) References.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) Effective Date.—Except as otherwise expressly provided therein, the amendments made by this Act shall be effective on October 1, 2007.

TITLE I—INVESTING IN STUDENT AID

PART A—INCREASING THE PURCHASING POWER OF PELL GRANTS

SEC. 101. MANDATORY PELL GRANT INCREASES.

(a) Extension of Authority.—Section 401(a) (20 U.S.C. 1070a(a)) is amended by striking "fiscal year 2004" and inserting "fiscal year 2013".

(b) Funding for Increases.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by adding at the end the following new paragraph:

"(9) Additional funds.—

"(A) In general.—There are authorized to be appropriated, and there are appropriated, to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts:

"(i) $420,000,000 for fiscal year 2008;

"(ii) $870,000,000 for fiscal year 2009;

"(iii) $1,330,000,000 for fiscal year 2010;

"(iv) $1,820,000,000 for fiscal year 2011;

"(v) $2,340,000,000 for fiscal year 2012;

"(vi) $2,390,000,000 for fiscal year 2013;

"(vii) $2,430,000,000 for fiscal year 2014;

"(viii) $2,470,000,000 for fiscal year 2015;

"(ix) $2,500,000,000 for fiscal year 2016; and

"(x) $2,520,000,000 for fiscal year 2017.

"(B) Increase in federal pell grants.—The amounts made available pursuant to subparagraph (A) of this paragraph shall be used to increase the amount of the maximum Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

"(i) $100 for award year 2008–2009;

"(ii) $200 for award year 2009–2010;

"(iii) $300 for award year 2010–2011;

"(iv) $400 for award year 2011–2012; and

"(v) $500 for award year 2012–2013 and each subsequent award year.

"(C) Use of fiscal year funds for award years.—The amounts made available by subparagraph (A) for any fiscal year shall be available and remain available for use under subparagraph (B) for the award year that begins in such fiscal year.".

(c) Authorized Maximums.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

"(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

"(i) $7,600 for academic year 2008–2009;

"(ii) $8,600 for academic year 2009–2010;

"(iii) $9,600 for academic year 2010–2011;.

"(iv) $10,600 for academic year 2011–2012;

"(v) $11,600 for academic year 2012–2013,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.".

(d) Tuition Sensitivity.—

(1) Amendment.—Section 401(b) (20 U.S.C. 1070a(b)) is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (9) as paragraphs (3) through (8), respectively.

(2) Effective date.—The amendments made by paragraph (1) of this subsection are effective on the date of enactment of this Act.

(e) Multiple Grants.—Paragraph (5) of section 401(b) (as redesignated by subsection (d)(2)) is amended to read as follows:

"(5) Year-round pell grants.—The Secretary is authorized, for students enrolled full time in a baccalaureate or associate's degree program of study at an eligible institution, to award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree objectives by enrolling in academic programs for 12 months rather than 9 months.".

(f) Academic Competitiveness Grants.—Section 401A (as amended by section 8003 of Public Law 109–171) is amended—

(1) in subsection (c)(3)(A)(ii), by inserting ", except as part of a secondary school program of study" before the semicolon;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection:

"(g) Determination of Academic Year.—Notwithstanding section 481(a)(2), for the purpose of determining eligibility for a grant under this section, a student shall be considered to be enrolled or accepted for enrollment in the first, second, third, or fourth academic year of a program of undergraduate education based on the student's class standing, as determined by the institution of higher education at which the student is enrolled or accepted for enrollment.".

SEC. 102. SUPPORT FOR WORKING STUDENTS.

(a) Dependent Students.—Subparagraph (D) of section 475(g)(2) (20 U.S.C. 1087oo)(g)(2)(D)) is amended to read as follows:

"(D) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—

"(i) for the 2009–2010 academic year, $3,750;

"(ii) for the 2010–2011 academic year, $4,500;

"(iii) for the 2011–2012 academic year, $5,250; and

"(iv) for the 2012–2013 academic year, $6,000;".

(b) Independent Students Without Dependents Other Than a Spouse.—Clause (iv) of section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

"(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—

"(I) for single or separated students, or married students where both are enrolled pursuant to subsection (a)(2)—

"(aa) for the 2009–2010 academic year, $6,690;

"(bb) for the 2010–2011 academic year, $7,160;

"(cc) for the 2011–2012 academic year, $7,630; and

"(dd) for the 2012–2013 academic year, $8,090; and

"(II) for married students where 1 is enrolled pursuant to subsection (a)(2)—

"(aa) for the 2009–2010 academic year, $10,720;

"(bb) for the 2010–2011 academic year, $11,470;

"(cc) for the 2011–2012 academic year, $12,220; and

"(dd) for the 2012–2013 academic year, $12,960;".

(c) UPDATED TABLES AND AMOUNTS.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) in paragraph (1)—

(A) by striking "REVISED TABLES.—For each" and inserting "REVISED TABLES.—

"(A) IN GENERAL.—For each";

(B) in subparagraph (A) (as designated by subparagraph (A)), in the third sentence—

(i) by striking "preceding sentence" and inserting "subparagraph (A)"; and

(ii) by striking "For the 2007–2008" and inserting the following:

"(B) SPECIAL RULE FOR 2007–2008 ACADEMIC YEAR.—For the 2007–2008"; and

(C) by adding at the end the following:

"(C) SPECIAL RULE FOR 2009–2010 THROUGH 2012–2013 ACADEMIC YEARS.—For the 2009–2010 academic year, and for each of the 3 succeeding academic years, the Secretary shall revise the tables in accordance with this paragraph, except that, for the table in section 477(b)(4), the Secretary shall revise such table by increasing the amounts contained in such table for the preceding academic year by 10 percent."; and

(2) in paragraph (2), by striking "shall be developed" and all that follows through the period at the end and inserting "shall be developed—

"(A) for academic year 2008–2009, by increasing each of the dollar amounts contained in such section as such section was in effect on the day before the date of enactment of the College Cost Reduction Act of 2007 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2006 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10; and

"(B) for each academic year after 2012–2013, by increasing each of the dollar amounts contained in such section for academic year 2012–2013 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2006 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10;".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2008, and the amendment made by subsection (c) shall take effect on July 1, 2008.

SEC. 103. SIMPLIFIED NEEDS TEST AND AUTOMATIC ZERO IMPROVEMENTS.

(a) SIMPLIFIED NEEDS TEST.—Section 479 (20 U.S.C. 1087ss) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)—

(i) in subclause (II), by striking "or" after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

"(III) 1 of whom is a dislocated worker; or"; and

(iv) in subclause (IV) (as redesignated by clause (ii)), by striking "12-month" and inserting "24-month"; and

(B) in subparagraph (B)(i)—

(i) in subclause (II), by striking "or" after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

"(III) 1 of whom is a dislocated worker; or"; and

(iv) in subclause (IV) (as redesignated by clause (ii)), by striking "12-month" and inserting "24-month";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking "or" after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

"(iii) 1 of whom is a dislocated worker; or"; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking "12-month" and inserting "24-month"; and

(ii) in subparagraph (B), by striking "$20,000" and inserting "$30,000"; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking "or" after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

"(iii) is a dislocated worker; or"; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking "12-month" and inserting "24-month"; and

(ii) in subparagraph (B), by striking "$20,000" and inserting "$30,000"; and

(C) in the flush matter following paragraph (2)(B), by adding at the end the following: "The Secretary shall annually adjust the income level necessary to qualify an applicant for the zero expected family contribution. The income level shall be adjusted according to increases in the Consumer Price Index, as defined in section 478(f)."; and

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively;

(B) by striking "(d) DEFINITION" and all that follows through "the term" and inserting the following:

"(d) DEFINITIONS.—In this section:

"(1) DISLOCATED WORKER.—The term 'dislocated worker' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

"(2) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term".

(b) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A(a) (20 U.S.C. 1087tt(a)) is amended in the third sentence by inserting "a family member who is a dislocated worker (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))," after "recent unemployment of a family member,".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on July 1, 2009.

SEC. 104. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a) (20 U.S.C. 1087vv(a)) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ", except that the Secretary may, by regulation, provide for the use of the previous tax year when and to the extent necessary to carry out the sense of Congress in section 133 of the College Cost Reduction Act of 2007"; and

(2) in paragraph (2)—

(A) by striking "and no portion" and inserting "no portion"; and

(B) by inserting "and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax," after "1986,".

(b) UNTAXED INCOME AND BENEFITS.—Section 480(b) (20 U.S.C. 1087vv(b)) is amended to read as follows:

"(b) UNTAXED INCOME AND BENEFITS.—

"(1) The term 'untaxed income and benefits' means—

"(A) child support received;

"(B) workman's compensation;

"(C) veteran's benefits such as death pension, dependency, and indemnity compensation, but excluding veterans' education benefits as defined in subsection (c);

"(D) interest on tax-free bonds;

"(E) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(F) cash support or any money paid on the student's behalf, except, for dependent students, funds provided by the student's parents;

"(G) untaxed portion of pensions;

"(H) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes; and

"(I) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits or benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998.

"(2) The term 'untaxed income and benefits' shall not include the amount of additional child tax credit claimed for Federal income tax purposes.".

(c) ASSETS.—Section 480(f) (20 U.S.C. 1087vv(f)) is amended—

(1) in paragraph (3), by striking "shall not be considered an asset of a student for purposes of section 475" and inserting "shall be considered an asset of the parent for purposes of section 475";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) A qualified education benefit shall be considered an asset of the student for purposes of section 476 and 477.".

(d) OTHER FINANCIAL ASSISTANCE.—Section 480(j)(2) (20 U.S.C. 1087vv(j)(2)) is amended by inserting ", or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code," after "1986".

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective on July 1, 2009.

PART B—MAKING STUDENT LOANS MORE AFFORDABLE

SEC. 111. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—

(1) Section 427A(l) (20 U.S.C. 1077a(l)) is amended by adding at the end the following new paragraph:

"(4) REDUCED RATES FOR UNDERGRADUATE SUBSIDIZED LOANS.—Notwithstanding subsection (h) and paragraph (1) of this subsection, with respect to any loan to an undergraduate student made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

"(A) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008, 6.80 percent on the unpaid principal balance of the loan.

"(B) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.12 percent on the unpaid principal balance of the loan.

"(C) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.44 percent on the unpaid principal balance of the loan.

"(D) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.76 percent on the unpaid principal balance of the loan.

"(E) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 4.08 percent on the unpaid principal balance of the loan.

"(F) For a loan for which the first disbursement is made on or after July 1, 2012 and before July 1, 2013, 3.40 percent on the unpaid principal balance of the loan.".

(2) SPECIAL ALLOWANCE CROSS REFERENCE.—Section 438(b)(2)(I)(ii)(II) (20 U.S.C. 1086(b)(2)(I)(ii)(II)) is amended by striking "section 427A(l)(1)" and inserting "section 427A(l)(1) or (l)(4)".

(b) DIRECT LOAN INTEREST RATES.—Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following new subparagraph:

"(D) REDUCED RATES FOR UNDERGRADUATE FDSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

"(i) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008, 6.80 percent on the unpaid principal balance of the loan.

"(ii) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.12 percent on the unpaid principal balance of the loan.

"(iii) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.44 percent on the unpaid principal balance of the loan.

"(iv) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.76 percent on the unpaid principal balance of the loan.

"(v) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 4.08 percent on the unpaid principal balance of the loan.

"(vi) For a loan for which the first disbursement is made on or after July 1, 2012, and before July 1, 2013, 3.40 percent on the unpaid principal balance of the loan.".

SEC. 112. INCREASES IN LOAN LIMITS.

(a) INCREASE IN THIRD AND SUBSEQUENT YEAR LIMITS.—

(1) FEDERAL INSURANCE LIMITS.—Section 425(a)(1)(A)(iii) (20 U.S.C. 1075(a)(1)(A)(iii)) is amended by striking "$5,500" and inserting "$7,500".

(2) GUARANTY LIMITS.—Section 428(b)(1)(A)(iii)(I) (20 U.S.C. 1078(b)(1)(A)(iii)(I)) is amended by striking "$5,500" and inserting "$7,500".

(b) INCREASE IN AGGREGATE LIMITS.—

(1) FEDERAL INSURANCE LIMITS.—Section 425(a)(2)(A) (20 U.S.C. 1075(a)(2)(A)(i)) is amended—

(A) in clause (i), by striking "$23,000" and inserting "$30,500"; and

(B) in clause (ii), by striking "$65,500" and inserting "$73,000".

(2) GUARANTY LIMITS.—Section 428(b)(1)(B) (20 U.S.C. 1078(b)(1)(A)(iii)(I)) is amended—

(A) in clause (i), by striking "$23,000" and inserting "$30,500"; and

(B) in clause (ii), by striking "$65,500" and inserting "$73,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective July 1, 2008.

SEC. 113. REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.

Section 438(b)(2)(I) (20 U.S.C. 1087-1(b)(2)(I)) is amended—

(1) in clause (i), by striking "clauses (ii), (iii), and (iv)" and inserting "the following clauses"; and

(2) by adding at the end the following new clause:

"(vi) REDUCTION FOR LOANS ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l), the percentage to be added under clause (i)(III) in computing the special allowance payment pursuant to this subparagraph shall be the following:

"(I) IN GENERAL AND PLUS LOANS.—1.79 percent in the case of a loan described in clause (i) or (iii) for which the first disbursement of principal is made on or after October 1, 2007.

"(II) IN SCHOOL AND GRACE PERIOD.—1.19 percent in the case of a loan described in clause (ii)(II) for which the first disbursement of principal is made on or after October 1, 2007.

"(III) CONSOLIDATION LOANS.—2.09 percent in the case of a loan described in clause (iv) for which the first disbursement of principal is made on or after October 1, 2007".

SEC. 114. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078-9).

(b) CONFORMING AMENDMENTS.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087-1(b)(5)), by striking the matter following subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007.

SEC. 115. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Subparagraph (G) of section 428(b)(1) (20 U.S.C. 1078(b)(1)(G)) is amended to read as follows:

"(G) insures 95 percent of the unpaid principal of loans insured under the program, except that—

"(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q); and

"(ii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G);".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 116. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

"(ii) an amount equal to 23 percent of such payments for use in accordance with section 422B, except that beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '23 percent'.".

SEC. 117. UNIT COSTS FOR ACCOUNT MAINTENANCE FEES.

Section 458(b) (20 U.S.C. 1087h(b)) is amended—

(1) by striking "Account" and inserting the following:

"(1) FOR FISCAL YEARS 2006 AND 2007.—For fiscal years 2006 and 2007, account"; and

(2) by adding at the end the following new paragraph:

"(2) FOR FISCAL YEAR 2008 AND SUCCEEDING FISCAL YEARS.—

"(A) UNIT COST BASIS.—For fiscal year 2008 and each succeeding fiscal year, the Secretary shall calculate the account maintenance fees payable to guaranty agencies under subsection (a)(3), on a per-loan cost basis in accordance with subparagraph (B) of this paragraph.

"(B) DETERMINATIONS.—To determine the amount that shall be paid under subsection (a)(3) per outstanding loan guaranteed by a guaranty agency for fiscal year 2008 and succeeding fiscal years, the Secretary shall—

"(i) establish the per-loan cost basis amount by—

"(I) dividing the total amount of account maintenance fees paid under subsection (a)(3) in fiscal year 2006, by

"(II) the number of loans under part B that were outstanding in that fiscal year; and

"(ii) determine on October 1 of fiscal year 2008 and each subsequent fiscal year, and pay to each guaranty agency, an amount equal to the product of the number of loans under part B that are outstanding on October 1 of that fiscal year and insured by that guaranty agency multiplied by—

"(I) the amount determined under clause (i); increased by

"(II) a percentage equal to the percentage increase in the GDP price index (as determined by the Bureau of Labor Statistics of the Department of Labor) between the calendar quarter ending on June 30, 2006, and the calendar quarter ending on the June 30 preceding such October 1 of such fiscal year.".

SEC. 118. INCREASED LOAN FEES FROM LENDERS.

Paragraph (2) of section 438(d) (20 U.S.C. 1087-1(d)(2)) is amended to read as follows:

"(2) AMOUNT OF LOAN FEES.—

"(A) AMOUNT.—The amount of the loan fee which shall be deducted under paragraph (1), but which may not be collected from the borrower, shall be equal to—

"(i) except as provided in clauses (ii) and (iii), 0.50 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 1993;

"(ii) 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007, that is held by any holder other than a holder designated by the Secretary as a small lender under subparagraph (B); and

"(iii) 0.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007, that is held by any holder that, together with its affiliated holders, is designated by the Secretary as a small lender under subparagraph (B).

"(B) DESIGNATION OF SMALL LENDERS.—In determining which holders of eligible loans qualify as small lenders for purposes of subparagraph (A)(iii), the Secretary shall, using the most recently available data with respect to the total principal amount of eligible loans held by holders—

"(i) rank all holders (combined with their affiliated holders) of eligible loans in descending order by total principal amount of eligible loans held;

"(ii) calculate the total principal amount of eligible loans held by all holders; and

"(iii) identify the subset of consecutively ranked holders under clause (i), starting with the lowest ranked holder, that together hold a total principal amount of such loans equal to 15 percent of the total amount calculated under clause (ii), but excluding the holder, if any, whose holdings when added cause the total holdings of the subset to equal but not exceed such 15 percent of such total amount calculated; and

"(iv) designate as small lenders any holder identified as a member of the subset under clause (iii).".

SEC. 119. STUDENT LOAN INFORMATION.

Section 428(k) (20 U.S.C. 1078(k)) is amended by adding at the end the following new paragraph:

"(4) STUDENT LOAN INFORMATION.—

"(A) Notwithstanding any other provision of law or regulation, a lender, secondary market, holder, or guaranty agency shall provide, free of charge and in a timely and effective manner, any student loan information maintained by that entity that is requested by an institution of higher education and any third-party servicer (as defined in section 481(c)) working on behalf of that institution to prevent student loan defaults.

"(B) An institution and any third-party servicer obtaining access to information under subparagraph (A) shall safeguard that information in order to prevent potential abuses of that information, including identity theft.

"(C) Any third party servicer that obtains information under this subparagraph shall only use the information in a manner directly related to the default prevention work the servicer is performing on behalf of the institution of higher education.

"(D) Any third party servicer that obtains information under this subparagraph shall be subject to any regulations established by the Secretary pursuant to section 432 concerning the misuse of such information, including any penalties for such misuse.".

PART C—REWARDING SERVICE IN REPAYMENT

SEC. 141. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

"SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

"(a) PROGRAM AUTHORIZED.—

"(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c), for any new borrower after the date of enactment of the College Cost Reduction Act of 2007, who—

"(A) has been employed full-time for at least 5 consecutive complete school, academic, or calendar years, as appropriate, in an area of national need described in subsection (b); and

"(B) is not in default on a loan for which the borrower seeks forgiveness.

"(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

"(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part; and

"(B) to cancel a qualified loan amount for a loan made under part D of this title.

"(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full time as any of the following:

"(1) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or eligible early childhood education program in a low-income community, and who is involved directly in the care, development, and education of infants, toddlers, or young children through age 5.

"(2) NURSES.—An individual who is employed—

"(A) as a nurse in a clinical setting; or

"(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(3) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

"(A) in an elementary or secondary school as a teacher of a critical foreign language; or

"(B) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

"(4) LIBRARIANS.—An individual who is employed as a librarian in—

"(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

"(B) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

"(5) HIGHLY QUALIFIED TEACHERS: BILINGUAL EDUCATION AND LOW-INCOME COMMUNITIES.—An individual who—

"(A) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(B)(i) is employed as a full-time teacher of bilingual education; or

"(ii) is employed as a teacher for service in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

"(6) CHILD WELFARE WORKERS.—An individual who—

"(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

"(B) is employed in public or private child welfare services.

"(7) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

"(8) NATIONAL SERVICE.—An individual who is engaged as a participant in project under the National and Community Service Act of 1990 (as such terms are defined in section 101 of such Act (42 U.S.C. 12511)).

"(9) PUBLIC SECTOR EMPLOYEES.—An individual who is employed in government, public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health, or public interest legal services (including prosecution or public defense).

"(c) QUALIFIED LOAN AMOUNT.—The Secretary shall forgive not more than $5,000 in the aggregate of the student loan obligation of a borrower that is outstanding after the completion of the fifth consecutive school, academic, or calendar year of employment, as appropriate, described in subsection (a)(1).

"(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.

"(e) SEGAL AMERICORPS EDUCATION AWARD RECIPIENTS.—A student borrower who qualifies for the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall not receive under this section more than the difference between the maximum benefit available under this section and the maximum award available under such subtitle.

"(f) NATIONAL SERVICE AWARD RECIPIENTS.—A student borrower who receives the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall not receive under this section more than the difference between the maximum benefit available under this section and the award received under such subtitle.

"(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

"(h) DEFINITIONS.—In this section:

"(1) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

“(2) EARLY CHILDHOOD EDUCATOR.—The term ‘early childhood educator’ means an early childhood educator who works directly with children in an eligible preschool program or eligible early childhood education program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

“(3) ELIGIBLE PRESCHOOL PROGRAM.—The term ‘eligible preschool program’ means a program that provides for the care, development, and education of infants, toddlers, or young children through age 5, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

“(A) a public or private school that may be supported, sponsored, supervised, or administered by a local educational agency;

“(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

“(C) a nonprofit or community based organization; or

“(D) a child care program, including a home.

“(4) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term ‘eligible early childhood education program’ means—

“(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—

“(i) is licensed or regulated by the State; and

“(ii) serves 2 or more unrelated children who are not old enough to attend kindergarten;

“(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

“(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

“(5) LOW-INCOME COMMUNITY.—In this subsection, the term ‘low-income community’ means a community in which 70 percent of households earn less than 85 percent of the State median household income.

“(6) NURSE.—The term ‘nurse’ means a nurse who meets all of the following:

“(A) The nurse graduated from—

“(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

“(ii) a nursing center; or

“(iii) an academic health center that provides nurse training.

“(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

“(C) The nurse holds one or more of the following:

“(i) A graduate degree in nursing, or an equivalent degree.

“(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

“(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

“(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

“(7) SPEECH-LANGUAGE PATHOLOGIST.—The term ‘speech-language pathologist’ means a speech-language pathologist who meets all of the following:

“(A) the speech-language pathologist has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

“(B) the speech-language pathologist meets or exceeds the qualifications as defined in section 1861(ll) of the Social Security Act (42 U.S.C. 1395x).

“(i) PROGRAM FUNDING.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, such sums as may be necessary to provide loan forgiveness in accordance with this section to each eligible individual.”.

SEC. 142. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

“(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

“(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part or section 428C(b)(5) for a borrower—

“(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

“(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

“(B) PUBLIC SECTOR JOB.—In this paragraph, the term ‘public sector job’ means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), social work in a public child or family service agency, or public interest legal services (including prosecution or public defense).

“(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.”.

SEC. 143. INCOME-BASED REPAYMENT.

(a) AMENDMENT.—Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following:

“SEC. 493C. INCOME-BASED REPAYMENT.

“(a) DEFINITIONS.—In this section:

“(1) EXCEPTED PLUS LOAN.—The term ‘excepted PLUS loan’ means a loan under section 428B, or a Federal Direct PLUS Loan, that is made, insured, or guaranteed on behalf of a dependent student.

“(2) PARTIAL FINANCIAL HARDSHIP.—The term ‘partial financial hardship’ means the amount by which—

“(A) the annual amount due on the total amount of loans made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) to a borrower as calculated under the standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A); exceeds

“(B) 15 percent of the result obtained by calculating the amount by which—

“(i) the borrower’s, and the borrower’s spouse’s (if applicable), adjusted gross income; exceeds

“(ii) 150 percent of the poverty line applicable to the borrower’s family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

“(b) INCOME-BASED REPAYMENT PROGRAM AUTHORIZED.—Notwithstanding any other provision of this Act, the Secretary shall carry out a program under which—

“(1) a borrower of any loan made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) who has a partial financial hardship may elect, during any period the borrower has the partial financial hardship, to have the borrower’s aggregate monthly payment for all such loans not exceed the result described in subsection (a)(2)(B) divided by 12;

“(2) the holder of such a loan shall apply the borrower’s monthly payment under this subsection first toward interest due on the loan and then toward the principal of the loan;

“(3) any interest due and not paid under paragraph (2) shall be capitalized;

“(4) any principal due and not paid under paragraph (2) shall be deferred;

“(5) the amount of time the borrower makes monthly payments under paragraph (1) may exceed 10 years;

“(6) if the borrower no longer has a partial financial hardship or no longer wishes to continue the election under this subsection, then—

“(A) the maximum monthly payment required to be paid for all loans made to the borrower under part B or D (other than an excepted PLUS loan) shall not exceed the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection; and

“(B) the amount of time the borrower is permitted to repay such loans may exceed 10 years;

“(7) the Secretary shall repay or cancel any outstanding balance of principal and interest due on all loans made under part B or D (other than a loan under section 428B or a Federal Direct PLUS Loan) to a borrower who—

“(A) is in deferment due to an economic hardship described in section 435(o) for a period of time prescribed by the Secretary, not to exceed 20 years; or

“(B)(i) makes the election under this subsection; and

“(ii) for a period of time prescribed by the Secretary, not to exceed 20 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 or more of the following requirements:

“(I) Has made reduced monthly payments under paragraph (1).

“(II) Has made monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection.

“(III) Has made payments under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

“(IV) Has made payments under an income contingent repayment plan under section 455(d)(1)(D); and

“(8) a borrower who is repaying a loan made under this part pursuant to income-based repayment may elect, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.”.

(b) CONFORMING ICR AMENDMENT.—Section 455(d)(1)(D) (20 U.S.C. 1087e(d)(1)(D)) is amended by inserting “made on behalf of a dependent student” after “PLUS loan”.

SEC. 144. DEFINITION OF ECONOMIC HARDSHIP.

Section 435(o) (20 U.S.C. 1085(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii), by striking “100 percent of the poverty line for a family of 2" and inserting "150 percent of the poverty line applicable to the borrower's family size";

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2), by striking "(1)(C)" and inserting "(1)(B)".

SEC. 145. DEFERRALS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking "not in excess of 3 years".

(b) Interest Subsidies.—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking "not in excess of 3 years".

(c) Direct Loans.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking "not in excess of 3 years".

(d) Perkins.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking "not in excess of 3 years".

SEC. 146. MAXIMUM REPAYMENT PERIOD.

(a) In General.—Section 455(e) (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

"(9) Maximum repayment period.—In calculating the extended period of time for which an income contingent repayment plan under this subsection may be in effect for a borrower, the Secretary shall include all time periods during which a borrower of loans under part B, part D, or part E—

"(A) is not in default on any loan that is included in the income contingent repayment plan; and

"(B)(i) is in deferment due to an economic hardship described in section 435(o);

"(ii) makes monthly payments under paragraph (1) or (6) of section 493C(b); or

"(iii) makes payments under a standard repayment plan described in section 428(b)(9)(A)(i) or subsection (d)(1)(A).".

(b) Technical Correction.—Section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)) is amended by striking "428(b)(9)(A)(v)" and inserting "428(b)(9)(A)(iv)".

TITLE II—REDUCING THE COST OF COLLEGE

SEC. 201. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

Title I is amended by inserting after section 131 (20 U.S.C. 1015) the following new section:

"SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

"(a) Maintenance of Effort Required.—No State shall reduce the total amount provided by the State for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, to an amount which is less than the average amount provided by such State to such institutions of higher education during the 5 most recent preceeding academic years for which satisfactory data is available.

"(b) Withholding of All LEAP Funds for Violations.—Notwithstanding any other provision of law, the Secretary of Education shall withhold from any State that violates subsection (a) any amount that would otherwise be available to the State under the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV until such State has corrected such violation.".

SEC. 202. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

Section 131 of the Higher Education Act of 1965 (20 U.S.C. 1015) is amended to read as follows:

"SEC. 131. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

"(a) College Opportunity On-Line (COOL) Website Re-Design Process.—In carrying out this section, the Commissioner of Education Statistics—

"(1) shall identify the data elements that are of greatest importance to prospective students, enrolled students, and their families, paying particular attention to low-income, non-traditional student populations, and first-generation college students;

"(2) shall convene a group of individuals with expertise in the collection and reporting of data related to institutions of higher education, the use of consumer data, and consumer marketing in general to—

"(A) determine the relevance of particular data elements to prospective students, enrolled students, and families;

"(B) assess the cost-effectiveness of various ways in which institutions of higher education might produce relevant data;

"(C) determine the general comparability of the data across institutions of higher education;

"(D) make recommendations regarding the inclusion of specific data items and the most effective and least burdensome methods of collecting and reporting useful data from institutions of higher education; and

"(3) shall ensure that the redesigned COOL website—

"(A) uses, to the extent practicable, data elements currently provided by institutions of higher education to the Secretary;

"(B) includes clear and uniform information determined to be relevant to prospective students, enrolled students, and families;

"(C) provides comparable information, by ensuring that data are based on accepted criteria and common definitions;

"(D) includes a sorting function that permits users to customize their search for and comparison of institutions of higher education based on the information identified through the process as prescribed in paragraph (1) as being of greatest relevance to choosing an institution of higher education.

"(b) Data Collection.—

"(1) Data system.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this section and to continue to improve the usefulness and timeliness of data collected by such systems in order to inform consumers about institutions of higher education.

"(2) College consumer profile.—The Secretary shall continue to publish on the COOL website, for each academic year and in accordance with standard definitions developed by the Commissioner of Education Statistics (including definitions developed under section 131(a)(3)(A) as in effect on the day before the date of enactment of the College Cost Reduction Act of 2007), from at least all institutions of higher education participating in programs under title IV the following information:

"(A) The tuition and fees charged for a first-time, full-time, full-year undergraduate student.

"(B) The room and board charges for a first-time, full-time, full-year undergraduate student.

"(C) The price of attendance for a first-time, full-time, full-year undergraduate student, consistent with the provisions of section 472.

"(D) The average amount of financial assistance received by a first-year, full-time, full-year undergraduate student, including—

"(i) each type of assistance or benefits described in 428(a)(2)(C)(ii);

"(ii) institutional and other assistance; and

"(iii) Federal loans under parts B, D, and E of title IV.

"(E) The number of first-time, full-time, full-year undergraduate students receiving financial assistance described in each clause of subparagraph (D).

"(F) The institutional instructional expenditure per full-time equivalent student.

"(G) Student enrollment information, including information on the number and percentage of full-time and part-time students, the number and percentage of resident and non-resident students.

"(H) Faculty-to-student ratios.

"(I) Faculty information, including the total number of faculty and the percentage of faculty who are full-time employees of the institution and the percentage who are part-time.

"(J) Completion and graduation rates of undergraduate students, identifying whether the completion or graduation rates are from a 2-year or 4-year program of instruction and, in the case of a 2-year program of instruction, the percentage of students who transfer to 4-year institutions prior or subsequent to completion or graduation.

"(K) A link to the institution of higher education with information of interest to students including mission, accreditation, student services (including services for students with disabilities), transfer of credit policies, any articulation agreements entered into by the institution, and, if appropriate, placement rates and other measures of success in preparing students for entry into or advancement in the workforce.

"(L) The college affordability information elements specified in subsection (c).

"(M) Any additional information that the Secretary may require.

"(c) College Affordability Information Elements.—The college affordability information elements required by subsection (b)(2)(L) shall include, for each institution submitting data—

"(1) the sticker price of the institution for the 3 most recent academic years;

"(2) the net tuition price of the institution for the 3 most recent academic years;

"(3) the percentage change in both the sticker price and the net tuition price over the 3-year time period that is being reported;

"(4) the percentage change in the CPI over the same 3-year time period; and

"(5) whether the institution has been placed on affordability alert status as required by subsection (d)(3).

"(d) Outcomes and Actions.—

"(1) Response from institution.—Effective on June 30, 2008, an institution that increases its sticker price at a percentage rate for any 3-year interval ending on or after that date that exceeds two times the rate of change in the CPI over the same time period shall provide a report to the Secretary, in such a form, at such time, and containing such information as the Secretary may require. Such report shall be published by the Secretary on the COOL website, and shall include—

"(A) a description of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students; and

"(B) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

"(2) QUALITY-EFFICIENCY TASK FORCES.—

"(A) REQUIRED.—Each institution subject to paragraph (1) that has a percentage change in its sticker price that is in the highest 5 percent of all institutions subject to paragraph (1) shall establish a quality-efficiency task force to review the operations of such institution.

"(B) MEMBERSHIP.—Such task force shall include administrators, business and civic leaders, and faculty, and may include students, trustees, parents of students, and alumni of such institution.

"(C) FUNCTIONS.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the class of institutions. Such analysis should identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas should then be targeted for in-depth analysis for cost reduction opportunities.

"(D) REPORT.—Not later than one year after a quality-efficiency task force is established pursuant to subparagraph (A), the results of the analysis by a such task force shall be submitted to the Secretary and shall be made available to the public on the COOL website.

"(3) CONSEQUENCES FOR 2-YEAR CONTINUATION OF FAILURE.—If the Secretary determines that an institution that is subject to paragraph (1)) has failed to reduce the subsequent increase in sticker price to equal to or below two times the rate of change in the CPI for 2 consecutive academic years subsequent to the 3-year interval used under paragraph (1), the Secretary shall place the institution on affordability alert status.

"(4) EXEMPTIONS.—Notwithstanding paragraph (3), an institution shall not be placed on affordability alert status if, for any 3-year interval for which sticker prices are computed under paragraph (1)—

"(A) with respect to the class of institutions described in paragraph (6) to which the institution belongs, the sticker price of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 3-year interval; or

"(B) the institution has a percentage change in its sticker price computed under paragraph (1) that exceeds two times the rate of change in the CPI over the same time period, but the dollar amount of the sticker price increase is less than $500.

"(5) INFORMATION TO STATE AGENCIES.—Any institution that reports under paragraph (1)(B) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the Secretary with that institution to such agency, instrumentality, or entity.

"(6) CLASSES OF INSTITUTIONS.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

"(7) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

"(e) INFORMATION TO THE PUBLIC.—The Secretary shall work with public and private entities to promote broad public awareness, particularly among middle and high school students and their families, of the information made available under this section, including by distribution to students who participate in or receive benefits from means-tested federally funded education programs and other Federal programs determined by the Secretary.

"(f) FINES.—In addition to actions authorized in section 487(c), the Secretary may impose a fine in an amount not to exceed $25,000 on an institution of higher education for failing to provide the information required by this section in a timely and accurate manner, or for failing to otherwise cooperate with the National Center for Education Statistics regarding efforts to obtain data under subsections (c) and (i) and pursuant to the program participation agreement entered into under section 487.

"(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) DEFINITIONS.—For the purposes of this section:

"(1) NET TUITION PRICE.—The term 'net tuition price' means the average tuition and fees charged to a first-time, full-time, full-year undergraduate student, minus the average grants provided to such students, for any academic year.

"(2) STICKER PRICE.—The term 'sticker price' means the average tuition and fees charged to a first-time, full-time, full-year undergraduate student by an institution of higher education for any academic year.

"(3) CPI.—The term 'CPI' means the Consumer Price Index-All Urban Consumers (Current Series).".

SEC. 205. INCENTIVES AND REWARDS FOR LOW TUITION.

Subpart 1 of part A of title IV is amended by inserting after section 401A (20 U.S.C. 1070a–1) the following new section:

"SEC. 401B. INCENTIVES AND REWARDS FOR LOW TUITION.

"(a) REWARDS FOR LOW TUITION.—For any institution of higher education that, for academic year 2008–2009 or any succeeding academic year, such institution's annual net tuition price increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available is equal to or less than the percentage change in the higher education price index for such academic year, the Secretary shall, notwithstanding any other provision of the law, provide such institution an amount sufficient to provide a 25 percent increase under subpart 1 of part A of title IV to each Pell Grant recipient attending such institution for the next award year beginning after the date of such determination. Each such institution shall distribute any amounts received under this subsection among such Pell Grant recipients by increasing the amount of their Pell Grant awards by 25 percent.

"(b) REWARDS FOR GUARANTEED TUITION.—

"(1) BONUS.—For each institution of higher education that the Secretary of Education determines complies with the requirements of paragraph (2) or paragraph (3) of this subsection, the Secretary shall, notwithstanding any other provision of the law, provide such institution an amount sufficient to provide a 10 percent increase under subpart 1 of part A of title IV to each Pell Grant recipient attending such institution for the next award year beginning after the date of such determination. Each such institution shall distribute any amounts received under this subsection among such Pell Grant recipients by increasing the amount of their Pell Grant awards by 10 percent.

"(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition price charged to an undergraduate student will not exceed—

"(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

"(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

"(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition price charged to an undergraduate student will not exceed—

"(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

"(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

"(c) MAINTAINING AFFORDABLE TUITION.—For any institution of higher education whose increase in the annual net tuition price (expressed as a percentage), for the most recent academic year for which satisfactory data is available, is greater than the percentage increase in the higher education price index for such academic year, the Secretary shall require such institution to submit to the Secretary the following information, within 6 months of such determination:

"(1) a detailed report on the exact causes for the net tuition price increase that outlines revenues and expenditures; and

"(2) cost containment strategies to lower net tuition prices.

"(d) DEFINITIONS.—

"(1) NET TUITION PRICE.—The term 'net tuition price' has the same meaning as provided in section 131(k).

"(2) HIGHER EDUCATION PRICE INDEX.—The term 'higher education price index' means a statistical measure of change over time in the prices of a fixed market basket of goods and services purchased by colleges and universities through current fund educational and general expenditures (excluding expenditures for research), as developed by the Bureau of Labor Statistics.

"(e) FUNDING.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $15,000,000 for each of the fiscal years 2008 through 2012.

"(f) SUNSET.—The authority to carry out this section shall expire at the end of fiscal year 2012.".

SEC. 204. COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES.

The Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended by adding at the end the following title:

"TITLE VIII—COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES

"SEC. 801. ELIGIBLE INSTITUTIONS.

"(a) ELIGIBLE INSTITUTIONS.—An institution of higher education shall be eligible to apply for a grant under this title if such institution, and a combination of such institutions shall be eligible to apply for such a grant if each institution in such combination—

"(1) for the academic year for which the institution is applying, keeps such institution's annual net tuition price increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available equal to or less than the percentage change in the higher education price index for such year; and

"(2) for such academic year, provides the guarantee required by paragraph (2) or (3) of section 401A(b).

"(b) DEFINITIONS.—

"(1) COOPERATIVE EDUCATION.—For the purpose of this title the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment in order to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

"(2) CALCULATION OF INDEX.—The net tuition price index shall be equal to the percentage increase in the net tuition price charged for a first-time, full-time, full-year undergraduate student between a preceding academic year and the most recent academic year for which satisfactory data are available.

"(3) NET TUITION PRICE.—The term 'net tuition price' means the average tuition and fees charged to first-time, full-year, full-time undergraduate students, minus the average grants provided to such students, for any academic year.

"(4) TUITION.—The term 'tuition' means the average price of or payment for actual instruction of first-time, full-year, full-time undergraduate students at an institution of higher education, for any academic year.

"SEC. 802. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

"(a) APPROPRIATIONS.—There shall be available to the Secretary to carry out this title from funds not otherwise appropriated $15,000,000 for each of the fiscal years 2008 through 2012.

"(b) RESERVATIONS.—Of the amount appropriated for each such fiscal year—

"(1) not less than 50 percent shall be available for carrying out grants to institutions of higher education and combinations of such institutions described in section 803(a)(1)(A) for cooperative education under section 803;

"(2) not less than 25 percent shall be available for carrying out grants to institutions of higher education described in section 803(a)(1)(B) for cooperative education under section 803;

"(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 804(a);

"(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 804(a); and

"(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 804(a).

"(c) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this title shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this title.

"(d) SUNSET.—The authority to carry out this title shall expire at the end of fiscal year 2012.

"SEC. 803. GRANTS FOR COOPERATIVE EDUCATION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized—

"(A) from the amount available under section 802(b)(1) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education or combinations of such institutions that have not received a grant under this paragraph in the 10-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions; and

"(B) from the amount available under section 802(b)(2) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

"(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

"(3) AMOUNT OF GRANTS.—

"(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or combination of such institutions in any fiscal year shall not exceed $500,000.

"(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount which bears the same ratio to the amount reserved pursuant to section 802(b)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year (other than cooperative education jobs under section 804 and as determined by the Secretary) by such institution of higher education bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

"(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

"(iii) The minimum annual grant amount which an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.

"(4) LIMITATION.—The Secretary shall not award grants pursuant to paragraphs (1)(A) and (1)(B) to the same institution of higher education or combination of such institution in any one fiscal year.

"(5) USES.—Grants under paragraph (1)(B) shall be used exclusively—

"(A) to expand the quality and participation of a cooperative education program;

"(B) for outreach in new curricular areas; and

"(C) for outreach to potential participants including underrepresented and nontraditional populations.

"(b) APPLICATIONS.—Each institution of higher education or combination of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

"(1) set forth the program or activities for which a grant is authorized under this section;

"(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant and the compensation to be paid for such performance;

"(3) provide that the applicant will expend during such fiscal year for the purpose of such program or activities not less than the amount expended for such purpose during the previous fiscal year;

"(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment which assures, that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1) at a level which is not less than the total amount expended for such program during the first year such program was assisted under this section;

"(5) provide that, in the case of an institution of higher education that provides a 2-year program which is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and who carry at least one-half the normal full-time academic workload;

"(6) provide that the applicant will—

"(A) for each fiscal year for which the applicant receives a grant, make such reports with respect to the impact of the cooperative education program in the previous fiscal year as may be essential to ensure that the applicant is complying with the provisions of this section, including—

"(i) the number of unduplicated student applicants in the cooperative education program;

"(ii) the number of unduplicated students placed in cooperative education jobs;

"(iii) the number of employers who have hired cooperative education students;

"(iv) the average income for students derived from working in cooperative education jobs; and

"(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

"(B) keep such records as are essential to ensure that the applicant is complying with the provisions of this title, including the notation of cooperative education employment on the student's transcript;

"(7) describe the extent to which programs in the academic discipline for which the application is made have had a favorable reception by public and private sector employers;

"(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

"(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

"(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title;

"(11) demonstrate a commitment to serving all underserved populations; and

"(12) include such other information as is essential to carry out the provisions of this title.

"(c) DURATION OF GRANTS; FEDERAL SHARE.—

"(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a combination of such institutions—

"(A) a grant pursuant to subsection (a)(1)(A) for more than 5 fiscal years; or

"(B) a grant pursuant to subsection (a)(1)(B) for more than 5 fiscal years.

"(2) FEDERAL SHARE.—The Federal share of a grant under section 803(a)(1)(A) may not exceed—

"(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

"(B) 70 percent of such cost in the second such year;

"(C) 55 percent of such cost in the third such year;

"(D) 40 percent of such cost in the fourth such year; and

"(E) 25 percent of such cost in the fifth such year.

"(3) SPECIAL RULE.—Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.

"(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

"SEC. 804. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.

"(a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts for—

"(1) the conduct of demonstration projects designed to demonstrate or determine the feasibility or value of innovative methods of cooperative education from the amounts available in each fiscal year under section 802(b)(3);

"(2) the conduct of training and resource centers designed to—

"(A) train personnel in the field of cooperative education;

"(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

"(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

"(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need;

"(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to (i) assist the institutions other than the comprehensive cooperative education institution to develop and expand an existing program of cooperative education, or (ii) establish and improve or expand comprehensive cooperative education programs; and

"(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields

from the amounts available in each fiscal year under section 802(b)(4); and

"(3) the conduct of research relating to cooperative education, from the amounts available in each fiscal year under section 802(b)(5).

"(b) ADMINISTRATIVE PROVISION.—

"(1) IN GENERAL.—To carry out this section, the Secretary may—

"(A) make grants to or contracts with institutions of higher education, or combinations of such institutions; and

"(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

"(2) LIMITATION.—

"(A) The Secretary may not use more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

"(B) The Secretary may use not more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

"(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only so as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.".

TITLE III—ENSURING A HIGHLY QUALIFIED TEACHER IN EVERY CLASSROOM

PART A—TEACH GRANTS

SEC. 301. TEACH GRANTS.

Part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following new subpart:

"Subpart 9—TEACH Grants

"SEC. 420L. PROGRAM ESTABLISHED.

"(a) PROGRAM AUTHORITY.—

"(1) PAYMENTS REQUIRED.—The Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 420M, and who qualifies—

"(A) under paragraph (2) of section 420M(a), a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at the institution; and

"(B) under paragraphs (2) and (3) of section 420M(a), a Bonus TEACH Grant in the amount of $500 (in addition to the amount of the TEACH Grant under subparagraph (A)) for each academic year during which that student so qualifies.

"(2) REFERENCE.—Grants made under—

"(A) paragraph (1)(A) shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'; and

"(B) paragraph (1)(B) shall be known as Bonus TEACH Grants.

"(b) PAYMENT METHODOLOGY.—

"(1) PREPAYMENT.—Not less than 85 percent of any funds provided to an institution under subsection (a) shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

"(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1).

"(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this subpart shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this subpart. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally-owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

"(c) REDUCTIONS IN AMOUNT.—

"(1) PART-TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of a grant under this subpart for which that student is eligible shall be reduced in proportion to the degree to which that student is not attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purposes of this subpart, computed in accordance with this subpart. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482 of this Act.

"(2) NO EXCEEDING COST.—The amount of a grant awarded under this subpart, in combination with Federal assistance and other student assistance, shall not exceed the cost of attendance (as defined in section 472) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant or a Bonus TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant or Bonus TEACH Grant, respectively, shall be reduced until such grant does not exceed the cost of attendance at such institution.

"(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

"(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive grants under this subpart shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance except that—

"(A) any period during which the student is enrolled in a noncredit or remedial course of study as defined in paragraph (3) shall not be counted for the purpose of this paragraph; and

"(B) the total amount that a student may receive under this subpart for undergraduate study shall not exceed $16,000 with respect to a student who receives only TEACH Grants, and $18,000 with respect to a student who receives TEACH Grants and Bonus TEACH Grants.

"(2) GRADUATE STUDENTS.—The period during which a graduate student may receive grants under this subpart shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this subpart for graduate study shall not exceed $8,000 with respect to a student who receives only TEACH Grants, and $10,000 with respect to a student who receives TEACH Grants and Bonus TEACH Grants.

"(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language acquisition) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 420M. ELIGIBILITY; APPLICATIONS; SELECTION.

"(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

"(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for grants under this subpart. Each student desiring a grant under this subpart for any year shall file an application containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

"(2) DEMONSTRATION OF TEACH GRANT ELIGIBILITY.—Each application submitted under paragraph (1) for a TEACH Grant shall contain such information as is necessary to demonstrate that—

"(A) if the applicant is an enrolled student—

"(i) the student is an eligible student for purposes of section 484;

"(ii) the student—

"(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

"(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an undergraduate or graduate school admissions test; and

"(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

"(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

"(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as math, science, special education, English language acquisition, or another high-need subject; or

"(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

"(3) DEMONSTRATION OF BONUS TEACH GRANT ELIGIBILITY.—Each application submitted under paragraph (1) for a Bonus TEACH Grant shall contain such information as is necessary to demonstrate that—

"(A) the applicant is eligible for, and has applied for, a TEACH Grant; and

"(B) the applicant is—

"(i) a student pursuing an undergraduate degree in mathematics, science, or a science-related field; and

"(ii) a student enrolled in a qualified teacher preparation program, as defined in section 420N.

"(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

"(1) the applicant will—

"(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this subpart;

"(B) teach in a school described in section 465(a)(2)(A);

"(C) with respect to an applicant for—

"(i) TEACH Grants, teach in any of the following fields: mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or another field documented as high-need by the Federal Government, State government, or local education agency and approved by the Secretary; or

"(ii) TEACH Grants and Bonus TEACH Grants, teach mathematics, science, or a science-related field;

"(D) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

"(E) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of any TEACH Grants and Bonus TEACH Grants received by such applicant will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

"(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a grant under this subpart fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of any TEACH Grants and Bonus TEACH Grants received by such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment, together with interest thereon accruing after the period of service, in accordance with terms and conditions specified by the Secretary in regulations under this subpart.

"SEC. 420N. DEFINITIONS.

"For the purposes of this subpart:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 102, except that such term does not include an institution described in subsection (a)(1)(A) of that section.

"(2) QUALIFIED TEACHER PREPARATION PROGRAM.—The term 'qualified teacher preparation program' means a program for students described in subsection (a)(2)(A) of section 420M or teachers described in subsection (a)(2)(B) of such section (referred to jointly in this paragraph as 'teacher candidates') that—

"(A) recruits and prepares teacher candidates who major in science, technology fields, engineering, or mathematics disciplines to become certified as elementary and secondary teachers in those disciplines, with the goals of improving teacher knowledge and effectiveness and increasing elementary and secondary student academic achievement;

"(B) is implemented by an institution of higher education in partnership with high-need local educational agencies;

"(C) offers a baccalaureate degree with a concurrent teacher certification to teacher candidates;

"(D) is implemented in coordination with the faculty of the education, sciences, and mathematics departments of the institution of higher education;

"(E) utilizes experienced teachers who have a demonstrated record of success in teaching underserved students to instruct teacher candidates in science, technology fields, engineering, or mathematics disciplines;

"(F) provides teacher candidates with—

"(i) support services, including mentoring by experienced teachers who have a demonstrated record of success in teaching underserved students;

"(ii) exposure to, and field experience in, the classroom within the first year of entering the qualified teacher preparation program; and

"(iii) other related support practices while the teacher candidates are participating in the program, and after such candidates graduate from the isntitution of higher education and are employed as teachers;

"(G) participates in partnerships which include the institution of higher education and local educational agencies and charter districts to provide opportunities for teacher candidate field work;

"(H) focuses on increasing the number of teachers in the science, technology fields, engineering, or mathematics disciplines; and

"(I) encourages individuals from underrepresented populations to enter into the teaching profession.

"SEC. 420O. PROGRAM PERIOD AND FUNDING.

"There shall be available to the Secretary to carry out this subpart, from funds not otherwise appropriated, such sums as may be necessary to provide TEACH Grants and Bonus TEACH Grants in accordance with this subpart to each eligible student.".

PART B—CENTERS OF EXCELLENCE

SEC. 311. CENTERS OF EXCELLENCE.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. DEFINITIONS.

"As used in this part:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

"(i) a part B institution (as defined in section 322);

"(ii) a Hispanic-serving institution (as defined in section 502);

"(iii) a Tribal College or University (as defined in section 316);

"(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

"(v) a Native Hawaiian-serving institution (as defined in section 317(b));

"(B) a consortium of institutions described in subparagraph (A); or

"(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

"(2) HIGHLY QUALIFIED.—The term 'highly qualified' when used with respect to an individual means that the individual is highly qualified as determined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

"(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs that—

"(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

"(A) teacher or principal mentoring from exemplary teachers or principals; or

"(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

"(6) Activities authorized under sections 202, 203, and 204.

"(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

"(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. APPROPRIATIONS.

"There shall be available to the Secretary, from funds not otherwise appropriated, $50,000,000 for the period beginning with fiscal year 2008 and ending with fiscal year 2012, to carry out this part beginning with academic year 2008–2009, which shall remain available until expended. The authority to carry out this part shall expire at the end of fiscal year 2012.".

TITLE IV—COLLEGE ACCESS CHALLENGE GRANT PROGRAM

SEC. 401. COLLEGE ACCESS CHALLENGE GRANTS.

(a) CHALLENGE GRANT PROGRAM ESTABLISHED.—

(1) PROGRAM ESTABLISHED.—The Secretary shall establish a program to award matching grants to philanthropic organizations to increase the number of eligible students from underserved populations who enter and complete college by providing grants to philanthropic organizations who are members of eligible consortia to carry out the activities of the consortia to achieve this purpose, including—

(A) providing need-based grants to eligible students;

(B) providing support to eligible students through school- or institution-based mentoring programs; and

(C) conducting outreach programs to encourage eligible students to pursue higher education.

(2) GRANT PERIOD; RENEWABILITY.—Grants under this section shall be awarded for one 5-year period, and may not be renewed.

(3) GRANT AMOUNTS.—

(A) IN GENERAL.—A grant awarded under this part for a given fiscal year to a philanthropic organization shall be in an amount equal to lesser of—

(i) 200 percent of the amount of charitable gifts received in the preceding fiscal year by the eligible consortia, including charitable gifts received by the individual members of the consortia; or

(ii) the maximum grant amount established by the Secretary by regulation, pursuant to subsection (f).

(B) GIFTS PROVIDED IN CASH OR IN-KIND.—For the purposes of subparagraph (A), the charitable gifts received by an eligible consortia and its members may be provided in cash or in-kind, including physical non-cash contributions of monetary value such as property, facilities, and equipment, but excluding services.

(b) USES OF GRANT.—

(1) IN GENERAL.—A philanthropic organization receiving a grant under this section shall—

(A) provide grants to eligible students; and

(B) distribute grants to members of the consortia with which the philanthropic organization is affiliated, in accordance with the plan described in subsection (c)(2)(A), to fund the activities of such consortia in accordance with the application under subsection (c).

(2) LIMITATION.—Not more than 15 percent of the funds made available annually through a grant under this section may be used for administrative purposes.

(c) APPLICATIONS.—A philanthropic organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

(1) A description of an eligible consortia that meets the requirements of subsection (d), with which the philanthropic organization is affiliated, in accordance with subsection (g).

(2) A detailed description of—

(A) the philanthropic organization's plans for distributing the matching grant funds among the members of the eligible consortia; and

(B) the eligible consortia's plans for using the matching grant funds, including how the funds will be used to provide financial aid, mentoring, and outreach programs to eligible students.

(3) A plan to ensure the viability of the eligible consortia and the work of the consortia beyond the grant period.

(4) A detailed description of the activities that carry out this section that are conducted by the eligible consortia at the time of the application, and how the matching grant funds will assist the eligible consortia with expanding and enhancing such activities.

(5) A description of the organizational structure that will be used to administer the activities carried out under the plan, including a description of the system used to track the participation of students who receive grants to degree completion.

(6) A description of the strategies that will be used to identify eligible students who are enrolled in secondary school and who may benefit from the activities of the eligible consortia.

(d) ELIGIBLE CONSORTIA.—An eligible consortia with which a philanthropic organization is affiliated for the program under this section shall—

(1) be a partnership of mulitple entities that have agreed to work together carry out this section, including—

(A) such philanthropic organization, which shall serve as the manager of the consortia;

(B) a State that demonstrates a commitment to ensuring the creation of a Statewide system to address the issues of early intervention and financial support for eligible students to enter and remain in college; and

(C) at the discretion of the philanthropic organization described in subparagraph (A), additional partners, including other nonprofit organizations, government entities (including local municipalities, school districts, cities, and counties), institutions of higher education, and other public or private programs that provide mentoring or outreach programs; and

(2) conducts activites to assist eligible students with entering and remaining in college, which include—

(A) providing need-based grants to eligible students;

(B) providing early notification to low-income students of their potential eligibility for Federal financial aid, as well as financial aid and other support available from the eligible consortia;

(C) encouraging increased eligible student participation in higher education through mentoring or outreach programs; and

(D) conducting marketing and outreach efforts that are designed to—

(i) encourage full participation of eligible students in the activities of the consortia that carry out the purposes of this section; and

(ii) provide the communities impacted by the activities of the consortia with a general knowledge about the efforts of the consortia.

(e) ANNUAL REPORT.—A philanthropic organization receiving a grant under this section shall prepare and submit an annual report to the Secretary on the activities carried out with such grant. The report shall include—

(1) each activity that was provided to eligible students over the course of the year;

(2) the cost of providing each such activity;

(3) the number and percentage of eligible students who received grants, mentoring, and outreach services; and

(4) the total amount of charitable gifts received by the eligible consortia (including its members) with which the philanthropic organization is affiliated for the fiscal year.

(f) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section. Such regulations shall include—

(1) the maximum grant amount that may be awarded to a philanthropic organization under this section;

(2) the minimum amount of chartable gifts an eligible consortia (including its members) shall receive in a fiscal year for the philanthropic organization affiliated with such consortia to be eligible for a grant under this section.

(g) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE STUDENT.—The term "eligible student" means an individual who—

(A) is a member of an underserved population;

(B) is enrolled—

(i) in a secondary school pursuing a high school diploma; or

(ii) in an institution of higher education or is planning to attend an institution of higher education; and

(C) either—

(i) is receiving, or has received, financial assistance or support services from the consortium; or

(ii) meets 2 or more of the following criteria:

(I) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

(II) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

(III) Qualifies for the State's maximum need-based undergraduate award.

(IV) Is participating in, or has participated in, a Federal, State, institutional, or community mentoring or outreach program, as recognized by the eligible consortia carrying out activities under this section.

(2) PHILANTHROPIC ORGANIZATION.—The term "philanthropic organization" means a non-profit organization—

(A) that does not receive funds under title IV of the Higher Education Act of 1965 or under the Elementary and Secondary Education Act of 1965;

(B) that is not a local educational agency or an insitution of higher education;

(C) that has a demonstrated record of dispersing grant aid to underserved populations to ensure access to, and participation in, higher education;

(D) that is affiliated with an eligible consortia (as defined in subsection (e)) to carry out this section; and

(E) the primary purpose of which is to provide financial aid and support services to students from underrepresented populations to increase the number of such students who enter and remain in college.

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and Puerto Rico.

(4) UNDERSERVED POPULATION.—The term "underserved population" means a group of individuals who traditionally have not been well represented in the general population of students who pursue and successfully complete a higher education degree.

(h) PROGRAM FUNDING.—

(1) IN GENERAL.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $300,000,000 for the period beginning with fiscal year 2008 and ending with fiscal year 2012.

(2) USE OF EXCESS FUNDS.—If, at the end of a fiscal year, the funds available for awarding grants under this section exceed the amount necessary to make such grants, then all of the excess funds shall remain available for the subsequent fiscal year, and shall be used to award grants under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) for such subsequent fiscal year.

(i) SUNSET.—The authority to carry out this section shall expire at the end of fiscal year 2012.

The SPEAKER pro tempore (Mr. CARDOZA). Pursuant to House Resolution 531, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of the House Report 110–224, is adopted and the bill, as amended, is considered as read.

The text of the bill, as amended, is as follows:

H.R. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited to as the "College Cost Reduction Act of 2007".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. References; effective date.

TITLE I—INVESTING IN STUDENT AID

PART A—INCREASING THE PURCHASING POWER OF PELL GRANTS

Sec. 101. Mandatory Pell Grant Increases.
Sec. 102. Support for working students.
Sec. 103. Simplified needs test and automatic zero improvements.
Sec. 104. Definitions.

PART B—MAKING STUDENT LOANS MORE AFFORDABLE

Sec. 111. Interest rate reductions.
Sec. 112. Increases in loan limits.
Sec. 113. Reduction of lender special allowance payments.
Sec. 114. Elimination of exceptional performer status for lenders.
Sec. 115. Reduction of lender insurance percentage.
Sec. 116. Guaranty agency collection retention.
Sec. 117. Account maintenance fees.
Sec. 118. Increased loan fees from lenders.
Sec. 119. Student loan information.
Sec. 120. Market-based determination of lender returns.

PART C—REWARDING SERVICE IN REPAYMENT

Sec. 131. Loan forgiveness for service in areas of national need.
  "Sec. 428K. Loan forgiveness for service in areas of national need.
Sec. 132. Income-contingent repayment for public sector employees.
Sec. 133. Income-based repayment.
  "Sec. 493C. Income-based repayment.
Sec. 134. Definition of economic hardship.
Sec. 135. Deferrals.
Sec. 136. Maximum repayment period.
Sec. 137. Deferral of loan repayment following active duty.
  "Sec. 484C. Deferral of loan repayment following active duty.
Sec. 138. Sense of the Congress; report.

PART D—SUSTAINING THE PERKINS LOAN PROGRAM

Sec. 141. Federal Perkins Loans.

TITLE II—REDUCING THE COST OF COLLEGE

Sec. 201. State commitment to affordable college education.
  "Sec. 132. State commitment to affordable college education.
Sec. 202. Consumer information and public accountability in higher education.
  "Sec. 131. Consumer information and public accountability in higher education.
Sec. 203. Incentives and rewards for low tuition.
  "Sec. 401B. Incentives and rewards for low tuition.
Sec. 204. Cooperative education rewards for institutions that restrain tuition increases.

"TITLE VIII—COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES

  "Sec. 801. Definition of cooperative education.
  "Sec. 802. Authorization of appropriations; reservations.
  "Sec. 803. Grants for cooperative education.
  "Sec. 804. Demonstration and innovation projects; training and resource centers; and research.

TITLE III—ENSURING A HIGHLY QUALIFIED TEACHER IN EVERY CLASSROOM

PART A—TEACH GRANTS

Sec. 301. TEACH Grants.

"SUBPART 9—TEACH GRANTS

  "Sec. 420L. Program established.
  "Sec. 420M. Eligibility; applications.
  "Sec. 420N. Definitions.
  "Sec. 420O. Program period and funding.

PART B—CENTERS OF EXCELLENCE

Sec. 311. Centers of excellence.

"PART C—CENTERS OF EXCELLENCE

  "Sec. 231. Definitions.
  "Sec. 232. Centers of excellence.
  "Sec. 233. Appropriations.

TITLE IV—LEVERAGING FUNDS TO INCREASE COLLEGE ACCESS

PART A—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS

Sec. 401. Investment in Historically Black Colleges and Universities and Minority-Serving Institution.

"PART I—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS

"Sec. 499A. Investment in Historically Black Colleges and Universities and Other Minority-Serving Institution.

PART B—COLLEGE ACCESS CHALLENGE GRANTS

Sec. 411. College Access Challenge grants.

PART C—UPWARD BOUND

Sec. 412. Upward Bound.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Independent evaluation of distance education programs.

Sec. 502. Encouraging colleges and universities to "go green".

SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise expressly provided therein, the amendments made by this Act shall be effective on October 1, 2007.

TITLE I—INVESTING IN STUDENT AID

PART A—INCREASING THE PURCHASING POWER OF PELL GRANTS

SEC. 101. MANDATORY PELL GRANT INCREASES.

(a) EXTENSION OF AUTHORITY.—Section 401(a) (20 U.S.C. 1070a(a)) is amended by striking "fiscal year 2004" and inserting "fiscal year 2013".

(b) FUNDING FOR INCREASES.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by adding at the end the following new paragraph:

"(9) ADDITIONAL FUNDS.—

"(A) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts:

"(i) $840,000,000 for fiscal year 2008;

"(ii) $870,000,000 for fiscal year 2009;

"(iii) $1,340,000,000 for fiscal year 2010;

"(iv) $2,280,000,000 for fiscal year 2011;

"(v) $2,350,000,000 for fiscal year 2012;

"(vi) $2,400,000,000 for fiscal year 2013;

"(vii) $2,450,000,000 for fiscal year 2014;

"(viii) $2,510,000,000 for fiscal year 2015;

"(ix) $2,550,000,000 for fiscal year 2016; and

"(x) $2,570,000,000 for fiscal year 2017.

"(B) INCREASE IN FEDERAL PELL GRANTS.—The amounts made available pursuant to subparagraph (A) of this paragraph shall be used to increase the amount of the maximum Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

"(i) $200 for each of the award years 2008–2009 and 2009–2010;

"(ii) $300 for award year 2010–2011; and

"(iii) $500 for award year 2011–2012 and each subsequent award year.

"(C) USE OF FISCAL YEAR FUNDS FOR AWARD YEARS.—The amounts made available by subparagraph (A) for any fiscal year shall be available and remain available for use under subparagraph (B) for the award year that begins in such fiscal year.".

(c) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

"(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

"(i) $7,600 for academic year 2008–2009;

"(ii) $8,600 for academic year 2009–2010;

"(iii) $9,600 for academic year 2010–2011;

"(iv) $10,600 for academic year 2011–2012; and

"(v) $11,600 for academic year 2012–2013,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.".

(d) TUITION SENSITIVITY.—

(1) AMENDMENT.—Section 401(b) (20 U.S.C. 1070a(b)) is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (9) as paragraphs (3) through (8), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection are effective on the date of enactment of this Act.

(3) APPROPRIATION.—There shall be available to the Secretary, from funds not otherwise appropriated, $5,000,000 for the period beginning on the date of enactment of this Act and ending on October 1, 2008, to carry out the amendments made by paragraph (1) of this subsection.

(e) MULTIPLE GRANTS.—

(1) AMENDMENT.—Paragraph (5) of section 401(b) (as redesignated by subsection (d)(1)(B)) is amended to read as follows:

"(5) YEAR-ROUND PELL GRANTS.—The Secretary is authorized, for students enrolled in a baccalaureate degree, associate's degree, or certificate program of study at an eligible institution, to award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree or certificate objectives by enrolling in courses for more than 2 semesters, or 3 quarters, or the equivalent, in a given academic year.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective July 1, 2009.

(f) ACADEMIC COMPETITIVENESS GRANTS.—Section 401A (as amended by section 8003 of Public Law 109–171) is amended—

(1) in subsection (c)(3)(A)(ii), by inserting ", except as part of a secondary school program of study" before the semicolon;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection:

"(g) DETERMINATION OF ACADEMIC YEAR.—Notwithstanding section 481(a)(2), for the purpose of determining eligibility for a grant under this section, a student shall be considered to be enrolled or accepted for enrollment in the first, second, third, or fourth academic year of a program of undergraduate education based on the student's class standing, as determined by the institution of higher education at which the student is enrolled or accepted for enrollment.".

(g) ELIGIBILITY FOR ACADEMIC COMPETITIVENESS GRANTS.—Section 401A is further amended—

(1) in subsection (c)—

(A) by striking "full-time"; and

(B) by amending paragraph (1) to read as follows:

"(1) is an eligible student under section 484, including being enrolled or accepted for enrollment in a degree, certificate, or other eligible program leading to a recognized educational credential at an institution of higher education;"; and

(2) in subsection (d), by adding at the end the following new paragraph:

"(3) ADJUSTMENT FOR LESS THAN FULL-TIME ENROLLMENT.—A grant awarded under this section to an eligible student who attends an eligible institution on a less than full-time (but at least half-time or more) basis shall be reduced in the same proportion as would a Federal Pell Grant pursuant to section 401(b)(2)(B).".

SEC. 102. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Subparagraph (D) of section 475(g)(2) (20 U.S.C. 1087oo)(g)(2)(D)) is amended to read as follows:

"(D) an income protection allowance of $3,750 (or a successor amount prescribed by the Secretary under section 478);".

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Clause (iv) of section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

"(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—

"(I) for single or separated students, or married students where both are enrolled pursuant to subsection (a)(2), $6,690; and

"(II) for married students where 1 is enrolled pursuant to subsection (a)(2), $10,720;".

(c) UPDATED TABLES AND AMOUNTS.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) in paragraph (1)—

(A) by striking "REVISED TABLES.—For each" and inserting "REVISED TABLES.—

"(A) IN GENERAL.—For each";

(B) in subparagraph (A) (as designated by subparagraph (A)), in the third sentence—

(i) by striking "preceding sentence" and inserting "subparagraph (A)"; and

(ii) by striking "For the 2007–2008" and inserting the following:

"(B) SPECIAL RULE FOR 2007–2008 ACADEMIC YEAR.—For the 2007–2008"; and

(C) by adding at the end the following:

"(C) SPECIAL RULE FOR 2009–2010 THROUGH 2012–2013 ACADEMIC YEARS.—For the 2009–2010 academic year, and for each of the 3 succeeding academic years, the Secretary shall revise the tables in accordance with this paragraph, except that, for the table in section 477(b)(4), the Secretary shall revise such table by increasing the amounts contained in such table for the preceding academic year by 10 percent."; and

(2) in paragraph (2), by striking "shall be developed" and all that follows through the period at the end and inserting "shall be developed—

"(A) for academic year 2008–2009, by increasing each of the dollar amounts contained in such section as such section was in effect on the day before the date of enactment of the College Cost Reduction Act of 2007 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as defined in section 478(f)) between December 2006 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10;

"(B) for each of the academic years 2010–2011 and 2011–2012, by increasing each of the amounts determined under this paragraph for the preceding academic year by 10 percent; and

"(C) for each academic year after 2012–2013, by increasing each of the dollar amounts determined under this paragraph for academic year 2012–2013 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as defined in section 478(f)) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2009, and the amendment made by subsection (c) shall take effect on July 1, 2008.

SEC. 103. SIMPLIFIED NEEDS TEST AND AUTOMATIC ZERO IMPROVEMENTS.

(a) SIMPLIFIED NEEDS TEST.—Section 479 (20 U.S.C. 1087ss) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)—

(i) in subclause (II), by striking "or" after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

"(III) 1 of whom is a dislocated worker; or"; and

(iv) in subclause (IV) (as redesignated by clause (ii)), by striking "12-month" and inserting "24-month"; and

(B) in paragraph (1)(B)(i)—

(i) in subclause (II), by striking "or" after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

"(III) 1 of whom is a dislocated worker; or"; and

(iv) in subclause (IV) (as redesignated by clause (ii)), by striking "12-month" and inserting "24-month";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking "or" after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

"(iii) 1 of whom is a dislocated worker; or"; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking "12-month" and inserting "24-month"; and

(ii) in subparagraph (B), by striking "$20,000" and inserting "$30,000"; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking "or" after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

"(iii) is a dislocated worker; or"; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking "12-month" and inserting "24-month"; and

(ii) in subparagraph (B), by striking "$20,000" and inserting "$30,000"; and

(C) in the flush matter following paragraph (2)(B), by adding at the end the following: "The Secretary shall annually adjust the income level necessary to qualify an applicant for the zero expected family contribution. The income level shall be adjusted according to increases in the Consumer Price Index, as defined in section 478(f)."; and

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively and moving the margins of such subparagraphs 2 ems to the right;

(B) by striking "(d) DEFINITION" and all that follows through "the term" and inserting the following:

"(d) DEFINITIONS.—In this section:

"(1) DISLOCATED WORKER.—The term 'dislocated worker' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

"(2) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term".

(b) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A(a) (20 U.S.C. 1087tt(a)) is amended in the third sentence by inserting "a family member who is a dislocated worker (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))," after "recent unemployment of a family member,".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on July 1, 2009.

SEC. 104. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a)(2) (20 U.S.C. 1087vv(a)(2)) is amended—

(1) by striking "and no portion" and inserting "no portion"; and

(2) by inserting "and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax," after "1986,".

(b) UNTAXED INCOME AND BENEFITS.—Section 480(b) (20 U.S.C. 1087vv(b)) is amended to read as follows:

"(b) UNTAXED INCOME AND BENEFITS.—

"(1) The term 'untaxed income and benefits' means—

"(A) child support received;

"(B) workman's compensation;

"(C) veteran's benefits such as death pension, dependency, and indemnity compensation, but excluding veterans' education benefits as defined in subsection (c);

"(D) interest on tax-free bonds;

"(E) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

"(F) cash support or any money paid on the student's behalf, except, for dependent students, funds provided by the student's parents;

"(G) untaxed portion of pensions;

"(H) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes; and

"(I) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits or benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

"(2) The term 'untaxed income and benefits' shall not include the amount of additional child tax credit claimed for Federal income tax purposes.".

(c) ASSETS.—Section 480(f) (20 U.S.C. 1087vv(f)) is amended—

(1) in paragraph (3), by striking "shall not be considered an asset of a student for purposes of section 475" and inserting "shall be considered an asset of the parent for purposes of section 475";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

"(4) A qualified education benefit shall be considered an asset of the student for purposes of section 476 and 477.".

(d) OTHER FINANCIAL ASSISTANCE.—Section 480(j)(2) (20 U.S.C. 1087vv(j)(2)) is amended by inserting ", or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code," after "1986".

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective on July 1, 2009.

PART B—MAKING STUDENT LOANS MORE AFFORDABLE

SEC. 111. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—

(1) Section 427A(l) (20 U.S.C. 1077a(l)) is amended by adding at the end the following new paragraph:

"(4) REDUCED RATES FOR UNDERGRADUATE SUBSIDIZED LOANS.—Notwithstanding subsection (h) and paragraph (1) of this subsection, with respect to any loan to an undergraduate student made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

"(A) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008, 6.80 percent on the unpaid principal balance of the loan.

"(B) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.12 percent on the unpaid principal balance of the loan.

"(C) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.44 percent on the unpaid principal balance of the loan.

"(D) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.76 percent on the unpaid principal balance of the loan.

"(E) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 4.08 percent on the unpaid principal balance of the loan.

"(F) For a loan for which the first disbursement is made on or after July 1, 2012 and before July 1, 2013, 3.40 percent on the unpaid principal balance of the loan.".

(2) SPECIAL ALLOWANCE CROSS REFERENCE.—Section 438(b)(2)(I)(ii)(II) (20 U.S.C. 1086(b)(2)(I)(ii)(II)) is amended by striking "section 427A(l)(1)" and inserting "section 427A(l)(1) or (l)(4)".

(b) DIRECT LOAN INTEREST RATES.—Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following new subparagraph:

"(D) REDUCED RATES FOR UNDERGRADUATE FDSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

"(i) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008, 6.80 percent on the unpaid principal balance of the loan.

"(ii) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.12 percent on the unpaid principal balance of the loan.

"(iii) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.44 percent on the unpaid principal balance of the loan.

"(iv) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.76 percent on the unpaid principal balance of the loan.

"(v) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 4.08 percent on the unpaid principal balance of the loan.

"(vi) For a loan for which the first disbursement is made on or after July 1, 2012, and before July 1, 2013, 3.40 percent on the unpaid principal balance of the loan.".

SEC. 112. INCREASES IN LOAN LIMITS.

(a) INCREASE IN THIRD AND SUBSEQUENT YEAR LIMITS.—

(1) FEDERAL INSURANCE LIMITS.—Section 425(a)(1)(A)(iii) (20 U.S.C. 1075(a)(1)(A)(iii)) is amended by striking "$5,500" and inserting "$7,500".

(2) GUARANTY LIMITS.—Section 428(b)(1)(A)(iii)(I) (20 U.S.C. 1078(b)(1)(A)(iii)(I)) is amended by striking "$5,500" and inserting "$7,500".

(b) INCREASE IN AGGREGATE LIMITS.—

(1) FEDERAL INSURANCE LIMITS.—Section 425(a)(2)(A) (20 U.S.C. 1075(a)(2)(A)(i)) is amended—

(A) in clause (i), by striking "$23,000" and inserting "$30,500"; and

(B) in clause (ii), by striking "$65,500" and inserting "$73,000".

(2) GUARANTY LIMITS.—Section 428(b)(1)(B) (20 U.S.C. 1078(b)(1)(A)(iii)(I)) is amended—

(A) in clause (i), by striking "$23,000" and inserting "$30,500"; and

(B) in clause (ii), by striking "$65,500" and inserting "$73,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective July 1, 2008.

SEC. 113. REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.

Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) in clause (i), by striking "clauses (ii), (iii), and (iv)" and inserting "the following clauses";

(2) in clause (v)(III), by striking "clauses (ii), (iii), and (iv)" and inserting "clauses (ii), (iii), (iv), and (vi)"; and

(3) by adding at the end the following new clause:

"(vi) REDUCTION FOR LOANS ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l), the percentage to be added under clause (i)(III) in computing the special allowance payment pursuant to this subparagraph shall be the following:

"(I) IN GENERAL AND PLUS LOANS.—1.79 percent in the case of a loan described in clause (i) or (iii) for which the first disbursement of principal is made on or after October 1, 2007.

"(II) IN SCHOOL AND GRACE PERIOD.—1.19 percent in the case of a loan described in clause (ii)(II) for which the first disbursement of principal is made on or after October 1, 2007.

"(III) CONSOLIDATION LOANS.—2.09 percent in the case of a loan described in clause (iv) made on or after October 1, 2007.".

SEC. 114. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

SEC. 115. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Subparagraph (G) of section 428(b)(1) (20 U.S.C. 1078(b)(1)(G)) is amended to read as follows:

"(G) insures 95 percent of the unpaid principal of loans insured under the program, except that—

"(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q); and

"(ii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G);".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 116. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

"(ii) an amount equal to 23 percent of such payments for use in accordance with section 422B, except that beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '23 percent'.".

SEC. 117. UNIT COSTS FOR ACCOUNT MAINTENANCE FEES.

Section 458(b) (20 U.S.C. 1087h(b)) is amended by striking "0.10 percent" and inserting "0.06 percent".

SEC. 118. INCREASED LOAN FEES FROM LENDERS.

Paragraph (2) of section 438(d) (20 U.S.C. 1087–1(d)(2)) is amended to read as follows:

"(2) AMOUNT OF LOAN FEES.—

"(A) AMOUNT.—The amount of the loan fee which shall be deducted under paragraph (1), but which may not be collected from the borrower, shall be equal to—

"(i) except as provided in clauses (ii) and (iii), 0.50 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 1993;

"(ii) 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007, that is held by any holder other than a holder described in subclause (I) or (II) of clause (iii); and

"(iii) 0.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007, that is held by—

"(I) any holder that, together with its affiliated holders, is designated by the Secretary annually as a small lender under subparagraph (B); or

"(II) any holder that—

"(aa) is a unit of a State or local government or a nonprofit private entity; and

"(bb) is not owned in whole or in part by, or controlled or operated by a for-profit entity.

"(B) DESIGNATION OF SMALL LENDERS.—In determining which holders of eligible loans qualify as small lenders for purposes of subparagraph (A)(iii)(I), the Secretary shall, using the most recently available data with respect to the total principal amount of eligible loans held by holders—

"(i) rank all holders of eligible loans (combined with their affiliated holders) in descending order by total principal amount of eligible loans held;

"(ii) calculate the total principal amount of eligible loans held by all holders; and

"(iii) identify the subset of consecutively ranked holders under clause (i), starting with the lowest ranked holder, that together hold a total principal amount of such loans equal to 15 percent of the total amount calculated under clause (ii), but excluding the holder, if any, whose holdings when added cause the total holdings of the subset to equal but not exceed such 15 percent of such total amount calculated; and

"(iv) designate as small lenders any holder identified as a member of the subset under clause (iii).".

SEC. 119. MARKET-BASED DETERMINATION OF LENDER RETURNS.

(a) JOINT PLANNING STUDY TO SELECT AUCTION MECHANISMS FOR TESTING.—

(1) PLANNING STUDY.—The Secretaries of Education and Treasury jointly shall conduct a planning study, in consultation with the Office of Management and Budget, the Congressional Budget Office, the General Accounting Office, and other individuals and entities the Secretaries determines appropriate, to—

(A) examine the matters described in paragraph (2) in order to determine which market-based mechanisms for determining lender returns on loans made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) shall be tested under the pilot programs described in subsection (c); and

(B) determine what related administrative and other changes will be required in order to ensure that high-quality services are provided under a successful implementation of market-based determinations of lender returns for all loans made, insured, or guaranteed under such part.

(2) MATTERS EXAMINED.—The planning study under this subsection shall examine—

(A) whether it is most appropriate to auction existing loans under part B of title IV of such Act, to auction the rights to originate loans under such part, or whether the sale of securities backed by federally-owned student loan assets originated by banks acting as agents of the Federal Government would provide the most efficient market-based alternative;

(B) matters related to efficient financial organization of any auctions or sales of loans under such part, including how loans and origination rights are bundled, the capital structure of any securitization plan, and issues related to servicing; and

(C) how to ensure that statutory, regulatory, and administrative requirements do not impede separate management and ownership of loans or assets backed by loans under part B of title IV of such Act.

(3) MECHANISMS.—In determining which market-based mechanisms are the most promising models to test the pilot programs under subsection (b), the planning study shall take into account whether a particular market-based mechanism will—

(A) ensure loan availability under part B of title IV of such Act to all eligible students at all participating institutions;

(B) minimize administrative complexity for borrowers, institutions, lenders, and the Federal Government; and

(C) reduce Federal costs if used on a program-wide basis.

(4) REPORT.—A report on the results of the planning study, together with a plan for implementation of one or more pilot programs using promising market-based approaches for determining lender returns, shall be transmitted to Congress not later than 6 months after the date of enactment of this Act.

(b) PILOT PROGRAMS TO BE TESTED.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, after the report described in subsection (a)(4) is transmitted to Congress, the Secretary of Education shall, in consultation with the Secretary of the Treasury, begin preparations necessary to carry out pilot programs meeting the requirements of this subsection in accordance with the implementation plan included in such report.

(B) IMPLEMENTATION DATE.—The Secretary of Education shall commence implementation of the pilot programs under this subsection not earlier than July 1, 2008.

(C) DURATION AND LOAN VOLUME.—The pilot programs under this subsection shall be not more than two academic years in duration, and the Secretary of Education may use the pilot programs to determining the lender returns for not more than—

(i) 10 percent of the annual loan volume under part B of title IV of the Higher Education Act of 1965 during the first year of the pilot programs under this subsection; and

(ii) 20 percent of the annual loan volume under part B of title IV of such Act during the second year of the pilot programs under this subsection.

(2) VOLUNTARY PARTICIPATION.—

(A) Participation in any auction-based pilot program under this subsection shall be voluntary for eligible institutions and eligible lenders participating under part B of title IV of such Act prior to July 1, 2006.

(B) All savings to the United States Treasury generated by such auctions shall be distributed to institutions participating under this subsection on a basis proportionate to loan volume under such part for supplemental, need-based financial aid, except that an institution that is operating as an eligible lender under section 435(d)(2) of such Act shall not be eligible for any such distribution.

(3) INDEPENDENT EVALUATION.—The Government Accountability Office shall conduct an independent evaluation of the pilot programs

under this subsection, which evaluation shall be completed, and the results of such submitted to the Secretary of Education, the Secretary of the Treasury, and Congress, not later than 120 days after the termination of such pilot programs.

(c) PROGRAM-WIDE IMPLEMENTATION.—Notwithstanding any other provision of part B of title IV of the Higher Education Act of 1965, for the first academic year beginning not less than 120 days after the independent evaluation described in subsection (b)(3) has been transmitted to Congress, and succeeding academic years, the Secretary of Education is authorized to implement for all loans made under such part, a program-wide, market-based system to determine returns to all lenders as the Secretary of Education determines appropriate, provided that—

(1) the Secretary of Education, in consultation with the Secretary of the Treasury, has certified that the auction-based system that the Secretary of Education intends to implement on a program-wide basis would—

(A) ensure loan availability under such part to all eligible students at all participating institutions;

(B) minimize administrative complexity for borrowers, institutions, lenders, and the Federal Government, including the enhancement of the modernization of the student financial aid system; and

(C) reduce Federal costs when used on a program-wide basis; and

(2) the Secretary of Education has notified Congress of the Secretary's intent to implement a program-wide auction based system, and has provided a description of the structure of such auction-based system, at least 120 days before implementing such system.

(d) CONSULTATION.—

(1) IN GENERAL.—As part of the planning study, pilot programs, and program-wide implementation phases described in this section, the Secretary of Education shall consult with representatives of investment banks, ratings agencies, lenders, institutions of higher education, and students, as well as individuals or other entities with pertinent technical expertise. The Secretary of Education shall engage in such consultations using such methods as, and to the extent that, the Secretary determines appropriate to the time constraints associated with the study, programs, and implementation.

(2) SERVICES OF OTHER FEDERAL AGENCIES.—In carrying out the planning study and pilot programs described in this section, the Secretary of Education may use, on a reimbursable basis, the services (including procurement authorities and services), equipment, personnel, and facilities of other agencies and instrumentalities of the Federal Government.

SEC. 120. OTHER GUARANTY AGENCY REFORMS.

(a) AGENCY OPERATING FUNDS.—Section 422B(c) (20 U.S.C. 1072b(c)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) the delinquency prevention fee paid by the Secretary in accordance with section 428(o); and".

(b) DELINQUENCY PREVENTION FEE.—Section 428 (20 U.S.C. 1078) is amended by adding at the end the following new subsection:

"(o) DELINQUENCY PREVENTION FEE.—

"(1) AMOUNT OF FEE.—The Secretary shall pay to each guaranty agency, on a monthly basis, a delinquency prevention fee equal to 0.0055 percent of the original principal amount of loans insured by the agency, other than loans in in-school or grace period status, that are not in delinquency status as of the end of the previous month.

"(2) DEFINITION.—For the purpose of earning the delinquency prevention fee, the term 'not in delinquency status' means the borrower is less than 60 days delinquent in making a required payment.".

(c) MINIMUM LOAN PROCESSING AND ISSUANCE FEES.—Section 428(f)(1)(A)(ii) (20 U.S.C. 1078(f)(1)(A)(ii)) is amended by inserting before the period at the end the following: ", except that the total amount of such payments to each guaranty agency in any fiscal year shall equal at least $1,500,000".

Page 46, line 1, redesignate paragraph (9) as paragraph (10) and insert before such line the following new paragraph:

"(9) SCHOOL COUNSELORS.—An individual who is employed as a school counselor (as such term is defined in section 5421(e)(3) of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245(e)(3)) in an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

PART C—REWARDING SERVICE IN REPAYMENT

SEC. 131. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

"SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

"(a) PROGRAM AUTHORIZED.—

"(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c), for any new borrower after the date of enactment of the College Cost Reduction Act of 2007, who—

"(A) is employed full-time in an area of national need described in subsection (b); and

"(B) is not in default on a loan for which the borrower seeks forgiveness.

"(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

"(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part; and

"(B) to cancel a qualified loan amount for a loan made under part D of this title.

"(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full-time as any of the following:

"(1) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or eligible early childhood education program in a low-income community, and who is involved directly in the care, development, and education of infants, toddlers, or young children age 5 and under.

"(2) NURSES.—An individual who is employed—

"(A) as a nurse in a clinical setting; or

"(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(3) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

"(A) in an elementary or secondary school as a teacher of a critical foreign language; or

"(B) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

"(4) LIBRARIANS.—An individual who is employed as a librarian in—

"(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

"(B) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

"(5) HIGHLY QUALIFIED TEACHERS: BILINGUAL EDUCATION AND LOW-INCOME COMMUNITIES.—An individual who—

"(A) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(B)(i) is employed as a full-time teacher of bilingual education; or

"(ii) is employed as a teacher in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

"(6) CHILD WELFARE WORKERS.—An individual who—

"(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

"(B) is employed in public or private child welfare services.

"(7) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

"(8) NATIONAL SERVICE.—An individual who is engaged as a participant in a project under the National and Community Service Act of 1990 (as such terms are defined in section 101 of such Act (42 U.S.C. 12511)).

"(9) PUBLIC SECTOR EMPLOYEES.—An individual who is employed in public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health, or public interest legal services (including prosecution or public "defense or legal advocacy in low-income communities at a nonprofit organization)".

"(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of full-time employment in an area of national need described in subsection (b), not to exceed 5 years, the Secretary shall forgive not more than $1,000 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, as appropriate, not to exceed $5,000 in the aggregate for any borrower.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.

"(e) SEGAL AMERICORPS EDUCATION AWARD AND NATIONAL SERVICE AWARD RECIPIENTS.—A student borrower who qualifies for the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall receive under this section the amount, if any, by which the maximum benefit available under this section exceeds the maximum education award available under such subtitle.

"(f) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

"(g) DEFINITIONS.—In this section:

"(1) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

"(2) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an early childhood educator who works directly with children in an eligible preschool program or eligible early childhood education program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

"(3) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children age 5 and under, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

"(A) a public or private school that is supported, sponsored, supervised, or administered by a local educational agency;

"(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) a nonprofit or community based organization; or

"(D) a child care program, including a home.

"(4) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'eligible early childhood education program' means—

"(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—

"(i) is licensed or regulated by the State; and

"(ii) serves 2 or more unrelated children who are not old enough to attend kindergarten;

"(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

"(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

"(5) LOW-INCOME COMMUNITY.—In this subsection, the term 'low-income community' means a community in which 70 percent of households earn less than 85 percent of the State median household income.

"(6) NURSE.—The term 'nurse' means a nurse who meets all of the following:

"(A) The nurse graduated from—

"(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

"(ii) a nursing center; or

"(iii) an academic health center that provides nurse training.

"(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

"(C) The nurse holds one or more of the following:

"(i) A graduate degree in nursing, or an equivalent degree.

"(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(7) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who—

"(A) has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

"(B) provides speech-language pathology services under section 1861(ll)(1) of the Social Security Act (42 U.S.C. 1395x(ll)(1), or meets or exceeds the qualifications for a qualified speech-language pathologist under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).

"(h) PROGRAM FUNDING.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, such sums as may be necessary to provide loan forgiveness in accordance with this section to each eligible individual.".

SEC. 132. INCOME-CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

"(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

"(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part or section 428C(b)(5) for a borrower—

"(i) who has made 120 payments on such loan pursuant to income-contingent repayment; and

"(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

"(B) PUBLIC SECTOR JOB.—In this paragraph, the term 'public sector job' means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), social work in a public child or family service agency, public interest legal services (including prosecution or public "defense or legal advocacy in low-income communities at a nonprofit organization), or at an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code".

"(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income-contingent repayment may choose, at any time, to terminate repayment pursuant to income-contingent repayment and repay such loan under the standard repayment plan.".

SEC. 133. INCOME-BASED REPAYMENT.

(a) AMENDMENT.—Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following:

"SEC. 493C. INCOME-BASED REPAYMENT.

"(a) DEFINITIONS.—In this section:

"(1) EXCEPTED PLUS LOAN.—The term 'excepted PLUS loan' means a loan under section 428B, or a Federal Direct PLUS Loan, that is made, insured, or guaranteed on behalf of a dependent student.

"(2) PARTIAL FINANCIAL HARDSHIP.—The term 'partial financial hardship', when used with respect to a borrower, means that for such borrower—

"(A) the annual amount due on the total amount of loans made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) to a borrower as calculated under the standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A); exceeds

"(B) 15 percent of the result obtained by calculating the amount by which—

"(i) the borrower's, and the borrower's spouse's (if applicable), adjusted gross income; exceeds

"(ii) 150 percent of the poverty line applicable to the borrower's family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(b) INCOME-BASED REPAYMENT PROGRAM AUTHORIZED.—Notwithstanding any other provision of this Act, the Secretary shall carry out a program under which—

"(1) a borrower of any loan made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) who has a partial financial hardship may elect, during any period the borrower has the partial financial hardship, to have the borrower's aggregate monthly payment for all such loans not exceed the result described in subsection (a)(2)(B) divided by 12;

"(2) the holder of such a loan shall apply the borrower's monthly payment under this subsection first toward interest due on the loan and then toward the principal of the loan;

"(3) any interest due and not paid under paragraph (2) shall be capitalized;

"(4) any principal due and not paid under paragraph (2) shall be deferred;

"(5) the amount of time the borrower makes monthly payments under paragraph (1) may exceed 10 years;

"(6) if the borrower no longer has a partial financial hardship or no longer wishes to continue the election under this subsection, then—

"(A) the maximum monthly payment required to be paid for all loans made to the borrower under part B or D (other than an excepted PLUS loan) shall not exceed the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection; and

"(B) the amount of time the borrower is permitted to repay such loans may exceed 10 years;

"(7) the Secretary shall repay or cancel any outstanding balance of principal and interest due on all loans made under part B or D (other than a loan under section 428B or a Federal Direct PLUS Loan) to a borrower who—

"(A) is in deferment due to an economic hardship described in section 435(o) for a period of time prescribed by the Secretary, not to exceed 20 years; or

"(B)(i) makes the election to participate in income-based repayment under paragraph (1); and

"(ii) for a period of time prescribed by the Secretary, not to exceed 20 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 or more of the following requirements:

"(I) has made reduced monthly payments under paragraph (1);

"(II) has made monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection;

"(III) has made payments under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A);

"(IV) has made payments under an income-contingent repayment plan under section 455(d)(1)(D); and

"(8) a borrower who is repaying a loan made under this part pursuant to income-based repayment may elect, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.".

(b) CONFORMING ICR AMENDMENT.—Section 455(d)(1)(D) (20 U.S.C. 1087e(d)(1)(D)) is amended by inserting "made on behalf of a dependent student" after "PLUS loan".

SEC. 134. DEFINITION OF ECONOMIC HARDSHIP.

Section 435(o) (20 U.S.C. 1085(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii)—

(i) by striking "100 percent of the poverty line for a family of 2" and inserting "150 percent of the poverty line applicable to the borrower's family size"; and

(ii) by inserting "or" after the semicolon;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2), by striking "(1)(C)" and inserting "(1)(B)".

SEC. 135. DEFERRALS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking "not in excess of 3 years".

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking "not in excess of 3 years".

(c) DIRECT LOANS.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking "not in excess of 3 years".

(d) PERKINS.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking "not in excess of 3 years".

SEC. 136. MAXIMUM REPAYMENT PERIOD.

(a) IN GENERAL.—Section 455(e) (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

"(9) MAXIMUM REPAYMENT PERIOD.—In calculating the extended period of time for which an income-contingent repayment plan under this subsection may be in effect for a borrower, the Secretary shall include all time periods during which a borrower of loans under part B, part D, or part E—

"(A) is not in default on any loan that is included in the income-contingent repayment plan; and

"(B)(i) is in deferment due to an economic hardship described in section 435(o);

"(ii) makes monthly payments under paragraph (1) or (6) of section 493C(b); or

"(iii) makes payments under a standard repayment plan described in section 428(b)(9)(A)(i) or subsection (d)(1)(A).".

(b) TECHNICAL CORRECTION.—Section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)) is amended by striking "428(b)(9)(A)(v)" and inserting "428(b)(9)(A)(iv)".

SEC. 137. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

Part G of title IV is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

"SEC. 484C. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

"(a) DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.—In addition to any deferral of repayment of a loan made under this title pursuant to section 428(b)(1)(M)(iii), 455(f)(2)(C), or 464(c)(2)(A)(ii), a borrower of a loan under this title who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, and is currently enrolled, or was enrolled within six months prior to the activation, in a program of instruction at an eligible institution, shall be eligible for a deferment during the 13 months following the conclusion of such service, except that a deferment under this subsection shall expire upon the borrower's return to enrolled student status.

"(b) ACTIVE DUTY.—Notwithstanding section 481(d), in this section, the term 'active duty' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term—

"(1) does not include active duty for training or attendance at a service school; but

"(2) includes, in the case of members of the National Guard, active State duty.".

PART D—SUSTAINING THE PERKINS LOAN PROGRAM

SEC. 141. FEDERAL PERKINS LOANS.

Section 461(b) (20 U.S.C. 1087aa(b)) is amended by adding at the end the following new paragraphs:

"(3) In addition to any amounts appropriated pursuant to paragraph (1) or (2) of this subsection, there shall be available to the Secretary for contributions to student loan funds established under part E, from funds not otherwise appropriated, $100,000,000 for each of the fiscal years 2008 through 2012. The sum of the amount made available under this subsection for any such fiscal year, plus the amount so appropriated for such fiscal year, shall, for purposes of allocations under section 462, be treated as the amount appropriated pursuant to section 461(b) for such fiscal year.

"(4) The authority to make contributions to student loan funds under this part shall expire at the end of fiscal year 2012.".

TITLE II—REDUCING THE COST OF COLLEGE

SEC. 201. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

Section 131 of the Higher Education Act of 1965 (20 U.S.C. 1015) is amended to read as follows:

"SEC. 131. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

"(a) COLLEGE OPPORTUNITY ON-LINE (COOL) WEBSITE RE-DESIGN PROCESS.—In carrying out this section, the Commissioner of Education Statistics—

"(1) shall identify the data elements related to college costs that are of greatest importance to prospective students, enrolled students, and their families, paying particular attention to low-income, non-traditional student populations, and first-generation college students;

"(2) shall convene a group of individuals with expertise in the informational needs of prospective college students and parents to—

"(A) determine the relevance of particular data elements to prospective students, enrolled students, and families based upon the results of opinion research; and

"(B) make recommendations regarding the inclusion of specific data items and the most effective and least burdensome methods of collecting and reporting useful data from institutions of higher education; and

"(3) shall ensure that the redesigned COOL website—

"(A) uses, to the extent practicable, data elements currently provided by institutions of higher education to the Secretary;

"(B) includes clear and uniform information determined to be relevant to prospective students, enrolled students, and families;

"(C) provides comparable information, by ensuring that information is based on accepted criteria and common definitions;

"(D) includes a sorting function that permits users to customize their search for and comparison of institutions of higher education based on the information identified through the process as prescribed in paragraph (1) as being of greatest relevance to choosing an institution of higher education.

"(b) DATA COLLECTION.—

"(1) DATA SYSTEM.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this section and to continue to improve the usefulness and timeliness of data collected by such System in order to inform consumers about institutions of higher education.

"(2) COLLEGE CONSUMER PROFILE.—The Secretary shall continue to publish on the COOL website, for each academic year and in accordance with standard definitions developed by the Commissioner of Education Statistics (including definitions developed under section 131(a)(3)(A) as in effect on the day before the date of enactment of the College Cost Reduction Act of 2007), from at least all institutions of higher education participating in programs under title IV the following information:

"(A) The tuition and fees charged for a first-time, full-time undergraduate student.

"(B) The room and board charges for a first-time, full-time undergraduate student.

"(C) The cost of attendance for a first-time, full-time undergraduate student, consistent with the provisions of section 472.

"(D) The average amount of financial assistance (including grant assistance) received by a first-year, full-time undergraduate student.

"(E) The number and percentage of first-time, full-time undergraduate students receiving financial assistance (including grant assistance) described in each clause of subparagraph (D).

"(F) Student enrollment information, including information on the number and percentage of full-time and part-time students, and the number and percentage of resident and nonresident students.

"(G) Faculty-to-student ratios.

"(H) The total number of faculty and the percentage of faculty who are full-time employees of the institution and the percentage who are part-time.

"(I) Graduation rates calculated pursuant to section 485(a)(1)(L), including rates disaggregated by gender, by each major racial and ethnic subgroup, and by income status, as measured by receipt of Federal Pell Grants or Federal subsidized student loans.

"(J) A link to the institution of higher education with information of interest to students including mission, accreditation, student services (including services for students with disabilities), transfer of credit policies, any articulation agreements entered into by the institution.

"(K) The college affordability information elements specified in subsection (d).

"(c) INFORMATION TO THE PUBLIC.—The Secretary shall work with public and private entities to promote broad public awareness, particularly among middle and high school students and their families, of the information made available under this section, including by distribution to students who participate in or receive benefits from means-tested federally funded education programs and other Federal programs determined by the Secretary.

"(d) COLLEGE AFFORDABILITY INFORMATION ELEMENTS.—The college affordability information elements required by subsection (b)(2)(K) shall include, for each institution submitting data—

"(1) the sticker price of the institution for the 5 most recent academic years; and

"(2) the net tuition of the institution for the most recent academic year for which data are available.

"(e) OUTCOMES AND ACTIONS.—

"(1) RESPONSE FROM INSTITUTION.—Effective on June 30, 2011, an institution that increases its sticker price at a percentage rate for any 3-year interval ending on or after that date that exceeds two times the rate of change in the higher education price index over the same time period shall provide a report to the Secretary. Such report shall be published by the Secretary on the COOL website, and shall include—

"(A) a description of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students; and

"(B) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

"(2) CONSEQUENCES FOR 2-YEAR CONTINUATION OF FAILURE.—If the Secretary determines that an institution that is subject to paragraph (1) has failed to reduce the subsequent increase in sticker price to equal to or below two times the rate of change in the higher education price index for 2 consecutive academic years subsequent to the 3-year interval used under paragraph (1), the Secretary shall place the institution on affordability alert status.

"(3) EXEMPTIONS.—Notwithstanding paragraph (2), an institution shall not be placed on affordability alert status if, for any 3-year interval for which sticker prices are computed under paragraph (1)—

"(A) with respect the class of institutions described in paragraph (5) to which the institution belongs, the sticker price of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 3-year interval; or

"(B) the institution has a percentage change in its sticker price computed under paragraph (1) that exceeds two times the rate of change in the higher education price index over the same time period, but the dollar amount of the sticker price increase is less than $500.

"(4) INFORMATION TO STATE AGENCIES.—Any institution that reports under paragraph (1)(B) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the Secretary with that institution to such agency, instrumentality, or entity.

"(5) CLASSES OF INSTITUTIONS.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

"(6) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

"(f) FINES.—In addition to actions authorized in section 487(c), the Secretary may impose a fine in an amount not to exceed $25,000 on an institution of higher education for failing to provide the information required by this section in a timely and accurate manner, or for failing to otherwise cooperate with the National Center for Education Statistics regarding efforts to obtain data under subsection (c) and pursuant to the program participation agreement entered into under section 487.

"(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) DEFINITIONS.—For the purposes of this section:

"(1) NET TUITION.—The term 'net tuition' means the average tuition and fees charged to a full-time undergraduate student by an institution of higher education for any academic year, minus the average grant amount received by such a student for such academic year.

"(2) STICKER PRICE.—The term 'sticker price' means the average published tuition and fees charged to a first-time, full-time, undergraduate student by an institution of higher education for any academic year.

"(3) HIGHER EDUCATION PRICE INDEX.—The term 'higher education price index' means a statistical measure of change over time in the prices of a fixed market basket of goods and services purchased by colleges and universities through current fund educational and general expenditures (excluding expenditures for research), as developed by the Bureau of Labor Statistics.".

SEC. 202. COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following title:

"TITLE VIII—RESTRAINING TUITION INCREASES

"PART A—COOPERATIVE EDUCATION

"SEC. 801. DEFINITION OF COOPERATIVE EDUCATION.

"For the purpose of this title the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment in order to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

"SEC. 802. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

"(a) APPROPRIATIONS.—There shall be available to the Secretary to carry out this title from funds not otherwise appropriated $15,000,000 for each of the fiscal years 2008 through 2012.

"(b) RESERVATIONS.—Of the amount appropriated for each such fiscal year—

"(1) not less than 50 percent shall be available for carrying out grants to institutions of higher education and combinations of such institutions described in section 803(a)(1)(A) for cooperative education under section 803;

"(2) not less than 25 percent shall be available for carrying out grants to institutions of higher education described in section 803(a)(1)(B) for cooperative education under section 803;

"(3) not more than 11 percent shall be available for demonstration projects under paragraph (1) of section 804(a);

"(4) not more than 11 percent shall be available for training and resource centers under paragraph (2) of section 804(a); and

"(5) not more than 3 percent shall be available for research under paragraph (3) of section 804(a).

"(c) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this title shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this title.

"(d) SUNSET.—The authority to carry out this title shall expire at the end of fiscal year 2012.

"SEC. 803. GRANTS FOR COOPERATIVE EDUCATION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized—

"(A) from the amount available under section 802(b)(1) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education or combinations of such institutions that have not previously received a grant under this paragraph to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions; and

"(B) from the amount available under section 802(b)(2) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education that are operating an existing cooperative education program (as determined by the Secretary) to pay the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

"(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

"(3) AMOUNT OF GRANTS.—

"(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or combination of such institutions in any fiscal year shall not exceed $500,000.

"(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount which bears the same ratio to the amount reserved pursuant to section 802(b)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year (other than cooperative education jobs under section 804 and as determined by the Secretary) by such institution of higher education bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

"(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

"(iii) The minimum annual grant amount which an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.

"(4) LIMITATION.—The Secretary shall not award grants pursuant to paragraphs (1)(A) and (1)(B) to the same institution of higher education or combination of such institution in any one fiscal year.

"(5) USES.—Grants under paragraph (1)(B) shall be used exclusively—

"(A) to expand the quality and participation of a cooperative education program;

"(B) for outreach in new curricular areas; and

"(C) for outreach to potential participants including underrepresented and nontraditional populations.

"(b) APPLICATIONS.—Each institution of higher education or combination of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

"(1) set forth the program or activities for which a grant is authorized under this section;

"(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant, and the compensation to be paid for such performance;

"(3) provide that the applicant will expend during such fiscal year for the purpose of such

program or activities not less than the amount expended for such purpose during the previous fiscal year;

"(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment which assures, that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1) at a level which is not less than the total amount expended for such program during the first year such program was assisted under this section;

"(5) provide that, in the case of an institution of higher education that provides a 2-year program which is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and who carry at least one-half the normal full-time academic workload;

"(6) provide that the applicant will—

"(A) for each fiscal year for which the applicant receives a grant, make such reports with respect to the impact of the cooperative education program in the previous fiscal year as may be essential to ensure that the applicant is complying with the provisions of this section, including—

"(i) the number of unduplicated student applicants in the cooperative education program;

"(ii) the number of unduplicated students placed in cooperative education jobs;

"(iii) the number of employers who have hired cooperative education students;

"(iv) the average income for students derived from working in cooperative education jobs; and

"(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

"(B) keep such records as are essential to ensure that the applicant is complying with the provisions of this title, including the notation of cooperative education employment on the student's transcript;

"(7) describe the extent to which programs in the academic discipline for which the application is made have had a favorable reception by public and private sector employers;

"(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

"(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

"(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title;

"(11) demonstrate a commitment to serving all underserved populations; and

"(12) include such other information as is essential to carry out the provisions of this title.

"(c) DURATION OF GRANTS; FEDERAL SHARE.—

"(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a combination of such institutions—

"(A) a grant pursuant to subsection (a)(1)(A) for more than 5 fiscal years; or

"(B) a grant pursuant to subsection (a)(1)(B) for more than 5 fiscal years.

"(2) FEDERAL SHARE.—The Federal share of a grant under section 803(a)(1)(A) may not exceed—

"(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

"(B) 70 percent of such cost in the second such year;

"(C) 55 percent of such cost in the third such year;

"(D) 40 percent of such cost in the fourth such year; and

"(E) 25 percent of such cost in the fifth such year.

"(3) SPECIAL RULE.—Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.

"(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

"SEC. 804. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.

"(a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—

"(1) from the amounts available in each fiscal year under section 802(b)(3), for the conduct of demonstration projects designed to demonstrate or determine the feasibility or value of innovative methods of cooperative education;

"(2) from the amounts available in each fiscal year under section 802(b)(4), for the conduct of training and resource centers designed to—

"(A) train personnel in the field of cooperative education;

"(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

"(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

"(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need;

"(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to—

"(i) assist the institutions other than the comprehensive cooperative education institution to develop and expand an existing program of cooperative education; or

"(ii) establish and improve or expand comprehensive cooperative education programs; and

"(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

"(3) from the amounts available in each fiscal year under section 802(b)(5), for the conduct of research relating to cooperative education.

"(b) ADMINISTRATIVE PROVISION.—

"(1) IN GENERAL.—To carry out this section, the Secretary may—

"(A) make grants to or contracts with institutions of higher education, or combinations of such institutions; and

"(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

"(2) LIMITATION.—

"(A) The Secretary may not use more than 3 percent of the amount appropriated to carry out this section in each fiscal year to make grants or enter into contracts described in paragraph (1)(A).

"(B) The Secretary may use not more than 3 percent of the amount appropriated to carry out this section in each fiscal year to make grants or enter into contracts described in paragraph (1)(B).

"(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only to supplement and, to the extent possible, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

"PART B—LOW TUITION

"SEC. 811. INCENTIVES AND REWARDS FOR LOW TUITION.

"(a) REWARDS FOR LOW TUITION.—

"(1) COMPETITIVE GRANTS.—The Secretary shall award grants on a competitive basis to institutions of higher education that, for academic year 2008–2009 or any succeeding academic year, have an annual net tuition increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available that is equal to or less than the percentage change in the higher education price index for such academic year.

"(2) USE OF FUNDS.—Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this section that would cause the amount of total financial aid received by such student to exceed the cost of attendance of the institution.

"(b) REWARDS FOR GUARANTEED TUITION.—

"(1) BONUS.—For each institution of higher education that the Secretary of Education determines complies with the requirements of paragraph (2) or (3) of this subsection, the Secretary shall provide to such institution a bonus amount. Such institution shall award the bonus amount first to students who are eligible for Federal Pell Grants who were in attendance at the institution during the award year that such institution satisfied the eligibility criteria for maintaining low tuition and fees, then to students who are eligible for Federal Pell Grants who were not in attendance at the institution during such award year, in the form of need-based aid.

"(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

"(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

"(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

"(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

"(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

"(B) the product of the percentage increase in the higher education price index for the prior

academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

"(c) MAINTAINING AFFORDABLE TUITION.—

"(1) INSTITUTION REPORTS.—If an institution of higher education has an increase in annual net tuition (expressed as a percentage), for the most recent academic year for which satisfactory data is available, that is greater than the percentage increase in the higher education price index for such academic year, the institution is required to submit to the Secretary the following information, within 6 months of such determination—

"(A) a report on the factors contributing to the increase in the institution's costs and the increase in net tuition and fees charged to students, including identification of the major areas in the institution's budget with the greatest cost increases;

"(B) the institution's 3 most recent Form 990s submitted to the Internal Revenue Service, as required under section 6033 of the Internal Revenue Code of 1986;

"(C) a description of the major areas of expenditures in the institution's budget with the greatest increase for such academic year; and

"(D) voluntary actions being taken by the institution to reduce net tuition.

"(2) REPORT TO CONGRESS.—The Secretary shall compile the information submitted under this subsection and shall provide to the relevant authorizing committees an annual report relating to such information.

"(d) PRIORITY.—In awarding incentives and rewards under this section, the Secretary shall give priority to institutions of higher education with the lowest annual net tuition increase for the most recent academic year for which satisfactory data is available, when compared with other institutions of higher education with annual net tuition increases that are equal to or less than the higher education price index for such academic year.

"(e) EXEMPTIONS.—An institution shall still be eligible to receive rewards under subsections (a) and (b), and will not be penalized under subsection (c) if, for any 2-year interval for which net tuition is computed under such subsections—

"(1) with respect to the class of institutions described in section 131(d)(5) to which the institution belongs, the net tuition of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 2-year interval; or

"(2) the institution has a percentage change in its net tuition computed under subsection (a) or (c) that exceeds the rate of change in the higher education price index (as defined in section 401B(d)) over the same time period, but the dollar amount of the net tuition increase is less than $500.

"(f) DEFINITIONS.—

"(1) NET TUITION.—The term 'net tuition' has the same meaning as provided in section 131(h).

"(2) HIGHER EDUCATION PRICE INDEX.—The term 'higher education price index' has the same meaning as provided in section 131(h).

"(g) FUNDING.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $15,000,000 for each of the fiscal years 2008 through 2012.

"(h) SUNSET.—The authority to carry out this section shall expire at the end of fiscal year 2012.".

TITLE III—ENSURING A HIGHLY QUALIFIED TEACHER IN EVERY CLASSROOM

PART A—TEACH GRANTS

SEC. 301. TEACH GRANTS.

Part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following new subpart:

"Subpart 9—TEACH Grants

"SEC. 420L. PROGRAM ESTABLISHED.

"(a) PROGRAM AUTHORITY.—

"(1) PAYMENTS REQUIRED.—The Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 420M, and who qualifies—

"(A) under paragraph (2) of section 420M(a), a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at the institution; and

"(B) under paragraphs (2) and (3) of section 420M(a), a Bonus TEACH Grant in the amount of $500 (in addition to the amount of the TEACH Grant under subparagraph (A)) for each academic year during which that student so qualifies.

"(2) REFERENCE.—Grants made under—

"(A) paragraph (1)(A) shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'; and

"(B) paragraph (1)(B) shall be known as Bonus TEACH Grants.

"(b) PAYMENT METHODOLOGY.—

"(1) PREPAYMENT.—Not less than 85 percent of any funds provided to an institution under subsection (a) shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

"(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1).

"(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this subpart shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this subpart. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally-owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

"(c) REDUCTIONS IN AMOUNT.—

"(1) PART-TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of a grant under this subpart for which that student is eligible shall be reduced in proportion to the degree to which that student is not attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purposes of this subpart, computed in accordance with this subpart. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482 of this Act.

"(2) NO EXCEEDING COST.—The amount of a grant awarded under this subpart, in combination with Federal assistance and other student assistance, shall not exceed the cost of attendance (as defined in section 472) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant or a Bonus TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant or Bonus TEACH Grant, respectively, shall be reduced until such grant does not exceed the cost of attendance at such institution.

"(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

"(1) UNDERGRADUATE AND POST-BACCALAUREATE STUDENTS.—The period during which an undergraduate or post-baccalaureate student may receive grants under this subpart shall be the period required for the completion of the first undergraduate baccalaureate or post-baccalaureate course of study being pursued by that student at the institution at which the student is in attendance except that—

"(A) any period during which the student is enrolled in a noncredit or remedial course of study as defined in paragraph (3) shall not be counted for the purpose of this paragraph; and

"(B) the total amount that a student may receive under this subpart for undergraduate or post-baccalaureate study shall not exceed $16,000 with respect to a student who receives only TEACH Grants, and $18,000 with respect to a student who receives TEACH Grants and Bonus TEACH Grants.

"(2) GRADUATE STUDENTS.—The period during which a graduate student may receive grants under this subpart shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this subpart for graduate study shall not exceed $8,000 with respect to a student who receives only TEACH Grants, and $10,000 with respect to a student who receives TEACH Grants and Bonus TEACH Grants.

"(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language acquisition) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate or post-baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 420M. ELIGIBILITY; APPLICATIONS.

"(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

"(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for grants under this subpart. Each student desiring a grant under this subpart for any year shall file an application containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

"(2) DEMONSTRATION OF TEACH GRANT ELIGIBILITY.—Each application submitted under paragraph (1) for a TEACH Grant shall contain such information as is necessary to demonstrate that—

"(A) if the applicant is an enrolled student—

"(i) the student is an eligible student for purposes of section 484;

"(ii) the student—

"(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

"(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an undergraduate, post-baccalaureate, or graduate school admissions test; and

"(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

"(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

"(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as math, science, special education, English language acquisition, or another high-need subject; or

"(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

"(3) DEMONSTRATION OF BONUS TEACH GRANT ELIGIBILITY.—Each application submitted under paragraph (1) for a Bonus TEACH Grant shall contain such information as is necessary to demonstrate that the applicant is—

"(A) eligible for, and has applied for, a TEACH Grant; and

"(B) a student enrolled in a qualified teacher preparation program, as defined in section 420N.

"(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

"(1) the applicant will—

"(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this subpart;

"(B) teach in a school described in section 465(a)(2)(A);

"(C) with respect to an applicant for—

"(i) TEACH Grants, teach in any of the following fields: mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or another field documented as high-need by the Federal Government, State government, or local education agency and approved by the Secretary; or

"(ii) TEACH Grants and Bonus TEACH Grants, teach mathematics, science, or a science-related field;

"(D) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

"(E) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of any TEACH Grants and Bonus TEACH Grants received by such applicant will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

"(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a grant under this subpart fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of any TEACH Grants and Bonus TEACH Grants received by such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment, together with interest thereon accruing after the period of service, in accordance with terms and conditions specified by the Secretary in regulations under this subpart.

"SEC. 420N. DEFINITIONS.

"For the purposes of this subpart:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, as defined in section 102, that the Secretary determines—

"(A) provides high quality teacher preparation and professional development services, including extensive clinical experience as a part of pre-service preparation;

"(B) is financially sound;

"(C) provides pedagogical course work, or assistance in the provision of such coursework, including the monitoring of student performance, and formal instruction related to the theory and practices of teaching; and

"(D) provides supervision and support services to teachers, or assistance in the provision of such services, including mentoring focused on developing effective teaching skills and strategies.

"(2) QUALIFIED TEACHER PREPARATION PROGRAM.—The term 'qualified teacher preparation program' means a program for students and teachers described in subparagraph (A) or (B) of section 420M(a)(2) (referred to jointly in this paragraph as 'teacher candidates') that—

"(A) recruits and prepares teacher candidates who major in science, technology fields, special education, foreign language, engineering, or mathematics disciplines to become certified as elementary and secondary teachers in those disciplines, special education teachers, or teachers of English Language Learners, with the goals of improving teacher knowledge and effectiveness and increasing elementary and secondary student academic achievement;

"(B) is implemented by an institution of higher education in partnership with high-need local educational agencies and schools;

"(C) offers a baccalaureate degree, post-baccalaureate teacher credential, or graduate degree with a concurrent teacher certification to teacher candidates;

"(D) is implemented in coordination with the faculty of the relevant departments of the institution of higher education;

"(E) utilizes experienced teachers who have a demonstrated record of success in teaching underserved students to instruct teacher candidates in the disciplines described in subparagraph (A);

"(F) provides teacher candidates with—

"(i) support services, including mentoring by experienced teachers who have a demonstrated record of success in teaching underserved students;

"(ii) exposure to, and field experience in, the classroom within the first year of entering the qualified teacher preparation program; and

"(iii) other related support practices while the teacher candidates are participating in the program, and after such candidates graduate from the institution of higher education and are employed as teachers;

"(G) participates in partnerships which include the institution of higher education and local educational agencies and charter districts to provide opportunities for teacher candidate field work;

"(H) focuses on increasing the number of teachers in the disciplines described in subparagraph (A); and

"(I) encourages individuals from underrepresented populations to enter into the teaching profession.

"(3) POST-BACCALAUREATE.—The term 'post-baccalaureate' means a program of instruction that does not lead to a graduate degree, and that consists of courses required by a State in order for the student to receive a professional certification or licensing credential that is required for employment as a teacher in an elementary school or secondary school in that State, except that such term shall not include any program of instruction offered by an institution of higher education that offers a baccalaureate degree in education.

"SEC. 420O. PROGRAM PERIOD AND FUNDING.

"There shall be available to the Secretary to carry out this subpart, from funds not otherwise appropriated, such sums as may be necessary to provide TEACH Grants and Bonus TEACH Grants in accordance with this subpart to each eligible applicant.".

PART B—CENTERS OF EXCELLENCE

SEC. 311. CENTERS OF EXCELLENCE.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. DEFINITIONS.

"As used in this part:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2)and that is—

"(i) a part B institution (as defined in section 322);

"(ii) a Hispanic-serving institution (as defined in section 502);

"(iii) a Tribal College or University (as defined in section 316);

"(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

"(v) a Native Hawaiian-serving institution (as defined in section 317(b));

"(B) a consortium of institutions described in subparagraph (A); or

"(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

"(2) HIGHLY QUALIFIED.—The term 'highly qualified' when used with respect to an individual means that the individual is highly qualified as determined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

"(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

"(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

"(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

"(A) retraining faculty; and

"(B) designing (or redesigning) teacher preparation programs that—

"(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

"(ii) promote strong teaching skills.

"(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

"(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

"(A) teacher or principal mentoring from exemplary teachers or principals; or

"(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

"(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

"(6) Activities authorized under sections 202, 203, and 204.

"(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information as the Secretary may require.

"(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. APPROPRIATIONS.

"There shall be available to the Secretary, from funds not otherwise appropriated, $50,000,000 for the period beginning with fiscal year 2008 and ending with fiscal year 2012, to carry out this part beginning with academic year 2008–2009, which shall remain available until expended. The authority to carry out this part shall expire at the end of fiscal year 2012.".

TITLE IV—LEVERAGING FUNDS TO INCREASE COLLEGE ACCESS

PART A—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS

SEC. 401. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTION.

Title IV is amended by adding at the end the following new part:

"PART I—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS

"SEC. 499A. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTION.

"(a) ELIGIBLE INSTITUTION.—An institution of higher education is eligible to receive funds from the amounts made available under this section if such institution is—

"(1) a part B institution (as defined in section 322 (20 U.S.C. 1061));

"(2) a Hispanic-serving institution (as defined in section 502 (20 U.S.C. 1101a));

"(3) a Tribal College or University (as defined in section 316 (20 U.S.C. 1059c));

"(4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in section 317(b) (20 U.S.C. 1059d(b)));

"(5) a Predominantly Black Institution (as defined in subsection (c)); or

"(6) an Asian and Pacific Islander-serving institution (as defined in subsection (c)).

"(b) NEW INVESTMENT OF FUNDS.—

"(1) IN GENERAL.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $100,000,000 for each of the fiscal years 2008 through 2012. The authority to carry out this section shall expire at the end of fiscal year 2012.

"(2) ALLOCATION AND ALLOTMENT.—

"(A) IN GENERAL.—Of the amounts made available under paragraph (1) for any fiscal year—

"(i) 40 percent shall be available for allocation under subparagraph (B);

"(ii) 40 percent shall be available for allocation under subparagraph (C); and

"(iii) 20 percent shall be available for allocation under subparagraph (D).

"(B) HSI STEM AND ARTICULATION PROGRAMS.—The amount made available for allocation under this subparagraph by subparagraph (A)(i) for any fiscal year shall be available for Hispanic-serving Institutions for activities described in section 503, with a priority given to applications that propose—

"(i) to increase the number of Hispanic and other low income students attaining degrees in the fields of science, technology, engineering and mathematics; and

"(ii) to develop model transfer and articulation agreements between 2-year Hispanic-serving institutions and 4-year institutions in such fields.

"(C) ALLOCATION AND ALLOTMENT HBCUS AND PBIS.—From the amount made available for allocation under this subparagraph by subparagraph (A)(ii) for any fiscal year—

"(i) $34,000,000 shall be available to eligible institutions described in subsection (a)(1) and shall be made available as grants under section 323 and allotted among such institutions under section 324, treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out part B of title III, as the amount appropriated to carry out part B of title III for purposes of allotments under section 324, for use by such institutions with a priority for—

"(I) activities described in paragraphs (1), (2), (4), (5), and (10) of section 323(a); and

"(II) other activities, consistent with the institution's comprehensive plan and designed to increase the institution's capacity to prepare students for careers in the physical and natural sciences, mathematics, computer science and information technology and sciences, engineering, language instruction in the less-commonly taught languages and international affairs, and nursing and allied health professions; and

"(ii) $6,000,000 shall be available to eligible institutions described in subsection (a)(5) and shall be available for a competitive grant program to award 10 grants of $600,000 annually for programs in the following areas: science, technology, engineering, or mathematics (STEM); health education; internationalization or globalization; teacher preparation; or improving educational outcomes of African American males.

"(D) ALLOCATION AND ALLOTMENT TO OTHER MINORITY-SERVING INSTITUTIONS.—From the amount made available for allocation under this subparagraph by subparagraph (A)(iii) for any fiscal year (in this subparagraph referred to as the 'allocable amount')—

"(i) 60 percent of the allocable amount for such fiscal year shall be available to eligible institutions described in subsection (a)(3) and shall be made available as grants under section 316, treating such 60 percent of the allocable amount as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section, and using such 60 percent for purposes described in subsection (c) of such section;

"(ii) 30 percent of the allocable amount for such fiscal year shall be available to eligible institutions described in subsection (a)(4) and shall be made available as grants under section 317, treating such 30 percent of the allocable amount as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section and using such 60 percent for purposes described in subsection (a) of such section; and

"(iii) 10 percent of the allocable amount for such fiscal year shall be available to eligible institutions described in subsection (a)(6) for activities described in section 311(c).

"(c) DEFINITIONS.—

"(1) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black institution' means an institution of higher education that—

"(A) has an enrollment of needy undergraduate students as required and defined by paragraph (2);

"(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

"(C) has an enrollment of undergraduate students—

"(i) that is at least 40 percent Black American students;

"(ii) that is at least 1,000 undergraduate students;

"(iii) of which not less than 50 percent of the undergraduate students enrolled at the institution are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

"(iv) of which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which it is located;

"(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a bachelors degree, or in the case of a junior or community college, an associate's degree;

"(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation; and

"(F) is not receiving assistance under part B of title III.

"(2) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

"(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

"(B) come from families that receive benefits under a means-tested Federal benefits program (as defined in paragraph (4));

"(C) attended a public or nonprofit private secondary school—

"(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

"(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

"(D) are first-generation college students (as that term is defined in section 402A(g)), and a majority of such first-generation college students are low-income individuals.

"(3) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

"(4) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.

"(5) ASIAN AMERICAN AND PACIFIC ISLANDER-SERVING INSTITUTION.—The term 'Asian American and Pacific Islander-serving institution' means an institution of higher education that—

"(A) is an eligible institution under section 312(b); and

"(B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Asian American and Pacific Islander students.

"(6) ASIAN AMERICAN.—The term 'Asian American' has the meaning given the term 'Asian' in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 Fed. Reg. 58789).

"(7) PACIFIC ISLANDER.—The term 'Pacific Islander' has the meaning given the term 'Native Hawaiian' or 'Other Pacific Islander' in such Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.

"(d) TERMINATION OF AUTHORITY.—The authority to carry out this section expires at the end of fiscal year 2012.".

PART B—COLLEGE ACCESS CHALLENGE GRANTS

SEC. 411. COLLEGE ACCESS CHALLENGE GRANTS.

(a) CHALLENGE GRANT PROGRAM ESTABLISHED.—

(1) PROGRAM ESTABLISHED.—The Secretary shall establish a program to award matching grants to increase the number of eligible students from underserved populations who enter and complete college by providing grants to philanthropic organizations who are members of eligible consortia to carry out the activities of the consortia to achieve this purpose, including—

(A) providing need-based grants to eligible students;

(B) providing support to eligible students through school- or institution-based mentoring programs; and

(C) conducting outreach programs to encourage eligible students to pursue higher education.

(2) GRANT PERIOD; RENEWABILITY.—Grants under this section shall be awarded for one 5-year period, and may not be renewed.

(3) GRANT AMOUNTS.—

(A) IN GENERAL.—A grant awarded under this part for a given fiscal year to a philanthropic organization shall be in an amount equal to the lesser of—

(i) 200 percent of the amount of charitable gifts received in the preceding fiscal year by the eligible consortia, including charitable gifts received by the individual members of the consortia with which the philanthropic organization is associated; or

(ii) the maximum grant amount established by the Secretary by regulation, pursuant to subsection (f).

(B) GIFTS PROVIDED IN CASH OR IN-KIND.—For the purposes of subparagraph (A), the charitable gifts received by an eligible consortia and its members may be provided in cash or in-kind, including physical non-cash contributions of monetary value such as property, facilities, and equipment, but excluding services.

(b) USES OF GRANT.—

(1) IN GENERAL.—A philanthropic organization receiving a grant under this section shall—

(A) provide grants to eligible students; and

(B) distribute grants to members of the consortia with which the philanthropic organization is affiliated, in accordance with the plan described in subsection (c)(2)(A), to fund the activities of such consortia in accordance with the application under subsection (c).

(2) LIMITATION.—Not more than 15 percent of the funds made available annually through a grant under this section may be used for administrative purposes.

(c) APPLICATIONS.—A philanthropic organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

(1) A description of an eligible consortia that meets the requirements of subsection (d), with which the philanthropic organization is affiliated, in accordance with subsection (g).

(2) A detailed description of—

(A) the philanthropic organization's plans for distributing the matching grant funds among the members of the eligible consortia; and

(B) the eligible consortia's plans for using the matching grant funds, including how the funds will be used to provide financial aid, mentoring, and outreach programs to eligible students.

(3) A plan to ensure the viability of the eligible consortia and the work of the consortia beyond the grant period.

(4) A detailed description of the activities that carry out this section that are conducted by the eligible consortia at the time of the application, and how the matching grant funds will assist the eligible consortia with expanding and enhancing such activities.

(5) A description of the organizational structure that will be used to administer the activities carried out under the plan, including a description of the system used to track the participation of students who receive grants to degree completion.

(6) A description of the strategies that will be used to identify eligible students who are enrolled in secondary school and who may benefit from the activities of the eligible consortia.

(d) ELIGIBLE CONSORTIA.—An eligible consortia with which a philanthropic organization is affiliated for the program under this section shall—

(1) be a partnership of mulitple entities that have agreed to work together to carry out this section, including—

(A) such philanthropic organization, which shall serve as the manager of the consortia;

(B) a State that demonstrates a commitment to ensuring the creation of a Statewide system to address the issues of early intervention and financial support for eligible students to enter and remain in college; and

(C) at the discretion of the philanthropic organization described in subparagraph (A), additional partners, including other non-profit organizations, government entities (including local municipalities, school districts, cities, and counties), institutions of higher education, and other public or private programs that provide mentoring or outreach programs; and

(2) conduct activites to assist eligible students with entering and remaining in college, which include—

(A) providing need-based grants to eligible students;

(B) providing early notification to low-income students of their potential eligibility for Federal financial aid (which may include assisting students and families with filling out FAFSA forms), as well as financial aid and other support available from the eligible consortia;

(C) encouraging increased eligible student participation in higher education through mentoring or outreach programs; and

(D) conducting marketing and outreach efforts that are designed to—

(i) encourage full participation of eligible students in the activities of the consortia that carry out this section; and

(ii) provide the communities impacted by the activities of the consortia with a general knowledge about the efforts of the consortia.

(e) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section. Such regulations shall include—

(1) the maximum grant amount that may be awarded to a philanthropic organization under this section;

(2) the minimum amount of chartable gifts an eligible consortia (including its members) shall receive in a fiscal year for the philanthropic organization affiliated with such consortia to be eligible for a grant under this section.

(f) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE STUDENT.—The term "eligible student" means an individual who—

(A) is a member of an underserved population;

(B) is enrolled—

(i) in a secondary school pursuing a high school diploma; or

(ii) in an institution of higher education or is planning to attend an institution of higher education; and

(C) either—

(i) is receiving, or has received, financial assistance or support services from the consortium; or

(ii) meets 2 or more of the following criteria:

(I) Has an expected family contribution equal to zero (as described in section 479 of the Higher Education Act of 1965) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4) of such Act.

(II) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

(III) Qualifies for the State's maximum need-based undergraduate award.

(IV) Is participating in, or has participated in, a Federal, State, institutional, or community mentoring or outreach program, as recognized by the eligible consortia carrying out activities under this section.

(2) PHILANTHROPIC ORGANIZATION.—The term "philanthropic organization" means a non-profit organization—

(A) that does not receive funds under title IV of the Higher Education Act of 1965 or under the Elementary and Secondary Education Act of 1965;

(B) that is not a local educational agency or an insitution of higher education;

(C) that has a demonstrated record of dispersing grant aid to underserved populations to ensure access to, and participation in, higher education;

(D) that is affiliated with an eligible consortia (as defined in subsection (d)) to carry out this section; and

(E) the primary purpose of which is to provide financial aid and support services to students from underrepresented populations to increase the number of such students who enter and remain in college.

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and Puerto Rico.

(4) UNDERSERVED POPULATION.—The term "underserved population" means a group of individuals who traditionally have not been well represented in the general population of students who pursue and successfully complete a higher education degree.

(g) PROGRAM FUNDING.—

(1) IN GENERAL.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $300,000,000 for the period beginning with fiscal year 2008 and ending with fiscal year 2012.

(2) USE OF EXCESS FUNDS.—If, at the end of a fiscal year, the funds available for awarding grants under this section exceed the amount necessary to make such grants, then all of the excess funds shall remain available for the subsequent fiscal year, and shall be used to award grants under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) for such subsequent fiscal year.

(h) SUNSET.—The authority to carry out this section shall expire at the end of fiscal year 2012.

PART C—UPWARD BOUND

SEC. 412. UPWARD BOUND.

(a) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Section 402C (20 U.S.C. 1070a–13) is amended by adding at the end the following new subsection:

"(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Except as otherwise expressly provided by amendment to this section, the Secretary shall not implement or enforce, and shall rescind, the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).".

(b) ADDITIONAL FUNDS.—Section 402C is further amended by adding after subsection (f) (as added by subsection (a)) the following new subsection:

"(g) ADDITIONAL FUNDS.—

"(1) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated to the Secretary, from funds not otherwise appropriated, $30,000,000 for each of the fiscal years 2008 through 2011 to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the Upward Bound program.

"(2) USE OF FUNDS.—The amounts made available by paragraph (1) shall be available to provide assistance to all Upward Bound projects that did not receive assistance in fiscal year 2007 and that have a grant score above 70. Such assistance shall be made available in the form of 4-year grants.".

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment in the nature of a substitute printed in part B of the report if offered by the gentleman from California (Mr. MCKEON) or his designee, which shall be considered read, and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 2669, the College Cost Reduction Act of 2007, which was reported by the Committee on Education and Labor pursuant to the reconciliation instructions of the budget resolution. The committee was tasked to decrease the deficit by $750 million without reducing the assistance that makes college more affordable to students.

In keeping with that policy, this bill will significantly reduce the costs that place college out of reach for far too many students today. This bill represents the largest effort to help students and families pay for college since 1944, when the Congress passed the GI Bill, which helped millions of veterans go to college, the first generation to do so under that legislation.

For years, college costs are rising rapidly and are far outstripping families' ability to pay for them. Students are graduating with more debt than ever before and are working harder to pay back the loans which they borrowed to pay for their college education.

Several hundred thousand students a year now decide to forego a college education, even though they are completely qualified, fully prepared to go to college, because they don't know how they'll pay for it or how they'll manage the debt that they will inherit when they graduate.

Recognizing this need, H.R. 2669 demonstrates our commitment to growing and strengthening America's middle class by making college more affordable and accessible for all qualified students. It also recognizes our commitment to those who are less fortunate, for low-income families, to make sure that we increase the Pell Grants that are available to the students, and also low-cost loans to those same students who need to borrow beyond the Pell Grant.

The College Cost Reduction Act, which passed the Committee on Education and Labor with bipartisan support, boosts the college financial aid by roughly $18 billion over the next 5 years. And this bill does so in a fiscally responsible way. We are committed to the pay-as-you-go budget rules, and we honor that commitment with this legislation.

H.R. 2669 recognizes that we have an obligation to make sure that students have the maximum opportunity to take advantage of a college education and that they need access to that education, they need preparation for that education, they need success while they're there, and they need completion of their education. To do that we've made sure that, regardless of their background, that they will be prepared for college, they will have access to higher education, they will graduate to achieve their goals, and they will not be so burdened with unmanageable debt that that becomes a failure.

The bill does that by, for low-income students, increasing the Pell Grant $500 over the next 4 years. This is a very significant increase in the Pell Grant. As many know, the President promised many years ago that he would have it up to $5,100, and the fact of the matter is it was at $4,050. They failed to increase the Pell Grants.

It cuts in half the interest rates for subsidized loans for hardworking families that are going to borrow money, students that are borrowing money. We will cut their interest rates in half from 6.8 percent to 3.4 percent. This will save the average student graduating with about $13,000 in debt, $4,400 over the life of that loan. We guarantee that those students who borrow this money, when they begin their time in the work world, they will not have to commit more, if they decide not to, to commit more than 15 percent of their income to pay back the loans so that they can enter those professions that may not have great starting wages, but over time in that career, they will build up income.

We also provide, in keeping with the mandate, to try to provide highly qualified teachers in every classroom for students who are excelling in college and want to teach, if they make a commitment to teach in difficult public schools, we will provide $4,000 a year in tuition assistance while they're in school, not after they graduate, while they're in school, to a maximum of $16,000.

For those students who go to college and they get their degrees and they want to enter professions and serve the public, they want to be first responders, they want to be nurses, they want to be firefighters and public defenders and prosecutors and special education teachers and early childhood teachers, we offer them a $5,000 forgiveness of their loans if they stay in that field for 5 years. We know that in each one of these areas there is a crisis in attracting people to those fields. Many in Congress, hundreds of Members of Congress, have co-authored legislation to provide loan forgiveness for some of these professions. This bill, in fact, funds that loan forgiveness for those individuals.

We also increase the loan limits so that students will have greater access to more money to pay for the increasing cost of college and not have to go to the private market, where they will be able to continue to take advantage of the subsidies provided in the Federal loan program.

Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. We also make a landmark investment in minority-serving institutions to make sure that those institutions that serve a disproportionate number of minority students are able to provide the services, to make sure that those students who are fully qualified to go to college, who are prepared to go to college, in fact, stay in college, so we don't have a continuation of the situation we had today where, all too often, because services aren't provided in college to help those students stay in college, those students end up out of college, no diploma and a lot of debt. And we want to make sure that that, in fact, doesn't happen.

So today this legislation provides a great deal of promise and a great deal of assistance and a great deal of resources to those students and their families who are sitting down figuring out how they're going to pay for this college education that is so incredibly valuable today if you're going to fully participate in the American economic system, if you're going to participate in our democratic society.

This is a very, very important piece of legislation. This is legislation that is designed to help these students be able to pay for that education.

We do something else in this legislation. We set up a partnership where we go to the private sector, to wealthy individuals, to corporations, to foundations, and we tell them for every dollar that they'll put up to pay for essentially a Pell-eligible student to complete their education without going into debt, we will match them 50 cent on the dollar.

We are told by those individuals who have actively been participating in raising money for these students that this should allow them to raise hundreds of millions of dollars additionally because of that match; to have that public/private partnership pursuing one of the great goals of this great democratic society, which is to make sure that a student from any part of American society who's prepared to go to college can, in fact, go to college.

So we not only have the government helping them out, we also have private citizens, corporations, philanthropic organizations, and in some cases even local governments if they decide this is good for their economy, and we will provide a match to help them do that.

This is a comprehensive bill. It recognizes the complex needs of families and students to gain access to college, to pay for college, and to succeed in their employment afterwards; and I would urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I also ask unanimous consent for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 2669, the cleverly titled College Cost Reduction Act. And what I would like to encourage my colleagues to do, in listening to this debate, is try to find what in this bill actually will cut or lower the cost of a college education.

□ 1230

There will be a lot of talk about cutting subsidies to lenders. There will be a lot of talk about lowering student interest rates, which actually then is paid to graduates of college, but what are we doing to hold down the cost of a college education? The cost of higher education has been going up more than four times the rate of inflation for the last 20 years, and we have not done anything to lower those costs.

This bill allegedly has been crafted to balance fiscal responsibility with significant new aid for college students and their families. In fact, the majority touts the bill as the most substantial package of new benefits since the GI bill. But under the microscope, it is clear that these claims fall completely flat.

In reality, this legislation is nothing more than a Trojan Horse for new entitlement spending at the long-term expense for American taxpayers. Even though we are considering this bill under the expedited procedure of budget reconciliation, which, as my colleagues know, is intended for real deficit reduction, this bill simply and shamelessly exploits the process. It cuts roughly $18.58 billion over 5 years in payments to student loan providers but simultaneously spends more than $17 billion during that same period on multiple programs, including nine new entitlement programs. So while they are talking about cutting mandatory spending, they are actually creating nine new entitlement programs, an apparent net savings of less than 9 percent.

These new entitlements include grants to Native Alaskan, Native Hawaiian and other minority-serving institutions, grants to institutions with low tuition, grants to institutions to create new teacher preparation programs, grants to philanthropic organizations, a new mandatory Perkins loan program, cooperative education grants, and on and on and on. These sound like wonderful things, and I think what we are really seeing is that Democrats are Democrats. Give them an opportunity to spend money, they can't help themselves.

History has proven that once Washington, DC creates a new entitlement program, it never ever dies. In other words, taxpayers will foot the bill for this onslaught of new entitlement spending for years to come. These same students that will be given some savings through some of these special entitlement programs eventually are going to have to pay for them in higher taxes that they will provide later. During that time, it will certainly dwarf the token "savings" found in H.R. 2669.

It should be noted, too that much of this new entitlement spending is aimed at colleges, universities and philanthropic organizations, which we have never done before. The Federal Government has been sending Federal money to the students directly. Now they are sending it to organizations rather than to the students. This represents a historic departure from the intent of Federal student aid programs. As long as the Higher Education Act has existed, student aid entitlement dollars have been targeted towards students themselves. It is lost on me how sending these funds to institutions rather than to the students attending them helps more Americans pay for college. I doubt that we will see any reduction in tuition rates when they get this new money. But that is just what H.R. 2669 aims to do.

What is more, Mr. Speaker, other proposals included in this bill, such as the interest rate cut for certain college graduates included in the ill-fated Six for '06 legislation passed earlier this year, will have even more explosive long-term costs that could amount to tens of billions more in Federal Government spending. Who will be paying for it? You guessed it. The American taxpayers. And don't forget the cut to interest rates would not aid a single college student. Only graduates. Rather, the benefit would be aimed squarely at those who by definition no longer attend college. While the intent of this new spending is admirable, it is equally misdirected.

Mr. Speaker, President Bush has threatened a veto of this disingenuous legislation and for good reason. With billions in new programs, most of which are directed toward institutions and graduates rather than students, those who really need the help to get into college and stay in college to get on the ladder to achieve the American Dream, this bill marks the first step towards an explosion in new, unchecked entitlement spending and another unfortunate step toward further hyperinflation in college costs.

Indeed, the measure before us overreaches by creating new entitlement spending for every conceivable constituency in higher education. It overreaches by failing to focus on the historical Federal roll in higher education supported by Democrats and Republicans alike: helping low-income students. And it overreaches by extracting too much out of the Federal Financial Aid Program, which has been a success by all measures.

I cannot support it, and I ask my colleagues to join me in opposition.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I thank the gentleman from California for yielding.

I rise today in strong support of the College Cost Reduction Act of 2007, and I thank Chairman MILLER for his impressive work on this legislation.

As a result of this legislation, Iowa students and families will receive $232 million over 5 years in additional benefits in the form of student loans and Pell grants. Almost 77,000 students will benefit from the eligibility expansion and Pell Grant increase in this bill.

I am also very pleased that an amendment that I offered in committee to allow part-time students and students in certificate programs to participate in the year-round Pell Grant program and accelerate their studies was accepted.

As a long-time teacher at Cornell College in Iowa, I regularly encountered students struggling to afford their education, and I am certain that this bill makes the right investments at a critical time for our students.

I urge my colleagues to support this bill, and I strongly support its passage.

Mr. MCKEON. Mr. Speaker, I yield 5 minutes at this time to the gentleman from Wisconsin, the ranking member of the Budget Committee (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the ranking member for yielding.

Mr. Speaker, the student aid bill that passed out of the Committee on Education and Labor is nothing but a Trojan Horse for new spending. In fact, the bill creates nine, count it, nine new entitlement programs and abuses the protection of reconciliation procedures through token budgetary "savings." It also favors the government-controlled and costly direct lending program over the nonprofit and commercial lenders, promoting a back-door expansion of taxpayer-financed student support and a substantial increase in taxpayer liability.

I want to make four basic points, Mr. Speaker: Number one, budget experts have unequivocally warned Congress, experts from the left and from the right and center and everywhere else, that the unrestrained growth in entitlement spending programs is the most fundamental challenge and the largest threat to our Nation's long-term economic health. Comptroller General David Walker refers to the rising costs of entitlements as a "fiscal cancer" that threatens "catastrophic consequences for our country" and could "bankrupt America." Despite all of these warnings, the majority not only failed to address the problem in their budget; they are choosing to make the problem even worse by creating nine new entitlement programs in this bill alone. That is nine new entitlement programs and nothing, not a zilch, of reforms. They're not expanding. They're not replacing. They are creating nine new entitlement programs. While the bill claims that some of these programs will sunset, we all know entitlement programs, once created, never die.

Second, this creates a new mandatory Pell Grant program. Among the new entitlement programs created is an unprecedented mandatory Pell Grant. The Pell grant is a great program, and under Republican leadership, we saw a tripling of Pell Grants from the year 1996 to 2006. Suddenly, this authorizing committee doesn't think that it is enough, and it is planning on taking the committee away from the appropriators into their jurisdiction, making an entitlement which, in my opinion, reduces congressional oversight.

Third, this contains no meaningful reform whatsoever. The bill contains none at all. It represents business as usual for existing programs, except that interest rates and limits in existing programs are changed to make room for more spending. Rather than maybe putting the savings in special education or deficit reduction to fund an unfunded mandate in local schools or reducing our deficit, it creates all of these new programs and this new spending. They will add from $15 billion to $32 billion in spending over the next 5 years alone on top of the already unsustainable entitlement costs we are facing today. Instead of reducing long-term spending, they are using a vehicle originally intended to limit spending to do just the opposite, to fund these new programs.

This bill gets Fast-Track legislation under the guise of deficit reduction, under the guise of controlling spending. Yet what we see here today is a bill that takes $18.58 billion from student loan providers only to spend more than $17.13 billion on new entitlement programs. The savings of this bill is 9 percent, a net savings of 9 percent.

Look at these two bars on the chart next to me. Does it look like the savings are anywhere near the new spending level, or does it look like a sliver of savings is being used to abuse the process of expedited reconciliation protection so they can create all of these new programs?

I offered an amendment in the Rules Committee that would have required that the bulk of these savings be going toward deficit reduction. It is the same amendment that Senator KENT CONRAD, the chairman of the Senate Budget Committee, offered and was passed by unanimous consent on the Senate floor. I couldn't even get this amendment past the Rules Committee, much less on the floor of the House.

There is one last point, Mr. Speaker, that bears repeating, and that is, this favors government over markets. It increases taxpayer liabilities. It favors a government-controlled and costly direct lending program over nonprofit and commercial lenders, promoting a back-door expansion of taxpayer-financed student support. As students are pushed toward the government monopoly, the student benefits and services provided by nongovernment lenders to attract business would be lost. Further, the government-run program only handles 20 percent of the loans today. It would be overwhelmed with the new business and shut done, as it has been in the past, when large volumes shifted to the program.

I just want to finish with one quote from the Democrat chairman of the Budget Committee: "The reconciliation instruction that led to this bill" we are seeing here today is a "stalking horse for a significant expansion of spending."

Please join me in opposing this back-door expansion of new entitlement spending. Let's use budget reconciliation for what it was made for, reducing the deficit and controlling spending, rather than creating nine new entitlements.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the College Reduction Act of 2007, and I thank the chairman and the committee for bringing this bill to the floor. I think it is a great step forward for our college students.

This important piece of legislation will strengthen the middle class by making college more affordable in several ways at no additional cost to taxpayers.

First, it will increase the maximum Pell grant scholarship by at least $500 over the next 5 years, and expand student eligibility for other grants like the National SMART grant. Both of these things will increase the purchasing power for students who otherwise would not be able to afford going to college.

In Texas alone, over 475,000 students will benefit from a $500 increase in the Pell grant.

In addition, this bill will cut interest rates on need-based Federal student loans from 6.8 percent to 3.4 percent over the next 5 years.

All of this will be done at no additional cost to the taxpayers by cutting excess subsidies paid by the Federal Government to lenders in the student loan industry.

Four of the six offsets were already approved by the House this year, when it overwhelmingly voted to pass the College Student Relief Act of 2007 this past January.

During the past few years, student lenders have been able to increase their efficiencies through market-driven mechanisms, but the Government's subsidization has continued unchecked.

The Congress has a chance to help the American people at no additional cost for the taxpayer. How can we resist doing this?

In our district, financial barriers often inhibit the ability of high school graduates to go to college.

By reducing student loan interest rates and increasing Federal grants, we are encouraging families and students to get a college education.

When we pass this legislation, we are investing in the future of our economy, because we will have more college graduates with a lower debt burden. This will enable graduates to do things like buy homes, invest, and fuel our economy.

This is such a critical bill, and it's important that this body approach this bill in a manner that shows bipartisan support for educating our children.

I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the chairman for yielding time.

Mr. Speaker, I rise today to speak in support of H.R. 2669, the College Cost Reduction Act of 2007, which would provide the most significant investment in higher education since the GI bill. I strongly urge my colleagues to support this legislation, and I thank Chairman MILLER for his leadership.

What we do here in Congress does matter. It does matter to ordinary people and to the average American. I was struck by an article in USA Today earlier this year about a family whose daughter was pursuing an undergraduate degree in art. Despite the fact that their daughter received scholarships to cover about a fifth of her cost, this family had to clean out their emergency savings account and their college savings fund and then borrow from the family's 401(K) plan. Still their daughter will graduate with $45,000 in loans. That's just not right. It doesn't have to be that hard. And it won't be that hard if we pass the College Cost Reduction Act, which cuts interest rates for student loans, provides fiscally responsible and targeted loan forgiveness, and increases and expands the Pell Grant program.

I was thrilled to be able to work with Chairman MILLER and others on the committee to ensure provisions that would advance loan forgiveness.

This is a terrific bill, and I urge my colleagues to support H.R. 2669.

□ 1245

Mr. McKEON. I am happy to yield 4 minutes to the gentleman from Texas, chairman of the RSC (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, this might possibly be the single most fiscally irresponsible bill to come to the floor this year, and it has had a lot of healthy competition. Why? Because this bill would create nine, count them, nine, Mr. Speaker, new entitlement programs.

Now, Mr. Speaker, we all know what entitlement programs are; sometimes the American people don't. These are the programs that we put on automatic pilot that get very little oversight. And these nine new entitlement programs are going to be on top of almost 10,000 other Federal programs that are already on the books. And we know that it is entitlement spending that is threatening future generations and threatening their educational opportunities.

As the ranking member on the Budget Committee, the gentleman from Wisconsin talked about, we've heard from our chairman of the Federal Reserve, "Without early and meaningful action to address the rapid growth of entitlements, the U.S. economy could be seriously weakened, with future generations bearing much of the costs, costs that could have been used for their educational opportunities."

We've heard from Comptroller General Walker, "The rising costs of government entitlements are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America." And what does this bill do, Mr. Speaker? It ignores this greatest fiscal threat to our Nation, a threat to educational opportunities, and dumps nine new entitlement spending programs on top of it.

Now, I have no doubt that the bill's sponsor will claim that this saves money, but it uses gimmicks. It claims that these entitlements will expire. Well, Mr. Speaker, we see Haley's Comet more frequently than we ever see an entitlement program expiring in the Nation's Capitol. It's got interest rate snapbacks. And we all know that once these entitlement seeds grow, the cost will be borne by future generations.

One thing I want to make very clear, Mr. Speaker, is that the worst part of this program is that it will ultimately lessen educational opportunities for hardworking American families. And it will because it is all part of a Democratic spend-and-tax program. Programs like these necessitate the largest single tax increase in American history, which they put into their budget, which takes away from families' opportunities to spend on their educational opportunities.

I heard from Melanie in Chandler, Texas, who's in my district. She wrote, "Congressman, if I have to pay more taxes, then I can't afford to go to school. If taxes are raised, I won't have a choice but to quit school and go back to work."

I heard from Rose in Garland, Texas, also in my congressional district. "I'm a divorced mother with a child in college and a child in daycare. An increase in taxes would wipe out hope of the first college graduate in the family."

I heard from Bruce in Garland. "In my particular case, an additional $2,200 in taxes would cut into the finances I use to pay for my son's college education. I really believe that given more money, Congress will spend more money, so that is not the answer. A control in reduction of spending is what is needed."

Now, Mr. Speaker, there are very few opportunities that are as wondrous and as fundamental to the American Dream as education. And so I want to make it very clear again today, we're not having a debate over how much we're going to spend as a Nation on education, but we are having a very fundamental debate on who does that spending.

This bill, brought by the Democrat majority, would put all of the control in government. It would reduce opportunities. It would reduce choice. It would reduce innovation for families trying to finance education. And ironically, as part of the largest single tax increase in American history, it takes money away from families. But if people beg for it, maybe they'll get a little bit of it back.

We should reject this bill.

Mr. GEORGE MILLER of California. I yield myself 15 seconds to say, it's most interesting to sit here and be lectured by people who, when they controlled every department of government, every branch of government, they took a $5 trillion surplus that they inherited from the Clinton administration and immediately turned it into a $3 trillion debt that this Nation now is carrying around as it tries to compete in the world. To be lectured by mindless spenders like that is really a treat on this floor.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentleman for yielding.

Mr. Speaker, I have many good things to say about this bill. I urge my colleagues to support it, but let me focus on a couple of quick things.

First, it is a long overdue and much-needed infusion of support for Federal need-based financial aid programs. It raises the Pell Grant maximum from $4,310 to $5,200 over a period of years. It increases the Federal capital contribution for the Perkins loan program, a program, by the way, that this administration seems intent on killing, and it increases loan limits so that students will have access to greater support.

In doing all of those things, we help students avoid what has become termed the "wild west" of student lending, that is, the private loan market. We have driven students to the private loan market because we have not properly supported the programs that currently exist. And with these increases, we will be properly supporting those programs.

And lastly, the reduction in the interest rates has been characterized by the other side as not affecting access or affordability and, in fact, it does. Students make decisions about the schools that they are going to attend by virtue of their anticipated indebtedness, and we address that.

I urge my colleagues to support this bill.

Mr. McKEON. Mr. Speaker, might I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from California has 17 minutes. Mr. MILLER from California has 21¾ minutes.

Mr. GEORGE MILLER of California. I yield 1 minute to the Democratic leader.

Mr. HOYER. I thank the chairman for yielding, and I want to congratulate the chairman. There is nobody in this body who has served longer with more focus on the quality of education, the access to higher education, and whether we're dealing with primary, secondary or higher education, more concern than GEORGE MILLER of California, and I congratulate him on the service that he has given.

I also want to congratulate the ranking member, who himself has been an outspoken advocate of education quality in America.

Let me say, before I start my remarks, that I'm always interested to hear the comments of the ranking member of the Budget Committee and of the leader of the Republican Study Committee. I'm interested to hear their remarks because of course they have both said nine new entitlements. I was here with both of them for 3 hours one night, from 3 a.m. to 6 a.m. in the morning, and we enacted the largest entitlement that has been enacted since the 1960s, and we were told that was going to cost $395 billion by the administration. The administration did not tell us the truth, and they knew they were not telling us the truth. And the person who knew the truth was prohibited by the administration from giving us the truth on pain of being removed, a civil servant, not an administration appointee. He knew the cost of that program, as he projected it, was $524 billion, or $125 billion more than we were told on this floor. But it was told $395 billion additional entitlement.

Now the interesting thing is that Mr. RYAN and Mr. HENSARLING both voted for that program. That program has a larger unfunded liability as of this day than Social Security. So I think the lecture on fiscal responsibility is, frankly, not well taken.

Mr. HENSARLING. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. HENSARLING. Did the gentleman support the Democrat alternative that cost even more, as scored by CBO?

Mr. HOYER. The gentleman, of course, is not on this floor lamenting the creation of entitlements as is my friend from Texas, so I suggest your question is inappropriate because your concern is about entitlements. But you voted for an entitlement that was the largest entitlement passed on the floor of this House in four decades, about as long as I think the gentleman has been alive. I wish that I could say the same; unfortunately, I've been alive a lot longer than that. So I think the question begs the question, my friend.

But let me say about this landmark legislation, the College Cost Reduction of 2007 is yet another example of how this Democratic Congress is committed to moving our Nation in a new and better direction and working on behalf of the American people.

In short, this legislation will provide the single largest investment in college financial aid, and about $18 billion over the next 5 years. Now, that is about one-fifteenth of the mistake that was made in the entitlement that you supported, my friend. And it's the largest since the GI Bill was funded in 1944. The GI Bill was an entitlement. And very frankly, the Greatest Generation was worth investing in. And that investment has paid off 100 fold in the economy that this Greatest Generation built in America, and it will do so in this case as well. And it does so at no new cost to the American taxpayer by cutting excess subsidies paid by the Federal Government to lenders in the student loans industry. The administration suggested $16 billion. We're a little above that. So there is not a disagreement as to whether or not there is an overpayment here; it's a question of where you're going to put your money. In fact, it includes a $750 million, not a lot of money in the scheme of billions of dollars and trillions of dollars, reduction in the deficit.

A few months ago Bill Gates, the chairman and cofounder of the Microsoft Corporation and one of our Nation's great innovators, wrote in the Washington Post, "If we, the United States, are to remain competitive, we need a workforce that consists of the world's brightest minds." That's what this bill seeks to enhance. Mr. Gates added, "Education has always been the gateway to a better life in this country."

Mr. Speaker, this legislation not only recognizes that education is a key to personal development, fulfillment and success, but also, and critically, a crucial factor in our national competitiveness, our continued prosperity, and yes, I suggest to all of my colleagues, our national security.

Simply stated, this legislation will make a college education more affordable for millions of students and their families. The fact is, college tuition today is exploding. Tuition at 4-year public colleges has grown by 35 percent in the last 5 years. Let me say in my State of Maryland, tuition cost has gone up 43 percent in the last 4 years. America cannot afford to shut people out of the access to college education if we're going to be successful in world markets in a flat world, as Tom Friedman refers to it. Too many students graduate with tremendous debt, and too many others simply don't go to college because they cannot afford it. To address this situation, this bill will increase the maximum Pell Grant scholarships by at least $500 over the next 5 years. That will not come close to what the Pell Grants initially, when they were adopted, replaced in tuition costs, about 70 percent. We're now down to 30 percent. When combined with other Pell scholarship increases proposed by Congress this year, the maximum Pell Grant will reach $4,900 in 2008, $5,200 in 2011, up from $4,050 in 2006. Notwithstanding, the President in 2000, in his campaign, said he was going to increase the Pell Grant very substantially. It doesn't happen.

The bill also will cut interest in half on subsidized student loans over the next 5 years, and it will guarantee that borrowers will not have to pay more than 15 percent of their discretionary income to loan repayments. In addition, this bill seeks to ensure highly qualified teachers in every classroom, a critical need in our Nation, by providing up-front tuition assistance to qualified students who commit to teaching in public schools in high-poverty communities or high-need areas. That is important for our country's ability to compete and to develop every mind in America. There is not a child to waste in America. We know that.

It encourages and rewards public service by providing loan forgiveness for first responders, law enforcement officers, firefighters, nurses and others. And it encourages landmark new investment, $500 million guaranteed over 5 years, for Historically Black Colleges and Universities, Hispanic-serving institutions, and tribally controlled, native or predominantly black institutions.

Mr. Speaker, this legislation is a very significant and important step toward realizing the goal of making college affordable for every qualified student.

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I want to congratulate Chairman MILLER once more and the staff and all of the members of the committee and Mr. MCKEON for the positive role, whatever position one might take for or against, the positive role that the committee has played. It is a historic investment in our people and our Nation. I urge every Member to strongly support this legislation.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend for yielding.

Mr. Speaker, I don't know how I am always so lucky, or unlucky, I guess, to speak after the majority leader's minute, which is probably the longest minute I have ever seen. But to listen to him talk, you know, this weekend I bought a TV from somebody that was as good a salesman as Mr. HOYER. I didn't need the TV. It was too expensive, and I really didn't want it. But after talking to the salesman, I ended up thinking I needed it and I could afford it and it was what I needed. So I bought it.

Mr. HOYER and I have had this conversation on the floor before, and that is that you can fool some of the people some of the time, but you can't fool all of the people all of the time. So the American people were sold a bill of goods last November, and they are continually being sold things in this Congress.

I come from Georgia. We have the HOPE scholarship, Mr. Speaker, one of the greatest tools for education that I think has been done. It comes from a lottery, which a lot of people oppose, but a lot of young people in Georgia are now able to go to college. What we found in Georgia was that when the State started paying for the college tuition, that the tuition went out of sight. It was another funding means for these institutions of higher education to charge more.

Now, the majority leader said that tuition in Maryland had gone up 43 percent in 4 years. Well, if he thinks that is something, wait until this bill passes. Because what is going to end up happening is that when the government starts loaning the money and paying for this, those tuitions are going to skyrocket, because the people that are getting it don't really care how much the tuition is.

Let me say this: When I bought this TV that I didn't need, that I couldn't afford, I got down to the bottom dollar of what I thought that I could afford. Of course, this great salesman walked away because he said, do you know what? If I can't make some money, I am not going to do this. We ended up negotiating. What ended up happening is that I paid up more than what I wanted to. He took less.

But a bank is not going to loan money if they can't make money. We hear a lot of back and forth on this floor. We don't know who to believe and who not to believe. Let me tell you the truth. If a bank, a lending institution, cannot make money, they are not going to do business with people. So the reality is that the private sector is going to get out of making these loans, which is probably the last stop we have of having any type of accountability to it. The government is going to start doing it all. If the banks will not loan it at this interest rate because they are losing money, and the government will, then that means, again, here is the thing, if we continue to govern our political correctness, the taxpayers end up holding the bag. They are going to end up holding the bag on this.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding. I thank you, Mr. Chairman, for your great leadership in bringing us to this historic day. I thank all of the other members of the committee for their leadership in making this day possible, for expanding America's middle class, for giving opportunity to America's children, and for making our future brighter.

Mr. Speaker, I rise in strong support of the College Cost Reduction Act of 2007.

In 1944, when the GI Bill of Rights became law, our Nation made a decision. They made a decision to invest in the future. It was an investment that transformed the lives of millions of Americans. It transformed America to the benefit of all Americans. Indeed, it built America.

Over the years, the GI Bill offered opportunity and economic security through education to more than 20 million of the brave men and women who wore our Nation's uniform. It has given America hundreds of thousands of engineers, teachers and doctors, and it has given us a model for the value of investing in the education of our people for our country.

Today, with this legislation, we will make the single largest increase in college aid since the GI Bill of Rights revolutionized America. It is an investment for a bright future for our children, and, just as the GI Bill has been, an investment in a bright future for our Nation.

Any economist will tell you that any dollar spent on education is a dollar that makes a big return to our Treasury. In fact, no dollar invested or spent, no tax credit, no financial initiative you can name brings more money to the Treasury than investing in education.

I want to again thank Chairman MILLER and the distinguished members of the Education and Labor Committee for their leadership in making sure higher education is affordable and accessible.

In today's competitive job market, a college education often makes all the difference. Americans with college degrees can earn 60 percent more than those with only a high school diploma. So in the interests of individuals, this is very, very important. Indeed, higher education is the single best investment our young people can make in themselves, that families can make in the success of their children, and our country can make in its future strength.

It is important to note why this legislation is very important. Financial barriers will prevent 4½ million high school graduates from attending a 4-year public college over the next decade and prevent another 2 million high school graduates from attending any college at all. Over 6½ million students will not have access to some college or any college at all.

Higher education, as we all know, is the key to achieving the American dream. This legislation has made sure that all who are qualified and determined to have that education will have access to it.

It has been said that cutting interest rates in half will make it possible for more Americans to achieve their potential. This is especially important for strengthening the middle class. Middle-income families in America struggle to educate their children. This interest rate cut is very important for them. By increasing the maximum Pell Grant scholarship by over $500, nearly 6 million students will be given help to afford expanding college costs.

In hearing the debate on the cost, I think that it is important to note that the cost of this bill is the equivalent of 6 weeks in Iraq; 6 weeks in Iraq. Imagine that, for 6 weeks in Iraq, we can expand higher education to all who wish to achieve it in America. That investment has a return to our Treasury. It will grow our economy and prepare us for the future.

This legislation is a very important part of our Innovation Agenda, where we do need to invest in many more scientists, engineers and mathematicians. By giving opportunities to highly qualified teachers in our classrooms for this Innovation Agenda, it provides an essential component for a bright future for our Nation. It will provide up-front tuition for highly qualified teachers who agree to teach in high-needs areas, increase loan forgiveness for those who practice civic responsibility and encourage students to give back to their communities as teachers, librarians, childcare and welfare workers and public sector employees.

Members have talked about this over and over again. The fact is that, again, for the cost of 6 weeks in Iraq, we can ensure the education of our young people across the broad spectrum of America. We can reward those who want to be civically involved as teachers. It is all paid for.

Today, we are not only relieving the debt of America's students, but doing so in a way that not only helps relieve their debt but does not heap mountains of national debt on top of our young people. This legislation keeps our promise to pay as you go with no new deficit spending. Democrats believe that is just as essential as ensuring that American students have the opportunity to attend college.

Mr. Speaker, the College Cost Reduction Act strengthens the future for our students and it strengthens our Nation. I think, again, that this is a historic day, because it is a day that is about the American dream. It is a day about expanding opportunity in our country. It is a day that recognizes that the best dollar that we can spend is a dollar spent on education. It recognizes that education is the key to a brilliant future, not only for the self-fulfillment of our people, but for the success of our country. It is about our self-fulfillment personally. It is about growing our economy. It is about our National security. It is about carrying the banner of our Founders who have made a commitment to future generations.

Thank you, Chairman MILLER, and members of the Committee on Education and Labor, for helping us honor that commitment to future generations. I urge our colleagues to support this very important and historic legislation.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. WALBERG), a member of the committee.

Mr. WALBERG. Mr. Speaker, today I rise in strong opposition to this cleverly entitled College Cost Reduction Act of 2007. Under the guise of saving money and paying down the deficit, Democratic leaders are using the budget reconciliation process as a vehicle to create a host of expensive new Federal bureaucracies rather than making tough decisions to restrain entitlement spending and balance the Federal budget.

Mandatory spending programs consume the largest portion of the Federal budget, and their share will only increase as Social Security and Medicare costs explode in coming years. Unfortunately, this action comes as no surprise. After reclaiming the majority under the claims of fiscal accountability, House Democrats have already voted to approve a massive $400 billion tax increase on working families and small businesses, and may I add, that amounts to over $3,000 on average tax increase for these students who we are attempting to help.

Now we are considering a piece of legislation that will create nine new entitlement programs resulting in $18 billion in new spending. The explosion in new, unchecked entitlement spending is another unfortunate step backwards for the American taxpayer. I agree that Congress must remain committed to ensuring affordable access to post-secondary education. But instead of focusing the bulk of need on increasing access to higher education for low-income students, the bill increases aid to colleges and universities at the expense of students who receive Pell Grants. H.R. 2669 only targets $4.9 billion towards Pell Grants, increasing the maximum award by only $100 per year for 5 years. Pell Grants have proven to be effective in helping low-income students attain higher education. This bill will not prioritize Pell Grants.

I do wish to take a moment to thank Chairman MILLER for working with me to remove section 201 of his bill in his manager's amendment. I was happy to work with our State's Governor to make this change. This action withheld funds from the Leveraging Education Assistance Partnership, known as the LEAP, if a State reduced the average amount of funding it has provided over the last 5 years. This so-called maintenance of effort provision is a bold and unprecedented overreach of Federal authority designed to dictate State budgets.

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This is particularly true because the Federal Government provides little direct assistance to States or higher education institutions. Low-income and financially needy students should not have to struggle because of a State's budgetary shortfalls. My home State of Michigan continues to suffer from a struggling economy and difficult choices must be made on how to most appropriately fund the State. However, needy students should not have critical financial aid yanked away because the State cannot afford the same financial commitment it has made to the LEAP program in more prosperous years.

I was also prepared to offer an amendment to the House Rules Committee concerning the Upward Bound program. I appreciate that the chairman's manager's amendment removes a section that earmarked $30 million for prior Upward Bound grantees who submitted low-scoring applications, bypassing 107 new applicants who submitted competitive proposals.

But despite these small improvements, the College Cost Reduction Act contains dozens of poison pills that mark another step towards unchecked spending. I urge my colleagues to vote "no" on the so-called College Cost Reduction Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, a few minutes ago my friend from Georgia described buying something he didn't need at a price he couldn't afford. I want to thank him for giving us a perfect description of the last 7 years of the governance of this country under the Bush administration.

We got a lot of things we didn't need: a war in Iraq, a misadventure in Iraq at a price we couldn't afford, $4 trillion in new debt under their watch. We got $12 billion a month in Iraq under their watch.

This is something we do need and we can afford. Higher college scholarships for American students, lower school loan interest rates for American students. And it is paid for, unlike their massive spending increase, unlike their tax break giveaways to the wealthy, this does not increase the deficit by a dollar. We are changing their failed policy of buying things we don't need at prices we can't afford. They should vote for that change today.

Mr. MCKEON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 10¾ minutes, and the gentleman from California (Mr. GEORGE MILLER) has 18¾ minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, today parents have a choice of a second job, a second mortgage, or dipping into their savings to help pay for their kids' college education, and that is the wrong choice to ask parents to make.

In Illinois, tuition last year went up, increases of 14.5 percent, the fourth largest increase of any State in America. Today when a kid graduates from college, they graduate with an average of $15,000 of debt. So on the front page they get a diploma, and on the back side, they get their first credit card bill. That is the wrong choice for America.

You could not write the American decade if you didn't look at the GI bill and making a high school education universal in America. Those are the two most significant economic acts of the last 100 years.

My colleagues on the other side of the aisle noted two examples. One, they are worried about the deficit. After $4 trillion of new debt, I appreciate your conversion to concern about increasing the deficit, but there is no deficit spending here.

Second, and most importantly, they talk about the importance of the Pell Grants. This is after, in fact, the President's budget cut Pell Grants one year $1 billion, and froze it for the last 3 years. We are doing the right investment. Not one of us would be in this institution if it wasn't for two things: the love of our parents and the access to a higher education. We are providing Americans something different from the last 6 years. Rather than slamming the door shut on their access to a college education, we are opening the doors and making the American Dream possible. I compliment our leadership for bringing this bill and opening the doors of America's future with a good college education bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, when I was elected to the House of Representatives last November, I asked to serve on the Higher Education Subcommittee specifically so I could help make college more affordable for American families, and this bill does just that. It raises Pell Grant awards to their highest level in history. It cuts in half the interest rates students will pay on their student loans, and this bill rewards community service by providing loan forgiveness for those who choose careers in important fields like first responders, law enforcement, firefighters, and nurses.

And we do all of this at no additional cost to the taxpayer. This bill is fully funded, and I am proud to have played a part in crafting this important legislation.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX), a member of the committee.

Ms. FOXX. Mr. Speaker, I want to thank the ranking member for giving me this time.

I have sat here and listened to this debate on this bill, and I want to say we are back at dealing with hypocrisy again, as we have been on a daily basis.

The College Cost Reduction Act, the title is not just a misnomer; it is an outright lie. Much of the $18 billion in new spending doesn't reduce the cost of college, but instead consists of new welfare targeted at people who aren't even students.

And comparing this bill to the GI bill is truly, truly hypocrisy. We instituted the GI bill to help men and women who had fought for this country and returned to this country to help them get college education and get back into our culture.

All this is going to do is increase the nanny state. What we are doing is taking away personal responsibility from people and giving them out and out payments for loans that they take out that they don't need to take out.

Economists are not going to tell us that money spent on education is a good investment, and the government doesn't invest money. The government spends money. It is interesting to me that they brought out the big guns for this bill and they say it is no new cost to taxpayers. Well, every dollar we take away from taxpayers is a cost to them.

Why is tuition up 43 percent? We are looking at the wrong issue. As long as the government keeps throwing money, then the institutions are going to keep expanding what they charge. I have used myself as an example before, but I know many people who have done this. They went to college and never borrowed a dime. They were as poor as could be.

We should call this the new Democrat welfare bill. It is a Trojan horse. It is designed to fool the American people. We have used this analogy before. You can put lipstick on a pig, but it is still a pig, and that is what this bill is. There is no need for this. There is no need for people to go into debt to go to college in this country. There are all kinds of choices for people. All we are doing is taking money away from hardworking American people and creating new government programs.

I am really concerned about the direction in which we are heading in this country. The Democrats have never seen a welfare program they didn't like. Republicans were able to decrease welfare costs when they took over in this body in 1995. This is another attempt by the Democrats to continue the welfare program.

I want Americans to have access to education. I have worked in education all my life: school board member, university administrator, college president. I have dealt with low-income students. This is not the way to do it. We don't need a return to the nanny state.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 15 seconds to say that I find it unbelievable that Republicans would decide that families that are making every sacrifice to borrow money, and students that are making every sacrifice to borrow and pay back money, that somehow they are called welfare recipients. These are hardworking American families who are struggling to educate their children, and I want to disassociate myself from that kind of characterization of these families or these students.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, I rise for a colloquy with the gentleman from California.

As I understand, an important provision in this bill is a loan forgiveness program for individuals serving in high-need professions. One of those is child and adolescent mental health professionals.

Do I understand the chairman in helping me secure this program in the overall bill so that we can bring more professionals into this area?

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I want to thank the gentleman for bringing this to our attention, and we look forward to continuing to work with him on this issue.

As he has pointed out to this committee and many Members of Congress, we in fact have a workforce crisis, and that is what we have tried to address in the loan forgiveness program in those professions that are not necessarily the highest paying in our society but are essential to the well-being of our society. We will work with the gentleman as this bill proceeds through the legislative process on this matter.

Mr. KENNEDY. Suicide is the third leading cause of death for young people. Too many people are waiting in our juvenile detention facilities all across America. It is causing a disruption in education all across this country. We need more child and adolescent mental health professionals if we are going to have an education system, and I thank the gentleman for helping us get more of those professionals in the field so we can move forward with their education.

Mr. GEORGE MILLER of California. I thank the gentleman from Rhode Island and look forward to continuing to work with him on this issue in this conference and also on the Higher Education Act.

Mr. KENNEDY. I thank the chairman of the committee.

I'd like to thank Chairman MILLER for his leadership in bringing to the floor the largest single investment in college financial aid since the GI Bill.

The bill we are considering here increases the maximum Pell Grant by $500. It will cut the interest rate on student loans in half.

It provides loan forgiveness for college graduates that agree to teach in high-need areas and who agree to go into public service professions. It accomplishes all of that, and yet here is the best part: this bill saves the American taxpayers $750 million.

By reducing the excessive subsidies that Congress has lavished on private lenders, lenders that we have seen in the news this year have acted unscrupulously time and again, Chairman MILLER has more than paid for the investments he is making in our students.

I know that my constituents in Rhode Island who take out Federal students loans will appreciate the $4,420 in savings this bill provides to them. And I also know that the rest of my constituents will appreciate the fact that this increase in student aid does not cost them one extra dime.

When Democrats took control in Congress, we promised to cut student loan interest rates in half, while at the same time proceeding in a fiscally responsible fashion. Today, we are fulfilling that promise. I will be proud to vote in favor of this bill, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 2669, the College Cost Reduction Act of 2007. By passing this bill today, we make the largest single investment in higher education since the 1944 GI bill.

College costs have grown nearly 40 percent in just the last 5 years, and too many students have found themselves drowning in debt or, worse, unable to afford an education at all. I believe education is an investment, not an expenditure. This bill will increase our Nation's competitiveness and allow Americans from all economic backgrounds to achieve the dream of a college career.

This act would make need-based student loans more easily accessible and provide for additional mandatory funding for the Pell Grant scholarship, benefiting nearly 230,000 students in my home State of Illinois.

The bill also cuts the interest rate on subsidized student loans in half over the next 5 years and includes tuition assistance for students who teach in the Nation's public schools and loan forgiveness for college graduates who go into public service professions. I urge my colleagues to join us in supporting H.R. 2669.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for acknowledging me. I am happy to rise in support of this bill here today. A conversation I heard a short while ago from my colleagues that there are some people in America who are taking welfare and don't need to have public assistance to go on to college are probably not thinking of the same America that I am thinking of.

I am thinking of the America where college costs have gone up 41 percent after inflation, and that is just for public higher education. I am thinking of the America where parents are working two jobs on many occasions, the students are working, and they still can't afford the cost of a public higher education.

I am thinking of the America that has not raised the value of a Pell Grant for many, many years, and we have a chance here to do just that. I am looking at a bill and supporting a bill that in fact will raise the Pell Grants, is going to lower the interest rate on student loans, both of which are necessary for many, many families in this country. I am talking for businesses as well as families. This is a chance not just to help the individuals, but to help our economy.

We all are very happy to talk about the need, to really have the college-educated populace out there so we can be competitive globally. This is our opportunity to put our money where our mouth is. This is a good piece of work. I congratulate the chairman for getting this through and look forward to passing this bill in the whole House.

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The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 13¼ minutes remaining. The gentleman from California (Mr. McKEON) has 7¾ minutes remaining.

Mr. McKEON. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. PETRI), a senior member of the committee.

Mr. PETRI. Mr. Speaker, I thank my colleague, and I'd like to share an alternative Republican viewpoint on the bill before us this afternoon. Traditionally, Republicans have stood for budgetary responsibility and competition to ensure a good return on taxpayer investment in Federal programs. I believe that this bill, while not perfect, is something that any Republican who stands for these principles should support.

For many years, I have spoken out against the excess subsidies that taxpayers pay to lenders in the guaranteed loan program. Government and private economists, including those in the Office of Management and Budget, the Congressional Budget Office, the Government Accountability Office and the Treasury Department, have all confirmed the significant inefficiencies in the program due to the arbitrary and capricious nature in which lender subsidies have been set over the last 40 years.

In fact, these scorekeepers have found that taxpayers spend $3 to $5 billion each year on unnecessary subsidies that could be better applied as direct aid to students. The status quo on lender subsidies is inefficient, wasteful and unacceptable, and I applaud the effort made in this bill to redirect these resources primarily as Pell Grants and interest rate reductions.

This bill also contains two other critically important provisions that largely have been overlooked in this debate. First, it includes an amendment that I offered and which was unanimously adopted in committee to study and implement a pilot program using market-based reforms, such as auctions, to bring down the cost to taxpayers in the guaranteed loan program. The reason we find ourselves needing to redirect these subsidies in the first place is due to the fact that Congress set subsidy rates blindly and irresponsibly, not based on any market considerations.

As a free-market Republican, I believe Congress has no business setting lender returns. Other mechanisms, such as auctions, will actually capture market demands to obtain the optimal rate for taxpayers and for lenders. Given the tremendous waste, fraud and unethical relationships that have been uncovered in this program over the last 6 months, it's clear that the guaranteed loan program is fundamentally and structurally flawed. This study and pilot are key to comprehensively reforming this program to ensure it serves students and taxpayers. And I'd like to thank the chairman and the committee for their strong support for this important effort.

Further, this bill applies a small portion of the savings towards improving income-contingent student loan repayment. Earlier this year, I introduced the IDEA Act, H.R. 2465, to make key changes to our current, limited income-contingent loan repayment program. The bill would make this repayment model accessible to all borrowers and better address the growing debt burdens which our students are graduating with. Some of my colleagues may be surprised to learn that this repayment model was actually developed by free-market economist Milton Friedman as the optimal way for all students, no matter their income, to repay their student loans.

The College Cost Reduction Act includes several provisions included in my legislation to improve this program, such as a 15 percent cap on adjusted income payments and moving the floor from 100 to 150 percent of the poverty level. These are positive first steps towards implementing a viable income-contingent repayment program, and I hope my colleagues will consider cosponsoring the IDEA Act to develop a loan repayment system for the 21st century.

I thank my colleague for yielding me this time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS), a member of the committee who had a major amendment in this legislation.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of reducing the cost of higher education and increasing access for all of those who dream of attending college, and that includes, Mr. Speaker, our servicemembers.

Our servicemembers face extraordinary challenges when activated to go to Iraq or Afghanistan while in college.

Under current law, those deciding not to return to school must begin to repay the loan immediately after returning home, and this means, as we all know, that they will receive their student loan bills in the mail within days of returning from a combat zone.

Among the other benefits in this bill, the College Cost Reduction Act includes an amendment to give those activated while in college a 13-month deferment before they must begin repaying a student loan.

This bill is important, and it's important for this reason, because it provides our servicemembers the protections and the rights they deserve when activated while in college.

I urge my colleagues to support the overall legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for her amendment, and I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY) a member of the committee.

Ms. WOOLSEY. Mr. Speaker, every single American, no matter what circumstances he or she comes from, deserves the opportunity to earn a college degree, but this opportunity should not come at the cost of years of crippling financial debt. That's why the time has come for this Congress to ease the education burden by increasing Pell Grants, reducing interest rates and closing the gap between college costs and financial aid.

For the fifth time in 6 years, the college system in California raised tuition. In fact, this fall, students at Sonoma State University in my district will be required to pay nearly $3,000 more a year in tuition. That's a 10 percent increase from their current tuition.

We need to do better. We need to work with our colleges to keep costs low. We need to invest in financial aid, and today, we are finally doing that.

And it's going to cost $18 billion to help this financial aid increase; $18 billion, about the same as 6 weeks of our occupation in Iraq.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman from California and congratulate him and thank him for developing this legislation.

We've outlined many of the provisions of the bill today. I would just point out that this will result in more than $250 million in additional loan and Pell grant aid to New Jersians. I'm also pleased that this legislation includes provisions from my bill, the Part-Time Student Assistance Act, that will make Pell Grants available year-round instead of the current two semesters a year, and this is important for students who work and go to school.

Also, we have raised the income protection allowance in the College Cost Reduction Act so that students who will have to work to support themselves and their families can earn more without having that count against their student aid.

The bill also includes provisions from my bill, the National Security Language Act. This provides $5,000 in loan forgiveness for Federal employees with critical foreign language skills.

The bill also provides upfront grant aid for those who are becoming math, science and foreign language teachers. Without qualified teachers in these areas, we're endangering the competitiveness of our children in the global economy.

I urge my colleagues to support this legislation.

Mr. MCKEON. Mr. Speaker, I'm happy to yield 3 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Speaker, this is a truly historic debate on the difference of philosophy of government. We agree on much of what's in this bill. In fact, my friend from Texas, Congressman RON PAUL, is a purist, capitalist, libertarian, but in fact, we've always had a blended government.

And the question is, whether it's through tax incentives, direct spending or loans, we've had a blended economy from the days of building canals and from our beginning; the question is, which way are we going to tilt? Is it going to be a capitalist tilt, or is the tilt going to be government running this?

I believe, and I understand that likely today I'm going to lose, I'm going to be on the losing side, but I want to go on record pointing out how in fact extreme this bill is.

There is a section, a provision of this bill, however well-intentioned, that reverses the normal role of trying to balance what you purchase with your ability to repay. It's an income-based section 133 open-ended entitlement benefit, regardless of profession, that allows them to cap the maximum loan payment each year at 150 percent of discretionary income and have the remainder of the loan forgiven after 20 years.

Under the bill, this means a typical entry-level Hill staffer earning $25,000 a year would never be forced to pay more than $120 a month on their student loans. This would no doubt be popular to our staff, but the American taxpayer I don't believe would approve of this.

An income-based repayment program would eliminate once and for all any need for students to weigh their choice of college or university against which type of career they plan to enter after the degree. It's a disconnect with capitalism because you don't have to say, if I get this number of degrees and go this far, how is my job going to repay this? Should I go to a local campus? Should I go to a lower priced college? It's disconnected now based from your choice of employment.

While the government surely has a role in increasing access to education, this program would totally strip any incoming college student from making a responsible choice. It's kind-hearted but reckless.

One final example to strengthen the point. Say someone leaves school with an advanced degree and $120,000 of loan debt and takes a job making a steady $65,000 a year. He or she, if they selected to become part of this program, making $65,000 a year and made only minimum monthly payments, using the current 6.8 percent interest rate, the required monthly payment under the program would not even cover the interest on the loan, so that, 20 years later, they would have their $150,000 forgiven, even though they had been making $65,000 a year. That's because the median income in the United States is only $46,000.

I believe that we should work with low-income students through Pell Grants, and I support many parts of this bill in targeting, but when you disconnect the economic decisions that you make on your graduate degrees, on what profession and what college, it is State-controlled, economic controlled, not capitalism.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii (Ms. HIRONO), a member of the committee.

Ms. HIRONO. Mr. Speaker, I rise in strong support of the College Cost Reduction Act, the largest increase in college aid since the GI bill, and I especially thank Chairman MILLER for his leadership.

This legislation will make college more affordable and accessible for students in Hawaii and across America. It will do so at no new cost to taxpayers.

Keeping America competitive requires an educated workforce prepared for high-skilled jobs. Beyond preparing our youth for careers, education is vital for the full development of an individual.

College costs have skyrocketed beyond the needs of many students and their families, and as a result, students in Hawaii and elsewhere are holding off going to college or skipping it all together, and those who do attend college are taking on increasing amounts of debt.

So this bill is of critical importance because the hardworking families I represent need this help.

I also want to mention a few other provisions in this legislation that are very important to me. As a member of this committee, I worked to increase funding for colleges and universities for native Hawaiians and Alaska natives $30 million over the next 5 years. For this and many other reasons, I rise in strong support of this measure.

Mr. MCKEON. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 1¼ minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 9¼ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. CLARKE), a member of the committee.

Ms. CLARKE. Mr. Speaker, it is with great pleasure that I rise today to give my enthusiastic support to the College Cost Reduction Act of 2007, H.R. 2669. I want to thank Chairman MILLER for his leadership in this matter.

In the advent of the 21st century, the question we must ask ourselves is, what have we done to ensure the success of our Nation, the development of our civil society? Education has been and will always be the portal for our advancement.

The cost of attending college has increased by 40 percent over the past 5 years. As a result, students are graduating with more debt than ever and postponing enrollment or avoiding college all together because they just can't afford it. This legislation is a much-needed sigh of relief for traditional college students, working families and adult learners in my home district in Brooklyn, New York, and across this Nation.

The College Cost Reduction Act cuts interest rates in half on subsidized student loans over the next 5 years, increases the amount of Federal loans available to students, and so I ask your enthusiastic support for this groundbreaking legislation.

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Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), a member of the committee.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this investment in America. In spite of what we have heard from the other side about a spending plan, what we are really looking at is an investment in education, for those individuals who, without it, would never have an opportunity to experience a college education.

I have heard some things that I thought were unimaginable this afternoon. Eighty percent of the students in my district who attend the University of Illinois rely upon financial aid.

This legislation provides money for Historically Black Colleges and Universities that are falling apart, many of them, at the seams, Hispanic-serving institutions. Individuals who would never, ever get an opportunity to go to college and experience higher education will do so as a result of this legislation, this investment in America. I thank the chairman for a great bill, and I urge its passage.

First let me express my sincere appreciation to Chairman MILLER, and Subcommittee Chairman HINOJOSA for their efforts in introducing this landmark legislation to Congress. In my tenure as a Congressional representative for the citizens of the 7th District of Illinois, this is one of, if not the most critical national policy initiative for which I have been able to advocate. Why? Because in my district for example, approximately 80 percent of the students attending the University of Illinois rely on financial aid programs to support their education, and this bill provides the single largest increase in college aid to students across the country since the GI Bill.

The College Cost Reduction Act increases the maximum Pell Grant scholarship by at least $500 over the next 5 years, and I am pleased that an amendment which I cosponsored added $900,000,000 to the pool; invests in Upward Bound, a proven effective program that empowers students with the resources they need to help them succeed as they pursue higher education; and invests substantial appropriations in historically Black colleges and universities, Hispanic-serving institutions, tribally controlled, Native and predominately black institutions and American and Asian American Pacific institutions.

Detractors will try to paint this as another spending boondoggle by the Democrats, but this bill benefits students and families at no new cost to taxpayers by cutting excess subsidies the Federal government pays to lenders in the student loan industry.

Some may ask why we didn't just focus on Pell Grants, but the fact remains that families who don't qualify for Pell Grants still need assistance paying for college costs, and that approximately 50 percent of students who do qualify for Pell Grants borrow money to pay for college costs. The College Cost Reduction Act of 2007 is the national policy initiative which demonstrates that America recognizes its responsibility to provide an educational environment that inspires and supports the pursuit of academic excellence.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Mr. Speaker, I rise in strong support of this measure.

I come from the district in Connecticut that's the home of the University of Connecticut, Eastern Connecticut State University, three community colleges, Conn. College, Mitchell College. We are the higher ed district of the State of Connecticut. New loan assistance and aid through grants in the amount of $130 million will be coming to Connecticut as a result of this measure being passed, which, again, is great news for my district.

Frankly, this bill is about something more than just parochial priorities, which are very important to my district. It's also about the change of direction that this new Congress is keeping faith with with passage of this legislation.

When I campaigned last year as a challenger in the closest race in America, the decision of the last Congress to take $12 billion out of the higher education account and use it to raise interest rates on student loans for the purpose of making sure that the Paris Hilton stratum of American society was going to get their tax cuts was a perfect symbol for how out of touch the prior Congress was with the needs of America.

Passing this legislation will keep faith with the voters who had the courage to vote for change.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a member of the committee.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in strong support of the College Cost Reduction Act.

Students from working families, especially those who are the first in their families to attend college, face many obstacles.

For example, there is no one at home to say the SATs aren't that difficult or that tricky; or that financial aid forms aren't going to be a nightmare to fill out; or that taking out a student loan isn't as scary as it might seem.

The high cost of college is, of course, the biggest obstacle. In recent years, rising college tuitions have far outstripped inflation, and the previous congressional majority failed to ensure that Pell Grants kept up.

That's why I am proud to support this bill. It provides the single largest investment in higher education since the GI Bill at no new cost to taxpayers.

My mother and father, both immigrants who arrived in the U.S. with little money, and not knowing English, raised seven children. With a lot of hard work and sacrifice, all of us attended college and two even made it into Congress.

What I really like about this bill is that it ensures that the doors that were open to my brothers and sisters and me will stay open for the young people of today and generations to come.

I urge support for this inportant bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

Ms. SHEA-PORTER. Mr. Speaker, I rise in strong support of this bill.

Education is the key to prosperity in our Nation, and we have always known that. When our troops returned home during World War II, they became eligible for the GI Bill, which built the middle class in this country.

Today we have the opportunity to once again invest in America in our next generation. This is the key to competitiveness. It's the key to the global economy, to make sure that our people will be able to work in the world and to prosper. It is our honor to be able to present this without raising any, any taxes on the American taxpayer.

In my State of New Hampshire alone, over 15,000 students will benefit from this increase; 1,500 more New Hampshire students will qualify for Pell Grants. We have a wonderful opportunity to invest in our Nation and our next generation, and to strengthen the middle class.

It is with great honor that I support this, and I thank the chairman for bringing this bill to us.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. I would like to begin by thanking Chairman MILLER for his leadership on this bill and certainly urge my colleagues to vote for the College Cost Reduction Act of 2007.

Mr. Speaker, I rise in support of H.R. 2669, the College Cost Reduction Act of 2007. This legislation will provide the single largest investment in college financial aid since the 1944 GI Bill, helping millions of low- and middle-income students and families pay for college.

This legislation would provide about $18 billion over the next 5 years in college financial aid at no cost to the United States taxpayers, no new costs.

This new investment is critically important because college costs have grown nearly 40 percent in the last 5 years. Students are graduating from college with more debt than ever before. Many would-be students are holding off going to college or skipping it altogether because they do not believe they can afford it.

By boosting scholarship and reducing loan and tuition costs, the College Cost Reduction Act of 2007 makes an historic investment in America's college students, its economic competitiveness and its future, while maintaining fiscal responsibility.

I urge my colleagues to support this landmark legislation.

The SPEAKER pro tempore (Mr. Ross). The gentleman from California on the Democratic side has 2¾ minutes remaining, and the gentleman from California on the Republican side has 1¼ minutes remaining.

Mr. McKEON. Mr. Speaker, I think this has been a very interesting debate.

At the beginning of the debate, I asked our colleagues to please listen carefully for anything they might hear that would lower tuition rates, that would lower the cost of a college education. I have listened very carefully, and I haven't heard anything.

I have heard a lot of talk about investment, I have heard a lot of talk about new spending, and a lot of these things sound wonderful. It reminds me kind of when I would take my children to sit on Santa Claus's knee. He would ask them what they want. They would tell him all the wonderful things, and many times I wished I could have been Santa Claus and just give them all that they wanted. Sometimes it comes back to reality and the parents have to make some tough decisions based on our budget.

I think people that are listening to this debate realize that there is no free lunch. With all of the new programs, nine new entitlement programs, somebody is going to have to pay for those.

I just entreat those who are watching to not create nine new entitlements, to place the interests of colleges, universities, graduates, philanthropic organizations above the needs of low-income students. Let's not put this price on our children and our grandchildren.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank all of the members of the committee for their work on this legislation on both sides of the aisle. I certainly want to thank the staff as we finish general debate.

Mr. Speaker, we said when we gained the majority in this Congress that we wanted to take America in a new direction. This legislation, in fact, does that.

For 6.8 million students who take out need-based loans, this legislation will allow for cutting the interest rate in half over the next 5 years for those students. That will save them almost $4,400 on the average debt that they graduate with. For almost 5.5 million students who rely on a Pell Grant for the basic cost of their education, this means that over the next 4 years that grant will increase by some $500, definitely a new direction.

Because what we saw in the past was the Republicans made it more expensive to pay for your student loans. They provided little or no contribution to the Pell Grant over the last 4 or 5 years. That is a new direction.

What does it mean to America? It means that we are investing in the students and the talent of the future. It means that these are the young people that will take their talents and provide the next generation of discovery, the next generation of innovation, the next generation of jobs in America, the next generation of economic activity here at home. That's the investment that was made by our grandparents back in 1944, in that generation, the first generation to go to college in such great numbers with the GI Bill, and that's the investment that we have the courage and the vision to make in this generation of young people for the future of this country.

That's what this legislation is about. It's about making sure that the doors of a higher education that every employer tells us is now necessary to come to the American workplace if you want a career and you want a decent wage and you want to be able to provide for your family. The doors to those higher education institutions, be they community colleges, State colleges, universities or elite universities, however you want to characterize them, that those doors will not be closed to people who are talented and ready and qualified to go to college.

This legislation provides the means to ensure their access to help them pay for it and to help them make sure that they don't have to make choices against their best interest because of that debt and later in life that they can choose to go into the professions that serve us as a society. This is a dramatic departure, a dramatic departure from the status quo, a dramatic departure.

What the Republicans did, when they had a chance, they had $20 billion. They decided they would help pay for the tax cuts to the wealthiest people in the country. That's what they did with a big chunk of the money that they took from these excess subsidies, the subsidies that we are taking a way from the banks.

The entitlement program that the banks have today as we stand here will be changed. Yes, it will become an entitlement program for America's families, America's students, those most at need in this country. That's what this Congress ought to be doing. That's what this society wants us to do, and we're going to do it today when we pass this legislation.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 2669, the College Cost Reduction Act of 2007.

This historic piece of legislation is the relief our working families have been waiting for and I am proud to stand with this Democratic-led Congress to make college educations more accessible for our youth.

Housing, gas, food, utilities, and health insurance prices are going through the roof. Our middle-class parents are working overtime to keep up with the cost of living and hopefully save for retirement.

It has become increasingly difficult for our families to save for college. With tuition prices increasing an average of 3.5 percent each year, American families are facing an uphill battle.

As a result, more and more of our children are coming out of school with staggering amounts of debt and many are being forced to attend part-time in order to work and pay for books and student fees.

In my home state of California, the average 4-year public school student will walk away with over $15,000 in debt after graduation. This is not how we should be sending our youth into the workforce.

H.R. 2669 is going to slash the interest rates on student loans, saving the average American student about $4,400 in interest payments over the life of their loan.

Furthermore, we're going to help our families take on less student debt by making Pell Grants keep up with the real cost of tuition.

During the Republican-controlled Congress, the maximum Pell Grant amount remained unchanged at $4,050 since 2003. H.R. 2669 is going to increase that figure to $4,310 in 2007 alone. By next year, it will be $4,900 and by 2011, it will be $5,200.

In my home state of California, over 600,000 Pell Grant recipients stand to benefit from the legislation we're going to pass today.

That means our children will be in a better position to save for retirement, become homeowners, and contribute to the economy.

H.R. 2669 will also make landmark investments to our minority serving institutions. Black, Hispanic, Tribal, Native Hawaiian, and Asian-Pacific Islander-serving institutions stand to receive $500 million in aid to teach and equip our minority youth, particularly in the science, technology, engineering, and math fields.

H.R. 2669 provides an additional $228 million for Upward Bound, which will fund 188 additional programs to help prepare low-income, first generation students for college.

Finally, H.R. 2669 will provide loan forgiveness for students who pursue careers as public school teachers. Each would receive upfront tuition assistance of $4,000 per year, to a maximum of $16,000. This will provide aid to at least 21,500 undergraduate and graduate students who commit to teaching a high-need subject in high-need schools for four years.

As the youngest of 15 children, I was the first in my family to attend college. I can tell you from personal experience that it has made all the difference in the world.

I worked hard to get through school and I'm grateful for the assistance I received to complete my education. And it's time for the government to step up and give our children the same support.

The College Cost Reduction Act is the kind of reform my constituents need and I am proud to support this legislation. I urge my colleagues to do the same and support H.R. 2669.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 2669, The College Cost Reduction Act. I urge all of my colleagues to vote "yes" on the largest investment in student aid since the passage of the GI bill.

The College Cost Reduction Act re-affirms the fundamental federal interest in higher education—ensuring that students and families have access to the financial and other supports they need to achieve a college education.

The fundamental guaranty in our student aid programs is not to protect lucrative lines of business in the lending industry; it is a guaranty of college access for students. When we lose sight of this core principle, we lose our way as we have seen with the recent scandals in the student loan industry.

H.R. 2669 is about guaranteeing access. This legislation increases student financial aid on an order of magnitude we have not seen in more than a generation. It invests in our public servants and in our teachers. It brings the private sector and charitable organizations to the table to leverage resources so that more first generation, low-income college students can realize their full potential.

I am particularly proud of our work to strengthen the institutions that are the gateways of access to higher education for minority students. Through this amendment we will commit to investing one-half billion dollars over 5 years in hispanic-serving institutions, historically black colleges and universities, predominantly black institutions, tribally-controlled Colleges and Universities, Native Alaskan and Native Hawaiian serving Institutions, and institutions that serve Asian and Pacific Islanders. This represents a doubling of the current investment in the strengthening and developing institutions programs in Titles III and V of the Higher Education Act.

Many on the other side will say that we are investing in institutions and not students. They will rail against new entitlement spending. These arguments reflect a fundamental lack of understanding of the communities that will fuel the growth in our workforce. Worse, they indicate an unwillingness to invest in those communities.

HSIs, HBCUs, and other minority-serving institutions are only going to grow in their importance for ensuring that our Nation continues to have enough college graduates to fill the jobs in our knowledge-based economy. The 2007 Condition of Education reports that 42 percent of our public school children are racial or ethnic minorities—one in five is Hispanic.

These students face many challenges.

Seventy percent of black 4th graders, 73 percent of Hispanic 4th graders, and 65 percent of Native American 4th graders are eligible for free and reduced priced lunches. These students are also concentrated in our highest poverty public schools where over 75 percent of the students are from low-income families.

These schools are the focus of the No Child Left Behind Act. They are the feeder schools to our Title III and Title V institutions. It is in our national interest to strengthen the capacity of these institutions to serve their communities. It is a worthy investment.

I urge all of my colleagues to support H.R. 2669.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the College Cost Reduction Act.

I want to commend Chairman MILLER on this legislation, which provides the single largest investment in higher education since the GI bill—at no new cost to taxpayers.

I am proud that this Democratic Congress has tackled the college cost crisis: the time to act is now. Over the last 5 years, college costs have grown by nearly 40 percent. Students across the country are graduating with more and more debt. In my home state of New York, the typical student with need-based loans graduates from 4-year public schools with over $14,000 in debt. And each year nearly 200,000 students in our country hold off on attending college, or opt out altogether, simply because they cannot afford to go.

This historic bill would make college more affordable by cutting interest rates on subsidized student loans in half over the next 5 years. In New York, this means an average student saves $4,570 over the life of their loan.

It will also increase the purchasing power of the Pell Grant Scholarship, upping the maximum scholarship by at least $500 over the next 4 years and ultimately reaching a maximum scholarship of at least $5,200 by 2011. In New York, this increased purchasing power could directly help over 420,000 students.

Under the College Cost Reduction Act, students from New York and all across the country will be better able to achieve their goals and reach their dreams. Our Nation and our economy also benefit when we strengthen the middle class by making college more affordable. I am proud to cast my vote for this historic bill, which makes a tremendous step towards ensuring that no one is denied the opportunity to go to college simply because of the price.

Mr. SPRATT. Mr. Speaker, I rise in support of H.R. 2669 (the College Cost Reduction Act of 2007), a bill that is good for students and good for the Federal budget. Our budget resolution for fiscal year 2008 included reconciliation instructions for the House Committee on Education and Labor to cut its spending by $750 million by 2012, and this bill more than fulfills that target. In fact, this reconciliation bill will reduce the Federal Government's budget deficit by $2.8 billion over the next 5 years while investing billions of dollars in making college more affordable for millions of students.

One of the first actions of the 110th Congress was to institute a tough pay-as-you-go rule in the House that requires all changes to mandatory spending and revenues to be offset so that they do not lower the budget's bottom line. The rule was necessary to help restore fiscal balance, and it requires Congress to make tough choices about priorities. This bill adheres to the pay-as-you-go rule—with net savings of $2.8 billion over the 2007–2012 period and even greater savings over 2007–2017—while also providing needed improvements in student loans and grant aid.

Like previous reconciliation bills, the College Cost Reduction Act includes some new resources that are more than offset by cuts elsewhere. All of the new resources in the bill will make college more affordable, either by lowering the cost of loans—up-front or through forgiveness after graduation—or by increasing the amount of grant aid available. But none of these resources will increase the deficit: the bill not only complies with our pay-as-you-go rule and the reconciliation directive but actually reduces the deficit by $2.8 billion over the next 5 years.

To pay for these student benefits, the bill reduces the extra subsidies that the government pays to banks. These reductions are similar to those in H.R. 5, which passed the House in January by a bipartisan vote of 356–71, and to the subsidy cuts in the President's 2008 budget proposal. But the student loan business will continue to be an attractive one for banks, which are still guaranteed to receive 95 percent of unpaid principal on any defaulted loan and still receive a subsidy from the Federal Government on each loan they provide.

Mr. BLUMENAUER. Mr. Speaker, I support H.R. 2269, the College Cost Reduction Act of 2007, the single largest investment in college financial aid since the 1944 GI bill. This legislation will help millions of middle- and low-income families and students pay for college without any new cost to taxpayers. At a time of skyrocketing tuition costs, government investment has not kept up. As college degrees become more expensive, we must help keep bright students in school and ensure a bright future for America.

The legislation boosts college financial aid by about $18 billion over the next 5 years, and pays for itself by reducing excessive federal subsidies paid to lenders in the college loan industry by $19 billion. Over the course of 5 years, almost 70,000 Oregon students would benefit from an additional $194 million in available loans and Pell Grants. The average Oregon student graduates with more than $14,000 in debt, and this legislation would cut by almost $5,000 the interest paid on their loans. By investing in our students, we ensure a well-educated, globally competitive workforce. We also benefit our communities by providing incentives for our brightest to go into public service jobs and into our neediest schools.

I am proud to be part of this new Congress that prioritizes education, making it feasible for all families to send their kids to college, and keeping America competitive.

Mr. MICHAUD. Mr. Speaker, I am pleased to support the College Cost Reduction Act of 2007. This legislation will provide the single largest investment in higher education since the GI bill, helping low- and middle-income students and families pay for college.

Unfortunately, too many Maine students do not obtain a postsecondary education because they cannot afford the dramatically escalating costs of higher education. This legislation is a historic opportunity to put education goals within reach for many students by increasing funding for Pell Grants, cutting interest rates on subsidized student loans, and increasing funding for Upward Bound.

While there are provisions within the underlying bill to protect small lenders, I will continue to work hard to ensure that the small lenders in Maine, including the Finance Authority of Maine (FAME), are protected in the final legislation. FAME has provided many Maine students the opportunity to go on to postsecondary education and it's important to ensure that they, and other small lenders, are able to continue to provide the best service possible for Maine students.

Ms. SOLIS. Mr. Speaker, I rise today in strong support of H.R. 2669, the College Cost Reduction Act of 2007. Not since 1944, with the GI Bill, has Congress taken such a proactive step in ensuring that millions of Americans can attend higher education institutes.

It is time to start providing our students with the aid needed to keep America competitive by strengthening the middle class and increasing diversity on our campuses. H.R. 2669 will allow middle class and minority families to have access to quality education by increasing grant aid and lessening the burden of loans. Along with H.R. 5, this legislation ensures that our students will finally have the funding for higher education that has long been denied them.

This bill will increase the Pell Grant by $500, benefiting 646,000 students in my home state of California. In addition, 6.8 million students nationwide who take out need-based federal student loans would see the interest rates cut in half, providing California alone with over $1.4 billion more in loan and Pell aid. H.R. 2669 not only puts and keeps students in college—it strengthens our communities by providing financial assistance to people entering public service careers, like nurses, police, firefighters, first responders, and teachers.

For students in Los Angeles, this is real dollars in the pockets of those who need it most. Since 1980 the Latino population in the United States has doubled, but Latinos attending college has only increased 5 percent during this same period. Latinos continue to face numerous obstacles on the road to college. Low family incomes, low financial aid awards and a reluctance to assume debt has hindered Latinos for too long in achieving their higher education goals. The College Cost Reduction Act helps support those institutions helping Latino students by guaranteeing $500 million over 5 years for Hispanic-Serving Institutions, Historically Black Colleges and Universities, and Tribal Colleges.

Financial assistance was critical to my ability to obtain a higher education and I am proud that H.R. 2669, the College Cost Reduction Act of 2007, will help Latinos and other low income students get the financial security to pursue their dreams. I strongly support this legislation that invests in our students, our communities and our Nation.

Mr. AL GREEN of Texas. Mr. Speaker, the road to a better society is paved with better education. H.R. 2669, the College Cost Reduction Act of 2007, is the single largest investment in higher education since the GI bill and highlights the commitment of this Congress to making college more affordable. By making this investment in our students, we are investing in the future of our country.

This landmark legislation will provide vital assistance to low- and middle-income students by increasing the Pell Grant Scholarship by $500 over the next 5 years. In the state of Texas alone, over 470,000 could benefit from this increase.

H.R. 2669 will also encourage philanthropic participation in college financing through matching grants aimed at increasing the number of first generation and low-income college students.

By passing this bill we will be making great strides on behalf of minority students. The College Cost Reduction Act invests $500 million in minority serving institutions and creates two new designations—Predominately Black Institutions and Institutions Serving Asian Americans and Pacific Islanders. By recognizing these institutions, we recognize their commitment and dedication to serving our minority students.

Mr. Speaker, I believe in an America where every child should grow up knowing that if they study and work hard, that they will have the opportunity to achieve the American Dream.

I believe in an America where the circumstances into which you are born do not determine whether you will one day stand in front of family and friends as you receive a college diploma.

I commend Chairman MILLER and our Democratic Leadership for their continued commitment to ensuring that a college education is not out of reach for low- and middle-income Americans.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 2669, the College Cost Reduction Act of 2007.

In 2004, a report by Michigan's Lt. Governor John Cherry's Commission on Higher Education and Economic Growth laid out how two-thirds of the jobs created in the next decade will require post-secondary education and training. There is little debate that Michigan's economic future is directly linked to our ability to accelerate the completion of degrees in higher education.

Despite increasing costs across the country and in our state, our federal investment in higher education has faltered. Direct grant aid, which once made up roughly 60 percent of the federal government's student aid contribution has dropped to 40 percent, with the remaining 60 percent offered through loans. The real dollar value of Pell Grants has sunk in recent years, while the average college graduate is now faced with close to $17,500 in debt. For lower and middle income students and families these costs are simply too great, forcing nearly 200,000 to delay or postpone their college dreams because of the prohibitive costs.

It has become increasingly clear that the failure of the federal government to adequately invest in higher education will have effects beyond college accessibility. In 2005, the National Academies of Sciences released a report entitled "Rising Above the Gathering Storm" which expressed deep concern that our country is losing its competitive advantage in science and technology research, two fields that are critical to our economic leadership.

The seriousness of our higher education crisis necessitates a comprehensive response of dramatic proportions. The College Cost Reduction Act of 2007 rises to this challenge by investing $18 billion over the next 5 years in higher education, the single largest investment in college financial aid since the GI Bill in 1944.

The maximum Pell Grant is boosted $500 to $5,200—up from just $4,050 in 2006—with its eligibility expanded to more students. TEACH grants are established to provide $4,000 per year for high-achieving students who commit to teach in high-need schools or high-need fields—like math and science. The interest rates for need-based student loans would be halved.

In Michigan, over 200,000 students could see benefits from the Pell increases and about 144,000 student borrowers with subsidized loans would see savings of over $4,200 on average over the life of their loans. This bill provides close to $513 million in loans and grants to Michigan's students and families.

The investments in this bill maintain the commitment made by this Democratic Congress to fiscal responsibility. The bill is fully offset by trimming excessive federal subsidies to lenders in the college loan industry. Not only will this not cost taxpayers a dime, it includes $750 million over 5 years to pay down our national deficit.

The College Cost Reduction Act meets the mounting hurdle of higher education affordability with vigorous across-the-board grant aid and loan investments. It shows the commitment by this Congress to the availability of a college education and the importance of this education to our economic competitiveness. Improving access to higher education is vital to expanding opportunity for Michigan students and building Michigan's economic future. This has to be an ongoing priority for the federal government and this legislation is an important step in the right direction. With this legislation, Congress has stepped up to the plate to ensure a better future for our students, their families and our country.

Mr. DINGELL. Mr. Speaker, I have always believed students must have the opportunity to earn degrees based on their academic accomplishments rather than on their economic situation. Today's economy demands a highly educated work force, which is why Congress must ensure we are providing educational access to every qualified student that wants to attend college. H.R. 2669, the College Cost Reduction Act, will do just that by making the single largest investment in college financial aid since the 1944 GI Bill.

I have heard from many of my constituents that the daunting costs of a college education are preventing them from achieving a college degree. They are not alone. Nearly 200,000 students are holding off on going to college or forgoing college completely because they can't afford it. In the last 5 years tuition at 4-year public colleges has grown by 35 percent, forcing both students and their families to take on increasing amounts of debt to pay for college. At a time when Michigan's economy and workforce is struggling, a college education should not be a luxury that is unreachable for middle-class families.

When the Democrats took the majority this year, we committed to making college more affordable and accessible. H.R. 2669 will do this by cutting the interest rate from 6.8 percent to 3.4 percent over the next 5 years. Each year 6.8 million students take out need-based loans and accrue thousands of dollars of debt while completing their college degree. This legislation will cut in half the interest rates on their loans, saving the average student—with $13,800 in need-based student loan debt—$4,400 over the life of the loan.

H.R. 2669 will also increase the maximum value of the Pell Grant scholarship by $500 over the next 5 years, ultimately reaching a maximum scholarship level of $5,200. As the Federal Government's single largest source of grant aid for college students, this proposed increase will directly benefit over 5 million low- and moderate-income students.

More importantly, this legislation will prevent student borrowers from facing unmanageable levels of Federal student debt by guaranteeing borrowers will never have to spend more than 15 percent of their yearly discretionary income on loan repayments and by allowing borrowers who enter public service to have their loans forgiven after 10 years. This is critically important because students today are graduating from college with more debt than ever before.

Many people may be asking how this will help those who are struggling in Michigan. In our great State of Michigan, over 143,000 students take out need-based loans each year. The average student has $13,256 in need-based student loan debt. H.R. 2669 will provide interest rate cuts that win save each Michigan student $4,240 over the life of their student loan. This legislation will also provide $513 million in increased loan and Pell Grant aid to students and families in Michigan over the next five years—benefiting over 200,000 students.

Mr. Speaker, I rise in support of this legislation not only because it will increase college affordability, but because it will help our workforce. Our economy depends on aggressive investment in our workforce if we want to continue to be competitive in a global economy. I urge my colleagues to vote in favor of this legislation, showing American families that Congress is committed to investing in higher education.

Ms. HIRONO. Mr. Speaker, I ask permission to revise and extend my remarks.

I rise in support of the College Cost Reduction Act, the largest increase in college aid since the G.I. bill, and I thank especially Chairman MILLER for his leadership.

This legislation will make college more affordable and more accessible for students in Hawai'i and across America.

It will do so at no new cost to taxpayers.

Keeping America competitive requires an educated workforce prepared for high skilled jobs.

Beyond preparing our youth for careers, education is vital for the full development of an individual.

College costs have skyrocketed beyond the means of many students and their families. As a result, many students in Hawai'i and elsewhere are holding off on going to college or skipping it altogether. And those who do attend college are taking on increasing amounts of debt, so this bill is of critical importance to the hard-working families I represent.

I also want to mention a few other provisions in this legislation that are especially important to me: As a member of the Education and Labor Committee, I worked to increase funding for colleges and universities serving Native Hawaiians and Alaska Natives by $30 million over the next 5 years.

We also included a $10 million investment in institutions serving Asian and Pacific Islander populations that historically have had low education attainment.

This legislation includes the provisions from my Early Educator Loan Forgiveness bill that provides college loan forgiveness for graduates who enter the field of early education to encourage more of them to pursue this field.

For these reasons and more, I am proud to support this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 2669, the College Cost Reduction Act. I commend the Honorable GEORGE MILLER for introducing this much needed piece of legislation and for his leadership on this issue and education in general.

As you all know, college costs in America are simply out of range for far too many Americans. The University of the Virgin Islands, a Historically Black University in my district, costs $10,000 per year while the median income of a Virgin Islands resident is $32,613. One does not have to be a rocket scientist to see the problem. It is further amplified when examining my alma mater, the George Washington University. Tuition at George Washington for an undergraduate starting this fall will be $39,210 per year—a hefty sum when considering that the median income of need-based federal loan borrowers in 2003–2004 was $45,000.

This welcome legislation will raise the maximum value of the Pell Grant Scholarship by $500, thus increasing its purchasing power and benefiting roughly 5.5 million low- and moderate-income students. And this is only the beginning.

The College Cost Reduction Act will also cut in half interest rates on need-based student loans which so often become an unnecessary burden over the heads of those just starting out in their respective professions. In lowering the interest rates from 6.8 percent to 3.4 percent over the next five years, we are saving the average student borrower $4,400 on their overall loan. The sad reality is that many students from middle class homes miss out on obtaining a secondary education because of a failure on our part. Many middle class students have guardians that make too much money to qualify for Federal grants but not enough to actually provide needed financial support.

Every one of our children and indeed every American strive to reach the American dream. As their representatives, we must support them in this pursuit by granting middle class Americans every opportunity possible to obtain affordable higher education. This legislation will expand eligibility of grants by almost 600,000 students, thus, helping to end the unfair burden many students from middle class homes now face.

Colleagues, I urge you to support this needed legislation. The College Cost Reduction Act of 2007 will be the single largest increase in secondary education support by the United States Government since the GI Bill—and it will not cost the American tax payer one cent. Our young people are America's future. It is critical that we invest in that future.

Mr. STARK. Mr. Speaker, I rise today in strong support of the College Cost Reduction Act of 2007. This bill provides the largest single investment in higher education since the Montgomery GI Bill of 1944, with no new cost to taxpayers.

Today, Federal financial aid programs fail to meet the needs of many students. That means a college education is unattainable for many young people. Public university students can only expect one-third of the cost of attendance at a 4-year institution to be covered by the Pell grant, down from two-thirds of the cost covered in 1980. This bill makes higher education more affordable by increasing the maximum Pell grant by $500 and increasing the number of eligible students by over half a million. These improvements are long overdue.

In addition to strengthening Pell grants, this bill builds on other existing Federal student aid programs to help provide our next generation with a chance to succeed. It lowers Federal loan interest rates to improve accessibility and ease the growing debt burden of graduates. In 2004, one-fourth of all graduating students with loans carried more than $25,000 in loan debt. Perversely, last year the Republican-controlled Congress enacted the largest reduction ever to Federal student aid programs to finance tax cuts for the rich. The College Cost Reduction Act—H.R. 2669—begins to reverse failed Republican policies by reducing the Federal interest rate on student loans from 6.8 percent to 3.4 percent over 5 years.

We must strengthen our education system if we hope to compete in a global economy. In addition to making college more financially feasible, careers in public service need to be rewarded. Quality elementary and secondary teachers are essential to our public school system, but in 2003–2004 their median salary was only $31,704. Teachers deserve more than pats on the back. This bill provides upfront tuition assistance for aspiring educators who commit to teaching high-need subjects in underperforming schools.

This bill pays for itself by reducing some of the massive fees paid to the scandal-plagued student loan industry. Instead of subsidizing the profits of lenders, this bill puts money in the hands of low- and middle-income students. Not surprisingly, President Bush is siding with the big lenders and he's threatened to veto this essential legislation. He and the Republicans in Congress continue to obstruct real progress in education and almost every other domestic priority.

We must address the rising cost of higher education, reinvest in our schools by attracting new teachers, and cultivate the next generation of American leaders. I urge all of my colleagues to join me in voting for America's future and supporting this bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this legislation and urge my colleagues to join me in voting for it.

As the first member of my family to graduate from college, I know firsthand that affordable access to quality higher education is the key to the American dream for working families. Unfortunately, college costs have skyrocketed in recent years even as many fine colleges and universities, like those in North Carolina, have gone to great lengths to keep higher education affordable. The Federal Government has an obligation to step up to the plate and provide more assistance, and H.R. 2669 makes several important changes to the Federal student financial assistance effort.

Specifically, H.R. 2669 would provide nearly $18 billion in college financial aid at no new cost to the taxpayers. The bill would increase the maximum Pell grant scholarship for low-income and moderate-income students by $500 over the next 5 years. It would cut in half the interest rate on need-based Federal student loans from 6.8 percent to 3.4 percent over 5 years. This will save the typical borrower some $4,400 over the life of the loan. This provision alone could benefit more than 162,000 students in North Carolina.

H.R. 2669 would make historic investments in Historically Black Colleges and Universities—HBCUs—with $170 million in new grants for HBCUs, such as Shaw University and Fayetteville State University, in my congressional district. H.R. 2669 also would create a new designation of Predominantly Black Institutions, which are defined as schools that enroll students in financial need and have at least 40 percent African-American student enrollment. These schools would be eligible to receive $30 million in grant aid over 5 years for academic programs in the fields of science, technology, engineering, health education, and teacher education. This legislation would provide $228 million in funding over 4 years for Upward Bound that increases high school completion, college participation, and graduation rates among low-income and first-generation college students.

I enthusiastically support the bill's tuition assistance for excellent undergraduate students who agree to teach in the Nation's public schools and its loan forgiveness for college graduates that go into public service professions. In addition, H.R. 2669 would make important new investments in science, technology, engineering and mathematics—STEM—education that is so critical to our prosperity in the global economy.

I want to thank Chairman MILLER and his outstanding professional staff, especially Gaby Gomez, Denise Forte, and Mark Zuckerman, for working with me to help nonprofit lenders, like we have in North Carolina. Specifically, this bill provides non-profit and small lenders a significant boost to their bottom line earnings and their ability to compete with for-profit lenders. These lenders will save $85 million in the first year to re-invest in their college aid financing and nearly $500 million over 5 years to serve students even better.

As the legislative process moves forward, I want to continue to work with Chairman MILLER to ensure that cuts to lender subsidies do not result in North Carolina students paying more for their loans than they do today. I am confident the final product will achieve that result, and I urge my colleagues to join me in voting to pass H.R. 2669.

Ms. SCHAKOWSKY. Mr. Speaker, this is such an exciting day. Today, we say to the nearly 200,000 students every year who do not attend college for financial reasons, you deserve better. You deserve better than outdated financial aid packages, crippling debt, and empty promises of support once you graduate. Today we are delivering on that promise.

Higher education has become increasingly important in this country and around the world, yet it has been rapidly slipping from the grasp of thousands and thousands of students every year. Over the past several years, states have cut higher education funding and in many cases, passed that cost on to students.

Student loans, which for two-thirds of our students average $20,000, not only affect student's financial viability down the road, they effect the range of opportunities that are available to new graduates as they seek out professions that will enable them to repay their loans. Education is supposed to be the gateway to opportunity, not the path to financial ruin.

One of the most important provisions of H.R. 2669 is an expansion of eligibility and an increase in the Pell grant scholarship to $5,200 over the next 5 years. This bill will also encourage and enable graduates to go into the public service fields they're interested in—and which our country so desperately needs—by providing loan forgiveness for first responders, early childhood educators, librarians, nurses, public defenders, and public prosecutors. These professions are some of the most important to our communities, yet they are chronically undersupported.

This bill will also provide tuition assistance to students who commit to teaching in public schools, high-poverty communities, and high-need subject areas. It also makes a landmark investment in Hispanic-Serving Institutions and Tribally Controlled, Native or Predominately Black Institutions.

By redirecting excessive Federal subsidies for lenders in the student loan industry, these new commitments will come at no additional cost to taxpayers. It's time that taxpayer dollars go towards our student's future—and the future of our competitiveness as a nation.

I urge my colleagues to support this remarkable legislation.

Mr. WELDON of Florida. Mr. Speaker, I join with my colleagues in support of efforts to make college education more affordable for more Americans. Indeed earlier this year I voted in support of H.R. 5, the College Student Relief Act of 2007. I believed that bill took some positive steps and was pleased to support it.

I am very disappointed that the bill before us, H.R. 2669, falls far short of its goal. While those who drafted the bill assert that it is a comprehensive solution to making college more affordable, H.R. 2669 fails to address the core problem of access to U.S. colleges and universities: sky-rocketing rates of tuition and room and board. In just the last 7 years, yearly inflation has increased on average 2.7 percent. However, higher education costs for students has increased an average of 4.2 percent—a rate that is 55 percent higher than regular inflation. This bill makes it easier for students to borrow more money to face these costs, but it does nothing to fix the root problem. And, the end result will be that under H.R. 2669, the average college student graduating from college 4 years from now will still face a higher college debt than those graduating this year—even with all of the billions of dollars included in this bill. Why is that the case? Because this bill does nothing to address the core problem facing college students: uncontrolled growth in tuition, room and board.

Under H.R. 2669, those attending college in the future will be able to borrow more money and perhaps pay a lower interest rate, but with college expenses growing at a rate that far exceeds the annual inflation rate, students will end college with a significantly larger debt. By failing to address this fundamental problem, this bill avoids the major issue facing families and college students. It is due to this obvious omission that I could not vote for final passage of this bill.

H.R. 2669 will enable students to take on more debt which will further burden them for many years past graduation. In 2006, the Higher Education Price Index, HEPI, calculation showed that inflation for colleges and universities jumped to 5 percent. This is 30 percent higher than the regular inflation rate. When colleges and universities know that students have access to more funds through financial aid, loans, and grants they have simply seen this as an opportunity to raise costs for students. This was the case in the past and it is likely to happen again.

This bill does nothing to discourage colleges and universities from further inflating their tuition rates. In fact, it will do the opposite. If we truly want to help our students go into the world with a good education and saddled with less debt, we should hold colleges and universities who take government aid more accountable and not allow them to continue their excessive increases in college costs. Our students deserve better.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 2669, the College Cost Reduction Act of 2007, which will cut excess subsidies paid by the federal government to lenders in the student loan industry and reinvest those funds to allow for the single largest investment in higher education since the GI bill, at no new cost to taxpayers.

Over the last few decades, the cost of a postsecondary education in our country has more than doubled for graduates with student loans, from $9,250 to $19,200—a 108 percent increase (58 percent after accounting for inflation). As the richest nation in the world, we have a moral obligation to eliminate the barriers this de facto economic segregation erects. No child should be forced to forgo the dream of a college education due to fear of debt, and no child should have that potential debt dictate their future career choice.

The College Cost Reduction Act will provide us with a real chance, a $15.1 billion chance, to roll back the spiraling cost of higher education in this country. By cutting interest rates in half on subsidized student loans and increasing the maximum Pell Grant scholarship, this act makes College more affordable and moves more Americans into the middle class.

Passing H.R. 2669 will also provide upfront tuition assistance to students committed to teaching at public schools in high-poverty communities or high-need subject areas. Furthermore, this legislation provides loan forgiveness to encourage students who choose to pursue careers as public servants. By enacting these provisions, we will be allowing students to become a nurse, public defender, prosecutor or firefighter free from the restraints of debt.

Finally, the College Cost Reduction Act Congress will be making a landmark, $500 million investment in Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribally-Controlled, Native or Predominately Black Institutions, ensuring that students can not only enter college, but count on continued support through graduation.

In the first 50 legislative hours of the 110th Congress, the Democratic majority in the House of Representatives took up and passed H.R. 5, the College Student Relief Act, which cut the interest rates in half on certain subsidized student loans over the next five years. In passing that legislation, we kept our promise of making college more affordable and accessible. Today, with H.R. 2669, the College Cost Reduction Act, we build on this effort and once again prove that the 110th Congress is on the job and fighting for a better America.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 2669, the College Cost Reduction Act. Too many of our country's promising young men and women do not go to college because of the prohibitive cost of tuition. Many of those students who decide to attend institutions of higher education require loans to finance their education. A college education has always been expensive. But it is quickly becoming unaffordable for students and their families. Tuition rates at four-year colleges have increased by approximately 35 percent over inflation during the last five years. The rising cost of tuition causes approximately 200,000 students annually to delay beginning college or forgoing the chance to study for a higher degree altogether. This disturbing trend must change. The adoption of H.R. 2669 will help make college as affordable as possible for every qualified student who would like to earn an advanced degree, without new costs to taxpayers.

H.R. 2669 would authorize an increase to the maximum value of the Pell Grant scholarship by $500 over the next five years. The legislation would also cut interest rates in half on need-based student loans, reducing the cost of those loans for millions of student borrowers. H.R. 2669, moreover, would prevent student borrowers from facing unmanageable levels of federal student debt. It does this by guaranteeing that borrowers will never have to spend more than 15 percent of their yearly discretionary income on loan repayments and by allowing borrowers in economic hardship to have their loans forgiven after 20 years.

H.R. 2669 also promotes the development of the next generation of high-quality teachers and public servants. It does this by authorizing tuition assistance for excellent undergraduate students who agree to teach in public schools and authorizing loan forgiveness for college graduates that enter public service professions.

Of particular importance to my constituents is the Upward Bound program which seeks to increase high school completion, college participation, and graduation rates among low-income and first-generation college students. H.R. 2669 would provide $228 million in funding over four years for Upward Bound, restoring critical funding for programs that were not funded in fiscal year 2007, as well as fund over 100 new programs. Students from minority communities—including the Asian and Pacific Islander American community—make up nearly 50 percent of all Upward Bound participants.

What is more, this legislation would make significant and needed investments in Historically Black Colleges and Universities, Hispanic Serving Institutions and other minority serving institutions. I commend my colleague from California (Mr. MILLER) for his commitment to assisting the minority serving institutions. I do, however, have two concerns with respect to this aspect of H.R. 2669. I respectfully request that they be favorably considered as this legislation proceeds through the legislative process.

First, section 311 of H.R. 2669 establishes categories of minority serving institutions that would be eligible to participate in a Centers of Excellence grant program that would provide funds to help recruit and prepare teachers. Institutions that traditionally serve Asian and Pacific Islander American students would benefit from eligibility for such grants. Unfortunately, the category Asian American and Pacific Islander-Serving Institution does not appear in the bill. I respectfully request that my colleagues support my efforts to make Asian American and Pacific Islander-Serving Institutions eligible for these grants.

Second, section 411 of H.R. 2669 establishes a College Access Challenge grant program for eligible students from underserved populations who enter and complete college. The term "State" is defined under this section as each of the several States of the United States, the District of Columbia, and Puerto Rico. Students who attend institutions of higher education in the U.S. territories of Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands and the Freely Associated States (FAS)—the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau—would be prohibited from participating in this grant program as a result of the limited definition for the term "State." I respectfully request that my colleagues support the efforts to expand the definition of the term "State" in this section of H.R. 2669 to include the U.S. territories and the Freely Associated States.

I support this bill. Its provisions will help ensure that many talented young Americans can afford the benefits of a college education. I urge my colleague to support H.R. 2669.

Mr. HOEKSTRA. Mr. Speaker, I rise today in opposition to H.R. 2669, the College Cost Reduction Act of 2007. A classic Democrat bait and switch proposal.

What the Democrats propose is a historic investment in student aid—what they deliver is massive new entitlement spending on programs controlled and run by their friends.

These new entitlement programs, which are exempt from annual congressional review, are replete with layers of bureaucracy, rules and regulations, and require virtually no accountability to the American taxpayer.

If the Democrats were serious about stemming the dramatic rise in college education costs, they would not use a reconciliation bill—a vehicle meant for deficit reduction—to push their agenda.

Yes, the legislation provides cuts to student loan providers estimated at $18.58 billion over 5 years, but instead of using that money to lower the deficit as is custom, this legislation actually spends $17.13 billion (almost 92 percent) during that same period on multiple programs—including 9 new areas of mandatory Federal entitlement spending.

This bill will not improve access to higher education for low and middle-income Americans. In fact, it has the potential to cost student borrowers and their parents thousands of dollars more in interest on Federal student loans by wiping out the interest rate discounts currently available to borrowers. Furthermore, this legislation could lead to the elimination of consumer choice and lender competition, making it a boon to the Direct Loan Program.

In recent years, the Direct Loan Program's market share has fallen to 22 percent because schools have chosen to participate in the FFEL Program instead. Cutting the successful FFEL program is a back-handed way to increase the competitive position of direct lending, a program that up until now has been withering on the vine through the voluntary attrition of colleges.

I urge my colleagues to join me in opposing H.R. 2669. Our students deserve more from us than to play politics with their college education.

Ms. FOXX. Mr. Speaker, much of the $18 billion in new spending in the College Cost Reduction Act doesn't reduce the cost of college, but instead consists of new entitlements targeted at people who aren't even students. The bill cuts loan interest rates for those who have graduated from college—to the tune of $6.2 billion. This is less than the amount the bill allocates towards Pell Grants—a form of aid that actually goes to students.

With so many new entitlements in this bill, I am concerned about the direction we are headed. Most of these new entitlements are given to institutions and to college graduates. The bill creates new TEACH Grants at a cost to taxpayers of $375 million. This new entitlement gives grants to colleges and universities. It doesn't cut the cost of college for students—instead it moves towards creating a system that discourages personal responsibility and has no congressional accountability.

For instance, this bill expands a government program to repay the education loans of public sector employees. Public sector jobs include those in emergency management, government, public safety, law enforcement, public health, education, public social work, and public interest legal work. The current program repays loans remaining after 25 years of payment, but the expanded program grants loan forgiveness after 10 years of repayment, dramatically decreasing borrowers' incentive to pay off their loans.

Take for example a college graduate working in the public sector and making $35,000 a year. If he or she has $20,000 in debt upon graduation, this debt would be paid off within

25 years and the Federal Government would not have to pay off any remaining balance. But under the new terms the federal loan forgiveness comes at 10 years, which in this case means a payoff of more than $10,000.

This is a new $10,000 entitlement that creates incentives which directly discourage people in public service jobs from investing their own money in college debt. Why would someone pay off his debt at a rate any faster than the absolute minimum if he or she knows that in 10 years the Federal Government will come along and erase the remaining balance?

I want Americans to have access to education, but I don't want this access to come at the cost of a new entitlement mentality and increased dependence on the Federal Government for meeting the cost of education. At a time when we face massive increases in the cost of entitlement programs, I question the responsibility of constructing a whole new set of entitlements that will saddle future generations with new layers of government spending and the higher taxes needed to fund these entitlements.

Education is important for the success of this nation, but giving entitlements to institutions and college graduates is not the way to lower the cost of college. In fact, heaping helpings of new entitlements will do much to undermine our national success as we face an impending entitlement crisis in the coming decades.

Scenario 1: Income-Contingent Repayment for Public Sector Employees Under H.R. 2669, the College Cost Reduction Act (10 Year Period)

REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES

The Secretary shall forgive the balance due on any loan for a borrower who makes 120 payments (monthly payments over a ten year period) on such loan pursuant to income-contigent repayment. And who is employed, and was employed for the 10-year period in which the borrower made the 120 payments, in a public sector job. This includes full-time jobs in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), social work in a public child or family service agency, or public interest legal services (including prosecution or public defense).

Loan amount	AGI	Borrower payments (over 10 year period)	Forgiveness[1] (after the 10 years)
$20,000	$35,000	$20,887 ($174 monthly, 5.9%)	$10,026 ($30,913 total)
20,000	50,000	24,426 ($204 monthly, 4.9%)	5,183 ($29,609 total)
20,000	65,000	26,140 ($218 monthly, 4.0%)	2,838 (28,978 total)
50,000	35,000	28,700 ($239 monthly, 8.2%)	57,138 (85,838 total)
50,000	50,000	58,700 ($489 monthly, 11.7%)	16,194 ($74,894 total)
50,000	65,000	$65,350 ($545 monthly, 10.0%)	7,093 (72,443 total)

Scenario 2: Under Current Law (25 Year Period)

Loan amount	AGI	Borrower payments (over 25 year period)	Forgiveness[1] (after the 25 years)
$20,000	$35,000	$33,433 ($111 monthly, 3.8%) [12,546 more than 10 yr]	$0 ($33,433 total)
20,000	50,000	30,230 ($100 monthly, 2.4%) [5,804 more than 10 yr]	0 ($30,230 total)
20,000	65,000	29,198 ($97 monthly, 1.8%) [3,058 more than 10 yr]	0 ($29,198 total)
50,000	35,000	71,751 ($239 monthly, 8.2%) [43,051 more than 10 yr]	70,188 ($141,939 total)
50,000	50,000	77,263 ($257 monthly, 6.2%) [18,563 more than 10 yr]	0 ($77,263 total)
50,000	65,000	72,996 ($243 monthly, 4.5%) [9,646 more than 10 yr]	0 ($72,996 total)

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong support of the College Cost Reduction Act and congratulate Speaker PELOSI and Chairman MILLER for keeping our promise to students and their families by bringing this legislation to the floor.

H.R. 2669 is the largest investment in higher education since the G.I. Bill. Currently, 200,000 potential students do not attend college because of the cost. Many more are unable to attend a four-year college and millions more graduate with an unsustainable level of debt. Democrats have made access to higher education a priority because it is a critical investment in the future of students and families, and because we recognize that our economy and our global competitiveness depend on this country maintaining a highly skilled workforce.

In Minnesota, tuition at public universities has increased 57 percent since 2000. However, incomes for middle class families have not kept up with this growth. H.R. 2669 makes several important changes to make sure that students are not priced out of higher education. Every qualified student who wants to attend college should have that opportunity. And importantly, with this legislation we are able to do so without increasing the national debt burden for the students we are helping today.

The College Cost Reduction Act will raise the maximum Pell Grant scholarship by $500. Along with the work of the Appropriations Committee this year, the maximum grant award will reach $5,100 by 2011. This is a critical increase for students after several years of this grant level remaining frozen at $4,050 while tuition costs soared.

H.R. 2669 cuts interest rates on student loans in half which will reduce debt for millions of student borrowers. The average student savings will be $4,400 over the life of the loan. The bill also increases Federal loan limits, reducing the need for the more-expensive private loans, and requires that student loan payments are manageable for borrowers by ensuring that no one pays more than 15 percent of their discretionary income in loan repayments.

H.R. 2669 recognizes that the salaries for some of the most important jobs in our communities—teachers, first responders, early childhood educators, law enforcement officers and others—do not always match the value of their work. This bill provides loan forgiveness and some upfront tuition assistance for students interested in a career in public service.

By reducing very generous lender subsidies, this bill gives priority to students over profits without creating an undue burden for lenders. I urge my colleagues to join me in support of this critical legislation.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. MC KEON

Mr. MCKEON. Mr. Speaker, I have an amendment made in order at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment in the nature of a substitute printed in House Report 110-224 offered by Mr. MCKEON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pell Grant Enhancement Act" .

SEC. 2. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Subparagraph (G) of section 428(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(G)) is amended to read as follows:

"(G) insures 95 percent of the unpaid principal of loans insured under the program, except that—

"(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q); and

"(ii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G);".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 3. GUARANTEE AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

"(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

"(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent';

"(II) beginning October 1, 2007 and ending September 30, 2008, this subparagraph shall be applied by substituting '20 percent' for '24 percent';

"(III) beginning October 1, 2008 and ending September 30, 2010, this subparagraph shall be applied by substituting '18 percent' for '24 percent'; and

"(IV) beginning October 1, 2010, this subparagraph shall be applied by substituting for '24 percent' a percentage determined in accordance with the regulations of the Secretary and equal to the average rate paid to collection agencies that have contracts with the Secretary.".

SEC. 4. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV of such Act is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

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[1] Covers interest incurred, no cap on forgiveness (however, there if a threshold where you would be able to pay off your loan during the 10 year period and the forgiveness would not apply)

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007.

SEC. 5. REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.

Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following new clauses:

"(vi) Reduction for loans disbursed on or after October 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l) and for which the first disbursement of principal is made on or after October 1, 2007, the special allowance payment computed pursuant to this subparagraph shall be computed—

"(I) by substituting '2.0 percent' for '2.34 percent' each place it appears in this subparagraph;

"(II) by substituting '1.4 percent' for '1.74 percent' in clause (ii); and

"(III) by substituting '2.0 percent' for '2.64 percent' each place it appears in clauses (iii) and (iv).".

SEC. 6. UNIT COST CALCULATION FOR GUARANTY AGENCY ACCOUNT MAINTENANCE FEES.

Section 458(b) of the Higher Education Act of 1965 (20 U.S.C. 1087h(b)) is amended—

(1) by striking "Account" and inserting the following:

"(1) For fiscal years 2006 and 2007.—For each of the fiscal years 2006 and 2007, account"; and

(2) by adding at the end the following new paragraph:

"(2) For fiscal year 2008 and succeeding fiscal years.—

"(A) Unit cost basis.—For fiscal year 2008 and each succeeding fiscal year, the Secretary shall calculate the account maintenance fees payable to guaranty agencies under subsection (a)(3), on a per-loan cost basis in accordance with subparagraph (B).

"(B) Determinations.—To determine the amount that shall be paid under subsection (a)(3) per outstanding loan guaranteed by a guaranty agency for fiscal year 2008 and succeeding fiscal years, the Secretary shall—

"(i) establish the per-loan cost basis amount by—

"(I) dividing the total amount of account maintenance fees paid under subsection (a)(3) in fiscal year 2006, by

"(II) the number of loans under part B that were outstanding in that fiscal year; and

"(ii) determine on October 1 of fiscal year 2008 and each subsequent fiscal year, and pay to each guaranty agency, an amount equal to the product of the number of loans under part B that are outstanding on October 1 of that fiscal year and insured by that guaranty agency multiplied by—

"(I) the amount determined under clause (i); increased by

"(II) a percentage equal to the percentage increase in the Consumer Price Index for Wage Earners (as determined by the Bureau of Labor Statistics of the Department of Labor) between the calendar quarter ending on June 30, 2006, and the calendar quarter ending on the June 30 preceding such October 1 of such fiscal year.".

SEC. 7. TUITION SENSITIVITY.

(a) Elimination of Tuition Sensitivity.—Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (9) as paragraphs (3) through (8), respectively.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 8. MANDATORY PELL GRANT INCREASES.

(a) Extension of Authority.—Section 401(a) (20 U.S.C. 1070a(a)) is amended by striking "fiscal year 2004" and inserting "fiscal year 2017".

(b) Funding for Increases.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by adding at the end the following new paragraph:

"(9) Additional funds.—

"(A) In general.—For an academic year, there are authorized to be appropriated, and there are appropriated, such sums as may be necessary to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts:

"(i) $1,454,000,000 for fiscal year 2008;
"(ii) $1,915,000,000 for fiscal year 2009;
"(iii) $2,380,000,000 for fiscal year 2010;
"(iv) $2,845,000,000 for fiscal year 2011;
"(v) $3,386,000,000 for fiscal year 2012;
"(vi) $3,407,000,000 for fiscal year 2013;
"(vii) $3,443,000,000 for fiscal year 2014;
"(viii) $3,474,000,000 for fiscal year 2015;
"(ix) $3,502,000,000 for fiscal year 2016; and
"(x) $3,526,000,000 for fiscal year 2017.

"(B) Increase in federal pell grants.—The amounts made available pursuant to subparagraph (A) of this paragraph shall be used to increase the amount of the maximum Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

"(i) $350 for award year 2008–2009;
"(ii) $450 for award year 2009–2010;
"(iii) $550 for award year 2010–2011;
"(iv) $650 for award year 2011–2012; and
"(v) $750 for each of the award years 2012–2013 through 2017–2018.".

(c) Authorized Maximums.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

"(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be for each of the award years 2008–2009 through 2016-2017, the sum of—

"(i) the amount appropriated in the applicable appropriation Act for the maximum Federal Pell Grant for that award year; and

"(ii) the amount specified in subsection (a)(2)(B) for that award year;

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.".

SEC. 9. PLUS LOAN INTEREST RATES.

Paragraph (2) of section 427A(l) of the Higher Education Act of 1965 (20 U.S.C. 1077a(l)(2)) is amended to read as follows:

"(2) PLUS loans.—Notwithstanding subsection (h), with respect to any loan under section 428B, the applicable rate of interest—

"(A) shall be 8.5 percent on the unpaid principal balance of any such loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008; and

"(B) shall be 7.9 percent on the unpaid principal balance of any such loan for which the first disbursement is made on or after July 1, 2008.".

SEC. 10. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

Section 131 of the Higher Education Act of 1965 (20 U.S.C. 1015) is amended to read as follows:

"SEC. 131. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

"(a) Purpose.—It is the purpose of this section to—

"(1) provide students and families with an easy-to-use, comprehensive web-based tool for researching and comparing institutions of higher education;

"(2) increase the transparency of college cost, price, and financial aid; and

"(3) raise public awareness of information available about postsecondary education, particularly among low-income families, non-traditional student populations, and first-generation college students.

"(b) College Opportunity On-Line (COOL) Website Re-Design Process.—In carrying out this section, the Commissioner of Education Statistics—

"(1) shall identify the data elements that are of greatest importance to prospective students, enrolled students, and their families, paying particular attention to low-income, non-traditional student populations, and first-generation college students;

"(2) shall convene a group of individuals with expertise in the collection and reporting of data related to institutions of higher education to—

"(A) determine the relevance of particular data elements to prospective students, enrolled students, and families;

"(B) assess the cost-effectiveness of various ways in which institutions of higher education might produce relevant data;

"(C) determine the general comparability of the data across institutions of higher education;

"(D) make recommendations regarding the inclusion of specific data items and the most effective and least burdensome methods of collecting and reporting useful data from institutions of higher education; and

"(3) shall ensure that the redesigned COOL website—

"(A) uses, to the extent practicable, data elements currently provided by institutions of higher education to the Secretary;

"(B) includes clear and uniform information determined to be relevant to prospective students, enrolled students, and families;

"(C) provides comparable information, by ensuring that data are based on accepted criteria and common definitions;

"(D) includes a sorting function that permits users to customize their search for and comparison of institutions of higher education based on the information identified through the process as prescribed in paragraph (1) as being of greatest relevance to choosing an institution of higher education.

"(c) Data Collection.—

"(1) Data system.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this section and to continue to improve the usefulness and timeliness of data collected by such systems in order to inform consumers about institutions of higher education.

"(2) College consumer profile.—The Secretary shall continue to publish on the COOL website, for each academic year and in accordance with standard definitions developed by the Commissioner of Education Statistics (including definitions developed under section 131(a)(3)(A) as in effect on the day before the date of enactment of the College Affordability and Transparency Act of 2007), from at least all institutions of higher education participating in programs under title IV the following information:

"(A) The tuition and fees charged for a first-time, full-time, full-year undergraduate student.

"(B) The room and board charges for a first-time, full-time, full-year undergraduate student.

"(C) The price of attendance for a first-time, full-time, full-year undergraduate student, consistent with the provisions of section 472.

"(D) The average amount of financial assistance received by a first-year, full-time, full-year undergraduate student, including—

"(i) each type of assistance or benefits described in 428(a)(2)(C)(ii);

"(ii) institutional and other assistance; and

"(iii) Federal loans under parts B, D, and E of title IV.

"(E) The number of first-time, full-time, full-year undergraduate students receiving financial assistance described in each clause of subparagraph (D).

"(F) The institutional instructional expenditure per full-time equivalent student.

"(G) Student enrollment information, including information on the number and percentage of full-time and part-time students, the number and percentage of resident and non-resident students.

"(H) Faculty-to-student ratios.

"(I) Faculty information, including the total number of faculty and the percentage of faculty who are full-time employees of the institution and the percentage who are part-time.

"(J) Completion and graduation rates of undergraduate students, identifying whether the completion or graduation rates are from a 2-year or 4-year program of instruction and, in the case of a 2-year program of instruction, the percentage of students who transfer to 4-year institutions prior or subsequent to completion or graduation.

"(K) A link to the institution of higher education with information of interest to students including mission, accreditation, student services (including services for students with disabilities), transfer of credit policies and, if appropriate, placement rates and other measures of success in preparing students for entry into or advancement in the workforce.

"(L) The college affordability information elements specified in subsection (d).

"(M) Any additional information that the Secretary may require.

"(d) COLLEGE AFFORDABILITY INFORMATION ELEMENTS.—The college affordability information elements required by subsection (c)(2)(L) shall include, for each institution submitting data—

"(1) the sticker price of the institution for the 3 most recent academic years;

"(2) the net tuition price of the institution for the 3 most recent academic years;

"(3) the percentage change in both the sticker price and the net tuition price over the 3-year time period that is being reported;

"(4) the percentage change in the CPI over the same time period; and

"(5) whether the institution has been placed on affordability alert status as required by subsection (e)(3).

"(e) OUTCOMES AND ACTIONS.—

"(1) RESPONSE FROM INSTITUTION.—Effective on June 30, 2008, an institution that increases its sticker price at a percentage rate for any 3-year interval ending on or after that date that exceeds two times the rate of change in the CPI over the same time period shall provide a report to the Secretary, in such a form, at such time, and containing such information as the Secretary may require. Such report shall be published by the Secretary on the COOL website, and shall include—

"(A) a description of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students; and

"(B) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

"(2) QUALITY-EFFICIENCY TASK FORCES.—

"(A) REQUIRED.—Each institution subject to paragraph (1) that has a percentage change in its sticker price that is in the highest 5 percent of all institutions subject to paragraph (1) shall establish a quality-efficiency task force to review the operations of such institution.

"(B) MEMBERSHIP.—Such task force shall include administrators, business and civic leaders, and faculty, and may include students, trustees, parents of students, and alumni of such institution.

"(C) FUNCTIONS.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the class of institutions. Such analysis should identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas should then be targeted for in-depth analysis for cost reduction opportunities.

"(D) REPORT.—The results of the analysis by a quality-efficiency task force under this paragraph shall be made available to the public on the COOL website.

"(3) CONSEQUENCES FOR 2-YEAR CONTINUATION OF FAILURE.—If the Secretary determines that an institution that is subject to paragraph (1)) has failed to reduce the subsequent increase in sticker price below two times the rate of change in the CPI for 2 consecutive academic years subsequent to the 3-year interval used under paragraph (1), the Secretary shall place the institution on affordability alert status.

"(4) EXEMPTIONS.—Notwithstanding paragraph (3), an institution shall not be placed on affordability alert status if, for any 3-year interval for which sticker prices are computed under paragraph (1)—

"(A) with respect the the class of institutions described in paragraph (6) to which the institution belongs, the sticker price of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 3-year interval; or

"(B) the institution has a percentage change in its sticker price computed under paragraph (1) that exceeds two times the rate of change in the CPI over the same time period, but the dollar amount of the sticker price increase is less than $500.

"(5) INFORMATION TO STATE AGENCIES.—Any institution that reports under paragraph (1)(B) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the Secretary with that institution to such agency, instrumentality, or entity.

"(6) CLASSES OF INSTITUTIONS.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

"(7) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

"(f) INFORMATION TO THE PUBLIC.—The Secretary shall work with public and private entities to promote broad public awareness, particularly among middle and high school students and their families, of the information made available under this section, including by distribution to students who participate in or receive benefits from means-tested federally funded education programs and other Federal programs determined by the Secretary.

"(g) FINES.—In addition to actions authorized in section 487(c), the Secretary may impose a fine in an amount not to exceed $25,000 on an institution of higher education for failing to provide the information required by this section in a timely and accurate manner, or for failing to otherwise cooperate with the National Center for Education Statistics regarding efforts to obtain data under subsections (c) and (j) and pursuant to the program participation agreement entered into under section 487.

"(h) GAO STUDY AND REPORT.—

"(1) GAO STUDY.—The Comptroller General shall conduct a study of the policies and procedures implemented by institutions in increasing the affordability of postsecondary education. Such study shall include information with respect to—

"(A) a list of those institutions that—

"(i) have reduced their sticker prices; or

"(ii) are within the least costly quartile of institutions within each class described in subsection (e)(6);

"(B) policies implemented to stem the increase in tuition and fees and institutional costs;

"(C) the extent to which room and board costs and prices changed;

"(D) the extent to which other services were altered to affect tuition and fees;

"(E) the extent to which the institution's policies affected student body demographics and time to completion;

"(F) what, if any, operational factors played a role in reducing tuition and fees;

"(G) the extent to which academic quality was affected, and how;

"(H) if the institution is a public institution, the relationship between State and local appropriations and the institution's tuition and fees;

"(I) the extent to which policies and practices reducing costs and prices may be replicated from one institution to another; and

"(J) other information as necessary to determine best practices in increasing the affordability of postsecondary education.

"(2) INTERIM AND FINAL REPORTS.— The Comptroller General shall submit an interim and a final report regarding the findings of the study required by paragraph (1) to the appropriate authorizing committees of Congress. The interim report shall be submitted not later than July 31, 2011, and the final report shall be submitted not later than July 31, 2013.

"(i) STUDENT AID RECIPIENT SURVEY.—

"(1) SURVEY REQUIRED.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and

State-by-State basis, but not less than once every 4 years—

"(A) to identify the population of students receiving Federal student aid;

"(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

"(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

"(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

"(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

"(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

"(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, and professional and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

"(3) DISSEMINATION.—The Commissioner of Education Statistics shall disseminate the information resulting from the survey in both printed and electronic form.

"(j) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(k) DEFINITIONS.—For the purposes of this section:

"(1) NET TUITION PRICE.—The term 'net tuition price' means the average tuition and fees charged to a first-time, full-time, full-year undergraduate student, minus the average grants provided to such students, for any academic year.

"(2) STICKER PRICE.—The term 'sticker price' means the average tuition and fees charged to a first-time, full-time, full-year undergraduate student by an institution of higher education for any academic year.

"(3) CPI.—The term 'CPI' means the Consumer Price Index-All Urban Consumers (Current Series).".

SEC. 11. COLLEGE AFFORDABILITY DEMONSTRATION PROJECT.

(a) .—Part G of title IV is amended by inserting after section 486 (20 U.S.C. 1093) the following new section:

"SEC. 486A. COLLEGE AFFORDABILITY DEMONSTRATION PROJECT.

"(a) PURPOSE.—It is the purpose of this section—

"(1) to provide, through a college affordability demonstration project, for increased innovation in the delivery of higher education and student financial aid in a manner resulting in reduced costs for students as well as the institution by employing one or more strategies including accelerating degree or program completion, increasing availability of, and access to, distance components of education delivery, engaging in collaborative arrangements with other institutions and organizations, and other alternative methodologies; and

"(2) to help determine—

"(A) the most effective means of delivering student financial aid as well as quality education;

"(B) the specific statutory and regulatory requirements that should be altered to provide for more efficient and effective delivery of student financial aid, as well as access to high quality distance education programs, resulting in a student more efficiently completing postsecondary education; and

"(C) the most effective methods of obtaining and managing institutional resources.

"(b) DEMONSTRATION PROJECT AUTHORIZED.—

"(1) IN GENERAL.—In accordance with the purposes described in subsection (a) and the provisions of subsection (d), the Secretary is authorized to select not more than 100 institutions of higher education, including those applying as part of systems or consortia of such institutions, for voluntary participation in the College Affordability Demonstration Project in order to enable participating institutions to carry out such purposes by providing programs of postsecondary education, and making available student financial assistance under this title to students enrolled in those programs, in a manner that would not otherwise meet the requirements of this title.

"(2) WAIVERS.—The Secretary is authorized to waive for any institutions of higher education, or any system or consortia of institutions of higher education, selected for participation in the College Affordability Demonstration Project, any requirements of this Act or the regulations thereunder as deemed necessary by the Secretary to meet the purpose described in subsection (a)(1), and shall make a determination that the waiver can reasonably be expected to result in reduced costs to students or institutions without an increase in Federal program costs. The Secretary may not waive under this paragraph the maximum award amounts for an academic year or loan period.

"(3) ELIGIBLE APPLICANTS.—

"(A) ELIGIBLE INSTITUTIONS.—Except as provided in subparagraph (B), only an institution of higher education that is eligible to participate in programs under this title shall be eligible to participate in the demonstration project authorized under this section.

"(B) PROHIBITION.—An institution of higher education described in section 102(a)(1)(C) shall not be eligible to participate in the demonstration project authorized under this section.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each institution or system of institutions desiring to participate in the demonstration project under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS OF APPLICATIONS.—Each application for the college affordability demonstration project shall include at least the following:

"(A) a description of the institution or system or consortium of institutions and what quality assurance mechanisms are in place to ensure the integrity of the Federal financial aid programs;

"(B) a description of the innovation or innovations being proposed and the affected programs and students, including—

"(i) a description of any collaborative arrangements with other institutions or organizations to reduce costs;

"(ii) a description of any expected economic impact of participation in the project within the community in which the institution is located; and

"(iii) a description of any means the institution will employ to reduce the costs of instructional materials, such as textbooks;

"(C) a description of each regulatory or statutory requirement for which waivers are sought, with a reason for each waiver;

"(D) a description of the expected outcomes of the program changes proposed, including the estimated reductions in costs both for the institution and for students;

"(E) an assurance from each institution in a system or consortium of a commitment to fulfill its role as described in the application;

"(F) an assurance that the participating institution or system of institutions will offer full cooperation with the ongoing evaluations of the demonstration project provided for in this section; and

"(G) any other information or assurances the Secretary may require.

"(d) SELECTION.—In selecting institutions to participate in the demonstration project under this section, the Secretary shall take into account—

"(1) the number and quality of applications received, determined on the basis of the contents required by subsection (c)(2);

"(2) the Department's capacity to oversee and monitor each institution's participation;

"(3) an institution's—

"(A) financial responsibility;

"(B) administrative capability;

"(C) program or programs being offered via distance education, if applicable;

"(D) student completion rates; and

"(E) student loan default rates; and

"(4) the participation of a diverse group of institutions with respect to size, mission, and geographic distribution.

"(e) NOTIFICATION.—The Secretary shall make available to the public and to the authorizing committees a list of institutions selected to participate in the demonstration project authorized by this section. Such notice shall include a listing of the specific statutory and regulatory requirements being waived for each institution and a description of the innovations being demonstrated.

"(f) EVALUATIONS AND REPORTS.—

"(1) EVALUATION.—The Secretary shall evaluate the demonstration project authorized under this section on a biennial basis. Such evaluations specifically shall review—

"(A) the extent to which expected outcomes, including the estimated reductions in cost, were achieved;

"(B) the number and types of students participating in the programs offered, including the progress of participating students toward recognized certificates or degrees and the extent to which participation in such programs increased;

"(C) issues related to student financial assistance associated with the innovations undertaken;

"(D) effective technologies and alternative methodologies for delivering student financial assistance;

"(E) the extent of the cost savings to the institution, the student, and the Federal Government resulting from the waivers provided, and an estimate as to future cost savings for the duration of the demonstration project;

"(F) the extent to which students saved money by completing their postsecondary education sooner;

"(G) the extent to which the institution reduced its tuition and fees and its costs by participating in the demonstration project

"(H) the extent to which any collaborative arrangements with other institutions or organizations have reduced the participating institution's costs; and

"(I) the extent to which statutory or regulatory requirements not waived under the demonstration project present difficulties for students or institutions.

"(2) POLICY ANALYSIS.—The Secretary shall review current policies and identify those policies that present impediments to the implementation of innovations that result in cost savings and in expanding access to education.

"(3) REPORTS.—The Secretary shall provide a report to the authorizing committees on a biennial basis regarding—

"(A) the demonstration project authorized under this section;

"(B) the results of the evaluations conducted under paragraph (1);

"(C) the cost savings to the Federal Government by the demonstration project authorized by this section; and

"(D) recommendations for changes to increase the efficiency and effective delivery of financial aid.

"(g) OVERSIGHT.—In conducting the demonstration project authorized under this section, the Secretary shall, on a continuing basis—

"(1) ensure compliance of institutions or systems of institutions with the requirements of this title (other than the sections and regulations that are waived under subsection (b)(2));

"(2) provide technical assistance to institutions in their application to and participation in the demonstration project;

"(3) monitor fluctuations in the student population enrolled in the participating institutions or systems of institutions;

"(4) monitor changes in financial assistance provided at the institution; and

"(5) consult with appropriate accrediting agencies or associations and appropriate State regulatory authorities.

"(h) TERMINATION OF AUTHORITY.—The authority of the Secretary under this section shall cease to be effective on October 1, 2012.".

SEC. 12. MULTIPLE GRANTS.

(a) AMENDMENT.—Paragraph (5) of section 401(b) (as redesignated by section 7(a)(2) of this Act) is amended to read as follows:

"(5) YEAR-ROUND PELL GRANTS.—The Secretary is authorized, for students enrolled in a baccalaureate degree, associate's degree, or certificate program of study at an eligible institution, to award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree or certificate objectives by enrolling in courses for more than 2 semesters, or 3 quarters, or the equivalent, in a given academic year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective July 1, 2009.

SEC. 13. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

Part G of title IV is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

"SEC. 484C. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

"(a) DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.—In addition to any deferral of repayment of a loan made under this title pursuant to section 428(b)(1)(M)(iii), 455(f)(2)(C), or 464(c)(2)(A)(ii), a borrower of a loan under this title who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, and is currently enrolled, or was enrolled within six months prior to the activation, in a program of instruction at an eligible institution, shall be eligible for a deferment during the 13 months following the conclusion of such service, except that a deferment under this subsection shall expire upon the borrower's return to enrolled student status.

"(b) ACTIVE DUTY.—Notwithstanding section 481(d), in this section, the term 'active duty' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term—

"(1) does not include active duty for training or attendance at a service school; but

"(2) includes, in the case of members of the National Guard, active State duty.".

The SPEAKER pro tempore. Pursuant to House Resolution 531, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if bridging the gap between low-income students and their dream of a college education is a primary goal of this House, then this substitute should be adapted with ease. That's because this amendment nearly doubles the Pell Grant increase provided by the underlying bill.

It makes Pell funding available year around for students seeking to finish their degrees more quickly by taking summer courses, which also makes a savings for them, and it eliminates a role that needlessly punishes students attending low-cost schools by limiting the amount of Pell Grant funds they can receive each year.

First some background. Less than a third of savings in the underlying bill, roughly $6 billion, is directed to the most successful student aid program on the books today, the Pell Grant program.

In fact, more funds under the base bill are directed toward those who are, by definition, no longer even students. This is done by temporarily phasing down interest rates on certain loans being repaid by college graduates.

The remaining third of the bill triggers billions of dollars in new entitlement spending, including nine new areas of entitlement spending all together. In fact, some of this new spending is not even directed towards students, but rather to institutions, like colleges, universities, and philanthropic organizations.

This Pell Grant substitute will tip the balance back toward low-income students struggling to pay for their college education by increasing the maximum Pell Grant far more than the underlying bill. Specifically, it would provide for $9 billion in additional funding for Pell Grants over the next 5 years. Again, that's nearly double what the underlying bill would do.

Here's how we do it. This Pell Grant proposal adopts the same cut to lender insurance rates from 97 to 95 percent as the underlying bill, while having the same goal of reducing administrative fees paid to guaranteed agencies as well.

In addition, this substitute would save the Federal Government about $11 billion through lower special allowance payments.

I believe this structural savings is far more responsible than the underlying bill which, much like the President's fiscal year 2008 budget, fails to take into account the fact that Congress cut some $18 billion from the student loan programs just last year.

With these savings, more than $15 billion in total, this amendment corrects current law to equalize the Pell and direct loan rates for PLUS loans at 7.9 percent. It retains bipartisan language from the underlying bill to permit members of the Armed Forces the ability to defer their loans for up to 13 months upon returning from service.

Most importantly, it invests more than $9 billion in the Pell Grant program. This investment would allow us to increase the maximum Pell Grant by $350 in 2008, compared to the smaller increase in the underlying bill, and by $100 for each year thereafter.

On top of that, this measure would pay down the deficit by $5.74 billion. That's more than three times what the underlying bill would dedicate toward deficit reduction.

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Also included in this substitute are key college cost reforms, including the College Affordability and Transparency Act legislation that I introduced earlier this year to arm parents and students with more information about college costs than ever before. The measure also would take important steps to insist that colleges and universities be held more accountable for their role in the college cost crisis.

Mr. Speaker, through my substitute amendment, we would increase Pell, decrease the deficit, more directly address college costs and put in place a handful of other student benefits without creating a single new entitlement program. We would accomplish all of this without creating a new maze of rules and regulations for students, parents and institutions to navigate. And, we would accomplish all of this without shortchanging the low-income students who need the most help to get on the ladder to achieve the American dream. I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 30 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU), a member of the committee.

Mr. WU. Mr. Speaker, I thank the chairman for yielding me the time.

And with just a minute or two of time, one of the saddest moments, one of the two saddest moments in my relatively brief career here in the United States House was when this Chamber acted at the President's request to cut $12 billion from college financial aid.

That occurred the day after a State of the Union Address where the President talked about American competitiveness.

Today, we take a bold step in rectifying that error. And I just want to refer a moment to the other saddest day of my thus far 8 years in the House of Representatives, and that was the decision in this Chamber to go to war in Iraq.

Those were the two saddest moments in my congressional career: Begin a war in error, and now perpetuating a pride. But at least today, at this moment, we are having an opportunity to rectify, in my view, the other great error that we committed during my time in this Chamber, and that is the $12 billion cut that the Education Committee passed, the prior majority passed in this Chamber, and that went into effect without a necessary 60-vote majority in the Senate.

Now, we can propose this greatest increase in college financial aid. We may or may not have the votes for cloture in the other Chamber, but this is the right thing to do. This is the right thing to do. It will make America more competitive. It will help individuals, and it will help our society, and we will rectify the errors we have made in the past one by one.

I rise in support of the College Cost Reduction Act.

Affordable access to quality post-secondary education is the best tool available to ensure success and the kind of career that can support a family. It is also critical that American students have the education that will help them remain competitive in an increasingly global and knowledge-based economy.

The College Cost Reduction Act provides a major funding increase to assist students and their families achieve the goal paying for college, and much more—at no new expense to taxpayers. It provides tuition assistance to undergraduates who commit to teaching in low-income communities or high-need subject areas. It rewards those who serve their communities—first responders and law enforcement officers, for example, by providing loan forgiveness to those that serve others.

Perhaps most importantly, the bill provides a major help to students in my home state of Oregon. The bill expands Pell Grant eligibility, and the maximum Pell Grant scholarship is increased over $500. This means nearly 70,000 Oregonians could benefit from the bill. This translates into $194 million dollars in aid to Oregon students and families over five years.

College costs have skyrocketed over the past decade.

The College Cost Reduction Act is instrumental in helping more Americans achieve their dream of a college education. I strongly support this bill, and urge my colleagues to do so as well.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentleman from New York (Mr. BISHOP) for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, I rise in opposition to the amendment of the ranking member, and I urge its defeat, and I urge our colleagues to vote in support of the underlying bill. I do so for several reasons; but before I talk about that, I would like to talk about some of the things that I have heard here today in the debate that disturbed me greatly and I think require being addressed.

First is that I believe the ranking member, I am going to paraphrase him, but I think correctly said that we just can't help ourselves; that if you give us an opportunity to spend money, we are going to spend it. And I would rephrase that, and I would say that, we just can't help ourselves. If you give us an opportunity to solve a problem, we are going to solve it, and we are going to do so in a fiscally responsible way. And the problem that we are trying to solve with this underlying bill is diminished access and affordability to higher education, a problem which, if we leave unaddressed, is going to have a very serious consequence in terms of our future and in terms of our security. And we are addressing this problem, as I say, in a fiscally responsible way. It will not cost the taxpayers one dime.

I have also heard a great deal of talk about how we are not addressing the issue of entitlement spending and how we are creating nine new entitlements. Our mandatory budget represents about 60 or 70 percent of the total expenditures of this Nation, and it includes a number of so-called entitlement programs: Social Security, Medicare, Medicaid, interest on the national debt. And I would point out that, of all these programs, only one is truly mandatory, and that is interest on the national debt. And that number has ballooned over the last 6 years under the watch of the then majority when they controlled every lever of power in this town.

Fiscal year 2001, interest on the national debt was $200 billion a year. Fiscal year 2007, interest on the national debt is $265 billion a year. And the total debt has grown by $3 trillion.

So I would simply say that it rings hollow to hear a lecture on fiscal responsibility and to be told that we are behaving in a way that is injurious to the American taxpayer when in fact our behavior is the antithesis of the behavior that has held sway this House for the last 6 years.

Now, with the amendment here is what we would not get if we were to pass Mr. MCKEON's amendment: We would get no reduction in interest rates, a condition that would influence students' decisions to attend colleges. There would be no increase in the Federal capital contribution for the Perkins loan program. I will repeat; this is a loan program that this administration is trying earnestly to kill in what is a terribly ill-advised move.

There is this notion out there that the Federal capital contribution for Perkins will increase availability of Perkins loans. And to correct a common misperception, the Perkins loan program is not duplicative of the FFEL program or of the Direct Lending program. In fact, a great many students borrow from both programs. There would be no investment in cooperative education, a program that exposes students to the world of work and help enriches their college experience. There would be no investment in placing a highly qualified teacher in every classroom, something that we absolutely must do if we are going to make the advances on the K–12 level that we simply must make, the advances that were contemplated by the No Child Left Behind legislation, advances that we now have the opportunity to put in place. And there would be diminished opportunity for students who are needy to pursue careers in public service and in not-for-profit. We cannot have a condition in which students choose their career based on their indebtedness, and this underlying legislation will address that.

So I believe that the College Cost Reduction Act is, as I said before, long overdue, much needed and will address some very serious concerns that currently confront college students and their families, and will do so in a fiscally responsible way. And I urge its passage, and I urge defeat of the amendment by Mr. MCKEON.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say how relieved I am that the measure we are considering today does not incorporate the highly controversial STAR Act, which would turn over the entire Federal student loan program to Washington bureaucrats. I appreciate the chairman for not including that.

I continue to strongly support healthy competition between the government-run Direct Loan program and the market-based Pell program, and doing anything to upset that competition would be terrible for students, parents and taxpayers alike. Nonetheless, I would be remiss if I did not express some concerns about the extent of the Pell cuts in H.R. 2669.

After cutting some $18 billion from our student loan program during a budget reconciliation process in the last Congress, an additional cut of more than $18.75 billion this year strikes me as overreaching. Though this figure is close to the President's cut in his latest budget proposal, I believe the administration itself went too far and gave very little consideration to the impact of the cuts we made in the last Congress.

I also believe supporters of H.R. 2669 did not take into account the impact the bill's cuts may have on student loan default rates. When I became chairman, 12 years ago, of this subcommittee over higher education, the default rates were running about 25 percent. And through competition and the things that we have worked on during that time, we have cut that rate to where now the default rate is running at about 5 percent. If it gets back up to those higher ranges again, that is going to cost the American taxpayer another $11 billion a year.

House Republicans are already on record as having supported savings from some of the lender subsidies, and there may well be room to go even further. Later today, in my substitute, I offer cutting $15 billion, which is a little less than the underlying bill but may still be too high. Only time will tell. But we must be cautious to not overreach.

The majority often takes aim at student lenders and seeks continual and excessive cuts as a way to punish them for daring to make a profit. You know, businesses have to make a profit or they don't remain in business. And if they don't remain in business and making loans to students, running about $70 billion a year now, if they don't continue to make those loans, some would say, well, then the direct lending program can take it over, which means the Department of Education, which there have been some criticisms of, would become the largest bank in the world, doing all of the student loan system. Early in my tenure here, they had to shut down their program because they couldn't keep up, and it was a much smaller program at the time. I have very great concerns of turning the whole student loan program over to the Department of Education.

The real victims in all of this debate are the smaller lenders. The large lenders, which is kind of a paradox because they are the ones that we seem to be going after, they will survive, and they will even get better. The small lenders that help those that need the small loans, it takes about $7,000 for a lender to make a profit on these loans. In my community, kids going to the community colleges need a much smaller loan. The tuition, the fees and everything run less than $1,000 a year. And if they take out a loan to cover that, the lenders that are making that loan really aren't making any money; they are doing it as a service. They are not going to do that for long. When they keep getting hit with these kind of cuts, they will just get out of the program, and then, eventually, it will be turned over to the government-run program.

Let me just give a couple of examples here of the things I am concerned about. The Navy Federal Credit Union right here in Virginia that holds $280 million in Federal loans; or San Miguel Federal Credit Union that holds $140 million; or Simmons First National Bank in Pine Bluff, Arkansas, that holds $86 billion; or Sovereign Bank in Reading, Pennsylvania, that holds $79 million; Commerce Bank and Trust in Topeka, Kansas, that holds $60 million; or Zion's First National Bank in Salt Lake with $67 million; will these lenders still be in a program offering loans to their local citizens, or will they be driven out of the program by large lenders such as Sallie Mae? That is something that time will tell as we keep cutting the subsidy that the Federal Government gives now to help these small businesses remain to give the help to those students that need the loans the very most.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, in this great land of opportunity, wealth should not be a prerequisite for education, and it should not be a prerequisite for future success. For too many hardworking and qualified Americans, a college degree is the key to a successful career.

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And for millions more, that education sends them so deep into debt that raising a family is impossible. The College Cost Reduction Act will respond to this injustice with an unparalleled commitment in higher education. 140,000 students and families will save more than $200 million on tuition costs in my home State of Kentucky alone.

We've heard a lot during this debate from our colleagues on the other side throwing the word around of "entitlement" as if "entitlement" is a dirty word. And I will grant that over the years, some entitlements have not been particularly productive, but entitlements can also be significant investments in not only human capital but in the future of this country.

And in this particular instance, what we are saying is we are going to make a dramatic step not just to improve the lives of millions of young Americans, but also to make an investment in their futures and the future of this economy. And if we don't do it, the great disparity in wealth between the most wealthy people in this country and everyone else will continue to grow, and we will face an economy in which we are not developing the type of talent that will keep this country at the stature that it has always maintained.

So I am firmly against and urge my colleagues to vote against the amendment. I strongly support the College Cost Reduction Act because this is ultimately an investment in our future as a country, as a great nation, and the future of many Americans who without this help will be destined to a mundane future, which will mean that our country will result in the same state.

Mr. McKEON. Mr. Speaker, I am happy to yield at this time to the gentlelady from Tennessee (Mrs. BLACKBURN) such time as she may consume.

Mrs. BLACKBURN. Mr. Speaker, I want to thank the gentleman from California for the work that he has done on this. I also want to commend him for his appreciation for how we approach education and how we approach access to education in this country. His work in the committee has not gone unnoticed, and we do appreciate that commitment.

I do rise today to support the McKeon substitute that we have before us, and I think that it addresses some of the problems that so many Members on both sides of the aisle have problems with in the underlying legislation. You cannot deny that there are nine new entitlement programs that are contained in the underlying legislation, and quite frankly, we have heard from so many people who have expressed concern over this.

As we are at a time when people talk about the need to reduce the size of the Federal Government, to reduce the bureaucracy, to reduce the number of programs, here comes a piece of legislation, and lo and behold, you're going to have nine new programs.

Now, quite frankly, Mr. Speaker, there are so many that say, why would you do this? Why would you not do an assessment of the needs and then put the money where the needs are?

And Mr. McKEON has done that, as he has addressed the Pell Grants and spending the funding, increasing the Pell Grants, which address the access component that is so important to our students.

Another component that is in there that I think many of the Members would be interested in is the changes that it makes in providing funds for year-round Pell Grants, there again answering a question and solving a problem that we hear from our constituents and the type Pell Grant program that they want, the access that they want, being certain that we're going to help those students who wish to pursue their education not only in the fall, not only in the spring, but the summer as well. We know that this is very important as people look at new type schedules, as they look at moving on through the educational process and getting into the workforce.

We know that we have different areas where we need employment and being able to finish a little bit earlier. Not everybody wants to go on a 4- or 5-year program. There are some people that want to go through in a 3-year program, 3½-year program, and so this addresses a societal change and a need that is there that allows that flexibility that students want. And that is where we need to place the emphasis, allowing people to take control, individuals to take control and make decisions that are going to suit them and not having the bureaucracy make those for them, which all too often, when we create nine new entitlement programs, with nine new bureaucracies, we don't see fast decision-making on something. We see this go into that black hole or the terminal put on hold that so many of our constituents continue to complain about every day.

I would also like to commend to this body and thank Mr. MCKEON for the work that puts the emphasis on our military by providing for them extended deferment options for our returning soldiers who may need extra time to get settled and to return to careers and be able to begin repaying any outstanding student loans. Certainly in my district, the Seventh District of Tennessee, this is something that has been recognized as a need. We have so many that have served so honorably with the 101st Airborne at Fort Campbell, and this is a provision that is important. It is one that is recognized by us, by the minority, by those of us on this side of the aisle, and it's one that we do express our thanks for being included.

The McKeon amendment, the substitute is the right move. It is the right balance. It puts the funding where it is needed by increasing those Pell Grants, and I do rise in support of it, and I thank the gentleman for his work.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank Chairman MILLER for his recognition.

I rise in support of the College Cost Reduction Act and want to thank my good friend, the chairman, for his leadership and the members of the committee for their exceptional work.

While I am very supportive of the bill's overall goal, I have a concern that the bill incorporates the Bush administration's proposal to significantly cut the yield on all lenders across the board. Students and parents have saved millions of dollars due to smaller competitive lenders offering consolidation loans at lower interest rates. Greater competition leads to lower prices and more choices for the consumer.

I do want to thank the chairman for his recognition of small lenders. And quite honestly, he's worked very, very hard to get the legislation to this point, and I know he continues to try to do that.

I want to thank the chairman for eliminating the origination fee for small lenders because that's an important part of this bill as well. It will lower interest rates for students in the future. But we must ensure that individuals currently enrolled do not pay more when they're starting to repay their loans.

I look forward to working with Chairman MILLER and the ranking member and hope that this matter will be addressed in conference, and I know the chairman has committed to continue to try to do that. We must ensure that we help all students, parents and lenders equally and fairly.

Mr. McKEON. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a member of the committee.

Mr. BOUSTANY. Mr. Speaker, I thank our ranking member for giving me time to speak on this.

I rise in support of the McKeon substitute amendment, and I'm opposed to the underlying bill as it's written. Historically, our Federal Government has limited entitlement spending to programs like Medicare and Social Security, and we're still trying to work out or trying to figure out how to make those programs solvent and sustainable.

The underlying bill creates nine new entitlement programs. And knowing that entitlement programs never die, we need to admit to the taxpayers that if this passes they will be expected to kick in another 15 to $30 billion to cover the cost of these new entitlement programs starting in 2013.

It also starts the precedent of creating entitlement programs for institutions and organizations. This act does little to reduce college costs and shortchanges those students who need help the most to pay for college. The bill spends less than one-third of the total savings on investing in low income students struggling to achieve their dreams of a college education.

Rather than addressing the needs of our Nation's low income students, this bill spends billions of dollars on providing additional subsidies to institutions of higher education.

I urge my colleagues to instead support the McKeon amendment, which would increase Pell Grants for our neediest students.

The amendment, in addition, makes two significant improvements to the Pell Grant program. It provides funds for year-round Pell Grants to help those students who wish to pursue their education, not only in the fall and spring, but in summer as well.

For too long, the student aid programs have only addressed the needs of traditional dependent students who attend fall and spring semester and then go home for summer. It's time that we do more to meet the needs of working adults and nontraditional students who need greater flexibility in pursuing their educational goals.

The amendment reduces interest rates for parents and graduate students in the Pell program who now pay 8.5 percent instead of 7.9 percent, which is paid by their peers in the direct loan program. There's simply no reason at all to charge parents and students different interest rates, and this problem needs to be addressed as soon as possible. I'm disappointed that my colleagues on the other side of the aisle did not see the need to help these parents and students who are being unfairly penalized under current law.

Furthermore, this amendment also helps our military, as was mentioned earlier, by providing extended deferment options for our returning soldiers who may need extra time to get settled before repaying any outstanding student loans. This provision was included in the committee mark, and for that I'm grateful, and I think it's certainly a provision I support.

And finally, the McKeon amendment addresses a concern that Mr. MCKEON has been voicing for the last three or four years, and that concern has to do with rising costs of college. I'm happy to see that this amendment includes the text of Mr. MCKEON's bill, H.R. 472, which brings much needed transparency to the college cost issue.

As we all know, rising college costs are a major concern of parents across the country who find it more and more difficult to pay their tuition bills; yet no one can or will explain why costs continue to increase at rates far exceeding the rate of inflation. It's time to arm parents and students with information that can be used to make these wise choices in selecting an institution of higher learning.

And for these reasons, I wholeheartedly support the McKeon amendment as a substitute to this bill, and urge passage of this very important amendment.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute for it undermines and it strikes all of the important initiatives that cause this legislation to be one of the imperative legislative initiatives of this Congress.

It impacts negatively the middle class. It undermines the qualified teacher provision. It takes away the reward for public service and, of course, it does not deal with the issue of philanthropic participation in college retention and financing.

But let me tell you what I am supporting. I am supporting the single largest increase in college funding, college aid since the GI Bill. I am supporting the mother who spoke to me on the way up to Washington saying, "I'm a middle class, single parent, working to send my daughter to college, and I just can't do it. Does anybody understand that plea? I just can't do it." This helps this mother send her daughter to college!

And what does this aid package do? This incentive package reinvests in America's young people! It reinvests by strengthening the middle class, by making college more affordable. It increases the power of the Pell Grant through scholarship. It insures that we have qualified teachers in every classroom. It is an equal opportunity promoter of education for Americans.

And then it does something unique. It does something that is not discriminatory. It reflects on the value of historically black colleges, Hispanic-serving colleges and other colleges that serve underserved populations.

I know the real truth of that, representing Texas Southern University when our Governor could find no other way to solve the problem of that college other than to put it into a conservatorship. Isn't it interesting, Mr. Speaker, that if they had put it into a conservatorship, they would have lost all of their accreditation.

This bill invests in helping to retain students. It gives them scholarships. It promotes the colleges.

I don't know if this can be seen, but it is clear when we show this example of what Republicans have done in investing in our college education and what Democrats have done.

□ 1430

I know that my good friend on the other side of the aisle agrees with me that the education of our children is not a partisan issue. So I would encourage him to, if you will, ignore his motion for a substitute and support the underlying bill because colleges like Texas Southern University, Prairie View A&M and Morgan State and Florida A&M are grateful.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise today in support of H.R. 2669, the Education and Labor College Cost Reduction Act of 2007. This bill does much more than ease the burden of student loans for college graduates—it will make the American dream possible for low- and middle-income students and families who pay for college. Mr. Speaker, in 21st-century America, a college education is critical for individual success and the strength of our Nation. Higher education is associated with better health, greater wealth, and more vibrant civic participation, as well national economic competitiveness in today's global environment. As the need for a college degree has grown, however, so has the cost of obtaining that education. The result is rising student debt.

H.R. 2669 would provide about $18 billion in college financial aid at no new cost to taxpayers. This new investment is critical for African-American students and their families, especially given that African-American students comprise about 12 percent of all undergraduate students. Many institutions have helped black students bridge ethnic-related economic barriers, making a college education possible for underprivileged minorities. Among historically black colleges and universities (HBCUs), which give African American students an opportunity to have an educational experience in a community in which they are a part of the majority, costs are also rising. This resolution would support many of these honorable institutions in their righteous deeds in educating our underprivileged students of color.

Mr. Speaker, I support H.R. 2669 because it will increase the maximum Pell Grant award by $500 and increase eligibility to serve more students in the program. The Federal Pell Grant Program prides itself on providing need-based grants to low-income undergraduate and certain postbaccalaureate students to promote access to postsecondary education. Forty-five percent of African American and Hispanic students at 4-year colleges depend on Pell Grants, compared to 23 percent of all students. Approximately 4.5 million students currently depend on Pell Grants and "over 70 percent of Pell Grant funds go to students from families with incomes of $20,000 a year or less". Increasing the maximum Pell Grant Award will expand racial and ethnic diversity in higher education institutions, benefiting not only the institutions cultural background but it will also be a great learning experience for students to learn diverse cultural background different from their own.

H.R. 2669 would cut the interest rates on need-based Federal student loans in half from 6.8 percent to 3–4 percent over 5 years. Once fully implemented, this cut would save the typical borrower—with about $13,800 in need-based loan debt—$4,400 over the life of the loan. About 38 percent of African-American students take out need-based student loans each year. By cutting interest rates on Federal loans, Congress can save college graduates thousands of dollars over the life of their loans. Mr. Speaker, recent graduates, especially those of minority status with low to moderate incomes, must spend the vast majority of their salaries on necessities such as rent, health care, and food. For borrowers struggling to cover basic costs, student loan repayment can create a significant and measurable impact on their lives.

Crushing student debt also has societal consequences, according to a report by two highly respected economists, Drs. Saul Schwarz and Sandy Baum, the prospect of burdensome debt likely deters skilled and dedicated college graduates from entering and staying in important careers educating our Nation's children and helping the country's most vulnerable populations.

To solve this problem and ensure that higher education remains within reach for all Americans, we need to increase need-based grant aid; make loan repayment fair and affordable; protect borrowers from usurious lending practices; and provide incentives for State governments and colleges to control tuition costs. H.R. 2669 is an important step in a new and right direction for America.

I urge my colleagues to vote in favor of H.R. 2669, the Education and Labor College Cost Reduction Act of 2007.

Mr. McKEON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington, our newest mother in the House of Representatives, CATHY McMORRIS RODGERS.

Mrs. McMORRIS RODGERS. Mr. Speaker, unfortunately, I rise in opposition to this bill.

In my opinion, it continues some broken promises to us by the majority party. This bill is not fiscally responsible, and it is not going to increase access to college education in this country. Yes, it proposes to spend more money, nine new entitlement programs, that means nine new categories for mandatory spending, but not in ways that will increase access.

I worked my way through college. I was the first in my family to graduate from college, and I am actually still paying some of those student loans from going back to school recently. And I am grateful for the opportunities I have had to go to college and am committed to ensuring that every student in America has access to higher education. It is really part of the American Dream. Unfortunately, this college relief bill does little to actually increase access.

The Republican alternative would have roughly doubled the Pell Grant aid proposed in this bill. That is direct help to students when they need it, when they have to pay for tuition at the beginning of each quarter. Reducing interest rates will help graduates with debt relief, but it will not help students that are currently struggling to make tuition. The vast majority of spending in this bill provides token interest rate cuts for college graduates. Only one-third of the new spending goes towards Pell Grants.

We must do more to fund new programs like Pell Grants, which actually do increase access and opportunities, and the McKeon substitute would do just that. We also must do more to address rising tuition costs and the impact that is having on students' ability to afford college.

Tuition rates have risen above costs of inflation. Here is an example from my own State, Washington State: Over the past 10 years, Washington State University and the University of Washington have both increased tuition and fees by over 80 percent. At the same time, Washington's per capita of personal income has increased at only about 40 percent, and inflation is a little over 20 percent. We must address the root cause of this problem, what is really driving tuition costs. This bill does nothing to address the skyrocketing cost of tuition, which is disastrous for students and parents.

The Democrats have talked a lot about providing college relief for students; yet, once again, this bill does more to help graduates and institutions rather than helping our current or future college students. Our focus must be on remaining sure that every person who wants to go to college has that opportunity to do so.

Mr. GEORGE MILLER of California. Mr. Speaker, I am the only remaining speaker.

Mr. McKEON. Mr. Speaker, could I inquire what our time remaining is.

The SPEAKER pro tempore. The gentleman from California on the Republican side has 8½ minutes remaining. The gentleman from California on the Democratic side has 18 minutes remaining.

Mr. McKEON. I am happy to yield such time as he may consume to the ranking member of the Higher Education Subcommittee, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

I want to begin by thanking the chairman and also the ranking member for their hard work on this bill. Chairman MILLER has accommodated us when he can and opposed us when he must, and I know we have worked together as much as possible.

I think we owe the public an explanation, before we talk about our differences, of what we have in common. So let me begin with what both sides throughout this debate have in common, essentially three things.

First, we believe that all children, rich or poor, should have the opportunity to go to college. Second, we believe that there should be consequences and sunlight on those colleges who excessively increase tuition. And, third, we believe that Pell Grants are the passport out of poverty for so many worthy young children from low- and moderate-income families, and they deserve to be increased.

Now, there are four major differences in this bill, and these differences result in many of us Republicans not being able, regrettably, to vote for this bill. The first difference is on entitlements. How do you feel about new mandatory entitlements? The Democratic bill has nine new entitlement programs with mandatory spending. The Republican substitute has zero new entitlement programs.

How do you feel about Pell Grants, which is money we give to low- and moderate-income families to help their kids go to college? Today the Appropriations Committee is going to be increasing Pell Grants to $4,700. Under the Democrat bill, next year, they will have an additional $100, for a total of $4,800. Under the Republican substitute, students would have an additional $350 for a total of $5,050. So if you care about Pell Grants, you would do substantially better under the Republican bill if you were a student than you would under the Democrat bill.

How do you feel about paying down the deficit? The Democrats use only $1.5 billion to pay down the deficit. We more than triple that in the Republican bill.

How do you feel about private sector versus government-run programs? We have a basic, honest philosophical difference in this belief. Republicans believe that competition among the private sector is good for lower prices and lower taxes. Democrats believe, at least some do, that big government-run programs are better, and if that means eventually raising taxes, especially on the wealthy, then so be it. And we see that in the context of the student loan debate here. Republicans aren't afraid to take money out of the private student lenders. We did so as part of the Deficit Reduction Act. We took $16 billion away from their subsidies. But the Democrat bill, on top of the $16 billion, takes an additional $18.5 billion. It cuts the lender subsidies down to the bone to the point that the private student loan providers really won't be able to make a living if they are the small folks, and it will run many of them out of business. The big folks will stay in business. And that is okay to some on the other side. They prefer the direct student lending program. Under our system, 80 percent of the loans on the Federal level are provided with private sector money, called the FFEL program; 20 percent are the direct student loans. And this bill stacks it heavily in favor of the direct loan program. For example, if you are a low-income public sector employee, such as a police officer or social worker or a firefighter, and you have worked for at least 10 years, you get absolute forgiveness of your loan only in the direct program. They don't forgive it in the private FFEL program. They want to encourage people in the direct program.

If you are a parent and you want to take out a loan for your child to go to college, under the FFEL program, which is the private program, you have to pay 8.5 percent; under the direct lending program from the government, only 7.9 percent. Again, trying to encourage people to go with the big government program. And that was a drafting error that the Republican Congress made when we were passing the Deficit Reduction Act. And we tried to correct it in this bill. The Democrats knew about it, and they didn't let us correct it. And I suspect, and this is my feeling, it is because they expressly favor the direct loan program.

So we have a philosophical difference. I think the motives on both sides are pure. We have an honest difference of opinion with regard to entitlements, Pell grant funding, paying down the debt and private sector involvement.

And for these reasons, Mr. Speaker, I will urge my colleagues to vote "yes" in favor of the McKeon substitute and "no" on the underlying bill.

Mr. McKEON. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 4 minutes remaining.

Mr. McKEON. Mr. Speaker, I again think that this has been an interesting debate today. I thank the chairman for giving us the opportunity to offer our substitute. I know he didn't have to do that, and I appreciate the opportunity to discuss some of the differences and to present an alternative.

For years I served as subcommittee chairman on the Higher Education Subcommittee. And during that time, I talked about accessibility, accountability and affordability for higher education. The only opportunity that people have to better their lot in life here in this country is through education. And I have seen studies that show that 40 percent of our young people from lower-income families are not able to go to college. And that is just not acceptable. And I think that with our substitute, where we put an additional almost $10 billion into Pell Grants, I think that is a tremendous opportunity to help the affordability aspect of college.

Again, through this bill, there is nothing done to lower the cost of tuition, to make the higher education experience more affordable. As I said, the cost of a higher education during the last 20 years has gone up four times faster than the rate of inflation. Mrs. McMORRIS RODGERS mentioned earlier, in her State, the cost of tuition has gone up in the last few years 80 percent while the cost of inflation has gone up 20 percent. Again, that is still four times faster. It has gone up faster than the cost of health care. And I think that that is a crisis that in some way we need to come together on. State governments, the Federal Government, students, parents, we all need to come together, come to grips with this issue because to prepare a workforce that is going to carry us through this 21st Century and be competitive throughout the world, we are going to have to do something to make it possible for our young people to get a higher education.

I don't think adding new entitlements is the way to do it. I think increasing Pell Grants is very important. And for that reason, I encourage our colleagues to support the amendment, the substitute amendment. If that passes, then support the bill. If it doesn't pass, I encourage them to vote against the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, if I can inquire how much time I have.

The SPEAKER pro tempore. The gentleman from California has 18 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from California is recognized for up to 18 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker and members of the committee, I think this has been a very good debate because this has been a debate about which direction this country should go in and I believe will go in and the direction that the American people want this country to go in.

Parents all over this Nation hear every day from business leaders, from educational leaders, from the media, they hear that for America to be competitive, we have got to have a smarter workforce, a better skilled workforce, a better equipped workforce so that we can continue America's leadership in the world in the economics of the world and in the national security of this country. The key to that workforce, the key to that competitiveness, again, the very people who are hiring those individuals say that you must have a college education. What used to be good enough, which was graduation from high school, is no longer good enough today. You have to have advanced learning. It may be in a professional school. It may be in a trade school. It may be in a community college. It may be in a 4-year college. You may get some of it now and some of it later. But the fact of the matter is, you need those skills.

But what has happened over this time is that college education has increased as rapidly as anything else in society, in fact, more rapidly than many other indicators in our economy, over 35 to 40 percent over the last 5 years above inflation. What has that meant? That meant that families who thought they could afford that education now find that they have to squeeze harder. That meant that people who thought they weren't going to have to borrow money are now going to have to borrow money. That meant that people who thought they were going to be able to go to college are now deciding that they can no longer go to college. They are going to postpone it or maybe not go at all.

□ 1445

That's not good for America. That's not good for America's economy. That's not good for America's democratic institutions. And it's not good for our society. We need those young people to go to college.

What this legislation does today is it says to those individuals who are fully qualified to go to college, we will not deny you access to the college of your choice, to the education of your choice, to the career of your choice, and to the curriculum of your choice because you can't afford to pay for it. We're going to help you. We're not going to give you everything you need. Your family is still going to have to sacrifice, you're still going to have to pay back loans, but we're going to give you greater access to the ability to do that.

We're going to take this country in a new direction. We're going to take this country in a direction where we place a priority, a focus and a vision for education in America today because we know we must.

We're told again by the leaders of all of the new technologies, the new companies, the people who are investing in the future that we were the beneficiaries of when John Kennedy said that he wanted to send a person to the Moon and bring them back safely. It was more than a Moon shot. John Kennedy captured our imagination; he captured world leadership with that decision. And over the next decade, we did exactly as he directed.

But you know what else they did? They give 28,000 high-performing college students a grant to go to graduate school so they didn't have to borrow money, they didn't have to walk around with a tin cup, they didn't have to put themselves into debt, so they could use their best skills and talents to create the space program. You know what they created after they created the space program? They created Intel, they created Microsoft, they created Hewlett Packard. They created the infrastructure of this Nation. Now, did we whine and moan because they got a grant and the taxpayers used their money? They created millions of jobs in this country over the next four decades. That's what this is about.

Those are the investments that my grandparents made in my education before they ever met me. Those are the investments that my parents made in my education after they met me. They still thought it was worth something. And those are the investments that have made this country the greatest and strongest Nation in the world, have made us an economic leader, and have given us the ability to lead the world. Do we want to turn our back on it now? If you accept this substitute, you're turning our back on that idea.

The Republicans say, well, we're just going to take a little less money, but we're going to put it all in the Pell Grant. The Republicans, after flatlining Pell Grant all of these years when they had the opportunity to do something, did nothing. Now they want to love this bill to death by putting all the money in the Pell Grant.

This is what this legislation will do for Pell recipients; it will take them up to $5,200 in a Pell Grant. That may or may not pay for their education for that year, but it's a big leap forward.

But we also recognize something else, that this isn't the only constituency struggling to pay for education in this country. No, there are millions of students who will take out a subsidized student loan. And for those students, and their parents who will help them pay it back if they're that fortunate, for those students they will be paying for it by themselves, we're saying we will cut the interest rate in half when you graduate and you start to repay your loan. You borrow the money today, you pay your tuition, and when it comes time to pay your loan, your interest rate is half of what it is today.

Because we know that those middle-income families in this country are struggling as hard as anybody. They have the same vision, the same hope and the same aspiration for their children. So that's why we're doing this, because it's the best investment we can make in this country in that talent of our children, in the brilliance and the excitement and the vision of those children. That's what this legislation is about. But that's not what this substitute legislation is about. You cannot walk away from them.

I find it interesting that just 4 months ago, 5 months ago, 124 Republicans voted to cut those interest rates for middle-income families and their children, and now they're going to vote against it today. So they voted for it then, and now they're going to vote against it today. What was going on? Did they believe it then, or they don't believe it now? Which is it? But the fact of the matter is, this is about whether or not those families that struggle, they may be single parents, they may be two in their family, they may be families that find themselves with one, two or three kids in college at the same time. This government should help them because those children will return that gift of this Nation back to this Nation time and time again over the life of their earnings, over their careers. They will give back to this Nation because we made that investment as my parents and grandparents made in us.

If you vote for this substitute, you get rid of the interest rate cuts for those middle-income families. And also, for these very same Pell recipients, over half of these students will have to borrow money because a Pell Grant isn't enough. So they participate also in that interest rate cut.

You fail to participate in the loan forgiveness for the teacher, for the firefighter, for the policeman, for the special education teacher, for first responders. For those people in critical occupations that give so much to this society, but they're not the highest paying jobs, we're telling them if you stay on the job 5 years, we will give you $5,000 in loan forgiveness. For a student that graduates with an average debt of around $13,000, $14,000, that's a significant amount of loan forgiveness. What do we get? We get an educated firefighter, an educated policeman, a school teacher. We get these people.

For high-performing college students who are willing to go into teaching and go into math, science and engineering, and then go to the most difficult schools to teach, we're saying we will give you $4,000 a year in tuition assistance while you're in school, not later, up to $16,000; again, an investment, because we now know that a highly qualified teacher can dramatically change the educational outcomes and the future for the children in ways that we can only dream about. That's an important investment, because that investment in that teacher will be invested in all of those students that come across his or her line of vision in those classes.

That's why this legislation is about a vision for America. That's why this legislation goes in a different direction. We stop today when we flatline aid to education in this country. We want to invest in young people. We want their families to be able to invest with us. And that's the importance of this legislation.

And, clearly, the commitment that we make to minority-serving institutions so that those students who are fully qualified to go to school go to school, receive the kind of help to keep them in school so they don't end up dropping out with a debt on the loans that they took. We want that success. It's a problem that's recognized across the country; we address it.

We raise the cap on the amount of money that families can borrow. It's not great news to hear we let you borrow more, but it's a lot cheaper than if you have to borrow it in the private loan market. It's 3.8 percent here, and it's 10, 12, 13, 14, 15 percent in the private market. That means a lot to families. That means a lot to students. That's what this legislation is about.

I would ask all of my colleagues on both sides of the aisle to reject this substitute, to vote for the passage of the final bill. Let's take America to a new future. Let's take America to new heights. Let's take America to new greatness on the next generation of discoverers, of innovators, and of economic creators.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 531, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from California (Mr. MCKEON).

The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCKEON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 189, nays 231, not voting 11, as follows:

[Roll No. 611]

YEAS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Berkley
Blumenauer
Blunt
Boehner
Cubin
Davis, Jo Ann
Dicks
Hinojosa
Porter
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1518

Ms. CORRINE BROWN of Florida, Ms. HIRONO and Messrs. CAPUANO, ELLSWORTH and PENCE changed their vote from "yea" to "nay."

Ms. ROS-LEHTINEN and Messrs. SHUSTER, NEUGEBAUER and BACHUS changed their vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROSKAM. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Roskam moves to recommit the bill H.R. 2669 to the Committee on Education and Labor with instructions to report the same back to the House promptly with an amendment providing that a borrower who is a full-time elected public official who receives compensation for such elected position, or who is a registered lobbyist at either the Federal or State level who receives compensation for lobbying activities, shall be ineligible for any of the loan forgiveness programs included in the bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. ROSKAM) is recognized for 5 minutes in support of his motion.

Mr. ROSKAM. Mr. Speaker, I offer this motion to recommit with instructions, and it surrounds the general topic of student loan forgiveness. As we know, student loan forgiveness programs seek to help students with the cost of college or encourage them to enter a particular occupation or field.

This was first put in place back in 1958 in the National Defense Education Act, and it was reenacted and made part of the Perkins loan program, and it provides forgiveness largely for borrowers who are employed in a specific public service job, including teachers, but over the years has added others as well.

I would like to read a short list of those who are currently eligible under various programs for student loan forgiveness. They include: Public school teachers; Head Start staff, whether teachers or not; special education teachers; military members in combat areas; volunteers in the Peace Corps; law enforcement officers; correction officers; teachers in specific areas who are teaching in math, science, foreign language or bilingual education; nurses; medical technicians; child care providers; family service agency workers; researchers at NIH; health professionals in the National Health Service Corps; AmeriCorp volunteers; National Civilian Corps volunteers; and VISTA volunteers.

These loan forgiveness programs are so popular, in fact, that 43 States currently have them. Congressional Research Service not long ago surveyed a whole host of financial aid officials across the country and came to the conclusion that these are very effective programs in meeting students' financial needs and particular workforce needs.

Earlier this year, the House took on the challenge to expand loan forgiveness for prosecutors and public defenders, and clearly there is a good public purpose behind that.

But now under the bill, Mr. Speaker, basically anyone who works for the government or a nonprofit organization would be eligible for loan forgiveness. I repeat that. Basically anyone who works for the government or a nonprofit organization would be eligible for loan forgiveness. So what does that mean? Does that mean that Members of Congress would be eligible for loan forgiveness? I don't know about you, Mr. Speaker, but nobody sent me here to expand loan forgiveness eligibility for Members of Congress. And, in fact, Members of Congress are eligible under this bill.

Are members of State legislatures eligible for loan forgiveness under this bill? Yes.

Are registered lobbyists who work for nonprofit organizations, are they eligible? Yes.

Mr. Speaker, I would like us to look at some of the CEOs of nonprofit organizations and reflect on their compensation and how that would play into this eligibility question. According to the Charity Navigator, the former head of Planned Parenthood Federation of America made over half a million dollars, $500,000, and would that person be eligible? Yes, as would John Adams, the president of the Natural Resources Defense Counsel who makes almost $300,000 a year. The National Journal reported in 2004 that the median compensation for think tanks was $264,000 a year. Or how about this, $227,000 for education, government and welfare organizations.

Does anybody really believe that these individuals need this kind of support from the taxpayers? My point is that this new blanket program for nonprofit organizations will give a number of well-to-do individuals a government handout that they don't need and our constituents should not have to fund.

So the real question is whether this is the highest and best use of taxpayer dollars. Mr. Speaker, I would submit that it is not, so this motion to recommit is very simple. It would prohibit a borrower who is an elected full-time public official and is paid for that position, as well as a paid registered lobbyist at either the State or Federal level, from receiving any of the loan forgiveness available under this act, period. Very simple, very clear.

I think we should speak clearly to the American taxpayers that we as elected officials are not trying to create some unfair advantage for ourselves, that we are not trying to reward ourselves, or our elected colleagues, nor any registered lobbyist, by giving away their hard-earned taxpayer dollars to pay off student debts.

Mr. Speaker, I urge my colleagues to support this amendment or to at least set some parameters of this big government program under this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this motion to recommit says this will not allow a public officeholder or a lobbyist to get loan forgiveness. This has never been raised, and if you don't want them to get it, write me a letter and we will take care of it.

But what this does is this says that you must report this back promptly, so this kills this bill. This kills this bill. The greatest contribution to helping families pay for education since the GI bill, they want to kill it. Cutting interest rates in half for middle-income families, they want to kill it. You could have written the motion another way. You deliberately wrote it this way so you could kill this bill.

What is it you don't like about this bill? You don't like the fact that while you were in power, after years of flatlining the Pell Grant, we finally have given the biggest increase in decades for the poorest kids in the country. You don't like that, so you want to kill the bill. You don't like the fact that we are going to take 5 million middle-class kids and extend to them a loan with an interest rate that is cut in half while their families are struggling to get them through college. They are making sacrifices every year. You are going to do this. You are going to kill this bill? Are you proud of this amendment that you are going to try to kill this bill? Say it louder, that you are proud.

What about loan forgiveness? This amendment supposedly is about loan forgiveness, but in the process, they kill loan forgiveness to firefighters and policemen and nurses and teachers of special education and people who hold our society together and make it work, they kill that. What is it they don't like about having a society that can help its children? What is it they don't like about partnering up with families who want to help pay their kids' education, that borrow money, that are told every day they have to save more for this education, and here we are giving them loan forgiveness. We are giving them loan forgiveness because they have chosen to go into a career that doesn't pay very well. We are giving them an interest rate cut that will save them $4,000. That loan forgiveness will save them $5,000.

We are raising the amount of money that they can borrow, no great gift to their parents, money that they can borrow, but they don't have to go to the private market and pay 15 percent. They can pay 3.8 percent.

□ 1530

That's what this legislation is about. What is it you don't understand about the American people's vision? Mr. Speaker, what is it they don't understand about the American people's vision for this country? What is it you don't understand that America wants to go in a new direction? What is it you don't understand about this vision of the future where we have faith in our children, where they have the confidence of their parents; they have the vision that their kids can succeed, that they can be the next generation of discoverers, of innovators, of those who create economic opportunities and hire other people or get hired?

That's the vision America wants, and it needs help to pay for that education, and this is what this legislation does. That's what this legislation does.

Yes, we help those minority-serving institutions. I guess you don't like that either.

And yes, we thought we would partner up with some of the richest people in the world who said that if you partner up, we think we can raise hundreds of millions of dollars for poor children. So we said, you raise $1, we'll match it with 50 cents. They're now telling us they think they can raise hundreds of millions of dollars of private money. Sounds kind of Republican to me, but what the hell, I don't know.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. GEORGE MILLER of California. We've even got a multiplier in this bill. We tell high-achieving college students who are studying math, science and engineering, if you will commit to going in and teaching in the most difficult schools in this Nation, you will bring those talents to those kids, we'll give you $4,000 tuition relief while you're in school, not later. We know that that is a multiplier because we know the kids that are exposed to highly qualified and effective teachers can learn things that we can't believe of, and that's what gives back to this society.

At the end of the day, maybe Speaker PELOSI said it best: The dollars we invest in this legislation, the dollars we invest in these young people, that we invest in their families, in their futures, in their competencies, comes back to us every year from the same group of people as they graduate. They return the gifts. They return this gift of the Nation.

We're trying to do for this next generation, what my grandparents did for me, what my parents did for me. And those investments that they made in the college systems of this country, in the GI bill in this country, what did they do? They took America to the premier position in the world in economic leadership, in national security, in foreign affairs, took us to the first place in the world and has been there for 50 years based upon that investment.

America knows now that they need a new investment, and that's what this legislation is about. It's about a new investment for the next generation, the next generation of talent and competency and fearless and beautiful young people, beautiful young people who want their future to be as rewarding as all of ours have been. I ask you to vote "no" on this amendment.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry. If this motion to recommit is passed, it does not kill the legislation; does it not simply send it back to committee?

Mr. GEORGE MILLER of California. Kills the legislation today.

The SPEAKER pro tempore. The Chair will not interpret the motion. That is for Members to debate, not the Chair.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the question I just asked not a procedure of this House as far as the Speaker is in control of this body, would he not be learned enough to know that if this motion passed, would it—

The SPEAKER pro tempore. The Chair does not interpret a pending proposal.

Mr. WESTMORELAND. Further parliamentary inquiry, if I read the motion to recommit correctly—

The SPEAKER pro tempore. The Chair can affirm that the motion does not contemplate a report forthwith.

Mr. WESTMORELAND. I'm sorry, sir?

The SPEAKER pro tempore. Which part of that did the gentleman not understand?

Mr. WESTMORELAND. Your answer.

The SPEAKER pro tempore. The motion does not contemplate a report forthwith.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. State your parliamentary inquiry.

Mr. WESTMORELAND. If it's true that you don't have the facts right, you should just beat the podium?

The SPEAKER pro tempore. The gentleman is out of order.

For what purpose does the gentleman from California rise?

Mr. GEORGE MILLER of California. The Chair responded to the parliamentary inquiry that it is not forthwith, that it precludes action on the bill today. Thank you.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROSKAM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of H.R. 2669, if ordered, and suspending the rules and passing H.R. 556.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 9, as follows:

[Roll No. 612]

AYES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper

Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—9

Bartlett (MD)
Berkley
Blumenauer
Boehner
Cubin
Davis, Jo Ann
Hinojosa
Porter
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1553

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 273, noes 149, not voting 9, as follows:

[Roll No. 613]

AYES—273

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—149

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—9

Berkley
Blumenauer
Boehner
Clarke
Cubin
Davis, Jo Ann
Hinojosa
Porter
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1601

Mr. SULLIVAN changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. CLARKE. Mr. Speaker, on rollcall 613, the final passage of the College Cost Reduction Act, a bill I am proud to have been helpful in crafting, I was unavoidably detained. If I had been present, I would have proudly voted "aye."

FOREIGN INVESTMENT AND NATIONAL SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 556, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 556.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 45, not voting 16, as follows:

[Roll No. 614]

YEAS—370

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—45

Aderholt
Akin
Baker
Barrett (SC)
Bishop (UT)
Blackburn
Bono
Burgess
Culberson
Deal (GA)
Doolittle
Emerson
Everett
Fossella
Franks (AZ)
Gallegly
Gohmert
Goode
Hayes
Hoekstra
Holden
Hunter
Jones (NC)
Kaptur
King (NY)
Kuhl (NY)
Lamborn
Marchant
McCaul (TX)
McCotter
McHugh
Miller (FL)
Murphy, Tim
Nunes
Peterson (MN)
Petri
Poe
Royce
Shuster
Sullivan
Tancredo
Thornberry
Upton
Westmoreland
Wilson (SC)

NOT VOTING—16

Berkley
Blumenauer
Boehner
Conyers
Cubin
Davis, Jo Ann
Doggett
Gordon
Hinojosa
Linder
Porter
Rogers (AL)
Roskam
Watson
Welch (VT)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1610

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

Ms. CLARKE. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2669, the Clerk be authorized to correct section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

The SPEAKER pro tempore (Mr. GUTIERREZ). Is there objection to the request of the gentlewoman from New York?

There was no objection.

APPOINTMENT OF MEMBER TO NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2501, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Records Commission:

Mr. LARSON, Connecticut

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or which the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2608) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SSI Extension for Elderly and Disabled Refugees Act".

SEC. 2. SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(M) SSI EXTENSIONS THROUGH FISCAL YEAR 2010.—

"(i) TWO-YEAR EXTENSION.—

"(I) IN GENERAL.—Except as provided in clause (ii), with respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during fiscal years 2008 through 2010.

"(II) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

"(aa) IN GENERAL.—Beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to fiscal year 2008 solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this clause, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

"(bb) PAYMENT OF BENEFITS.—Benefits paid under item (aa) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.

"(ii) PENDING NATURALIZATION APPLICATION.—With respect to eligibility for benefits for the specified program described in paragraph (3) (A), subsection (a)(1) shall not apply during fiscal years 2008 through 2010 to an alien described in one of clauses (i) through (v) of subparagraph (A), if the alien has submitted an application for naturalization that is pending before the Secretary of Homeland Security, and such submission is verified by the Commissioner of Social Security either by receiving a receipt number from the alien for such submitted application or by receiving confirmation from the Secretary of Homeland Security.".

SEC. 3. COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.

(a) IN GENERAL.—Section 6402 of the Internal Revenue Code (relating to authority to make credits or refunds) is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

"(f) COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

"(1) IN GENERAL.—Upon receiving notice from any State that a named person owes a covered unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

"(A) reduce the amount of any overpayment payable to such person by the amount of such covered unemployment compensation debt;

"(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

"(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a covered unemployment compensation debt.

If an offset is made pursuant to a joint return, the notice under subparagraph (B) shall include the names, taxpayer identification numbers, and addresses of each person filing such return and the notice under subparagraph (C) shall include information related to the rights of a spouse of a person subject to such an offset.

"(2) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to this subsection—

"(A) after such overpayment is reduced pursuant to—

"(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

"(ii) subsection (c) with respect to past-due support; and

"(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

"(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b).

If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

"(3) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

"(A) notifies the person owing the covered unemployment compensation debt that the State proposes to take action pursuant to this section;

"(B) provides such person at least 60 days to present evidence that all or part of such liability is not legally enforceable or due to fraud;

"(C) considers any evidence presented by such person and determines that an amount of such debt is legally enforceable and due to fraud; and

"(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such covered unemployment compensation debt.

"(4) COVERED UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term 'covered unemployment compensation debt' means—

"(A) a past-due debt for erroneous payment of unemployment compensation due to fraud which has become final under the law of a State certified by the Secretary of Labor pursuant to section 3304 and which remains uncollected;

"(B) contributions due to the unemployment fund of a State for which the State has determined the person to be liable due to fraud; and

"(C) any penalties and interest assessed on such debt.

"(5) REGULATIONS.—

"(A) IN GENERAL.—The Secretary may issue regulations prescribing the time and manner in which States must submit notices of covered unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations may specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied.

"(B) FEE PAYABLE TO SECRETARY.—The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure.

"(C) SUBMISSION OF NOTICES THROUGH SECRETARY OF LABOR.—The regulations may include a requirement that States submit notices of covered unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

"(6) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).".

(b) DISCLOSURE OF CERTAIN INFORMATION TO STATES REQUESTING REFUND OFFSETS FOR LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT RESULTING FROM FRAUD.—

(1) GENERAL RULE.—Paragraph (3) of section 6103(a) of such Code is amended by inserting "(10)," after "(6),".

(2) DISCLOSURE TO DEPARTMENT OF LABOR AND ITS AGENT.—Paragraph (10) of section 6103(l) of such Code is amended—

(A) by striking "(c), (d), or (e)" each place it appears in the heading and text and inserting "(c), (d), (e), or (f)",

(B) in subparagraph (A) by inserting ", to officers and employees of the Department of Labor and its agent for purposes of facilitating the exchange of data in connection with a request made under subsection (f)(5) of section 6402," after "section 6402", and

(C) in subparagraph (B) by inserting ", and any agents of the Department of Labor," after "agency" the first place it appears.

(3) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(A) in the matter preceding subparagraph (A), by striking "(l)(16)," and inserting "(l)(10), (16),";

(B) in subparagraph (F)(i), by striking "(l)(16)," and inserting "(l)(10), (16),"; and

(C) in the matter following subparagraph (F)(iii)—

(i) in each of the first two places it appears, by striking "(l)(16)," and inserting "(l)(10), (16),";

(ii) by inserting "(10)," after "paragraph (6)(A),"; and

(iii) in each of the last two places it appears, by striking "(l)(16)" and inserting "(l)(10) or (16)".

(c) EXPENDITURES FROM STATE FUND.—Section 3304(a)(4) of such Code is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) in subparagraph (F), by inserting "and" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

"(i) amounts may be deducted to pay any fees authorized under such section; and

"(ii) the penalties and interest described in section 6402(f)(4)(B) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;".

(d) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 of such Code is amended by striking "(c), (d), and (e)," and inserting "(c), (d), (e), and (f)".

(2) Paragraph (2) of section 6402(d) of such Code is amended by striking "and before such overpayment is reduced pursuant to subsection (e)" and inserting "and before such overpayment is reduced pursuant to subsections (e) and (f)".

(3) Paragraph (3) of section 6402(e) of such Code is amended in the last sentence by inserting "or subsection (f)" after "paragraph (1)".

(4) Subsection (g) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking "(c), (d), or (e)" and inserting "(c), (d), (e), or (f)".

(5) Subsection (i) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking "subsection (c) or (e)" and inserting "subsection (c), (e), or (f)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include therein extraneous materials on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, refugees come to America fleeing persecution, injustice, torture and even death. During a hearing before the Subcommittee on Income Security and Family Support, we heard from one of those refugees. His name was K'Keng, and he fought alongside American forces during the Vietnam war. In fact, he was recruited and trained by our Special Forces. After the U.S. pulled out of Vietnam, he was imprisoned for 6 years as a political prisoner, after which he eventually made it to the United States as a refugee.

He tried working, but the wounds he suffered during the war made that difficult. Based on his disability and the fact that he had almost no other source of income, he began receiving Supplemental Security Income, or SSI, benefits. But those benefits were terminated when he reached a 7-year time limit on SSI on refugees. He is now 75, partially blind, and lives on only a few hundred dollars worth of food stamps every month, as well as assistance from his young son.

Nearly 7,000 elderly and disabled refugees have lost their SSI benefits. The Social Security Administration projects another 16,000 will do so over the next few years unless the Congress acts.

As the beacon of freedom around the world, America can do better than this. While it is true that a refugee may continue to receive SSI if he or she becomes a citizen, a series of obstacles make that transition to citizenship difficult within the 7-year limit of SSI benefits.

First, a refugee must live in the United States for at least 5 years before they are eligible to submit an application for citizenship.

□ 1615

A refugee must then confront a lengthy application process which can take up to 3 to 4 years. Backlogs in processing citizenship applications have been caused by a variety of issues, including protracted background checks put in place after September 11 terrorist attacks. There are other barriers to citizenship, such as the continuing impact of the recent annual cap on the number of asylees who may become legal permanent residents, a status which asylees must maintain for 4 years before they may submit an application for citizenship.

Also, some disabled and elderly refugees encounter difficulties navigating the application process, which includes both an English language and a U.S. civics test.

I'm pleased to say there is bipartisan support for addressing this issue. The last several budget proposals from the Bush administration have called for an extension in SSI benefits for refugees, and there is a bipartisan bill pending in the U.S. Senate.

I would like especially to thank Mr. WELLER, the ranking member on the Subcommittee on Income Security and Family Support, for working with me to forge the bipartisan bill we are now considering.

This bill, H.R. 2608, would generally extend SSI benefits for an additional 2 years for disabled and elderly refugees, asylees and other qualified humanitarian immigrants, including those whose benefits have expired in the recent past. Benefits could be extended for an additional period for those awaiting a decision on pending application for citizenship. These policies would be in effect till 2010.

The legislation completely offsets the cost of the SSI extension for refugees within a provision that will reduce Federal tax refunds to recover unemployment insurance debts due to fraud. The Federal tax refund offset authority already exists to collect unpaid child support, unpaid State taxes and debts owed to the Federal agencies.

The bill simply says that if a State concludes that a worker has fraudulently received unemployment benefits or a business owner has failed to pay UI taxes based on fraud, the State can seek to receive a portion of any Federal tax refund that the individual may be owed. Before pursuing a tax offset, the State would be required to notify the individual and provide them with at least 60 days to contest the amount being recovered.

By catching and reducing fraud in the unemployment insurance system, this provision not only offsets the cost of the SSI extension for refugees, but it also will reduce unemployment taxes on employers. The Joint Committee on Taxation estimates the legislation will cut payroll taxes by $326 million over the next 10 years.

Mr. Speaker, refugees come to our country fleeing persecution. They reside in our country legally, and those eligible for SSI are disabled, elderly or both. This legislation extends a modest benefit to help them provide for their most basic essentials. The bill will not add one dime to the Federal deficit, and it will even provide a tax cut. Such a combination should ensure broad support for this vital effort to help those most in need.

Mr. Speaker, I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, I yield myself as much time as I may consume.

This bipartisan legislation that we are considering today, the SSI Extension for Elderly and Disabled Refugees Act, increases the amount of time that certain low-income disabled and aged immigrants can continue to receive Supplemental Security Income, SSI benefits, from 7 to 9 years. These are individuals legally allowed in the United States for humanitarian reasons after fleeing persecution and suffering in their own countries. The approximately 28,000 individuals assisted by this legislation include refugees, asylees and Cuban/Haitian entrants from around the world.

To gain access to permanent eligibility for SSI and all other benefits and freedoms afforded to Americans, legal refugees and asylees are eligible to become U.S. citizens through the naturalization process now administered by the Department of Homeland Security. However, as many Members have heard from constituents, this process does not always move forward in a timely manner for a number of reasons.

For instance, a letter I recently received from the Sargent Shriver National Center on Poverty Law in Illinois outlines a case in which an elderly Jewish refugee couple from the former

Soviet Union working to become citizens encountered problems of lost paperwork and the need to have fingerprints retaken time and time again. A recent Washington Post story noted that as of March of 2007, this spring, nearly 1.3 million individuals were in the Department of Homeland Security citizenship application backlog, and 330,000 cases were in the FBI background check backlog.

Recognizing the likelihood of ongoing issues in the naturalization process, this legislation provides up to one extra year of eligibility, for a total of up to 10 years, for those refugees and asylees needing more time to complete the naturalization process. This is an important provision as it emphasizes the relative temporary nature of SSI eligibility for newly arrived legal refugees and asylees, while encouraging them to pursue citizenship so that they may fully participate in our Nation's democracy.

As with the other features of this legislation that relate to eligibility for SSI benefits, this provision is effective from fiscal year 2008 through 2010. So a future Congress must reexamine whether these provisions are working as intended, including providing refugees and related individuals who are playing by the rules and applying for citizenship, sufficient time to go through that process without losing access to these important benefits.

These additional SSI benefits are paid for through a provision that will reduce Federal income tax refunds to better recover unemployment benefit overpayments that resulted from fraud. Tax refund offsets already occur for delinquent child support payments and certain other debts owed to the Federal Government, and this simply allows the current process to work in recovering unemployment benefit overpayments.

The Congressional Budget Office estimates this permanent change will more than pay for the additional SSI benefits provided in this bill. This is sound policy and builds on proposals included in recent Bush administration budget proposals.

The Ways and Means Committee, and in particular the Income Security and Family Support Subcommittee, on which I serve as ranking member, has long been active in developing legislation to combat fraud and abuse involving unemployment and other benefits. I'm pleased to see we are continuing that effort with this legislation.

For example, in 2004, under the leadership of former chairman Wally Herger, we passed provisions to stop the illegal manipulation of State unemployment taxes. We also allowed State unemployment plans to use information in the National Directory of New Hires to help prevent unemployment benefit overpayments. Today's legislation builds on those efforts, and I am proud to support it.

I would also note that this legislation is supported by a long list of faith-based and other community groups, including many who assist refugees in their efforts to become citizens. That list includes the Hebrew Immigrant Aid Society, the Sargent Shriver National Center on Poverty Law, Lutheran Social Services of America, and Catholic Charities USA, among many, many other groups.

I would also note I received a letter of support from the Social Security Administration endorsing this bipartisan bill, and I will include the letters of support in the RECORD.

Finally, I would also like to recognize the efforts of my friend and colleague, Representative PHIL ENGLISH of Pennsylvania who, among many others, has worked diligently to see that these sorts of changes occur, including by introducing bills to this same goal and effect.

I encourage all Members to join me in supporting this bipartisan legislation.

JUNE 28, 2007.

DEAR REPRESENTATIVE, Representing a diverse cross-section of organizations from across the country, we write to you today to ask that you support H.R. 2608—the "SSI Extension for Elderly and Disabled Refugees Act." This bipartisan bill is a critical lifeline to thousands of elderly and disabled refugees who are about to lose, or have already lost, their Supplemental Security Income (SSI) benefits due to the arbitrary seven-year time limit to which their eligibility is limited.

This bill, introduced by Representatives Jim McDermott (D–7th WA) and Jerry Weller (R–11th IL), Chair and Ranking Member, respectively, of the Ways & Means Subcommittee on Income Security and Family Support, will provide a two-year extension of SSI eligibility for elderly and disabled refugees, as well as a provision to cover those who lost benefits prior to enactment of the legislation. The bill will also ensure that refugees who are making efforts to become citizens, but are caught up in the processing backlogs through no fault of their own, are given additional time to naturalize. H.R. 2608 will provide vital relief to thousands of refugees who have already fallen into extreme destitution.

The number of people who are losing their life-sustaining SSI benefits, in large part due to delays in the immigration system beyond their control, is climbing. The Social Security Administration currently projects that 50,000 elderly and disabled refugees will face extreme hardship and destitution by 2012 due to the suspension of their SSI benefits. These individuals fled persecution or torture in countries such as Iran, Russia, Iraq, Vietnam and Somalia, and now are too elderly or disabled to support themselves.

As more and more people begin to reach the end of their seven-year eligibility period, the human impact of this restrictive time limit has become increasingly dire and all the more intolerable. Some will lose health insurance as well, because SSI and Medicaid eligibility are typically linked. Among those who have already lost SSI benefits is a Jewish elderly couple from the former Soviet Union; the husband is deaf and the wife suffers from heart disease. However, this restriction does not affect only the elderly, as illustrated by the case of a 16-year-old Iranian boy with mental retardation, autism, seizures, and severe macrocephaly who lost his SSI benefits and Medicaid health insurance due to the seven-year time limit. These are only but two of the thousands of heartbreaking stories that we will continue to be confronted with unless Congress acts now to lengthen the insufficient eligibility period for this extremely vulnerable population.

The crisis is already upon us. Each and every month, elderly and disabled refugees are losing their lifeline of support. With the exception of West Virginia, no state is left untouched by this arbitrary time limit. Some 4,500 people will lose their SSI benefits in fiscal year 2007 alone. This bill enjoys bipartisan support, builds on similar proposals in recent Bush Administration budgets, and contains a savings provision that will cover the modest cost of the extension. Given the urgency of the situation and the life-threatening consequences that these individuals face, we strongly urge you to support the passage of H.R. 2608 this year. We are hopeful that Congress will act quickly and decisively to prevent the unnecessary hardship that this already-victimized population stands to suffer. Thank you for your consideration.

Respectfully,

NATIONAL

American Academy of HIV; American Association of Homes and Services for the Aging; American Association of Jews from the Former USSR, Inc; American Association of People with Disabilities; American Federation of State, County and Municipal Employees; American Friends Service Committee; American Jewish Committee; American Network of Community Options and Resources; American Occupational Therapy Association; Americans for Democratic Action, Inc; Asian American Justice Center; Asian Americans for Equality; Association of Jewish Family & Children's Agencies (AJFCA); Boat People SOS; Break the Chain Campaign; Campaign for Working Families; Catholic Charities USA; Center for Civil Justice; and Disability Navigators Inc.

EESA-Eastern European Service Agency; Gay Men's Health Crisis; Hispanic Coalition; HIV Medicine Association; HIVictorious, Inc.; Hmong National Development, Inc.; Immigrant and Refugee Rights Program, Washington Lawyers' Committee for Civil Rights and Urban Affairs; Institute for Peace and Justice; Institute for Social and Economic Development (ISED); International AIDS Empowerment; International District Housing Alliance; International Rescue Committee; International Service Center; Jewish Council for Public Affairs; Jubilee Campaign USA Inc; Justice, Peace & Integrity of Creation Office of the Wheaton Franciscans; Living Room, Inc; Lutheran Immigration and Refugee Service (LIRS); Lutheran Services in America; 9to5, National Association of Working Women.

National Advocacy Center of the Sisters of the Good Shepherd; National Asian Pacific Center on Aging; National Coalition for Asian Pacific American Community Development; National Council of Jewish Women; National Council on Aging; National Immigration Forum; National Immigration Law Center; National Korean American Service & Education Consortium (NAKASEC); National Law Center on Homelessness & Poverty; National Priorities Project; National Senior Citizens Law Center; National Women's Law Center; NETWORK: A National Catholic Social Justice Lobby; New Sudan Generation; Northwest Health Law Advocates; Northwest Immigrant Rights Project; Progressive Jewish Alliance; Religious Action Center of Reform Judaism; and RESULTS.

Sargent Shriver National Center on Poverty Law; Sisters of Mercy of the Americas; Southeast Asia Resource Action Center (SEARAC); The AIDS Institute; The Arc of the United States; The Coalition on Human Needs; The Leadership Conference of Women Religious; The National Asian Pacific American Women's Forum; The Women's Commission for Refugee Women and Children; The Workmen's Circle/Arbeter Ring; U.S. Committee for Refugees and Immigrants; Unitarian Universalist Association of Congregations; United Cerebral Palsy; United Jewish Communities; United Methodist Church, General Board of Church and Society; USAction; Wider Opportunities for Women; Women of Reform Judaism; Women of Reform Judaism; World Relief; and YWCA USA.

LOCAL/STATE/REGIONAL

Alabama: Collat Jewish Family Services—Birmingham, Alabama.

Alaska: Alaska Center for Public Policy; Refugee Assistance & Immigration Services (RAIS)—Alaska.

Arizona: Area Agency on Aging, Region One—Phoenix, AZ; Arizona Advocacy Network; Jewish Family & Children's Service—Tucson, Arizona; Pima Council on Aging—Tucson, AZ; Protecting Arizona's Family Coalition; and United Way of Tucson and Southern Arizona.

Arkansas: Holy Angels Convent—Arkansas; St. Augustine Catholic Church—North Little Rock, AR; and St. Augustine Center for Children, Inc.—North Little Rock, AR.

California: 9to5 Bay Area; 9to5 Los Angeles; ACLU of Southern California; Asian Law Alliance—San Jose, CA; Asian Law Caucus—Northern California; Asian Pacific American Legal Center of Southern California; Bay Area Immigrant Rights Coalition (BAIRC)—Oakland, CA; Bet Tzedek Legal Services—Los Angeles County; California Church IMPACT; California Immigrant Policy Center; Catholic Charities of Los Angeles, Inc; Center for Gender and Refugee Studies—San Francisco, CA; City of Los Angeles Human Relations Commission—Los Angeles, CA; *D*is*A*bled *S*tudent *U*nion at Pacific School of Religion—Berkeley, CA; Ethiopian Community Services, Inc.—California; Fresno Stonewall Democrats—Fresno, CA; Gray Panthers California; HomeBase—San Francisco, CA; International Rescue Committee—San Diego Regional Resettlement Office; and Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties.

Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties; Jewish Family and Children's Services of the East Bay—Berkley, California; Jewish Family Service of San Diego—California; Korean Resouce Center, Los Angeles, CA; L.A. Gay & Lesbian Center—CA; Mental Health Advocacy Services, Inc.—Los Angeles; Palo Alto Association of Veterans of World War II, California; Progressive Jewish Alliance—California; Protection and Advocacy, Inc.—Sacramento, CA; Sacramento Mutual Housing Association, CA; San Diego Hunger Coalition—CA; San Francisco Bay Area Darfur Coalition—CA; Service Employees International Union Local 1021—Northern California; SIREN, Services, Immigrant Rights and Education Network—San Jose, CA; St. Mary's Center—Oakland, CA.

St. Paul's Episcopal Church—San Rafael, CA; The International Institute of the Bay Area—CA; The Workmen's Circle/Arbeter Ring—Southern California District; and Western Center on Law and Poverty—Los Angeles & Sacramento, CA.

Colorado: 9to5 Colorado; Coloradans For Immigrant Rights, a project of the American Friends Service Committee; Colorado Progressive Coalition; RESULTS of Aurora, Colorado; Rocky Mountain Survivors Center—Denver, CO.

Connecticut: Catholic Charities, Diocese of Norwich, Inc—CT; Collaborative Center for Justice, Inc.—Hartford, CT; Connecticut Citizen Action Group; Connecticut Legal Services; International Institute of CT, Inc.—Bridgeport, CT; Jewish Family Services—Danbury, CT; People of Faith CT—West Hartford, CT; and Regional Network of Programs Inc./Prospect House—Bridgeport, CT.

Florida: Catholic Charities Legal Services—Archdiocese of Miami, Inc.; Catholic Charities of Central Florida; Center for Independent Living of South Florida, Inc—Miami—Dade County, Florida; Florida Alliance Pro—Legalization; Florida Consumer Action Network; Florida Fiscal Policy Project—Miami, Florida; Florida Immigrant Advocacy Center; Gulfcoast Legal Services, Inc—FL; Hispanic American Council, Florida Alliance Pro—Legalization; Jewish Family Service Inc. of Broward County—Plantation, Florida; Jewish Federation of South Palm Beach County—FL; Legal Aid Society of the Orange County Bar Association, Orlando, Florida; Refugee Immigration Project, Jacksonville (FL) Area Legal Aid; St. Johns County Legal Aid—St. Augustine, FL; The Legal Aid Society of Palm Beach County, Inc; and Youth Co—Op, Inc—Florida.

Georgia: Atlanta 9to5; Georgia Rural Urban Summit—Decatur, GA; Good Shepherd Services of Atlanta; Gwinnett Ministries Network—Gwinnett County, Georgia; Refugee Family Services—Stone Mountain, Georgia; and Women Watch Afrika, Inc, Decatur, GA.

Hawaii: Na Loio—Immigrant Rights and Public Interest Legal Center—Honolulu, Hawaii.

Idaho: Agency for New Americans—Boise, Idaho; Idaho Office for Refugees; and United Vision for Idaho.

Illinois: Citizen Action/Illinois; Commission on Religion & Race—Naperville IL; Grace United Methodist Church—Naperville IL; Heartland Alliance for Human Needs & Human Rights (Midwest region); Hebrew Immigrant Aid Society Chicago; Illinois Coalition for Immigrant and Refugee Rights; Jewish Federation of Metropolitan Chicago; Korean American Resource & Cultural Center, Chicago, IL; Project IRENE—Illinois; and Protestants for the Common Good, Chicago, IL.

Indiana: CICOA Aging & In—Home Solutions, Indianapolis, IN.

Iowa: Iowa Citizen Action Network.

Kentucky: College Democrats of America—Morehead State University Chapter; Jewish Family & Vocational Service (Louisville, Kentucky); and The Community Relations Council of the Jewish Community Federation of Louisville.

Louisiana: LA Harm Reduction Coalition—Louisiana.

Maine: Catholic Charities Maine Refugee & Immigration Services—Portland, ME; Immigrant Legal Advocacy Project, Portland, Maine; Legal Services for the Elderly—Scarborough, Maine; Maine Equal Justice Partners; Maine People's Alliance; Oganizationg to Win Economic Rights—Portland, Maine; The Jewish Federation of Greater Portland; Waterville Area Bridges for Peace and Justice—Waterville and surrounding communities.

Maryland: Jewish Family Services—Baltimore, Maryland; Maryland Association of Jews from the Former USSR; Maryland Vietnamese Mutual Association Progressive Maryland; Public Justice Center—Baltimore MD; and The Senior Connection of Montgomery County—Silver Spring, MD.

Massachusetts: Community Legal Services and Counseling Center in Cambridge, MA; Disability Law Center, Inc.—Boston, MA; First Congregational Church of Reading—Reading, MA; International Rescue Committee Boston Office; JALSA—the Jewish Alliance for Law and Social Action—Boston; Jewish Community Housing for the Elderly—Boston, MA; Jewish Community Relations Council of Greater Boston; Medical-Legal Partnership for Children Boston Medical Center; Strongest Link AIDS Services—Essex County, MA; and The Massachusetts Association of Jewish Federations.

Michigan: ACCESS (Arab Community Center for Economic and Social Services—Dearborn; Jewish Family Service—Detroit, Michigan; Jewish Family Services—Ann Arbor, Michigan; Michigan Citizen Action; Oakland County Welfare Rights Organization—Pontiac, MI; and The IHM Justice, Peace and Sustainability Office, Michigan.

Minnesota: Jewish Community Action, St. Paul, MN; Lutheran Social Service of Minnesota; Mid-Minnesota Legal Assistance; National Council of Jewish Women—Minnetonka, MN; and Vietnamese Social Services of Minnesota.

Missouri: Bi-Lingual International Assistant Services—St. Louis, MO; Catholic Charities Archdiocese of St. Louis; Jewish Vocational Service/Center for New Americans—Kansas City, MO; Missouri Association for Social Welfare; Missouri Budget Project—St. Louis, MO; Missouri Progressive Vote Coalition; Sisters of St. Joseph of Carondelet and Associates—Missouri; and St. Louis Jewish Community Relations Council—St. Louis, MO.

Montana: Montana People's Action.

New Hampshire: New Hampshire Citizens Alliance.

New Jersey: Community FoodBank of New Jersey; Congregation Brothers of Israel—Long Branch, New Jersey; International Institute of New Jersey; Jewish Federation of Monmouth County—NJ; Lutheran Office of Governmental Ministry in New Jersey; Migration and Refugee Services of the Diocese of Trenton—Trenton, NJ; New Jersey Citizen Action; Temple Shalom—Aberdeen, NJ; The Human Concerns/Social Justice Committee of St. Anselm's Church—Wayside, NJ; The Jewish Community Relations Council of the Jewish Federation of Southern New Jersey; The Workmen's Circle/Arbeter Ring, New Jersey Region; and UJA Federation of Northern New Jersey.

New Mexico: Community Action New Mexico; Domestic Unity—New Mexico; Empowering Our Communities in New Mexico—Bernalillo, NM; New Mexico Center on Law and Poverty—Albuquerque, NM; New Mexico PACE; Open Hands—Sante Fe, NM; and State of New Mexico's Human Services Department.

New York: Bellevue/NYU Program for Survivors of Torture—New York, NY; Bukharian Jewish Center, New York; Cathedral Emergency Services—Syracuse, NY; Center for Independence of the Disabled—New York; Citizen Action of New York; Claire Heureuse Community Center, Inc—New York; Coalition of Behavioral Health Agencies, Inc—New York; Community Healthcare Network—New York City; Community HIV AIDS Mobilization Project—CHAMP, New York; Disabled in Action of Greater Syracuse, New York; Empire Justice Center, New

York; Episcopal Migration Ministries—NYC; Federation of Protestant Welfare Agencies—New York City; JBFCS, Manhattan North Community Counseling Center; Jewish Board of Family and Children's Services—New York, NY; Jewish Community Council of the Rockaway Peninsula—Far Rockaway, NY; Jewish Family Services of NENY (Albany, New York); Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc.; Metro New York Health Care For All Campaign; Metropolitan Council on Jewish Poverty—NY; New York Association on Independent Living, Inc.; New York City Department for the Aging; New York Disaster Interfaith Services; New York Immigration Coalition; Society of Jesus, New York Province—Albany, NY; Syracuse Habitat for Humanity, Inc.—NY; The Central Queens YM& YWHA, Forest Hills, New York; The International Institute of Buffalo, NY; The Rockland Immigration Coalition—NY; UJA-Federation of New York; U.S. Committee for Refugees and Immigrants Albany Field Office—NY; West Side Campaign Against Hunger—New York; YKASEC—Empowering the Korean American Community, Flushing, NY.

North Carolina: Episcopal Migration Ministries—eastern North Carolina; and North Carolina Refugee Health Coordinator.

North Dakota: NDPeople.org—North Dakota.

Ohio: Catholic Charities Health and Human Services of the Diocese of Cleveland; Greater Dayton Vietnamese Association—Greater Dayton, Ohio area; Jewish Family Service Association of Cleveland; Jewish Family Service of Toledo, Inc.—Toledo, Ohio; Jewish Family Services—Columbus, Ohio; Jewish Family Services—Youngstown, Ohio; Jewish Federation of Greater Dayton Jewish Community Relations Council—Dayton, Ohio; Lutheran Metropolitan Ministry—Cleveland, Ohio; Ohio Jewish Communities; and Refugee & Immigration Services—Columbus, OH.

Oklahoma: YWCA Multicultural Center—Tulsa, OK.

Oregon: Asian Pacific American Community Support and Service Association (APACSA)—Portland, OR; Community Action Directors of Oregon (CADO); Disability Navigators Inc—Oregon; Immigrant & Refugee Community Organization (IRCO)—Portland, Oregon; Interfaith Action for Justice—Bend, Oregon; Klamath Lake Community Action Services—Klamath Falls, OR; Oregon Action; Peaceful Place—Oregon; The Advocacy Coalition for Seniors and People with Disabilities—OR; and The Human Services Coalition of Oregon.

Pennsylvania: HIAS and Council Migration Service of Philadelphia; JCCs of Greater Philadelphia (Philadelphia, Pennsylvania); JEVS Human Services—Philadelphia; JEVS Social Services (Philadelphia, Pennsylvania); Jewish Family and Children's Services (Philadelphia, Pennsylvania); Jewish Family Service of Greater Wilkes-Barre (Wilkes-Barre, Pennsylvania); Jewish Federation of Greater Philadelphia (Philadelphia, Pennsylvania); Maternity Care Coalition—Philadelphia, PA; Mount St. Joseph—St. Elizabeth, PA; National Council of Jewish Women—PA; New World Association—Philadelphia, PA; Pennsylvania Refugee Resettlement Program; St. Johns Lutheran Church—Lewistown, PA; and YWCA Philadelphia.

Rhode Island: National Association of Social Workers—Rhode Island Chapter; and Rhode Island Ocean State Action.

South Carolina: Columbia Jewish Federation/Jewish Family Service—Columbia, SC; and Jewish Family Service (Columbia, South Carolina).

South Dakota: Systematic Theology and Christian Heritage—Sioux Falls, SD.

Tennessee: Jewish Family Service of Nashville and Middle Tennessee; and Tennessee Citizen Action.

Texas: Catholic Charities Diocese of Ft. Worth, Inc.; Jewish Family and Children's Service (San Antonio, Texas); Jewish Family Service (Houston, Texas); REFUGIO DEL RIO GRANDE, Inc.—San Benito, TX; South Texas Food Bank; and Texas Conference United Methodist Church Board of Church & Society.

Utah: Jewish Family Service of Salt Lake; Learning Loft—Salt Lake Valley, Utah; Utah Community Action Partnership Association; and Utah Housing Coalition.

Vermont: Central Vermont Community Action Council; Vermont Refugee Resettlement Program; and VT Affordable Housing Coalition.

Virginia: Bay Aging—Urbanna, VA; Center for Multicultural Services—Falls Church, VA; Disabled Action Committee—Virginia; Potomac Legal Aid Society—Virginia; Rappahannock Area Agency on Aging, Inc.—Fredericksburg, VA; and Union Theological Seminary and Presbyterian School for Christian Education—Richmond, VA.

Washington: Asian Counseling & Referral Service—Seattle, WA; Catholic Community Services of Western Washington; Jewish Family Service of Seattle (Seattle, Washington); Jewish Federation of Greater Seattle (Seattle, Washington); Solid Ground—Seattle, WA; South Sound Outreach Services—Tacoma, Washington; Washington Community Action Network; and Washington Senior Citizens' Lobby—Olympia, WA.

Washington, DC: Whitman-Walker Clinic—Washington, DC.

West Virginia: West Virginia Citizen Action Group.

Wisconsin: 9to5 Poverty Network Initiative (Wisconsin); Citizen Action of Wisconsin; Milwaukee Association of Russian-speaking Jews; Milwaukee Jewish Council for Community Relations; UMOS, Inc—Milwaukee, WI; and Wisconsin Jewish Conference.

SARGENT SHRIVER NATIONAL
CENTER ON POVERTY LAW,
Chicago, IL, June 19, 2007.

Re: HR 2608, The SSI Extension for Elderly and Disabled Refugees Act.

Hon. JERRY WELLER,
Cannon HOB,
Washington, DC.

DEAR REP. WELLER: I write to thank you for the compassionate leadership you have shown in being a chief cosponsor of HR 2608. This legislation provides relief to elderly and disabled residents of our nation who, having already endured great suffering, hardship and persecution in their native lands, are now, through no fault of their own, faced with destitution.

I have been working on this issue for several years, ever since the plight of these elderly and disabled refugees came to light in stories like those of Iosif and Polina Katz, Jewish refugees from the former Soviet Union in their late 60s who fled the Nazi invasion and lived through iron-fisted Soviet rule. ("Older refugees on verge of losing Federal benefits," Chicago Tribune, page A1, Dec. 27, 2003). The Katzes needed to become U.S. citizens by July 1, 2004 or they would he terminated from SSI. Iosif, whose green card had been delayed for years after immigration officials lost his application, had no chance of meeting this deadline. His wife Polina, whose fingerprints had to be retaken three times, was also representative of the types of government delays over which these vulnerable residents of our nation have no control.

Thanks again for your leadership, Rep. Weller, and please let me know if we can be of any assistance in your efforts to address this compelling situation.

Sincerely,

DAN LESSER,
Senior Attorney.

SOCIAL SECURITY ADMINISTRATION,
Washington DC, July 10, 2007.

Hon. JIM MCCRERY,
House of Representatives,
Washington, DC.

DEAR MR. MCCRERY: I am writing to provide the Social Security Administration's (SSA) views on H.R. 2608, the SSI Extension for Elderly and Disabled Refugees Act.

SSA fully supports an extension of the time period in which refugees, asylees, and certain other humanitarian categories of noncitizens may remain eligible for Supplemental Security Income (SSI) while seeking U.S. citizenship. The current time limit is 7 years, and some aged, blind and disabled individuals have been unable to obtain U.S. citizenship within this time period. The Administration recognizes the daunting challenges refugees have faced in fleeing tyranny, the adjustments they must make in their resettlement, and their need for additional help in their quest for U.S. citizenship.

Section 2 of H.R. 2608 would amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to permit a 9-year period for SSI eligibility, provide retroactive eligibility for refugees and asylees who previously became ineligible after 7 years, and exempt the general SSI prohibition for refugees and asylees with pending naturalization applications. These changes would be in effect from 2008–2010. This provision is similar to the Administration's proposal for an extension to 8 years that was in the President's budget in FY 2005, FY 2006, FY 2007 and FY 2008. One difference between H.R. 2608 and the Administration's proposal is that the retroactive effect of H.R. 2608 could require SSA to reinstate SSI payments for individuals who have been off of the rolls for many years. While this represents a new workload, we would like to work with Congress to address the administrative burden inherent with such an effort, with the overall goal of assisting aged, blind, and disabled individuals in becoming U.S. citizens.

A similar letter has been sent to the Chairman of the House Ways and Means Committee.

Sincerely,

MICHAEL J. ASTRUE,
Commissioner.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I want to join in this bipartisan effort to try to move forward legislation which is not only important but precious to many people in this country who are keen to be American citizens.

H.R. 2608, the SSI Extension for Elderly and Disabled Refugees Act, is something that won't affect most Americans because most of us don't have to worry about this. But if you are a Russian Jew who was escaping persecution in the former Soviet Union, if you're one of the minority populations in Somalia that escaped the persecution going on there, or if you're a former Yugoslav who was trying to leave the devastation that was occurring in the former Yugoslavian countries that now have become part of the Balkans and the war that we saw in the Balkans, or if you're an Iraqi Kurd who is trying to escape the ill effects of what was going on during the Saddam Hussein era, then perhaps you'd understand why this is so important, because these are individuals who, because of the good graces of the American people, have an opportunity to start a life here, even at their late stage in life, and have an opportunity to recognize and appreciate our freedoms.

But for too many of these refugees, that might all come to an end if we don't come to their rescue, because they did not expect that, all of a sudden, because of the massive waiting line there is for people who are applying for citizenship, legal immigrants who are applying for citizenship, that all of a sudden their cut off of SSI benefits would imperil their ability to pay their rent. Or they didn't expect that, all of a sudden, because of the fact that the paperwork was more difficult than they thought to fill out, or the fee was more expensive than they could afford to pay to be able to become U.S. citizens, that all of a sudden they run out of time with their SSI benefits.

This bipartisan legislation strikes the right chord. It says, we recognize that you came to this country fleeing persecution, fleeing threats of death, and you're elderly or disabled, or perhaps both, and we need to do something to try to show you that we meant what we said when we were taking you in as refugees.

I think this is legislation that really brings us together, not as Democrats or Republicans, not as urban Members or rural Members, but it brings us together as Americans who recognize there are many people around the world who still look at America as the beacon for the rest of the world. And I hope that what we are able to do here, at no taxpayer expense, no taxpayer expense, is to continue to show the rest of the world that we do extend a hand to those who are facing persecution.

So I want to applaud Chairman McDERMOTT and Ranking Member WELLER for their great work in putting together a bipartisan bill that should receive the unanimous support of this House.

Mr. WELLER of Illinois. Mr. Speaker, I yield 5 minutes to my friend and colleague from Pennsylvania (Mr. ENGLISH), a member of the House Ways and Means Committee and someone who has led on this issue as a member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 2608, the SSI Extension for Elderly and Disabled Refugees Act; and I was particularly pleased to cosponsor this legislation. And I hope that all of my colleagues will join me in supporting it.

Mr. Speaker, the United States has been a welcoming Nation to individuals and families fleeing oppression and tyranny in their own country. Repeatedly we've opened our doors to refugees from places like Nazi Germany, Stalin's Soviet Union, Cuba, China and Vietnam. And more recently, we've taken in dissidents from African dictatorships, Islamic theocracies, the Balkans, Latin America's strongmen, and nations suffering from near total anarchy. We've not discriminated at any time according to race, religion or politics. We have simply asked refugees to demonstrate that they would face violence or oppression at home for any of these reasons, and then made them welcome here in a new home. This is an important part of the American tradition.

Unfortunately, refugees often arrive in this country with severe health problems or advanced age. Many of them have spent time in prison or in re-education camps. Some, like the Hmong tribesmen who testified before our subcommittee, have shed their own blood in defense of American values or foreign policy and have been severely punished by their own governments for doing so. Often these health problems leave refugees with limited job prospects or ability to gain the skills necessary to compete for employment. This is particularly true of elderly refugees who may have difficulty learning English.

As the chairman and ranking member have explained at length, under current law, these refugees lose their eligibility for SSI benefits, which is often their primary source of income, after they've lived in the United States for 7 years, unless they become citizens. Unfortunately, between the now infamous bureaucracy at the State Department, the difficulties of learning English, and a cap on green cards for refugees, many of these individuals are unable, through no fault of their own, to complete the immigration process in the required 7 years.

Mr. Speaker, we did not welcome these refugees to our shores only to see them starve in our streets, nor should we impose the burden of their support on local governments or private sector nonprofit organizations.

☐ 1630

I am extremely proud that many of these individuals have chosen to make their new homes in northwestern Pennsylvania, particularly my hometown of Erie, Pennsylvania, which enjoys a national reputation for welcoming refugees. But our local communities have very limited resources with which to assist large numbers of low-income refugees.

H.R. 2608 wisely recognizes the Federal nature of our obligation to help these people build a new life. It is compassionate yet responsible legislation, and I urge all of my colleagues to join me in a "yes" vote.

Mr. WELLER of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, once again, I want to thank Mr. WELLER.

Mr. Speaker, I will include in the RECORD documents relating to this legislation, including a letter from the Commissioner of Social Security articulating the need for this bill and an estimate from the Congressional Budget Office, which highlights the fact that this bill is completely paid for. In fact, it actually reduces the deficit by nearly $50 million.

SOCIAL SECURITY ADMINISTRATION,
Washington, DC, July 10, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to provide the Social Security Administration's (SSA) views on H.R. 2608, the SSI Extension for Elderly and Disabled Refugees Act.

SSA fully supports an extension of the time period in which refugees, asylees, and certain other humanitarian categories of noncitizens may remain eligible for Supplemental Security Income (SSI) while seeking U.S. citizenship. The current time limit is 7 years, and some aged, blind, and disabled individuals have been unable to obtain U.S. citizenship within this time period. The Administration recognizes the daunting challenges refugees have faced in fleeing tyranny, the adjustments they must make in their resettlement, and their need for additional help in their quest for U.S. citizenship.

Section 2 of H.R. 2608 would amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to permit a 9-year period for SSI eligibility, provide retroactive eligibility for refugees and asylees who previously became ineligible after 7 years, and exempt the general SSI prohibition for refugees and asylees with pending naturalization applications. These changes would be in effect from 2008–2010. This provision is similar to the Administration's proposal for an extension to 8 years that was in the President's budget in FY 2005, FY 2006, FY 2007 and FY 2008. One difference between H.R. 2608 and the Administration's proposal is that the retroactive effect of H.R. 2608 could require SSA to reinstate SSI payments for individuals who have been off of the rolls for many years. While this represents a new workload, we would like to work with Congress to address the administrative burden inherent with such an effort, with the overall goal of assisting aged, blind, and disabled individuals in becoming U.S. citizens.

A similar letter has been sent to Representative McCrery.

Sincerely,

MICHAEL J. ASTRUE,
Commissioner.

H.R. 2608—SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT

(By fiscal year, in millions of dollars)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	5-year	10-year
SSI	47	50	36	0	0	0	0	0	0	0	133	133
Medicaid	8	9	7	0	0	0	0	0	0	0	24	24
Unemployment comp.	0	−57	−57	−58	−58	−59	−60	−60	−61	−61	−230	−531
Total change in outlays	55	2	−14	−58	−58	−59	−60	−60	−61	−61	−73	−374
Change in revenues	0	0	−7	−20	−35	−45	−51	−55	−56	−57	−62	−326
Net budgetary effect	55	2	−7	−38	−23	−14	−9	−5	−5	−4	−11	−48

Notes: Assumes enactment at the end of FY 2007. SSI and Medicaid outlays and revenues estimated by CBO; Unemployment Compensation outlays estimated by JCT. Components may not sum to totals because of rounding. Does not include administrative costs, which are discretionary.

Mr. STARK. Mr. Speaker, I rise today in strong support of assisting immigrants who Congress invited to live in the United States because they were being persecuted in their home countries.

Refugees arrive in this country with little more than the clothes on their backs. They often have no family in the United States. For those immigrants who are elderly or have disabilities and cannot work, their sole source of income is often the meager benefits—typically around $600 per month—provided by the SSI program.

Under draconian provisions of 1996's so-called "Welfare Reform" law, refugess and asylees can only receive SSI benefits for a maximum of 7 years. To date, this law has caused more than 12,000 elderly and disabled humanitarian immigrants to lose their benefits and face hunger and homelessness. The Social Security Administration has estimated that an additional 40,000 individuals will be terminated from assistance in the next 10 years if the law is not changed. Leaving immigrants, who have suffered so much and come to the United States in search of protection, destitute with no means of support is unconscienable.

Current law assumes that refugees and asylees can complete the lengthy and expensive citizenship process within 7 years and continue receiving benefits. For most refugees there is a mandatory 5-year waiting period before they can even apply for citizenship. With application backlogs that regularly near 1 million, becoming naturalized within 7 years is a longshot at best. Acquiring the skills needed to pass the citizenship test, such as English language proficiency, may be impossible for immigrants with severe disabilities.

The SSI Extension for Elderly and Disabled Refugees Act (H.R. 2608) takes the common sense and compassionate approach of temporarily extending the time limit by 2 years. This will provide relief to thousands of individuals facing the loss of their sole source of support.

While this bill is the best we can do given the present fiscal environment, we should move toward completely removing the time limits. Doing so would bring us into compliance with International Conventions requiring nations to accord lawful refugees the same access to public benefits that they allow their own citizens. In addition, it would build on our Nation's tradition of opening our borders to immigrants escaping persecution and suffering.

I urge my colleagues to support this important bill, but I hope everyone recognizes that this bill only represents a partial fix.

Mr. McDERMOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, H.R. 2608.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL HOMELESS YOUTH AWARENESS MONTH

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 527) recognizing the month of November as "National Homeless Youth Awareness Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 527

Whereas an estimated 1,300,000 to 2,800,000 youths in the United States are homeless for at least one night each year, with many staying on the streets or in emergency shelters;

Whereas homeless youth are typically too poor to secure basic needs, are often unable to access adequate medical or mental health care, and are often unaware of supportive services that are available;

Whereas an average of 13 homeless youth die each day due to physical assault, illness, or suicide;

Whereas some homeless youth are expelled from their homes or run away after physical, sexual, or emotional abuse by their parents or guardians, or are separated from their parents through death or divorce;

Whereas other youth become homeless due to a lack of financial and housing resources as they exit juvenile corrections or foster care, including 25 percent of foster youth who experience homelessness within two to four years after exiting foster care;

Whereas awareness of the tragedy of youth homelessness and its causes should be heightened to better coordinate current programs with the many families, businesses, law enforcement agencies, schools, and community and faith-based organizations working to help youth remain off the streets; and

Whereas November would be an appropriate month to recognize as National Homeless Youth Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports helping vulnerable youth through current programs authorized under title IV of the Social Security Act;

(2) encourages the promotion through such programs of assistance for especially foster youth in staying off the streets, staying in school, and obtaining their high school diplomas and further education and training;

(3) applauds the initiative of public and private organizations and individuals dedicated to helping these programs prevent homelessness among youth, and provide aid when prevention fails; and

(4) should recognize "National Homeless Youth Awareness Month" to support and further encourage such efforts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we walk around our hometowns and cities, who thinks about the young people we pass hanging around in front of a store or a park or street corner? Some people simply avert their eyes and walk a bit faster, focusing on something else. Others, they quickly step by and try to get by them.

Can we tell which of them are begging, borrowing or stealing to eat? Do we stop and consider if these kids are selling drugs or their own bodies in order to buy food or pay for shelter?

Too few of us are willing to ask whether these young people might be homeless, and the fact is too many of them are homeless on the streets of our hometowns. As many as 2.8 million kids are homeless right now, right in front of our eyes, if we choose to look and see.

Some of these homeless kids are fleeing an unsafe home. Others are running from a child welfare system that fails them too frequently. And others are on the street for a myriad of other reasons. Whatever the reason, they are alone, afraid and vulnerable, unsure where to turn for help or to whom they can trust.

Sometimes help arrives too late. On an average, 13 homeless youth die every day from assault, suicide or sickness. It happens in our hometowns across America, and we need to take a stand. We can be the lifeline that pulls these young people back from the brink.

The Income Security and Family Support Subcommittee is in the process of conducting hearings on the ways America can ensure that vulnerable children look to us for help instead of to the streets where the pushers and pimps profit on our inadequacy in protecting these vulnerable youngsters. Federal resources like the Social Security Block Grant; title IV of the Social Security Act; and moneys provided under the Runaway, Homeless and Missing Children Protection Act do help vulnerable and homeless children. But our resources are falling short. It is like standing on the shore with a lifeline that only reaches 25 feet when the person drowning is 50 feet from shore. We are coming up short in spite of our best intentions.

The Federal Government should be doing more to prevent youth homelessness and provide a pathway towards self-sufficiency when children fall through the cracks. We can do a better job of partnering with State and local governments, nonprofits and faith-based organizations to provide assistance to vulnerable families and youth.

Imagine you are in the foster care system, and suddenly you are 18 and you are out of the system. You are on your own. You didn't have parents. You didn't have a family. That is why you were in foster care. And suddenly we throw these kids into adult life. In many cases, they wind up homeless.

In addition to meaningful reforms in Federal programs, I think the House of Representatives can also empower private and public organizations, citizens who employ their talent and compassion to prevent youth homelessness and provide help to homeless youth when prevention fails.

Mr. Speaker, the resolution before us, House Resolution 527, would say that, for 1 month out of the year, America is going to recognize that youth homelessness is an important challenge that we must face as a Nation. More importantly, it will say to every homeless young person that you are not alone anymore. The People's House sees you, and we intend to help. Organizations like Stand Up For Kids, which coordinates a nationwide effort to scour the streets searching for kids and providing resources for them, is one inspiration behind this measure. But it is the kids that should remind us of our duty to provide for and protect American youth and to pass this resolution.

Let this be the last day that we walk along the streets of our hometowns and not see the young people who are homeless young Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Last month, Representative MCDERMOTT and I, along with eight of our House colleagues on both sides of the aisle, introduced a resolution to designate November as "National Homeless Youth Awareness Month." This action followed a hearing on "disconnected youth" held by the Committee on Ways and Means Income Security and Family Support Subcommittee, on which I serve as ranking member.

Disconnected young people include young people who often drop out of school, don't work and wind up on the streets. These young people may have family conflict issues, may experience abuse and neglect, or may be or have been in the past involved in the foster care system. Research completed by the University of Chicago suggests there were nearly 25,000 homeless youth in my home State of Illinois in 2004, including 6,353 in the northern Illinois region where the congressional district I represent is located.

Despite an infusion of millions of dollars in Federal assistance and dedicated interests of many adults, too many children today are troubled, disconnected from their families and others who would like to help and, unfortunately, wind up on streets. Federal initiatives such as the Runaway and Homeless Youth program, the Education for Homeless Children and Youth program, the Family Violence Prevention and Services Discretionary Grants program, and the Chafee Foster Care Independence program have been directed at these problems in recent years.

Yet better serving these children and preventing more youth from winding up on the streets will require a better use and coordination of current program funds. We also need to recognize, as one witness at our subcommittee's recent hearing put it, that "strengthening families is the best way to prevent the suffering and social disconnection among our young people."

Even as we applaud those young people, including foster youth, who overcome tremendous challenges to succeed in school and beyond, it is hard to overstate the importance of strong families to the raising of young people who grow up to be productive adults.

Last year in the Deficit Reduction Act, we included specific funds to support private groups that work to strengthen families and promote healthy marriage, which is the foundation for raising healthy children. I am eager to see how these efforts pay off, including by reducing the turmoil in homes that result in too many children ending up on the streets.

We must also acknowledge that kids are connected, and especially as they get older, through their schools. That really means through their circle of friends, teachers, coaches and other mentors they rely on as they become more independent and develop the habits and skills needed for life on their own. Kids in foster care already have suffered the trauma of being removed from their parents. In addition to being bounced from home to home, many foster children suffer too from being bounced from school to school. Studies show high school students who change schools even once are less than half as likely to graduate as those who do not change schools. So it is no wonder that there is "a 20 percentage point difference between the high school graduation rates of foster youth and their peers," according to the Kids Count organization.

At our subcommittee hearing, we also heard from Representative MICHELE BACHMANN of Minnesota. She and her husband have helped raised 23 foster children, and she discussed the importance of achieving stability in their lives and especially stability at home and at school.

In addressing the issue of youth homelessness, we should start by doing whatever we can to ensure that young people in the foster care system complete at least high school. That will vastly improve their chances of getting a decent job and supporting themselves. One way to do that would be to provide more youth in foster care the opportunity to stay better connected to their schools, including by remaining in a single school whenever possible. That might mean offering scholarships so that those in private schools can stay in that school or so those who might benefit from private school could do so. Or it could involve something as simple as bus vouchers so kids can continue going to their current public or private school even if they are sent to live in a foster home across town. Such efforts will increase the chances for foster youth to graduate and can create the foundation for a productive and happy life that is the American Dream. That will also mean far fewer kids winding up on the streets, as is the goal of this resolution introduced today. We should all support that.

And I urge all Members to support this bipartisan resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. WELLER of Illinois. Mr. Speaker, I yield 5 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN), a leader on this issue.

Mrs. BACHMANN. Mr. Speaker, I thank the gentleman from Illinois for yielding, and I honor and commend both the gentleman from Illinois and his counterpart for this important legislation.

And the gentleman is correct. My husband and I were privileged to be involved with raising 23 foster children. I am happy to report that each of them graduated from high school. They are launched into the world, and they are leading their lives. And, again, it was a privilege for me and my husband and also for our five biological children to be a part of their success story.

Mr. Speaker, that is why I rise today in support of this very important bill because it recognizes the month of November as "National Homeless Youth Awareness Month." The problem of homelessness here in this country is a tragic one and we hope a preventable one, but the issue of homeless youth is especially devastating.

More than 2 million children and youth, Mr. Speaker, in our country are homeless for at least one night every year. It is almost impossible for many, not only just Minnesotans but for many Americans, to get their arms around that figure.

Many of these children have suffered various forms of abuse, which is also difficult to understand, or maybe were just thrown out on the street by their families. While others have spent years moving from home to home to home in various foster care systems.

In our own personal situation, we took in teenagers. We didn't take babies. And we were the last stop in a kid's life. Once they were placed in our home, that was it. We were their last stop. And it was our joy to be able to then launch them off into the world. I have a special interest in these latter cases because of our experience and because of the joys that we had in learning from these wonderful human beings.

These children often came from unstable families. And once they are placed, unfortunately, we saw firsthand they tend to get lost in the shuffle of a new home. It is difficult when you are a foster child and you are placed in a new home. You are not sure what your place is. You are not sure how you belong. And especially when you are in a new school, you kind of sometimes feel like you are second class even if your foster parents love you and don't want you to feel that way.

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Students often begin to feel as though no one really cares about them. And you know, Mr. Speaker, that's one thing my husband always said; we have to show these children that there is at least one adult in their life that's crazy about them. And if we can offer them that much, maybe that can be our part in their world.

In some of the worst cases, these children may even experience more abuse in what should be a safe place in foster homes. Not all foster homes are perfect, unfortunately. And even in the best cases, once a foster child turns 18, which is true for all of our children, except one, they're removed from the system, removed from the foster home, and they are made to live on their own, even though many of them aren't ready. As a matter of fact, Mr. Speaker, many children, I would say just from an anecdotal point of view, are less prepared than children who come from a biological home to be able to make it on their own when they're age 18.

And so unfortunately, as a result, 25 percent of foster children leaving care experience homelessness within 4 years of leaving their foster home. Just think, 25 percent, one-fourth of all foster children, when they leave that foster home, become homeless. Regardless of their backgrounds, once they become homeless, many youth find then that they are unable to lift themselves out of that situation.

While we can all kind of vaguely imagine what homelessness is like, I recently had the opportunity to hear the testimonies of two people who experienced homelessness, including a very courageous statement by the singer Jewel, absolutely lovely young woman, and her story was heartwrenching. She described how she had to wash her hair in a fast-food bathroom and what it was like for her to watch people as they looked down on her as a homeless teenager. She described her inability to find adequate shelter or food, as well as the feeling of hopelessness that she felt while fending for herself on the streets.

Despite these foster children's best efforts, continuing to go to school or finding a way to be able to hold a job becomes near close to impossible because they face a constant threat of illness, of violence, even worse things.

What struck me the most about children who experience homelessness is that through everything they experienced, all they wanted is to just not be written off by people who saw them only as homeless kids and not as the people, the human beings that they really are and the potential that they had. They're good kids, Mr. Speaker, as I'm sure you would agree; they just have been dealt a bad hand.

A child never deserves to be left in the street. Congress has to ensure that those who have been cast out will be cared for and will be given the chance to grow into successful adults. It's time that we shed light on the problem of homeless youth and children.

This is an important bill. I ask my colleagues to join me in supporting this important legislation.

Mr. WELLER of Illinois. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask for unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on this resolution which we are now considering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PORTER. Mr. Speaker, I rise today in support of H. Res. 527, which seeks to promote greater public awareness of effective homeless youth prevention programs and the need for safe and productive alternatives, resources, and support for youths in high-risk situations. This resolution designates November as "National Homeless Youth Awareness Month." I'd like to thank the leadership for allowing this resolution to come to the House Floor as it highlights a very tragic and important issue.

In the district that I represent in southern Nevada, Dr. Fred Preston of the University of Nevada, Las Vegas, conducted homeless enumerations in 1999 and 2004. In 2004, Preston reported an estimate of 7,887 homeless people, up from the 6,700 counted in a 1999 survey. A Nevada Partnership for Homeless Youth study released last year estimates that there are 1,700 homeless youths in the valley. According to figures provided by the Clark County Department of Family Services, 483 youth a month, on average, received placements at the temporary emergency "Child Haven" facilities during 2005. That figure represents a 61.5 percent increase in average monthly referrals since 2000. These astonishing statistics highlight the need for our support of those important programs that seek to prevent these types of incidents.

Many of the conditions that lead young people to become homeless are preventable through interventions that can strengthen families and support youth in high-risk situations. Successful interventions are grounded in partnerships among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses.

Preventing young people from becoming homeless and supporting youth in high-risk situations is a family, community, and national concern. Please join me in encouraging all Americans to play a role in supporting the millions of young people who are homeless or who are at-risk of being so each year. H. Res. 527 supports efforts to promote greater public awareness of effective homeless youth prevention programs and the need for safe and productive alternatives, resources, and support for youth in high-risk situations.

Mr. Speaker, I urge my colleagues to support this resolution.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H. Res. 527 to recognize the month of November as "National Homeless Youth Awareness Month."

Addressing youth homelessness needs to be a priority for Congress. As many as 1.6 million youth in our country experience homelessness each year, and in my home State of Minnesota, each night, 500 to 600 people under the age of 18 are unaccompanied and homeless. Many times these young people have been mistreated or abused, and without a permanent home, they face increased vulnerability to mental illness, drug use, and sexual abuse.

Establishing a National Homeless Youth Awareness Month is an important step toward bringing awareness to this serious problem and highlighting the work that is being done to address it.

I commend and will continue working with the organizations in the St. Paul/Minneapolis area that are dedicated to reducing and eliminating youth homelessness. For example, the Lutheran Social Service Rezek House is a Transitional Living Program, TLP, providing youth with a safe place to live for up to 2 years while they stabilize and learn the critical life skills they need to support themselves. Additionally, SafeZone is an organization helping low-income, runaway, and homeless youth to meet their basic needs by providing them with food, clothing, HIV testing, and referrals to safe housing. It also offers tutoring, independent living skills training, and a support group for Gay, Lesbian, Bisexual, and Transgender, GLBT, youth, who are disproportionately represented among homeless youth.

Also, because our communities and our youth are diverse and have culturally specific needs, Ain Dah Yung, which means "our home" in the Ojibwe language, supplies a safe, culturally-relevant space for American Indian youth in the Twin Cities. Providing services for approximately 500 youth and families, services available through Ain Dah Yung include emergency shelter, crisis intervention, counseling, case management, and medical care.

Ensuring that all young people have access to safe, supportive housing is essential. I urge my colleagues to join me in support of establishing November as "National Homeless Youth Awareness Month."

Mr. MCDERMOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 527.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. HASTINGS of Florida. Am I correct that the first two suspensions have been addressed and the third is scheduled for now and House Resolution 287 is the fourth?

The SPEAKER pro tempore. The gentleman will want to consult with leadership on the schedule.

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2900) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Amendments Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

Sec. 101. Short title; references in title.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.
Sec. 104. Fees relating to advisory review of prescription-drug television advertising.
Sec. 105. Reauthorization; reporting requirements.
Sec. 106. Sunset dates.

TITLE II—MEDICAL DEVICE USER FEE AMENDMENTS OF 2007

Sec. 201. Short title; references in title.

Subtitle A—Fees Related to Medical Devices

Sec. 211. Definitions.
Sec. 212. Authority to assess and use device fees.
Sec. 213. Annual reports.
Sec. 214. Consultation.
Sec. 215. Additional authorization of appropriations for postmarket safety information.
Sec. 216. Effective date.
Sec. 217. Sunset clause.

Subtitle B—Amendments Regarding Regulation of Medical Devices

Sec. 221. Extension of authority for third party review of premarket notification.
Sec. 222. Registration.
Sec. 223. Filing of lists of drugs and devices manufactured, prepared, propagated, and compounded by registrants; statements; accompanying disclosures.
Sec. 224. Electronic registration and listing.
Sec. 225. Report by Government Accountability Office.
Sec. 226. Unique device identification system.
Sec. 227. Frequency of reporting for certain devices.
Sec. 228. Inspections by accredited persons.
Sec. 229. Study of nosocomial infections relating to medical devices.

TITLE III—PEDIATRIC MEDICAL DEVICE SAFETY AND IMPROVEMENT ACT OF 2007

Sec. 301. Short title.
Sec. 302. Tracking pediatric device approvals.
Sec. 303. Modification to humanitarian device exemption.
Sec. 304. Encouraging pediatric medical device research.
Sec. 305. Demonstration grants for improving pediatric device availability.
Sec. 306. Amendments to office of pediatric therapeutics and pediatric advisory committee.
Sec. 307. Postmarket Studies.

TITLE IV—PEDIATRIC RESEARCH EQUITY ACT OF 2007

Sec. 401. Short title.
Sec. 402. Reauthorization of Pediatric Research Equity Act.
Sec. 403. Government Accountability Office report.

TITLE V—BEST PHARMACEUTICALS FOR CHILDREN ACT OF 2007

Sec. 501. Short title.
Sec. 502. Reauthorization of Best Pharmaceuticals for Children Act.

TITLE VI—REAGAN-UDALL FOUNDATION

Sec. 601. The Reagan-Udall Foundation for the Food and Drug Administration.
Sec. 602. Office of the Chief Scientist.
Sec. 603. Critical path public-private partnerships.

TITLE VII—CONFLICTS OF INTEREST

Sec. 701. Conflicts of interest.

TITLE VIII—CLINICAL TRIAL DATABASES

Sec. 801. Clinical trial registry database and clinical trial results database.
Sec. 802. Study by Government Accountability Office.

TITLE IX—ENHANCED AUTHORITIES REGARDING POSTMARKET SAFETY OF DRUGS

Sec. 901. Postmarket studies and clinical trials regarding human drugs; risk evaluation and mitigation strategies.
Sec. 902. Enforcement.
Sec. 903. No effect on withdrawal or suspension of approval.
Sec. 904. Benefit-risk assessments.
Sec. 905. Postmarket risk identification and analysis system for active surveillance and assessment.
Sec. 907. Statement for inclusion in direct-to-consumer advertisements of drugs.
Sec. 908. Clinical trial guidance for antibiotic drugs.
Sec. 909. Prohibition against food to which drugs or biological products have been added.
Sec. 910. Assuring pharmaceutical safety.
Sec. 911. Orphan antibiotic drugs.
Sec. 912. Citizen petitions and petitions for stay of agency action.
Sec. 913. Authorization of appropriations.
Sec. 914. Effective date and applicability.

TITLE I—PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Prescription Drug User Fee Amendments of 2007".

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this title to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 102. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "505(b)(1)," and inserting "505(b), or";

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in paragraph (3)(C)—

(A) by striking "505(j)(7)(A)" and inserting "505(j)(7)(A) (not including the discontinued section of such list),"; and

(B) by inserting before the period "(not including the discontinued section of such list)";

(3) in paragraph (4), by inserting before the period at the end the following: "(such as capsules, tablets, or lyophilized products before reconstitution)";

(4) by amending paragraph (6)(F) to read as follows:

"(F) Postmarket safety activities with respect to drugs approved under human drug applications or supplements, including the following activities:

"(i) Collecting, developing, and reviewing safety information on approved drugs, including adverse event reports.

"(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

"(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

"(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies).

"(v) Preparing and making publicly available (including on the website of the Food and Drug Administration) a summary analysis of the adverse drug reaction reports received for recently approved drugs, including identification of any new risks not previously identified, potential new risks, or known risks reported in unusual number not previously identified within 18 months of the drug's initial marketing or after exposure of 10,000 individuals to the drug, whichever is later.

"(vi) Conducting regular, bi-weekly screening of the Adverse Event Reporting System database and developing a report every 15 days on any new safety concerns.

"(vii) Ensuring that the reports available to the public under the Adverse Event Reporting System are updated at least every 6 months.

"(viii) Reporting to the Congress on—

"(I) the recommendations received in consultations with, and reports from, the Office of Surveillance and Epidemiology within the Food and Drug Administration on postmarket safety activities;

"(II) a description of the actions taken on those recommendations; and

"(III) if no action is taken, or a different action is taken relative to the action recommended by the Office of Surveillance and Epidemiology, an explanation of why no action or a different action was taken.

"(ix) On an annual basis, reviewing the entire backlog of postmarket safety commitments to determine which commitments require revision or should be eliminated, reporting to the Congress on these determinations, and assigning start dates and estimated completion dates for such commitments.

"(x) Developing postmarket safety performance measures, including those listed in clauses (v) through (ix), that are as measurable and rigorous as the ones already developed for premarket review.";

(5) in paragraph (8)—

(A) by striking "April of the preceding fiscal year" and inserting "October of the preceding fiscal year"; and

(B) by striking "April 1997" and inserting "October 1996";

(6) by redesignating paragraph (9) as paragraph (11); and

(7) by inserting after paragraph (8) the following paragraphs:

"(9) The term 'person' includes an affiliate thereof.

"(10) The term 'active', with respect to a commercial investigational new drug application, means such an application to which information was submitted during the relevant period.".

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "2003" and inserting "2008";

(2) in paragraph (1)—

(A) in subparagraph (D)—

(i) in the heading, by inserting "OR WITHDRAWN BEFORE FILING" after "REFUSED FOR FILING"; and

(ii) by inserting before the period at the end the following: "or withdrawn without a waiver before filing";

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (D) the following:

"(E) FEES FOR APPLICATIONS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—A human drug application or supplement that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest, unless the fee is waived or reduced under subsection (d)."; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following:

"(C) SPECIAL RULES FOR POSITRON EMISSION TOMOGRAPHY DRUGS.—

"(i) IN GENERAL.—Except as provided in clause (ii), each person who is named as the applicant in an approved human drug application for a positron emission tomography drug shall be subject under subparagraph (A) to one-sixth of an annual establishment fee with respect to each such establishment identified in the application as producing positron emission tomography drugs under the approved application.

"(ii) EXCEPTION FROM ANNUAL ESTABLISHMENT FEE.—Each person who is named as the applicant in an application described in clause (i) shall not be assessed an annual establishment fee for a fiscal year if the person certifies to the Secretary, at a time specified by the Secretary and using procedures specified by the Secretary, that—

"(I) the person is a not-for-profit medical center that has only 1 establishment for the production of positron emission tomography drugs; and

"(II) at least 95 percent of the total number of doses of each positron emission tomography drug produced by such establishment during such fiscal year will be used within the medical center.

"(iii) DEFINITION.—For purposes of this subparagraph, the term 'positron emission tomography drug' has the meaning given to the term 'compounded positron emission tomography drug' in section 201(ii), except that subparagraph (1)(B) of such section shall not apply.".

(b) FEE REVENUE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—

"(1) IN GENERAL.—For each of the fiscal years 2008 through 2012, fees under subsection (a) shall, except as provided in subsections (c), (d), (f), and (g), be established to generate a total revenue amount under such subsection that is equal to the sum of—

"(A) $392,783,000; and

"(B) an amount equal to the modified workload adjustment factor for fiscal year 2007 (as determined under paragraph (3)).

"(2) TYPES OF FEES.—Of the total revenue amount determined for a fiscal year under paragraph (1)—

"(A) one-third shall be derived from fees under subsection (a)(1) (relating to human drug applications and supplements);

"(B) one-third shall be derived from fees under subsection (a)(2) (relating to prescription drug establishments); and

"(C) one-third shall be derived from fees under subsection (a)(3) (relating to prescription drug products).

"(3) MODIFIED WORKLOAD ADJUSTMENT FACTOR FOR FISCAL YEAR 2007.—For purposes of paragraph (1)(B), the Secretary shall determine the modified workload adjustment factor by determining the dollar amount that results from applying the methodology that was in effect under subsection (c)(2) for fiscal year 2007 to the amount $354,893,000, except that, with respect to the portion of such determination that is based on the change in the total number of commercial investigational new drug applications, the Secretary shall count the number of such applications that were active during the most recent 12-month period for which data on such submissions is available.

"(4) ADDITIONAL FEE REVENUES FOR DRUG SAFETY.—

"(A) IN GENERAL.—For each of the fiscal years 2008 through 2012, paragraph (1)(A) shall, subject to subparagraph (C), be applied by substituting the amount determined under subparagraph (B) for '$392,783,000'.

"(B) AMOUNT DETERMINED.—For each of the fiscal years 2008 through 2012, the amount determined under this subparagraph is the sum of—

"(i) $392,783,000; plus

"(ii) an amount equal to—

"(I)(aa) for fiscal year 2008, $25,000,000;

"(bb) for fiscal year 2009, $35,000,000;

"(cc) for fiscal year 2010, $45,000,000;

"(dd) for fiscal year 2011, $55,000,000; and

"(ee) for fiscal year 2012, $65,000,000; minus

"(II) the amount equal to the excess amount in item (bb), provided that—

"(aa) the amount of the total appropriation for the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of the total appropriation for the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1); and

"(bb) the amount of the total appropriations for the process of human drug review at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of appropriations for the process of human drug review at the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any of fiscal years 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008'.

"(C) LIMITATION.—This paragraph shall not apply for any fiscal year if the amount described under subparagraph (B)(ii) is less than 0.".

(c) ADJUSTMENTS TO FEES.—

(1) INFLATION ADJUSTMENT.—Section 736(c)(1) (21 U.S.C. 379h(c)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking "The revenues established in subsection (b)" and inserting "For fiscal year 2009 and subsequent fiscal years, the revenues established in subsection (b)";

(B) in subparagraph (A), by striking "or" at the end;

(C) in subparagraph (B), by striking the period at the end and inserting ", or";

(D) by inserting after subparagraph (B) the following:

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years."; and

(E) in the matter following subparagraph (C) (as added under this paragraph), by striking "fiscal year 2003" and inserting "fiscal year 2008".

(2) WORKLOAD ADJUSTMENT.—Section 736(c)(2) (21 U.S.C. 379h(c)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking "Beginning with fiscal year 2004," and inserting "For fiscal year 2009 and subsequent fiscal years,";

(B) in subparagraph (A), in the first sentence—

(i) by striking "human drug applications," and inserting "human drug applications (adjusted for changes in review activities, as described in the notice that the Secretary is required to publish in the Federal Register under this subparagraph),";

(ii) by striking "commercial investigational new drug applications,"; and

(iii) by inserting before the period the following: ", and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review activities, as so described) during the most recent 12-month period for which data on such submissions is available";

(C) in subparagraph (B), by adding at the end the following: "Any adjustment for changes in review activities made in setting fees and revenue amounts for fiscal year 2009 may not result in the total workload adjustment being more than 2 percentage points higher than it would have been in the absence of the adjustment for changes in review activities."; and

(D) by adding at the end the following:

"(C) The Secretary shall contract with an independent accounting firm to study the adjustment for changes in review activities applied in setting fees and revenue amounts for fiscal year 2009 and to make recommendations, if warranted, for future changes in the methodology for calculating the adjustment. After review of the recommendations, the Secretary shall, if warranted, make appropriate changes to the methodology, and the changes shall be effective for each of the fiscal years 2010 through 2012. The Secretary shall not make any adjustment for changes in review activities for any fiscal year after 2009 unless such study has been completed.".

(3) RENT AND RENT-RELATED COST ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) RENT AND RENT-RELATED COST ADJUSTMENT.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, before making adjustments under paragraphs (1) and (2), decrease the fee revenue amount established in subsection (b) if actual costs paid for rent and rent-related expenses for the preceding fiscal year are less than estimates made for such year in fiscal year 2006. Any reduction made under this paragraph shall not exceed the amount by which such costs fall below the estimates made in fiscal year 2006 for such fiscal year, and shall not exceed $11,721,000 for any fiscal year.".

(4) FINAL YEAR ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) in paragraph (4) (as redesignated by paragraph (3)(A))—

(i) by striking "2007" each place it appears and inserting "2012";

(ii) by striking "paragraphs (1) and (2)" and inserting "paragraphs (1), (2), and (3)"; and

(iii) by striking "2008" and inserting "2013"; and

(B) in paragraph (5) (as so redesignated), by striking "2002" and inserting "2007".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by inserting after "The Secretary shall grant" the following: "to a person who is named as the applicant in a human drug application"; and

(B) by inserting "to that person" after "one or more fees assessed";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) CONSIDERATIONS.—In determining whether to grant a waiver or reduction of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant."; and

(4) in paragraph (4) (as redesignated by paragraph (2)), in subparagraph (A), by inserting before the period the following: ", and that does not have a drug product that has been approved under a human drug application and introduced or delivered for introduction into interstate commerce".

(e) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 736(g)(3) (21 U.S.C. 379h(g)(3)) is amended to read as follows:

"(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2012, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under subsection (c) and paragraph (4) of this subsection.".

(2) OFFSET.—Section 736(g)(4) (21 U.S.C. 379h(g)(4)) is amended to read as follows:

"(4) OFFSET.—If the sum of the cumulative amount of fees collected under this section for the fiscal years 2008 through 2010 and the amount of fees estimated to be collected under this section for fiscal year 2011 exceeds the cumulative amount appropriated under paragraph (3) for the fiscal years 2008 through 2011, the excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

(f) EXEMPTION FOR ORPHAN DRUGS.—Section 736 (21 U.S.C. 379h) is further amended by adding at the end the following:

"(k) ORPHAN DRUGS.—A drug designated under section 526 for a rare disease or condition and approved under section 505 or under section 351 of the Public Health Service Act shall be exempt from product and facility fees under this section, provided that the drug meets all of the following:

"(1) The drug had United States sales in the previous year of less than $25,000,000 for the active moiety, for all indications, dosage forms, and strengths for which the drug is approved and for any off-label uses.

"(2) The drug meets the public health requirements contained in this Act as such requirements are applied to requests for waivers for product and facility fees.

"(3) The drug is owned or licensed and marketed by a company that had less than $100,000,000 in gross worldwide revenue during the previous year.".

(g) CONFORMING AMENDMENT.—Section 736(a) (21 U.S.C. 379h(a)) is amended in paragraphs (1)(A)(i), (1)(A)(ii), (2)(A), and (3)(A) by striking "(c)(4)" each place such term appears and inserting "(c)(5)".

SEC. 104. FEES RELATING TO ADVISORY REVIEW OF PRESCRIPTION-DRUG TELEVISION ADVERTISING.

Part 2 of subchapter C of chapter VII (21 U.S.C. 379g et seq.) is amended by adding after section 736 the following:

"SEC. 736A. FEES RELATING TO ADVISORY REVIEW OF PRESCRIPTION-DRUG TELEVISION ADVERTISING.

"(a) TYPES OF DIRECT-TO-CONSUMER TELEVISION ADVERTISEMENT REVIEW FEES.—Beginning in fiscal year 2008, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) ADVISORY REVIEW FEE.—

"(A) IN GENERAL.—With respect to a proposed direct-to-consumer television advertisement (referred to in this section as a 'DTC advertisement'), each person that on or after October 1, 2007, submits such an advertisement for advisory review by the Secretary prior to its initial public broadcast (referred to in this section as 'prebroadcast advisory review') shall, except as provided in subparagraph (B), be subject to a fee established under subsection (c)(3).

"(B) EXCEPTION FOR REQUIRED SUBMISSIONS.—A DTC advertisement that is required under section 502(n) to be submitted to the Secretary prior to initial public broadcast is not subject to a fee under subparagraph (A) unless the sponsor designates the submission as a submission for prebroadcast advisory review.

"(C) NOTICE TO SECRETARY OF NUMBER OF ADVERTISEMENTS.—Not later than June 1 of each fiscal year, the Secretary shall publish a notice in the Federal Register requesting any person to notify the Secretary within 30 days of the number of DTC advertisements the person intends to submit for prebroadcast advisory review in the next fiscal year.

"(D) PAYMENT.—

"(i) IN GENERAL.—The fee required by subparagraph (A) (referred to in this section as 'an advisory review fee') shall be due not later than October 1 of the fiscal year in which the DTC advertisement involved is intended be submitted for prebroadcast advisory review, subject to subparagraph (F)(i).

"(ii) EFFECT OF SUBMISSION.—Notification of the Secretary under subparagraph (C) of the number of DTC advertisements a person intends to submit for prebroadcast advisory review is a legally binding commitment by that person to pay the annual advisory review fee for that number of submissions on or before October 1 of the fiscal year in which the advertisement is intended to be submitted.

"(iii) NOTICE REGARDING CARRYOVER SUBMISSIONS.—In making a notification under subparagraph (C), the person involved shall in addition notify the Secretary if under subparagraph (F)(i) the person intends to submit a DTC advertisement for which the advisory review fee has already been paid. If the person does not so notify the Secretary, each

DTC advertisement submitted by the person for prebroadcast advisory review in the fiscal year involved shall be subject to the advisory review fee.

"(E) MODIFICATION OF ADVISORY REVIEW FEE.—

"(i) LATE PAYMENT.—If a person has submitted a notification under subparagraph (C) with respect to a fiscal year and has not paid all advisory review fees due under subparagraph (D) on or before November 1 of such fiscal year, the fees are regarded as late and a revised due date and an increase in the amount of fees applies in accordance with this clause, notwithstanding any other provision of this section. For such person, the advisory review fee for each DTC advertisement submitted in such fiscal year for prebroadcast advisory review shall be due and payable 20 days before the advertisement is submitted to the Secretary, and each such fee shall be revised to be equal to 150 percent of the fee that otherwise would have applied pursuant to subsection (c)(3).

"(ii) EXCEEDING IDENTIFIED NUMBER OF SUBMISSIONS.—If a person submits a number of DTC ads for prebroadcast advisory review in a fiscal year that exceeds the number identified by the person under subparagraph (C), a revised due date and an increase in the amount of fees applies under this clause for each submission in excess of such number, notwithstanding any other provision of this section. For each such DTC ad, the advisory review fee shall be due and payable 20 days before the advertisement is submitted to the Secretary, and the fee shall be revised to be equal to 150 percent of the fee that otherwise would have applied pursuant to subsection (c)(3).

"(F) LIMITS.—

"(i) SUBMISSIONS.—For each advisory review fee paid by a person for a fiscal year, the person is entitled to acceptance for advisory review by the Secretary of one DTC advertisement and acceptance of one resubmission for advisory review of the same advertisement. The advertisement shall be submitted for review in the fiscal year for which the fee was assessed, except that a person may carry over not more than one paid advisory review submission to the next fiscal year. Resubmissions may be submitted without regard to the fiscal year of the initial advisory review submission.

"(ii) NO REFUNDS.—Except as provided by subsection (f), fees paid under subparagraph (A) shall not be refunded.

"(iii) NO WAIVERS, EXEMPTIONS, OR REDUCTIONS.—The Secretary shall not grant a waiver, exemption, or reduction of any fees due or payable under this section.

"(iv) RIGHT TO ADVISORY REVIEW NOT TRANSFERABLE.—The right to an advisory review under this paragraph is not transferable, except to a successor in interest.

"(2) OPERATING RESERVE FEE.—

"(A) IN GENERAL.—Each person that on or after October 1, 2007, is assessed an advisory review fee under paragraph (1) shall be subject to fee established under subsection (d)(2) referred to in this section as an 'operating reserve fee' for the first fiscal year in which an advisory review fee is assessed to such person. The person is not subject to an operating reserve fee for any other fiscal year.

"(B) PAYMENT.—Except as provided in subparagraph (C), the operating reserve fee shall be due no later than October 1 of the first fiscal year in which the person is required to pay an advisory review fee under paragraph (1).

"(C) LATE NOTICE OF SUBMISSION.—If, in the first fiscal year of a person's participation in the program under this section, that person submits any DTC advertisements for prebroadcast advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (a)(1)(C), that person shall pay an operating reserve fee for each of those advisory reviews equal to the advisory review fee for each submission established under paragraph (1)(D)(ii). Fees required by this subparagraph shall be in addition to any fees required by subparagraph (A). Fees under this subparagraph shall be due 20 days before any DTC advertisement is submitted by such person to the Secretary for prebroadcast advisory review.

"(b) ADVISORY REVIEW FEE REVENUE AMOUNTS.—Fees under subsection (a)(1) shall be established to generate revenue amounts of $6,250,000 for each of fiscal years 2008 through 2012, as adjusted pursuant to subsections (c) and (g)(4).

"(c) ADJUSTMENTS.—

"(1) INFLATION ADJUSTMENT.—Beginning with fiscal year 2009, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

"(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

"(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 fiscal years of the previous 6 fiscal years.

The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2008 under this subsection.

"(2) WORKLOAD ADJUSTMENT.—Beginning with fiscal year 2009, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary with respect to the submission of DTC advertisements for advisory review prior to initial broadcast. With respect to such adjustment:

"(A) The adjustment shall be determined by the Secretary based upon the number of DTC advertisements identified pursuant to subsection (a)(1)(C) for the upcoming fiscal year, excluding allowable previously paid carry over submissions. The adjustment shall be determined by multiplying the number of such advertisements projected for that fiscal year that exceeds 150 by $27,600 (adjusted each year beginning with fiscal year 2009 for inflation in accordance with paragraph (1)). The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

"(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the fee revenues established for the prior fiscal year.

"(3) ANNUAL FEE SETTING FOR ADVISORY REVIEW.—

"(A) IN GENERAL.—Not later than August 1 of each fiscal year, the Secretary shall establish for the next fiscal year the DTC advertisement advisory review fee under subsection (a)(1), based on the revenue amounts established under subsection (b), the adjustments provided under paragraphs (1) and (2), and the number of DTC advertisements identified pursuant to subsection (a)(1)(C), excluding allowable previously-paid carry over submissions. The annual advisory review fee shall be established by dividing the fee revenue for a fiscal year (as adjusted pursuant to this subsection) by the number of DTC advertisements so identified, excluding allowable previously-paid carry over submissions.

"(B) FISCAL YEAR 2008 FEE LIMIT.—Notwithstanding subsection (b) and the adjustments pursuant to this subsection, the fee established under subparagraph (A) for fiscal year 2008 may not be more than $83,000 per submission for advisory review.

"(C) ANNUAL FEE LIMIT.—Notwithstanding subsection (b) and the adjustments pursuant to this subsection, the fee established under subparagraph (A) for a fiscal year after fiscal year 2008 may not be more than 50 percent more than the fee established for the prior fiscal year.

"(D) LIMIT.—The total amount of fees obligated for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the advisory review of prescription drug advertising.

"(d) OPERATING RESERVES.—

"(1) IN GENERAL.—The Secretary shall establish in the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation a Direct-to-Consumer Advisory Review Operating Reserve, of at least $6,250,000 in fiscal year 2008, to continue the program under this section in the event the fees collected in any subsequent fiscal year pursuant to subsection (a)(1) do not generate the fee revenue amount established for that fiscal year.

"(2) FEE SETTING.—The Secretary shall establish the operating reserve fee under subsection (a)(2)(A) for each person required to pay the fee by multiplying the number of DTC advertisements identified by that person pursuant to subsection (a)(1)(C) by the advisory review fee established pursuant to subsection (c)(3) for that fiscal year, except that in no case shall the operating reserve fee assessed be less than the operating reserve fee assessed if the person had first participated in the program under this section in fiscal year 2008.

"(3) USE OF OPERATING RESERVE.—The Secretary may use funds from the reserves only to the extent necessary in any fiscal year to make up the difference between the fee revenue amount established for that fiscal year under subsections (b) and (c) and the amount of fees actually collected for that fiscal year pursuant to subsection (a)(1), or to pay costs of ending the program under this section if it is terminated pursuant to subsection (f) or not reauthorized beyond fiscal year 2012.

"(4) REFUND OF OPERATING RESERVES.—Within 120 days of the end of fiscal year 2012, or if the program under this section ends early pursuant to subsection (f), the Secretary, after setting aside sufficient operating reserve amounts to terminate the program under this section, shall refund all amounts remaining in the operating reserve on a pro rata basis to each person that paid an operating reserve fee assessment. In no event shall the refund to any person exceed the total amount of operating reserve fees paid by such person pursuant to subsection (a)(2).

"(e) EFFECT OF FAILURE TO PAY FEES.—Notwithstanding any other requirement, a submission for prebroadcast advisory review of a DTC advertisement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person under this section have been paid.

"(f) EFFECT OF INADEQUATE FUNDING OF PROGRAM.—

"(1) INITIAL FUNDING.—If on November 1, 2007, or 120 days after enactment of this provision, whichever is later, the Secretary has not received at least $11,250,000 in advisory review fees and operating reserve fees combined, the program under this section shall not commence and all collected fees shall be refunded.

"(2) LATER FISCAL YEARS.—Beginning in fiscal year 2009, if, on November 1 of the fiscal year, the combination of the operating reserves, annual fee revenues from that fiscal year, and unobligated fee revenues from prior fiscal years falls below $9,000,000, adjusted for inflation (as described in subsection (c)(1)), the program under this section shall cease to exist, and the Secretary shall notify all participants, retain any money from the unused advisory review fees and the operating reserves needed to close down the program under this section, and refund the remainder of the unused fees and operating reserves. To the extent required to close down the program under this section, the Secretary shall first use unobligated advisory review fee revenues from prior fiscal years, then the operating reserves, and finally, unused advisory review fees from the relevant fiscal year.

"(g) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) of this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the advisory review of prescription drug advertising.

"(2) COLLECTIONS AND APPROPRIATION ACTS.—

"(A) IN GENERAL.—The fees authorized by this section—

"(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

"(ii) shall be available for obligation only if the amounts appropriated as budget authority for such fiscal year are sufficient to support a number of full-time equivalent review employees that is not fewer than the number of such employees supported in fiscal year 2007.

"(B) REVIEW EMPLOYEES.—For purposes of subparagraph (A)(ii), the term 'full-time equivalent review employees' means the total combined number of full-time equivalent employees in—

"(i) the Center for Drug Evaluation and Research, Division of Drug Marketing, Advertising, and Communications, Food and Drug Administration; and

"(ii) the Center for Biologics Evaluation and Research, Advertising and Promotional Labeling Branch, Food and Drug Administration.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2012, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted pursuant to subsection (c) and paragraph (4) of this subsection, plus amounts collected for the reserve fund under subsection (d).

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(h) DEFINITIONS.—For purposes of this subchapter:

"(1) The term 'advisory review' means reviewing and providing advisory comments on a proposed advertisement prior to its initial public broadcast.

"(2) The term 'advisory review fee' has the meaning indicated for such term in subsection (a)(1)(D).

"(3) The term 'carry over submission' means a submission for an advisory review for which a fee was paid in one fiscal year that is submitted for review in the following fiscal year.

"(4) The term 'direct-to-consumer television advertisement' means an advertisement for a prescription drug product as defined in section 735(3) intended to be displayed on any television channel for less than 3 minutes.

"(5) The term 'DTC advertisement' has the meaning indicated for such term in subsection (a)(1)(A).

"(6) The term 'operating reserve fee' has the meaning indicated for such term in subsection (a)(2)(A).

"(7) The term 'person' includes an individual, partnership, corporation, and association, and any affiliate thereof or successor in interest.

"(8) The term 'prebroadcast advisory review' has the meaning indicated for such term in subsection (a)(1)(A).

"(9) The term 'process for the advisory review of prescription drug advertising' means the activities necessary to review and provide advisory comments on DTC advertisements prior to public broadcast and, to the extent the Secretary has additional staff resources available under the program under this section that are not necessary for the advisory review of DTC advertisements, the activities necessary to review and provide advisory comments on other proposed advertisements and promotional material prior to public broadcast.

"(10) The term 'resources allocated for the process for the advisory review of prescription drug advertising' means the expenses incurred in connection with the process for the advisory review of prescription drug advertising for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees, and to contracts with such contractors;

"(B) management of information, and the acquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies;

"(D) collection of fees under this section and accounting for resources allocated for the advisory review of prescription drug advertising; and

"(E) closing down the program under this section pursuant to subsection (f)(2) if that becomes necessary.

"(11) The term 'resubmission' means a subsequent submission for advisory review of a direct-to-consumer television advertisement that has been revised in response to the Secretary's comments on an original submission. A resubmission may not introduce significant new concepts or creative themes into the television advertisement.

"(12) The term 'submission for advisory review' means an original submission of a direct-to-consumer television advertisement for which the sponsor voluntarily requests advisory comments before the advertisement is publicly disseminated.".

SEC. 105. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) PERFORMANCE REPORT.—Beginning with fiscal year 2008, not later than 120 days after the end of each fiscal year for which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 502(4) of the Prescription Drug User Fee Amendments of 2002 (Subtitle A of title V of Public Law 107–188) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) FISCAL REPORT.—Beginning with fiscal year 2008, not later than 120 days after the end of each fiscal year for which fees are collected under the part described in subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

(c) REAUTHORIZATION.—

(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for the process for the review of human drug applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

(A) the Committee on Energy and Commerce of the House of Representatives;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) scientific and academic experts;

(D) health care professionals;

(E) representatives of patient and consumer advocacy groups; and

(F) the regulated industry.

(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry and representatives of patient and consumer advocacy groups, the Secretary shall—

(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

(B) publish such recommendations in the Federal Register;

(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

(D) hold a meeting at which the public may present its views on such recommendations; and

(E) after consideration of such public views and comments, revise such recommendations as necessary.

(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

(4) PUBLIC AVAILABILITY OF MINUTES.—Before presenting the recommendations developed under paragraphs (1) and (2) to the Congress, the Secretary shall make publicly available, on the public website of the Food and Drug Administration, the minutes of all negotiations conducted under paragraph (1) or (2), as applicable, between the Food and Drug Administration and the regulated industry and representatives of patient and consumer advocacy groups.

SEC. 106. SUNSET DATES.

The amendments made by sections 102, 103, and 104 cease to be effective October 1, 2012.

TITLE II—MEDICAL DEVICE USER FEE AMENDMENTS OF 2007

SEC. 201. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Medical Device User Fee Amendments of 2007".

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this title to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

Subtitle A—Fees Related to Medical Devices

SEC. 211. DEFINITIONS.

Section 737 (21 U.S.C. 379i) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking "or an efficacy supplement," and inserting "an efficacy supplement, or a 30-day notice,"; and

(B) by adding after subparagraph (E) the following:

"(F) The term '30-day notice' means a supplement to an approved premarket application or premarket report under section 515 that is limited to a request to make modifications to manufacturing procedures or methods of manufacture affecting the safety and effectiveness of the device.";

(2) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (7), (8), (9), and (11), respectively;

(3) by inserting after paragraph (4), as amended by paragraph (1) of this section, the following:

"(5) The term 'request for classification information' means a request made under section 513(g) for information respecting the class in which a device has been classified or the requirements applicable to a device.

"(6) The term 'annual fee', with respect to periodic reporting concerning a class III device, means the annual fee associated with periodic reports required by a PMA approval order (as described in section 814.82(a)(7) of title 21, Code of Federal Regulations (or any successor regulation)).";

(4) in paragraph (9), as so redesignated—

(A) by striking "April of the preceding fiscal year" and inserting "October of the preceding fiscal year"; and

(B) by striking "April 2002" and inserting "October 2001";

(5) by inserting after paragraph (9), as so amended, the following:

"(10) The term 'person' includes an affiliate thereof."; and

(6) by inserting after paragraph (11), as redesignated by paragraph (2) of this section, the following:

"(12) The term 'establishment subject to registration' means an establishment that is required to register with the Secretary under section 510 and is one of the following types of establishments:

"(A) MANUFACTURER.—An establishment that makes by any means any article that is a device, as defined in section 201(h), including an establishment that sterilizes or otherwise makes such article for or on behalf of a specification developer or any other person.

"(B) SINGLE-USE DEVICE REPROCESSOR.—An establishment that performs manufacturing operations on a single-use device.

"(C) SPECIFICATION DEVELOPER.—An establishment that develops specifications for a device that is distributed under the establishment's name but which performs no manufacturing, including an establishment that, in addition to developing specifications, also arranges for the manufacturing of devices labeled with another establishment's name by a contract manufacturer.".

SEC. 212. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—

(1) IN GENERAL.—The designation and heading of paragraph (2) of section 738(a) (21 U.S.C. 379j(a)(2)) are amended to read as follows:

"(2) PREMARKET APPLICATION, PREMARKET REPORT, SUPPLEMENT, AND SUBMISSION FEE, AND ANNUAL FEE FOR PERIODIC REPORTING CONCERNING A CLASS III DEVICE.—".

(2) FEE AMOUNTS.—Section 738(a)(2)(A) (21 U.S.C. 379j(a)(2)(A)) is amended—

(A) in clause (iii), by striking "a fee equal to the fee that applies" and inserting "a fee equal to 75 percent of the fee that applies";

(B) in clause (iv), by striking "21.5 percent" and inserting "15 percent";

(C) in clause (v), by striking "7.2 percent" and inserting "7 percent";

(D) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

(E) by inserting after clause (v), as amended by this paragraph, the following:

"(vi) For a 30-day notice, a fee equal to 1.6 percent of the fee that applies under clause (i).";

(F) in clause (viii), as so redesignated, by striking "1.42 percent" and inserting "1.84 percent"; and

(G) by inserting after such clause (viii) the following:

"(ix) For a request for classification information, a fee equal to 1.35 percent of the fee that applies under clause (i).

"(x) For periodic reporting concerning a class III device, the annual fee shall be equal to 3.5 percent of the fee that applies under clause (i).".

(3) PAYMENT.—Section 738(a)(2)(C) (21 U.S.C. 379j(a)(2)(C)) is amended to read as follows:

"(C) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the premarket application, premarket report, supplement, premarket notification submission, 30-day notice, request for classification information, or periodic reporting concerning a class III device. Applicants submitting portions of applications pursuant to section 515(c)(3) shall pay such fees upon submission of the first portion of such applications.".

(4) REFUNDS.—Section 738(a)(2)(D) (21 U.S.C. 379j(a)(2)(D)) is amended by adding after clause (iii) the following:

"(iv) MODULAR APPLICATIONS WITHDRAWN BEFORE FIRST ACTION.—The Secretary shall refund 75 percent of the application fee paid for a modular application submitted under section 515(c)(4) that is withdrawn before a second module is submitted and before a first action on the first module. If the modular application is withdrawn after a second or subsequent module is submitted but before any first action, the Secretary may return a portion of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of the modules submitted.".

(5) ANNUAL ESTABLISHMENT REGISTRATION FEE.—Section 738(a) (21 U.S.C. 379j(a)) is amended by adding after paragraph (2) the following:

"(3) ANNUAL ESTABLISHMENT REGISTRATION FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each establishment subject to registration shall be subject to a fee for each initial or annual registration under section 510 beginning with its registration for fiscal year 2008.

"(B) EXCEPTION.—No fee shall be required under subparagraph (A) for an establishment operated by a State or Federal governmental entity or an Indian tribe (as defined in the Indian Self Determination and Educational Assistance Act), unless a device manufactured by the establishment is to be distributed commercially.

"(C) PAYMENT.—The fee required under subparagraph (A) shall be due once each fiscal year, upon the initial registration of the establishment or upon the annual registration under section 510.".

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), and (e), the fees under subsection (a) shall be based on the following fee amounts:

Fee Type	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
Premarket Application	$185,000	$200,725	$217,787	$236,298	$256,384
Establishment Registration	$1,706	$1,851	$2,008	$2,179	$2,364.".

(c) ANNUAL FEE SETTING.—

(1) IN GENERAL.—Section 738(c) (21 U.S.C. 379j(c)(1)) is amended—

(A) in the subsection heading, by striking "Annual Fee Setting" and inserting "ANNUAL FEE SETTING"; and

(B) in paragraph (1), by striking the last sentence.

(2) ADJUSTMENT OF ANNUAL ESTABLISHMENT FEE.—Section 738(c) (21 U.S.C. 379j(c)), as amended by paragraph (1), is further amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following:

"(2) ADJUSTMENT.—

"(A) IN GENERAL.—When setting fees for fiscal year 2010, the Secretary may increase the fee under subsection (a)(3)(A) (applicable to establishments subject to registration) only if the Secretary estimates that the number of establishments submitting fees for fiscal year 2009 is less than 12,250. The percentage increase shall be the percentage by which the estimate of establishments submitting fees in fiscal year 2009 is less than 12,750, but in no case may the percentage increase be more than 8.5 percent over that specified in subsection (b) for fiscal year 2010. If the Secretary makes any adjustment to the fee under subsection (a)(3)(A) for fiscal year 2010, then such fee for fiscal years 2011 and 2012 shall be adjusted so that such fee for fiscal year 2011 is equal to the adjusted fee for fiscal year 2010 increased by 8.5 percent, and such fee for fiscal year 2012 is equal to the adjusted fee for fiscal year 2011 increased by 8.5 percent.

"(B) PUBLICATION.—For any adjustment made under subparagraph (A), the Secretary shall publish in the Federal Register the Secretary's determination to make the adjustment and the rationale for the determination."; and

(C) in paragraph (4), as redesignated by this paragraph, in subparagraph (A)—

(i) by striking "For fiscal years 2006 and 2007, the Secretary" and inserting "The Secretary"; and

(ii) by striking "for the first month of fiscal year 2008" and inserting "for the first month of the next fiscal year".

(d) SMALL BUSINESSES; FEE WAIVER AND FEE REDUCTION REGARDING PREMARKET APPROVAL.—

(1) IN GENERAL.—Section 738(d)(1) (21 U.S.C. 379j(d)(1)) is amended—

(A) by striking ", partners, and parent firms"; and

(B) by striking "clauses (i) through (vi) of subsection (a)(2)(A)" and inserting "clauses (i) through (v) and clauses (vii), (ix), and (x) of subsection (a)(2)(A)".

(2) RULES RELATING TO PREMARKET APPROVAL FEES.—

(A) DEFINITION.—Section 738(d)(2)(A) (21 U.S.C. 379j(d)(2)(A)) is amended by striking ", partners, and parent firms".

(B) EVIDENCE OF QUALIFICATION.—Section 738(d)(2)(B) (21 U.S.C. 379j(d)(2)(B)) is amended—

(i) by striking "(B) EVIDENCE OF QUALIFICATION.—An applicant" and inserting the following:

"(B) EVIDENCE OF QUALIFICATION.—

"(i) IN GENERAL.—An applicant";

(ii) by striking "The applicant shall support its claim" and inserting the following:

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim";

(iii) by striking ", partners, and parent firms" each place it appears;

(iv) by striking the last sentence and inserting "If no tax forms are submitted for any affiliate, the applicant shall certify that the applicant has no affiliates."; and

(v) by adding at the end the following:

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—In the case of an applicant that has not previously submitted a Federal income tax return, the applicant and each of its affiliates shall demonstrate that it meets the definition under subparagraph (A) by submission of a signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant or affiliate meets the criteria for a small business and a certification, in English, from the national taxing authority of the country in which the applicant or, if applicable, affiliate is headquartered. The certification from such taxing authority shall bear the official seal of such taxing authority and shall provide the applicant's or affiliate's gross receipts and sales for the most recent year in both the local currency of such country and in United States dollars, the exchange rate used in converting such local currency to dollars, and the dates during which these receipts and sales were collected. The applicant shall also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, or that the applicant has no affiliates.".

(3) REDUCED FEES.—Section 738(d)(2)(C) (21 U.S.C. 379j(d)(2)(C)) is amended to read as follows:

"(C) REDUCED FEES.—Where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fees established under subsection (c)(1) may be paid at a reduced rate of—

"(i) 25 percent of the fee established under such subsection for a premarket application, a premarket report, a supplement (other than a 30-day notice), or periodic reporting concerning a class III device; and

"(ii) 50 percent of the fee established under such subsection for a 30-day notice or a request for classification information.".

(e) SMALL BUSINESSES; FEE REDUCTION REGARDING PREMARKET NOTIFICATION SUBMISSIONS.—

(1) IN GENERAL.—Section 738(e)(1) (21 U.S.C. 379j(e)(1)) is amended—

(A) by striking "2004" and inserting "2008"; and

(B) by striking "(a)(2)(A)(vii)" and inserting "(a)(2)(A)(viii)".

(2) RULES RELATING TO PREMARKET NOTIFICATION SUBMISSIONS.—

(A) DEFINITION.—Section 738(e)(2)(A) (21 U.S.C. 379j(e)(2)(A)) is amended by striking ", partners, and parent firms".

(B) EVIDENCE OF QUALIFICATION.—Section 738(e)(2)(B) (21 U.S.C. 379j(e)(2)(A)) is amended—

(i) by striking "(B) EVIDENCE OF QUALIFICATION.—An applicant" and inserting the following:

"(B) EVIDENCE OF QUALIFICATION.—

"(i) IN GENERAL.—An applicant";

(ii) by striking "The applicant shall support its claim" and inserting the following:

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim";

(iii) by striking ", partners, and parent firms" each place it appears;

(iv) by striking the last sentence and inserting "If no tax forms are submitted for any affiliate, the applicant shall certify that the applicant has no affiliates."; and

(v) by adding at the end the following:

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—In the case of an applicant that has not previously submitted a Federal income tax return, the applicant and each of its affiliates shall demonstrate that it meets the definition under subparagraph (A) by submission of a signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant or affiliate meets the criteria for a small business and a certification, in English, from the national taxing authority of the country in which the applicant or, if applicable, affiliate is headquartered. The certification from such taxing authority shall bear the official seal of such taxing authority and shall provide the applicant's or affiliate's gross receipts and sales for the most recent year in both the local currency of such country and in United States dollars, the exchange rate used in converting such local currency to dollars, and the dates during which these receipts and sales were collected. The applicant shall also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, or that the applicant has no affiliates.".

(3) REDUCED FEES.—Section 738(e)(2)(C) (21 U.S.C. 379j(e)(2)(C)) is amended to read as follows:

"(C) REDUCED FEES.—For fiscal year 2008 and each subsequent fiscal year, where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fee for a premarket notification submission may be paid at 50 percent of the fee that applies under subsection (a)(2)(A)(viii), and as established under subsection (c)(1).".

(f) EFFECT OF FAILURE TO PAY FEES.—Section 738(f) (21 U.S.C. 379j(f)) is amended to read as follows:

"(f) EFFECT OF FAILURE TO PAY FEES.—

"(1) NO ACCEPTANCE OF SUBMISSIONS.—A premarket application, premarket report, supplement, premarket notification submission, 30-day notice, request for classification information, or periodic reporting concerning a class III device submitted by a person subject to fees under subsection (a)(2) and (a)(3) shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

"(2) NO REGISTRATION.—Registration information submitted under section 510 by an establishment subject to registration shall be considered incomplete and shall not be accepted by the Secretary until the registration fee under subsection (a)(3) owed for the establishment has been paid. Until the fee is paid and the registration is complete, the establishment is deemed to have failed to register in accordance with section 510.".

(g) CONDITIONS.—Section 738(g) (21 U.S.C. 379j(g)) is amended—

(1) in paragraph (1)(D)—

(A) in the matter preceding clause (i), by striking "For fiscal year 2007" and inserting "For fiscal year 2007 and for each subsequent year";

(B) in clause (i), by striking "applicable to fiscal year 2007" and inserting "applicable to such fiscal year"; and

(C) in clause (ii)—

(i) by striking "subparagraph (C)" and inserting "this subparagraph"; and

(ii) by striking "for fiscal year 2006" and inserting "for the previous fiscal year"; and

(2) by amending paragraph (2) to read as follows:

"(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of subparagraph (C) or (D) of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate for premarket applications, supplements, premarket reports, premarket notification submissions, 30-day notices, requests for classification information, periodic reporting concerning a class III device, and establishment registrations at any time in such fiscal year, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.".

(h) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 738(h)(3) (21 U.S.C. 379j(h)(3)) is amended to read as follows:

"(3) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $48,431,000 for fiscal year 2008;

"(B) $52,547,000 for fiscal year 2009;

"(C) $57,014,000 for fiscal year 2010;

"(D) $61,860,000 for fiscal year 2011; and

"(E) $67,118,000 for fiscal year 2012.".

(2) OFFSET.—Section 738(h)(4) (21 U.S.C. 379j(h)(3)) is amended to read as follows:

"(4) OFFSET.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, added to the amount estimated to be collected for fiscal year 2011, which estimate shall be based upon the amount of fees received by the Secretary through June 30, 2011, exceeds the amount of fees specified in aggregate in paragraph (3) for these four fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

SEC. 213. ANNUAL REPORTS.

Beginning with fiscal year 2008, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

(1) the progress of the Food and Drug Administration in achieving the goals identified in the letters from the Secretary of Health and Human Services to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, as set forth in the Congressional Record during such fiscal year, and the future plans of the Food and Drug Administration for meeting the goals, not later than 60 days after the end of each fiscal year during which fees are collected under part 3 of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.); and

(2) the implementation of the authority for such fees during such fiscal year, and the use, by the Food and Drug Administration, of the fees collected during such fiscal year (including a description of the use of such fees for postmarket safety activities), not later than 120 days after the end of each fiscal year during which fees are collected under the medical device user-fee program reauthorized by this title.

SEC. 214. CONSULTATION.

(a) IN GENERAL.—In developing recommendations to the Congress for the goals and plans for meeting the goals for the process for the review of medical device applications for fiscal years after fiscal year 2012, and for the reauthorization of sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i, 379j), the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry.

(b) RECOMMENDATIONS.—The Secretary shall publish in the Federal Register recommendations under subsection (a), after negotiations with the regulated industry and patient and consumer advocacy groups; shall present such recommendations to the congressional committees specified in such subsection; shall hold a meeting at which the public may present its views on such recommendations; and shall provide for a period of 30 days for the public to provide written comments on such recommendations.

SEC. 215. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR POSTMARKET SAFETY INFORMATION.

For the purpose of collecting, developing, reviewing, and evaluating postmarket safety information on medical devices, there are authorized to be appropriated to the Food and Drug Administration, in addition to the amounts authorized by other provisions of law for such purpose, $7,100,000 for fiscal year 2008, and for each of the fiscal years 2009 through 2012, $7,100,000 increased by the amount necessary to offset the effects of inflation occurring after October 1, 2007.

SEC. 216. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this title, except that fees shall be assessed for all premarket applications, premarket reports, supplements, and premarket notification submissions received on or after October 1, 2007, regardless of the date of enactment.

SEC. 217. SUNSET CLAUSE.

The amendments made by this title cease to be effective October 1, 2012, except that section 213 (regarding annual reports) ceases to be effective January 31, 2013.

Subtitle B—Amendments Regarding Regulation of Medical Devices

SEC. 221. EXTENSION OF AUTHORITY FOR THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523(c) (21 U.S.C. 360m(c)) is amended by striking "2007" and inserting "2012".

SEC. 222. REGISTRATION.

(a) ANNUAL REGISTRATION OF PRODUCERS OF DRUGS AND DEVICES.—Section 510(b) (21 U.S.C. 360(b)) is amended—

(1) by striking "On or before" and inserting "(1) On or before";

(2) by striking "or a device or devices"; and

(3) by adding at the end the following:

"(2) During the period beginning on October 1 and ending on December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices shall register with the Secretary his name, places of business, and all such establishments.".

(b) REGISTRATION OF FOREIGN ESTABLISHMENTS.—Section 510(i)(1) (21 U.S.C. 360(i)(1)) is amended by striking "On or before December 31" and all that follows and inserting the following: "Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary—

"(A) upon first engaging in any such activity, immediately register with the Secretary the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such drug or device in the United States that is known to the establishment, and the name of each person who imports or offers for import such drug or device to the United States for purposes of importation; and

"(B) each establishment subject to the requirements of subparagraph (A) shall thereafter—

"(i) with respect to drugs, register with the Secretary on or before December 31 of each year; and

"(ii) with respect to devices, register with the Secretary during the period beginning on October 1 and ending on December 31 of each year.".

SEC. 223. FILING OF LISTS OF DRUGS AND DEVICES MANUFACTURED, PREPARED, PROPAGATED, AND COMPOUNDED BY REGISTRANTS; STATEMENTS; ACCOMPANYING DISCLOSURES.

Section 510(j)(2) (21 U.S.C. 360(j)(2)) is amended, in the matter preceding subparagraph (A), by striking "Each person" and all that follows through "the following information:" and inserting "Each person who registers with the Secretary under this section shall report to the Secretary, with regard to drugs once during the month of June of each year and once during the month of December of each year, and with regard to devices once each year during the period beginning on October 1 and ending on December 31, the following information:".

SEC. 224. ELECTRONIC REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended to read as follows:

"(p)(1) Registrations and listings under this section (including the submission of updated information) shall be submitted to the Secretary by electronic means unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.

"(2) With regard to any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device, the registration and listing information required by this section shall be submitted to the Secretary by electronic means, unless the Secretary grants a waiver because electronic registration and listing is not reasonable for the person requesting such waiver.".

SEC. 225. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the appropriate use of the process under section 510(k) of the Federal Food, Drug, and Cosmetic Act as part of the device classification process to determine whether a new device is as safe and effective as a classified device.

(b) CONSIDERATION.—In determining the effectiveness of the premarket notification and classification authority under section 510(k) and subsections (f) and (i) of section 513, the study under subsection (a) shall consider the Secretary's evaluation of the respective intended uses and technologies of such devices, including the effectiveness of the Secretary's comparative assessment of technological characteristics such as device materials, principles of operations, and power sources.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Congress a report on the results of such study.

SEC. 226. UNIQUE DEVICE IDENTIFICATION SYSTEM.

Section 519 (21 U.S.C. 360i) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"Unique Device Identification System

"(f) The Secretary shall promulgate regulations establishing a unique device identification system for medical devices requiring the labeling of devices to bear a unique identifier.".

SEC. 227. FREQUENCY OF REPORTING FOR CERTAIN DEVICES.

Subparagraph (B) of section 519(a)(1) (21 U.S.C. 360i(a)(1)) is amended by striking "were to recur;" and inserting the following: "were to recur, which report under this subparagraph—

"(i) shall be submitted in accordance with part 803 of title 21, Code of Federal Regulations (or successor regulations), if the device involved is—

"(I) a class III device;

"(II) a class II device that is permanently implantable, is life supporting, or is life sustaining; or

"(III) a type of device that the Secretary has by regulation determined should be subject to such part 803 in order to protect the public health; or

"(ii) shall, if the device is not subject to clause (i), be submitted in accordance with criteria established by the Secretary for reports made pursuant to this clause, which criteria shall require the reports to be in summary form and made on a quarterly basis;".

SEC. 228. INSPECTIONS BY ACCREDITED PERSONS.

Section 704(g) (21 U.S.C. 374(g)) is amended—

(1) in paragraph (1), by striking "Not later than one year after the date of the enactment of this subsection, the Secretary" and inserting "The Secretary";

(2) in paragraph (2), by—

(A) striking "Not later than 180 days after the date of enactment of this subsection, the Secretary" and inserting "The Secretary"; and

(B) striking the fifth sentence;

(3) in paragraph (3), by adding at the end the following:

"(F) Such person shall notify the Secretary of any withdrawal, suspension, restriction, or expiration of certificate of conformance with the quality systems standard referred to in paragraph (7) for any device establishment that such person inspects under this subsection not later than 30 days after such withdrawal, suspension, restriction, or expiration.

"(G) Such person may conduct audits to establish conformance with the quality systems standard referred to in paragraph (7).";

(4) by amending paragraph (6) to read as follows:

"(6)(A) Subject to subparagraphs (B) and (C), a device establishment is eligible for inspection by persons accredited under paragraph (2) if the following conditions are met:

"(i) The Secretary classified the results of the most recent inspection of the establishment as 'no action indicated' or 'voluntary action indicated'.

"(ii) With respect to inspections of the establishment to be conducted by an accredited person, the owner or operator of the establishment submits to the Secretary a notice that—

"(I) provides the date of the last inspection of the establishment by the Secretary and the classification of that inspection;

"(II) states the intention of the owner or operator to use an accredited person to conduct inspections of the establishment;

"(III) identifies the particular accredited person the owner or operator intends to select to conduct such inspections; and

"(IV) includes a certification that, with respect to the devices that are manufactured, prepared, propagated, compounded, or processed in the establishment—

"(aa) at least 1 of such devices is marketed in the United States; and

"(bb) at least 1 of such devices is marketed, or is intended to be marketed, in 1 or more foreign countries, 1 of which countries certifies, accredits, or otherwise recognizes the person accredited under paragraph (2) and identified under subclause (III) as a person authorized to conduct inspections of device establishments.

"(B)(i) Except with respect to the requirement of subparagraph (A)(i), a device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 30 days after receiving such notice, issues a response that—

"(I) denies clearance to participate as provided under subparagraph (C); or

"(II) makes a request under clause (ii).

"(ii) The Secretary may request from the owner or operator of a device establishment in response to the notice under subparagraph (a)(ii) with respect to the establishment, or from the particular accredited person identified in such notice—

"(I) compliance data for the establishment in accordance with clause (iii)(I); or

"(II) information concerning the relationship between the owner or operator of the establishment and the accredited person identified in such notice in accordance with clause (iii)(II).

The owner or operator of the establishment, or such accredited person, as the case may be, shall respond to such a request not later than 60 days after receiving such request.

"(iii)(I) The compliance data to be submitted by the owner or operation of a device establishment in response to a request under clause (ii)(I) are data describing whether the quality controls of the establishment have been sufficient for ensuring consistent compliance with current good manufacturing practice within the meaning of section 501(h) and with other applicable provisions of this Act. Such data shall include complete reports of inspectional findings regarding good manufacturing practice or other quality control audits that, during the preceding 2-year period, were conducted at the establishment by persons other than the owner or operator of the establishment, together with all other compliance data the Secretary deems necessary. Data under the preceding sentence shall demonstrate to the Secretary whether the establishment has facilitated consistent compliance by promptly correcting any compliance problems identified in such inspections.

"(II) A request to an accredited person under clause (ii)(II) may not seek any information that is not required to be maintained by such person in records under subsection (f)(1).

"(iv) A device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 60 days after receiving the information requested under clause (ii), issues a response that denies clearance to participate as provided under subparagraph (C).

"(C)(i) The Secretary may deny clearance to a device establishment if the Secretary has evidence that the certification under subparagraph (A)(ii)(IV) is untrue and the Secretary provides to the owner or operator of the establishment a statement summarizing such evidence.

"(ii) The Secretary may deny clearance to a device establishment if the Secretary determines that the establishment has failed to demonstrate consistent compliance for purposes of subparagraph (B)(iii)(I) and the Secretary provides to the owner or operator of the establishment a statement of the reasons for such determination.

"(iii)(I) The Secretary may reject the selection of the accredited person identified in the notice under subparagraph (A)(ii) if the Secretary provides to the owner or operator of the establishment a statement of the reasons for such rejection. Reasons for the rejection may include that the establishment or the accredited person, as the case may be, has failed to fully respond to the request, or that the Secretary has concerns regarding the relationship between the establishment and such accredited person.

"(II) If the Secretary rejects the selection of an accredited person by the owner or operator of a device establishment, the owner or operator may make an additional selection of an accredited person by submitting to the Secretary a notice that identifies the additional selection. Clauses (i) and (ii) of subparagraph (B), and subclause (I) of this clause, apply to the selection of an accredited person through a notice under the preceding sentence in the same manner and to the same extent as such provisions apply to a selection of an accredited person through a notice under subparagraph (A)(ii).

"(iv) In the case of a device establishment that is denied clearance under clause (i) or (ii) or with respect to which the selection of the accredited person is rejected under clause (iii), the Secretary shall designate a person to review the statement of reasons, or statement summarizing such evidence, as the case may be, of the Secretary under such clause if, during the 30-day period beginning on the date on which the owner or operator of the establishment receives such statement, the owner or operator requests the review. The review shall commence not later than 30 days after the owner or operator requests the review, unless the Secretary and the owner or operator otherwise agree.";

(5) in paragraph (7)—

(A) in subparagraph (A), by striking "(A) Persons" and all that follows through the end and inserting the following: "(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and describe each observation. Additionally, such accredited person shall prepare an inspection report in a form and manner designated by the Secretary to conduct inspections, taking into consideration the goals of international harmonization of quality systems standards. Any official classification of the inspection shall be determined by the Secretary."; and

(B) by adding at the end the following:

"(F) For the purpose of setting risk-based inspectional priorities, the Secretary shall accept voluntary submissions of reports of audits assessing conformance with appropriate quality systems standards set by the International Organization for Standardization (ISO) and identified by the Secretary in public notice. If the owner or operator of an establishment elects to submit audit reports under this subparagraph, the owner or operator shall submit all such audit reports with respect to the establishment during the preceding 2-year periods."; and

(6) in paragraph (10)(C)(iii), by striking "based" and inserting "base".

SEC. 229. STUDY OF NOSOCOMIAL INFECTIONS RELATING TO MEDICAL DEVICES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the number of nosocomial infections attributable to new and reused medical devices; and

(2) the causes of such nosocomial infections, including the following:

(A) Reprocessed single use devices.

(B) Handling of sterilized medical devices.

(C) In-hospital sterilization of medical devices.

(D) Health care professionals' practices for patient examination and treatment.

(E) Hospital-based policies and procedures for infection control and prevention.

(F) Hospital-based practices for handling of medical waste.

(G) Other causes.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Congress a report on the results of such study.

(c) DEFINITION.—In this section, the term "nosocomial infection" means an infection that is acquired while an individual is a patient at a hospital and was neither present nor incubating in the patient prior to receiving services in the hospital.

TITLE III—PEDIATRIC MEDICAL DEVICE SAFETY AND IMPROVEMENT ACT OF 2007

SEC. 301. SHORT TITLE.

This title may be cited as the "Pediatric Medical Device Safety and Improvement Act of 2007".

SEC. 302. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

"SEC. 515A. PEDIATRIC USES OF DEVICES.

"(a) NEW DEVICES.—

"(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

"(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

"(B) the number of affected pediatric patients.

"(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

"(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

"(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

"(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

"(D) the review time for each device described in subparagraphs (A), (B), and (C).

"(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

"(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

"(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

"(c) PEDIATRIC SUBPOPULATION.—For purposes of this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).".

SEC. 303. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking "No" and inserting "Except as provided in paragraph (6), no";

(2) in paragraph (5)—

(A) by inserting ", if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met," after "public health"; and

(B) by adding at the end the following: "If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing."; and

(3) by striking paragraph (6) and inserting after paragraph (5) the following new paragraphs:

"(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

"(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

"(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

"(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

"(iv) The request for such exemption is submitted on or before October 1, 2013.

"(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

"(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

"(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

"(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

"(I) Neonates.

"(II) Infants.

"(III) Children.

"(IV) Adolescents.

"(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.

"(8) In consultation with the Office of Pediatric Therapeutics and the Center for Devices and Radiological Health, the Secretary shall provide for an annual review by the Pediatric Advisory Committee of all devices described in paragraph (6) to ensure that the exemption under paragraph (2) remains appropriate for the pediatric populations for which it is granted.''.

(b) REPORT.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 305.

(c) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 304. ENCOURAGING PEDIATRIC MEDICAL DEVICE RESEARCH.

(a) ACCESS TO FUNDING.—The Director of the National Institutes of Health shall designate a contact point or office at the National Institutes of Health to help innovators and physicians access funding for pediatric medical device development.

(b) PLAN FOR PEDIATRIC MEDICAL DEVICE RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(2) CONTENTS.—The plan under paragraph (1) shall include—

(A) the current status of federally funded pediatric medical device research;

(B) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(C) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

SEC. 305. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) IN GENERAL.—

(1) REQUEST FOR PROPOSALS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) DETERMINATION ON GRANTS OR CONTRACTS.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall—

(1) encourage innovation by connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentor and manage pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connect innovators and physicians to existing Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assess the scientific and medical merit of proposed pediatric device projects;

(5) assess business feasibility and provide business advice;

(6) provide assistance with prototype development; and

(7) provide assistance with postmarket needs, including training, logistics, and reporting.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 304; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 306. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions;"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 307. POSTMARKET STUDIES.

Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) in subsection (a)—

(A) by inserting ", or as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification under section 510(k), for a pediatric population or pediatric subpopulation," after "The Secretary may by order"; and

(B) by inserting ", or that is indicated for pediatric populations or subpopulations or is expected to have significant use in pediatric populations," after "health consequences"; and

(2) in subsection (b)—

(A) by striking "(b) SURVEILLANCE APPROVAL.—Each" and inserting the following:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) LONGER STUDIES FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety or efficacy of the device.

"(c) DISPUTE RESOLUTION.—A manufacturer may request review under section 562 of any order or condition requiring postmarket surveillance under this section. During the pendency of such review, the device subject to such a postmarket surveillance order or condition shall not be deemed misbranded under section 502(t) or otherwise in violation of such order or condition or a related requirement of this Act unless deemed necessary to protect the public health.".

TITLE IV—PEDIATRIC RESEARCH EQUITY ACT OF 2007

SEC. 401. SHORT TITLE.

This title may be cited as the "Pediatric Research Equity Act of 2007".

SEC. 402. REAUTHORIZATION OF PEDIATRIC RESEARCH EQUITY ACT.

(a) IN GENERAL.—Section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended to read as follows:

"SEC. 505B. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

"(a) NEW DRUGS AND BIOLOGICAL PRODUCTS.—

"(1) IN GENERAL.—A person that submits, on or after the date of enactment of the Pediatric Research Equity Act of 2007, an application (or supplement to an application)—

"(A) under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration, or

"(B) under section 351 of the Public Health Service Act (42 U.S.C. 262) for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration,

shall submit with the application the assessments described in paragraph (2).

"(2) ASSESSMENTS.—

"(A) IN GENERAL.—The assessments referred to in paragraph (1) shall contain data, gathered using appropriate formulations for each age group for which the assessment is required, that are adequate—

"(i) to assess the safety and effectiveness of the drug or the biological product for the claimed indications in all relevant pediatric subpopulations; and

"(ii) to support dosing and administration for each pediatric subpopulation for which the drug or the biological product is safe and effective.

"(B) SIMILAR COURSE OF DISEASE OR SIMILAR EFFECT OF DRUG OR BIOLOGICAL PRODUCT.—

"(i) IN GENERAL.—If the course of the disease and the effects of the drug are sufficiently similar in adults and pediatric patients, the Secretary may conclude that pediatric effectiveness can be extrapolated from adequate and well-controlled studies in adults, usually supplemented with other information obtained in pediatric patients, such as pharmacokinetic studies.

"(ii) EXTRAPOLATION BETWEEN AGE GROUPS.—A study may not be needed in each pediatric age group if data from one age group can be extrapolated to another age group.

"(iii) INFORMATION ON EXTRAPOLATION.—A brief documentation of the scientific data supporting the conclusion under clauses (i) and (ii) shall be included in the medical review that is collected as part of the application under section 505 of this Act or section 351 of the Public Health Service Act (42 U.S.C. 262).

"(3) DEFERRAL.—

"(A) IN GENERAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

"(i) the Secretary finds that—

"(I) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

"(II) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

"(III) there is another appropriate reason for deferral; and

"(ii) the applicant submits to the Secretary—

"(I) certification of the grounds for deferring the assessments;

"(II) a description of the planned or ongoing studies;

"(III) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time; and

"(IV) a timeline for the completion of such studies.

"(B) ANNUAL REVIEW.—

"(i) IN GENERAL.—On an annual basis following the approval of a deferral under subparagraph (A), the applicant shall submit to the Secretary the following information:

"(I) Information detailing the progress made in conducting pediatric studies.

"(II) If no progress has been made in conducting such studies, evidence and documentation that such studies will be conducted with due diligence and at the earliest possible time.

"(ii) PUBLIC AVAILABILITY.—The information submitted through the annual review under clause (i) shall promptly be made available to the public in an easily accessible manner, including through the website of the Food and Drug Administration.

"(4) WAIVERS.—

"(A) FULL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients is so small or the patients are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups; or

"(iii) The drug or biological product—

"(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients; and

"(II) is not likely to be used in a substantial number of pediatric patients.

"(B) PARTIAL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

"(iii) the drug or biological product—

"(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

"(II) is not likely to be used by a substantial number of pediatric patients in that age group; or

"(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

"(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation. An applicant seeking either a full or partial waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration.

"(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

"(b) MARKETED DRUGS AND BIOLOGICAL PRODUCTS.—

"(1) IN GENERAL.—Beginning on the date of enactment of the Pediatric Research Equity Act of 2007, after providing notice in the form of a letter and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the sponsor or holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act to submit by a specified date the assessments described in subsection (a)(2), if the Secretary finds that—

"(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

"(ii) adequate pediatric labeling could confer a benefit on pediatric patients;

"(B) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; or

"(C) the absence of adequate pediatric labeling could pose a risk to pediatric patients.

"(2) WAIVERS.—

"(A) FULL WAIVER.—At the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments under this subsection if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed); or

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups.

"(B) PARTIAL WAIVER.—At the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

"(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

"(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

"(iii)(I) the drug or biological product—

"(aa) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

"(bb) is not likely to be used in a substantial number of pediatric patients in that age group; and

"(II) the absence of adequate labeling could not pose significant risks to pediatric patients; or

"(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

"(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation. An applicant seeking either a full or partial waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration.

"(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

"(c) MEANINGFUL THERAPEUTIC BENEFIT.—For the purposes of paragraph (4)(A)(iii)(I) and (4)(B)(iii)(I) of subsection (a) and paragraphs (1)(B)(I) and (2)(B)(iii)(I)(aa) of subsection (b), a drug or biological product shall be considered to represent a meaningful therapeutic benefit over existing therapies if the Secretary determines that—

"(1) if approved, the drug or biological product could represent an improvement in the treatment, diagnosis, or prevention of a disease, compared with marketed products adequately labeled for that use in the relevant pediatric population; or

"(2) the drug or biological product is in a class of products or for an indication for which there is a need for additional options.

"(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit an assessment described in subsection (a)(2), or a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

"(1) the drug or biological product that is the subject of the assessment or request may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

"(2) the failure to submit the assessment or request shall not be the basis for a proceeding—

"(A) to withdraw approval for a drug under section 505(e); or

"(B) to revoke the license for a biological product under section 351 of the Public Health Service Act.

"(e) MEETINGS.—Before and during the investigational process for a new drug or biological product, the Secretary shall meet at appropriate times with the sponsor of the new drug or biological product to discuss—

"(1) information that the sponsor submits on plans and timelines for pediatric studies; or

"(2) any planned request by the sponsor for waiver or deferral of pediatric studies.

"(f) REVIEW OF PEDIATRIC PLANS, DEFERRALS, AND WAIVERS.—

"(1) REVIEW.—Beginning not later than 30 days after the date of enactment of the Pediatric Research Equity Act of 2007, the Secretary shall utilize an internal committee to provide consultation to reviewing divisions on all pediatric plans and assessments prior to approval of an application or supplement for which a pediatric assessment is required under this section and all deferral and waiver requests granted pursuant to this section. Such internal committee shall include employees of the Food and Drug Administration, with expertise in pediatrics (including representation from the Office of Pediatric Therapeutics), biopharmacology, statistics, chemistry, legal issues, pediatric ethics, and the appropriate expertise pertaining to the pediatric product under review, and other individuals designated by the Secretary.

"(2) ACTIVITY BY COMMITTEE.—The committee referred to in paragraph (1) may operate using appropriate members of such committee and need not convene all members of the committee.

"(3) DOCUMENTATION OF COMMITTEE ACTION.—For each drug or biological product, the committee referred to in paragraph (1) shall document, for each activity described in paragraph (4), which members of the committee participated in such activity.

"(4) REVIEW OF PEDIATRIC PLANS, DEFERRALS AND WAIVERS.—Consultation on pediatric plans and assessments by the internal committee pursuant to this section shall occur prior to approval of an application or supplement for which a pediatric assessment is required under this section. The internal committee shall review all requests for deferrals and waivers from the requirement to submit a pediatric assessment granted under this section and shall provide recommendations as needed to reviewing divisions.

"(5) RETROSPECTIVE REVIEW OF PEDIATRIC PLANS, DEFERRALS AND WAIVERS.—Within one year after enactment of the Pediatric Research Equity Act of 2007, the committee shall conduct a retrospective review and analysis of a representative sample of assessments submitted and deferrals and waivers approved under this section since enactment of the Pediatric Research Equity Act of 2003. Such review shall include an analysis of the quality and consistency of pediatric information in pediatric assessments and the appropriateness of waivers and deferrals granted. Based on such review, the Secretary shall issue recommendations to the review divisions for improvements and initiate guidance to industry related to the scope of pediatric studies required under this section.

"(6) TRACKING OF ASSESSMENTS AND LABELING CHANGES.—Beginning on the date of enactment of the Pediatric Research Equity Act of 2007, the Secretary shall track and make available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

"(A) the number of assessments conducted under this section;

"(B) the specific drugs and biological products and their uses assessed under this section;

"(C) the types of assessments conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the total number of deferrals requested and granted under this section and, if granted, the reasons for such deferrals, the timeline for completion, and the number completed and pending by the specified date, as outlined in subsection (a)(3);

"(E) the number of waivers requested and granted under this section and, if granted, the reasons for the waivers;

"(F) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons any such formulation was not developed;

"(G) the labeling changes made as a result of assessments conducted under this section;

"(H) an annual summary of labeling changes made as a result of assessments conducted under this section for distribution pursuant to subsection (h)(2); and

"(I) an annual summary of information submitted pursuant to subsection (a)(3)(B).

"(7) COMMITTEE.—The committee utilized under paragraph (1) shall be the committee established under section 505A(f)(1).

"(g) LABELING CHANGES.—

"(1) PRIORITY STATUS FOR PEDIATRIC APPLICATIONS.—Any supplement to an application under section 505 and section 351 of the Public Health Service Act proposing a labeling change as a result of any pediatric assessments conducted pursuant to this section—

"(A) shall be considered a priority application or supplement; and

"(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

"(2) DISPUTE RESOLUTION.—

"(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If, on or after the date of enactment of the Pediatric Research Equity Act of 2007, the Commissioner determines that a sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application or supplement, not later than 180 days after the date of the submission of the application or supplement—

"(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor does not agree within 30 days after the Commissioner's request to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

"(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling changes that the Commissioner determines to be appropriate.

"(D) MISBRANDING.—If the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

"(3) OTHER LABELING CHANGES.—If, on or after the date of enactment of the Pediatric Research Equity Act of 2007, the Secretary makes a determination that a pediatric assessment conducted under this section does or does not demonstrate that the drug that is the subject of such assessment is safe and effective in pediatric populations or subpopulations, including whether such assessment results are inconclusive, the Secretary shall order the label of such product to include information about the results of the assessment and a statement of the Secretary's determination.

"(h) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of submission of a pediatric assessment under this section, the Secretary shall make available to the public in an easily accessible manner the medical, statistical, and clinical pharmacology reviews of such pediatric assessments, and shall post such assessments on the website of the Food and Drug Administration.

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of enactment of the Pediatric Research Equity Act of 2007, the Secretary shall require that the sponsors of the assessments that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(6)(H) distribute such information to physicians and other health care providers.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection shall alter or amend Section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

"(i) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR ONE.—Beginning on the date of enactment of the Pediatric Research Equity Act of 2007, during the one-year period beginning on the date a labeling change is made pursuant to subsection (g), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics. In considering the report, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to such report.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the one-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering the report, the Director of such Office may provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such report..

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.

"(j) SCOPE OF AUTHORITY.—Nothing in this section provides to the Secretary any authority to require a pediatric assessment of any drug or biological product, or any assessment regarding other populations or uses of a drug or biological product, other than the pediatric assessments described in this section.

"(k) ORPHAN DRUGS.—Unless the Secretary requires otherwise by regulation, this section does not apply to any drug for an indication for which orphan designation has been granted under section 526.

"(l) INSTITUTE OF MEDICINE STUDY.—

"(1) IN GENERAL.—Not later than three years after the date of the enactment of the Pediatric Research Equity Act of 2007, the Secretary shall contract with the Institute of Medicine to conduct a study and report to Congress regarding the pediatric studies conducted pursuant to this section since 1997 and labeling changes made as a result of such studies.

"(2) CONTENT OF STUDY.—The study under paragraph (1) shall review and assess the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, the number and type of pediatric adverse events, and ethical issues in pediatric clinical trials.

"(3) REPRESENTATIVE SAMPLE.—The Institute of Medicine may devise an appropriate mechanism to review a representative sample of studies conducted pursuant to this section from each review division within the Center for Drug Evaluation and Research in order to make the requested assessment.".

(b) APPLICABILITY.—The amendment made in subsection (a) applies to assessments required under section 505B on or after the date of enactment of this Act.

SEC. 403. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than September 1, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to the Congress a report that addresses the effectiveness of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) and section 409I of the Public Health Service Act (42 U.S.C. 284m) in ensuring that medicines used by children are tested and properly labeled. Such report shall include—

(1) the number and importance of drugs and biological products for children that are being tested as a result of the amendments made by this title and title V and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs and biological products for children that are not being tested for their use notwithstanding the provisions of this title and title V and possible reasons for the lack of testing, including whether the number of written requests declined by sponsors or holders of drugs subject to section 505A(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)(2)) has increased or decreased as a result of the amendments made by this title;

(3) the number of drugs and biological products for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this title, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act (42 U.S.C. 284m) that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

TITLE V—BEST PHARMACEUTICALS FOR CHILDREN ACT OF 2007

SEC. 501. SHORT TITLE.

This title may be cited as the "Best Pharmaceuticals for Children Act of 2007".

SEC. 502. REAUTHORIZATION OF BEST PHARMACEUTICALS FOR CHILDREN ACT.

(a) PEDIATRIC STUDIES OF DRUGS.—

(1) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended to read as follows:

"SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

"(a) DEFINITIONS.—As used in this section, the term 'pediatric studies' or 'studies' means at least one clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age groups (including neonates in appropriate cases) in which a drug is anticipated to be used, and at the discretion of the Secretary, may include preclinical studies.

"(b) MARKET EXCLUSIVITY FOR NEW DRUGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary has determined that labeling changes are appropriate, such changes are approved within the timeframe requested by the Secretary—

"(A)(i)(I) the period referred to in subsection (c)(3)(E)(ii) of section 505, and in subsection (j)(5)(F)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(II) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(E) of such section, and in clauses (iii) and (iv) of subsection (j)(5)(F) of such section, is deemed to be three years and six months rather than three years; and

"(ii) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

"(B)(i) if the drug is the subject of—

"(I) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(II) a listed patent for which a certification has been submitted under subsections (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(ii) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

"(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or (1)(B) if the determination is made later than one year prior to the expiration of such period.

"(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate and such changes are approved within the timeframe requested by the Secretary—

"(A)(i)(I) the period referred to in subsection (c)(3)(E)(ii) of section 505, and in subsection (j)(5)(F)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

"(II) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(D) of such section, and in clauses (iii) and (iv) of subsection (j)(5)(F) of such section, is deemed to be three years and six months rather than three years; and

"(ii) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

"(B)(i) if the drug is the subject of—

"(I) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

"(II) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B)(ii) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

"(ii) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions)

"(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or (1)(B) if the determination is made later than one year prior to the expiration of such period.

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) REQUEST FOR STUDIES.—

"(A) IN GENERAL.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1) issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

"(B) SINGLE WRITTEN REQUEST.—A single written request—

"(i) may relate to more than one use of a drug; and

"(ii) may include uses that are both approved and unapproved.

"(2) WRITTEN REQUEST FOR PEDIATRIC STUDIES.—

"(A) REQUEST AND RESPONSE.—

"(i) IN GENERAL.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

"(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

"(II) indicating that the applicant or holder does not agree to the request and stating the reasons for declining the request.

"(ii) DISAGREE WITH REQUEST.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

"(B) ADVERSE EVENT REPORTS.—An applicant or holder that, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as the submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

"(3) MEETING THE STUDIES REQUIREMENT.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180-day period, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

"(e) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall publish a notice of any determination, made on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

"(2) IDENTIFICATION OF CERTAIN DRUGS.—The Secretary shall publish a notice identifying any drug for which, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within one year after the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug shall be published not later than 30 days after the date of the expiration of such one year period.

"(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

"(1) INTERNAL REVIEW.—

"(A) IN GENERAL.—The Secretary shall establish an internal review committee to review all written requests issued on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, in accordance with paragraph (2).

"(B) MEMBERS.—The committee established under subparagraph (A) shall include individuals with expertise in pediatrics, biopharmacology, statistics, drugs and drug formulations, legal issues, pediatric ethics, the appropriate expertise, such as expertise in child and adolescent psychiatry, pertaining to the pediatric product under review, one or more experts from the Office of Pediatric Therapeutics, and other individuals designated by the Secretary.

"(2) REVIEW OF WRITTEN REQUESTS.—The committee established under paragraph (1) shall review all written requests issued pursuant to this section prior to being issued.

“(3) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The Secretary shall track and make available to the public, in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

“(A) the number of studies conducted under this section and under section 409I of the Public Health Service Act;

“(B) the specific drugs and biological products and their uses, including labeled and off-labeled indications, studied under such sections;

“(C) the types of studies conducted under such sections, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

“(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

“(E) the labeling changes made as a result of studies conducted under such sections;

“(F) an annual summary of labeling changes made as a result of studies conducted under such sections for distribution pursuant to subsection (k)(2); and

“(G) information regarding reports submitted on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007.

“(4) COMMITTEE.—The committee established under paragraph (1) shall be the committee utilized under section 505B(f)(1).

“(g) LIMITATIONS.—Notwithstanding subsection (c)(2), a drug to which the six-month period under subsection (b) or (c) has already been applied—

“(1) may receive an additional six-month period under subsection (c)(1)(A)(i)(II) for a supplemental application if all other requirements under this section are satisfied; and

“(2) may not receive any additional such period under subsection (c)(1)(A)(ii).

“(h) RELATIONSHIP TO PEDIATRIC RESEARCH REQUIREMENTS.—Notwithstanding any other provision of law, if any pediatric study is required by a provision of law (including a regulation) other than this section and such study meets the completeness, timeliness, and other requirements of this section, such study shall be deemed to satisfy the requirement for market exclusivity pursuant to this section.

“(i) LABELING CHANGES.—

“(1) PRIORITY STATUS FOR PEDIATRIC APPLICATIONS AND SUPPLEMENTS.—Any application or supplement to an application under section 505 proposing a labeling change as a result of any pediatric study conducted pursuant to this section—

“(A) shall be considered to be a priority application or supplement; and

“(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

“(2) DISPUTE RESOLUTION.—

“(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Commissioner determines that the sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application, not later than 180 days after the date of submission of the application—

“(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

“(ii) if the sponsor of the application does not agree within 30 days after the Commissioner's request to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

“(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

“(i) review the pediatric study reports; and

“(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

“(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate.

“(D) MISBRANDING.—If the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.

“(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

“(j) OTHER LABELING CHANGES.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective in pediatric populations or subpopulations, including whether such study results are inconclusive, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.

“(k) DISSEMINATION OF PEDIATRIC INFORMATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of submission of a report on a pediatric study under this section, the Secretary shall make available to the public the medical, statistical, and clinical pharmacology reviews of pediatric studies conducted under subsection (b) or (c).

“(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary shall include as a requirement of a written request that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(3)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.

“(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

“(l) ADVERSE EVENT REPORTING.—

“(1) REPORTING IN YEAR ONE.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, during the one-year period beginning on the date a labeling change is approved pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering the reports, the Director of such Office shall provide for the review of the reports by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this Act in response to such reports.

“(2) REPORTING IN SUBSEQUENT YEARS.—Following the one-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

“(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.

“(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month exclusivity period under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended from—

“(1) the date on which the 180-day period would have expired by the number of days of the overlap, if the 180-day period would, but for the application of this subsection, expire after the 6-month exclusivity period; or

“(2) the date on which the 6-month exclusivity period expires, by the number of days of the overlap if the 180-day period would, but for the application of this subsection, expire during the six-month exclusivity period.

“(n) REFERRAL IF PEDIATRIC STUDIES NOT COMPLETED.—

“(1) IN GENERAL.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, if pediatric studies have not been completed under subsection (d) and if the Secretary, through the committee established under subsection (f), determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall—

“(A) for a drug for which listed patents have not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B; or

“(B) for a drug that has no listed patents or has 1 or more listed patents that have expired, determine whether there are funds available under section 736 to award a grant to conduct the requested studies pursuant to paragraph (2).

“(2) FUNDING OF STUDIES.—If, pursuant to paragraph (1), the Secretary determines that there are funds available under section 736 to award a grant to conduct the requested pediatric studies, then the Secretary shall issue a proposal to award a grant to conduct the requested studies. If the Secretary determines that funds are not available under section 736, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act or the conduct of studies.

"(3) PUBLIC NOTICE.—The Secretary shall give the public notice of—

"(A) a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision;

"(B) the name of any drug, its manufacturer, and the indications to be studied pursuant to a grant made under paragraph (2); and

"(C) any decision under paragraph (2) to include a drug on the list established under section 409I of the Public Health Service Act.

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

"(o) PROMPT APPROVAL OF DRUGS UNDER SECTION 505(j) WHEN PEDIATRIC INFORMATION IS ADDED TO LABELING.—

"(1) GENERAL RULE.—A drug for which an application has been submitted or approved under section 505(j) shall not be considered ineligible for approval under that section or misbranded under section 502 on the basis that the labeling of the drug omits a pediatric indication or any other aspect of labeling pertaining to pediatric use when the omitted indication or other aspect is protected by patent or by exclusivity under clause (iii) or (iv) of section 505(j)(5)(F).

"(2) LABELING.—Notwithstanding clauses (iii) and (iv) of section 505(j)(5)(F), the Secretary may require that the labeling of a drug approved under section 505(j) that omits a pediatric indication or other aspect of labeling as described in paragraph (1) include—

"(A) a statement that, because of marketing exclusivity for a manufacturer—

"(i) the drug is not labeled for pediatric use; or

"(ii) in the case of a drug for which there is an additional pediatric use not referred to in paragraph (1), the drug is not labeled for the pediatric use under paragraph (1); and

"(B) a statement of any appropriate pediatric contraindications, warnings, or precautions that the Secretary considers necessary.

"(3) PRESERVATION OF PEDIATRIC EXCLUSIVITY AND OTHER PROVISIONS.—This subsection does not affect—

"(A) the availability or scope of exclusivity under this section;

"(B) the availability or scope of exclusivity under section 505 for pediatric formulations;

"(C) the question of the eligibility for approval of any application under section 505(j) that omits any other conditions of approval entitled to exclusivity under clause (iii) or (iv) of section 505(j)(5)(F); or

"(D) except as expressly provided in paragraphs (1) and (2), the operation of section 505.

"(p) INSTITUTE OF MEDICINE STUDY.—Not later than 3 years after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to this section. The Institute of Medicine may devise an appropriate mechanism to review a representative sample of requests made and studies conducted pursuant to this section in order to conduct such study. Such study shall—

"(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c);

"(2) review and assess such representative pediatric studies conducted under subsections (b) and (c) since 1997 and labeling changes made as a result of such studies;

"(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials; and

"(4) make recommendations regarding appropriate incentives for encouraging pediatric studies of biologics.

"(q) SUNSET.—A drug may not receive any 6-month period under subsection (b) or (c) unless—

"(1) on or before October 1, 2012, the Secretary makes a written request for pediatric studies of the drug;

"(2) on or before October 1, 2012, an application for the drug is accepted for filing under section 505(b); and

"(3) all requirements of this section are met.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) made after the date of the enactment of this Act.

(b) PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended to read as follows:

"SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

"(a) LIST OF PRIORITY ISSUES IN PEDIATRIC THERAPEUTICS.—

"(1) IN GENERAL.—Not later than one year after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every three years.

"(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

"(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

"(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

"(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

"(b) PEDIATRIC STUDIES AND RESEARCH.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.

"(c) PROCESS FOR PROPOSED PEDIATRIC STUDY REQUESTS AND LABELING CHANGES.—

"(1) SUBMISSION OF PROPOSED PEDIATRIC STUDY REQUEST.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

"(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

"(ii) there is a submitted application that could be approved under the criteria of such section; and

"(B) there is no patent protection or market exclusivity protection for at least one form of the drug under the Federal Food, Drug, and Cosmetic Act; and

"(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

"(2) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.—The Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, may issue a written request based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1) (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified under subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a written request shall be made in a manner equivalent to the manner in which a written request is made under subsection (b) or (c) of section 505A of such Act, including with respect to information provided on the pediatric studies to be conducted pursuant to the request and using appropriate formulations for each age group for which the study is requested.

"(3) REQUESTS FOR PROPOSALS.—If the Commissioner of Food and Drugs does not receive a response to a written request issued under paragraph (2) not later than 30 days after the date on which a request was issued, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for proposals to conduct the pediatric studies described in the written request in accordance with subsection (b).

"(4) DISQUALIFICATION.—A holder that receives a first right of refusal shall not be entitled to respond to a request for proposals under paragraph (3).

"(5) CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS.—A contract, grant, or other funding may be awarded under this section only if a proposal is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(6) REPORTING OF STUDIES.—

"(A) IN GENERAL.—On completion of a pediatric study in accordance with an award under this section, a report concerning the study shall be submitted to the Director of the National Institutes of Health and the

Commissioner of Food and Drugs. The report shall include all data generated in connection with the study, including a written request if issued.

"(B) AVAILABILITY OF REPORTS.—Each report submitted under subparagraph (A) shall be considered to be in the public domain (subject to section 505A(d)(4) of the Federal Food, Drug, and Cosmetic Act) and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

"(C) ACTION BY COMMISSIONER.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (7).

"(7) REQUESTS FOR LABELING CHANGE.—During the 180-day period after the date on which a report is submitted under paragraph (6)(A), the Commissioner of Food and Drugs shall—

"(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied;

"(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

"(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

"(ii) publish in the Federal Register and through a posting on the website of the Food and Drug Administration a summary of the report and a copy of any requested labeling changes.

"(8) DISPUTE RESOLUTION.—

"(A) REFERRAL TO PEDIATRIC ADVISORY COMMITTEE.—If, not later than the end of the 180-day period specified in paragraph (7), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph, the Commissioner of Food and Drugs shall refer the request to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A), the Pediatric Advisory Committee shall—

"(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

"(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

"(9) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Pediatric Advisory Committee under paragraph (8)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

"(10) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (9), does not agree to make a requested labeling change, the Commissioner of Food and Drugs may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act.

"(11) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under the Federal Food, Drug, and Cosmetic Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

"(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than one year after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $200,000,000 for fiscal year 2008; and

"(B) such sums as are necessary for each of the four succeeding fiscal years.

"(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.".

(c) FEES RELATING TO DRUGS.—Section 735(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379(6)) is amended by adding at the end the following new subparagraph:

"(G) Activities relating to the support of studies of drugs on pediatric populations under section 505A(n)(1).".

(d) FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.—Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking "and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of this Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C))".

(e) CONTINUATION OF OPERATION OF COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following new subsection:

"(d) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee shall continue to operate during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007.".

(f) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.—Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(D) provide recommendations to the internal review committee created under section 505A(f) of the Federal Food, Drug, and Cosmetic Act regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act with respect to the treatment of pediatric cancers."; and

(B) by adding at the end the following new paragraph:

"(3) CONTINUATION OF OPERATION OF SUBCOMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act, the Subcommittee shall continue to operate during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007."; and

(2) in subsection (d), by striking "2003" and inserting "2009".

(g) EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.—

(1) IN GENERAL.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act") and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled "Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products," 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(2) LIMITATION.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(A) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(B) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(C) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

TITLE VI—REAGAN-UDALL FOUNDATION

SEC. 601. THE REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter I—Reagan-Udall Foundation for the Food and Drug Administration

"SEC. 770. ESTABLISHMENT AND FUNCTIONS OF THE FOUNDATION.

"(a) IN GENERAL.—A nonprofit corporation to be known as the Reagan-Udall Foundation for the Food and Drug Administration (referred to in this subchapter as the 'Foundation') shall be established in accordance with this section. The Foundation shall be headed by an Executive Director, appointed by the members of the Board of Directors under subsection (e). The Foundation shall not be an agency or instrumentality of the United States Government.

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation is to advance the mission of the Food and Drug Administration to modernize medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety.

"(c) DUTIES OF THE FOUNDATION.—The Foundation shall—

"(1) taking into consideration the Critical Path reports and priorities published by the Food and Drug Administration, identify unmet needs in the development, manufacture, and evaluation of the safety and effectiveness, including postapproval, of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics, and including the incorporation of more sensitive and predictive tools and devices to measure safety;

"(2) establish goals and priorities in order to meet the unmet needs identified in paragraph (1);

"(3) in consultation with the Secretary, identify existing and proposed Federal intramural and extramural research and development programs relating to the goals and priorities established under paragraph (2), coordinate Foundation activities with such programs, and minimize Foundation duplication of existing efforts;

"(4) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include the Food and Drug Administration, university consortia, public-private partnerships, institutions of higher education, entities described in section 501(c)(3) of the Internal Revenue Code (and exempt from tax under section 501(a) of such Code), and industry, to efficiently and effectively advance the goals and priorities established under paragraph (2);

"(5) recruit meeting participants and hold or sponsor (in whole or in part) meetings as appropriate to further the goals and priorities established under paragraph (2);

"(6) release and publish information and data and, to the extent practicable, license, distribute, and release material, reagents, and techniques to maximize, promote, and coordinate the availability of such material, reagents, and techniques for use by the Food and Drug Administration, nonprofit organizations, and academic and industrial researchers to further the goals and priorities established under paragraph (2);

"(7) ensure that—

"(A) action is taken as necessary to obtain patents for inventions developed by the Foundation or with funds from the Foundation;

"(B) action is taken as necessary to enable the licensing of inventions developed by the Foundation or with funds from the Foundation; and

"(C) executed licenses, memoranda of understanding, material transfer agreements, contracts, and other such instruments, promote, to the maximum extent practicable, the broadest conversion to commercial and noncommercial applications of licensed and patented inventions of the Foundation to further the goals and priorities established under paragraph (2);

"(8) provide objective clinical and scientific information to the Food and Drug Administration and, upon request, to other Federal agencies to assist in agency determinations of how to ensure that regulatory policy accommodates scientific advances and meets the agency's public health mission;

"(9) conduct annual assessments of the unmet needs identified in paragraph (1); and

"(10) carry out such other activities consistent with the purposes of the Foundation as the Board determines appropriate.

"(d) BOARD OF DIRECTORS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Foundation shall have a Board of Directors (referred to in this subchapter as the 'Board'), which shall be composed of ex officio and appointed members in accordance with this subsection. All appointed members of the Board shall be voting members.

"(B) EX OFFICIO MEMBERS.—The ex officio members of the Board shall be the following individuals or their designees:

"(i) The Commissioner.

"(ii) The Director of the National Institutes of Health.

"(iii) The Director of the Centers for Disease Control and Prevention.

"(iv) The Director of the Agency for Healthcare Research and Quality.

"(C) APPOINTED MEMBERS.—

"(i) IN GENERAL.—The ex officio members of the Board under subparagraph (B) shall, by majority vote, appoint to the Board 12 individuals, from a list of candidates to be provided by the National Academy of Sciences. Of such appointed members—

"(I) 4 shall be representatives of the general pharmaceutical, device, food, cosmetic, and biotechnology industries;

"(II) 3 shall be representatives of academic research organizations;

"(III) 2 shall be representatives of Government agencies, including the Food and Drug Administration and the National Institutes of Health;

"(IV) 2 shall be representatives of patient or consumer advocacy organizations; and

"(V) 1 shall be a representative of health care providers.

"(ii) REQUIREMENT.—The ex officio members shall ensure the Board membership includes individuals with expertise in areas including the sciences of developing, manufacturing, and evaluating the safety and effectiveness of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics.

"(D) INITIAL MEETING.—

"(i) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall convene a meeting of the ex officio members of the Board to—

"(I) incorporate the Foundation; and

"(II) appoint the members of the Board in accordance with subparagraph (C).

"(ii) SERVICE OF EX OFFICIO MEMBERS.—Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

"(iii) CHAIR.—The ex officio members of the Board under subparagraph (B) shall designate an appointed member of the Board to serve as the Chair of the Board.

"(2) DUTIES OF BOARD.—The Board shall—

"(A) establish bylaws for the Foundation that—

"(i) are published in the Federal Register and available for public comment;

"(ii) establish policies for the selection of the officers, employees, agents, and contractors of the Foundation;

"(iii) establish policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;

"(iv) establish policies that would subject all employees, fellows, and trainees of the Foundation to the conflict of interest standards under section 208 of title 18, United States Code;

"(v) establish licensing, distribution, and publication policies that support the widest and least restrictive use by the public of information and inventions developed by the Foundation or with Foundation funds to carry out the duties described in paragraphs (6) and (7) of subsection (c), and may include charging cost-based fees for published material produced by the Foundation;

"(vi) specify principles for the review of proposals and awarding of grants and contracts that include peer review and that are consistent with those of the Foundation for the National Institutes of Health, to the extent determined practicable and appropriate by the Board;

"(vii) specify a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation;

"(viii) establish policies for the execution of memoranda of understanding and cooperative agreements between the Foundation and other entities, including the Food and Drug Administration;

"(ix) establish policies for funding training fellowships, whether at the Foundation, academic or scientific institutions, or the Food and Drug Administration, for scientists, doctors, and other professionals who are not employees of regulated industry, to foster greater understanding of and expertise in new scientific tools, diagnostics, manufacturing techniques, and potential barriers to translating basic research into clinical and regulatory practice;

"(x) specify a process for annual Board review of the operations of the Foundation; and

"(xi) establish specific duties of the Executive Director;

"(B) prioritize and provide overall direction to the activities of the Foundation;

"(C) evaluate the performance of the Executive Director; and

"(D) carry out any other necessary activities regarding the functioning of the Foundation.

"(3) TERMS AND VACANCIES.—

"(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.

"(B) VACANCY.—Any vacancy in the membership of the Board—

"(i) shall not affect the power of the remaining members to execute the duties of the Board; and

"(ii) shall be filled by appointment by the appointed members described in paragraph (1)(C) by majority vote.

"(C) PARTIAL TERM.—If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed under subparagraph (B) to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(D) SERVING PAST TERM.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

"(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

"(e) INCORPORATION.—The ex officio members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

"(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of such section.

"(g) EXECUTIVE DIRECTOR.—

"(1) IN GENERAL.—The Board shall appoint an Executive Director who shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

"(2) COMPENSATION.—The compensation of the Executive Director shall be fixed by the Board but shall not be greater than the compensation of the Commissioner.

"(h) ADMINISTRATIVE POWERS.—In carrying out this subchapter, the Board, acting through the Executive Director, may—

"(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(2) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define their duties;

"(3) prescribe the manner in which—

"(A) real or personal property of the Foundation is acquired, held, and transferred;

"(B) general operations of the Foundation are to be conducted; and

"(C) the privileges granted to the Board by law are exercised and enjoyed;

"(4) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of such department or agencies in carrying out this section;

"(5) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

"(6) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation under subsection (i);

"(7) enter into such other contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

"(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subchapter;

"(9) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

"(10) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

"(11) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

"(12) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subchapter.

"(i) ACCEPTANCE OF FUNDS FROM OTHER SOURCES.—The Executive Director may solicit and accept on behalf of the Foundation, any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including from private entities, for the purposes of carrying out the duties of the Foundation.

"(j) SERVICE OF FEDERAL EMPLOYEES.—Federal Government employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its functions, so long as such employees do not direct or control Foundation activities.

"(k) DETAIL OF GOVERNMENT EMPLOYEES; FELLOWSHIPS.—

"(1) DETAIL FROM FEDERAL AGENCIES.—Federal Government employees may be detailed from Federal agencies with or without reimbursement to those agencies to the Foundation at any time, and such detail shall be without interruption or loss of civil service status or privilege. Each such employee shall abide by the statutory, regulatory, ethical, and procedural standards applicable to the employees of the agency from which such employee is detailed and those of the Foundation.

"(2) VOLUNTARY SERVICE; ACCEPTANCE OF FEDERAL EMPLOYEES.—

"(A) FOUNDATION.—The Executive Director of the Foundation may accept the services of employees detailed from Federal agencies with or without reimbursement to those agencies.

"(B) FOOD AND DRUG ADMINISTRATION.—The Commissioner may accept the uncompensated services of Foundation fellows or trainees. Such services shall be considered to be undertaking an activity under contract with the Secretary as described in section 708.

"(l) ANNUAL REPORTS.—

"(1) REPORTS TO FOUNDATION.—Any recipient of a grant, contract, fellowship, memorandum of understanding, or cooperative agreement from the Foundation under this section shall submit to the Foundation a report on an annual basis for the duration of such grant, contract, fellowship, memorandum of understanding, or cooperative agreement, that describes the activities carried out under such grant, contract, fellowship, memorandum of understanding, or cooperative agreement.

"(2) REPORT TO CONGRESS AND THE FDA.—Beginning with fiscal year 2009, the Executive Director shall submit to Congress and the Commissioner an annual report that—

"(A) describes the activities of the Foundation and the progress of the Foundation in furthering the goals and priorities established under subsection (c)(2), including the practical impact of the Foundation on regulated product development;

"(B) provides a specific accounting of the source and use of all funds used by the Foundation to carry out such activities; and

"(C) provides information on how the results of Foundation activities could be incorporated into the regulatory and product review activities of the Food and Drug Administration.

"(m) SEPARATION OF FUNDS.—The Executive Director shall ensure that the funds received from the Treasury are held in separate accounts from funds received from entities under subsection (i).

"(n) FUNDING.—From amounts appropriated to the Food and Drug Administration for each fiscal year, the Commissioner shall transfer not less than **$500,000** and not more than **$1,250,000**, to the Foundation to carry out subsections (a), (b), and (d) through (m).".

(b) OTHER FOUNDATION PROVISIONS.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

"SEC. 771. LOCATION OF FOUNDATION.

"The Foundation shall, if practicable, be located not more than 20 miles from the District of Columbia.

"SEC. 772. ACTIVITIES OF THE FOOD AND DRUG ADMINISTRATION.

"(a) IN GENERAL.—The Commissioner shall receive and assess the report submitted to the Commissioner by the Executive Director of the Foundation under section 770(l)(2).

"(b) REPORT TO CONGRESS.—Beginning with fiscal year 2009, the Commissioner shall submit to Congress an annual report summarizing the incorporation of the information provided by the Foundation in the report described under section 770(l)(2) and by other recipients of grants, contracts, memoranda of understanding, or cooperative agreements into regulatory and product review activities of the Food and Drug Administration.

"(c) EXTRAMURAL GRANTS.—The provisions of this subchapter shall have no effect on any grant, contract, memorandum of understanding, or cooperative agreement between the Food and Drug Administration and any other entity entered into before, on, or after the date of enactment of this subchapter.".

(c) CONFORMING AMENDMENT.—Section 742(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379l(b)) is amended by adding at the end the following: "Any such fellowships and training programs under this section or under section 770(d)(2)(A)(ix) may include provision by such scientists and physicians of services on a voluntary and uncompensated basis, as the Secretary determines appropriate. Such scientists and physicians shall be subject to all legal and ethical requirements otherwise applicable to officers or employees of the Department of Health and Human Services.".

SEC. 602. OFFICE OF THE CHIEF SCIENTIST.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 910. OFFICE OF THE CHIEF SCIENTIST.

"(a) ESTABLISHMENT; APPOINTMENT.—The Secretary shall establish within the Office of the Commissioner an office to be known as the Office of the Chief Scientist. The Secretary shall appoint a Chief Scientist to lead such Office.

"(b) DUTIES OF THE OFFICE.—The Office of the Chief Scientist shall—

"(1) oversee, coordinate, and ensure quality and regulatory focus of the intramural research programs of the Food and Drug Administration;

"(2) track and, to the extent necessary, coordinate intramural research awards made by each center of the Administration or science-based office within the Office of the Commissioner, and ensure that there is no duplication of research efforts supported by the Reagan-Udall Foundation for the Food and Drug Administration;

"(3) develop and advocate for a budget to support intramural research;

"(4) develop a peer review process by which intramural research can be evaluated; and

"(5) identify and solicit intramural research proposals from across the Food and Drug Administration through an advisory board composed of employees of the Administration that shall include—

"(A) representatives of each of the centers and the science-based offices within the Office of the Commissioner; and

"(B) experts on trial design, epidemiology, demographics, pharmacovigilance, basic science, and public health.".

SEC. 603. CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 566. CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner of Food and Drugs, shall enter into collaborative agreements, to be known as Critical Path Public-Private Partnerships, with one or more eligible entities to implement the Critical Path Initiative of the Food and Drug Administration by developing innovative, collaborative projects in research, education, and outreach for the purpose of fostering medical product innovation, enabling the acceleration of medical product development, and enhancing medical product safety.

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity that meets each of the following:

"(1) The entity is—

"(A) an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965); or

"(B) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

“(2) The entity has experienced personnel and clinical and other technical expertise in the biomedical sciences.

“(3) The entity demonstrates to the Secretary's satisfaction that the entity is capable of—

“(A) developing and critically evaluating tools, methods, and processes—

“(i) to increase efficiency, predictability, and productivity of medical product development; and

“(ii) to more accurately identify the benefits and risks of new and existing medical products;

“(B) establishing partnerships, consortia, and collaborations with health care practitioners and other providers of health care goods or services; pharmacists; pharmacy benefit managers and purchasers; health maintenance organizations and other managed health care organizations; health care insurers; government agencies; patients and consumers; manufacturers of prescription drugs, biological products, diagnostic technologies, and devices; and academic scientists; and

“(C) securing funding for the projects of a Critical Path Public-Private Partnership from Federal and nonfederal governmental sources, foundations, and private individuals.

“(c) FUNDING.—The Secretary may not enter into a collaborative agreement under subsection (a) unless the eligible entity involved provides an assurance that the entity will not accept funding for a Critical Path Public-Private Partnership project from any organization that manufactures or distributes products regulated by the Food and Drug Administration unless—

“(1) the entity accepts such funding for such project from 2 or more such organizations; and

“(2) the entity provides assurances in its agreement with the Food and Drug Administration that the results of the Critical Path Public-Private Partnership project will not be influenced by any source of funding.

“(d) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this section, and annually thereafter, the Secretary, in collaboration with the parties to each Critical Path Public-Private Partnership, shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives—

“(1) reviewing the operations and activities of the Partnerships in the previous year; and

“(2) addressing such other issues relating to this section as the Secretary determines to be appropriate.

“(e) DEFINITION.—In this section, the term ‘medical product’ includes a drug, a biological product, a device, and any combination of such products.

“(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.”.

TITLE VII—CONFLICTS OF INTEREST

SEC. 701. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

“SEC. 712. CONFLICTS OF INTEREST.

“(a) DEFINITIONS.—For purposes of this section:

“(1) ADVISORY COMMITTEE.—The term ‘advisory committee’ means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

“(2) FINANCIAL INTEREST.—The term ‘financial interest’ means a financial interest under section 208(a) of title 18, United States Code.

“(b) APPOINTMENTS TO ADVISORY COMMITTEES.—

“(1) RECRUITMENT.—

“(A) IN GENERAL.—Given the importance of advisory committees to the review process at the Food and Drug Administration, the Secretary, through the Office of Women's Health, the Office of Orphan Product Development, the Office of Pediatric Therapeutics, and other offices within the Food and Drug Administration with relevant expertise, shall develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups. The Secretary shall seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities. The Secretary shall also take into account the advisory committees with the greatest number of vacancies.

“(B) RECRUITMENT ACTIVITIES.—The recruitment activities under subparagraph (A) may include—

“(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

“(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

“(iii) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

“(2) EVALUATION AND CRITERIA.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(3) of this section for service on the committee at a meeting of the committee.

“(3) PARTICIPATION OF GUEST EXPERT WITH FINANCIAL INTEREST.—Notwithstanding any other provision of this section, an individual with a financial interest with respect to any matter considered by an advisory committee may be allowed to participate in a meeting of an advisory committee as a guest expert if the Secretary determines that the individual has particular expertise required for the meeting. An individual participating as a guest expert may provide information and expert opinion, but shall not participate in the discussion or voting by the members of the advisory committee.

“(c) GRANTING AND DISCLOSURE OF WAIVERS.—

“(1) IN GENERAL.—Prior to a meeting of an advisory committee regarding a ‘particular matter’ (as that term is used in section 208 of title 18, United States Code), each member of the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

“(2) FINANCIAL INTEREST OF ADVISORY COMMITTEE MEMBER OR FAMILY MEMBER.—No member of an advisory committee may vote with respect to any matter considered by the advisory committee if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

“(3) WAIVER.—The Secretary may grant a waiver of the prohibition in paragraph (2) if such waiver is necessary to afford the advisory committee essential expertise.

“(4) LIMITATIONS.—

“(A) ONE WAIVER PER COMMITTEE MEETING.—Notwithstanding any other provision of this section, with respect to each advisory committee, the Secretary shall not grant more than 1 waiver under paragraph (3) per committee meeting.

“(B) SCIENTIFIC WORK.—The Secretary may not grant a waiver under paragraph (3) for a member of an advisory committee when the member's own scientific work is involved.

“(5) DISCLOSURE OF WAIVER.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

“(A) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but in no case later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet website of the Food and Drug Administration—

“(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

“(ii) the reasons of the Secretary for such determination, certification, or waiver.

“(B) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet website of the Food and Drug Administration, the information described in clauses

(i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

"(d) PUBLIC RECORD.—The Secretary shall ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(5) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

"(e) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

"(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(5) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

"(3) with respect to such year, the number of times the disclosures required under subsection (c)(5) occurred under subparagraph (B) of such subsection; and

"(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the Food and Drug Administration as academicians or practitioners.

"(f) PERIODIC REVIEW OF GUIDANCE.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.".

(b) CONFORMING AMENDMENT.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

TITLE VIII—CLINICAL TRIAL DATABASES

SEC. 801. CLINICAL TRIAL REGISTRY DATABASE AND CLINICAL TRIAL RESULTS DATABASE.

(a) IN GENERAL.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 402, by striking subsection (i); and

(2) by inserting after section 492B the following new section:

"SEC. 492C. CLINICAL TRIAL REGISTRY DATABASE; CLINICAL TRIAL RESULTS DATABASE.

"(a) DEFINITIONS.—In this section:

"(1) APPLICABLE CLINICAL TRIAL.—The term 'applicable clinical trial'—

"(A) means a clinical trial that is conducted to test the safety or effectiveness (including comparative effectiveness) of a drug or device (irrespective of whether the clinical trial is federally or privately funded, and whether the clinical trial involves an approved or unapproved drug or device);

"(B) includes such a clinical trial that is conducted outside of the United States if—

"(i) there is an application or premarket notification pending before the Food and Drug Administration for approval or clearance of the drug or device involved under section 505, 510(k), or 515 of the Federal Food, Drug, and Cosmetic Act or section 351 of this Act; or

"(ii) the drug or device involved is so approved or cleared; and

"(C) notwithstanding subparagraphs (A) and (B), excludes—

"(i) a clinical trial to determine the safety of a use of a drug that is designed solely to detect major toxicities in the drug or to investigate pharmacokinetics, unless the clinical trial is designed to investigate pharmacokinetics in a special population or populations; and

"(ii) a small clinical trial to determine the feasibility of a device, or a clinical trial to test prototype devices where the primary focus is feasibility.

"(2) CLINICAL TRIAL INFORMATION.—The term 'clinical trial information' means those data elements that are necessary to complete an entry in the clinical trial registry database under subsection (b) or the clinical trial results database under subsection (c), as applicable.

"(3) COMPLETION DATE.—The term 'completion date' means the date of the final collection of data from subjects in the clinical trial for the primary and secondary outcomes to be examined in the trial.

"(4) DEVICE.—The term 'device' has the meaning given to that term in section 201(h) of the Federal Food, Drug, and Cosmetic Act.

"(5) DRUG.—The term 'drug' means a drug as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act or a biological product as defined in section 351 of this Act.

"(6) RESPONSIBLE PARTY.—The term 'responsible party', with respect to an applicable clinical trial, means—

"(A) the primary sponsor (as defined in the International Clinical Trials Registry Platform trial registration data set of the World Health Organization) of the clinical trial; or

"(B) the principal investigator of such clinical trial if so designated by such sponsor, so long as the principal investigator is responsible for conducting the trial, has access to and control over the data, has the right to publish the results of the trial, and has the responsibility to meet all of the requirements under this section that are applicable to responsible parties.

"(b) CLINICAL TRIALS REGISTRY DATABASE.—

"(1) ESTABLISHMENT.—To enhance patient enrollment and provide a mechanism to track subsequent progress of clinical trials, the Secretary, acting through the Director of NIH, shall establish and administer a clinical trial registry database in accordance with this section (referred to in this section as the 'registry database'). The Director of NIH shall ensure that the registry database is made publicly available through the Internet.

"(2) CONTENT.—The Secretary shall promulgate regulations for the submission to the registry database of clinical trial information that—

"(A) conforms to the International Clinical Trials Registry Platform trial registration data set of the World Health Organization;

"(B) includes the city, State, and zip code for each clinical trial location or a toll free number through which such location information may be accessed;

"(C) includes a statement of the estimated completion date for the clinical trial;

"(D) includes the identity and contact information of the responsible party;

"(E) if the drug is not approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act, or the device is not cleared under section 510(k) or approved under section 515 of the Federal Food, Drug, and Cosmetic Act, specifies whether or not there is expanded access to the drug or device under section 561 of the Federal Food, Drug, and Cosmetic Act for those who do not qualify for enrollment in the clinical trial and how to obtain information about such access;

"(F) includes, with respect to any individual who is not an employee of the responsible party for the clinical trial or of the manufacturer of the drug or device involved, information on whether the responsible party or manufacturer has entered into any agreement with such individual that restricts in any manner the ability of the individual—

"(i) to discuss the results of the trial at a scientific meeting or any other public or private forum; or

"(ii) to publish the results of the trial, or a description or discussion of the results of the trial, in a scientific or academic journal; and

"(G) requires the inclusion of such other data elements to the registry database as appropriate.

"(3) FORMAT AND STRUCTURE.—

"(A) SEARCHABLE CATEGORIES.—The Director of NIH shall ensure that the public may search the entries in the registry database by 1 or more of the following criteria:

"(i) The indication being studied in the clinical trial, using Medical Subject Headers (MeSH) descriptors.

"(ii) The safety issue being studied in the clinical trial.

"(iii) The enrollment status of the clinical trial.

"(iv) The sponsor of the clinical trial.

"(B) FORMAT.—The Director of the NIH shall ensure that the registry database is easily used by patients, and that entries are easily compared.

"(4) DATA SUBMISSION.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the registry database the clinical trial information described in paragraph (2).

"(5) TRUTHFUL CLINICAL TRIAL INFORMATION.—

"(A) IN GENERAL.—The clinical trial information submitted by a responsible party under this subsection shall not be false or misleading.

"(B) EFFECT.—Subparagraph (A) shall not have the effect of requiring clinical trial information to include information from any source other than the clinical trial involved.

"(6) TIMING OF SUBMISSION.—Except as provided in paragraph (7), the clinical trial information for a clinical trial required to be submitted under this subsection shall be submitted not later than 14 days after the first patient is enrolled in such clinical trial.

"(7) UPDATES.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the registry database periodic updates to reflect changes to the clinical trial information submitted under this subsection. Such updates—

"(A) shall be provided not less than once every 6 months until information on the results of the trial is submitted under subsection (c);

"(B) shall include identification of the dates of any such changes;

"(C) not later than 30 days after the enrollment status of such clinical trial changes, shall include an update of the enrollment status; and

"(D) not later than 30 days after the completion date of the clinical trial, shall include a report to the Director that such clinical trial is complete.

"(8) APPLICABILITY OF DEVICE TRIALS.—In the case of an applicable clinical trial regarding a device, the responsible person for the trial shall submit to the Director of NIH the clinical trial information as required in paragraph (4), but the Director may not make the information publicly available through the registry database until the device is approved or cleared (as the case may be).

"(c) CLINICAL TRIALS RESULTS DATABASE.—

"(1) ESTABLISHMENT.—To ensure that results of clinical trials are made public and that patients and providers have current information regarding the results of clinical trials, the Secretary, acting through the Director of NIH, shall establish and administer a clinical trial results database in accordance with this section (referred to in this section as the 'results database'). The Director of NIH shall ensure that the results database is made publicly available through the Internet.

"(2) SEARCHABLE CATEGORIES.—The Director of NIH shall ensure that the public may search the entries in the results database by 1 or more of the following:

"(A) The indication studied in the clinical trial, using Medical Subject Headers (MeSH) descriptors.

"(B) The safety issue studied in the clinical trial.

"(C) Whether an application for the tested indication is approved, pending approval, withdrawn, or not submitted.

"(D) The phase of the clinical trial.

"(E) The name of the drug or device that is the subject of the clinical trial.

"(F) Within the documents described in clauses (i) and (ii) of paragraph (3)(B), the following information, as applicable:

"(i) The sponsor of the clinical trial.

"(ii) Each financial sponsor of the clinical trial.

"(3) CONTENTS.—

"(A) IN GENERAL.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the results database the clinical trial information described in subparagraph (B).

"(B) REQUIRED ELEMENTS.—In submitting clinical trial information for a clinical trial to the Director of NIH for inclusion in the results database, the responsible party shall include, with respect to such clinical trial, the following information:

"(i) The information described in subparagraphs (A) through (E) of subsection (b)(2).

"(ii) A summary that is written in nontechnical, understandable language for patients that includes the following:

"(I) The purpose of the clinical trial.

"(II) The sponsor of the clinical trial.

"(III) A point of contact for information about the clinical trial.

"(IV) A description of the patient population tested in the clinical trial.

"(V) A general description of the clinical trial and results, including a description of and the reasons for any changes in the clinical trial design that occurred since the date of submission of clinical trial information for inclusion in the registry database established under subsection (b) and a description of any significant safety information.

"(iii) A summary that is technical in nature that includes the following:

"(I) The purpose of the clinical trial.

"(II) The sponsor of the clinical trial.

"(III) Each financial sponsor of the clinical trial.

"(IV) A point of contact for scientific information about the clinical trial.

"(V) A description of the patient population tested in the clinical trial.

"(VI) A general description of the clinical trial and results, including a description of and the reasons for any changes in the clinical trial design that occurred since the date of submission of clinical trial information for the clinical trial in the registry database established under subsection (b).

"(VII) Summary data describing the results, including—

"(aa) whether the primary endpoint was achieved, including relevant statistics;

"(bb) an assessment of any secondary endpoints, if applicable, including relevant statistics; and

"(cc) any significant safety information, including a summary of the incidence of serious adverse events observed in the clinical trial and a summary of the most common adverse events observed in the clinical trial and the frequencies of such events.

"(iv) With respect to the group of subjects receiving the drug or device involved, and each comparison group of subjects, the percentage of individuals who ceased participation as subjects and the reasons for ceasing participation.

"(v) With respect to an individual who is not an employee of the responsible party for the clinical trial or of the manufacturer of the drug or device involved, information (to the extent not submitted under subsection (b)(2)(F)) on any agreement that the responsible party or manufacturer has entered into with such individual that restricts in any manner the ability of the individual—

"(I) to discuss the results of the trial at a scientific meeting or any other public or private forum; or

"(II) to publish the results of the trial, or a description or discussion of the results of the trial, in a scientific or academic journal.

"(vi) The completion date of the clinical trial.

"(vii) A link to the Internet web posting of any adverse regulatory actions taken by the Food and Drug Administration, such as a warning letter, that was substantively based on the clinical trial design, outcome, or representation made by the applicant about the design or outcome of the clinical trial.

"(C) LINKS IN DATABASE.—The Director of NIH shall ensure that the results database includes the following:

"(i) Links to Medline citations to publications reporting results from each applicable drug clinical trial and applicable device clinical trial.

"(ii) Links to the entry for the product that is the subject of an applicable drug clinical trial in the National Library of Medicine database of structured product labels, if available.

"(iii) Links described in clauses (i) and (ii) for data bank entries for clinical trials submitted to the data bank prior to enactment of this section, as available.

"(4) TIMING.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a responsible party shall submit to the Director of NIH for inclusion in the results database clinical trial information for an applicable clinical trial not later than 1 year after the earlier of—

"(i) the estimated completion date of the trial, as submitted under subsection (b)(2); or

"(ii) the actual date of the completion, or termination before completion, of the trial, as applicable.

"(B) EXTENSIONS.—The Director of NIH may provide an extension of the deadline for submission of clinical trial information under subparagraph (A) if the responsible party for the trial submits to the Director a written request that demonstrates good cause for the extension and provides an estimate of the date on which the information will be submitted. The Director of NIH may grant more than one such extension for the clinical trial involved.

"(C) UPDATES.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the results database periodic updates to reflect changes in the clinical trial information submitted under this subsection. Such updates—

"(i) shall be provided not less frequently than once every 6 months during the 10-year period beginning on the date on which information is due under subparagraph (A);

"(ii) shall identify the dates on which the changes were made; and

"(iii) shall include, not later than 30 days after any change in the regulatory status of the drug or device involved, an update informing the Director of NIH of such change.

"(5) TRUTHFUL CLINICAL TRIAL INFORMATION.—

"(A) IN GENERAL.—The clinical trial information submitted by a responsible party under this subsection shall not be false or misleading in any particular.

"(B) EFFECT.—Subparagraph (A) shall not have the effect of requiring clinical trial information with respect to a clinical trial to include information from any source other than such clinical trial.

"(6) PUBLIC AVAILABILITY OF RESULTS.—

"(A) PRE-APPROVAL STUDIES.—Except as provided in subparagraph (E), with respect to an applicable clinical trial that is completed before the drug is initially approved under section 505 of the Federal Food, Drug, and Cosmetic Act or initially licensed under section 351 of this Act, or the device is initially cleared under section 510(k) or approved under section 515 of the Federal Food, Drug, and Cosmetic Act, the Director of NIH shall make publicly available on the results database the clinical trial information submitted for such clinical trial not later than 30 days after—

"(i) the drug or device is approved under such section 505, licensed under such section 351, cleared under such section 510(k), or approved under such section 515, as applicable; or

"(ii) the Secretary issues a not approvable letter or a not substantially equivalent letter for the drug or device under such section 505, 351, 510(k), or 515, as applicable.

"(B) MEDICAL AND CLINICAL PHARMACOLOGY REVIEWS OF PRE-APPROVAL STUDIES.—Not later than 90 days after the date applicable under clause (i) or (ii) of subparagraph (A) with respect to an applicable clinical trial, the Director of NIH shall make publicly available on the results database a summary of the available medical and clinical pharmacology reviews conducted by the Food and Drug Administration for such trial.

"(C) POST-APPROVAL STUDIES.—Except as provided in subparagraphs (D) and (E), with respect to an applicable clinical trial that is completed after the drug is initially approved under such section 505 or licensed under such section 351, or the device is initially cleared under such section 510(k) or approved under such section 515, the Director of NIH shall make publicly available on the results database the clinical trial information submitted for such clinical trial not later than 30 days after the date of such submission.

“(D) SEEKING APPROVAL OF A NEW USE FOR THE DRUG OR DEVICE.—

“(i) IN GENERAL.—If the manufacturer of the drug or device is the sponsor or a financial sponsor of an applicable clinical trial, and such manufacturer certifies to the Director of NIH that such manufacturer has filed, or will file within 1 year, an application seeking approval under such section 505, licensing under such section 351, clearance under such section 510(k), or approval under such section 515 for the use studied in such clinical trial (which use is not included in the labeling of the approved drug or device), then the Director of NIH shall make publicly available on the results database the clinical trial information submitted for such clinical trial on the earlier of the date that is 30 days after the date—

“(I) the new use of the drug or device is approved under such section 505, licensed under such section 351, cleared under such section 510(k), or approved under such section 515;

“(II) the Secretary issues a not approvable letter or a not substantially equivalent letter for the new use of the drug or device under such section 505, 351, 510(k), or 515; or

“(III) the application or premarket notification under such section 505, 351, 510(k), or 515 is withdrawn.

“(ii) LIMITATION ON CERTIFICATION.—If a manufacturer makes a certification under clause (i) with respect to a clinical trial, the manufacturer shall make such a certification with respect to each applicable clinical trial that is required to be submitted in an application for approval of the use studied in the clinical trial.

“(iii) 2-YEAR LIMITATION.—The clinical trial information subject to clause (i) shall be made publicly available on the results database on the date that is 2 years after the date the certification referred to in clause (i) was made to the Director of NIH, if a regulatory action referred to in subclause (I), (II), or (III) of clause (i) has not occurred by such date.

“(iv) MEDICAL AND CLINICAL PHARMACOLOGY REVIEWS.—Not later than 90 days after the date applicable under subclause (I), (II), or (III) of clause (i) or clause (iii) with respect to an applicable clinical trial, the Director of NIH shall make publicly available on the results database a summary of the available medical and clinical pharmacology reviews conducted by the Food and Drug Administration for such trial.

“(E) SEEKING PUBLICATION.—

“(i) IN GENERAL.—If the principal investigator of an applicable clinical trial is seeking publication in a peer-reviewed biomedical journal of a manuscript based on the results of the clinical trial and the responsible party so certifies to the Director of NIH—

“(I) the responsible party shall notify the Director of NIH of the publication date of such manuscript not later than 15 days after such date; and

“(II) the Director of NIH shall make publicly available on the results database the clinical trial information submitted for such clinical trial on the date that is 30 days after the publication date of such manuscript.

“(ii) LIMITATIONS.—The clinical trial information subject to clause (i)—

“(I) shall be made publicly available on the results database on the date that is 2 years after the date that the clinical trial information was required to be submitted to the Director of NIH if the manuscript referred to in such clause has not been published by such date; and

“(II) shall not be required to be made publicly available under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’), prior to the date applicable to such clinical trial information under this subparagraph.

“(7) VERIFICATION OF SUBMISSION PRIOR TO PUBLIC AVAILABILITY.—In the case of clinical trial information that is submitted under this subsection, but is not made publicly available pending either regulatory action or publication under subparagraph (D) or (E) of paragraph (6), as applicable, the Director of NIH shall respond to inquiries from other Federal agencies and peer-reviewed journals to confirm that such clinical trial information has been submitted but has not yet been made publicly available on the results database.

“(d) UPDATES; TRACKING OF CHANGES IN SUBMITTED INFORMATION.—The Director of NIH shall ensure that updates submitted to the Director under subsections (b)(7) and (c)(4) do not result in the removal from the registry database or the results database of the original submissions or of any preceding updates, and that information in such databases is presented in a manner that enables users to readily access each original submission and to track the changes made by the updates.

“(e) COORDINATION AND COMPLIANCE.—

“(1) CONSULTATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

“(A) consult with other agencies that conduct human studies in accordance with part 46 of title 45, Code of Federal Regulations (or any successor regulations), to determine if any such studies are applicable clinical trials; and

“(B) develop with such agencies appropriate procedures to ensure that clinical trial information for such applicable clinical trials is submitted under subsection (b) and (c).

“(2) COORDINATION OF REGISTRY DATABASE AND RESULTS DATABASE.—

“(A) IN GENERAL.—Each entry in the registry database under subsection (b) or the results database under subsection (c) shall include a link to the corresponding entry in the results database or the registry database, respectively.

“(B) MISSING ENTRIES.—

“(i) IN GENERAL.—If, based on a review of the entries in the registry database under subsection (b), the Director of NIH determines that a responsible party has failed to submit required clinical trial information to the results database under subsection (c), the Director of NIH shall inform the responsible party involved of such failure and permit the responsible party to correct the failure within 30 days.

“(ii) FAILURE TO CORRECT.—If the responsible party does not correct a failure to submit required clinical trial information within the 30-day period described under clause (i), the Director of NIH shall report such noncompliance to the scientific peer review committees of the Federal research agencies and to the Office of Human Research Protections.

“(iii) PUBLIC NOTICE OF FAILURE TO CORRECT.—The Director of NIH shall include in the clinical trial registry database entry and the clinical trial results database entry for each applicable clinical trial a notice of any uncorrected failure to submit required clinical trial information and shall provide that the public may easily search for such entries.

“(3) ACTION ON APPLICATIONS.—

“(A) VERIFICATION PRIOR TO FILING.—The Secretary, acting through the Commissioner of Food and Drugs, shall verify that the clinical trial information required under subsections (b) and (c) for an applicable clinical trial is submitted pursuant to such subsections, as applicable—

“(i) when considering a drug or device for an exemption under section 505(i) or section 520(g) of the Federal Food, Drug, and Cosmetic Act; and

“(ii) prior to filing an application or premarket notification under section 505, 510(k), or 515 of the Federal Food, Drug, and Cosmetic Act or section 351 of this Act, that includes information from such clinical trial.

“(B) NOTIFICATION.—If the Secretary determines under subparagraph (A) that clinical trial information has not been submitted as required by subsection (b) or (c), the Secretary shall notify the applicant and the responsible party of such noncompliance and require submission of such information within 30 days.

“(C) REFUSAL TO FILE.—If the responsible party does not remedy such noncompliance within 30 days of receipt of notification under subparagraph (B), the Secretary shall refuse to file, approve, or clear such application or premarket notification.

“(4) CONTENT REVIEW.—

“(A) IN GENERAL.—To ensure that the summary documents described in subsection (c)(3) are non-promotional, and are not false or misleading in any particular under subsection (c)(5), the Secretary shall compare such documents to the results data of the clinical trial for a representative sample of applicable clinical trials by—

“(i) acting through the Commissioner of Food and Drugs to examine the results data for such clinical trials submitted to Secretary when such data are submitted—

“(I) for review as part of an application under section 505 or 515 of the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act or a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act; or

“(II) in an annual status report on the drug or device under such application;

“(ii) acting with the Federal agency that funds such clinical trial in whole or in part by a grant to examine the results data for such clinical trials; and

“(iii) acting through inspections under section 704 of the Federal Food, Drug, and Cosmetic Act to examine results data for such clinical trials not described in clause (i) or (ii).

“(B) NOTICE OF NONCOMPLIANCE.—If the Secretary determines that the clinical trial information submitted in such a summary document is false or misleading in any particular, the Secretary shall notify the responsible party and give such party an opportunity to remedy such noncompliance by submitting the required revised clinical trial information within 30 days of such notification.

“(f) PENALTIES FOR NONCOMPLIANCE.—

“(1) IN GENERAL.—The following acts and the causing thereof are unlawful:

“(A) The failure to submit clinical trial information as required by this section.

“(B) The submission of clinical trial information under this section that is false or misleading in any particular in violation of subsection (b)(5) or (c)(5).

“(2) CERTAIN PENALTIES.—Section 303(a) of the Federal Food, Drug, and Cosmetic Act applies with respect to a violation of paragraph (1) to the same extent and in the same manner as such section 303(a) applies with respect to a violation of section 301 of such Act.

"(3) CONSIDERATIONS.—In determining whether to apply a penalty under paragraph (2) or under paragraph (4) for a violation described in paragraph (1), the Secretary, acting through the Commissioner of Food and Drugs, shall consider—

"(A) whether the responsible party promptly corrects the noncompliance when provided notice;

"(B) whether the responsible party has engaged in a pattern or practice of noncompliance; and

"(C) the extent to which the noncompliance involved may have significantly misled health care providers or patients concerning the safety or effectiveness of the drug involved.

"(4) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person is subject to a civil penalty in accordance with this paragraph if the person commits a violation described in paragraph (1) and fails to correct the violation by the end of the 30-day period described in subparagraph (B).

"(B) NOTIFICATION.—If a person is in violation of paragraph (1), the Secretary shall notify the person of such noncompliance and give the person a 30-day period to correct such violation before imposing a civil penalty under this paragraph.

"(C) AMOUNT OF PENALTY.—The amount of a civil penalty under this subsection shall be not more than a total of $15,000 for all violations adjudicated in a single proceeding in the case of an individual, and not more than $10,000 per day until the violation is corrected in the case of any other person, except that if the person is a nonprofit entity the penalty may not exceed a total of $15,000 for all violations adjudicated in a single proceeding.

"(D) PROCEDURES.—The provisions of paragraphs (4) through (6) of section 303(f) of the Federal Food, Drug, and Cosmetic Act apply to the imposition of a penalty under this subsection to the same extent and in the same manner as such provisions apply to a penalty imposed under such section 303(f).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) INVESTIGATIONAL NEW DRUGS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and" after the semicolon;

(ii) in subparagraph (D)—

(I) by aligning the indentation of such subparagraph with the indentation of subparagraphs (A), (B), and (C); and

(II) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(E) the submission to the Director of NIH of clinical trial information for the clinical investigation at issue required under section 492C of the Public Health Service Act for inclusion in the registry database and the results database described in such section.";

(B) in paragraph (3)(B)—

(i) in clause (i), by striking "or" after the semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) clinical trial information for the clinical investigation at issue was not submitted in compliance with section 492C of the Public Health Service Act."; and

(C) in paragraph (4), by adding at the end the following: "The Secretary shall update such regulations to require inclusion in the informed consent form a statement that clinical trial information for such clinical investigation will be submitted for inclusion in the registry database and results database, as applicable, described in section 492C of the Public Health Service Act.".

(2) REFUSAL TO APPROVE NEW DRUG APPLICATION.—Section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)) is amended—

(A) in the first sentence, by inserting after "in any particular;" the following: "or (8) the applicant failed to submit the clinical trial information for any applicable clinical trial as required by section 492C of the Public Health Service Act;"; and

(B) in the second sentence, by striking "clauses (1) through (6)" and inserting "paragraphs (1) through (8)".

(3) INVESTIGATIONAL NEW DEVICES.—Subparagraph (B) of section 520(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(g)(2)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following:

"(iii) A requirement that the person applying for an exemption for a device assure that such person is in compliance with the requirements of section 492C of the Public Health Service Act for the submission of clinical trial information for inclusion in the registry database and the results database described in such section.".

(4) REFUSAL TO CLEAR NEW DEVICE PREMARKET NOTIFICATION REPORT.—Subsection (k) of section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended—

(A) in paragraph (1), by striking "and" at the end; and

(B) in paragraph (2), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(3) action taken by such person to comply with requirements under section 492C of the Public Health Service Act for the submission of clinical trial information for inclusion in the registry database and the results database described in such section.".

(5) REFUSAL TO APPROVE NEW DEVICE APPLICATION.—Paragraph (2) of section 515(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)) is amended—

(A) in subparagraph (D), by striking "or" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(C) by inserting after subparagraph (E) the following:

"(F) the applicant is in violation of the requirements under section 492C of the Public Health Service Act for the submission of clinical trial information for inclusion in the registry database or the results database described in such section.".

(c) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, shall issue guidance to clarify which clinical trials are applicable clinical trials (as defined in section 492C of the Public Health Service Act, as amended by this section) and required to be submitted for inclusion in the clinical trial registry database described in such section.

(d) PREEMPTION.—

(1) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect any requirement for the registration of clinical trials or any requirement for the inclusion of information relating to the results of clinical trials in a database.

(2) RULE OF CONSTRUCTION.—The fact of submission of clinical trial information, if submitted in compliance with section 492C of the Public Health Service Act (as amended by this section), that relates to a use of a drug or device not included in the official labeling of the approved drug or device shall not be construed by the Secretary or in any administrative or judicial proceeding, as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. The availability of clinical trial information through the databases under subsections (b) and (c) of such section 492C, if submitted in compliance with such section 492C, shall not be considered as labeling, adulteration, or misbranding of the drug or device under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(e) EFFECTIVE DATES.—

(1) ESTABLISHMENT OF REGISTRY DATABASE AND RESULTS DATABASE.—Not later than 1 year after the date of the enactment of this Act, the Director of NIH shall establish the registry database and the results database of clinical trials of drugs and devices in accordance with section 492C of the Public Health Service Act (as amended by subsection (a)).

(2) CLINICAL TRIALS INITIATED PRIOR TO OPERATION OF REGISTRY DATABASE.—The responsible party (as defined in such section 492C) for an applicable clinical trial (as defined in such section 492C) that is initiated after the date of the enactment of this Act and before the date such registry database is established under paragraph (1) of this subsection, shall submit required clinical trial information not later than 120 days after the date such registry database is established.

(3) CLINICAL TRIALS INITIATED AFTER OPERATION OF REGISTRY DATABASE.—The responsible party (as defined in such section 492C) for an applicable clinical trial (as defined in such section 492C) that is initiated after the date such registry database is established under paragraph (1) of this subsection shall submit required clinical trial information in accordance with subsection (b) of such section 492C.

(4) TRIALS COMPLETED BEFORE OPERATION OF RESULTS DATABASE.—

(A) IN GENERAL.—Subsection (c) of such section 492C shall take effect 90 days after the date the results database is established under paragraph (1) of this subsection with respect to any applicable clinical trial (as defined in such section 492C) that—

(i) involves a drug to treat a serious or life-threatening condition; and

(ii) is completed between the date of the enactment of this Act and such date of establishment under paragraph (1) of this subsection.

(B) OTHER TRIALS.—Except as provided in subparagraph (A), subsection (c) of such section 492C shall take effect 180 days after the date that the results database is established under paragraph (1) of this subsection with respect to any applicable clinical trial that is completed between the date of the enactment of this Act and such date of establishment under paragraph (1).

(5) TRIALS COMPLETED AFTER ESTABLISHMENT OF RESULTS DATABASE.—Subsection (c) of such section 492C shall apply to any clinical trial that is completed after the date

that the results database is established under paragraph (1) of this subsection.

(6) RETROACTIVITY OF DATABASE.—

(A) VOLUNTARY SUBMISSIONS.—The Secretary of Health and Human Services (referred to in this paragraph as the "Secretary") shall establish procedures and mechanisms to allow for the voluntary submission to the Secretary—

(i) of clinical trial information for inclusion in the registry database (as defined in such section 492C) on applicable clinical trials (as defined in such section 492C) initiated before the date of the enactment of this Act; and

(ii) of clinical trial information for inclusion in the results database (as defined in such section 492C) on applicable clinical trials (as defined in such section 492C) completed before the date of the enactment of this Act.

(B) REQUIRED SUBMISSIONS.—Notwithstanding the preceding paragraphs of this subsection, in any case in which the Secretary determines that submission of clinical trial information for an applicable clinical trial (as defined in such section 492C) described in clause (i) or (ii) of subparagraph (A) is in the interest of the public health—

(i) the Secretary may require that such information be submitted to the Secretary in accordance with such section 492C; and

(ii) failure to comply with such a requirement shall be treated as a violation of the corresponding requirement of such section 492C.

(7) STATUS OF CLINICALTRIALS.GOV WEBSITE.—

(A) IN GENERAL.—After receiving public comment and not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a notice determining the more efficient approach to establishing the registry database described in subsection (b) of such section 492C and whether such approach is—

(i) that such registry database should expand and build upon the data bank described in section 402(i) of the Public Health Service Act (as in effect on the day before the date of the enactment of this Act); or

(ii) that such registry database should supplant the data bank described in such section 402(i) (as in effect on the day before the date of the enactment of this Act).

(B) CLINICALTRIALS.GOV SUPPLANTED.—If the Secretary determines to apply the approach described under subparagraph (A)(ii), the Secretary shall maintain an archive of the data bank described in such section 402(i) (as in effect on the day before the date of the enactment of this Act) on the Internet website of the National Library of Medicine.

SEC. 802. STUDY BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine whether information on the trials registry and database is considered promotional and to evaluate the implementation of this database.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Congress a report on the results of such study.

TITLE IX—ENHANCED AUTHORITIES REGARDING POSTMARKET SAFETY OF DRUGS

SEC. 901. POSTMARKET STUDIES AND CLINICAL TRIALS REGARDING HUMAN DRUGS; RISK EVALUATION AND MITIGATION STRATEGIES.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following subsections:

"(o) POSTMARKET STUDIES AND CLINICAL TRIALS; LABELING.—

"(1) IN GENERAL.—A responsible person may not introduce or deliver for introduction into interstate commerce the new drug involved if the person is in violation of a requirement established under paragraph (3) or (4) with respect to the drug.

"(2) DEFINITIONS.—For purposes of this subsection:

"(A) RESPONSIBLE PERSON.—The term 'responsible person' means a person who—

"(i) has submitted to the Secretary a covered application that is pending; or

"(ii) is the holder of an approved covered application.

"(B) COVERED APPLICATION.—The term 'covered application' means—

"(i) an application under subsection (b) for a drug that is subject to section 503(b); and

"(ii) an application under section 351 of the Public Health Service Act.

"(C) NEW SAFETY INFORMATION; SERIOUS RISK.—The terms 'new safety information', 'serious risk', and 'signal of a serious risk' have the meanings given such terms in section 505–1(b).

"(3) STUDIES AND CLINICAL TRIALS.—

"(A) IN GENERAL.—For any or all of the purposes specified in subparagraph (B), the Secretary may, subject to subparagraph (C), require a responsible person for a drug to conduct a postapproval study or studies of the drug, or a postapproval clinical trial or trials of the drug, on the basis of scientific information, including information regarding chemically-related or pharmacologically-related drugs.

"(B) PURPOSES OF STUDY OR TRIAL.—The purposes referred to in this subparagraph with respect to a postapproval study or postapproval clinical trial are the following:

"(i) To assess a known serious risk related to the use of the drug involved.

"(ii) To assess signals of serious risk related to the use of the drug.

"(iii) To identify a serious risk.

"(C) ESTABLISHMENT OF REQUIREMENT AFTER APPROVAL OF COVERED APPLICATION.—The Secretary may require a postapproval study or studies or postapproval trial or trials for a drug for which an approved covered application is in effect as of the date on which the Secretary seeks to establish such requirement only if the Secretary becomes aware of new safety information. For each study required to be conducted under this subparagraph, the Secretary shall require that the applicant submit a timetable for completion of the study and shall require the applicant to periodically report to the Secretary on the status of the study. Unless the applicant demonstrates good cause for failure to comply with such timeline, the applicant shall be in violation of this subsection. The Secretary shall determine what constitutes good cause under the preceding sentence.

"(4) SAFETY LABELING CHANGES REQUESTED BY SECRETARY.—

"(A) NEW SAFETY INFORMATION.—The Secretary shall promptly notify the responsible person if the Secretary becomes aware of new safety information that the Secretary believes should be included in the labeling of the drug.

"(B) RESPONSE TO NOTIFICATION.—Following notification pursuant to subparagraph (A), the responsible person shall within 30 days—

"(i) submit a supplement proposing changes to the approved labeling to reflect the new safety information, including changes to boxed warnings, contraindications, warnings, precautions, or adverse reactions; or

"(ii) notify the Secretary that the responsible person does not believe a labeling change is warranted and submit a statement detailing the reasons why such a change is not warranted.

"(C) REVIEW.—Upon receipt of such supplement, the Secretary shall promptly review and act upon such supplement. If the Secretary disagrees with the proposed changes in the supplement or with the statement setting forth the responsible person's reasons why no labeling change is necessary, the Secretary shall initiate discussions with the responsible person to reach agreement on whether the labeling for the drug should be modified to reflect the new safety information, and if so, the contents of such labeling changes.

"(D) DISCUSSIONS.—Such discussions shall not extend for more than 30 days after the response to the notification under subparagraph (B), unless the Secretary determines an extension of such discussion period is warranted.

"(E) ORDER.—Within 15 days of the conclusion of the discussions under subparagraph (D), the Secretary may issue an order directing the responsible person to make such a labeling change as the Secretary deems appropriate to address the new safety information. Within 15 days of such an order, the responsible person shall submit a supplement containing the labeling change.

"(F) DISPUTE RESOLUTION.—Within 5 days of receiving an order under subparagraph (E), the responsible person may appeal using the Food and Drug Administration's normal dispute resolution procedures established by the Secretary in regulation and guidance.

"(G) VIOLATION.—If the change required by an order under subparagraph (E) is not made by the date so specified, the responsible person shall be considered to be in violation of this section.

"(H) SERIOUS PUBLIC HEALTH THREAT.—Notwithstanding subparagraphs (A) through (F), if the Secretary concludes that failure to make such a labeling change is necessary to protect against a serious public health threat, the Secretary may accelerate the timelines in such subparagraphs.

"(I) RULE OF CONSTRUCTION.—This paragraph shall not be construed to affect the responsibility of the responsible person to maintain its label in accordance with existing requirements, including subpart B and section 314.70 of title 21, Code of Federal Regulations (or any successor regulations).

"(p) RISK EVALUATION AND MITIGATION STRATEGY.—

"(1) IN GENERAL.—A person may not introduce or deliver for introduction into interstate commerce a new drug if—

"(A)(i) the application for such drug is approved under subsection (b) or (j) and is subject to section 503(b); or

"(ii) the application for such drug is approved under section 351 of the Public Health Service Act; and

"(B) a risk evaluation and mitigation strategy is required under section 505–1 with respect to the drug and—

"(i) the person fails to maintain compliance with the requirements of the approved strategy or with other requirements under section 505–1, including requirements regarding assessments of approved strategies; or

"(ii) in the case of a requirement for such a strategy that is first established after the applicable application referred to in subparagraph (A) was approved with respect to the drug, the Secretary, after notice and opportunity for a hearing, publishes in the Federal Register a statement that the person is not cooperating with the Secretary in developing such a strategy for the drug.

"(2) REQUIRED STATEMENT DURING APPROVAL PROCESS.—In the case of an application approved under subsection (b) or (j) for a new drug that is subject to section 503(b), or an application approved under section 351 of the Public Health Service Act, or a supplement to such an application that requires substantive data, the Secretary may not approve the application or supplement unless the person involved has complied with the following:

"(A) The person has submitted to the Secretary a statement that provides the following information:

"(i) Whether the person believes that a risk evaluation and mitigation strategy should be required under section 505–1.

"(ii) Whether a postmarket study or clinical trial should be required under subsection (o)(3).

"(B) In making the statement under subparagraph (A), the person took into account each of the following factors:

"(i) The estimated size of the population likely to use the drug involved.

"(ii) The seriousness of the disease or condition that is to be treated with the drug.

"(iii) The expected benefit of the drug with respect to such disease or condition.

"(iv) The expected or actual duration of treatment with the drug.

"(v) The seriousness of any known or potential adverse events that may be related to the drug and the background incidence of such events in the population likely to use the drug.

"(3) CERTAIN POSTMARKET STUDIES.—The failure to conduct a postmarket study under subpart H of part 314 of title 21, Code of Federal Regulations (or any successor regulation), is deemed to be a violation of paragraph (1).".

(b) REQUIREMENTS REGARDING STRATEGIES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following section:

"SEC. 505–1. RISK EVALUATION AND MITIGATION STRATEGIES.

"(a) SUBMISSION OF PROPOSED STRATEGY.—

"(1) INITIAL APPROVAL.—A person who submits an application referred to in section 505(p)(1)(A) (referred to in this section as a 'covered application') shall submit to the Secretary as part of the application a proposed risk evaluation and mitigation strategy if the Secretary determines such a strategy is necessary to ensure that the benefits of the drug involved outweigh the risks of the drug. In making such a determination, the Secretary shall consider the statement submitted by the person under section 505(p)(2) with respect to the drug and shall consider the following factors:

"(A) The estimated size of the population likely to use the drug involved.

"(B) The seriousness of the disease or condition that is to be treated with the drug.

"(C) The expected benefit of the drug with respect to such disease or condition.

"(D) The expected or actual duration of treatment with the drug.

"(E) The seriousness of any known or potential adverse events that may be related to the drug and the background incidence of such events in the population likely to use the drug.

"(F) The availability and safety of a drug or other treatment, if any, for such disease or condition to which the safety of the drug may be compared.

"(G) Whether the drug is a new molecular entity.

"(2) POSTAPPROVAL REQUIREMENT.—

"(A) IN GENERAL.—If the Secretary approves a covered application and does not when approving the application require a risk evaluation and mitigation strategy under paragraph (1), the Secretary may subsequently require such a strategy for the drug involved if the Secretary becomes aware of new safety information and makes a determination that such a strategy is necessary to ensure that the benefits of the drug outweigh the risks of the drug.

"(B) SUBMISSION OF PROPOSED STRATEGY.—Not later than 120 days after the Secretary notifies the holder of an approved covered application that the Secretary has made a determination under subparagraph (A) with respect to the drug involved, or within such other time as the Secretary requires to protect the public health, the holder shall submit to the Secretary a proposed risk evaluation and mitigation strategy.

"(3) APPROVAL OF NEW INDICATION FOR USE.—The applicability of paragraph (2) includes applicability to a drug for which an approved covered application was in effect on the day before the effective date of this section and for which, on or after such effective date, the holder of the approved application submits to the Secretary a supplemental application seeking approval of a new indication for use of the drug.

"(4) ABBREVIATED NEW DRUG APPLICATIONS.—The applicability of this section to an application under section 505(j) is subject to subsection (i).

"(b) DEFINITIONS.—For purposes of this section:

"(1) ADVERSE DRUG EXPERIENCE.—The term 'adverse drug experience' means any adverse event associated with the use of a drug in humans, whether or not considered drug related, including—

"(A) an adverse event occurring in the course of the use of the drug in professional practice;

"(B) an adverse event occurring from an overdose of the drug, whether accidental or intentional;

"(C) an adverse event occurring from abuse of the drug;

"(D) an adverse event occurring from withdrawal of the drug; and

"(E) any failure of expected pharmacological action of the drug.

"(2) COVERED APPLICATION.—The term 'covered application' has the meaning indicated for such term in subsection (a)(1).

"(3) NEW SAFETY INFORMATION.—The term 'new safety information' with respect to a drug means information about—

"(A) a serious risk or an unexpected serious risk associated with use of the drug that the Secretary has become aware of since the drug was approved, since the risk evaluation and mitigation strategy was required, or since the last assessment of the approved risk evaluation and mitigation strategy for the drug; or

"(B) the effectiveness of the approved risk evaluation and mitigation strategy for the drug obtained since the last assessment of such strategy.

"(4) SERIOUS ADVERSE DRUG EXPERIENCE.—The term 'serious adverse drug experience' is an adverse event that—

"(A) results in—

"(i) death;

"(ii) an adverse drug experience that places the patient at immediate risk of death from the adverse drug experience as it occurred (not including an adverse drug experience that might have caused death had it occurred in a more severe form);

"(iii) inpatient hospitalization or prolongation of existing hospitalization;

"(iv) a persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions; or

"(v) a congenital anomaly or birth defect; or

"(B) based on appropriate medical judgment, may jeopardize the patient and may require a medical or surgical intervention to prevent an outcome described under subparagraph (A).

"(5) SERIOUS RISK.—The term 'serious risk' means a risk of a serious adverse drug experience.

"(6) SIGNAL OF A SERIOUS RISK.—The term 'signal of a serious risk' means information related to a serious adverse drug experience associated with use of a drug and derived from—

"(A) a clinical trial;

"(B) adverse event reports;

"(C) a postapproval study, including a study under section 505(o)(3);

"(D) peer-reviewed biomedical literature; or

"(E) data derived from a postmarket risk identification and analysis system under section 505(k)(3).

"(7) RESPONSIBLE PERSON.—The term 'responsible person' has the meaning indicated for such term in subsection (e)(2).

"(8) UNEXPECTED SERIOUS RISK.—The term 'unexpected serious risk' means a serious adverse drug experience that is not listed in the labeling of a drug, or that may be symptomatically and pathophysiologically related to an adverse drug experience identified in the labeling, but differs from such adverse drug experience because of greater severity, specificity, or prevalence.

"(c) CONTENTS.—A proposed risk evaluation and mitigation strategy under subsection (a) shall—

"(1) include the timetable required under subsection (d); and

"(2) to the extent required by the Secretary, include additional elements described in subsections (e) and (f).

"(d) MINIMAL STRATEGY.—For purposes of subsection (c)(1), the risk evaluation and mitigation strategy for a drug shall require a timetable for submission of assessments of the strategy that—

"(1) is not less frequent than once annually for the first 3 years after the strategy is initially approved;

"(2) includes an assessment in the seventh year after the strategy is so approved; and

"(3) subject to paragraph (2), for subsequent years—

"(A) is at a frequency specified in the strategy;

"(B) is increased or reduced in frequency as necessary as provided for in subsection (g)(4)(A); and

"(C) is eliminated after the 3-year period described in paragraph (1) if the Secretary determines that serious risks of the drug have been adequately identified and assessed and are being adequately managed.

"(e) ADDITIONAL POTENTIAL ELEMENTS OF STRATEGY.—

"(1) IN GENERAL.—The Secretary may under subsection (c)(2) require that the risk evaluation and mitigation strategy for a drug include 1 or more of the additional elements described in this subsection if the Secretary makes the determination required with respect to the element involved.

"(2) MEDGUIDE; PATIENT PACKAGE INSERT.—The risk evaluation and mitigation strategy for a drug may require that, as applicable, the person submitting the covered application or the holder of the approved such application (referred to in this section as the 'responsible person') develop for distribution to each patient when the drug is dispensed—

"(A) a Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations); and

"(B) a patient package insert, if the Secretary determines that such insert may help mitigate a serious risk of the drug.

"(3) COMMUNICATION PLAN.—The risk evaluation and mitigation strategy for a drug may require that the responsible person conduct a communication plan to health care providers, if, with respect to such drug, the Secretary determines that such plan may support implementation of an element of the strategy. Such plan may include—

"(A) sending letters to health care providers;

"(B) disseminating information about the elements of the risk evaluation and mitigation strategy to encourage implementation by health care providers of components that apply to such health care providers, or to explain certain safety protocols (such as medical monitoring by periodic laboratory tests); or

"(C) disseminating information to health care providers through professional societies about any serious risks of the drug and any protocol to assure safe use.

"(f) RESTRICTIONS ON DISTRIBUTION OR USE.—

"(1) IN GENERAL.—If the Secretary determines that a drug shown to be effective can be safely used only if distribution or use of such drug is restricted, the Secretary may under subsection (c)(2) require as elements of the risk evaluation and mitigation strategy such restrictions on distribution or use as are needed to ensure safe use of the drug.

"(2) ASSURING ACCESS AND MINIMIZING BURDEN.—Elements of a risk evaluation and mitigation strategy included under paragraph (1) shall—

"(A) be commensurate with a specific serious risk listed in the labeling of the drug;

"(B) be posted publicly by the Secretary with an explanation of how such elements will mitigate the observed safety risk, which posting shall be made within 30 days after the date on which the Secretary requires the element involved;

"(C) considering the risk referred to in subparagraph (A), not be unduly burdensome on patient access to the drug, considering in particular—

"(i) patients with serious or life-threatening diseases or conditions; and

"(ii) patients who have difficulty accessing health care (such as patients in rural or medically underserved areas); and

"(D) to the extent practicable, so as to minimize the burden on the health care delivery system—

"(i) conform with elements to assure safe use for other drugs with similar, serious risks; and

"(ii) be designed to be compatible with established distribution, procurement, and dispensing systems for drugs.

"(3) ELEMENTS.—The restrictions on distribution or use described in paragraph (1) shall include 1 or more goals to evaluate or mitigate a serious risk listed in the labeling of the drug, and may require that—

"(A) health care providers that prescribe the drug have special training or experience, or are specially certified, which training or certification with respect to the drug is available to any willing provider from a frontier area;

"(B) pharmacies, practitioners, or health care settings that dispense the drug are specially certified, which training or certification with respect to the drug is available to any willing provider from a frontier area;

"(C) the drug be dispensed to patients only in certain health care settings, such as hospitals;

"(D) the drug be dispensed to patients with evidence or other documentation of safe-use conditions, such as laboratory test results;

"(E) each patient using the drug be subject to certain monitoring; or

"(F) each patient using the drug be enrolled in a registry.

"(4) IMPLEMENTATION SYSTEM.—The restrictions on distribution or use described in paragraph (1) may require a system through which the responsible person is able to—

"(A) monitor and evaluate implementation of the restrictions by health care providers, pharmacists, patients, and other parties in the health care system who are responsible for implementing the restrictions;

"(B) work to improve implementation of the restrictions by health care providers, pharmacists, patients, and other parties in the health care system who are responsible for implementing the restrictions; and

"(C) notify wholesalers of the drug of those health care providers—

"(i) who are responsible for implementing the restrictions; and

"(ii) whom the responsible person knows have failed to meet their responsibilities for implementing the restrictions, after the responsible person has informed such party of such failure and such party has not remedied such failure.

"(5) LIMITATION.—No holder of an approved application shall use any restriction on distribution required by the Secretary as necessary to assure safe use of the drug to block or delay approval of an application under section 505(b)(2) or (j) or to prevent application of such restriction under subsection (i)(1)(B) to a drug that is the subject of an abbreviated new drug application.

"(6) BIOEQUIVALENCE TESTING.—Notwithstanding any other provisions in this subsection, the holder of an approved application that is subject to distribution restrictions required under this subsection that limit the ability of a sponsor seeking approval of an application under subsection 505(b)(2) or (j) to purchase on the open market a sufficient quantity of drug to conduct bioequivalence testing shall provide to such a sponsor a sufficient amount of drug to conduct bioequivalence testing if the sponsor seeking approval under section 505(b)(2) or (j)—

"(A) agrees to such restrictions on distribution as the Secretary finds necessary to assure safe use of the drug during bioequivalence testing; and

"(B) pays the holder of the approved application the fair market value of the drug purchased for bioequivalence testing.

"(7) LETTER BY SECRETARY.—Upon a showing by the sponsor seeking approval under section 505(b)(2) or (j) that the sponsor has agreed to such restrictions necessary to assure safe use of the drug during bioequivalence testing, the Secretary shall issue to the sponsor seeking to conduct bioequivalence testing a letter that describes the Secretary's finding which shall serve as proof that the sponsor has satisfied the requirements of subparagraph (6)(A).

"(8) EVALUATION OF ELEMENTS TO ASSURE SAFE USE.—The Secretary, acting through the Drug Safety and Risk Management Advisory Committee (or any successor committee) of the Food and Drug Administration, shall—

"(A) seek input from patients, physicians, pharmacists, and other health care providers about how elements to assure safe use under this subsection for 1 or more drugs may be standardized so as not to be—

"(i) unduly burdensome on patient access to the drug; and

"(ii) to the extent practicable, minimize the burden on the health care delivery system;

"(B) at least annually, evaluate, for 1 or more drugs, the elements to assure safe use of such drug to assess whether the elements—

"(i) assure safe use of the drug;

"(ii) are not unduly burdensome on patient access to the drug; and

"(iii) to the extent practicable, minimize the burden on the health care delivery system; and

"(C) considering such input and evaluations—

"(i) issue or modify agency guidance about how to implement the requirements of this subsection; and

"(ii) modify elements under this subsection for 1 or more drugs as appropriate.

"(9) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any restriction on distribution or use under this subsection during the period described in section 319(a) of the Public Health Service Act with respect to a qualified countermeasure described under section 319F-1(a)(2) of such Act, to which a restriction or use under this subsection has been applied, if the Secretary has—

"(A) declared a public health emergency under such section 319; and

"(B) determined that such waiver is required to mitigate the effects of, or reduce the severity of, such public health emergency.

"(g) ASSESSMENT AND MODIFICATION OF APPROVED STRATEGY.—

"(1) VOLUNTARY ASSESSMENTS.—After the approval of a risk evaluation and mitigation strategy under subsection (a), the responsible person involved may, subject to paragraph (2), submit to the Secretary an assessment of, and propose a modification to, the approved strategy for the drug involved at any time.

"(2) REQUIRED ASSESSMENTS.—A responsible person shall, subject to paragraph (5), submit an assessment of, and may propose a modification to, the approved risk evaluation and mitigation strategy for a drug—

"(A) when submitting a supplemental application for a new indication for use under section 505(b) or under section 351 of the Public Health Service Act, unless the drug is not subject to section 503(b) and the risk evaluation and mitigation strategy for the drug includes only the timetable under subsection (d);

"(B) when required by the strategy, as provided for in such timetable under subsection (d);

"(C) within a time period to be determined by the Secretary, if the Secretary determines that new safety or effectiveness information indicates that—

"(i) an element under subsection (d) or (e) should be modified or included in the strategy; or

"(ii) an element under subsection (f) should be modified or included in the strategy; or

"(D) within 15 days when ordered by the Secretary, if the Secretary determines that there may be a cause for action by the Secretary under section 505(e).

"(3) REQUIREMENTS FOR ASSESSMENTS.—An assessment under paragraph (1) or (2) of an approved risk evaluation and mitigation strategy for a drug shall include—

"(A) with respect to any goal under subsection (f), an assessment of the extent to which the restrictions on distribution or use are meeting the goal or whether the goal or such restrictions should be modified;

"(B) with respect to any postapproval study required under section 505(o)(3), the status of such study, including whether any difficulties completing the study have been encountered; and

"(C) with respect to any postapproval clinical trial required under section 505(o), the status of such clinical trial, including whether enrollment has begun, the number of participants enrolled, the expected completion date, whether any difficulties completing the clinical trial have been encountered, and registration information with respect to requirements under section 492C of the Public Health Service Act.

"(4) MODIFICATION.—A modification (whether an enhancement or a reduction) to the approved risk evaluation and mitigation strategy for a drug may include the addition or modification of any element under subsection (d) or the addition, modification, or removal of any element under subsection (e) or (f), such as—

"(A) modifying the timetable for assessments of the strategy under subsection (d), including to eliminate assessments; or

"(B) adding, modifying, or removing a restriction on distribution or use under subsection (f).

"(5) NO EFFECT ON LABELING CHANGES THAT DO NOT REQUIRE PREAPPROVAL.—In the case of a labeling change to which section 314.70 of title 21, Code of Federal Regulations (or any successor regulation), applies for which the submission of a supplemental application is not required or for which distribution of the drug involved may commence upon the receipt by the Secretary of a supplemental application for the change, the submission of an assessment of the approved risk evaluation and mitigation strategy for the drug under paragraph (2) is not required.

"(h) REVIEW OF PROPOSED STRATEGIES; REVIEW OF ASSESSMENTS OF APPROVED STRATEGIES.—

"(1) IN GENERAL.—The Secretary shall promptly review each proposed risk evaluation and mitigation strategy for a drug submitted under subsection (a) and each assessment of an approved risk evaluation and mitigation strategy for a drug submitted under subsection (g).

"(2) MARKETING PLAN.—

"(A) IN GENERAL.—As part of a review conducted under this subsection, the Secretary may require the applicant to submit information regarding its marketing plan and practices for the drug, so as to allow the Secretary to determine whether any of the proposed or ongoing marketing activities undermine any of the requirements of the risk evaluation and mitigation strategy.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as authorizing the Secretary to make or direct any change in the marketing plan or practices involved. The preceding sentence does not affect any authority of the Secretary under this Act, other than the authority of the Secretary under subparagraph (A).

"(3) DISCUSSION.—The Secretary shall initiate discussions with a responsible person for purposes of this subsection to determine a strategy—

"(A) if the proposed strategy is submitted as part of an application or supplemental application under subsection (a) or subsection (g)(2)(A), not less than 60 days before the action deadline for the application that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the process for the review of human drug applications);

"(B) if the assessment is submitted under subparagraph (B) or (C) or subsection (g)(2), not later than 20 days after such submission;

"(C) if the assessment is submitted under subsection (g)(1) or subsection (g)(2)(D) , not later than 30 days after such submission; or

"(D) if the assessment is submitted under subsection (g)(2)(D), not later than 10 days after such submission.

"(4) ACTION.—

"(A) IN GENERAL.—Unless the responsible person requests the dispute resolution process described under paragraph (5), the Secretary shall approve and describe the risk evaluation and mitigation strategy for a drug, or any modification to the strategy—

"(i) as part of the action letter on the application, when a proposed strategy is submitted under subsection (a) or an assessment of the strategy is submitted under subsection (g)(1); or

"(ii) in an order issued not later than 50 days after the date discussions of such modification begin under paragraph (3), when an assessment of the strategy is submitted under subsection (g)(1) or under any of subparagraphs (B) through (D) of subsection (g)(2).

"(B) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided under subparagraph (A).

"(C) PUBLIC AVAILABILITY.—Any action letter described in subparagraph (A)(i) or order described in subparagraph (A)(ii) shall be made publicly available.

"(5) DISPUTE RESOLUTION.—

"(A) REQUEST FOR REVIEW.—

"(i) IN GENERAL.—Not earlier than 15 days, and not later than 35 days, after discussions under paragraph (3) have begun, the responsible person may request in writing that a dispute about the strategy be reviewed by the Drug Safety Oversight Board under subsection (j), except that the determination of the Secretary to require a risk evaluation and mitigation strategy is not subject to review under this paragraph. The preceding sentence does not prohibit review under this paragraph of the particular elements of such a strategy.

"(ii) SCHEDULING.—Upon receipt of a request under clause (i), the Secretary shall schedule the dispute involved for review under subparagraph (B) and, not later than 5 business days of scheduling the dispute for review, shall publish by posting on the Internet or otherwise a notice that the dispute will be reviewed by the Drug Safety Oversight Board.

"(B) SCHEDULING REVIEW.—If a responsible person requests review under subparagraph (A), the Secretary—

"(i) shall schedule the dispute for review at 1 of the next 2 regular meetings of the Drug Safety Oversight Board, whichever meeting date is more practicable; or

"(ii) may convene a special meeting of the Drug Safety Oversight Board to review the matter more promptly, including to meet an action deadline on an application (including a supplemental application).

"(C) AGREEMENT AFTER DISCUSSION OR ADMINISTRATIVE APPEALS.—

"(i) FURTHER DISCUSSION OR ADMINISTRATIVE APPEALS.—A request for review under subparagraph (A) shall not preclude further discussions to reach agreement on the risk evaluation and mitigation strategy, and such a request shall not preclude the use of administrative appeals within the Food and Drug Administration to reach agreement on the strategy, including appeals as described in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the process for the review of human drug applications) for procedural or scientific matters involving the review of human drug applications and supplemental applications that cannot be resolved at the divisional level.

"(ii) AGREEMENT TERMINATES DISPUTE RESOLUTION.—At any time before a decision and order is issued under subparagraph (G) , the Secretary and the responsible person may reach an agreement on the risk evaluation and mitigation strategy through further discussion or administrative appeals, terminating the dispute resolution process, and the Secretary shall issue an action letter or order, as appropriate, that describes the strategy.

"(D) MEETING OF THE BOARD.—At a meeting of the Drug Safety Oversight Board described in subparagraph (B), the Board shall—

"(i) hear from both parties; and

"(ii) review the dispute.

"(E) RECORD OF PROCEEDINGS.—The Secretary shall ensure that the proceedings of any such meeting are recorded, transcribed, and made public within 30 days of the meeting. The Secretary shall redact the transcript to protect any trade secrets or other confidential information described in section 552(b)(4) of title 5, United States Code.

"(F) RECOMMENDATION OF THE BOARD.—Not later than 5 days after any such meeting, the Drug Safety Oversight Board shall provide a written recommendation on resolving the dispute to the Secretary. Not later than 5 days after the Board provides such written recommendation to the Secretary, the Secretary shall make the recommendation available to the public.

"(G) ACTION BY THE SECRETARY.—

"(i) ACTION LETTER.—With respect to a proposal or assessment referred to in paragraph (1), the Secretary shall issue an action letter that resolves the dispute not later than the later of—

"(I) the action deadline referred to in paragraph (3)(A); or

"(II) 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(ii) ORDER.—With respect to an assessment of an approved risk evaluation and mitigation strategy under subsection (g)(1) or under any of subparagraphs (B) through (D) of subsection (g)(2), the Secretary shall issue an order, which shall be made public, that resolves the dispute not later than 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(H) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided for under subparagraph (G).

"(I) EFFECT ON ACTION DEADLINE.—With respect to a proposal or assessment referred to in paragraph (1), the Secretary shall be considered to have met the action deadline referred to in paragraph (3)(A) with respect to the application involved if the responsible person requests the dispute resolution process described in this paragraph and if the Secretary—

"(i) has initiated the discussions described under paragraph (3) not less than 60 days before such action deadline; and

"(ii) has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under subparagraphs (B), (F), and (G), respectively.

"(J) DISQUALIFICATION.—No individual who is an employee of the Food and Drug Administration and who reviews a drug or who participated in an administrative appeal under subparagraph (C)(i) with respect to such drug may serve on the Drug Safety Oversight Board at a meeting under subparagraph (D) to review a dispute about the risk evaluation and mitigation strategy for such drug.

"(K) ADDITIONAL EXPERTISE.—The Drug Safety Oversight Board may add members with relevant expertise from the Food and Drug Administration, including the Office of Pediatrics, the Office of Women's Health, or the Office of Rare Diseases, or from other Federal public health or health care agencies, for a meeting under subparagraph (D) of the Drug Safety Oversight Board.

"(6) USE OF ADVISORY COMMITTEES.—The Secretary may convene a meeting of 1 or more advisory committees of the Food and Drug Administration to—

"(A) review a concern about the safety of a drug or class of drugs, including before an assessment of the risk evaluation and mitigation strategy or strategies of such drug or drugs is required to be submitted under any of subparagraphs (B) through (D) of subsection (g)(2);

"(B) review the risk evaluation and mitigation strategy or strategies of a drug or group of drugs; or

"(C) review a dispute under paragraph (5).

"(7) PROCESS FOR ADDRESSING DRUG CLASS EFFECTS.—

"(A) IN GENERAL.—When a concern about a serious risk of a drug may be related to the pharmacological class of the drug, the Secretary may defer assessments of the approved risk evaluation and mitigation strategies for such drugs until the Secretary has convened 1 or more public meetings to consider possible responses to such concern. If the Secretary defers an assessment under this subparagraph, the Secretary shall give notice to the public of the deferral not later than 5 days of the deferral.

"(B) PUBLIC MEETINGS.—Such public meetings may include—

"(i) 1 or more meetings of the reviewed entities for such drugs;

"(ii) 1 or more meetings of 1 or more advisory committees of the Food and Drug Administration, as provided for under paragraph (6); or

"(iii) 1 or more workshops of scientific experts and other stakeholders.

"(C) ACTION.—After considering the discussions from any meetings under subparagraph (B), the Secretary may—

"(i) announce in the Federal Register a planned regulatory action, including a modification to each risk evaluation and mitigation strategy, for drugs in the pharmacological class;

"(ii) seek public comment about such action; and

"(iii) after seeking such comment, issue an order addressing such regulatory action.

"(8) INTERNATIONAL COORDINATION.—The Secretary may coordinate the timetable for submission of assessments under subsection (d), or a study or clinical trial under section 505(o)(3), with efforts to identify and assess the serious risks of such drug by the marketing authorities of other countries whose drug approval and risk management processes the Secretary deems comparable to the drug approval and risk management processes of the United States. If the Secretary takes action to coordinate such timetable, the Secretary shall give notice to the public of the action not later than 5 days after the action.

"(9) EFFECT.—Use of the processes described in paragraphs (7) and (8) shall not delay action on an application or a supplement to an application for a drug.

"(i) ABBREVIATED NEW DRUG APPLICATIONS.—

"(1) IN GENERAL.—A drug that is the subject of an abbreviated new drug application under section 505(j) is subject to only the following elements of the risk evaluation and mitigation strategy required under subsection (a) for the applicable listed drug:

"(A) A Medication Guide or patient package insert, if required under subsection (e) for the applicable listed drug.

"(B) Restrictions on distribution or use, if required under subsection (f) for the listed drug. A drug that is the subject of an abbreviated new drug application and the listed drug shall use a single, shared system under subsection (f)(4). The Secretary may waive the requirement under the preceding sentence for a drug that is the subject of an abbreviated new drug application if the Secretary determines that—

"(i) it is not practical for the drug to use such single, shared system; or

"(ii) the burden of using the single, shared system outweighs the benefit of using the single system.

"(2) ACTION BY SECRETARY.—For an applicable listed drug for which a drug is approved under section 505(j), the Secretary—

"(A) shall undertake any communication plan to health care providers required under subsection (e)(3) for the applicable listed drug; and

"(B) shall inform the responsible person for the drug that is so approved if the risk evaluation and mitigation strategy for the applicable listed drug is modified.

"(j) DRUG SAFETY OVERSIGHT BOARD.—

"(1) IN GENERAL.—There is established a Drug Safety Oversight Board.

"(2) COMPOSITION; MEETINGS.—The Drug Safety Oversight Board shall—

"(A) be composed of scientists and health care practitioners appointed by the Secretary, each of whom is an employee of the Federal Government;

"(B) include representatives from offices throughout the Food and Drug Administration;

"(C) include at least 1 representative from each of the National Institutes of Health and the Department of Health and Human Services (other than the Food and Drug Administration);

"(D) include such representatives as the Secretary shall designate from other appropriate agencies that wish to provide representatives; and

"(E) meet at least monthly to provide oversight and advice to the Secretary on the management of important drug safety issues.".

(c) REGULATION OF BIOLOGICAL PRODUCTS.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(D) RISK EVALUATION AND MITIGATION STRATEGY.—A person that submits an application for a license under this paragraph is subject to section 505(p) of the Federal Food, Drug, and Cosmetic Act."; and

(2) in subsection (j), by inserting ", including the requirements under section 505(p) of such Act," after ", and Cosmetic Act".

(d) PREREVIEW OF ADVERTISEMENTS.—

(1) SENSE OF CONGRESS.—It is the sense of the Congress that—

(A) "Guidance for Industry Consumer-Directed Broadcast Advertisements" issued by the Food and Drug Administration in August, 1999, represents generally good guidance for direct-to-consumer (DTC) advertising of prescription medicines and other treatments;

(B) direct-to-consumer advertising as an accurate source of health information for all populations, specifically including the elderly populations, children, chronically ill and racial and ethnic minority populations, should be made more reliable by ensuring the truth and credibility of information provided through such advertising; and

(C) the Congress will work with the Food and Drug Administration to ensure that information provided through direct-to-consumer advertising of prescription medicines and other treatments is not false or misleading and communicates clearly and sensitively to all communities.

(2) PREREVIEW.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(A) in section 301 (21 U.S.C. 331), by adding at the end the following:

"(jj) The dissemination of a television advertisement without complying with section 503B."; and

(B) by inserting after section 503A the following:

"SEC. 503B. PREREVIEW OF TELEVISION ADVERTISEMENTS.

"(a) IN GENERAL.—The Secretary may require the submission of any television advertisement for a drug (including any script, story board, rough, or a completed video production of the television advertisement) to the Secretary for review under this section not later than 45 days before dissemination of the television advertisement.

"(b) REVIEW.—In conducting a review of a television advertisement under this section, the Secretary may make recommendations—

"(1) on changes that are—

"(A) necessary to protect the consumer good and well-being; or

"(B) consistent with prescribing information for the product under review; and

"(2) if appropriate and if information exists, on statements for inclusion in the advertisement to address the specific efficacy of the drug as it relates to a specific population group, including elderly populations, children, and racially and ethnically diverse populations.

"(c) NO AUTHORITY TO REQUIRE CHANGES.—This section does not authorize the Secretary to make or direct changes in any material submitted pursuant to subsection (a).

"(d) ELDERLY POPULATIONS, CHILDREN, RACIALLY AND ETHNICALLY DIVERSE COMMUNITIES.—In formulating recommendations under subsection (b), the Secretary shall take into consideration the impact of the advertised drug on elderly populations, children, and racially and ethnically diverse communities.

"(e) SPECIFIC DISCLOSURES.—

"(1) SERIOUS RISK; SAFETY PROTOCOL.—In conducting a review of a television advertisement under this section, if the Secretary determines that the advertisement would be false or misleading without a specific disclosure about a serious risk listed in the labeling of the drug involved, the Secretary may require inclusion of such disclosure in the advertisement.

"(2) DATE OF APPROVAL.—In conducting a review of a television advertisement under this section, the Secretary may require the advertisement to include, for a period not to exceed 2 years from the date of the approval of the drug under section 505, a specific disclosure of such date of approval if the Secretary determines that the advertisement would otherwise be false or misleading.

"(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as having any effect on the authority of the Secretary under section 314.550, 314.640, 601.45, or 601.94 of title 21, Code of Federal Regulations (or successor regulations).".

(3) DIRECT-TO-CONSUMER ADVERTISEMENTS.—

(A) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by adding at the end the following: "In the case of an advertisement for a drug subject to section 503(b)(1) presented directly to consumers in television or radio format and stating the name of the drug and its conditions of use, the major statement relating to side effects and contraindications shall be presented in a clear and conspicuous manner.".

(B) REGULATIONS TO DETERMINE CLEAR AND CONSPICUOUS MANNER.—The Secretary of Health and Human Services shall by regulation establish standards for determining whether a major statement relating to side effects and contraindications of a drug, described in section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) (as amended by subparagraph (A)) is presented in the manner required under such section.

(4) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended—

(A) by redesignating subsection (g) (relating to civil penalties) as subsection (f); and

(B) by adding at the end the following:

"(g)(1) With respect to a person who is a holder of an approved application under section 505 for a drug subject to section 503(b) or under section 351 of the Public Health Service Act, any such person who disseminates a direct-to-consumer advertisement that is false or misleading shall be liable to the United States for a civil penalty in an amount not to exceed $250,000 for the first such violation in any 3-year period, and not to exceed $500,000 for each subsequent violation in any 3-year period. No other civil monetary penalties in this Act (including the civil penalty in section 303(f)(3)) shall apply to a violation regarding direct-to-consumer advertising. For purposes of this paragraph: (A) Repeated dissemination of the same or similar advertisement prior to the receipt of the written notice referred to in paragraph (2) for such advertisements shall be considered one violation. (B) On and after the date of the receipt of such a notice, all violations under this paragraph occurring in a single day shall be considered one violation

"(2) A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after providing written notice to the person to be assessed a civil penalty and an opportunity for a hearing in accordance with this paragraph and section 554 of title 5, United States Code. If upon receipt of the written notice, the person to be assessed a civil penalty objects and requests a hearing, then in the course of any investigation related to such hearing, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation, including information pertaining to the factors described in paragraph (3).

"(3) Upon the request of the person to be assessed a civil penalty under paragraph (1), the Secretary, in determining the amount of the civil penalty, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, including the following factors:

"(A) Whether the person submitted the advertisement or a similar advertisement for review under section 736A.

"(B) Whether the person submitted the advertisement for review if required under section 503B.

"(C) Whether, after submission of the advertisement as described in subparagraph (A) or (B), the person disseminated the advertisement before the end of the 45-day comment period.

"(D) Whether the person incorporated any comments made by the Secretary with regard to the advertisement into the advertisement prior to its dissemination.

"(E) Whether the person ceased distribution of the advertisement upon receipt of the written notice referred to in paragraph (2) for such advertisement.

"(F) Whether the person had the advertisement reviewed by qualified medical, regulatory, and legal reviewers prior to its dissemination.

"(G) Whether the violations were material.

"(H) Whether the person who created the advertisement acted in good faith.

"(I) Whether the person who created the advertisement has been assessed a civil penalty under this provision within the previous 1-year period.

"(J) The scope and extent of any voluntary, subsequent remedial action by the person.

"(K) Such other matters, as justice may require.

"(4)(A) Subject to subparagraph (B), no person shall be required to pay a civil penalty under paragraph (1) if the person submitted the advertisement to the Secretary and disseminated such advertisement after incorporating any comment received from the Secretary other than a recommendation subject to subsection 503B(c).

"(B) The Secretary may retract or modify any prior comments the Secretary has provided to an advertisement submitted to the Secretary based on new information or changed circumstances, so long as the Secretary provides written notice to the person of the new views of the Secretary on the advertisement and provides a reasonable time for modification or correction of the advertisement prior to seeking any civil penalty under paragraph (1).

"(5) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which may be assessed under paragraph (1). The amount of such penalty, when finally determined, or the amount charged upon in compromise, may be deducted from any sums owed by the United States to the person charged.

"(6) Any person who requested, in accordance with paragraph (2), a hearing with respect to the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty, may file a petition for de novo judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessments was issued.

"(7) On an annual basis, the Secretary shall report to the Congress on direct-to-consumer advertising and its ability to communicate to subsets of the general population, including elderly populations, children, and racial and ethnic minority communities. The Secretary shall establish a permanent advisory committee to advise the Secretary with respect to such report. The membership of the advisory committee shall consist of nationally recognized medical, advertising, and communications experts, including experts representing subsets of the general population. The members of the advisory committee shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code. The advisory committee shall study direct-to-consumer advertising as it relates to increased access to health information and decreased health disparities for these populations. The annual report required by this paragraph shall recommend effective ways to present and disseminate information to these populations. Such report shall also make recommendations regarding impediments to the participation of elderly populations, children, racially and ethnically diverse communities, and medically underserved populations in clinical drug trials and shall recommend best practice approaches for increasing the inclusion of such subsets of the general population. The Secretary shall submit the first annual report under this paragraph to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 18 months after the advisory committee has been convened by the Secretary.

"(8) If any person fails to pay an assessment of a civil penalty under paragraph (1)—

"(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (6), or

"(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Secretary,

the Attorney General of the United States shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (6) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(e) RULE OF CONSTRUCTION REGARDING PEDIATRIC STUDIES.—This title and the amendments made by this title may not be construed as affecting the authority of the Secretary of Health and Human Services to request pediatric studies under section 505A of the Federal Food, Drug, and Cosmetic Act or to require such studies under section 505B of such Act.

SEC. 902. ENFORCEMENT.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(y) If it is a drug subject to an approved risk evaluation and mitigation strategy pursuant to section 505(p) and the person responsible for complying with the strategy fails to comply with a requirement of such strategy provided for under subsection (d), (e), or (f) of section 505-1.

"(z) If it is a drug, and the responsible person (as such term is used in section 505(o)) is in violation of a requirement established under paragraph (3) (relating to postmarket studies and clinical trials) or paragraph (4) (relating to labeling) of section 505(o) with respect to such drug.".

(b) CIVIL PENALTIES.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act, as redesignated by section 901(d)(4), is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(2) by inserting after paragraph (2) the following:

"(3) Any applicant (as such term is used in section 505-1) who violates a requirement of section 505(o), section 505(p), or section 505-1 shall be subject to a civil monetary penalty of—

"(A) not more than $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding; or

"(B) in the case of a violation that continues after the Secretary provides notice of such violation to the applicant, not more than $10,000,000 per violation, and not to exceed $50,000,000 for all such violations adjudicated in a single proceeding.

If a violation referred to in subparagraph (A) or (B) is continuing in nature and poses a substantial threat to the public health, the Secretary may impose a civil penalty not to exceed $1,000,000 per day during such time period such person is in violation.";

(3) in paragraph (2)(C), by striking "paragraph (3)(A)" and inserting "paragraph (4)(A)";

(4) in paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), or (3)"; and

(5) in paragraph (6), as so redesignated, by striking "paragraph (4)" each place it appears and inserting "paragraph (5)".

SEC. 903. NO EFFECT ON WITHDRAWAL OR SUSPENSION OF APPROVAL.

Section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) is amended by adding at the end the following: "The Secretary may withdraw the approval of an application submitted under this section, or suspend the approval of such an application, as provided under this subsection, without first ordering the applicant to submit an assessment of the approved risk evaluation and mitigation strategy for the drug under section 505-1(g)(2)(D).".

SEC. 904. BENEFIT-RISK ASSESSMENTS.

Not later than 1 year after the date of the enactment of this Act, the Commissioner of Food and Drugs shall submit to the Congress a report on how best to communicate to the public the risks and benefits of new drugs and the role of the risk evaluation and mitigation strategy in assessing such risks and benefits. As part of such study, the Commissioner shall consider the possibility of including in the labeling and any direct-to-consumer advertisements of a newly approved drug or indication a unique symbol indicating the newly approved status of the drug or indication for a period after approval.

SEC. 905. POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM FOR ACTIVE SURVEILLANCE AND ASSESSMENT.

(a) FINDINGS.—Congress finds the following:

(1) It is in the best interests of healthcare providers and patients that a postmarketing surveillance system be developed that will enable active surveillance of disparate sources of data to identify signals of unexpected adverse events and trends in the frequency of known adverse events, to provide data on the outcomes of off label uses, and to enable identification of safety issues earlier than can be done today.

(2) Such a system can best be developed through public private partnerships to develop methods and tools for conducting surveillance using electronic databases that currently contain data on millions of patient encounters and are expected to grow significantly in the next decade, as well as electronic databases that contain millions of medical product purchases, health care claims, and similar information relevant to product use, efficacy, and safety.

(3) Therefore, this section directs the Secretary of Health and Human Services to enter into such public private partnerships as are necessary to develop such a surveillance system and the tools and methods necessary to conduct active surveillance using the system.

(b) DEVELOPMENT OF THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.—Subsection (k) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(3) The Secretary shall establish public private partnerships to develop tools and methods to enable the Secretary and others to use available electronic databases to create a robust surveillance system that will support active surveillance on important drug safety questions including detecting and assessing drug safety signals; monitoring the frequency of known adverse events; and evaluating the outcomes of off label uses. Such surveillance shall provide for adverse event surveillance using the following data sources:

"(A) Federal health-related electronic data (such as data from the Medicare program and the health systems of the Department of Veterans Affairs).

"(B) Private sector health-related electronic data (such as pharmaceutical purchase data and health insurance claims data).

"(C) Other information as the Secretary deems useful to create a robust system to identify and assess adverse events and potential drug safety signals and to evaluate the extent and outcomes of off label uses of drugs.

"(4) Not later than 1 year after the date of the enactment of this paragraph, the Secretary, in consultation with experts including individuals who are recognized in the field of data privacy and security, shall develop methods for integrating and analyzing safety data from multiple sources and mechanisms for obtaining access to such data. Such methods and mechanisms shall not compromise the protection of individually identifiable health information.

"(5) Not later than 2 years after the date of the enactment of this paragraph, the Secretary shall have entered into partnerships that will allow the analysis of available data from the various data sources using the standards and methods to identify drug safety signals and trends. Such analysis shall not disclose individually identifiable health information when presenting such drug safety signals and trends or when responding to inquiries regarding such drug safety signals and trends.

"(6) Not later than 4 years after the date of the enactment of this paragraph, the Secretary shall report to the Congress on the ways in which the Secretary has used the surveillance system described in this subsection to identify specific drug safety signals and to better understand the outcomes associated with drugs marketed in the United States.

"(7) Disclosure of individually identifiable information is prohibited in the surveillance system described in this subsection. Nothing in this subsection prohibits lawful disclosure of such information for other purposes.

"(8) Nothing in this subsection shall be construed as limiting public health activities authorized under law.".

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out activities under the amendment made by subsection (b) for which funds are made available under section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), there are authorized to be appropriated, in addition to such funds, $25,000,000 for each of fiscal years 2008 through 2012.

(d) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall evaluate data confidentiality and security issues relating to collection, transmission, and maintenance of data for the surveillance system developed pursuant to this section, and make recommendations to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and any other congressional committees of relevant jurisdiction, regarding the need for any additional legislative or regulatory actions to ensure confidentiality and security of this data or otherwise address confidentiality and security issues to ensure the effective operation of the surveillance system.

SEC. 907. STATEMENT FOR INCLUSION IN DIRECT-TO-CONSUMER ADVERTISEMENTS OF DRUGS.

Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352), as amended by section 901(d)(3), is further amended by striking "of this Act, except that" and inserting "of this Act, and in the case of any direct-to-consumer advertisement the following statement: 'You are encouraged to report adverse effects of prescription drug medication to the FDA. Log onto www.fda.gov/medwatch or call 1-800-FDA-1088.', except that".

SEC. 908. CLINICAL TRIAL GUIDANCE FOR ANTIBIOTIC DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

"SEC. 511. CLINICAL TRIAL GUIDANCE FOR ANTIBIOTIC DRUGS.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Commissioner of Food and Drugs, shall issue guidance for the conduct of clinical trials with respect to antibiotic drugs, including antimicrobials to treat acute bacterial sinusitis, acute bacterial otitis media, and acute bacterial exacerbation of chronic bronchitis. Such guidelines shall indicate the appropriate animal models of infection, in vitro techniques, and valid microbiologic surrogate markers.

"(b) REVIEW.—Not later than 5 years after the date of enactment of this section, the Secretary, acting through the Commissioner of Food and Drugs, shall review and update the guidance described under subsection (a) to reflect developments in scientific and medical information and technology.".

SEC. 909. PROHIBITION AGAINST FOOD TO WHICH DRUGS OR BIOLOGICAL PRODUCTS HAVE BEEN ADDED.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 901(d)(2)(A), is amended by adding at the end the following:

"(kk) The introduction or delivery for introduction into interstate commerce of any food to which has been added—

"(1) a drug approved under section 505,

"(2) a biological product licensed under section 351 of the Public Health Service Act, or

"(3) a drug or biological product for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public,

unless such drug or biological product was marketed in food before any approval of the drug under section 505 of this Act, before licensure of the biological product under section 351 of the Public Health Service Act, and before any substantial clinical investigations involving the drug or biological product have been instituted, or unless the Secretary, in the Secretary's discretion, has issued a regulation, after notice and comment, approving the addition of such drug or biological product to the food.".

SEC. 910. ASSURING PHARMACEUTICAL SAFETY.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following:

"SEC. 505C. PHARMACEUTICAL SECURITY.

"(a) IN GENERAL.—The Secretary shall develop standards and identify and validate effective technologies for the purpose of securing the prescription drug distribution system against counterfeit, diverted, subpotent, substandard, adulterated, misbranded, or expired drugs.

"(b) STANDARDS DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary shall, in consultation with the agencies specified in paragraph (3), prioritize and develop standards for the identification, validation, authentication, and tracking of prescription drugs.

"(2) PROMISING TECHNOLOGIES.—The standards developed under this subsection shall address promising technologies, including—

"(A) radio frequency identification technology;

"(B) nanotechnology;

"(C) encryption technologies; and

"(D) other track-and-trace technologies.

"(3) INTERAGENCY COLLABORATION.—In carrying out this subsection, the Secretary shall consult with Federal health and security agencies, including—

"(A) the Administrator of the Drug Enforcement Administration;

"(B) the Secretary of the Department of Homeland Security;

"(C) the Secretary of Commerce; and

"(D) other appropriate Federal and State agencies.

"(c) INSPECTION AND ENFORCEMENT.—

"(1) IN GENERAL.—The Secretary shall expand and enhance the resources and facilities of the Office of Regulatory Affairs of the Food and Drug Administration to protect the prescription drug distribution system against counterfeit, diverted, subpotent, substandard, adulterated, misbranded, or expired drugs.

"(2) ACTIVITIES.—The Secretary shall undertake enhanced and joint enforcement activities with other Federal agencies and State officials, and establish regional capacities for the validation of prescription drugs and the inspection of the prescription drug distribution system.

"(d) DEFINITION.—In this section, the term 'prescription drug' means a drug subject to section 503(b)(1).".

SEC. 911. ORPHAN ANTIBIOTIC DRUGS.

(a) PUBLIC MEETING.—The Commissioner of Food and Drugs shall convene a public meeting regarding which serious and life threatening infectious diseases, such as diseases due to gram-negative bacteria and other diseases due to antibiotic-resistant bacteria, potentially qualify for available grants and contracts under section 5(a) of the Orphan Drug Act (21 U.S.C. 360ee(a)) or other incentives for development.

(b) GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

"(c) For grants and contracts under subsection (a), there is authorized to be appropriated $30,000,000 for each of fiscal years 2008 through 2012.".

SEC. 912. CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 901(a), is amended by adding at the end the following:

"(q) PETITIONS AND CIVIL ACTIONS REGARDING APPROVAL OF CERTAIN APPLICATIONS.—

"(1) IN GENERAL.—With respect to a pending application under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, the following applies, subject to paragraph (5):

"(A) The Secretary may not, on the basis of the petition, delay approval of the application unless the Secretary determines that a delay is necessary to protect the public health and provides the applicant with a written explanation of the reasons for the delay. Consideration of a petition shall be separate and apart from the review and approval of the application.

"(B) The Secretary shall take final agency action on the petition not later than 180 days after the date on which the petition is submitted. The Secretary shall not extend such period, even with the consent of the petitioner, for any reason, including based upon the submission of comments relating to the petition or supplemental information supplied by the petitioner.

"(C) If the Secretary determines that the petition was submitted with the primary purpose of delaying approval of a drug under subsection (b)(2) or (j), the Secretary may deny the petition at any point.

"(D) If the filing of the application resulted in first-applicant status under subsection (j)(5)(D)(i)(IV), the 30-month period under such subsection is deemed to be extended by a period of time equal to the period beginning on the date on which the Secretary received the petition and ending on the date of final agency action on the petition (inclusive of such beginning and ending dates), without regard to whether the Secretary grants, in whole or in part, or denies, in whole or in part, the petition.

"(E) The Secretary may not consider the petition for review unless it is signed and contains the following certification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) I have taken reasonable steps to ensure that any representative data and/or information which are unfavorable to the petition were disclosed to me. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is submitted on or about the following date: __________________. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: ________________________. I verify under penalty of perjury that the foregoing is true and correct.'.

"(2) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

"(A) FINAL AGENCY ACTION WITHIN 180 DAYS.—The Secretary shall be considered to have taken final agency action on a petition referred to in paragraph (1) if—

"(i) during the 180-day period referred to in subparagraph (B) of such paragraph, the Secretary makes a final decision within the meaning of section 10.45(d) of title 21, Code of Federal Regulations (or any successor regulation); or

"(ii) such period expires without the Secretary having made such a final decision.

"(B) DISMISSAL OF CERTAIN CIVIL ACTIONS.—If a civil action is filed with respect to any issue raised in a petition under paragraph (1) before the Secretary has taken final agency action on the petition within the meaning of subparagraph (A), the court shall dismiss the action for failure to exhaust administrative remedies.

"(3) APPLICABILITY OF CERTAIN REGULATIONS.—The provisions of this section are in addition to the requirements for the submission of a petition to the Secretary that apply under section 10.30 or 10.35 of title 21, Code of Federal Regulations (or any successor regulations).

"(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITIONS.—The Secretary shall annually submit to the Congress a report that specifies—

"(A) the number of applications under subsections (b)(2) and (j) that were approved during the preceding 12-month period;

"(B) the number of such applications whose effective dates were delayed by petitions referred to in paragraph (1) during such period; and

"(C) the number of days by which the applications were so delayed.

"(5) EXCEPTIONS.—This subsection does not apply to—

"(A) a petition that relates solely to the timing of the approval of an application pursuant to subsection (j)(5)(B)(iv); or

"(B) a petition that is made by the sponsor of an application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

"(6) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request to the Secretary for an action described in paragraph (1), without regard to whether the request is characterized as a petition.".

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to encourage the early submission of petitions under section 505(q), as added by subsection (a).

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—For carrying out this title and the amendments made by this title, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2012.

(b) Relation to Other Funding.—The authorization of appropriations under subsection (a) is in addition to any other funds available for carrying out this title and the amendments made by this title.

SEC. 914. EFFECTIVE DATE AND APPLICABILITY.

(a) Effective Date.—This title takes effect 180 days after the date of the enactment of this Act.

(b) Drugs Deemed to Have Risk Evaluation and Mitigation Strategies.—

(1) In general.—A drug that was approved before the effective date of this Act is, in accordance with paragraph (2), deemed to have in effect an approved risk evaluation and mitigation strategy under section 505–1 of the Federal Food, Drug, and Cosmetic Act (as added by section 901 of this title) (referred to in this section as the "Act") if there are in effect on the effective date of this Act restrictions on distribution or use—

(A) required under section 314.520 or section 601.42 of title 21, Code of Federal Regulations; or

(B) otherwise agreed to by the applicant and the Secretary for such drug.

(2) Elements of strategy; enforcement.—The approved risk evaluation and mitigation strategy in effect for a drug under paragraph (1)—

(A) is deemed to consist of the elements described in paragraphs (1) and (2) of section 505–1(d) of the Act and any additional elements under subsections (d) and (e) of such section in effect for such drug on the effective date of this Act; and

(B) is subject to enforcement by the Secretary to the same extent as any other risk evaluation and mitigation strategy under section 505–1 of the Act.

(3) Submission.—Not later than 180 days after the effective date of this Act, the holder of an approved application for which a risk evaluation and mitigation strategy is deemed to be in effect under paragraph (1) shall submit to the Secretary a proposed risk evaluation and mitigation strategy. Such proposed strategy is subject to section 505–1 of the Act as if included in such application at the time of submission of the application to the Secretary.

(c) Other Drugs Approved Before the Effective Date.—The Secretary, on a case-by-case basis, may require the holder of an application approved before the effective date of this Act to which subsection (b) does not apply to submit a proposed risk evaluation and mitigation strategy in accordance with the timeframes provided for in subparagraphs (C) through (D) of section 505–1(g)(2) of the Act if the Secretary determines (with respect to such drug or with respect to the group of drugs to which such drug belongs) that—

(1) an element described under section 505–1(d)(1) of the Act may require modification; or

(2) a standard for adding an element described in subsection (e) or (d) of section 505–1 of the Act that is not in effect with respect to such drug or class of drugs may apply.

(d) Use of Advisory Committees; Process for Addressing Drug Class Effects.—In imposing a requirement under subsection (c), the Secretary—

(1) may convene a meeting of 1 or more advisory committees of the Food and Drug Administration in accordance with paragraph (6) of section 505–1(h) of the Act; and

(2) may use the process described in paragraph (7) of such section 505–1(h) (relating to addressing drug class effects).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

I rise to express my strong support for H.R. 2900, the Food and Drug Administration Amendments Act of 2007.

This is significant legislation, and in the best traditions of the Committee on Energy and Commerce, it is bipartisan. I want to thank and commend my Republican colleagues for their assistance in bringing this bill to the floor, and I want to commend all of the members of the committee for their hard work, which was done in an extraordinarily friendly and proper fashion on the legislation.

I rise to inform my colleagues that the bill text before the House today contains three useful changes in the bill that was reported by the committee.

There is a section on citizen petitions that is designed to prevent or minimize delays to the introduction of generic drugs. In addition to good public policy, it also reduces Federal expenditures and completely offsets the costs of H.R. 2900 so that the bill we consider today meets applicable budget pay-as-you-go standards.

The other changes are two clarifications. One, that the Secretary is not authorized to order changes in the marketing plans or product sponsors; and two, that PDUFA fees can be used to carry out the bill's postmarket safety activities under the risk evaluation and mitigation strategies authorized by the bill, known as REMS.

H.R. 2900 has nine distinct titles. Title I reauthorizes the Prescription Drug User Fee Act, a very successful piece of legislation. It significantly boosts resources to have new drugs or biological products reviewed through a thorough yet timely and careful manner, and gives greater attention and resources to postmarket drug safety activities.

Title II reauthorizes the Medical Device User Fee and Modernization Act, providing increased user fee resources for review of medical devices. The fee structure is broadened to both stabilize revenue and decrease the cost of application fees.

Title III is the Pediatric Medical Device Safety and Improvement Act of 2007. This will foster development of medical devices for use by children. It fills an important gap in therapies for one of our most vulnerable and important patient groups who are, after all, the future of the country. I commend my colleagues, Mr. MARKEY and Mr. ROGERS, for their fine efforts in this title.

Titles IV and V address the need for drugs that are tested and labeled for use by children.

Title IV reauthorizes the Pediatric Research Equity Act. This title will provide FDA permanent authority to test and label drugs for pediatric patients.

Title V reauthorizes the Best Pharmaceuticals for Children Act, providing incentive for testing and labeling drugs for pediatric patients. Together, these two pediatric drug programs provide for the method to achieve an important common purpose, better therapies for our children.

I want to recognize the efforts of our dear friend, Representative ESHOO, on both of these titles.

Titles VI, VII, VIII and IX represent the drug safety component of the bill.

Title VI establishes the Reagan-Udall Foundation for the Food and Drug Administration. This will foster public-private partnerships for the purposes of advancing FDA's mission to modernize product development, accelerate innovation, and enhance product safety. Our good friends and colleagues, Mr. ENGEL and Ms. GIFFORDS, are to be commended for their work on this title.

Title VII addresses concerns about conflicts of interest amongst those who serve on the expert advisory panels that play a crucial role in FDA's work. Title VII establishes a clinical trials registry and database. This title will expand the amount of information available to patients, scientists and other stakeholders regarding clinical tests.

Finally, title IX represents a major enhancement of the safety in the drug program of this country through an active postmarket surveillance program with the goal of reducing the likelihood of another Vioxx situation and the reported aftereffects which went unheard. Congressmen MARKEY and WAXMAN made important contributions in this matter.

I wish also to thank my friend, the committee's ranking member, Mr. BARTON, and the ranking member of the Subcommittee on Health, Mr. DEAL. They worked with us throughout this process and brought forth good suggestions that make this a better bill. For that I commend them, and for their hard work I thank them.

Finally, I wish to recognize the outstanding work of the chairman of the Subcommittee on Health, Mr. PALLONE. His firm and steady hand and hard work brought forth a strong bill out of the subcommittee, and the House should applaud his extraordinary leadership.

Mr. Speaker, this legislation strikes proper balance between new drug safety regulations and measures and ensuring consumers have the access to innovative prescription pharmaceuticals without undue delay.

I urge my colleagues to support H.R. 2900 and ask for a favorable vote on this legislation.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that I be permitted to yield the remainder of my time on this matter to the distinguished gentleman from New Jersey (Mr. PALLONE), the subcommittee chairman, and that he be permitted to control the time. He will do a splendid job.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Before he leaves, I want to thank Chairman DINGELL for his willingness to work with the minority side on this. We had a lot of give-and-take, both at the staff level and certainly at the subcommittee level and the full committee level, and for that I am grateful.

I think this is a good piece of legislation, and I think it was improved by the work of the staff, both on the majority and the minority side, and I think it was improved by the committee process as we worked this bill through committee.

I am pleased to support H.R. 2900, and this bill, of course, will improve the drug and medical device safety approval by the FDA.

Over the past several weeks, members of the Energy and Commerce Committee, both Republican and Democrat, have come together to hammer out a bill that will ensure that the American people can rely on the decisions made by the Food and Drug Administration, that their drugs are safe, and that regulatory requirements don't overly infringe on innovation or sound clinical practice of medicine.

H.R. 2900 will achieve several goals, such as providing additional resources to the Food and Drug Administration to improve premarket drug and device approval, create new postmarket surveillance authorities, enhance clinical trial transparency and data mining, and ensure the adequacy of pediatric studies for drugs and devices.

I would like to thank, again, Chairman DINGELL and Chairman PALLONE for working with our Republican staff to improve this legislation before we convened the markup, and of course during the process of the markup, again, both at the subcommittee and at the full committee level.

I'm pleased that we were able to modify the Direct to Consumer Advertising provision to protect this bill from a constitutional challenge, Mr. Speaker, and in a manner relying on the existing Food and Drug Administration regulatory standards.

In regard to pediatric exclusivity, the committee was able to find a workable standard as opposed to the original proposal that would have required the Food and Drug Administration accountants to post a lot of overtime in their jobs.

I'm also pleased with regard to one of my concerns about how the new postmarket surveillance regime would impact the independent practice of medicine. I'm pleased that Mr. WAXMAN, Mr. PALLONE and DINGELL and their staffs worked with me to improve the language relating to the restrictions on distribution and use pursuant to elements of a drug's risk evaluation and mitigation strategy. Certainly, Mr. Speaker, it was not the intent, or I did not feel it was the intent of our legislation to be circumventing clinical judgment of trained and experienced practitioners. The original language threatened clinical decision making that is both lawful and based on scientific evidence and sound medical opinion, but I'm pleased that it has been tempered by the concerns that I raised to the above-mentioned gentlemen.

One issue that I hope we will continue to work on as this bill moves toward conference committee relates to the provision on conflicts of interest.

The Food and Drug Administration advisory panel serves a vital science function when it comes to the approval of drugs and devices.

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I believe that we should strive to weed out any conflicts of interest for those that serve on these panels.

But in reality, Mr. Speaker, that is easier said than done. The standard established in this bill, limiting panels to one waiver for a conflict of interest, could severely impair the Food and Drug Administration's advisory panel process, especially for panels convened to review drugs or devices targeted at very small patient populations, such as those with very rare diseases. For drugs or devices that would fall into these categories, it can be extremely difficult to find sound scientific experts. This irrational standard will only make it harder to perform that function. Moving forward, I hope we can find and strike the acceptable balance.

It has already been shown that our collaboration on this endeavor has produced better legislation. I hope we continue that as the process moves forward.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. I am extremely proud to say that the bill before us is a product of a bipartisan effort to ensure that the Food and Drug Administration has the authority and resources it needs to ensure that American consumers have timely access to safe and effective prescription drugs and medical devices.

This bill accomplishes a number of important goals. First and foremost, the legislation will empower the FDA to protect patients from potentially harmful prescription drugs. Over the past few years, it has become clear that consumers have been placed in harm's way due to the failing of our current drug safety system. The legislation we are passing today will lay the groundwork for restoring public confidence in the FDA by giving it the tools it needs to safeguard the public health.

There are many other significant measures included in the bill before us, such as the reauthorization of two important user-fee programs that will provide the FDA with the financial resources it needs to approve applications for new drugs and devices to be marketed. In addition to new funding for the pre-market review activities of FDA, this bill includes a substantial amount of new funding for post-market safety activities.

The bill will also reauthorize two important programs that will help encourage drug makers to conduct research into the appropriate use of prescription drugs in pediatric populations. Similarly, we are providing new incentives to device manufacturers to develop products that are specifically designed for use in children. Finally, this bill establishes the Reagan-Udall Foundation, which will help build public-private partnerships designed to advance the mission of the FDA.

I would like to thank all the Members who devoted so many hours and days to developing this bill. Specifically, I would like to thank Chairman DINGELL, Ranking Member BARTON, Mr. DEAL, Mr. WAXMAN, Mr. MARKEY, Ms. ESHOO, Mr. ROGERS and Dr. BURGESS, as well, all of them, for their hard work and devoted staff, as well, because of all the support that the staff did in their efforts in making this bill possible.

In closing, I would just like to reiterate that this bill has strong bipartisan support as well as support from the pharmaceutical and medical device industries and a number of consumer advocacy organizations. Few times in the past do I recall that we have achieved such a wide-ranging consensus on a bill of this size or importance. I strongly urge my colleagues to support its passage.

Mr. BURGESS. Mr. Speaker, I am expecting additional speakers, but at present, I will reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in support of this legislation. It is becoming increasingly clear that FDA needs more of two things; it needs more resources and more authority. This is particularly true in the area of post-market drug safety. We are all familiar with the series of high profile drug safety problems with drugs like Vioxx and Avandia. It is no secret that FDA's ability to protect the safety of our drugs is in serious jeopardy. H.R. 2900 makes significant strides in getting FDA both the authorities and resources to improve its oversight of drug safety.

I am pleased this bill incorporates many of the provisions in a bill that I introduced with Representative MARKEY called the Enhancing Drug Safety and Innovation Act of 2007. Our bill incorporates many of the recommendations of a high-profile study by the Institute of Medicine. For example, it will give the FDA the ability to require post-market studies and labeling changes, as well as the ability to impose significant civil monetary penalties to ensure that these things get done in an appropriate and timely way.

Another section of the bill would establish mandatory clinical trial registry and results databases. This would bring much-needed transparency to the clinical trials conducted on our fellow citizens and will prevent drug and device companies from hiding negative trial results that cast their products in a negative light.

I do regret that one of the most important recommendations made by the IOM was stripped from the committee-reported bill: that Congress give FDA the authority to restrict direct-to-consumer advertising of new drugs with unknown safety risks. If a new drug is heavily marketed as a result of direct-to-consumer ads and a serious risk does emerge, many people will have been unnecessarily exposed to that risk.

Similarly, I regret H.R. 2900 does not contain a provision to appropriately tailor the period of exclusivity that blockbuster drugs receive in exchange for conducting pediatric trials under the Best Pharmaceuticals for Children Act. We all share the goal of ensuring that our children get the same benefit from FDA approved drugs and all medical devices, as do adults. But we must make sure that the American consumers are not paying an unjustified price tag for those tests.

Nevertheless, the bill as a whole makes significant contributions to the work of the FDA and deserves our support. I do want to emphasize that the FDA will need a significant influx of resources to do what we are asking them to do in this bill. Although H.R. 2900 gives FDA the enhanced ability to dedicate user fee dollars to these activities, it will be critical for Congress to come forward with additional appropriated dollars. We simply have got to get FDA the funds it needs to do their job well.

Every day, Americans rely on FDA to protect them from dangerous medicines and devices. Today, we have the opportunity to take a critically important step toward ensuring that FDA can fulfill this mission.

Mr. Speaker, I encourage Members to support the bill.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Pennsylvania (Mr. MURPHY), a member of the committee.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank the gentleman. I am here to speak on behalf of this bill and my support for it.

Under the Medical Device User Fee Modernization Act reprocessed or reused medical devices are brought under the regulation of the FDA.

Now, there is a problem with reusing medical devices sometimes, and that is these devices were designed for optimal performance and safety under their intended conditions of use, not necessarily designed for their ease of cleaning or even secondary use, which make it extremely difficult to effectively clean and resterilize. Reusing medical devices can compromise their safety and performance and even destroy some of these devices. This can also lead to deadly hospital-acquired or nosocomial infections.

At least half, half, of all cases of nosocomial infections are associated with medical devices. Let me give some examples of the rates of infection from these devices: 23 percent of peritoneal dialysis catheters; 7 percent of pacemakers; 7.2 percent of implantable cardioverter defibrillators; up to 50 percent of ventricular assist devices; and 30 percent of bladder catheters, just to name a few.

I would like to thank Chairman DINGELL and Ranking Member BARTON as well as Chairman PALLONE and Ranking Member DEAL for working with me to include language in the Medical Device User Fee amendments of H.R. 2900, the Food and Drug Administration Act of 2007, for a study on the causes of these infections, from reprocessed single-use devices; from handling of sterilized medical devices; from in-hospital sterilization of medical devices; from health care professionals' practices for patient examination and treatment; hospital-based policies and procedures for patient examination and treatment; hospital-based policies and procedures for infection control and prevention; and hospital-based practices for handling medical waste and other relevant hospital practices.

Let me explain why and what this means in terms of real lives and dollars. A CDC report from a couple of years ago said that learning to prevent these infections has the potential to save over 90,000 lives and $50 billion annually, according to the CDC. A more recent report just came out and said perhaps we are up to even 119,000 lives a year.

Health care providers should work with medical device companies to provide patients with information if a medical device has been reused. Patients have the right to know whether or not a medical device designed for single use has already been used in another patient before a device is used on them and what can be done and what was done in terms of sterilization and cleaning that equipment. Otherwise, patients will be exposed to an unnecessary risk for hospital-acquired infections and medical device failures.

This study has the potential to save thousands of lives and billions of dollars. Eliminating infections from medical devices will move us towards a safer patient-centered health care system that promotes patient choice, patient safety and patient quality.

We all know that physicians and nurses and hospital personnel are all dedicated to providing the best health care possible. We also know when hospitals have worked together to eliminate infections, indeed, that is what they do. The VA Hospital in Pittsburgh and a number of hospitals in the Pittsburgh area that I am familiar with and worked with have indeed brought some post-surgical infection rates down to zero. And there have been occasional lapses in these throughout the nation where post-surgical infections or infections associated with medical devices have been unnecessarily high.

We can prevent these infections. We can save lives. We could save not only the Federal Government, but other insurance companies, billions of dollars, and I look forward to passing this bill.

Mr. PALLONE. Mr. Speaker, I would ask unanimous consent that the gentleman from New York (Mr. HINCHEY) be given 5 minutes time in addition to what we have already allocated to speak in opposition to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HINCHEY. Mr. Speaker, I very much appreciate the kindness of my friend and colleague from New Jersey for providing me with this time.

Mr. Speaker, I am a member of the Appropriations Committee and the subcommittee which has oversight over the Food and Drug Administration, so over the course of a number of years now, I have been deeply engaged in this issue.

I am glad that the FDA Amendments Act that we are discussing here this evening addresses a number of the problems that we have confronted over the course of the last number of years. These problems include giving the agency enhanced authority on post-market drug safety and developing a strengthened system for oversight of direct-to-consumer advertising. That is a very good move in the right direction.

However, I am deeply disappointed that this bill neglects to sufficiently address a number of other major issues that are jeopardizing the trustworthiness of the Food and Drug Administration, the agency that is supposed to represent the gold standard for consumer protection in America.

First, the FDA Amendments Act reauthorizes the Prescription Drug User Fee Act through which drug companies provide funding to the FDA for its drug safety approval and oversight activities. So, in other words, what we have is the regulated industry paying money to the agency that judges the worthiness of the industry's products and how they put those products on the market. To make matters worse, before each reauthorization of the Prescription Drug User Fee Act, the FDA sits down with representatives from this industry to negotiate out performance standards that the agency will achieve in return for those funds.

In fact, representatives from the FDA met 112 times with representatives from the big pharmaceutical industry before the agency sent their recommendations with regard to this bill to Capitol Hill. Meanwhile, the FDA only met five times with other groups, groups like consumers, medical professionals and advocates; only five times with groups like that to hear their perspective on reauthorization of the Prescription Drug User Fee Act.

The FDA is in bed with the drug companies, and put simply, the FDA Amendments Act does not sufficiently sever this inappropriate relationship between the agency and the regulated industry.

Under this bill, the FDA will continue to collect funding from a regulated industry and will continue to meet industry standards and put those standards above everyone else's interest.

Second, the FDA Amendment Act does not sufficiently address financial conflict of interest among members of agency advisory committees.

□ 1715

These committees exist to provide the agency with unbiased scientific advice on controversial issues, and such advice can easily be tainted by these conflicts; and we have seen numerous examples of how it has been.

Many of my colleagues will remember voting to end such conflicts during our consideration of the fiscal year 2006 Agricultural appropriations bill. Since that time, the FDA has come forward with a new policy of its own that would stop those members with over $5,000 worth of inappropriate financial holdings from even participating on advisory committees and stop all conflicted members from voting on the committees regardless of the size of that conflict.

Unfortunately, the FDA Amendment Act does not continue the movement for change that has been espoused by both the House and now internally by the FDA. Instead, this legislation would enable the agency to continue to waive conflicted members on to advisory committees. There is simply no need for this policy to continue.

Finally, this legislation does nothing to keep the FDA from its current misinformed policy of preempting State law on drug policy.

The Bush FDA's relentless arguments in favor of preemption robs consumers of recourse from injury and issues drug companies a free pass from accountability.

As we have seen from recent flu vaccine crises, revelations of conflicts of interest, and failures of post-market drugs such as Vioxx, the FDA is clearly not a perfect agency.

At the same time, drug companies are not sufficiently forthcoming about side effects related to their products. It is illogical for the Federal Government to close the door on a method of recourse for Americans who have been affected by these imperfections. In a world in which drug companies are not fully clear about the safety of their drugs, and the FDA is not sufficiently on the side of consumers, the role of the State courts in protecting Americans is more important than ever.

I am very disappointed in these provisions, and I think that they all should be considered carefully in the examination of this legislation.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Number one, my understanding is as we took this bill through the subcommittee and committee that we accepted legislative language on an amendment that would provide for a reverse trigger so that if the gentleman and other appropriators want to provide more money for the evaluation of new drugs and devices, the actual contribution from the user fees will decrease. After all, it was a Democratic Congress in 1992 that began the first Prescription Drug User Fee Act, and the reason for that legislation was because it simply took too long to get drugs and devices through the regulatory maze. And as a consequence, practicing physicians such as myself were denied access to life-saving medications for their patients. So the Democrats in the early 1990s improved the process by adding the prescription drug user fees, but we would all be happy with the appropriators if they would step up to the plate and appropriate the correct amount of money.

Additionally, let me just point out that consumer groups and patient groups actually are going to be involved in the negotiations for the next prescription drug user fee authorization. That is language that was brought to us, I don't remember by which side, but it was an amendment that was accepted by the full committee. So, Mr. Speaker, although there are concerns expressed by the gentleman who just spoke, the reality is many of those things were actually addressed through the committee and subcommittee process.

I will speak a little further on the conflicts issue as I do my closing remarks on this bill, but Mr. WAXMAN so eloquently spoke about how unfortunate it was we stripped out an Institute of Medicine recommendation in his previous remarks. The reality is that the Institute of Medicine recommended that waivers be available for up to 40 percent of FDA panels. Those are the individuals who are the exerts and who understand what these compounds can and cannot do.

Mr. Speaker, I recognized throughout the committee process that I had a responsibility as the only member on the committee on either side who had ever picked up a pen and written a prescription for a patient, who had ever sat down face to face with a patient and talked about benefits and potential risks from medications, and who had ever talked to a patient about the cost of their medication.

I think this legislation was well crafted and well worked up between both sides as we went through the committee process.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, first let me thank the chairman of the subcommittee, the gentleman from New Jersey (Mr. PALLONE), for yielding me this time and thank him for his leadership as chairman of the Health Subcommittee.

Mr. Speaker, the subject of public health remains a top priority for rural America, including my home district of eastern North Carolina, the First Congressional District. Health has been an issue that has not always included the topic of disparities and the lack of access for minority communities and low-income communities. But under the leadership of this chairman, I am confident that we are now going in another direction and we are going to confront head on the issue of disparities. I want to thank the chairman and the committee for making the decision to go in that direction.

But, Mr. Speaker, I have come to the floor today to address the subject of medications that are intended to combat tropical diseases and their access to the developing world. My desire, Mr.

Speaker, is for the House to further cooperate and work with the other Chamber in search of a solution to the tropical disease epidemic facing the developing world. These diseases, such as HIV/AIDS and malaria and tuberculosis, continue to inflict millions of impoverished people because of the lack of medicines. In addition to perpetuating extreme poverty, these diseases also prevent millions of people from working and participating in family or community life. So as we discuss this very important issue, I would like for us to also consider the issue of tropical disease-combating medications in developing countries.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. DEAL), the ranking member on the Health Subcommittee.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to support H.R. 2900. I think this bill plays an important role in ensuring that patients have timely access to approved, safe, and effective medications and medical devices. This legislation creates an entirely new post-marketing drug safety program that will help address some of the troubling recent drug scares that we have all been aware of.

The Subcommittee on Health in our Energy and Commerce Committee held numerous hearings on the programs authorized in this bill, and I am pleased that members of the committee were able to come together to work out a bipartisan compromise that continues many important programs of the FDA. For instance, the Prescription Drug and User Fee Amendments and the Medical Device User Fee Amendments allow the FDA to continue important programs which provide the agency with resources for the expeditious review of life-saving drugs and devices.

One important addition in the prescription drug user fee amendments addresses direct-to-consumer advertisements. I share concern with many members on the committee about the drug advertisements being presented to patients, and I am glad the bill takes steps to provide for the FDA's review of these television ads while at the same time protecting freedom of speech.

However, our main concern is the FDA's increasing reliance on the regulated industry to fund its drug review activities, and hope that future appropriations will take advantage of the amendment I offered at the full committee to help reduce FDA's dependence on user fees by replacing them with appropriations. This amendment stated there should be a dollar-for-dollar reduction in the new user fee for every new dollar appropriated for post-market safety. The amendment was a step in the right direction, but I believe more should be done to restore the balance between user fees and appropriations for drug review.

The bill also continues important programs which encourage the study of medications in pediatric populations. Meeting the unique medical needs of children presents special challenges, and H.R. 2900 reauthorizes two programs which have effectively promoted the study of drugs in children. It also encourages the development of medical devices for use in pediatric populations.

This legislation also improves FDA drug safety authorities. Recent incidents have undermined consumer confidence in the FDA's ability to ensure that the medications they take on a regular basis are safe. H.R. 2900 provides the agency with new tools to better monitor products that might present greater risk to patients. I believe these reforms will help maintain the FDA's position as the world leader in protecting patient safety and access to safe medications.

In conclusion, I think this is a good compromise. Our committee worked hard on it. Both sides came together in an effort to try to present this House with a package that I hope will be approved today.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY) who had a great deal to do with putting this bill together.

Mr. MARKEY. I thank the gentleman and congratulate the chairman, the gentleman from New Jersey (Mr. PALLONE), for his enormously successful work; and Mr. DINGELL as well, as well as the key Republicans who worked on this legislation.

I am pleased that the bill before the House includes language from the drug safety bill that Mr. WAXMAN and I introduced in March to strengthen the FDA's ability to monitor drugs after they have been approved and create a true post-market safety net system.

As we have seen with drugs such as Vioxx, new side effects and health risks may only surface after drugs are approved and are used by the general population. Yet the FDA has not had the authority to mandate label changes or require further studies to get more information about these risks once the drugs have been approved. This bill will empower the FDA with those important new authorities, and it will also establish a new post-market risk identification and analysis system to identify harmful side effects and uncover signals of unexpected adverse events without compromising patient privacy.

I am also pleased that the package includes a strong clinical trials registry and results database that is consistent with the bill that Mr. WAXMAN and I have been championing since 2004 when we learned that some drug companies were painting distorted pictures of their products by hiding negative trial results.

The current system, which allows companies to pick and choose which trials they want to make public, is like allowing students to just pick the grades they want to bring home. Everyone would have straight A's.

Our bill will establish one central mandatory registry of all clinical trials with strong enforcement mechanisms to require companies to make their clinical trials and the result of those trials available to the public, all of the trials. This is historic because the database of trial results will ensure that doctors and their patients have current, complete, and accurate information about all drugs on the market.

Finally, I want to thank Mr. ROGERS from Michigan for working with me on the pediatric devices bill. It is an important bill that will help children get the devices that they need. I thank again Mr. PALLONE, Mr. DINGELL, and all the others who worked on this bill.

Mr. BURGESS. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Texas has 6½ minutes and the gentleman from New Jersey has 5 minutes.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today in support of the Safe and Effective Drug Development Act, which was adopted as an amendment to H.R. 2900 in committee. I would like to thank Mr. DINGELL, Mr. ENGEL, Mr. HALL, and Mrs. BLACKBURN for their work on this legislation.

An op-ed in today's Washington Post by Dr. Lichtenberg from Columbia University identified medical innovation as the key factor contributing to the increase in life expectancy here in the United States over the last 15 years. I think we would all agree that living longer is a very good thing.

However, in 2004, the FDA identified 76 specific problems that have caused a critical slow down in medical innovation. This legislation formalizes public-private partnerships between the FDA, nonprofits, and universities. These partnerships help solve the problems that stand between new biomedical discoveries and how quickly and safely these discoveries are translated to consumers.

I want to thank the gentleman for allowing me to speak and thank all of those staff and of course the committee members who worked so hard on this legislation.

□ 1730

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

Again, Mr. Speaker, I want to point out, Mr. WAXMAN in his remarks discussed the Institute of Medicine study, and in fact, when we talked about the issue that's still the unresolved issue of the conflict-of-interest waivers, the Institute of Medicine itself recommended that the Food and Drug Administration advisory panels, those panels that are convened to advise the Food and Drug Administration on the acceptance or rejection of new drugs and new devices, that that panel could be comprised of up to 40 percent of individuals for whom a conflict-of-interest waiver was obtained.

The current legislation has language in it that will restrict that waiver to one such individual, and as we've already heard from the other side, even that one conflict waiver is too much for some people to tolerate. But the reality, if the FDA is allowed to issue only one waiver per panel meeting, they will find themselves seeking the guidance of fellows that have just passed their boards and are beginning their practice of medicine. The drafters of the code of Federal regulations did not intend that only the most recent graduates of a fellowship program or residency program be considered the so-called expert.

At present, medical societies find restrictions on the FDA panel nominees increasingly difficult due to a number of criteria that must be met in addition to considerations for the conflicts of interest.

The Food and Drug Administration panels must have geographic, ethnic and gender diversity. We've already heard discussion from the other side of how they're concerned about aggravating ethnic disparities. Here's another place where we could perhaps reverse that trend.

For clinical representation, panel members on those Food and Drug Administration advisory panels, panel members should be practicing physicians and, in fact, should have practiced for many years. They should have accumulated a body of experience. They should have knowledge of the conduct of clinical trials. They should have knowledge of statistics.

They should have intricate knowledge of the specific anatomy if they're on a device panel. They may need to know about the biomechanical forces imposed on the anatomy if a device is implanted or the cellular biology to determine wear and tear on the devices and knowledge of the American Society for Testing and Materials or international standards organizations. Members may also need to know about the packaging and the effects of radiation on many of the device components.

For some panels, such as on March 29 of this year, the Cellular Tissue and Gene Therapies Advisory Committee meeting to provide guidance to the Food and Drug Administration on biological license applications, such as the medicine that might be used for treatment of men with asymptomatic metastatic hormone refractory prostate cancer; these panels must have a specific knowledge base that far exceeds that of a practicing physician.

And indeed, I heard from other individuals where the universe of patients may be quite small for patients who have a certain type of brain malignancy. The universe of patients may be only 1,000 or 1,500.

The people that develop the drugs are of necessity going to be people who have been employed by those industries that were developing the drugs. Why exclude them from the panel? Why craft a law where the only people in the room are, by law, going to be people who have no knowledge of the intricacy of the specific disease being treated or no knowledge of the surgical procedures required to implant those medical devices? Why restrict ourselves in that way?

We just heard eloquent testimony from the gentlewoman from Arizona talking about the devices and those medications and treatments that are just over the horizon to us right now that we can't imagine, we can't envision. Why restrict those Food and Drug Administration advisory panels to one conflict-of-interest waiver?

Mr. Speaker, I will submit being in public service can be expensive, it can be time-consuming, and it can be embarrassing. Why make it harder for these individuals to participate in these panels? Frankly, I do not understand that. I hope we will continue to work on that process as we get to the conference activity on this bill. I'm looking forward to those discussions.

But in reality, the bill that is before us today is, in fact, a good bill. The committee staff on both sides did great work as far as getting language that would be acceptable to both sides, and we were not an easy audience to please on many occasions through the debate on that bill.

But Mr. Speaker, I do rise in support of the bill. I do think it is worthy of the House's consideration and passage.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, before we proceed to the vote on H.R. 2900, I yield myself time to acknowledge the months of work that Members have done leading to this bill coming before the House today. It truly was a bipartisan effort, and everyone worked so hard.

I also wish to take a moment to recognize the efforts of the staff who worked long hours in ensuring we produced a quality piece of legislation. In particular, I thank Warren Burke and Ellen Sutherland, professional staff with the Office of Legislative Counsel, for their outstanding service.

I also want to thank the staff of the Committee on Energy and Commerce. I'm not going to mention the Republicans, not because they didn't do as much work, because they certainly did, but I don't remember all their names. I don't want to eliminate anybody.

As far as the Democratic staff is concerned, I do want to specifically mention John Ford, Pete Goodloe, Jack Maniko, Melissa Sidman, Jessica McNiece, Bob Clark and Virgil Miller. And from Mr. WAXMAN's staff, because Mr. WAXMAN and Mr. MARKEY played a major role in this bill and Mr. WAXMAN's staff in particular, Karen Nelson, Rachel Sher and Stephen Cha. And again, everyone worked very hard on this.

I think it is really remarkable that we were able to achieve a consensus and bring this up today, particularly under suspension.

Mr. HALL of New York. Mr. Speaker, this evening, the House of Representatives considered H.R. 2900, The Food and Drug Administration Amendments of 2007, which, among other things reauthorized the FDA through 2012. I voted for this bill because I believe it's vital for our national interests that the FDA be authorized, and I am aware that the current authorization is due to expire very shortly. That said, I cast this vote with great reservations. The current funding of the FDA is too dependent on the companies that the Agency is supposed to be regulating. There is an inherent and unacceptable conflict of interest in this arrangement. To be a truly effective regulator, the FDA must be a completely independent entity, with no outside relationships. Only then can the American people be absolutely certain that the agency is always acting with their best interests in mind.

It is my hope that during conference with the Senate some greater protections can be added to this legislation to ensure that it is an independent entity in which we can place our full and complete trust.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 2900, the Food and Drug Administration Amendments Act of 2007.

I am proud that the headquarters of the Food and Drug Administration (FDA) is located in the Congressional District that I represent. I commend the hard working employees at FDA for their service and dedication to our country. However, serious gaps have been exposed in FDA's ability to protect the American public due to recent outbreaks of foodborne illnesses as well as high-profile postmarket safety problems. It has become clear that FDA lacks the adequate resources to fulfill its vast and vital public health mission.

In light of these events, we need to ensure that the FDA has the necessary tools and resources to protect the American public from unsafe products. H.R. 2900 takes a good first step in providing FDA with those resources in reauthorizing the Prescription Drug User Fee Act (PDUFA). Since its inception in 1992, PDUFA has helped enable FDA to approve more than 1,100 new medicines and reduce review times for innovative drugs and biologics, providing patients and doctors with earlier access to breakthrough treatments. Congress must reauthorize the prescription drug and medical device user fee programs in a timely manner to avoid any workforce disruptions at FDA. Without this bill, FDA will not have adequate resources to fulfill its mission. In addition, the innovation and development of new therapies will be hampered if PDUFA is not renewed—the FDA approval process will be too long for new potential treatments. With this reauthorization, the FDA will be permitted to collect a total of $393 million in prescription drug user fees per year through FY 2012.

H.R. 2900 also expands the FDA's ability to monitor the safety of drugs after they have been approved and marketed. In addition, the legislation creates a public database for ongoing and completed clinical trials. It is important to have all the information about any drug during the trial stage be disclosed to the public so that doctors can make sound medical decisions and provide their patients with the best possible care.

I am also pleased that the legislation includes a provision that expands on the successful Critical Path Initiative. FDA established the Critical Path Initiative in 2004 to improve the efficiency and safety of drug and medical product development. This provision authorizes the FDA to enter into Critical Path Public-Private Partnerships with universities and nonprofit organizations to modernize the process to develop prescription drugs and other medical products. These collaborations will help the FDA move drugs and medical devices through the approval process in a quicker, safer and more reliable manner at a lower cost.

Mr. Speaker, the Food and Drug Administration Amendments Act is only one important step in providing FDA with the necessary tools and resources to do its job. Congress must also significantly increase federal appropriations to FDA so that the agency is able to fulfill its most basic responsibilities. Such an increase will not only make foods, drugs and devices safer, but it will also lead to a stronger, more effective FDA that can restore public confidence, speed innovation and ensure that America remains competitive in foreign markets.

I believe H.R. 2900 will help ensure the timely access to safe and effective prescription drugs and medical devices as well as improve the integrity of the drug approval process at FDA. I urge my colleagues to support H.R. 2900.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 2900, legislation to reauthorize important user fee programs at the Food and Drug Administration and enact critical drug safety reforms at the agency.

This legislation is the result of years of hard work by the Energy and Commerce Committee and particularly the Oversight and Investigations Subcommittee and the Health Subcommittee. I am proud to serve on both of these subcommittees. The Oversight and Investigations Subcommittee has worked on a bi-partisan basis to investigate the drug safety concerns brought to light by scandals associated with drugs such as Vioxx, Ketek and Selective Serotonin Reuptake Inhibitors, or SSRIs, which are typically used to treat depression. These investigations uncovered significant safety lapses at the FDA and shed a bright light on the FDA's bias toward drug approval with too little attention paid to post-market safety concerns.

The FDA Amendments Act of 2007 makes important changes at the FDA to place a greater emphasis on post-market surveillance within the agency. Specifically, this legislation would establish a Risk, Evaluation, and Mitigation Strategy whereby drugs approved by the agency are monitored throughout their lifecycle for adverse events or other signs of safety concerns. A critical aspect of this strategy is the additional authority this bill gives the Secretary of HHS to mandate that drug manufacturers conduct post-market studies.

Under this bill, the additional post-market activities extend to the user fee programs that help fund the drug approval process. Specifically, this bill directs drug manufacturers utilizing the FDA's drug approval process to dedicate an additional $225 million over five years for post-market surveillance activities at the FDA. This additional funding represents an important investment by the pharmaceutical industry in the FDA's postmarket safety activities, while also ensuring that pre-market user fees are adequate to bring potentially life-saving medicines to market in a reasonable time.

This legislation also reauthorizes the Medical Device User Fee Act, as well as the Best Pharmaceuticals For Children Act and the Pediatric Research Equity Act. The unanimous support of the committee for this bill is a testament to the open process and bi-partisan nature in which the committee members and staff on both sides of the aisle conducted these negotiations.

I would like to thank our Chairman, Mr. DINGELL, and our Health Subcommittee Chairman, Mr. PALLONE, for their work on this important legislation, and encourage my colleagues to support this important bill. These necessary changes at the FDA will go a long way toward restoring the American public's confidence in the agency and its ability to ensure the safety of the nation's drug supply.

Ms. HOOLEY. Mr. Speaker, I am particularly pleased that H.R. 2900 includes a provision I authored and worked on with my colleague Mr. DOYLE from Pennsylvania that will require the FDA to establish a unique device identification (UDI) system for medical devices.

Currently, most medical devices cannot be tracked or identified in any systemic fashion. A UDI will enable the FDA to better pinpoint devices associated with adverse events and look for patterns across event reports. A more sophisticated reporting system will thus strengthen FDA's post-market surveillance capabilities.

A UDI system will not only provide FDA with the tools to discover warning signs of a defective device earlier, thus potentially savings lives, but will also improve the agency's ability to promptly respond to device recalls. I believe our current system for notifying patients in the event of a recall is deficient. When defective medical devices are recalled, the absence of a standard identification system hinders the FDA's ability to notify patients. These UDI provisions take an important step toward improving the ability of the FDA, device manufacturers, and physicians to quickly and effectively communicate risk information to patients.

Ms. ESHOO. Mr. Speaker, I rise in full support of H.R. 2900, the Food and Drug Administration Amendments Act of 2007. An extraordinary amount of time was put into negotiating this bill and the fact that it's coming to the floor without contention is a testament to the leadership of our Committee and Subcommittee Chairmen, Ranking Member, and Majority and Minority staffs.

The bill is important for ensuring the safety and efficacy of pharmaceuticals and medical devices available to the American public. It includes necessary funding for vital FDA functions, such as drug and device review and approval, and also enhances post-market surveillance activities for these products.

I want to focus my remarks on the sections of the bill that renew the Pediatric Research Equity Act (PREA), and the Best Pharmaceuticals for Children Act (BPCA). I championed the original enactments of these successful programs which have helped to increase the number of drugs tested and labeled for use in children, and I'm proud these programs will be renewed and further improved under this bill.

According to the American Academy of Pediatrics, only about 25% of drugs administered to children have been appropriately tested for use in kids. Pediatricians often have to prescribe drugs for "off-label" use, because the drug has not been studied in appropriate FDA-approved pediatric clinical trials. Children have specific medical needs that have to be considered when drugs are used. Children have died or suffered serious side effects after taking drugs that were shown safe for use in adults but had different results in children.

I've worked with stakeholders on all sides of this issue to update BPCA and PREA to increase the amount and quality of pediatric information available to doctors, parents, and researchers. I've also enhanced labeling and post-market safety requirements. The bill also makes permanent the FDA's authority to require pediatric studies of drugs, which is consistent with its permanent authority to require studies of adult formulations. Together, these changes will help to generate important new information about the safety and efficacy of drugs prescribed to children.

A coalition of children's groups has endorsed H.R. 2900. The bill was unanimously passed out of the Energy and Commerce Committee before the July 4th Recess and I urge my colleagues to support it.

In closing I want to thank the staff members who have worked exceedingly hard to bring this bill to the Floor today: John Ford, Bobby Clark, Pete Goodloe and Jack Maniko of the Energy and Commerce Committee Majority staff, Ryan Long and John Little of the Minority staff, and Jennifer Nieto from my office.

I'm proud to be an original cosponsor of H.R. 2900 and I urge my colleagues to vote for it.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Food and Drug Administration—FDA Amendments Act. This bipartisan legislation is an important step toward ensuring that the FDA has the authority and the resources it needs to protect the health and safety of American families.

Recent highly publicized tragic events linked to prescription drugs, such as Vioxx, have made clear the importance of the mission of the FDA and the improvements necessary to ensure its effectiveness. This bill strengthens the FDA's oversight of drug safety by establishing a new program within the FDA to monitor the safety of drugs. Under this legislation, the FDA will be able to examine drug safety even after a drug has been approved and is on the market. H.R. 2900 also increases penalties for companies that violate safety standards.

To regain the public's trust, the FDA's advisory committees must be medically qualified, independent, and acting on behalf of the health and safety of the American people. This is why it is important that the FDA Amendments Act addresses concerns about the potential for conflict of interest because members of FDA advisory committees are frequently involved in the drug and device industry. This bill requires each member of an advisory committee to disclose financial interests to the Secretary of Health and Human Services prior to a meeting on a particular matter. It also requires the Secretary of Health and Human Services to submit reports to Congress on the membership of FDA advisory committees.

In order to increase transparency and accountability, this legislation requires that all drugs, devices, and biologics be included in a clinical trials registry and in a results database. All registry data on the safety and effectiveness of drugs and devices will be posted on an Internet site accessible to the public.

Additionally, H.R. 2900 reauthorizes through 2012 both the Prescription Drug User Fee Act—PDUFA and the Medical Device User Fee and Modernization Act—MDUFMA. These programs are essential in expediting FDA's review of new drug and medical device application and help avoid backlogs, which negatively impact both patients and manufacturers. This bill also reauthorizes the Pediatric Research Equity Act to encourage drug manufacturers to develop products to meet the specific and unique needs of children.

I am disappointed that this bill was not able to address direct-to-consumer—DTC—advertising of prescription drugs. Studies have shown that spending on DTC advertising from pharmaceutical companies has tripled in recent years and plays a role in the unsustainably increasing cost of health care. DTC advertising has also changed the doctor-patient relationship, with an increased number of patients requesting a specific drug or treatment, even in cases where a less expensive or different medication would be appropriate. H.R. 2900 is a good step forward, but I look forward to continuing to work with my colleagues to address DTC advertising of medications.

The safety of the drugs and devices on which so many Americans rely must be a priority for Congress. I urge my colleagues to join me in voting for H.R. 2900.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2900, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2956, RESPONSIBLE REDEPLOYMENT FROM IRAQ ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–226) on the resolution (H. Res. 533) providing for consideration of the bill (H.R. 2956) to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1851, SECTION 8 VOUCHER REFORM ACT OF 2007

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–227) on the resolution (H. Res. 534) providing for consideration of the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937, which was referred to the House Calendar and ordered to be printed.

CELEBRATING THE 500TH ANNIVERSARY OF THE FIRST USE OF THE NAME "AMERICA"

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 287) to celebrate the 500th anniversary of the first use of the name "America", and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 287

Whereas Italian navigator Amerigo Vespucci was born in 1454 and traveled across the Atlantic Ocean 4 times between 1497 and 1504;

Whereas during his second voyage to the Western Hemisphere in 1499, Amerigo Vespucci realized that the land Christopher Columbus discovered in 1492 was not India but a new continent;

Whereas cartographer Martin Waldseemüller, a member of the research group Gymnasium Vosagense in Saint-Dié, France, first used the word "America" in his world map, which first appeared in public on April 25, 1507, and described the newly discovered Western Hemisphere as separated by the Atlantic Ocean and an ocean known now as the Pacific Ocean, in its first depiction;

Whereas Waldseemüller chose to honor Amerigo Vespucci by naming the new continent with Vespucci's name even while Vespucci was alive;

Whereas Waldseemüller described this decision in his "Cosmographiae Introductio", the book that accompanied the map, by writing, "I see no reason why anyone should justly object to calling this part ... America, after Amerigo [Vespucci], its discoverer, a man of great ability."; and

Whereas April 25, 2007, will be the 500th anniversary of this first public use of the word "America", which now serves as the root of the names of 2 continents: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 500th anniversary of the first use of the name "America" to describe areas in the Western Hemisphere;

(2) honors the explorations of Amerigo Vespucci and other navigators who contributed to the discovery of the Western Hemisphere;

(3) acknowledges the significance of Martin Waldseemüller's 1507 map of the world and accompanying book, "Cosmographiae Introductio", which forever changed the accepted geographical view of the world and first officially used the name "America"; and

(4) encourages the inhabitants of all countries of the Western Hemisphere who have the privilege to share this great name "America" to join with the House of Representatives and citizens of the United States of America in this historic celebration.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

Let me first of all thank our colleague, Congressman ALCEE HASTINGS, for introducing this meaningful measure that speaks to the very heart of our Nation, as well as its history.

The resolution before the House today acknowledges the 500th anniversary of the use of the name "America" which first appeared on a map of the world drafted by a German cartographer, Martin Waldseemuller in 1507. The only known surviving copy of the first printed edition of this map is now housed in our own Library of Congress.

It was the first map to depict the continent beyond Europe's western horizon, with the Pacific shown on its opposite shore as a separate ocean.

This measure also acknowledges the contribution of explorer Amerigo Vespucci in radically shifting human understanding of world geography. No longer was the globe thought to be divided only among Europe, Asia and Africa. This, in turn, inspired Martin Waldseemuller to adopt Vespucci's given name and to confer it on the newly charted Western Hemisphere. Mr. Speaker, this might be called the first act of immigration.

It is important that we celebrate this historic occasion because "America" has come to symbolize much more than a name placed on a map half a millennium ago. For centuries, it has been seen by many as a promised land, where a new start offers endless possibilities. So many have come to our shores, seeking opportunity, fleeing persecution, fleeing prosecution against those values that they hold so dear, and looking for economic opportunity. And for decades, this country has played a global leadership role, offering hope for relief from oppression and tyranny.

Our Independence Day festivities which we just celebrated with great gusto last week reminds Americans and the world every year of a unique place in history this country holds.

I, for one, held the first Citizenship Day in the history of Houston on Independence Day. It was a joyful celebration of the freedom and the independence of those great days of this great Nation.

I would like to acknowledge the Americans Abroad Caucus, which saw this resolution as an opportunity to promote international geographical understanding and to celebrate the expansive symbolism of this great and wonderful country. As well, it comes as an opportunity to support and emphasize the symbolism of the word "America" and what it has come to signify.

I would also like to acknowledge the America 500th Birthday Organizing Committee and their "Who Named America" initiative which has coordinated a series of city, county and State proclamations consistent with the spirit of this resolution.

Mr. Speaker, I urge all Members to support H. Res. 287.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution authored by my good friend and colleague, Mr. HASTINGS of Florida, a resolution that commemorates the first use of the name "America" by European map makers.

When Italian photographer and navigator Amerigo Vespucci, the merchant, explorer and cartographer, set sail on his first westward bound voyage across the Atlantic, probably in the year 1497, he did so in search of a faster trading route to China. But in the course of his travels, he set foot instead in what is now the continent of South America.

From widely published letters attributed to him at the time, Europeans first came to know of the vast continents of this new world, lands that would come to play such a dominant role in the history of the Old World during the next four centuries.

From these letters, Amerigo's destiny as a namesake for our home on the world maps that followed was assured.

This resolution of Mr. HASTINGS reminds us that no matter where we live in the northern or southern hemisphere, we are Americans, united by a common history.

I thank my colleague from Florida (Mr. HASTINGS) for offering this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I'm delighted to yield such time as he might consume to the sponsor of this bill, Representative ALCEE L. HASTINGS, who is the chairman of the Rules Subcommittee on the Legislative and Budget Process and is also the international chairperson of the Helsinki Commission.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Houston for yielding time.

Mr. Speaker, I rise today in strong support of House Resolution 287, a resolution, as has been stated by both my good friends, that celebrates the 500th anniversary of the first use of the name "America."

I'd like to especially thank the original cosponsors that worked with me to introduce the legislation: Majority Leader STENY HOYER; and the leaders of the Americans Abroad Caucus, Congresswoman CAROLYN MALONEY and Congressman JOE WILSON.

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I also want to thank the chairman and ranking Republican of the Foreign Affairs Committee, my good friend, Chairman LANTOS, and my good friend from Florida, we came here together, my colleague, Representative ROS-LEHTINEN, for supporting this legislation and bringing it to the floor today.

Finally, I would like to express my deep appreciation to Representative ELIOT ENGEL and his staff for their help in moving this resolution forward. I would be terribly remiss if I did not mention a young man in my office, that this is among his first experiences, Alex Johnson, who found the work, not robbery, to bring this forward along with my legislative director, David Goldenberg.

It is important to recognize the collaborative community initiative that has emerged to commemorate this occasion. The Americans Abroad Caucus and the national initiative for similar proclamations in all 50 States coordinated by the America 500 Birthday Organizing Committee have established a foundation for this important resolution to be taken up for floor consideration today.

This resolution transcends the simple acknowledgment of the first use of a term on a map, but, rather, commemorates scientific achievement toward a shared understanding of the world. It is this world which increasingly exchanges culture, technology, and scientific advancement that thrives through shared understanding and the innovation we celebrate today.

When German cartographer Martin Waldseemuller first used America to identify a previously uncharted continent on his, previously mentioned by Ms. JACKSON-LEE and Ms. ROS-LEHTINEN, 1507 map of the world, I doubt that he truly realized the magnitude of his achievement. His choice of the term "America" to memorialize the voyages of Amerigo Vespucci shifted the geographical understanding of the world and established a term that would be attributed with symbolic identity in the centuries to come.

This symbolic identity is the source of pride that continues to motivate me and all of us to serve this great Nation. It is this American spirit which guides our role in the world and should motivate all Americans to work towards a renewed commitment to positive international relations.

My colleagues should know that the last remaining copy, and I believe Ms. JACKSON-LEE pointed it out in her remarks, remains as a trust, as a top treasure of the Library of Congress. I would encourage my colleagues and citizens in this country to visit and see this treasure which established the geographical origin of the American identity.

Again, I thank Chairman LANTOS, Ranking Member ROS-LEHTINEN, and Representative ENGEL for their work on this. I urge my colleagues to support this resolution and join me to commemorate the origin of the term which has resulted in an international American identity.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of our time.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Florida. Again, let me acknowledge Mr. LANTOS, Ms. ROS-LEHTINEN and Mr. ENGEL as well. This is an important piece of history, and I am very grateful for this legislation to provide us another chain link, if you will, another connection to the history of America.

Mr. Speaker, I ask my colleagues to support this legislation, which is H. Res. 287.

Mr. HOYER. Mr. Speaker, I rise today to commemorate the 500th anniversary of the first use of the word "America"—a name that has come to symbolize liberty, opportunity and an unyielding hope for humanity.

In the 500 years that have passed since the word "America" was first used, the term has become more of a concept than a name—an idea that celebrates what is truly special about the world in which we live; a principle that defines what democracy, equality, freedom and unity are all about; and a goal that people all over the world have embraced since our country's inception.

We have come a long way since 1507—from a simple name on a map, to a moral, political and economic leader among nations. It gives me great pride to mark this 5th centenary of the name "America," and to express my sincere hope that the next 500 years of our country's history provide just as many benefits to the people of the world as the last 500.

Mr. DAVIS of Illinois. Mr. Speaker, today we celebrate the 500th anniversary of the first use of the name America, to describe areas in the Western Hemisphere. These areas are named after Amerigo Vespucci, an Italian Explorer on a quest to find new lands. He is one of many from that era who craved the exploration of new worlds and ideas. Although Vespucci's intention was to conquer land for Italy, he ultimately helped to create a place that today is one of the most diverse places on earth. Vespucci took a bold step, defying previous thinking that the land we live on was part of India.

Today we recognize the anniversary of Amerigo's discovery as a reminder of how important it is to challenge preconceived notions, and how critical it is that we keep exploring new ideas and sciences.

We are a people who live and breathe discovery. Our history holds many examples of our desire to explore. This country has gone to the Moon and intertwined computers into our everyday lives. We have created vaccines to help eradicate polio and other life threatening diseases. We use our ambition to explore, and as a means to be competitive in the world we live in.

Today we must continue to honor our historical drive for exploration. Unlike Vespucci's quest which was to only benefit a small subset of people, today we must give anyone the opportunity to be involved with the exploration and to partake in the benefits of our successes. Only about 6 percent of practicing physicians are Latino, African American and Native American today, and according to an analysis by the Commission on Professionals in Science and Technology, the percentage of African Americans receiving bachelor's degrees in engineering is only 4.7 percent of all engineering graduates. Minorities and women are often left out of these fields. There is no reason for these discriminations. We should push all young people to discover science and mathematics and to understand there are jobs that interact with those fields. We especially need to push minorities and women who have not gotten those opportunities to achieve in those fields.

We have made progress since the last election in helping every young person to become involved with math and science. The house recently passed The 21st Century Competitiveness Act of 2007, which establishes, revises, and extends specified science, mathematics, education, engineering, technology, research, and training programs, however; we need to keep improving math and science education for young people. We should increase computer interaction in poverty stricken areas and increase young minority student's interactions with math and science at a younger age.

In the celebration of America and Amerigo Vespucci, let us pledge to continue our quest for exploration and discovery. Let us continue to take bold steps as he once did to move in a direction where we can use new technology and discoveries to improve the lives of millions not just those in positions of power, but for even the most underprivileged in our society.

Mrs,. MALONEY of New York. Mr. Speaker, I rise today in support of H. Res. 287 which honors the 500th Anniversary of the name "America."

The story of the origin of our country's name is one of great discovery and dedication that embodies our national spirit.

On April 25, 1507 cartographer Martin Waldseemüller of the research group Gymnasium Vosagense in Saint-Die, France changed the way Europeans perceived the world by first depicting the Western Hemisphere in his 1507 World Map. He labeled the land "America," marking the first official use of the word. The only remaining copy of this map is housed next door in the Library of Congress.

Waldseemüller named the land after Italian navigator Amerigo Vespucci. Although explorers like Christopher Columbus already discovered what we now know to be the Western Hemisphere, Vespucci was the first to realize that it was not India but an entirely new continent.

Mr. Speaker, I am proud to honor the name "America." Truly encompassing the American spirit, this name was derived from those challenging the status quo to improve our world and persevering in the face of doubt. Today we are not only honoring the name America but all Americans who have the great privilege of sharing this name and all it embodies.

Mr. ENGEL. Mr. Speaker, I rise in support of H. Res. 287 and thank our colleague, Congressman ALCEE L. HASTINGS, for sponsoring this excellent resolution.

In 1507, German cartographer Martin Waldseemüller [VALD-say-meuller] drafted a map of the world that inaugurated the use of the name "America," acknowledging the contributions of explorer Amerigo Vespucci, which forever altered the accepted geographical view of the world.

As Chair of the Subcommittee on the Western Hemisphere, with jurisdiction over the Americas—Latin America and Central America, North and South America—I am keenly aware that the use of this name has forever defined the region where we all live.

As we commemorate 500 years of the use of the name "America", let us rededicate ourselves to promoting better and closer relations between the United States and the countries of the Americas and hope that the next 500 years will be an era of peace and prosperity throughout the hemisphere.

I urge Committee Members to support H. Res. 287.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 287, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING 2007 AS THE YEAR OF THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN COLOMBIA

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 426) recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offering support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 426

Whereas Colombia has experienced the internal displacement of more than 3,800,000 people over the past 20 years, representing approximately 8 percent of Colombia's population;

Whereas Colombia's internally displaced population is one of the worst humanitarian crises in the Americas, and the second largest internally displaced population in the world, after Sudan;

Whereas more than 200,000 people continue to be displaced internally every year;

Whereas Colombia's internally displaced people are often forced from their homes multiple times, and fear repercussions if they identify their attackers;

Whereas the International Committee of the Red Cross and the World Food Program have found internally displaced people in Colombia to be poorer and more disenfranchised than the general population, with 70 percent suffering from food insecurity, inadequate shelter, or limited health care services;

Whereas Afro-Colombian and indigenous peoples are disproportionately affected by displacement, representing almost one-third of the internally displaced;

Whereas women and children also comprise a large majority of the internally displaced;

Whereas very few internally displaced Colombians have been able to return to their original homes due to ongoing conflict throughout the country, and when returns take place they should be carried out voluntarily, in safety and with dignity;

Whereas, in 1997, the Government of Colombia passed landmark legislation, known as Law 387, to guarantee rights and assistance to its internally displaced population;

Whereas the Government of Colombia has expanded its ability to assist internally displaced people through its own agencies, and with the financial, technical, and operational support of the international community;

Whereas the Constitutional Court of Colombia has handed down multiple decisions recognizing the insufficient nature of the government's efforts to meet the basic needs of internally displaced persons and upheld the importance of implementing law 387 in light of the United Nations Guiding Principles on Internal Displacement;

Whereas the Constitutional Court of Colombia, in consultation with the Government of Colombia, civil society, and the United Nations, has developed an extensive set of measurements to ensure government compliance with Law 387;

Whereas the Government of Colombia, the international community, and civil society are engaged in the London-Cartagena Process to develop coordinated responses to domestic problems, including humanitarian assistance and internal displacement;

Whereas the Government of the United States provides valuable, but limited, humanitarian assistance through Plan Colombia, and has programs targeted specifically for internally displaced people; and

Whereas the United Nations High Commissioner for Refugees, Antonio Guterres, on a visit to Colombia in March 2007, urged greater attention to the issue, stating that it should be a "national priority" and asked for "greater coherence" in programs to address the needs of the internally displaced: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United Nations High Commissioner for Refugees, the Colombian Catholic Church, and the Consultancy for Human Rights and Internal Displacement should be commended for their initiative to declare the Year of the Rights of the Internally Displaced People in Colombia;

(2) the Government of Colombia and the international donor community should be encouraged to prioritize discussion of humanitarian assistance and internal displacement with the international donor community, especially within the context of the London-Cartagena Process; and

(3) the Government of the United States should increase the resources it makes available to provide emergency humanitarian assistance and protection through international and civilian government agencies, and assist Colombia's internally displaced people in rebuilding their lives in a dignified, safe, and sustainable manner.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation and yield myself such time as I may consume.

I would first like to express our appreciation to our colleagues, Congressman JIM McGOVERN and Congressman JOE PITTS, for introducing this important legislation. Let me also thank the Chair of the Western Hemisphere Subcommittee, Mr. ELIOT ENGEL, and the Chair and ranking member of the Africa and Global Health Subcommittee, Mr. PAYNE and Mr. SMITH, for bringing this issue to our attention. For those who have recently visited Colombia, I can assure the sponsors of this legislation that this is a timely and important and constructive addition to the assistance of displaced persons in Colombia.

The McGovern resolution brings long overdue attention to the continuing plight of Colombia's internally displaced people. Ongoing violence over the last 20 years among paramilitary groups, guerillas and government security forces has forced millions of civilians to leave their homes, wander the streets and the countryside and simply struggle to survive. It has to be a miserable existence.

Colombia's internally displaced population represents one of the worst humanitarian crises in the hemisphere and the second largest population of internally displaced in the world after Sudan. While the entire world knows about the hardships facing the people of Sudan, Colombia's internally displaced suffer in great silence.

For this reason, the United Nations' High Commissioner for Refugees has deemed it the greatest hidden humanitarian crisis in the world. Over the past two decades, approximately 3.8 million Colombians, or about 8 percent of Colombia's entire population, have been displaced from their homes due to violence and conflict and through no fault of their own.

President Uribe is a solid ally of the United States in South America. He has made enormous strides in protecting his own people, but clearly he faces an uphill battle. In our conversations, in my visit to Colombia, along with several Members, including Congressman GREG MEEKS, we made this a very strong point, meeting with some of the internally displaced persons and recognize that this is an enormous challenge that this Congress must confront and provide assistance to these people and to the government to do what is right.

Sadly, an estimated 200,000 people are forced to flee their homes or places of refuge each year. For these people, Colombia is home, but Colombia has no home for them. One-third of the internally displaced are from the Afro-Colombian and indigenous peoples communities, a percentage likely to increase this year. This type of ethically based displacement is particularly abhorrent. It is important to note as well that the people continue to be displaced, and they continue to be without a place to go.

Like many refugees around the world, the overwhelming majority of Colombia's internally displaced are also women and children. Few of these millions of people have been able to return to their homes. Tragically, these refugees often are misplaced multiple times. They are poor and more disenfranchised than the general population, and they are more fearful of repercussions should they attempt to identify their attackers. The World Food Programme and the UNHCR estimate that more than 70 percent suffer from food insecurity and inadequate shelter or limited health care services.

I am grateful to acknowledge the Mickey Leland Center, which my friend and colleague, Mr. McGOVERN, serves on, as do I, and the efforts they have made in providing food for persons like those displaced in Colombia.

With passage of this important measure, the United States Congress will encourage the United States, the international donor community, and the Colombian Government to create coordinated responses that address this humanitarian crisis, provide increased resources and protection for this highly vulnerable population and help them to successfully build their lives.

Bringing attention to the humanitarian crisis of Colombia's internally displaced people and assisting them to live in safety with dignity are priorities that every Member of Congress can and should embrace.

It is a call to our shared humanity, and I urge all Members to support H. Res. 426.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the past 20 years, more than 3 million people have been internally displaced in Colombia, and each year 200,000 more are internally displaced.

This massive displacement is a little-known fact about the long and tragic conflict that goes on in Colombia. One of the goals of Plan Colombia was to help end the violence, violence from that conflict and, in turn, stop the ongoing displacement. Plan Colombia has, indeed, reduced the violence, and the numbers of newly displaced people are down.

For example, according to the Colombian Government, from the years 2002 through 2005, incidents of terrorism are down 63 percent; and for the same time frame, homicides are down 37 percent, along with an 80 percent decrease in kidnappings.

In turn, the number of displaced people is down 64 percent from a high of 424,193 in the year 2002 when our aid program of Plan Colombia started to kick in and to help the situation on the ground. Now things are much better. Seventy percent of these displaced people still suffer from food insecurities, from inadequate shelters, and limited health care facilities.

In 1997, the Government of Colombia passed legislation known as Law 387, to guarantee rights and assistance to its internally displaced population. Since then, the Government of Colombia has expanded its ability to assist internally displaced people, but the constitutional court of Colombia has called the government's efforts to meet the basic needs of internally displaced persons insufficient. This resolution commends the United Nations High Commissioner for Refugees, the Colombian Catholic Church, and the Coalition for Human Rights and Internal Displacement for their initiatives in declaring the Year of the Rights of the Internally Displaced People in Colombia.

It also encourages the Government of Colombia and international donor communities to prioritize the discussions of humanitarian assistance and internal displacement with the international donor community, especially within the context of the London-Cartagena Process, which set the scene for an international cooperation, in addition to guidelines and a mandate for working on bringing peace and stability finally to Colombia.

House Resolution 426 also calls on the United States to increase emergency humanitarian assistance and to assist Colombia's internally displaced people in rebuilding their lives in a dignified, safe and sustainable manner.

Mr. Speaker, I reserve the balance of our time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 8 minutes to the distinguished member of the Rules Committee, Mr. McGOVERN, the author of the legislation, and a strong and dedicated and committed advocate for the displaced persons of Colombia, indigenous Afro-Colombians and others in need.

Mr. McGOVERN. I want to thank my colleague from Texas (Ms. JACKSON-LEE) for her generous words and for yielding me the time and for all of her work on behalf of human rights.

I want to thank the distinguished chairman of the Foreign Affairs Committee, Mr. LANTOS, for his leadership throughout the years on behalf of those who have lost their homes, their livelihoods, and their land through violence or natural disaster.

I would also like to recognize the ranking member for her work in educating Members of Congress about the suffering of refugees and the internally displaced.

Mr. Speaker, I rise in strong support of H. Res. 426, which shines a light on Colombia's more than 3 million internally displaced people, or IDPs, a number second only to Sudan.

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In 2005, the United Nations High Commissioner on Refugees described the IDP situation in Colombia as one of the most invisible humanitarian crises in the world. This is a crisis that the government of Colombia cannot handle alone.

Earlier this year, the UNHCR, the Colombian Catholic Church, and the Consultancy for Human Rights and Internal Displacement jointly declared 2007 as the Year of the Rights of the Internally Displaced People in Colombia. This resolution commends this initiative and encourages the United States and the Colombian governments and other donor nations to place greater priority on providing the necessary resources to aid and protect Colombia's internally displaced so that they might rebuild their lives.

Mr. Speaker, an estimated 3.8 million people have been displaced inside Colombia over the past two decades. This is approximately 8 percent of Colombia's total population. Currently, 200,000 people continue to be internally displaced every year. Almost one-third of these people are Afro-Colombian and indigenous peoples, and with conflict escalating in the regions of Narino and Choco, this number is likely to increase. A large majority, like displaced people all around the world, are women and children. Very few can return to their original homes. Many are displaced multiple times, finding no safety anywhere. It comes as no surprise then that Colombia's IDPs are poorer and more disenfranchised than the general population. Around three-quarters suffer from lack of food, inadequate shelter, and limited health care and other services. And, sadly, the harsh realities of life faced by the internally displaced are invisible even to most Colombians. They are a forgotten people, a marginalized people.

Mr. Speaker, I have traveled to Colombia several times, and on each trip, I have included a trip to internally displaced communities. On my very first trip in 2001, I went to Barrio Kennedy in the slums of Bogota. The majority of these families are from Tolima. They had been violently displaced by attacks mainly from FARC guerillas. They were rural families used to growing their own food and making a living by farming. In the capital, they were lost. They had no jobs. They couldn't grow their own food. They would get up early in the morning and hang around the trucks that brought in produce for the markets and gather up the food that fell off the trucks into the mud. They picked through the garbage looking for food to eat or items to barter. Alcoholism and domestic violence were rising. They lived in horrible conditions with a growing sense of hopelessness.

In 2003, I traveled north to the Department of Sucre. In Sincelejo, I visited the community of Cristo Viene. These families had been violently displaced by paramilitaries from their communities in the mountains of Maria. They had small shacks for shelter. They had organized their teenagers into a group making bracelets and other items to sell in order to give purpose to the young people and generate some income for their community. All the youngest children had the rusty colored hair indicative of malnutrition. Nearly all the infants and toddlers had serious eye disorders or were already blind from vitamin deficiency. They could get access to rudimentary electricity and water, but only if they sold their vote to a corrupt local politician.

The Colombian Catholic Church and the Mennonite churches had joined together in their first ecumenical initiative to provide schools of basic humanitarian aid for these people.

In 2001 and 2007, I visited IDP communities perched precariously on barren hills next to the municipality of Soacha, on the outskirts of Bogota. On my first visit, I saw a school and a school feeding program, both funded by the United States and carried out by World Vision and the World Food Programme. For these children, these programs were the only stability in an insecure world. Paramilitary and FARC agents roamed freely trying to recruit children into their ranks. A mother came up to me and thanked the United States for supporting the school and free meals. She told me that if these programs didn't exist, her 11-year-old son would have gone into one of the armed groups just so he could get something to eat.

When I returned to Soacha this March, little had changed. If anything, things were worse. Over the past 6 years, violence has forced hundreds of thousands out of the countryside. Many ended up in Bogota, settling in the Soacha slum. They were from all over the country. So-called landlords are charging them outrageous rents when IDPs build themselves a shack. Children can't walk to school without fear of being assaulted, robbed or raped. The price of water was several times higher than that of regular Bogota residents. IDP community leaders working with Colombian and international NGOs were doing their best to address the community's problems but lacked the necessary resources. And the local officials of Soacha were struggling to meet basic needs.

Madam Speaker, I am proud that the United States has always targeted resources for IDP communities, and the recent House-passed Foreign Operations appropriations bill increases that funding.

Madam Speaker, H. Res. 426 is a bipartisan bill, and I want to thank my colleague, Congressman JOE PITTS of Pennsylvania, for joining me in introducing this legislation. It is supported by Refugees International, Catholic Relief Services, the Mennonite Central Committee, Jesuit Refugee Services USA, the Jesuit Conference of the United States, Lutheran World Relief,

the International Rescue Committee, Mercy Corps and several other national organizations.

Madam Speaker, I commend the UNHCR, the Colombian Catholic Church and CODHES for bringing attention to this humanitarian crisis facing Colombia's internally displaced. I hope that there will be a renewed effort by the United States and the world community to help these people.

I urge my colleagues to support H. Res. 426.

JULY 10, 2007.

DEAR HONORABLE MEMBERS OF CONGRESS: As organizations concerned with refugees and internally displaced persons around the globe, we write to express our support for House Resolution 426 regarding the situation of internally displaced persons in Colombia.

More than 3.8 million people have been internally displaced over the past twenty years, and high levels of displacement continue to occur. Despite efforts by the international community and the Colombian government, internally displaced persons lack access to basic health care, shelter, adequate nutrition, secure employment, and educational opportunities. In many cases, they also lack basic protection from human rights violations and continued displacement.

The Colombian Catholic Church, United Nations High Commissioner for Refugees, and Colombian nongovernmental organization established an initiative to declare 2007 the Year of the Rights of Internally Displaced Persons in Colombia in order to call attention to a dire humanitarian situation which has been largely invisible both internationally and within Colombia. This resolution expresses support for this initiative and recognizes certain advances by the Colombian government such as establishing landmark legislation. The resolution calls for the international community, U.S. and Colombian governments to prioritize attention to help Colombia's internally displaced persons to "rebuild their lives in a dignified, safe, and sustainable manner."

We encourage you to help bring attention to this pressing problem of internal displacement in Colombia by supporting House Resolution 426.

Kenneth H. Bacon, President, Refugees International; Rev. Kenneth Gavin, S.J., National Director, Jesuit Refugee Service/USA; Sean Callahan, Executive Vice President, Overseas Operations, Catholic Relief Services; Gimena Sánchez-Garzoli, Senior Associate for Colombia and Haiti, Washington Office on Latin America; Rebecca Phares, Director, Public Policy and Advocacy Lutheran World Relief; Adam Isacson, Director of Programs, Center for International Policy.

Marino Córdoba, Charo Mina Rojas, AFRODES USA; Theo Sitther, Legislative Associate for International Affairs, Mennonite Central Committee, U.S., Washington Office; Lisa Haugaard, Executive Director, Latin America Working Group; Kimberly Stanton, Country Representative, Colombia, Project Counselling Services; Barbara Gerlach, Colombia Liaison, United Church of Christ, Justice and Witness Ministries.

COLOMBIA: INCREASING VIOLENCE REQUIRES MORE SECURITY, HUMANITARIAN SERVICES

Refugees International (RI) teams visited Nariño and Chocó departments in June 2006 and February 2007 and found that security conditions have seriously worsened. As a result, increased civilian displacement in the coming months is likely and Government authorities are unprepared to respond adequately.

GROWING VIOLENCE INCREASES DISPLACEMENT

Civilians continue to flee their homes due to newly formed narco-paramilitary groups entering their lands and ordering people to leave. The displaced are also subject to violence upon return. Since the June 2006 displacement from the Remolino demonstration in Nariño (see: http://www.refugeesinternational.org/content/article/detail/8952/), and the subsequent return of these communities to areas north of the provincial capital, Pasto, 70 people have been assassinated and 17 have disappeared, confirming threats made by paramilitaries in the area to those accompanying the returning convoys. In February 2007, the RI team visited the municipality of Samaniego, south of Pasto, and found that 8 people had been killed over the course of one weekend. These deaths were attributed to a new paramilitary group, 80 members strong, who are in the process of establishing themselves in the town.

In addition to conflict due to resurgent paramilitary groups, fighting has intensified for control of strategic territory used for cultivating, harvesting, processing and transporting coca to international markets. Samaniego, Nariño is the site of fighting between two left-wing guerilla groups—the FARC (Revolutionary Armed Force of Colombia) and the ELN (National Liberation Army) over drug resources. The Bajo Baudó region of Chocó is the scene of drug-related fighting between the FARC and the ERG (Guevarista Revolutionary Army). Fighting for similar reasons is also occurring between the FARC and paramilitary groups throughout Nariño and Chocó. Multiple reports indicate that combatants are driving entire indigenous and Afro-descendant communities out of contested areas, a tactic that crowds nearby villages and towns. In these contested areas used for growing coca, the national army has also begun to bomb and fumigate as part of its eradication program. These actions are also causing displacement as farmers are driven from spoiled lands.

According to official figures, violent crimes increased 13% in Nariño in 2006 in comparison to 2005. Multiple officials reported to RI that these are very conservative figures, and they estimate that the real death toll could be up to six times higher. Additionally, the alarming spread of new paramilitary groups seems to have benefited from army and police complacency, both of which are avoiding confrontation. Crimes committed by these new armed actors remain uninvestigated and the perpetrators impugn.

"A TIME BOMB ABOUT TO EXPLODE"

Humanitarian aid workers in Colombia are now referring to multiple crises in the country as time bombs. Contrary to official government statements, multiple conflicts are raging throughout the country. The roots of these conflicts are expanding, and do not represent only battle between government forces and guerrilla rebel groups. Rather, there is growing violence among left-wing guerrilla groups, additional fighting between guerrilla groups and resurgent paramilitary groups, and additional conflict involving the army. As a result, civilians are being caught between quickly changing actors—and being put at increasing risk as different armed groups enter and leave their communities.

In Nariño, 30 massive displacements [massive meaning displacement of more than 50 people] happened last year with additional 8 massive displacements in the first two months of 2007, bringing the total number of registered IDPs in the department to more than 54.000.

On February 15 fighting between FARC and ELN affected communities of around 2.000 people living in rural areas northwest of the municipality of Samaniego. "This is the second time we have been displaced this year. People are terrorized by the fighting and some 46 families have fled their homes to seek sanctuary in school buildings in a nearby town" said an indigenous leader. During their stay in schools, the local municipality and the church provided food and essential items. However, five days later, assistance from Acción Social, the government agency mandated to coordinate humanitarian response to the needs of displaced people, had not arrived, and reports indicated that many families had decided to return home for lack of assistance. These returnees found that landmines were laid down around their village and that fighting could erupt at any time. In the two weeks that proceeded RI's visit to Samaniego, 7 people had been injured or killed by a landmine or unexploded ordinance.

A similar situation of mounting tensions and violence also afflict communities in the San Juan and Baudó River Valleys, and along the tributaries of the Atrato River in the department of Chocó.

On April 6, 2006 more than 700 members of 5 Wounan indigenous communities from the Medio San Juan river basin fled their villages to seek security in the town of Istmina. The FARC accused 14 community leaders and teachers of being informants for the army and killed three people. The remaining people under threat, along with their families, were evacuated by United Nations agencies to Panama. In this instance, both local authorities and Acción Social failed to provide minimum levels of assistance, forcing the Church and international agencies to intervene in order to avert a humanitarian disaster. "Four children died during those two months because of epidemic diseases. We had to live crammed into four small makeshift shelters, and were forced to bathe in and cook with the polluted water of the river" said an indigenous leader. The group finally decided that living conditions were intolerable and opted to return to their villages. Since returning, the FARC has enforced tight social control over the group, and access to them has been cut off.

Throughout the month of February, more displacement to Istmina occurred from the Sipí river basin, caused by new paramilitary group activity, which has included multiple orders to villagers that they leave their houses within 8 hours. One family that was part of a group of more than 300 Afro-Colombians who arrived in Istmina on January 4, 2007 told RI: "We received some food, but only after 11 days, and it is not enough. No housing has been provided for us, and we don't feel like we have access to medical services, education or any way to support ourselves."

Based on solid evidence of increasing violence throughout Colombia, Refugees International recommends that:

The government of Colombia:

Increase its efforts to protect civilians from attacks from, and displacement caused by, illegal armed groups. Its security forces should do so in full respect of international humanitarian law.

Investigate the lack of criminal proceedings in Nariño and hold those who commit crimes against civilians accountable. Alleged links between the Colombian army, the police and paramilitary groups should be investigated immediately, and arrest and prosecution should follow where investigation warrant.

Provide additional resources to departmental and municipal authorities to strengthen their capacity to respond to the housing, health and education needs of displaced families.

Acción Social:

Preposition food and non-food items in the cities of Istmina and Pasto in order to allow for a quickly accessible supply of goods for newly displaced groups. Closely monitor the provision of basic services to beneficiaries by its partners and local authorities.

Departmental and municipal authorities:

Prepare contingency plans to respond to new displacement. Plans should include the creation of dignified temporary housing, identification of cultivable lands for displaced households, and increase the response capability of local providers of basic services.

Create safety networks for particularly vulnerable displaced households such as women-headed households, orphans and the elderly, including sustained psychological services.

Allocate resources for the implementation of these plans and execute them when needed.

COLOMBIA: FLAWS IN REGISTERING DISPLACED PEOPLE LEADS TO DENIAL OF SERVICES

The government of Colombia should take immediate steps to ensure that people displaced as the result of the internal conflict are included in the Registry and provided the services guaranteed by law.

Colombian Law 387, which defines the government's obligations to IDPs, sets forth the following criteria for inclusion in the Registry: a person must be displaced because of violence or the threat of violence due to internal conflict, generalized violence, massive violations of human rights, or violations of International Humanitarian Law. Once people are forcibly displaced they must declare what happened to the Public Ministry, which then remits the declarations to the Presidential Agency for Social Action and International Cooperation (known as Acción Social) for review.

The Colombian non-governmental organization Consultoria para los Derechos Humanos y el Desplazamiento (CODHES) and the Catholic Church keep independent databases of displaced people. The CODHES figures suggest that the government is greatly under-estimating the scale of displacement in the country. It gives a figure of 2.9 million people internally displaced from 1995 to 2006, while the government of Colombia cites 1.9 million for the same time period. Differences over cumulative statistic-keeping aside, displacement continues throughout Colombia on a massive scale; government figures indicate that more than 200,000 people are still displaced annually.

Refugees International is concerned that a very narrow interpretation of the law governing IDP registration results in the failure to recognize many of the causes of displacement, leading directly to undercounting and lack of response to the needs of the displaced. The restrictiveness of the law is evident in 2006 statistics from Nariño, where only 43% of applications were accepted into the Register. In speaking with IDPs, RI identified a number of problems with the criteria used to add individuals to the Register:

Displacement must be caused by conflict, but operations conducted by the army or police against civilian populations that do not involve other armed actors are not defined as conflict. For example, people displaced by police suppression of demonstrations in Remolino, Nariño in June of 2006 have not been included in the Register.

Civilians displaced by anti-narcotic fumigations, which are often preceded by military operations, and the subsequent ruining of crops, are not eligible.

Displaced households traumatized by violence often fail to identify perpetrators and detail the circumstances that forced them to flee due to fear of reprisals. These applications are often rejected because they are considered incomplete.

Despite legal clarifications that allow IDPs to register after the first year of displacement and forgo emergency aid, found in Decree 2569/2000, the government continues to reject people who did not register within one year of their displacement.

The Register is used as the definitive list of people eligible for government services. Failure to be included on the Register denies the displaced a long list of services, including access to emergency assistance immediately after displacement, access to health, education and housing services, participation in training and income generation programs, and other forms of social support.

The government claims that once registered every individual remains on the list, but Refugees International documented dozens of cases in which the displaced have found themselves removed from the Register with no explanation. In town hall meetings with IDP communities in the departments of Cordoba, Chocó, and Nariño, RI found that as many as a third of the meeting's participants were told that their names could no longer be found on the registry by service providers. "Even when I presented the letter the government gave me saying I am in the Register, I was told that if I didn't show up in the computer, my letter was worthless," said one Afro-Colombian person displaced in Chocó.

The director of Acción Social in Cordoba told RI that these problems are due to the transfer of data in the Register from one database to another in the course of attempts to improve the system. Every time the data get transferred, names are dropped off by accident. But officials are either unable or unwilling to correct the resulting errors. A community leader from the Tierra Alta region of Cordoba told RI, "We gathered up all of the documentation from families in our community that had been dropped off the Register. We took these papers to the capital and presented them to Acción Social. That was six months ago, and no one has been put back on the list yet."

Additional problems with database management have the effect of excluding children and spouses from the Register, leaving some with access to services and others without. Currently, an entire family is put on the Register under the name of the head of household, but sometimes other family members are not included in the documentation. Acción Social staff explained these problems to RI as data entry errors, and maintained that these people could quickly get their family members reinstated. Despite this claim, the families RI spoke with had not succeeded in getting their loved ones on the Register.

Although Acción Social maintains the master Registry of all internally displaced people eligible for social services, this is not necessarily the database used for their actual provision. The database informs all agencies that participate in the Sistema Nacional de Atención Integral a la Población Desplazada (SNAIPD) or the National System for Unified Attention to the Displaced Population. Many of the agencies that participate in the SNAIPD maintain their own databases to determine who is actually eligible. RI received repeated complaints from displaced people that despite their inclusion on the Acción Social Register, they were not in the database for specific services.

The majority of complaints focused on the health care system. One man recently displaced to Pasto, Nariño told RI, "I am registered as an IDP and received my emergency food aid. But I am losing vision in one eye. I have not been able to get any treatment or medicine because I am told that I do not appear in the health system's database. I am afraid I will go blind."

Failure to be registered with Acción Social does not just impede access to government-provided services. Many international service provision agencies are working in partnership with Acción Social to target and implement their projects. Most notable in this category are contractors that use U.S. government funds, such as the Pan-American Development Foundation (PADF). Staff from a local partner of PADF in Chocó told RI of a project under development to improve or rebuild 200 houses for IDP and other local poor households. In the selection of displaced recipients, they were required to limit eligibility only to people included on the Register. In the first round of applications for participation in the project, almost half of the families had to be turned away because they were not on the Register, despite valid claims of need. Similarly, in Monteria, Cordoba, a community-based organization that received funds from the Cooperative Housing Foundation (CHF), which in turn received its funding from the U.S. government, had to limit its emergency assistance to individuals that were referred by Acción Social.

Refugees International Recommends:

The Government of Colombia:

Amend regulatory Decree 2567/2000 of Law 387 in order to expand the eligibility criteria for IDP status.

Acción Social:

Instruct regional offices to validate incomplete declarations from displaced people whenever there is a lack of contradictory information regarding the cause of displacement.

Instruct regional offices to allow IDPs who did not register within the first year of their displacement to be included in the Register and provide them access to the full range of services offered to long-term IDPs.

Fix database problems that cause people to be deleted from the Register, and choose one final database program that can manage Acción Social's needs.

Institute a transparent process to allow individuals who have been dropped from the Register to apply for reinstitution. Implement reasonable deadlines for placing a dropped individual back into the system.

Revise the operating procedures of the SNAIPD to require that all governmental service provision agencies have access to the Acción Social Register, and that the Register be the only database used to determine eligibility for services.

Donor governments:

Use independent means of determining IDP eligibility other than the Acción Social Register when providing services to displaced beneficiaries.

Ms. ROS-LEHTINEN. Madam Speaker, I recognize Mr. PITTS of Pennsylvania for such time as he may consume, the cosponsor of this resolution.

Mr. PITTS. Madam Speaker, I would like to thank the gentleman for his leadership on this issue, and I would like to thank the gentlelady for yielding time and thank her for her leadership in bringing this issue to the attention of the House.

Madam Speaker, I urge my colleagues to support H. Res. 426, which recognizes 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offer support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully.

I have worked with internally displaced persons around the world. These people are not refugees. They do not flee or leave their country; they are within their country displaced internally. And their stories are similar. People love their countries. They do not want to flee. But, because of circumstances, they are forced to leave their homes or their towns.

According to the United Nations, at the beginning of the year 2006, there were estimated to be 23.7 million IDPs, internally displaced people, around the world. That is a little over the size of the population of the entire State of Texas.

IDPs in Colombia frequently get caught in the conflict between the guerillas, the paramilitaries, and government troops. It is important that this body support and encourage IDPs around the world and today, in particular, in Colombia. IDPs deserve recognition. They deserve the assistance and resources as they seek to rebuild their lives.

If you travel to these countries and meet with IDPs, many times you will find them despondent, despairing, saying, "Why don't we get the assistance that the U.N. and the U.S. give to refugees"? We need to recognize their plights, and I commend my colleagues, Mr. LANTOS and Ms. ROS-LEHTINEN, for their leadership on bringing this issue to the attention of the House. I urge my colleagues to vote in favor of the resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is my pleasure to yield 2 minutes to the distinguished gentlelady from California, Congresswoman BARBARA LEE, a member of the Committee on Appropriations and a Member with a long history of advocating for those unempowered persons around the world.

Ms. LEE. Madam Speaker, let me first thank the gentlelady for yielding and for her leadership on this issue and on so many issues that affect those who have no voice in our own country and throughout the world.

I rise in strong support of this resolution, which calls on the United States, the United Nations and the government of Colombia to recognize 2007 as the Year of the Rights of the Internally Displaced Persons in Colombia.

And let me thank my colleague, Mr. McGOVERN of Massachusetts, for being such a leader on this issue and on his tireless work to end human rights abuses around the world, particularly in Latin America, now as a Member of Congress but also in his prior life as a staff member. He is truly committed to ending human rights abuses, and his life's work is about that. So I thank him, and congratulations on this resolution.

Madam Speaker, after Sudan, Colombia has the largest number of internally displaced persons. Estimates range from 2 million to 3.6 million persons. Less than one-third of IDPs receive emergency assistance, and many have to wait months to receive that emergency aid.

Of those IDPs, traditionally marginalized, and I mean marginalized, Afro-Colombian and indigenous communities have been disproportionately affected.

In 1993, the National Development Plan for the Afro-Colombian population awarded land titles to protect ancestral property rights. Madam Speaker, in recent years Afro-Colombians have been forcibly displaced from more than half of their land. The April 2001 massacre of Afro-Colombians in the Naya region brought international attention to the plight of these communities. This resolution takes a very important step towards ending the violence and terror that Colombia's internally displaced persons have faced.

I hope all of us support this resolution. I am very delighted that this is a bipartisan resolution. I want to commend again Mr. McGOVERN for this. We must end this grave injustice.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the ranking member for her leadership on this issue and the chairman of the full committee, Mr. LANTOS. Again, my appreciation and the committee's appreciation to Mr. McGOVERN and Mr. PITTS for their joint collaboration on a very instructive and important lifesaving measure.

As someone who has recently returned, let me again say that the voices of these individuals have to be heard through the humanitarian efforts of this Congress.

Mr. ENGEL. Madam Speaker, as Chairman of the Western Hemisphere Subcommittee, I rise in strong support of House Resolution 426 and I want to thank my colleagues, Congressmen JIM McGOVERN and JOE PITTS for introducing this important resolution.

As my colleagues have said, Colombia's internally displaced population represents one of the worst humanitarian crises in the hemisphere, and the second largest population of internally displaced in the world.

Many estimate that Colombia has the highest number of displaced persons in the world after only Sudan—up to 3 million people.

According to Amnesty International, over 60 percent of these displaced persons have been forced off areas of mineral, agricultural or other economic importance.

In fact, the United Nations High Commissioner for Refugees has deemed it the "greatest hidden humanitarian crisis in the world."

This problem is particularly severe among Afro-Colombians and the indigenous. I hope that Colombian President Alvaro Uribe and the Bush administration can concentrate on this during the next phase of Plan Colombia.

The Colombian government's proposal for the second phase of Plan Colombia—the Strategy for Strengthening Democracy and Social Development—focuses greater attention on socioeconomic aid. However, the President's FY 2008 budget for Colombia did not reflect this change.

Therefore, I was particularly pleased that my friend and colleague from the neighboring district to my own Chairwoman NITA LOWEY made welcome changes to our foreign assistance to Colombia in the FY 2008 House State and Foreign Operations Appropriations bill.

In particular, I appreciate Chairwoman LOWEY's report language that indicates that U.S. foreign assistance to Colombia should be increased for organizations working with internally displaced persons (IDPs) and municipalities and departments with high IDP populations.

I was also pleased that funds in the FY 2008 Foreign Ops bill were targeted specifically towards Afro-Colombians who as I noted are among the chief victims in Colombia's civil conflict.

I would be remiss not to mention that I have been impressed by the significant progress made by President Uribe in reducing kidnappings, homicides and massacres in his country. No one can deny these results.

But I believe that we must now build on this success by working together in improving social conditions in Colombia, chief among them the plight of Colombia's internally displaced.

Mr. HONDA. Madam Speaker, I rise today in support of H. Res. 426, recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offering support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully.

This resolution recognizes the UN High Commissioner for Refugees' finding that Colombia's estimated 2–3 million internally displaced persons (IDP) ranks only second to Sudan as the world's largest internally displaced population. As a close ally and strategic partner in Latin America, it is in the deep interest of the United States to assist Colombia's IDPs in rebuilding their lives in a dignified, safe, and sustainable manner.

The violence and poor economic situation in the country has disproportionately affected the Afro-Colombian community. Between 1995 and 2005, an estimated 61 percent of Afro-Colombians who received land titles through "Law 70" were forcibly displaced from their homes in a deliberate strategy of war by armed groups, many of whom are paramilitaries. In April of this year, my colleagues and I sent a letter to Secretary Rice urging her to ensure that the needs of Afro-Colombians and IDPs are a prime focus of American policy and assistance. It remains our recommendation that initiatives that help develop the capacity of Afro-Colombian communities, including technology transfers, management expertise, global distribution, and economic growth opportunities, and foreign investment that respects the collective land rights of Afro-Colombian communities, would best stabilize the living condition for the impoverished communities.

Furthermore, there must be a concerted effort to provide diplomatic and technical support to help secure the return of land to Afro-Colombians and indigenous communities internally displaced by violence, and to increase aid to protection programs. As a newly appointed member of the House Appropriations Committee, I am very pleased to report that the recent State and Foreign Operations Appropriations Bill for FY2008 includes important language in assisting Colombian IDPs through stronger economic aid. It is our hope that the leadership of the United States through the implementation of progressive programs will finally help heal this open wound on universal human rights.

Madam Speaker, I urge my colleagues to support H. Res. 426 as we help internally displaced persons of our close ally Colombia rebuild their lives safely and swiftly.

Mr. GRIJALVA. Madam Speaker, I am glad to rise in support of House Resolution 426, recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia.

Internal displacement is a massive problem in Colombia. As noted in this resolution, the number of displaced over the past 20 years is roughly equivalent to eight percent of the Colombian population. If we applied this ration to the population of the United Sates, this would equal twenty-four million displaced persons roughly the population of the State of Texas.

Unfortunately, this tragically large number continues to grow by about 200,000 every year.

The civil conflict, of course, is at the root of the problem, but this explanation is worth a closer look. There is a guerrilla war being waged by the group calling itself the Revolutionary Armed Forces of Colombia, or FARC, in conflict with the Colombian government and their paramilitary allies and surrogates, and combat has displaced many Colombians. Also, resorting to violence as a means of resolving conflicts over land and other resources has become commonplace and exacerbates the problem.

Afro-Colombians, whose rights to communal land holdings were not properly recognized until 1991, have been hit particularly hard by deliberate displacement aimed at securing valuable or strategic land areas, principally by paramilitaries and the Colombian state. The FARC has also been known to engage in this reprehensible practice. Often the land at issue is stolen from its residents because it is favorable to agriculture, has sub-surface resources, or is needed for the completion of large construction projects.

Due to economically motivated displacement and other factors, including their general political marginalization in Colombian society, Afro-Colombians are disproportionately over-represented in the displaced population, as noted in the resolution.

Because of their marginal position, Afro-Colombians, therefore, find it even more difficult than other Colombians to access the resources and assistance they need to rebuild their lives. In this dismal context, a return to their land, to their proper home, may be a deeply held hope, but it is difficult to imagine.

The plight of the displaced deserves our immediate attention. Not only have we involved ourselves in the Colombian civil conflict and armed the Colombian state—a government which our own State Department has stated cooperates with the pararmilitaries, but this nation's appetite for cocaine has inflamed the situation by generating income for all sides in the conflict.

I wholeheartedly support this resolution and hope for an overwhelming vote in favor of its adoption. I call on my colleagues to support this resolution and to pay sustained attention to the plight of the displaced throughout this year and beyond, as we work to redirect our policies toward building a just peace for the people of Colombia.

Mr. McGOVERN. Madam Speaker, last week the U.S. House of Representatives unanimously approved H. Res. 426, recognizing 2007 as the Year of the Rights of the Internally Displaced in Colombia. The United Nations Office of the High Commissioner on Refugees, UNHCR, praised its passage, noting that "It is the first time the U.S. Congress has singled out forced displacement in Colombia as one of the worst humanitarian crises on the American continent."

More than one-third of the over 3 million internally displaced people in Colombia are Afro-Colombians or indigenous peoples. On July 11, 2007, the Association of Internally Displaced Afro-Colombians, AFRODES, issued a statement welcoming the action taken by the U.S. Congress in passing H. Res. 426 and bringing attention to the plight of Colombia's internally displaced.

I encourage my House colleagues to reflect on the words of Colombia's Afro-Colombian community and I welcome the opportunity to submit the statement of AFRODES into the Record of the debate on H. Res. 426.

[July 11, 2007]

Internal Displacement in Colombia and Its Impact in Afro-Colombian Territories and Communities

In Colombia, a chronic and sustained humanitarian and human rights crisis persists, due to the ongoing presence of the causes of forced displacement, and the limited and contradictory security policies that the national government has adopted to stop the exodus of the population. Under the government of President Álvaro Uribe, military confrontations between the public security forces and illegal armed groups have intensified; during President Uribe's first term, there were 8,001 such confrontations, an increase of 149 percent over the 3,211 which occurred during the previous government of President Andrés Pastrana. This shows there is a greater military presence in the country, but that does not necessarily imply that conditions for the security of the civilian population are being met. In other words, there are no guarantees for the security of internally displaced communities to return to their regions of origin.

Defining the dimensions of the problem of internal displacement should be a priority, in order to define the conditions faced by victims of the internal armed conflict and thereby establish peace, justice and reparations. The System of Information on Forced Displacement and Human Rights (SISDHES), which has been operated by CODHES since 1995 and which takes into account data from the Episcopal Conference of Colombia from 1985–1994, indicates that around 3,832,527 people have been displaced during the last 20 years in Colombia (from January 1, 1985 through June 30, 2006). The United Nations just recently stated in a June 2007 report that the number of internally displaced in Colombia has reached 3,000,000. According to the U.N., out of the 13 million internally displaced persons (IDPs) their organization attended to over the past year, three million—or 23 percent of the world total—are Colombian. This according to the U.N. brings Colombia to the undesirable first position of the greatest number of IDPs in the world. Yet the Colombian government reports only 1,877,328 IDPs for the period from January of 1995–June of 2005.

Due to the lack of sufficient political will on the part of the government to attend to the IDP population, the Colombian Constitutional Court has delivered two rulings with the purpose of protecting the rights of the internally displaced: Ruling C–370 of 2005, relating to Law 975 of 2005, through which the Constitutional Court defines the scope of the rights and guarantees due to victims of the internal armed conflict under the system of transitional justice.

The Constitutional Court also issued Decree 218 of 2006, following Ruling T–025 of 2004 which declared the state of things to be unconstitutional in Colombia and ordered the government to develop a public policy designed to guarantee the effective protection of the rights of the internally displaced.

This decree examines the completion of the orders established through decrees No. 176, 177 and 178 of 2005; its principal conclusion is that the situation of unconstitutionality has yet to be overcome, while the necessary measures are not being taken to do so.

Finally, the Civil Commission for the Evaluation if Completion if Ruling T–025 and the Public Policy if Forced Displacement was formed as a plural and diverse coalition of civil society dedicated to overcoming displacement, at the same time that new protests and proposals for strengthening organizations of the internally displaced are being formed by the affected population.

Decree 218 illustrates the structural problems with the lack of a public policy for forced displacement and opens the possibility for greater public debate to examine the report presented by the government on September 13, 2006, such as the use of rights-based progress indicators.

We would also like to applaud the 42 cosponsors of H. Res. 426 and in particular our Afrodescendant brother Donald Payne and humanitarian James McGovern for raising the visibility of the plight of the many internally displaced Afro-Colombians to the U.S. Congress. In the last decade, especially during the last 5 years, internal displacement has intensified in areas of the Pacific Coast, in the departments of Nariño, Valle del Cauca, Cauca and Chocó in the collectively titled lands of Afro-Colombians. The particular characteristics of these displacements show them to be planned and deliberate, in order to cause communities to vacate their territories. This is corroborated by the study carried out by AFRODES and Global Rights in 2005, which illustrates that 61.73 percent of those people with collective titles to land in 50 municipalities with Afro-Colombian populations have been displaced from their territories. Most alarming is that there currently exists no public policy for attention to Afro-Colombian displaced populations, while the humanitarian crisis in their territories continues to worsen.

Finally, as an organization of internally displaced persons and in the name of many more who have lost their territories in Colombia, we appreciate and commend the efforts undertaken by the U.S. Congress and the international community to raise visibility of this humanitarian tragedy, specifically through H. Res. 426 in the U.S. House of Representatives. By working in partnership with the United States, the United Nations and many religious and non-governmental organizations, our communities can once again live with dignity and respect for their rights.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 426, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING THE DECISION BY THE UNIVERSITY AND COLLEGE UNION OF THE UNITED KINGDOM TO SUPPORT A BOYCOTT OF ISRAELI ACADEMIA

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 467) condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 467

Whereas, on May 30, 2007, the leadership of the University and College Union (UCU) of the United Kingdom voted in favor of a motion to consider at the branch level a boycott of Israeli faculty and academic institutions;

Whereas the UCU was created in 2006 out of a merger of the Association of University Teachers (AUT) and the National Association of Teachers in Further and Higher Education (NATFHE);

Whereas both AUT (in 2005) and NATFHE (in 2006) have passed resolutions supporting a boycott of Israeli academics and academic institutions;

Whereas, however, the AUT boycott resolution was overturned after one month in a revote, and the NATFHE boycott resolution was voided when the two organizations merged into the UCU;

Whereas Britain's National Union of Journalists called for a boycott of Israeli goods in April 2007;

Whereas the UCU boycott motion appears to have spawned similar movements in Britain to boycott Israel economically and culturally, and the country's largest labor union, UNISON, said it would follow the union of university instructors in weighing punitive measures against Israel;

Whereas these unions have a hypocritical double standard in condemning Israel, a free and democratic state, while completely ignoring gross human rights abuses occurring throughout the Middle East and around the world;

Whereas Article 19, section 2, of the United Nations Covenant on Civil and Political Rights states that, "Everyone shall have the right to . . . receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice";

Whereas these and other attempts to stifle intellectual freedom through the imposition of an academic boycott are morally offensive and contrary to the values of freedom of speech and freedom of inquiry;

Whereas American Nobel laureate Prof. Steven Weinberg refused to participate in a British academic conference due to the National Union of Journalist's boycott and stated that he perceived "a widespread anti-Israel and anti-Semitic current in British opinion"; and

Whereas the senseless boycotting of Israeli academics contributes to the demonization and attempted delegitimization of the State of Israel: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the vote by the leadership of the University and College Union of May 30, 2007, to consider at the branch level a boycott of Israeli academics and academic institutions;

(2) urges the international scholarly community, the European Union, and individual governments, to reject, or continue to oppose vigorously, calls for an academic boycott of Israel;

(3) urges educators and governments throughout the world, especially democratically-elected governments, to reaffirm the importance of academic freedom;

(4) urges other unions and organizations to reject the troubling and disturbing actions of the UCU leadership; and

(5) urges the general members of the UCU to reject the call of the union's leadership to boycott Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me first express our great appreciation to our colleague from Pennsylvania, Representative PATRICK MURPHY, for introducing this important and timely measure.

Madam Speaker, on May 30, the University and College Union of the United Kingdom voted to urge its membership to boycott Israeli faculty in academic institutions, an extraordinary action by men and women of letters in a free society and the belief in academic freedom.

Mr. MURPHY's resolution today voices the extreme disapproval of the United States Congress of the Union's shortsighted, simpleminded and singularly offensive action. What the University and College Union has done flies in the face of the very values that define democracies and are critical to their success, freedom of inquiry and freedom of speech, or freedom to disagree.

If the University and College Union follows through with this boycott, it will also spark numerous individual and institutional boycotts against British academics and others who likewise have similar values. An academic boycott is a blatant effort to stifle free thinking and debate, the hallmarks of a democratic society. From any point of view, it is wrong. Only in the most extreme moral exigencies would I find the need to take such an action and for such an action to be acceptable.

☐ 1815

In this particular instance, however, it seems outright wrong. By singling out the conduct of Israel, which is a democratic and pluralistic society surrounded by states with many charges of human rights violations against them, the union's leadership has revealed its true purpose, to demonize Israel. It is simply inexplicable how the union has turned a blind eye to the world's worst violators of human rights and targeted Israel only.

If anything, Israeli universities are one of the few places in the world where one will find Jews and Arabs learning side by side. The union's selective sympathy demonstrates a profound ignorance of Israel's academic community and the threats that the country faces.

Having personally visited Israel and its academic institutions, I can tell you that Jews and Arabs do study side by side, and the good news is that they learn, and they learn from each other, and out of that comes positive reaction to the conflicts of the region.

The events of this past month in the Gaza Strip in which Hamas lay waste to the legitimate institutions of the Palestinian Authority in Gaza further underscore the profound misjudgment of union leaders to narrowly condemn Israel.

The University and College Union of the United Kingdom has thus far chosen to ignore these developments and instead focused its wrath on Israel's ongoing efforts to defend itself against Hamas and other terrorists. If the union truly cared about helping Palestinians, it would help nurture dialogue among Israeli and Palestinian academics and come to the resolution that the two states must live side by side, and Israel has a right to exist. It would support institutions that help to develop, not stunt the educational sector for Israelis and Palestinians. And most importantly, it would condemn Hamas and others that repeatedly hijack and sabotage any possibility of a lasting two-state solution to the conflict.

By blaming the victims for the terrorists' crimes, the union's actions represent a bizarre inversion of the most fundamental principles of human rights. People of conscience have no choice but to speak out against this hypocrisy. In the face of terror and those who are morally blind to it, we must stand up for the values we cherish: openness, dialogue, democracy and freedom.

That is why Mr. MURPHY's legislation is so important, and that is why I call upon all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 467, which condemns the decision by the leadership of the University and College Union of the United Kingdom to support a boycott of Israeli academia.

This is not the first time, Madam Speaker, that we have faced such a challenge from the fringes of this academic establishment. In fact, on May 29, 2006, the British National Association of Teachers in Further and Higher Education falsely accused Israel and the Government of Israel of practicing what they said was "apartheid policies" and adopted a resolution to boycott the faculty of Israel and its academic institutions that do not denounce these nonexistent policies.

A similar resolution in favor again of an academic boycott of Israel was passed by the British Association of University Teachers, AUT, in April 2005, and then rescinded 1 month later by a special council of the AUT.

Fortunately, Madam Speaker, mainstream academics within the United Kingdom and internationally rejected these tragic and derisive attempts to undermine the principles of academic freedom and the free State of Israel.

Make no mistake, Madam Speaker, Israel is the strongest ally of the United States and a true democratic partner in the Middle East, one which upholds the principles and values of academic freedoms.

The boycotting of Israeli academics only serves to demonize the State of Israel. Moreover, the boycott of academic institutions from democratic countries represents a dangerous assault on the principles of academic freedom and open exchanges.

Representatives of the British Government, as well as many university presidents, academic bodies and leading scholars in the United States and Great Britain, have repeatedly spoken out against such campaigns.

I especially wish to highlight the strong voice of support from Donna Shalala, the President of the University of Miami in my congressional district, in favor of this resolution. Let us aid the efforts of these distinguished scholars and officials by passing this critical resolution before us tonight and demonstrating to the world that the United States Congress believes in free minds and free countries.

Madam Speaker, I commend my distinguished colleagues and friends, Mr. MURPHY of Pennsylvania and Mr. BURTON of Indiana, for introducing this important resolution.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, it gives me particular pleasure to introduce and to yield 6 minutes to the distinguished gentleman from the Eighth District of Pennsylvania, Representative PATRICK J. MURPHY, a member of the Permanent Select Committee on Intelligence and a veteran of the Iraq war. I believe this may be his first legislative initiative, and we yield to him 6 minutes as we congratulate him for his leadership.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I thank the gentlelady from Texas for her leadership on this issue and the gentlelady from Florida.

Madam Speaker, I rise today to offer a resolution to let the world know that this House stands opposed to anti-Semitism and reaffirms our support for academic freedom. It is sad that in this day and age I would have to offer such a resolution, but the actions of a misguided group thousands of miles away have forced this body to act.

Madam Speaker, in May the leadership of the University and College Union, or UCU, the main union representing 120,000 British college teachers, called for a boycott of Israeli academic institutions. As a former professor myself at the United States Military Academy at West Point, I know how wrong this action is from an academic and diplomatic perspective.

This boycott will sever academic contacts and exchanges of personnel between British and Israeli academic institutions, as well as have a significant economic impact, given that the union enjoys significant influence in Britain.

The reasons given by the leadership of the UCU for endorsing a boycott consist of the same tired propaganda and inflammatory rhetoric typically used by the enemies of Israel and do not deserve to be repeated on the floor of this distinguished body. This call for a boycott by the UCU is even more disturbing, given that Britain's National Union of Journalists called for a similar boycott this past April.

It should come as no surprise that these boycotts have drawn harsh criticism. In a recent editorial entitled "Malicious Boycotts," the New York Times called them nonsense, writing, and I quote, "Who would respect the judgment of a scholar who selects or rejects colleagues on political grounds? Who would trust the dispatches of a reporter who has openly engaged against one side of a conflict? Critical thinking and well thought-out criticism are intrinsic to good scholarship and good journalism. These boycotts represent neither."

The criticism, though, does not end there. Now former Prime Minister Tony Blair has criticized the boycott saying, "I hope very much that decision is overturned because it does absolutely no good for the peace process or for relations in that part of the world."

Madam Speaker, the former Prime Minister is right. We need to build dialogue and trust in the Middle East and we cannot do that without our greatest ally there, the State of Israel. Israel is a stable democracy that shares our values. This is rare in a region of the world where few nations have democracy, rule of law and religious freedom.

As an Iraq war veteran, I know firsthand just how dangerous that part of the world truly is. That's why when Israel comes under attack from hatemongers, it's the American values that are also under such attack. Today, by passing this bipartisan resolution, we're stating with one voice that this Congress will stand up and defend our friend, the State of Israel.

Specifically, my resolution condemns the decision by the UCU leadership to boycott Israeli academia and urges the general membership to reject the boycott. It also urges the academic community and individual governments to reject any call for a boycott of Israel and to reaffirm the importance of academic freedom.

Limiting academic exchange and shrinking the marketplace of ideas only hinders our ability to bring peace to the Middle East and to help solve the Israeli-Palestinian conflict.

Madam Speaker, in closing, I want to make sure that I thank some of my distinguished colleagues who were instrumental in bringing this resolution to the floor today; the chairman of the Subcommittee on Europe, ROBERT WEXLER; and the chairman and ranking member of the Foreign Affairs Committee, TOM LANTOS; and Ms. ROS-LEHTINEN. These three distinguished Members have proven themselves to be leaders in standing up for Israel, and I thank them for all their work in bringing this resolution to the floor.

With that, Madam Speaker, I will conclude by urging swift passage of this critical resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time. I'd like to congratulate the gentleman from Pennsylvania for this very important resolution, and I yield back the balance of our time.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me add my appreciation to Congressman MURPHY for a powerful statement on the floor in affirmation of the sense of responsibility involving academic freedom and the important responsibility in opposition to anti-Semitism that seems to plague this world on many occasions. Let me thank him for his leadership, thank Mr. BURTON and thank the ranking member and the chairman of the full committee.

With that, I ask my colleagues, with great enthusiasm, to support this resolution.

Mr. WAXMAN. Madam Speaker, Anti-Israel propaganda has reached a new low, with a renewed campaign by a group of British academics to boycott Israeli academics and universities.

Spearheaded by the British University and College Union, the initiative calls on British academics to refrain from collaborating on research with Israeli counterparts or working with journals published by Israeli companies.

It is incumbent upon the United States to oppose this assault on academic freedom and stand against efforts to isolate Israeli institutions. While I am encouraged that there is little support for this initiative beyond a vocal and extreme minority, it appears that similar undertakings have been attempted by British unions representing journalists and government workers.

I welcome the bold statements by the UK Education Minister and university presidents across the United States condemning this misguided crusade. Those who sincerely believe in the cause of peace should encourage dialogue, cooperation, and the free exchange of ideas. It is disappointing that the Palestinian trade unions promoting these kinds of boycotts are more interested in promoting prejudice than in building a future of coexistence.

With this resolution, let us raise our voices in solidarity with Israel and reaffirm the fundamental values of academic freedom.

Mr. ENGEL. Madam Speaker, academic freedom is one of the bedrocks of a free society. This is known in the United Kingdom, just as it is known in the United States and other democratic nations.

Among the nations with an open academic climate is the democratic state of Israel. The views expressed on its campuses span the spectrum from left to right and liberal to conservative. Its students are of all ethnicities, speaking many different languages. But, on May 30, the University and College Union of the United Kingdom voted to urge its membership to consider boycotting Israeli faculty and academic institutions. This deplorable action by men and women of letters runs against the very tenets of free academic exploration. How can people of learning expect to share the studies of the great questions of our time if they are not speaking to one another?

Moreover, I fear that the reason behind this extraordinary step is much more dark and ominous. I believe that underlying this attack on Israel's academia is a not-so-well-veiled anti-Semitism. By singling out the conduct of Israel, a democratic and pluralistic country surrounded by a sea of dictatorships, the Union's leadership has taken absurdity and hypocrisy to new heights.

The legislation on the floor of the House today voices Congress's extreme disapproval of the Union's short-sighted, bigoted, and offensive action. I urge my colleagues to support H. Res. 467 and tell the nations of the world that academic societies are no places for closed-minded, hate-filled efforts to stifle free exchange.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise in support of H.R. 467, condemning the appalling and frightful decision by the University and College Union of the United Kingdom to support a boycott of Israel academia. I commend my colleague from Pennsylvania, Representative PATRICK MURPHY, for his leadership in this critical issue.

The University and College Union of the United Kingdom made the determination to boycott Israel based on a biased, ignorant, and destructive targeting of the State of Israel, the only free and democratic country in the Middle East.

The UCU's vote to freeze European funding for Israeli academic institutions, as well as condemning "the complicity of Israeli academia in the occupation," is disgraceful. The Union's discriminatory actions echo the anti-Semitic rhetoric that has reverberated throughout history and alarmingly, as the UCU vote attests, is still with us today.

Furthermore, the UCU boycott strips the principle of academic freedom from one of the world's most established democracies, undermining the academic dialogue and exchange of ideas that foster and sustain intellectual pursuit. These senseless initiatives only defame the reputation of British academics as they violate fundamental standards of academic freedom by censuring the only country in the Middle East where open scholarship and debate are not only allowed, but encouraged.

As a Member of Congress, serving a nation founded on the ideals of democracy and freedom, I urge my fellow Members to support H.R. 467, condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia.

Mr. PAUL. Madam Speaker, I rise with serious concerns over this legislation. Let me first state that I am personally not in favor of the University and College Union of the United Kingdom boycott against Israeli academia. I oppose all such refusals to engage and interact even where strong disagreement exists. I believe such blockades, be they against countries or academic groups, to be counterproductive. I strongly encourage academic and cultural exchanges, as they are the best way to foster international understanding and prevent wars.

My concerns are about this particular piece of legislation, however. I simply do not understand why it is the business of the United States Congress—particularly considering the many problems we have at home and with U.S. policy abroad—to bring the weight of the U.S. government down on an academic disagreement half a world away. Do we really believe that the U.S. Government should be sticking its nose into a dispute between British and Israeli academics? Is there no dispute in no remote corner of the globe in which we don't feel the need to become involved?

Mrs. MALONEY of New York. Madam Speaker, I rise in support of H. Res. 467, condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia. It appears that this boycott reflects the views of only a small minority of this esteemed union. This small minority is tarnishing the reputation of a union whose membership includes professors of some of the most historic and enlightened academic institutions in the world. This boycott unfairly targets Israeli academics; it is both biased and destructive and should be opposed.

Academic and cultural exchange is a critical bridge between societies and cultures that have no other means of interacting with each other. Free exchange of ideas has been shown to be a very positive force in bringing people together to overcome their differences. Universities should not be conduits for espousing ethnically, religiously, or racially biased political ideologies. Throughout history universities have been bastions of progressive thinking and cross cultural collaboration and they should remain unfettered by such base and thoughtless ideas as bigotry.

I would like to join with others to support this resolution urging government and educators throughout the world to reaffirm the importance of academic freedom and open dialogue and to condemn measures that would prevent the sharing and exchange of knowledge.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 467, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

EXPRESSING SUPPORT FOR THE NEW POWER-SHARING GOVERNMENT IN NORTHERN IRELAND

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 482) expressing support for the new power-sharing government in Northern Ireland, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 482

Whereas the Good Friday Agreement, signed on April 10, 1998, in Belfast, and endorsed in a referendum by the overwhelming majority of people in Northern Ireland and the Republic of Ireland, set forth a blueprint for lasting peace in Northern Ireland;

Whereas on May 8, 2007, leaders from the major political parties in Northern Ireland took office as part of an agreement to share power in accordance with the democratic mandate of the Good Friday Agreement;

Whereas on May 8, 2007, Ian Paisley and Martin McGuinness became Northern Ireland's first minister and deputy first minister, marking the beginning of a new era of power-sharing;

Whereas Dr. Paisley, the Democratic Unionist leader, and Mr. McGuinness, the Sinn Fein negotiator, have put aside decades of conflict and moved toward historic reconciliation and unity in Northern Ireland;

Whereas on May 8, 2007, Dr. Paisley declared, "I believe that Northern Ireland has come to a time of peace, a time when hate will no longer rule.";

Whereas Mr. McGuinness declared this new government to be "a fundamental change of approach, with parties moving forward together to build a better future for the people that we represent";

Whereas former British Prime Minister Tony Blair declared that "[T]oday marks not just the completion of the transition from conflict to peace, but also gives the most visible expression to the fundamental principle on which the peace process has been based. The acceptance that the future of Northern Ireland can only be governed successfully by both communities working together, equal before the law, equal in the mutual respect shown by all and equally committed both to sharing power and to securing peace. That is the only basis upon which true democracy can function and by which normal politics can at last after decades of violence and suffering come to this beautiful but troubled land.";

Whereas the Taoiseach of Ireland, Bertie Ahern, declared that "[O]n this day, we mark the historic beginning of a new era for Northern Ireland. An era founded on peace and partnership. An era of new politics and new realities.";

Whereas both communities have worked together in a spirit of cooperation and mutual respect to solve the problems of concern to all the people of Northern Ireland, including the decision by all the major political parties to join the Northern Ireland Police Board and support the Police Service of Northern Ireland; and

Whereas President George W. Bush, like his predecessor President William J. Clinton, has worked tirelessly to bring the parties in Northern Ireland together in support of fulfilling the promises of the Good Friday Agreement: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States stands strongly in support of the new power-sharing government in Northern Ireland;

(2) political leaders of Northern Ireland, former Prime Minister Tony Blair, and Taoiseach Bertie Ahern should be commended for acting in the best interest of the people of Northern Ireland by forming the new power-sharing government;

(3) May 8, 2007, will be remembered as an historic day and an important milestone in cementing peace and unity for Northern Ireland and a shining example for nations around the world plagued by internal conflict and violence; and

(4) the United States stands ready to support this new government and to work with the people of Northern Ireland as they strive for lasting peace for the people of Northern Ireland.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

I would like, first of all, to commend our distinguished colleague, Mr. GALLEGLY of California, for introducing an important resolution that commemorates a historic occasion in the quest for lasting peace in Northern Ireland.

☐ 1830

On May 8, Irish Prime Minister Bertie Ahern pronounced "the historic beginning of a new era for Northern Ireland, an era founded on peace and partnership, an era of new politics and new realities."

That day indeed marked a new era as age-old rivals Ian Paisley of the Democratic Unionist Party and Martin McGuinness of Sinn Fein became Northern Ireland's First Minister and Deputy First Minister, respectively, taking their places in the new power-sharing government at Stormont.

May 8 also marked the end of direct rule from London and the end of guns and bombs as a form of political expression. These developments provide an opportunity for the people of Northern Ireland to govern themselves.

Finally, that day marked the end of decades of conflict and gave hope to the spirit of reconciliation, hope that may inspire those in other communities ravaged by sectarian conflict to keep striving to find peace. We think in particular today of the conflicts of Iraq, Lebanon, Israel and Palestine, Cyprus, and Kashmir. The end to civil wars can bring true peace. Ireland is a true example. And since, of course, the war in Iraq is raging as a civil war, this is a most potent model of success for peace and reconciliation.

We know it will not be easy for these dividing societies to achieve lasting peace, but it was not an easy road for Northern Ireland's war-weary politicians. The prospect of reconciliation was tantalizingly close in April, 1998, when political leaders signed the Good Friday Agreement and voters endorsed its provisions in a referendum. I am reminded of traveling to Ireland with then chairman of the Foreign Relations Committee, Ben Gilman, as we went from area to area talking with the disparate groups addressing the question of peace in Ireland. In December, 1999, the new Northern Ireland Executive finally met for the first time after repeated failures to agree upon its membership.

During the next 3 years, the assembly operated in fits and starts as political leaders sought to reach agreement on outstanding issues, such as the decommissioning of weapons and reform of the police service. Trust between the two communities deteriorated to such a point that devolution was suspended in October, 2002, and not restored until this past May. It is due in large part to the tireless efforts of Northern Ireland's political representatives as well as the constant encouragement of Ireland and Britain's long-serving leaders, Bertie Ahern and Tony Blair, that solutions were eventually found to the most vexing problems. And may we be reminded that there were those who were willing to lay down their weapons.

I would also like to pay tribute to the efforts of Presidents Bush and Clinton as well as former Senator George Mitchell, who worked together with British and Irish leaders to fulfill the promises of the Good Friday Agreement. Senator George Mitchell worked without ceasing and worked with passion and heart.

It is, of course, the people of Northern Ireland who are the biggest winners, as we in this House hope the establishment of the new power-sharing government heralds the dawn of a truly new era characterized by peace, prosperity and mutual respect for all races and religions.

Madam Speaker, I strongly support this resolution, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I am pleased to take this opportunity to rise in strong support of House Resolution 482, expressing support for the new power-sharing arrangement for the government in Northern Ireland.

Madam Speaker, on May 8, longstanding enemies in the violent conflicts in Northern Ireland came together in a historic agreement to put down violence and instead sit together in Parliament. With the formation of a new Northern Irish government based upon a power-sharing agreement between the unionists and the nationalists, an important component of the 1998 peace accord known as the Good Friday Agreement has been fulfilled, and a further step forward toward a peaceful political settlement in the region has been taken.

Progress toward peace in Northern Ireland has been dangerously unsteady, and it gives us all hope that perhaps at long last the paramilitary organizations in Northern Ireland have lost favor with the public and that people are now looking forward to a legitimate political party process that leads them into the future.

While tensions may not have been completely erased and the differences of opinion will no doubt persist, it is remarkable to contemplate that now, hopefully, such differences will play out in the political arena rather than in the arena of bombs and guns.

Madam Speaker, this legislation rightfully commends the collaboration of former Prime Minister Tony Blair and Irish Prime Minister Bertie Ahern, whose patience and perseverance through the years even in the face of great odds has resulted in this step forward in the peace process. Prime Minister Blair eloquently outlined his fondest hopes for Northern Ireland in a 2002 statement regarding the peace process where he stated: " . . . enemies would become not just partners in progress but sit together in government" and " . . . paramilitaries who used to murder each other as a matter of routine would talk to each other and learn to live with each other."

The commitments of Mr. Blair, Mr. Ahern and others appears to have transformed those noble goals into doable outcomes.

Madam Speaker, we all hope for a Northern Ireland that is a safer place to live and that those benefits turn into a prosperous economy for all. These recent developments are positive steps forward, but there is still much work to be done. We should seek to encourage continuing momentum and goodwill and support the new power-sharing agreement in whatever way is appropriate and possible to do.

I, therefore, ask my colleagues to join me in voting for this measure to show our support for this new government and to express our hope that the people of Northern Ireland will at long last achieve their goal of peace.

Madam Speaker, I now yield such time as he may consume to Mr. GALLEGLY, the ranking member on the Subcommittee on Europe.

Mr. GALLEGLY. I thank the gentlewoman for yielding.

Madam Speaker, House Resolution 482, which I introduced on June 12, expresses the support of the House of Representatives for one of the most successful efforts in peacemaking in modern European history.

The resolution recognizes the success of the Northern Irish peace process that had its first major breakthrough with the signing of the Good Friday Agreement in 1998. While the Good Friday Agreement provided the blueprint for lasting peace, it took years of negotiation and compromise by both communities in Northern Ireland for the agreement to be fully implemented.

This occurred on May 8 with the formation of a government based on a power-sharing arrangement involving the largest unionist and nationalist parties in Northern Ireland. The May 8 accord translated the general principles of the Good Friday Agreement into a concrete political settlement with important powers being transferred from London to Belfast.

Madam Speaker, House Resolution 482 expresses the sense of the House of Representatives that the United States should strongly support the new power-sharing government in Northern Ireland. The legislation also commends the Northern Irish political leaders, both of those who represent the Catholic and Protestant communities, as well as former British Prime Minister Tony Blair and Irish leader Bertie Ahern for their leadership in the formation of this new government.

Lastly, House Resolution 482 states that the U.S. stands ready to support the new government and to work with the people of Northern Ireland to achieve their goal of a long-lasting peace.

Madam Speaker, the restoration of power-sharing institutions, the Northern Ireland Assembly and Executive Committee, will not ensure lasting peace in Northern Ireland. Much work remains to be done in terms of bringing the two communities even closer together. And Congress must stay engaged with Northern Ireland as an honest broker in the years to come.

However, the May 8 agreement represents major progress in resolving a sectarian conflict that has plagued Northern Ireland for over 400 years and has claimed over 3,200 lives just since 1969.

Madam Speaker, this legislation is cosponsored, I believe, by every one of my colleagues that have taken a legislative or leadership role in the Congress in resolving sectarian conflict in Northern Ireland.

I urge the passage of House Resolution 482.

Ms. JACKSON-LEE of Texas. Madam Speaker, I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, at this time I would like to yield such time as he may consume to Mr. TIM MURPHY, a member of the Friends of Ireland Caucus and a leader on this peace process.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I thank the gentlewoman for yielding to me on this important part that other colleagues and I have traveled to Ireland to work on this issue. And I am pleased today to speak in support of the power-sharing agreement reached in Northern Ireland.

Since my own youth, I have followed the conflicts in Northern Ireland and, like many Americans, hoped and prayed for the day when there would be peace throughout all the island of Ireland. As of a few weeks ago, with the power-sharing agreement, it would seem that peace has finally come. Now DUP, Sinn Fein, the UUP and the SDLP all share in the governance of Northern Ireland. Now men and women who once gave fiery speeches in opposition to one another sit at the same table working with one another.

When I visited Northern Ireland a few months ago with other Members of Congress, we were witnessing history, perhaps the end to centuries of conflict, the beginning of a new dawn. It was not too long ago, beginning in the 1960s, that marches for civil rights in Northern Ireland were followed by decades of riots, assassinations, bombings and warfare carried out by paramilitary groups. Thousands of British troops occupied the north to stop the violence. Ceasefires temporarily stopped the attacks, but the "Troubles," as they came to be known, continued. In the end, over 3,200 or more were killed and thousands more were wounded.

Phil Coulter from Northern Ireland wrote in the song a few years ago, "The Town I Loved So Well," about his return to the area, where he wrote in the final verse:

"Now the music's gone, but they carry on for their spirit's been bruised, never broken. They will not forget, but their hearts are set on tomorrow and peace once again. For what's done is done, and what's won is won, and what's lost is lost and gone forever. I can only pray for a bright, brand new day in the town I loved so well."

Perhaps those prayers have been answered. The troops are gone. The bombings have stopped. And there is hope for all of the towns that are loved by the citizens of Northern Ireland.

Eight years ago, the Northern Ireland political parties signed the Good Friday Agreement, which established a blueprint for self-rule. But reconciliation faced continued difficulties. New deadlines to start self-government were set. The ceasefires continued to hold, and another election occurred in March of this year. Then, for the first time, men who were enemies, the likes of Ian Paisley, Martin McGuinness and Gerry Adams, sat at the same tables to establish self-government. It was nothing short of remarkable that left all on the island with a palpable sense of awe and hope.

How did they do it?

First, there was hope for prosperity. The south of Ireland is in the midst of the greatest economic boom in the European Union. Families in Northern Ireland want to be part of that prosperity rather than the poverty and dependence on government jobs and the dole. They are putting tremendous pressure on their leaders to settle the differences and create jobs.

Number two, international diplomacy. The prime ministers of the United Kingdom, such as Tony Blair, and Ireland's Bertie Ahern, Presidents Clinton and Bush, and Members of Congress from the United States, in particular Mr. WALSH and KING of New York and Mr. NEAL of Massachusetts, have all maintained pressure for resolution. At the same time, programs supported by the International Fund for Ireland brought Catholics and Protestants together to build positive relations.

Third, the disarmament of paramilitary groups. The IRA says it has given up its weapons, and outside observers agree. And even though other paramilitary groups say they are not yet ready to disarm, there is still a discernible belief that the days of terrorism are a thing of the past.

□ 1845

Each day without violence builds trust.

Number four: Integration of the police force. To overcome the fears that the police will be used as weapons by or against either side, they have been working towards a goal of 50 percent Catholic and 50 percent Protestant. Respect for law enforcement is growing on both sides; and after 30 years of occupation, the last British troops quietly left only a few weeks ago.

In the midst of this hope, there are many challenges that lie ahead. Ninety-five percent of schools are still segregated. Thirty-foot high "peace" walls still divide Catholic and Protestant neighborhoods. Huge murals still cover the sides of buildings declaring loyalty to the Crown or to Ireland, or showing one or other masked paramilitary members looking down the barrel of a gun declaring who controls the neighborhood, or depicting an atrocity blamed on either the Catholics or the Protestants. Some neighborhoods fly the Union Jack of the United Kingdom, and others the green, white and orange flag of Ireland.

Perhaps these challenges and choices facing the people of Northern Ireland are best characterized by one of the murals we saw in a Belfast neighborhood. It depicts a large black and white photograph of a youth lying wounded on a street while a riot looms behind in the neighborhood. Another youth stands in the foreground throwing a bomb. But encircling this picture are the words, "Can It Change?" And at the bottom is the word "Believe."

While the original meaning of the mural was meant to show that this Protestant neighborhood believed it could rise up and defend itself against what it considered to be ethnic cleansing, perhaps this mural can take on a new meaning today. Perhaps it can be a beacon of hope to believe in an end to violence and a lasting peace. Indeed, keeping the peace will demand that many believe. And if they do, perhaps this time, in our time, there will be an end to several centuries of warfare. Perhaps this time the elected government shared by the parties will not just be one more temporary fix, but the dawn of a bright brand new day in the towns that we all love so well.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to Mr. WALSH of New York, a cosponsor of this resolution, and a long-time champion of the peace process in Northern Ireland.

Mr. WALSH of New York. I thank my good friend and colleague from Florida for giving me time to speak on this issue, and to my colleague from California, who brought this resolution to the floor, and my colleague from Texas.

This is a wonderful celebration of a great success for mankind, not just for the Irish, but for all of mankind. And it's an important and significant foreign policy success for the United States of America.

About 12 years ago, then-Speaker Gingrich asked me if I would be willing to chair the Friends of Ireland, an ad hoc organization within the Congress that had been begun by Tip O'Neill, and the tradition continued through Speaker Wright and Foley and then Gingrich. Historically it had been a Democratic Congress, and I was the first Republican to chair it. But we never missed a beat. The Democrats and the Republicans worked side by side. Both Houses, Senators KENNEDY and DODD, MCCONNELL and CONNIE MACK worked hand in hand with RICH NEAL, PETE KING, myself, Ben Gilman, and so many others.

There is a real paradigm here for American foreign policy. If we can get everybody working together, we can solve I think pretty much anything in the world. But we played a part in this. The significant players were the British, beginning with John Major, and certainly Tony Blair, who focused on this all through his entire career. And also on the other island of Ireland, going all the way back to Elbert Reynolds and John Bruton, and then Bertie Ahern for the last 10 years. Every one of them, and again, different parties, different leaders, different philosophies, the same with the United States at the White House with President Clinton and then President Bush. Regardless of party, regardless of nationality, people all focused on what needed to be done.

I remember when I first took on this assignment, and what a labor of love for me, as an Irish-American, son of an Irish mother and an Irish father, when I first met David Tremble and I asked him, what do you expect to get from all of this? He said one word, Peace. And then subsequently, a day or so later, I had the chance to meet Gerry Adams and I asked Gerry Adams, what do you expect from all this? He said in three words, Peace with justice. And so I think both men showed remarkable patience and persistence through this process. And certainly now we have a government that combines the republican forces of Northern Ireland, Adams, McGuinness and others, and the loyalist forces led by Ian Paisley, Peter Robinson, Jeffrey Donaldson and others. It's a remarkable achievement. It's almost like having Sunnis and Shia working together in Iraq. Imagine that. It's possible.

But we should celebrate this victory as Americans, and as members of the family of man, because it is a great victory. We have taken a very, very dangerous place on the Earth and made it a peaceful place. We have seen the people of Northern Ireland, loyalists, nationalists, Catholic and Protestant, come together in one exercise, a democratic legislation. And it was that election, the election this spring, that really provided the coup de grace to violence and established democracy because all the parties participated and the people provided ultimately the leadership that was required to make this happen and gave their leaders the strength and the political capital to form this government.

So TIM MURPHY and I and a number of others, RICH NEAL, were in Ireland to watch Ian Paisley walk across the sidewalk in Dublin and shake hands with Bertie Ahern, say, I've got to grip this man's hand, give him a good grip. It was astounding. And the pictures of Gerry Adams and Martin McGuinness and Peter Robinson and Ian Paisley meeting together was an astounding picture that sent hope out to the entire world. So credit everyone. Victory has a thousand fathers and mothers. And we should all celebrate that.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Let me thank the sponsors of this legislation. This was an important discussion on the floor.

And I might just conclude in my thanks to the ranking member and the chairman of the full committee, and remind my colleagues that the message of this legislation is the point of individuals in conflict willing to lay their guns and weapons down in what has been a long-standing civil war, and their ability to share power; important lessons for countries or nations like Iraq, Lebanon, and many, many others.

With that, I ask my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 482, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GALLEGLY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

OPPOSING EFFORTS BY NATURAL GAS EXPORTING COUNTRIES TO ESTABLISH A CARTEL

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 500) expressing the sense of the House of Representatives in opposition to efforts by major natural gas exporting countries to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price or as an instrument of political pressure, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 500

Whereas the United States currently is largely self-sufficient in natural gas but is projected to greatly increase its usage over time, which could create a growing dependence on world supply;

Whereas the cost of natural gas has approximately tripled since 2000 and has had a significant negative impact on United States manufacturers and on employment in manufacturing;

Whereas in 2004 alone the rising cost of natural gas was responsible for the closure of scores of chemical companies in the United States and the loss of over 100,000 jobs;

Whereas chemicals, plastics, and advanced composite materials are used extensively for military and commercial applications and are crucial components of the United States defense industrial base, which is the foundation of United States national security;

Whereas Europe, as well as Japan, South Korea, and other United States allies, are heavily dependent on imported natural gas, and countries such as China and India are rapidly increasing their reliance on foreign suppliers;

Whereas the supply of natural gas is controlled by a relatively small number of countries, including Iran, Russia, Venezuela, Bolivia, Algeria, and Qatar, among others;

Whereas these and other countries have established an organization known as the Gas Exporting Countries Forum (GECF) to promote coordination on policies regarding natural gas;

Whereas the members of the GECF are estimated to possess over 70 percent of global gas reserves and over 40 percent of global production;

Whereas several of these countries have governments hostile to the United States;

Whereas on January 29, 2007, Iranian Supreme Leader Ayatollah Khamenei proposed that Russia and Iran cooperate to establish a cartel for natural gas, which has been termed a "gas OPEC";

Whereas Russian President Putin has expressed great interest in the formation of a cartel of this type;

Whereas Venezuelan President Hugo Chavez has declared his strong support for the proposed cartel and described it as an expansion of his efforts to establish a similar cartel in the Western Hemisphere;

Whereas Iranian officials have made clear their interest in using this "gas OPEC" as an instrument for political purposes;

Whereas Russia has repeatedly demonstrated its willingness to use its role as supplier of oil and gas to exert political pressure on other countries, such as Georgia, Ukraine, and Belarus, among others;

Whereas Europe currently relies on Russia for almost half of its imports of natural gas and is likely to increase its dependence on this source over the next decade;

Whereas North Atlantic Treaty Organization officials have warned of the danger of Europe's increasing dependence on Russian energy and of the prospect of alternative suppliers, such as Algeria, cooperating with Russia;

Whereas at the GECF meeting in Doha on April 9, 2007, of senior officials from Iran, Russia, Venezuela, Bolivia, Algeria, Qatar, and other countries, an agreement was reached to establish a committee chaired by the Russian Government to study proposals for greater coordination of policies, including pricing, that participants stated would be necessary for the creation of a cartel; and

Whereas the creation of an international cartel for natural gas similar to that of the Organization of Petroleum Exporting Countries (OPEC) would pose a major threat to the price and supply of energy, to the economy of the Unites States and of the world, and to their security: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States should make clear to the governments of major natural gas exporting countries that it regards efforts to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price, or as an instrument of political pressure, to be prejudicial to the security of the United States and of the world as a whole;

(2) the United States should develop a joint strategy with its allies and all countries that are importers of natural gas, as well as with cooperative exporting countries, to prevent the establishment of a cartel or other mechanism of this type, including by diversifying sources and alternative means of access by exporters and importers to international markets, such as by pipeline; and

(3) in order to mitigate potential economic and other threats to our security, the United States should work with our allies to reduce our dependence on natural gas and to increase and promote the utilization of clean energy sources.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of this resolution and yield myself as much time as I may consume.

I would like to thank our distinguished colleague, Ms. ROS-LEHTINEN of Florida, for introducing this important resolution.

Madam Speaker, one of the most confusing inventions over the past century was the Organization of Petroleum Exporting Countries. Some call it a cartel, some call it a monopoly, and some just call it what it is, that is, price-gouging by a few countries that have managed to challenge the international security in the process.

Recently, several leaders of the major exporters of natural gas, including Iran, have publicly advocated the establishment of an international cartel similar to that of OPEC , thus proposing to create a "gas OPEC."

The Iranian supreme leader has been very clear in his interest to use his cartel as an instrument for political purposes.

Although the United States currently is largely self-sufficient in natural gas, our usage is projected to increase over time, which could result in a growing dependence on world supply. Our European and Asian allies are heavily dependent on imported natural gas. Therefore, we believe a debate should begin on how we can use the world's resources fairly to avoid penalizing those dependent on such resources, and to avoid the crisis that has generated the utilization of energy from Sudan by many of our allies like those in Europe and Asia while genocide is occurring in that country.

The creation of this cartel would pose a major and long-term disruption to the world's energy supply and convene a potential crisis that would significantly undermine America's interests. We cannot stand by and let yet another global oligopoly in the form of a gas OPEC to be established which would ultimately raise the cost of energy globally in an unfair manner; nor can we allow the major natural gas exporters, some of whom are current or potential adversaries of the United States, to develop a powerful political weapon to be used against us and our allies. I can only imagine what policy ends such a body would aim to achieve with its natural gas leverage.

Not only the United States would be impacted, but many of the developing nations and many of our friends and foes around the world. The world's natural resources belong to the world's people, and the fact that such a potential organization could deny that would be a catastrophe, particularly for those emerging developing nations.

This resolution puts on notice those countries seeking to establish a cartel in natural gas that the United States regards such efforts as a threat to the security of the entire world. This proposed cartel would, I believe, be part of a dangerous throwback through authoritarianism. It would create instability in the respective regions and, in Iran's case, to the world. No one wishes to see them commence an axis that would embolden their respective nations and their respective regimes.

I strongly support this resolution, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, for several decades, the world's supply of petroleum has been held hostage to the whims of the Organization of Petroleum Exporting Countries, also known as OPEC.

Over the past decades, OPEC has manipulated production to bring about enormous price increases. It has repeatedly manufactured energy crises and imposed embargoes against individual countries for political purposes, including right here in the United States. As a result of its policies, several of its members, and especially their elites, have grown enormously wealthy at the expense of the global economy, which has suffered severe disruption and slower growth.

Envying the success of this greedy model, many of the world's exporters of natural gas have begun taking steps to create a similar cartel in natural gas which has been termed as a "gas OPEC."

There are some in the West who dismiss the feasibility of a new OPEC for natural gas, citing differences in the structure of the oil and gas industries. However, Madam Speaker, the leaders of many of these gas-exporting countries do not share those doubts, and several have been publicly enthusiastic about the prospects of this new project.

In January of this year, the supreme leader of Iran, Ayatollah Khamenei, proposed that Russia and Iran cooperate to establish a cartel for natural gas, prompting the President of Russia, Vladimir Putin, to state his great interest in this project. And Venezuelan strongman Hugo Chavez has announced his eager support for the proposed cartel, which he describes as an expansion of his efforts to establish a similar structure in our own Western Hemisphere.

These are not empty statements. As the gas-exporting countries formed in Doha on April 9, 2007, a committee chaired by the Russian Government was established to study the proposals for greater coordination of policies, including pricing that participants confirmed would be necessary for the creation of such a cartel.

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The threat is not only economic, but strategic. Officials from Iran have made clear their interest in using this gas OPEC as an instrument for political purposes. Russia has repeatedly demonstrated its willingness to use its role as a supplier of oil and gas to exert political pressure on other countries, such as Georgia, Ukraine and Belarus, among others.

NATO officials have warned of the danger of Europe's increasing dependence on Russian energy. But plans by the Europeans to diversify their sources of supply with countries such as Algeria have been called into question as Moscow has actively courted these to secure greater coordination of policies, including pricing.

Beyond Europe, U.S. allies, such as Japan and South Korea, are heavily dependent on imported natural gas. Countries such as China and India are rapidly increasing their reliance on foreign suppliers.

Currently, the United States is largely self-sufficient in natural gas. However, we are projected to greatly increase our usage over the next decades, which could produce a growing reliance on world supply.

If we are to prevent the rise of this new threat, the United States must make clear to these governments who are contemplating the establishment of this new organization that we will regard the establishment of a natural gas cartel as prejudicial to our Nation's security and global security.

We must also develop a joint strategy with our allies and all countries that are importers of natural gas, including by diversifying sources and access to international markets, such as pipelines.

As we proceed, Madam Speaker, we must keep in mind that several gas-exporting countries, such as Canada, Trinidad and Qatar, are friends of the United States. We must seek to enlist their assistance in stopping this menace before it becomes a reality that, once established, may be with us forever.

The creation of a "gas OPEC" world constitutes a major new threat to the security and to the economic well-being of the United States, our allies and the world. We must not stand back and let yet another global extortion racket be established. I strongly urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I reserve the balance of my time.

MS. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois (Mr. MANZULLO), the ranking member of the Subcommittee on Asia, the Pacific, and the Global Environment, and a cosponsor of this resolution.

Mr. MANZULLO. Madam Speaker, I rise in very strong support of H. Res. 500, which condemns the establishment of a natural gas cartel. On April 9 of 2007, several gas-exporting countries agreed to form a natural gas cartel similar to OPEC. The cartel would be initially composed of countries that have nearly 70 percent of the world's reserves. Those countries include Russia and Iran.

Though the U.S. currently is largely self-sufficient in natural gas, we are projected to greatly increase usage over time. That could result in a growing dependence on world supply.

At that point, minor disruptions can lead to rapid price increases that could have grave consequences for the United States' manufacturing base. This could be particularly disastrous for the chemical and plastics industry and advanced composite manufacturers because they use natural gas as their feedstock. Soaring prices today in this country have already challenged their competitiveness. Unfortunately, in 2004 alone, increases in natural gas prices forced the closure of scores of chemical companies and cost roughly 100,000 well-paying jobs.

If the United States loses our advantage in chemical manufacturing companies, that will be the demise of manufacturing as a whole. Because without chemicals, you cannot have a strong manufacturing base. With the chemical industry on a particular siege by the high cost of natural gas now, one can only imagine what would happen if an OPEC-type group got together and decided to gouge America and increase greatly the cost of natural gas.

Natural gas materials are used broadly for defense products. Disruptions in the supply are detrimental to America's defense industrial base and therefore our ability to defend ourselves. We must not stand by and let yet another global extortion group, such as OPEC, take over and command the world's supply of natural gas.

The purpose of this resolution is to send a strong message to the people involved in these international conspiracies to back off, that the United States will do whatever is necessary to make sure that the people who control the world's supply of natural gas do no harm to this country.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to my good friend from Louisiana (Mr. BOUSTANY), a Member from a major oil- and gas-producing district.

Mr. BOUSTANY. Madam Speaker, I thank the gentlewoman, the ranking member on the Foreign Affairs Committee, for yielding time.

Madam Speaker, energy security is a critical issue with far-ranging implications for the United States and our allies. The United States is dependent on foreign oil and currently self-sufficient with regard to natural gas. However, in coming years, the U.S. will become increasingly an importer of natural gas as demand continues to increase to fuel our power plants, to provide feedstock to manufacturing processes and to heat our homes.

Over the course of the past decade, we have seen the evolution of the natural gas markets from a very localized market to a regional market and now international markets with international pipelines and the advent of liquefied natural gas imports.

Natural-gas-producing countries now, many who are not friendly to the U.S., are proposing the formation of a gas cartel. Another OPEC-style cartel that artificially manipulates supply and prices will clearly pose harm to the U.S. economy as well as to that of our allies.

My district, the Seventh Congressional District of Louisiana, is a major producer of oil and gas. In fact, over the next few years, about 25 percent of all natural gas being consumed in this country will come from my district, either through pipelines, production or through liquefied natural gas imports.

I currently have one facility, a liquefied natural gas facility, that is undergoing expansion, and three others that are undergoing construction as we speak. I will say that if we see a reduction or problem with price fixing and limitations in this global market for liquefied natural gas, clearly it could have an impact not only with regard to jobs in Louisiana, but it will affect the gas distribution to the Midwest of this country, as well as to the Northeast, because I have a confluence of pipelines where the pricing mechanism for natural gas is set in my district as well as a major distribution hub.

This resolution recognizes the looming problem, and I support passage of this resolution to express the sense of Congress, but also support a joint and coordinated strategy with our allies to stabilize global markets for natural gas and to consider how we move forward on new energy exploration, alternative modes of transportation, and also to develop new technologies for new alternative energy sources.

The responsibility for energy security in this country doesn't lie solely with the Energy Department. It is also a component of our vigorous diplomatic efforts at the State Department to ensure that we have open markets and our intelligence services to assess threats. Furthermore, it needs to be part of research funding, and Congress must consider legislative changes to promote private investment and to encourage private research and development.

Our energy supply should not be influenced by the whims of our enemies. Energy independence is a matter of economic and national security. Over the next 20 to 25 years, we need to manage our dependence on fossil fuels in a strategic way while we develop alternative measures that are sustainable, diverse and friendly to our environment.

I wholeheartedly support this resolution and will closely monitor the formation of any potential cartel for natural gas, and will continue to press my colleagues for progress and sincere work on energy security measures, so that we can all work towards less dependency on foreign sources.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me join in the debate that has taken somewhat of a slightly different turn that I think is enormously important.

This resolution speaks to the confusion that we have experienced when there is an organization that blocks others from benefiting from the world's natural resources. I am reminded that my colleague, Congressman NICK LAMPSON, and myself offered a few years ago an amendment to ask the Department of Interior to do an inventory of the resources that were in the gulf. We know that the gulf offers many different geographic regions. The exploration in those areas is somewhat controversial. But in the areas of Louisiana and Texas, it has been accepted and, frankly, has been one of the most safe approaches to the question of exploration of natural resources.

But I raised that question, having listened to a number of my colleagues, to say that a component to the idea of ensuring that the world's resources are spread fairly and are not held to penalize or punish is the acceptance of the resources in the region, in the gulf region. As we speak, there are a number of explorations and finds that are going on safely and environmentally safely, if you will, that are utilizing new finds in natural gas.

The idea of a cartel or an organization on natural gas again to penalize and punish unfairly those who don't have the resources certainly should be spoken to by this Congress. I also believe that the issue has to be one that is addressed by the respective heads of the agencies, the Secretary of Interior, the Secretary of Energy, the Secretary of State, to be able to address these questions on a diplomatic basis, so that, in essence, we can move this resolution and be able to stop this at its start.

I am glad that the names of Qatar, Trinidad and Canada were mentioned, because there are positive relationships that have been engendered. Nigeria has been a country that has been friendly to the United States and should be mentioned as well.

So we have a long way to go on disestablishing, of providing some break in the idea that when you organize, you organize to punish and to penalize; you organize to take away resources; you organize to gouge; you organize to undermine. I frankly believe that there are many ways of looking at this question of natural resources to be spread, and one of them, of course, is to improve the utilization of natural resources here in the United States and particularly the utilization of those in the gulf region.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. PETERSON), who has been a congressional leader and has been very engaged on the issue of energy independence.

Mr. PETERSON of Pennsylvania. Madam Speaker, I thank the gentlewoman from Florida and those cosponsoring this legislation.

I couldn't agree more that we must prevent or do everything we can to make sure there is not a cartel. There is some hard evidence though. Dow Chemical recently shared with me their natural gas cost. In 2002, they spent $8 billion for natural gas. In 2006, that same bill cost them $22 billion. And it is rising. It is the reason they are now investing $32 billion in Qatar and Saudi Arabia and Libya, because natural gas is dirt cheap there. New chemical plants are going to replace us.

Mill Hall Clay Products was in my district for 83 years making clay pipe. They went out of business this year, and the sole reason was natural gas cost prices. When it would reach a certain level, they no longer could be profitable, and they are history.

Natural gas, clean, green natural gas, is our bridge to the future, and we must have it affordable.

□ 1915

Currently, it is in high usage to make ethanol. We use a lot of it to make biodiesel. When the wind and solar, the sun doesn't shine, we turn on a natural gas power plant. Natural gas is our bridge to the future. We could displace a third of our auto fleet, short-haul vehicles with natural gas, and remove the need for 2.5 million barrels of oil a day.

But folks, it is great to urge that we don't have a cartel formed, but Russia is working hard at this. We just hope and pray that they are not successful because we know what they want to do; they want to control the price.

I had this debate with the President some time ago on Air Force One that LNG was going to be the answer to our future natural gas needs, and 2 years later we are not importing much more natural gas than then because we can't buy it. When a ship gets filled with natural gas, it is a commodity. Spain outbids us routinely. Japan outbids us routinely. Our ports, we have been trying to build ports and have not been able to get them permitted. They are only at 40-some percent of capacity. Why, because we can't buy it because of the demand in the world marketplace for it, countries who don't have any.

Our fortunate part is America can be self-sufficient on natural gas. We could not import one cmf if we chose to produce it. Canada currently furnishes about 15 percent of our gas. We get about 2 percent with LNG. The rest we produce ourselves, but we have locked up much of our mainland. We have locked up our Outer Continental Shelf. We can go out of sight where it isn't in sight. There has never been a natural gas well that has ever polluted a beach. And if it is out of sight, nobody knows it is there.

Since 1913, Canada has produced natural gas in our Great Lakes, and they sell that gas to us. We don't even know it is there. The ship moves in, they drill their well, and the underground guys go down and put the piping in. Then they sell the gas to us. If they are slant drilling, they are probably selling us our own gas.

Clean, green natural gas should never be a long-term problem for America. All we need is the will to produce it. Clean, green natural gas, it is the best fuel we have. No NO_X, no SO_X, a third of the CO_2. The whole climate change issue, natural gas is the biggest, most significant change we can make. And we don't need to lose the Dow Chemicals in the future. We don't need to lose the Mill Hall Clay products in the future. We just have to get out of our minds that a gas well is not something that pollutes. It is a hole in the ground with a pipe in it that lets clean, green natural gas out.

We need to make sure that we never have a cartel setting our prices like we do in oil. Today the oil prices are in the $70s, because the cartel is in control. They have been in control for a couple of years now. They lost control for a while. They are back in control today, and they control the price of energy. We must not let that happen with natural gas. We have had the highest natural gas prices in the world for 6 years because it is not a world market. And we must change that so that we can compete. We will lose our chemical plants, our fertilizer plants, our polymer plants, our plastic plants. We will lose aluminum and steel that we have left. And I predict, because gas is only a buck and a quarter in Trinidad, just a short distance from here, one day on a ship, we will be making glass and bricks there and bringing them here, and the working people of America will not have a job because of high natural gas prices.

That is an issue that this Congress needs to deal with. It is important that we do not let a cartel form. We can't stop that, we can only sell, and we must continue to sell, but we can prevent it by producing the clean natural gas that is abundant in this country.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me close by simply indicating we have many solutions that have been offered on the floor, including the full addressing of this resolution, but likely the recognition of natural gas resources right here in the United States of America. With that, I ask my colleagues to support H. Res. 500.

Madam Speaker, I would first like to commend our distinguished colleague, Ms. ROS-LEHTINEN of Florida, for introducing this important resolution.

Madam Speaker, the majority of our fellow Americans first learned about the Organization of Petroleum Exporting Countries, OPEC, during the energy crisis in the 1970s and came to associate the organization with it. According to many, the cartel involved in controlling petroleum prices has not served the interests of America and its allies well.

Recently, several leaders of the major exporters of natural gas have publicly advocated the establishment of an international cartel similar to that of OPEC, thus proposing to create a 'Gas OPEC.'

Although the United States currently is largely self-sufficient in natural gas, our usage is projected to increase over time, which could result in a growing dependence on world supply. Our European and Asian allies are already heavily dependent on imported natural gas.

The creation of this cartel could pose a challenge to the balance in the world's energy supply which will require a strong diplomatic response by America.

It is not in America's interest to have control of the world's natural gas supply in the hands of a few countries. Nor can we allow the major natural gas exporters, some of whom are current or potential adversaries of the United States, to develop a powerful political weapon to be used against us and our allies.

The U.S. should vigorously use diplomatic means to cultivate a constructive dialogue with countries like Russia, Venezuela, Canada and Trinidad & Tobago, to name a few, to find a solution which will best serve the interest of America and its allies.

This resolution puts on notice those countries seeking to establish a cartel in natural gas that the United States will be vigilant in protecting our economic and political interests.

I strongly support this resolution and urge my colleagues to do the same.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 500, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 989

Mr. JACKSON of Illinois. Madam Speaker, I rise to ask for unanimous consent to have my name removed as a cosponsor of H.R. 989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RECOGNIZING 100TH ANNIVERSARY OF THE UNIVERSITY OF CENTRAL ARKANSAS

Mr. YARMUTH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 436) recognizing the 100th anniversary of the University of Central Arkansas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 436

Whereas the University of Central Arkansas strives to maintain the highest academic standards and ensure that its programs remain current and responsive to the diverse needs of those it serves;

Whereas the University of Central Arkansas now has more than 100 undergraduate courses of study, 33 masters degree programs, and 3 doctoral programs;

Whereas the University of Central Arkansas serves over 12,300 students, and recognized 1,008 graduates in the spring of 2007;

Whereas the University of Central Arkansas serves students from all 75 counties in Arkansas, more than 35 States, and 55 foreign countries;

Whereas the University of Central Arkansas has produced many successful alumni, including government officials, business and community leaders, and professional athletes;

Whereas the University of Central Arkansas has graduated over 52,000 students in its history;

Whereas many buildings at the University of Central Arkansas were constructed during the Great Depression, thus allowing the institution to play a pivotal role during World War II as it served as a temporary military base;

Whereas the first Arkansas educational television station, now the Arkansas Educational Television Network, was established on the campus of the University of Central Arkansas in 1966;

Whereas the University of Central Arkansas established one of the first honors colleges in the United States;

Whereas State Senator Otis Wingo sponsored legislation to establish the Arkansas State Normal School, which was signed into law on May 14, 1907;

Whereas the Arkansas State Normal School started as a teacher-training school with 105 students, and the first commencement ceremony recognized 10 graduates in 1909; and

Whereas, in 1975, the Arkansas State Normal School was granted university status and renamed the University of Central Arkansas: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of the University of Central Arkansas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert material relevant to H. Res. 436 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in recognition of the 100th anniversary of the University of Central Arkansas.

The University of Central Arkansas has gone by a handful of different names over the years, but its strong commitment to higher education has remained consistent. The University of Central Arkansas had its humble beginnings in 1907 as the Arkansas State Normal School with only 105 students. The school started as an entity only to train teachers, but now that school has diversified in a way that its founders would be proud of. The University of Central Arkansas now has 100 undergraduate courses of study, 33 master's degrees programs, and three doctoral programs.

The University of Central Arkansas enrolls students from each county in Arkansas, students from 35 States, and students from 55 foreign countries. With current enrollment of over 12,000, the University of Central Arkansas has conferred more than 52,000 degrees in its 100-year history.

Madam Speaker, I am glad to see another outstanding educational institution continuing to serve those who wish to advance their education. I would like to thank my colleagues from Arkansas for bringing this resolution to the attention of the House of Representatives. I urge my colleagues to resoundingly pass this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 436, a resolution congratulating the University of Central Arkansas as it celebrates the 100th anniversary of its founding on May 14. I would like to thank the gentleman from Arkansas (Mr. SNYDER) for introducing this resolution in recognition of the contributions the University of Central Arkansas has made to the education of citizens of our Nation and around the globe.

The university enrolls over 12,000 undergraduate and graduate students, 90 percent of whom are full-time students, and 54 percent of whom receive financial aid. With more than 100 degrees to choose from, students have a wide range of academic opportunities. In the 2005–2006 academic year, the university awarded 1,286 undergraduate and 324 master's degrees to its students. The university's faculty of over 600 full- and part-time professors ensures an average student-to-faculty ratio of 19 to one.

Enrollment has continued to grow at the University of Central Arkansas. Total enrollment increased 8.9 percent in the spring of 2006 due in part to a 26.6 percent increase in total first-time entering freshmen. Graduate enrollment has also made impressive gains, increasing 51.5 percent over the past 5 years.

The University of Central Arkansas is nationally recognized for its strong academic programming. This year, the magazine U.S. News and World Report ranked the College of Business Administration at the University of Central Arkansas as one of the best graduate schools in the country. Its undergraduate honors college, established in 1982, has been perceived by the State and Nation as a highly innovative, model program. In fact, numerous universities throughout the country have sought the University of Central Arkansas' guidance in the creation of similar programs to challenge students to read, write and analyze more critically in preparation for excellence upon graduation.

The university's theater program is also nationally recognized by the National Association of Schools of Theater for meeting professional standards of quality in theater education and training, as set forth by the association.

The University of Central Arkansas proudly participates in 15 NCAA Division I varsity sports and is a member of the Southland Conference. More than 300 dedicated male and female student athletes participate in the conference, which competes against schools in Texas and Louisiana.

I would like to congratulate all of the students, alumni, and past and present employees on all they have accomplished over the last 100 years at the University of Central Arkansas. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Madam Speaker, pending before the House today is H. Res. 436, recognizing the 100th anniversary of the University of Central Arkansas.

Every citizen of Conway, Arkansas, and Faulkner County, Arkansas, takes great pride in the long history of contribution of UCA to our Nation. Noteworthy in this year of celebration is the fact that UCA currently has more than 100 undergraduate courses of study, 33 master degree programs, and three doctoral programs.

Noteworthy also is the fact that UCA currently serves over 12,300 students from all 75 counties in Arkansas, from 35 States, and over 55 countries. Over 52,000 students have graduated from UCA throughout its history, including 1,008 in the spring of 2007. UCA established one of the Nation's first honors colleges.

The history of UCA is an interesting one. On May 14, 1907, State Senator Otis sponsored legislation establishing the Arkansas State Normal School. Many of UCA's buildings were built during the Great Depression. After the United States entered World War II, the administration of UCA offered the military its physical plant to assist in the training of military personnel. The president of UCA, Dr. Nolen Irby, and chairman of the UCA board visited Washington and made the offer, and the military agreed. Soon after the offer was accepted, UCA, at that time being called the Arkansas State Teachers College, became home to temporary branches of the Army Reserves, the Naval Cadets, and the Army Air Reserve. And for a short time, the headquarters of the Arkansas National Guard Unit, the 153rd Infantry, was housed on its campus. The Naval cadets and Army Air Reservists were trained in courses related to aviation and took their flying instruction at the local airport.

The largest contingent on campus was the Women's Army Corps Branch No. 3. WAC Branch No. 3 was home to 1,800 women between March of 1943 and March 1944. It was one of seven temporary WAC branches in the Nation. The WACs were trained to take the place of a male who was in a noncombat position. They were housed in Bernard Hall and would arrive in classes every 6 to 8 weeks in groups of varying numbers. The first classes were the largest and numbered close to 300. Toward the end of their training in the winter of 1943 and 1944, each class numbered less than 100.

There were so many military personnel on the campus of Arkansas

State Teachers College in 1943 and 1944 that the Governor of the State, Homer Adkins, wanted to change the name of Arkansas State Teachers College to MacArthur Military College. However, the president of the campus, Dr. Nolen Irby, convinced Governor Adkins that the military personnel on campus would be temporary and the college would return to normal when the war was over.

While all of the military units mentioned above were training on the Arkansas State Teachers College campus, the college continued to serve as an institution of higher education and educate those students enrolled in classes.

Apparently, Arkansas State Teachers College did its job well in educating military personnel. Out of 85 colleges in the Nation engaged in war-training programs, Arkansas State Teachers College ranked seventh overall. In aviation, aerology and ship recognition, ASTC was first in the Nation, and third in the Nation in navigation.

Some of the distinguished alumni that have graduated from UCA: Dr. Wesley Burks was the 2005 UCA Distinguished Alumnus. He is now professor and head of the Division of Allergy and Immunology in the Department of Pediatrics at Duke University Medical School;

Ray Simon, the 2006 UCA Distinguished Alumnus, is the current Deputy Secretary of Education and plays a pivotal role overseeing and managing the development of policies, recommendations and initiatives that help define a broad, coherent vision for achieving the President's educational priorities, especially No Child Left Behind;

Bill Stiritz, the 2004 Distinguished Alumnus, was the CEO of Ralston Purina Company from 1982 to 1997 and is still on their board;

Monte Coleman, the Distinguished Alumnus of 1999, was a football walk-on in 1975 because of very little high school ball due to an injury and went on to play 16 seasons with the Washington Redskins and was a pivotal part of three of the Redskins' Super Bowl victories.

☐ 1930

In 1996, a distinguished alumnus was Scotty Pippin. He actually graduated in December 2001. He was one of the most versatile and talented players in basketball and was a big part of the Chicago Bulls' 6 NBA championship teams in the 1990s.

I also want to recognize the current president, Lu Hardin, for all the work that he is currently doing to make UCA one of the great, great institutions currently in higher education in the United States, and we all look forward to the 200th anniversary, 100 years from now.

Ms. FOXX. Madam Speaker, I yield back the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield as much time as he may consume to my colleague from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman from Kentucky for yielding, and although I'm from Illinois, it's via Arkansas, and so I'm pleased to be here this evening to join with my colleagues to recognize the tremendous accomplishments achieved and, even more importantly, the tremendous legacy created by the University of Central Arkansas. Founded as a Normal School in 1907, it has since fervently and continuously striven towards greatness.

The University of Central Arkansas is a place where knowledge is not just about completing assignments or attending classes but, rather, a place where knowledge comes to light. With a tradition of exceptional administration, faculty and students, Central Arkansas manages to simultaneously create the nurturing environment for its over 10,000 students, all the while challenging them to achieve and maintain excellence.

The University of Central Arkansas enrolls students from every county in Arkansas, from 35 States and from 55 foreign countries. With a current enrollment that exceeds 12,000 students, the University of Central Arkansas has conferred over 52,000 degrees in its 100 years.

My colleague from Arkansas, Representative SNYDER, mentioned many of the accomplished individuals who have attended and graduated from the University of Central Arkansas, and the one that I happen to know best is Scotty Pippin, who grew up 12 miles from where I grew up, and where, at the time that I was growing up, there wasn't a high school for Scotty Pippin in his small town of Hamburg, Arkansas. But Scotty was able to go to the University of Central Arkansas, distinguish himself as an outstanding athlete, and then, like many others, made their way from the Arkansas delta, and places similar to it, to Chicago, where he helped to make the Chicago Bulls a namesake, not only throughout America but throughout the world.

The thing about Central Arkansas that many people don't know is that it has a strong program of recruiting and helping to nurture minority students and to try and make absolutely certain that they achieve and excel. And so it is for this reason that I'm pleased to commend my colleague, Representative SNYDER, for introducing this resolution, commend the University of Central Arkansas, and like VIC, I would hope that they have another 100 years of great achievement and accomplishment.

Mr. YARMUTH. Madam Speaker, I want to once again congratulate the University of Central Arkansas on its 100th birthday, commend my colleague, the distinguished gentleman from Illinois (Mr. DAVIS), the distinguished gentleman from Arkansas (Mr. SNYDER) and thank the distinguished gentlewoman from North Carolina (Ms. FOXX).

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 436.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2006 NCAA DIVISION I-AA FOOTBALL CHAMPIONSHIP

Mr. YARMUTH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 210) commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I-AA Football Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 210

Whereas on December 15, 2006, the Appalachian State University football team (referred to in this preamble as the "Mountaineers") defeated the University of Massachusetts football team by a score of 28–17, to win the 2006 National Collegiate Athletic Association (NCAA) Division I-AA Football Championship;

Whereas the Mountaineers were successful due to the leadership of Coach Jerry Moore, and in great part to the spectacular play of Most Valuable Player Kevin Richardson, who scored all 4 touchdowns, and to Corey Lynch, whose fourth quarter interception helped seal the victory;

Whereas the championship victory was the pinnacle of a remarkable season for the Mountaineers, who ended the season with a 14–1 record;

Whereas the Mountaineers' offense was led by Southern Conference Freshman of the Year Armanti Edwards, who rushed for over 1,000 yards and passed for over 2,000 yards, and accounted for 30 touchdowns in his first season;

Whereas the success of the Mountaineers' offense is attributed to Kevin Richardson, who rushed for over 1,000 yards, William Mayfield, who had over 1,000 yards receiving, and the impenetrable offensive line, who made it possible for those amazing statistics to occur;

Whereas the Mountaineers' intimidating defense was led by Marques Murell, Jeremy Wiggins, Monte Smith, and Corey Lynch;

Whereas the Mountaineers were undefeated in conference games through the 2006 season and are the champions of the Southern Conference for the second year in a row;

Whereas Appalachian State University affirmed its position as a dominant football program by securing its second consecutive national championship;

Whereas in 2005, Appalachian State University became the first team from North Carolina to win an NCAA football championship with a 21–16 victory over Northern Iowa;

Whereas the members of the 2006 Appalachian State University football team are excellent representatives of a fine university that is a leader in higher education, producing many fine student-athletes and other leaders;

Whereas the Mountaineers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout the 2006 season; and

Whereas residents of the Old North State and Appalachian State University fans everywhere are to be commended for their long-standing support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the champion Appalachian State University football team for their historic win in the 2006 National Collegiate Athletic Association Division I-AA Football Championship;

(2) recognizes the achievements of the players, coaches, students, alumni, and support staff who were instrumental in helping Appalachian State University win the championship; and

(3) directs the Clerk of the House to transmit copies of this resolution to Appalachian State University Chancellor Kenneth Peacock and head coach Jerry Moore for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days during which to insert material relevant to H. Res. 210 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to congratulate Appalachian State University for winning the 2006 NCAA Division I-AA Football National Championship.

On December 15, 2006, the Appalachian State University Mountaineers captured their second consecutive NCAA Division I-AA Football National Championship by defeating the University of Massachusetts Minutemen by a score of 28–17.

I want to extend my congratulations to Mountaineer head coach Jerry Moore, Chancellor Kenneth Peacock, the student athletes and fans for a national championship and a 14–1 season.

I also want to extend my congratulations to the University of Massachusetts and their student athletes for a great season. The Minutemen finished their season with a record of 13 wins with only two losses for the year.

The Mountaineers achieved some amazing accomplishments in 2006. The team won the Southern Conference for the second year in a row; six players were named Associated Press All Americans; Armanti Edwards was named Southern Conference Freshman of the Year; and Coach Jerry Moore was named the Eddie Robinson Coach of the Year.

Madam Speaker, I once again commend and congratulate the Appalachian State University Mountaineers for their dedication and success.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 210, congratulating the Appalachian State University football team for winning the 2006 NCAA Division I-AA National Collegiate Athletic Association Championship.

It's my honor today to recognize the tenacity, sportsmanship and national championship victory of the Appalachian State University football team. The ASU Mountaineers won their second straight NCAA Division I Football National Championship in a 28–17 victory over Massachusetts this past season. Powered by the record-breaking, four touchdown performance of junior running back Kevin Richardson, and the stellar leadership of Head Coach Jerry Moore, ASU has solidified its place among the best of America's college football teams.

In their championship performance, the Mountaineers rushed for 285 yards, with Richardson racking up 179 of those yards. His four-touchdown performance also broke the NCAA Division I Football Championship Subdivision single season record with 30 rushing touchdowns in 15 games. Richardson, who is the Southern Conference Offensive Player of the Year, finished the season with 1,676 yards rushing, a new ASU record.

In a testament to ASU's remarkable championship season, Head Coach Jerry Moore was named the American Football Coaches' Association Division I-AA Coach of the Year. Moore was also named the Southern Conference Coach of the Year for a record fifth time.

Coach Moore's been at ASU for 18 years, and last year may have been his best year yet. Despite a 23–10 loss in the season opener at NC State, he led ASU to a 14-game winning streak crowned by their national championship win. Their record-breaking winning streak found the Mountaineers dominating opponents by an average margin of victory of 22.6 points.

During his time at Appalachian, Moore has amassed an impressive 154–68 record, which sets him apart as the winningest coach in Southern Conference history.

The 2006 season was a remarkable time for the Mountaineers, and not surprisingly, the team is overflowing with accomplishments. Eight ASU players were named All Americans, and 19 were All Conference selections.

ASU players also made a clean sweep of the Southern Conference's post-season awards. Offensive Player of the Year went to Kevin Richardson. Marques Murrell took home Defensive Player of the Year. Kerry Brown won the Jacobs Blocking Trophy, and Armanti Edwards captured the Freshman of the Year honor.

Edwards led the Mountaineers to 13 victories as a freshman quarterback and was the second freshman and fifth player overall in Division I history to tally 2,000 passing yards and 1,000 rushing yards in a season.

ASU's 14-game winning streak and 14–1 overall record set school records for wins in a season and consecutive victories. ASU now holds the Nation's longest Division I football winning streak at 14 games. In addition to having the longest overall winning streak in Division I, the Mountaineers also hold the longest home winning streak in the football championship subdivision at 27 straight games.

I'm so proud to be an alumnus and to represent Appalachian State University in Congress and to once again recognize its accomplishments on and off the playing field. It was just over a year ago that I had the honor of recognizing the Mountaineers as the 2005 NCAA Division I-AA football national champions. Their repeat national championship performance this past season is a clear instance of the value of hard work and integrity.

I applaud the players and coaches who are receiving their due recognition for another fantastic season. I especially want to compliment Coach Moore for his strong faith and his open expression of his faith. He and his assistant coaches are excellent role models for the players and students they lead.

Two national championships in as many years is reason to celebrate. I'm pulling for a third championship in 2007 and a third opportunity to honor these fine players and coaches on the floor of the House of Representatives.

Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Madam Speaker, I thank the gentlewoman for yielding, and in December of 2005, the day after Appalachian was crowned I-AA champs of intercollegiate football, I spoke on this

House floor and said, The frigid and unforgiving winds that normally blow across the Blue Ridge Mountains during the months of winter are blowing less brutally and less severely today for, on this day, I said, these winds sweep across the campus of Appalachian State University, home of the National I-AA champs of intercollegiate football.

That speech, Madam Speaker, is applicable today because as my friend, Ms. FOXX, indicated, the Mountaineers repeated as national champs last December, and those same Blue Ridge winds were as refreshing in 2006 as they were in 2005, and hopefully, as Ms. FOXX said, they will be equally refreshing in December of 2007.

Over a century ago, Madam Speaker, a small teachers' college was founded in rural Appalachia. Then, Boone was a sleepy Blue Ridge hamlet; the Appalachian campus equally sleepy.

☐ 1945

Now this campus has awakened.

Appalachian State University is recognized as one of the sterling jewels in North Carolina's higher education crown. It is recognized as well as the home of America's reigning I-AA champions of intercollegiate football, the Appalachian State Mountaineers.

Best wishes to Chancellor Peacock, Coach Moore and the entire Appalachian family.

Again, I thank the gentlelady from North Carolina for handling this resolution.

Mr. YARMUTH. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank the gentlelady.

Let me just simply say that Congresswoman FOXX and Congressman COBLE have done a fine job of outlining the accomplishments, which are absolutely remarkable, of the Appalachian Mountaineers.

As a point of personal privilege, since my son-in-law is the wide receivers coach there, I want to add my congratulations, that my son-in-law, daughter and grandchildren are very much part of the Appalachian theme in Boone, which is a tribute to athletics and scholarship. People should gather, do things that we really care about and make a difference in peoples' lives.

The seniors on this team never lost a home game the whole time, the 4 years that they were at Appalachian. Again it's about scholarship, it's about participation, it's about sportsmanship and these men and women, because a lot of men and women involved were a true tribute to the type of sportsmanship and scholarship that we all aspire to.

My congratulations to the twice champions and soon-to-be three-time champion Appalachian Mountaineers.

Mr. YARMUTH. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I simply want to end by saying congratulations to Appalachian State University. Go Mountaineers.

Madam Speaker, I yield back the balance of my time.

Mr. YARMUTH. Madam Speaker, I also want to close by congratulating the entire Appalachian State University family.

I urge my colleagues to pass H. Res. 210.

Mr. SHULER. Madam Speaker, I rise today to sincerely congratulate the Appalachian State University football team for winning the 2006 National Collegiate for the second year in a row, Athletic Association Division I–AA Football championship.

December 15, 2006, marked a historic day for this university as the Appalachian State University football team defeated the University of Massachusetts 28–17 to win the championship.

Most Valuable Player Kevin Richardson's four touchdowns and Corey Lynch's fourth-quarter interception, all under the direction of Coach Jerry Moore, secured the road to victory crowning the remarkable season for the Mountaineers. An intimidating defense led by Marques Murell, Jeremy Wiggins, Monte Smith, and Corey Lynch, complemented by a high-powered offense led by Richardson, who rushed for over 1,000 yards, and William Mayfield, who had over 1,000 yards receiving, and an impenetrable offensive line, made it possible for this championship to occur.

Undefeated in conference games and champions of the Southern Conference for the second year in a row, Appalachian State University affirmed its position as a dominant football program by securing its second consecutive national championship. Not only have they become great sportsmen, but they have consistently showed great dedication to each other, continued sportsmanship to their opponents, gratitude to their unwavering fans and respect for the sport itself.

I am proud of the 2006 Appalachian State University football team for bringing the championship home to western North Carolina. These student athletes are excellent representatives of a fine university and have contributed to its long history of excellence and achievement.

Mr. YARMUTH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 210, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 986, by the yeas and nays;

H.R. 1337, by the yeas and nays;

H.R. 2900, by the yeas and nays;

H. Res. 467, by the yeas and nays;

H. Res. 482, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EIGHTMILE WILD AND SCENIC RIVER ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 986, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 986, as amended.

The vote was taken by electronic device, and there were—yeas 239, nays 173, not voting 19, as follows:

[Roll No. 615]

YEAS—239

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)

Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—173

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOT VOTING—19

Ackerman
Berkley
Carson
Conyers
Costa
Cubin
Davis, Jo Ann
Dicks
Engel
English (PA)
Hastert
Hinojosa
Jones (NC)
Kucinich
McMorris Rodgers
Porter
Rogers (MI)
Tancredo
Young (AK)

□ 2010

Mrs. MYRICK and Ms. FALLIN changed their vote from "yea" to "nay."

Mr. SAXTON, Mr. CARNEY and Mrs. BONO changed their vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1337, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1337, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 208, nays 211, not voting 12, as follows:

[Roll No. 616]

YEAS—208

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—211

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Berkley
Boehner
Coble
Cubin
Davis, Jo Ann
Dicks
Hastert
Hinojosa
Kucinich
Porter
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2018

Ms. CARSON changed her vote from "yea" to "nay."

Mrs. BOYDA of Kansas and Mr. ENGLISH of Pennsylvania changed their vote from "nay" to "yea."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

IN MEMORY OF THE LATE LADY BIRD JOHNSON

(Mr. ORTIZ asked and was given permission to address the House for 1 minute.)

Mr. ORTIZ. Madam Speaker, I rise with a heavy heart to announce the passing of a great Texan, Lady Bird Johnson. Lady Bird Johnson was the essence of a lady so much that it was literally her name. She brought grace and light to the State of Texas and in Washington, D.C. She was a partner to President Lyndon Johnson in the home, on the campaign trail and in the White House. She made things around her prettier, around the environment, and she brought light and beauty to Washington, D.C., to politics and to our Nation.

She was so proud of the Department of Education bearing the name of her husband, LBJ, to illustrate her dedication to education. Her legacy will live on in their beautiful family and in the flowers and beauty of the many parks that were inspired by her all over the Nation.

At this moment I would like to yield to my good friend, LLOYD DOGGETT.

Mr. DOGGETT. Madam Speaker, Lady Bird Johnson cared for all that is beautiful and vulnerable in the world. I think every child in a Head Start program, every wild flower gracing our highways is testament to her service.

In Austin we think of her years as well as after the White House, the Lady Bird Johnson Wildflower Center, our Town Lake Trail, which families enjoy as a result of her concern.

Our thoughts and prayers are particularly with her daughters, Lucy Baines Johnson and Lynda Bird Robb, their children, who are themselves a testament to her tradition and public service. And at an appropriate time we would like to ask that the House observe a moment of silence.

Mr. ORTIZ. Madam Speaker, I yield to my good friend, Mr. BARTON.

Mr. BARTON of Texas. I thank the dean of the delegation for yielding to me.

On behalf of the minority Republicans from Texas, simply let us say that we join in our best wishes to Lady Bird's family. I knew Lady Bird through the White House Fellows program. For those of us that were privileged to know her as an individual, she was gracious and charming and an absolute delight to know.

We hope we will do a Special Order tomorrow, but we all join our colleagues wishing the Lyndon Johnson and Lady Bird Johnson family our sincerest sympathies.

Mr. ORTIZ. Madam Speaker, let me yield for a few seconds to my good friend, Mr. GENE GREEN of Texas.

Mr. GENE GREEN of Texas. Madam Speaker, I thank my colleague from Texas for yielding to me. And I want to thank this House, Madam Speaker, because earlier this year we passed a bill and it has been signed by the President naming the Department of Education building for Lyndon Baines Johnson. A lot of our goal was to make sure that Lady Bird was alive when that was done. And it was. When President Bush signed the bill, she actually heard; because of her illness she couldn't be in Washington, but she heard the bill signing and the great things said about the legacy of President Johnson and the Johnson family.

And all of us share the loss of the Johnson family and the loss of Lady Bird. She literally defined the term "lady" for those of us who knew her.

Mr. ORTIZ. Madam Speaker, I ask for a moment of silence in Lady Bird Johnson's honor.

The SPEAKER pro tempore. Will all the Members and visitors in the gallery please rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2900, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 2900, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 16, not voting 12, as follows:

[Roll No. 617]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—16

Berry
Blumenauer
DeFazio
DeLauro
Emerson
Flake
Goode
Hinchey
Lee
McDermott
Miller (FL)
Miller, George
Mitchell
Moran (KS)
Paul
Woolsey

NOT VOTING—12

Berkley
Coble
Cubin
Davis, Jo Ann
Dicks
Hastert
Hinojosa
Kucinich
Marchant
Porter
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 2029

Mrs. EMERSON changed her vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING THE DECISION BY THE UNIVERSITY AND COLLEGE UNION OF THE UNITED KINGDOM TO SUPPORT A BOYCOTT OF ISRAELI ACADEMIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 467, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 467, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, answered "present" 2, not voting 15, as follows:

[Roll No. 618]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

ANSWERED "PRESENT"—2

Paul
Thornberry

NOT VOTING—15

Berkley
Coble
Cubin
Davis, Jo Ann
Davis, Tom
Dicks
Hastert
Hinojosa
Kucinich
McCrery
Porter
Rangel
Tancredo
Tierney
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes are remaining in this vote.

□ 2037

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A resolution condemning the decision by the leadership of the University and College Union of the United Kingdom to support a boycott of Israeli academia.".

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR THE NEW POWER-SHARING GOVERNMENT IN NORTHERN IRELAND

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 482, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 482, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, answered "present" 1, not voting 16, as follows:

[Roll No. 619]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Thornberry

NOT VOTING—16

Berkley
Brady (TX)
Butterfield
Coble
Cubin
Davis, Jo Ann
Dicks
Hastert
Hinojosa
Kucinich
McCrery
Murtha
Porter
Rangel
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes are remaining in this vote.

☐ 2044

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COBLE. Madam Speaker, on rollcall Nos. 616, 617, 618 and 619, I was unavoidably detained. Had I been present, I would have voted "yea" on all 4 rollcalls.

REAPPOINTMENT AS MEMBERS TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 USC 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 USC 2651 note), and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following members on the part of the House to the Commission on International Religious Freedom:

Ms. Felice Gaer, Paramus, New Jersey, for a 2-year term ending May 14, 2009, to succeed herself and upon the recommendation of the minority leader:

Ms. Nina Shea, Washington, D.C., for a 2-year term ending May 14, 2009, to succeed herself

HONORING KATJA MARTIN

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, I rise today to congratulate and honor Miss Katja Martin, a sixth grade student from my district, who is an inspired writer and gifted reader and writer.

This year, the Library of Congress has selected Miss Katja Martin of Appharetta, Georgia as one of only six national winners in their annual "Letters About Literature" program. With more than 56,000 adolescent and young adult readers in fourth through 12th grades participating, this program encourages students to read and be inspired and to write a letter that might have been sent to an author who has changed the student's view of the world and of themselves.

For her entry, Miss Martin wrote about the Robert Frost poem, "Stopping by Woods on a Snowy Evening." Because of her talented efforts, she and the other five national winners will be honored at the National Book Festival on September 29 here in Washington, DC, where they will have the opportunity to read their letters to the gathered audience.

I am pleased to have the House recognize this accomplishment. It's a great honor for me to be able to represent and recognize Katja Martin, clearly a dedicated and intelligent young lady.

IN SUPPORT OF THE COLLEGE COST REDUCTION ACT

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, earlier today we passed the College Cost Reduction Act of 2007, and I just want to take a minute to thank Congressman GEORGE MILLER for his tremendous leadership in achieving bipartisan support for a bill that will have a positive and lasting impact on the future of education in our Nation.

We raised the maximum Pell Grant, reaching $5,200 by 2011. In my home State of California, this will benefit over 645,000 students.

Another important part of this bill is the increase to the Upward Bound program, effective for the current fiscal year, allowing several program sites that had to shut their doors a few weeks ago to reopen, including one in my district.

This bill also makes landmark investments in our Historically Black Colleges and Universities, our Hispanic-serving institutions, and will raise the number of students obtaining degrees in science, technology and math, and increase the capacity of these institutions to teach in these fields.

Today's vote was a vote for the future of our children and for the future of our Nation.

PRO-GROWTH POLICIES ARE WORKING

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, tax receipts are up, and the deficit is down. Pro-growth policies are working. The President's tax cuts of 2001 and 2003 have had an enormous impact on our economy and on government revenue.

The Office of Management and Budget announced today that the Federal deficit is actually $205 billion, the lowest since 2002, the lowest since the tax cuts went into effect. What this shows is that with pro-growth policies, the economy grows. And when the economy grows, tax receipts to the government go up as well. When that happens, we can balance this budget if we have the reasonable approach of restraining spending and keeping in place the tax cuts that were put in place in 2001 and 2003.

I urge my colleagues to continue this pro-growth policy of keeping taxes low and helping the American economy grow and prosper.

A TRIBUTE TO DAVID RAY RITCHESON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this evening I rise to introduce H. Res. 535 in tribute to David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes.

David Ray Ritcheson, a Mexican American, was a friendly and cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas and a popular and talented football athlete who was loved and admired by his family and friends. However, on April 23, 2006, at the age of 16, David Ray Ritcheson was severely assaulted while attending a party in Spring, Texas by skinheads who assaulted and violated him because of his race.

It was through his suffering of this enormous tragedy, having gone through more than 30 surgeries to restore his appearance and regain the normal use of his body, that this young man stayed steadfast and came to the Judiciary Committee in 2007 and gave the most passionate plea for the passage of the Law Enforcement Hate Crimes Prevention Act of 2007.

This resolution, Mr. Speaker, is a resolution in tribute to Mr. David Ray Ritcheson, after having lost his life in July of 2007. We look forward to the debate of this resolution on the floor of the House, and we pay tribute to David Ray Ritcheson for his courage and for the tragedy that took his life.

CONGRATULATING U.S. CONSULATE IN BERMUDA

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I rise to congratulate the Consulate General of the United States in Bermuda on their events to celebrate the 231st anniversary of American independence, of which G.K. BUTTERFIELD and myself acted as cosponsors.

The American Society of Bermuda and the United States Consulate skillfully joined together in such an exemplary manner that it deserves to be noted here in Congress. These events are powerful examples of how we can partner with our host countries around the world to the benefit of America's sound principles and democratic values.

At a time when we need the strongest promotion of what is truly the American way, the staff of the United States Consulate General in Bermuda provided the activities and the outreach that immediately impacted on all those present and portrayed the richness of our American philanthropy and caring.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE COLONIZATION OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I asked a question tonight, whether or not the United States of America is becoming a colony. A colony is made up of people from one country owing allegiance to their home country, not the country that they're in. And a colony serves the purpose of supporting the home country and exploits the new land. And has this happened to the United States? Have people illegally entered the United States with the purpose of colonizing this country for the benefit of another nation?

I think the question is a valid question when it comes to Mexico. We know that the previous President of Mexico, Vicente Fox, actually encouraged illegal entry of his citizens into the United States. His government provided maps and documents so that people could enter illegally into this land.

At the border of Texas and Mexico on the Mexican side, you can find numerous markets where an individual can buy documents of identification that are sold so that people can use them when they come into the United States to pretend to be here legally.

And when we talk about the issue of immigration and what to do with the people here in this country that are illegally here, we must ask the question, why did they choose to be here illegally as opposed to coming the legal way? The reason may be that many of the illegals don't want to become Americans. Of course this country has a great number of individuals who are legally here that want to be loyal to this country and do the proper thing according to this Nation, but there are many that are here illegally and they're here illegally on purpose. They pledge allegiance to another flag, many to the Mexican flag, not to the American flag. And that is the current problem with many illegals in this Nation; they want to be colonists, not citizens.

Part of being an American means that individuals pledge loyalty, wherever they come from, to this Nation, not some other nation. Many of them living in America want to accept the benefits of being in this country, but they don't want to accept the conditions of being an American. They want to remain colonists, not Americans. They refuse to learn the language, they refuse to assimilate, and most importantly, they refuse to be loyal to this Nation.

And the effects of the colonization of our land means that the money that these illegals make does not stay in this Nation. Like colonies in the past, the money is returned to their home country. Many statistics report that over $22 billion a year is sent back to Mexico in the form of money sent from this Nation, from Mexican citizens in this Nation returning their money to their home country. They are feeding the Mexican economy at the expense of the American economy.

Since many of them deal in a cash economy, they don't pay taxes the way legals do and American citizens. In fact, there is an organized system in this Nation where money is shipped back to Mexico through a complicit alliance of the banking industry in this country. And many of them do not contribute to the social programs provided for Americans and legal immigrants. They don't pay into the health care system, the education, and many of them don't pay into Social Security, but they receive those benefits at a drain to the American economy. It sounds like colonization of this Nation; they reap the benefits without the responsibility of being American. And the American taxpayer is stuck with the bill.

We have heard that illegals do contribute to the economy, that they pay their taxes, and we've heard the other extreme that they don't pay anything. If we're to believe the Heritage Foundation, they say that for every dollar that an illegal pays into the American tax system, they get in return from benefits $3. So yet that extra $2 the American taxpayer is caught with.

And of course this has happened before in history. If we use the example of the African continent, the African nations were raided by the Europeans in the last several centuries. They became colonies of Europe. Those colonies ended up, the minerals, the diamonds, the ivory and the gold were all taken from those nations and returned to the mother countries; sent it back to Europe so their country, the mother country, could benefit and the colonies were bankrupt. The results are known; they left many of those African nations in ruins, and many of these nations are still struggling to recover because of the colonization of their nation.

So, the United States, Mr. Speaker, should not be a colony of Mexico. Imperialism of Mexico is not welcomed in this Nation. And this country needs to get back to some basics of securing both of our borders, the northern and southern border. We should not grant amnesty to people who don't want to be Americans, and I'm referring to those illegals that are in the United States. We should strengthen requirements to enter this country. And we should end the good deal for illegals and the bad deal for American citizens and American legal immigrants. I suggest that the colonization by third world countries of the United States must end.

And that's just the way it is.

☐ 2100

WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I am compelled to come to the floor this evening to talk about the war in Iraq one more time. I know that this is the focus of this Congress, whether we want it to be or not. No matter what we do or what we try to do, we are met head-on with the fact of the matter that Iraq stands before us as an issue, as something that must be solved.

The fact of the matter is we have now over 3,600 soldiers who have been killed in Iraq. Over 27,000 soldiers have been seriously injured; wounded. I am talking about the kinds of injuries such as brain injuries, loss of limbs, eyes gouged out, the kind of injuries that certainly will interfere with these soldiers' ability to have a good quality of life, to be able to be employed, to pursue the kinds of careers that many of them perhaps dreamed of because, unfortunately, they have found themselves in this war in Iraq.

Many of these soldiers are very patriotic. When their President told them that we were in danger, that we were at risk, that somehow Saddam Hussein was responsible for weapons of mass destruction and 9/11, they eagerly and gladly signed up to go to war to defend their country, only to learn that there were no weapons of mass destruction.

We say this over and over again. But the American people and we all must be reminded that many folks supported the President. Many of the Members of Congress supported the President because they believed the President. They believed him when he said that he had to wage this war on terrorism because we were at risk and Saddam Hussein was responsible for 9/11.

So here we are. No weapons of mass destruction. We have destabilized Iraq. There is a civil war that is going on. Many of us were in denial about the civil war even though we watched it developing. We watched the Sunnis and the Shias and the Kurds begin to turn on each other and to fight each other. We watched the militias grow. We watched as this country has simply been torn apart.

Mr. Speaker and Members, we are now at a point in time where the American people are sick and tired of this war. The polls show it. They are not happy, certainly, with the President of the United States. But they are even less happy with the Congress of the United States.

I am a Democrat. The people of my party thought they voted for us to come here in November and end this war. While many of us would like very much to end the war, we still have some Members who are not so sure. They don't quite have the courage yet. They don't want to be thought of as unpatriotic. They don't want to be thought of as pulling the rug out from under the soldiers. But the American people will not tolerate this war much longer. They have said so in so many ways.

I am just hopeful, I am just hopeful that we will gather the courage that is needed and step up to the plate and let this President know there will be no more dollars, no more dollars appropriated by this Congress to continue this war in Iraq.

Now, I know a lot of people, and a lot of Members of this House don't want to go there yet. They are trying to say everything that they can possibly say in so many ways to let the President know that we should get out, that there should be a time certain. But they are not yet ready to talk about defunding this war.

Well, I stand here proudly this evening as one person, one Member of Congress, elected by the people of the 35th Congressional District. I am prepared to defund this war. I do not think we should spend another dime on this war that has destabilized Iraq. We have those who talk about the fact that, and the President of the United States has said, we must stay there until we train the soldiers in Iraq to provide the security for Iraq. That is laughable. Not only have we misled the people about the numbers that we were training in Iraq, the soldiers, many of whom that we have trained, have turned on our soldiers, have undermined them at the point of contact and confrontation. So I simply say this evening, we have to get out of this war.

STATEMENT ON LIBBY COMMUTATION AND PARDON FOR FORMER BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, many Americans are outraged by the President's decision to commute the sentence of White House aide Scooter Libby, while at the same time, he refuses to pardon former Border Agents Ramos and Compean.

Scooter Libby, an attorney who understands the laws of this country and should know right from wrong, was convicted of perjury, obstruction of justice, and lying to investigators. Mr. Libby, who should have served his sentence, did not spend 1 day in prison. Yet, two Border Patrol agents with exemplary records, who tried their best to do their duty to protect the American people from an illegal alien drug smuggler, are serving 11 and 12 years in prison today.

Today is the agents' 176th day in Federal prison. Two heroes sit behind bars while a guilty man walks free. Again, I say, where is the justice? By attempting to apprehend a Mexican drug smuggler who brought 743 pounds of marijuana across our borders, these agents were enforcing our laws, not breaking them. For almost a year, thousands of American citizens and dozens of Members of Congress have asked President Bush to pardon these agents. The President repeatedly responds that there is a pardon "process" and "a series of steps" to be taken by the Justice Department, "to make a recommendation as to whether or not a President grants a pardon." Yet, Mr. Speaker, the President did not consult the Justice Department in Mr. Libby's case.

Mr. President, if there is a process, why did this process not matter when you commuted Mr. Libby's sentence?

The President has the power to immediately pardon agents Ramos and Compean, two heroes who were unjustly prosecuted for doing their job to protect our border. I have written the President and called on him to correct a true injustice by using his executive authority to immediately pardon these men.

Mr. Speaker, I will submit for the RECORD the entire text of the letter that I have written to the President.

Mr. Speaker, I want to thank Chairman JOHN CONYERS, who I am sure at some point in time will hold a hearing to thoroughly review the prosecution of these agents. Tonight, I especially want to thank Senator DIANNE FEINSTEIN, who has shared my concerns about the unfairness of this prosecution. I am extremely pleased that she will be presiding over a Senate hearing next Tuesday to examine the details of this case. There are many questions and concerns about the actions of the U.S. Attorney in this case that need to be answered. I am hopeful that justice will soon prevail for these two men.

Mr. Speaker, before I close, I want to say to the families of Border Patrol Agents Ramos and Compean that this House of Representatives will not forget your loved ones. We will not forget that an injustice has prevailed. We will seek justice for your husbands and your fathers and your relatives. I hope and pray that the President himself will pray about this and grant to these two men justice instead of injustice.

Mr. Speaker, I include for the RECORD the letter referred to earlier.

JULY 3, 2007.

Hon. GEORGE W. BUSH,
The White House, Pennsylvania Avenue, NW., Washington, DC.

DEAR MR. PRESIDENT: In light of your recent commutation of I. Lewis "Scooter" Libby's prison sentence, I am writing to express my deep disappointment that U.S. Border Patrol agents Ignacio Ramos and Jose Compean remain unjustly incarcerated for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our border.

While you have spared Mr. Libby from serving even one day of his "excessive" 30-month prison term, agents Ramos and Compean have already served 167 days of their 11- and 12-year prison sentences. By attempting to apprehend an illegal alien drug smuggler, these agents were enforcing our laws, not breaking them.

Mr. President, it is now time to listen to the American people and Members of Congress who have called upon you to pardon these agents. By granting immunity and free health care to an illegal alien drug trafficker and allowing our law enforcement officers to languish in prison—our government has told its citizens, and the world, that it does not care about protecting our borders or enforcing our laws.

I urge you to correct a true injustice by immediately pardoning these two law enforcement officers.

Sincerely,

WALTER B. JONES,
Member of Congress.

STOP THE OCCUPATION OF IRAQ NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, President Bush delivered a speech in Cleveland yesterday in which he said that "Congress ought to wait." That is what he said; Congress ought to wait for General Petraeus and his report on the surge in September before deciding what to do about Iraq.

When I heard that remark, I thought to myself, I wonder what the President would like us to do while we are waiting? Does he think we should take up knitting? Should we empty out our committee rooms and use them for ballroom dancing lessons? Should we have a sign on the door of the House of Representatives that says, "Gone Fishin' "?

The President's remark was, of course, outrageous. The American people did not send us to Washington to wait and to do nothing. They sent us here to take action, to end the occupation of Iraq, and that is what we must do.

We cannot wait, because American troops continue to die. More than 600 have died since the troop surge began last winter.

We cannot wait, because at least 13,500 Iraqi civilians have died since the escalation began, and that is according to very conservative estimates.

We cannot wait, because the war is costing a staggering $10 billion every single month, more than $60 billion since the escalation began.

We cannot wait, because the violence in Iraq is forcing tens of thousands of new refugees to flee their homes every single month.

And we cannot wait, because the escalation has only escalated the violence. April, May and June produced more American military deaths than any other 3-month period since the war began in Iraq.

Instead of telling the Congress to wait, the administration should be saying to the Iraqi government, stop waiting. Stop waiting, and start working on the political solutions to Iraq's problems. Our troops have done their part, but the Iraqi government has been either unwilling or unable to do its part, and our leaders seem to refuse to hold them accountable.

So we cannot allow the administration to sing that old tune, "See You in September," because the American people have made it clear: They want this occupation to end, and since the administration won't do it, then Congress must.

The House will consider a troop redeployment bill this week. I introduced a bill, H.R. 508, way back in January when the escalation first began, to end the occupation. H.R. 508 calls for fully funding the safe, orderly and responsible withdrawal and redeployment of our troops within 6 months, and it guarantees full funding for the healthcare needs of our veterans.

The bill also includes provisions to help the Iraqi people get back on their feet, maintain stability and prevent a worsening of the civil war. It would accelerate multinational assistance to Iraq for reconstruction and reconciliation in that shattered land. And because our involvement in Iraq has taught us that we must take a new approach to foreign policy, my bill absolutely rejects preemptive war, which clearly doesn't work. Instead, it calls for diplomatic efforts to help Iraq and help its neighbors to achieve political, not military, solutions to regional problems.

Mr. Speaker, the administration has abrogated its responsibilities, and Congress has waited in the wings too long.

Now it is time for us to take the stage of history and put America on a new and better course. It is past time to bring our troops home.

□ 2115

MEETING THE ENERGY NEEDS OF AMERICA IN A COMPREHENSIVE WAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise tonight to call the House of Representatives, the Congress, the administration, this country, to action.

Just this month, the price of oil hit $75 per barrel, and it seems that the proverbial, "While Nero fiddles, Rome burns," in this case it is, "While Congress fiddles, prices at the pump continue to escalate," with a tremendous consequence to the consumers across America.

Mr. Speaker, I ask that we address the energy policy, the energy needs of this country, in a comprehensive way. And although we have tried that on a number of occasions, it seems to me that our efforts have been less than what is required and need dramatic attention.

In fact, Mr. Speaker, tonight I call for a broad approach for what we do to reduce the price at the pump, and clearly conservation is a component of that. We need as a country to make certain that we have policies in place that encourage conservation, that we do not waste energy. And in fact this week I will cosponsor legislation that establishes CAFE standards to try to improve the efficiency of our automobile fleet done in a way, Mr. Speaker, that is satisfactory, provides common sense and good scientific basis for the direction we need to go, something that is not unreasonable but is workable for the automobile industry and for the consumer.

Clearly, renewable fuels is an important component. We in Kansas have a lot to offer when it comes to renewable fuels, particularly as we have moved in the direction of ethanol and biodiesel. But I call for greater action, particularly in the area of cellulosic renewable fuels, cellulosic ethanol in which we can utilize the waste product of agriculture to meet our country's energy needs and not compete with the food supply and the use of corn, for example, to feed livestock.

Renewable fuels matter greatly to rural America, but they matter greatly across the country. It is about jobs in rural communities and about utilization of our agricultural production, and it is about the environment, and it is about trying to do something about the tremendous burden we face in importing oil.

Mr. Speaker, I also propose that we encourage greater exploration and production. Too often in this country we have an attitude that says we cannot drill and explore in our backyard, and yet we complain about the price of fuel. The opportunity continues to exist in this country to explore and find greater oil and natural gas and utilize our reserves. It also is an opportunity for us to pursue other sources of energy such as clean coal technologies and nuclear power. Again, we take so many things off the table and then complain that we can't afford the price.

Finally, I ask that we pursue once again increasing our refining capacity. The last refinery in this country was built in 1976. In Kansas in the 1980s we had 14 refineries in our State. Today we have three, and one of those three was closed because of flood waters. The consequence was a 14-15 cent increase in the price of gasoline per gallon.

It is time that we develop the capacity to meet the consumers' needs. Mr. Speaker, just last year in 2006 we spent $218 billion in purchasing oil from countries abroad, countries whose political circumstances are volatile, countries who have joined together to make certain that they control the supply and increase the price, and yet it seems we do nothing to reduce our dependence on foreign oil.

It is clear to me that our national security is harmed by our policy, or lack of policy. It is clear to me that the economic consequences of our failure, of our fiddling while Rome burns is dramatic.

Mr. Speaker, again I ask the leadership of this House to pursue policies of a broad, comprehensive approach to reducing our dependence upon foreign oil and making a difference for the consumer in the United States, improving our economy, and increasing our national security.

WHITEWASH FROM THE WHITE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the President intends to stay the course in Iraq. His latest quote is we might be able to bring soldiers home "in awhile," and the White House is circulating a memo that they see progress. This is another whitewash from the White House.

When they talk about progress in Iraq, remember they misled us before. CNN Larry King Live, May 30, 2005, the vice president said: I think they're in the last throes, if you will, of the insurgency.

By then, 1,000 U.S. soldiers were dead.

USA Today, November 24, 2005, the headline is: Officials more hopeful on Iraq drawdown. Secretary of State Condoleezza Rice told Fox News on Tuesday that the U.S. would probably not need to maintain its current troop levels in Iraq "very much longer."

By then, there were 2,000 Americans dead.

USA Today, January 4, 2006, the headline is: Bush, Cheney stump seeking public support. Bush met with military leaders at the Pentagon and reiterated previously announced plans to cut U.S. troop strength in Iraq. "The adjustment is underway," he said, suggesting further cuts would come if Iraqi security forces improved.

By then, 2,200 Americans were dead.

USA Today March 26, 2006, the headline is, Rice speaks of possible troop drawdown. "I think it is entirely probable that we will see a significant drawdown of American forces over the next year. It's all dependent on events on the ground," the chief American diplomat said.

By then, 2,300 Americans were dead.

The Washington Post, June 15, 2006, the headline is: Bush Sees Progress in Iraq. In a Rose Garden news conference just over 6 hours after his surprise whirlwind visit to Baghdad, Bush said, "I sense something different happening in Iraq," and predicted that "progress will be steady" towards achieving the U.S. mission there.

By then, 2,500 Americans were dead.

USA Today, October 1, 2006, the headline: Bush Sees Progress in Iraq War Effort. President Bush said Saturday he is encouraged by the increasing size and capacity of the Iraq security forces, touting progress on a key measure for when U.S. troops can come home.

By then, 2,800 U.S. soldiers had died.

Fox News, Sunday, January 11, 2007, Chris Wallace interviewed the vice president:

Mr. Vice President, why should we believe you this time that you have it right?

Mr. CHENEY responded, Well, if you look at what has transpired in Iraq, Chris, we have in fact made enormous progress.

By then, 3,000 Americans were dead.

In the months since the Vice President saw enormous progress, another 600 U.S. soldiers had died in Iraq. Over 3,600 U.S. soldiers are dead, 26,000 seriously wounded, and 40,000 will suffer with post-traumatic stress disorder, and the White House keeps telling the American people that we are making progress.

There is no credibility left whatsoever in the White House. None. The White House cannot whitewash the truth any longer. The American people are exasperated by a Commander in Chief who is blind to what is happening in Iraq.

U.S. soldiers have not failed, but this President has. U.S. commanders have not failed, but this administration has.

The American people know it and they want only one new order given: Get U.S. soldiers out of Iraq. That means by early spring next year. It would be a travesty of justice if it takes until the general election of 2008 for the American people to throw every Republican out in order to stop the war. We are 17 months away from a new President being sworn into office. That is another 2,000 U.S. casualties if we follow this President. Ten soldiers are dying every day. Ninety soldiers are gravely wounded every day. A hundred civilian Iraqis die. How many more must die before we stand up for our soldiers? Before we stand up for our national interests and get our soldiers out of Iraq? Bring them home.

Mr. Speaker, we have got to get the President to bring them home. We also ought to think about how many Iraqis have died in this whole thing.

HONORING DR. BILL McGAVRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to recognize Dr. Bill McGavran for his 30 years of service as a neurosurgeon in Midland, Texas.

Thousands of citizens in West Texas owe Dr. McGavran a debt of gratitude for his tireless work. Nearly every night for 25 years Dr. McGavran served as the on-call neurosurgeon in the ER, saving countless lives.

Dr. McGavran's commitment to helping others reaches beyond Texas. He has shared his skills with colleagues and patients half a world away in impoverished communities in South America.

Prior to his residency, he served in the United States Navy off the coast of Vietnam and Japan. Dr. McGavran is also an active member of the Midland community as deacon of the First Presbyterian Church and member of the symphony and chorale board of directors.

He is devoted husband to Gloria McGavran and father of two daughters, Catherine and Melissa.

The 11th District of Texas owes great thanks to Dr. McGavran for his exemplary service to the community and his patients, and I am proud to represent him in the Congress of the United States.

IRAQ POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, even for those convinced the surge in Iraq is a mistake, or at a point where our goals cannot realistically be attained, the manner in which we implement a decision to leave that country is critical to our Nation. How the United States manages its transition from a major war to the aftermath of our withdrawal is crucial for our strategic security.

And therefore, a Congress mandating a new security policy through the force of law owes a careful explanation to the country why and how it is to be done, including dealing with what would occur in the aftermath.

Americans may be tired of this war, but as a group they still expect it to be brought to an end that salvages as much as possible from the situation and protects our broader interests in the region and the world.

This strategic approach is not just about "getting the troops home." Rather, the important concept to pursue is a strategic redeployment from Iraq that enhances our security by giving us the leverage to begin to unify Iraqis and bring about a regional accommodation that works toward that nation's stability.

However much Americans may desire to reduce forces in Iraq quickly, this Nation must still face the aftermath of what will happen in the region after redeployment by the force of law. And while some may try to characterize this as President Bush's war, it is the whole country's war in terms of how its consequences will affect us. For example, a careless redeployment due to haste most endangers our 160,000 troops and estimated over 100,000 civilian contractors in Iraq.

Withdrawal is when military forces are at their most vulnerable, something our Nation paid heed to when it took the 6 months necessary to redeploy less than 10,000 troops safely from Somalia in the 1990s. In Iraq, there is one road to Kuwait for thousands of convoys and much planning left to do for such a redeployment to occur safely.

And some ideas for a drawdown will prove less viable than some assume. For instance, maintaining residual forces to train Iraqis may well not work for the safety of U.S. troops embedded in an Iraqi military whose loyalty is suspect at best and fighting motivation questionable. Would we then need to retain large combat forces for their protection, and if so, how many?

Let's therefore understand the full limitations of such ideas before supporting them without careful strategic thought.

Such strategic considerations suggest that the precise shape of a strategy to redeploy matters a great deal. Responsibility should be assigned: To the Iraqis to assume accountability for their country; to regional nations to demonstrate accommodations towards stability; and to Congress for the consequences of the aftermath which it will have dictated.

A realistic timeline of a year that is needed for a safe redeployment of our troops also serves well to protect our regional interests. It provides the time needed for a strategy of regional accommodation to take effect with Iran, Syria and Saudi Arabia, a strategy that rightly relies upon their long-term interest in a stable aftermath.

But in the end, we most importantly must make it clear that we will not be made hostage to the permission of our Iraqi friends. This is the crux of the strategic approach to enhancing our global strategic security: That while Iraqis will have ultimate say over their country, we as a Nation need to send a strong message that we are no longer willing to support it in a futile pursuit.

Only by a date that defines the end of our open-ended commitment can we force the Iraqis and regional nations to assume responsibility in working towards a stable Iraq. We will then, in the eyes of the world, leave with the Iraqis and regional nations having clearly helped choose the aftermath by their decisions or indecision.

We cannot afford an inconclusive, open-ended involvement within a country where the long-term security benefits do not match what we need to reap, and where the trade-off in benefits of not focusing elsewhere is harming our strategic security, including a significant negative impact on the readiness of our Armed Forces here at home. Nor can we afford a nonstrategic approach to the end to our involvement in this war, also undermining our future strategic security. Rather than leading to a spiral of violence, redeploying from Iraq under a strategic timeline of a year will serve as the necessary catalyst for the Iraqis to assume responsibility for their country, with regional nations then interested in ensuring stability when the United States is outside that nation, but remaining with strength in the region.

The needed accommodation will only come about when the Iraqi political leaders are forced to take the difficult political steps required to cease the violence in their country, such as building cooperation among competing sects and sharing oil revenues among all regions in Iraq. And regional nations' incentives, particularly Syria's and Iran's, change toward stability when the United States is no longer there in the midst of a civil war. And these nations will have to bear the consequences of further strife, with refugee flows to their countries and the possibility that these relatively allied nations could then be joined in a proxy battle to their detriment.

Ending this war is necessary but insufficient, and Mr. Speaker, how we end it and by what means is of even greater importance for the troop's safety and our own security.

□ 2130

CELEBRATING THE ACHIEVEMENTS OF RICHARD L. AYNES, DEAN OF THE UNIVERSITY OF AKRON SCHOOL OF LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, today it's my honor to rise to recognize Richard L. Aynes.

On June 30, Richard Aynes concluded his term as dean of the University of Akron School of Law after 12 complete years, the longest tenure of any current law dean in the great State of Ohio and longer than 184 of the 196 deans at ABA accredited schools. His dedicated service is especially gratifying to me, as I earned my juris doctorate from the University of Akron School of Law.

Since 1921, I and more than 6,000 people have selected the University of Akron for law school. With Richard Aynes serving as dean, newspaper headlines acclaimed our law school as "on the move" and as having "raised the bar." Today, as Richard ends his service as dean, he leaves the University of Akron School of Law as one of the top 50 law schools in the Nation. That is a great accomplishment.

Under Dean Aynes' leadership, applicants to the School of Law increased from 1,621 in 1995 to 2,230 in 2006, while the student-to-faculty ratio decreased. Those of us fortunate enough to live near Akron have always known and recognized the greatness of our law school, but Dean Aynes successfully spread that appeal throughout the Nation.

The 2006 student body is composed of students from 37 States. He also oversaw the expansion of innovative programs to deal with our changing world. The School of Law now boasts the world-renowned Center for Intellectual Property Law and Technology, and I'm proud that my alma mater is the first school in the State of Ohio to offer a master of law in intellectual property law and one of only 17 such programs across the country.

In a true testament to his devotion to both law and education, I'm pleased to report that Dean Aynes will return to the law faculty in the spring semester of 2008 to teach and publish. In this role, he will continue his tireless efforts towards the progress of the school and will profoundly touch the lives of future lawyers and our community. It is in recognition and gratitude that I rise today to honor this great man.

And finally, Mr. Speaker, on a personal note, I want to express my deep personal appreciation for the compassion he extended to me during a challenging time that I faced during my experience at the University of Akron School of Law. You see, Mr. Speaker, during the first year of my legal studies, we received the sad, sad news that my father was suffering from lung cancer, and I shall always appreciate the compassion and the help that Dean Aynes and other caring professional faculty at the law school extended to me. It was that compassion and encouragement that made it possible for me to spend precious time with my dad in those precious final days of his life while continuing on with my legal studies and on a path that would lead me here to the United States House of Representatives, where I have the extraordinary honor to put that education to work in service to the fine people of the 13th District of Ohio.

Thank you, Dean Aynes, and may your commitment and achievements continue to inspire and motivate countless generations.

THE ASSURED FOOD SAFETY ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today, I'm introducing legislation to bring our food safety system into the 21st century by stopping the influx of unsafe food from countries like China.

Mr. Speaker, over the last several months, the American public has begun to tune in on an issue which should have every American at the edge of their seats, the danger of tainted food from abroad. Food imports are constituting a larger and larger share of what we eat and what is sold at stores across our Nation.

In 1996, our Nation had a huge positive agricultural trade balance of over $27 billion more exports going out than imports coming in. Today, that balance has dropped to only $8 billion, and we have wracked up enormous trade deficits of nearly $800 billion around the world, $230 billion with China.

With China constantly engaging in practices like unfairly manipulating their currency, the yuan, our agricultural trade policy is in dire need of change. For instance, individual shipments of food from China have recently been quoted as going from 82,000 shipments in 2002 to 199,000 in 2006. This is a staggering increase. Unless we act to protect our consumers, the United States will become dangerously dependent on foreign agricultural imports while our domestic market falters.

Take Chinese seafood imports. While they account for 22 percent of the domestic import market, Chinese goods account for 63 percent of seafood refused by inspectors at the border. Overall, Chinese food imports have quadrupled in 10 years, increasing from $880 million in 1996 to $4.2 billion in 2006. This increase of Chinese food imports over the last 10 years has not been followed by an equal increase of inspector activity. Therein lies the problem. Less than 2 percent of what comes over our border for human consumption is inspected. Yes, you heard me right, less than 2 percent.

As the Chinese share of American agricultural imports continues to grow, our domestic markets are impacted. For instance, unlike closely regulated domestic food additives, products like wheat gluten and vitamin C from China continue to flood our market. The last American vitamin C producer recently closed its doors, unable to compete against the flood of poorly regulated Chinese additives. So, when you take your vitamin pills, ask where the ingredients came from.

Earlier this year, Europe narrowly avoided disaster when a batch of vitamin A was contaminated with an additive which has caused infant deaths. Luckily, the additive was removed before it contaminated infant formula.

In a matter of weeks, the Chinese government went from denying the problems with their food chain to executing their lead food regulator and closing down almost 200 food factories. Estimates indicate that it will cost up to $100 billion over the next 10 years to build an infrastructure capable of certifying and protecting against Chinese agricultural goods. This should cause any American sitting down at the dinner table to think about drawing arms. We simply must do better.

And that is what my bill, the Assured Food Safety Act of 2007, does. It uses a simple approach and puts the burden of keeping food safe on the producers and the country of origin. The bill will require countries exporting food products to the United States to provide a certificate of assured safety for each class of items. If safe certified food is found to cause consumer illnesses or deaths, producers can be held liable through our Federal courts. Producers liable for damage they cause? What a sensible idea.

As a condition to accessing the American market, a producer must be willing to stand behind the quality of their product. Instead of relying on an inconsistent patchwork of international food standards, our consumers will be given the power to manage abuses directly through our legal system.

The United States government has a duty not only to protect the American population from the bad apples of the world but to restore the American people's confidence in the food we eat. Next time you go to the grocery store to buy pet food or pick up onions, remember our bill.

Mr. Speaker, the Assured Food Safety Act closes a serious loophole in our food safety regimen. I urge my colleagues to cosponsor our bill and help the American people regain confidence in our system.

[From the Washington Post, April 23, 2007]

IT'S NOT JUST PET FOOD

(By Peter Kovacs)

Lost amid the anxiety surrounding the tainted U.S. pet food supply is this sobering reality: It's not just pet owners who should be worried. The uncontrolled distribution of low-quality imported food ingredients, mainly from China, poses a grave threat to public health worldwide.

Essential ingredients, such as vitamins used in many packaged foods, arrive at U.S. ports from China and, as recent news reports have underscored, are shipped without inspection to food and beverage distributors and manufacturers. Although they are used in relatively small quantities, these ingredients carry enormous risks for American consumers. One pound of tainted wheat gluten could, if undetected, contaminate as much as a thousand pounds of food.

Unlike imported beef, which is inspected at the point of processing by the U.S. Agriculture Department, few practical safeguards have been established to ensure the quality of food ingredients from China.

Often, U.S. officials don't know where or how such ingredients were produced. We know, however, that alarms have been raised about hygiene and labor standards at many Chinese manufacturing facilities. In China, municipal water used in the manufacturing process is often contaminated with heavy metals, pesticides and other chemicals. Food ingredient production is particularly susceptible to environmental contamination.

Equally worrisome, U.S. officials often lack the capability to trace foreign-produced food ingredients to their source of manufacture. In theory, the Bioterrorism Prevention Act of 2001 provides some measure of traceability. In practice, the act is ineffective and was not designed for this challenge. Its enforcement is also shrouded in secrecy by the Department of Homeland Security.

Even if Food and Drug Administration regulators wanted to crack down on products emanating from the riskiest foreign facilities, they couldn't, because they have no way of knowing which ingredients come from which plant. This is why officials have spent weeks searching for the original Chinese source of the contaminated wheat gluten that triggered the pet food crisis.

That it was pet food that got tainted—and that relatively few pets were harmed—is pure happenstance. Earlier this spring, Europe narrowly averted disaster when a batch of vitamin A from China was found to be contaminated with Enterobacter sakazakii, which has been proved to cause infant deaths. Thankfully, the defective vitamin A had not yet been incorporated into infant formula. Next time we may not be so fortunate.

Currently, most of the world's vitamins are manufactured in China. Unable to compete, the last U.S. plant making vitamin C closed a year ago. One of Europe's largest citric acid plants shut last winter, and only one vitamin C manufacturer operates in the West. Given China's cheap labor, artificially low prices and the unfair competitive climate it has foisted on the industry, few Western producers of food ingredients can survive much longer.

Western companies have had to invest heavily in Chinese facilities. These Western-owned plants follow strict standards and are generally better managed than their locally owned counterparts. Nevertheless, 80 percent of the world's vitamin C is now manufactured in China—much of it unregulated and some of it of questionable quality.

Europe is ahead of the United States in seeking greater accountability and traceability in food safety and importation. But even the European Union's "rapid alert system" is imperfect. Additional action is required if the continent is to avoid catastrophes.

To protect consumers here, we must revise our regulatory approaches. The first option is to institute regulations, based on the European model, to ensure that all food ingredients are thoroughly traceable. We should impose strict liability on manufacturers that fail to enforce traceability standards.

A draconian alternative is to mount a program modeled on USDA beef inspection for all food ingredients coming into the country. This regimen would require a significant commitment of resources and intensive training for hundreds of inspectors.

Food safety is a bipartisan issue: Congress and the administration must work together and move aggressively to devise stricter standards. Rep. Henry Waxman (D-Calif.), chairman of the House Government Reform Committee, has deplored dangerous levels of lead in vitamin products originating in China. We must get to the bottom of this pressing public health issue, without self-defeating finger-pointing.

The United States is sitting on a powder keg with uncontrolled importation and the distribution of low-quality food ingredients. Before it explodes—putting more animals and people at risk—corrective steps must be taken.

The writer was president of NutraSweet Kelco Co. from 1994 to 1997. He is a management consultant to many large food ingredient companies.

ARMENIAN GENOCIDE—HENRY MORGENTHAU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the Armenian genocide that was orchestrated by the Ottoman Empire from 1915 to 1918 is an irrefutable fact. Looking at the history of this catastrophic event, it is impossible to deny that this was genocide on all accounts.

Now, one way to bear witness to the truth is to make reference to firsthand accounts which were made at the time that the Armenian genocide occurred. Henry Morgenthau served with dignity as U.S. ambassador to the Ottoman Empire from 1913 to 1916. In the wake of surging nationalism in Turkey and alarmed at reports of the Armenian genocide, he repeatedly appealed to the U.S. Government to intervene, without success. Morgenthau addressed the genocide of the Armenians in a 1915 dispatch to the State Department in which he warned that "a campaign of race extermination is in progress."

He then appealed to Ottoman rulers, also without result, and finally, he published his opinions in his 1918 book of memoirs, "Ambassador Morgenthau's Story," which documented his experiences while in Turkey, including his vivid views of the Armenian genocide.

Morgenthau wrote, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to the whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. I am confident that the whole history of the human race contains no terrible episode as this."

In one of his addresses, Morgenthau commented on the U.S. efforts during the Armenian genocide. "If America is to condone these offenses, if she is going to permit to continue conditions that threaten and permit their repetition, she is party to the crime. These people must be freed from the agony and danger of such horrors. They must not only be saved for the present but they must be given assurance that they will be free in peace and that no harm can come to them."

At great personal risk and sacrifice, Ambassador Morgenthau chose to intervene on behalf of the Armenians and even managed to help rescue an unknown number of Armenians. Of course, in the end, his efforts were unsuccessful. Drained by his efforts to avert this disaster, Morgenthau returned to the United States in 1916 and, for the remainder of World War I, dedicated himself to raising funds for the surviving Armenians. He is considered a hero in Armenia and an American man of courage and character.

Mr. Speaker, if America is going to live up to the standards we have set for ourselves and continue to lead the world in affirming human rights everywhere, we need to follow Ambassador Morgenthau's example. We must stand up and recognize the tragic events that began in 1915 for what they were, the systematic elimination of a people. By recognizing these actions as genocide, we can renew our commitment to prevent such atrocities from occurring again.

I'm here this evening because I want to give a firsthand account that the Armenian genocide occurred. I wish to express my support for swift passage of H. Res. 106, which reaffirms the Armenian genocide. We now have a majority of the House of Representatives, both Democrats and Republicans, as cosponsors of this bill. It's time that it was brought to floor. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 2761, clause 10 of rule I, and the order of the House of January

4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group, in addition to Mr. CHANDLER of Kentucky, Chairman, appointed on March 30, 2007:

Mr. WU, Oregon, Vice Chairman
Mr. POMEROY, North Dakota
Mr. CLYBURN, South Carolina
Mr. ETHERIDGE, North Carolina
Mrs. DAVIS, California
Mr. BISHOP, New York
Mr. PETRI, Wisconsin
Mr. BOOZMAN, Arkansas
Mr. BOUSTANY, Louisiana
Mr. CRENSHAW, Florida
Mr. WILSON, South Carolina

□ 2145

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank the leadership for allowing me to come to the floor of the House this evening and spend another hour of The Official Truth Squad, a group of individuals who come to the floor at least once a week, we try to, at least, to try to shed a little light, a little correct view on the situations that occur here in our Nation's Capital and especially here on the House floor.

This group grew out of some frustration by Members on the Republican side of the aisle who felt that there was less light and less truthfulness being spoken here on the floor of the House, and that so often, because of the constrained rules on the floor of the House, we and others were prevented from bringing those instances to light. So we started what we call The Official Truth Squad, and the leadership has been very kind in allowing us to shed that light, bring that truth to the Members of the House and hopefully set the record straight so often.

We have many favorite sayings. One of them that I enjoy most is one from Senator Daniel Patrick Moynihan, who said that everyone is entitled to their own opinion, but they are not entitle to their own facts.

When you think about it, it's so very true here that if we were to deal more in fact that we would have a much better debate, a much better discussion, a discussion that would be much more appropriate for the American people, and live up to the charge that we have all been given, that is, to represent our constituents to the best ability that we have.

But facts oftentimes don't hold the day here. But, hopefully, during this hour we will be able to bring some light to some very interesting matters that have been brought before the House and some that are yet to come in the days and the weeks ahead.

It has been a curious time here in Washington since the beginning of the year. It's a time of what I have called and dubbed Orwellian democracy, Orwellian democracy, because so often what we see is the party in charge, the majority party, says one thing and then does something completely different. So it harkens back to the author, George Orwell, and the double speak that he highlighted.

It's, sadly, distressing that the leadership on the other side of the aisle seems to be all politics all the time. It's a shame, because we both have just gotten back in town from a week of district work period, and I know that you likely heard what I heard at home, and that is that folks are frustrated and oftentimes disgusted with the kind of activity that goes on here in Washington, the kind of lack of debate, the lack of open and honest discussion. The all politics all the time is very frustrating to my constituents, and, I suspect, to those of yours as well.

Tomorrow is one of those days that will be a classic example of all politics all the time. The majority party has seen fit to bring forth, and you have heard a lot of folks talk about the issue this evening on the other side of the aisle, but they have seen fit to bring forth another resolution on the war in Iraq. It's curious that it comes literally just hours after the Speaker of the House had an individual stand up, who is known to folks far and wide across this Nation, and say that she was going to challenge the Speaker in the next election. So it appears that the timeliness of this resolution may be, again, all politics all the time in response to an electoral challenge that may be coming upon the Speaker of the House.

But the sad part about all of this, as it relates to the war in Iraq, and we are going to talk about a number of issues tonight, but the sad part about the resolution that's coming up tomorrow is that it is all just politics. It's not anything about real policy debates for the American people; it's not about real action. This Congress, this House and the Senate, said relatively recently that we were going to allow the reinforcements to run their course in Iraq, that we are going to allow General David Petraeus, who is on the ground there, along with credible fortitude and gallantry on the part of the American men and women, that we were going to allow the increase in the reenforcements of the American troops to run their course and see whether or not there was progress being made.

Now, just a few short weeks after the number of individuals have increased in Iraq, the majority party says, oh, no, we really didn't mean that, we need a new bumper sticker, we need a new headline, so they are going to bring a resolution on Iraq tomorrow. It is really a shame and very sad, because it, again, doesn't add anything to the debate, doesn't do anything other than highlight the politics of this majority party and the fact that they are having extreme difficulty getting any real accomplishments. So they bring another very politically motivated resolution on the war in Iraq, Orwellian democracy, saying one thing and doing another.

We have been told this is going to be the most open and honest Congress, most open and honest Congress ever. Well, the facts of the matter, the facts of the matter are that this is one of the most closed and clandestine Congresses ever to grace the American public. It is really a shame, again, really a shame, because issues aren't being debated the way that they should. We will talk very specifically about one of those issues tonight.

I want to highlight a couple areas where Orwellian democracy is holding forth and living and surviving well with this new majority. As you know well, this new majority came to power, and they said we are going to cut spending, we are going to decrease spending; we are going to be more responsible with spending hard-earned taxpayer money out there.

What does this new majority do? They increase spending. They couldn't wait to criticize all the spending that went on under the charge of the Republican Party when we were in the majority. So what they said, in essence, you spent so much, and it was so awful, that we are going to spend more. That's what they have done. They have increased spending by over $25 billion, $25 billion in the appropriations bills so far, and we are barely halfway through, if that, of the appropriations bills.

I would suggest to the American people that it's time to put your hands squarely on your wallet, because the true tax-and-spend majority is back in charge, and it's of great concern, I know, to my constituents and, I suspect, if you talk to yours as well.

When they adopted their budget, they adopted a budget that includes the largest tax increase in the history of our Nation, nearly $400 billion tax increase. Again, not what they said they were going to do, and not what they said they have done, as a matter of fact. That's why it's Orwellian democracy, because they won't even fess up and own up to the fact, the fact that they have passed a budget that includes the largest tax increase in the history of our Nation.

Then they go on and they talk about fiscal responsibility. In fact, many Members have posters outside their offices up here in Washington. Some constituents may have come by the Halls of Congress and seen the posters. The posters look wonderful. They talk about the need for fiscal responsibility, and the amount of the debt, the amount of the deficit. But, in fact, when given the opportunity to decrease the debt, and to decrease the deficit, what happens is that they continually say no. Orwellian democracy is alive and well.

Just today, just today we passed a bill that was the reauthorization of the higher education act for our Nation. But it didn't just reauthorize the act and provide more money for students of low-income, and "low" means to be able to attend colleges and universities. No, it didn't just do that. What it did in addition to that was to create nine new entitlement programs, nine new entitlement programs.

Now, entitlement programs are really a misnomer. They are programs that are on automatic pilot here. They are mandatory spending. They are programs that get started, and they never, ever end, because they are not able to be touched by the kind of discretionary spending that Congress has more control over. They just spend on and on and on, year after year.

Yes, this majority created nine new entitlement programs that will spend upwards of $18 billion in just a few short years, a new $18 billion. So there are nine new entitlements, no reform, no reform listed for the entitlement programs, which brings me to this issue of mandatory spending growth that we have seen in our Nation.

It's comprised of all sorts of mandatory spending programs, entitlement programs; but there are three that kind of highlight the major problem that we have. Of the nine new ones that they passed today, however, they may grow into being as important as these three, but the three are Social Security, Medicare and Medicaid. Those three programs, in and of themselves, comprise about 54 percent of our Federal budget right now, about 54 percent of our Federal budget. Our mandatory programs are mainly Social Security, Medicare and Medicaid.

The reason that's important is because these programs are mandatory, because they are on kind of automatic pilot, the amount of money, hard-earned American taxpayer money that comes to Washington that is spent on those programs increases gradually every single year.

So what this chart here shows, these pie charts here show is that in 1995, those three programs comprised about 48.7 percent of the Federal budget, about half of the Federal budget just 12 short years ago. Now, as I mentioned, about 54, 55 percent of the Federal budget is comprised of these mandatory, automatic-spending programs.

In a few short years, 2017, it will be about 62, 63 percent of the Federal budget. That's important because one would think that if you looked at that slope of increase in spending, slope of increase in total spending of the mandatory programs, as it relates to the Federal budget, in a relatively short period of time, it's true, as you know, that those three programs will comprise the entire Federal budget, the entire Federal budget, about 2030, 2035, somewhere in that range, which is within the lifetime of most of us here in this Chamber and certainly the vast majority of the citizens in our districts.

That's important because something has got to change. You can't have these programs continue as they are without appropriate and responsible reform.

So one would think that the party in charge would say, well, we have got to look at these, and we have got to make certain that we reform these programs, otherwise we are going to have all of the Federal money going to these three programs.

When our party, my party, was in charge, what we attempted to do was to appropriately reform these programs and work diligently to make that happen.

So in 1997, with the Balanced Budget Act, we passed entitlement reform. We decreased the slope of that line. Now, we didn't end it, because of the difficulty in doing that, there are ways to do that, but it's extremely difficult both politically and financially to do that.

But in the Balanced Budget Act of 1997, we increased by about $137 billion the entitlement mandatory spending over a period of time. In fact, in the Deficit Reduction Act of 2 years ago, of 2005, it was about $40 billion in reform, reform spending in those entitlement programs. It makes it so that the hard-earned taxpayer money is more responsibly spent, that it makes it so that we work diligently to decrease the deficit and to decrease the debt.

One would again believe that looking at the previous charts, and realizing that these programs are expanding exponentially, and that they are very, very soon to comprise a much greater portion of the Federal budget, one would say, well, the party in charge probably, when they adopted a budget, they would bring about some appropriate reform to mandatory programs. That's what I expected. It's what my constituents expected.

Frankly, I think it's what the American people expected when they went to the polls and voted last November. They expected a more bold process for reform of automatic mandatory spending. Many of us on our side of the aisle would have been in support of that.

But what happened? You see over on the far right of this chart, it shows the amount of entitlement reform under this new leadership. Do you remember Orwellian democracy, the talk about fiscal responsibility, the talk about importance for entitlement reform, the talk about reforming the Federal Government, making it run more efficiently?

Well, what happened is that the budget was adopted by this new majority that had no entitlement reform, none. In fact, as I mentioned earlier today, nine new entitlement programs adopted, put into place, one could make an argument that that not ought to be zero, that ought to be minus, that this new majority is going in the wrong direction. When they talk about a new direction for America, there is a new direction for America, but it's the wrong direction. It's the direction of greater debt and greater deficit and greater fiscal irresponsibility.

□ 2200

That is not what the American people bargained for. I have no doubt about it. Which brings us to the issue that I would like to spend a fair amount of time on this evening.

There is a proposal coming forward later this month, within maybe just a few short days, that will address the SCHIP program, the State Children's Health Insurance program. This is a program that is near and dear to my heart. Mr. Speaker, as you may remember, before I came to Congress, I was a physician. I was an orthopedic surgeon. I spent over 20 years practicing orthopedic surgery in Atlanta. And one of the things that drove me in to politics, to stand up and say, I would like to serve my constituents in the public in this way, was a belief that there were individuals both in my State capital and in Washington that thought they had a better idea, about almost anything, but especially a better idea about health care; that they thought that they could make better decisions about health care than the people involved; that is, patients.

So the SCHIP program, the State Children's Health Insurance Program, is one of those that I think highlights one of the fundamental differences, one of the fundamental flaws in this Orwellian Democratic leadership, which is that they say one thing and then do something completely different. Because what they will say is that they are interested in reforming the system and bringing greater health care, more health care for more children across our Nation, and, Mr. Speaker, what they will do and what they will propose is in fact a program that will move us one step closer, one step further down the road to a nationalized health insurance program and also one step closer to a program that will make it so that patients, parents, doctors are unable to make health care decisions. It is not what the American people bargained for, there is no doubt about it.

This new majority is obviously driven by the left in our Nation, driven by, I think, a small minority of individuals who firmly believe, again, that the government knows best; that the government knows best how to make all sorts of decisions. But in this instance it is personal. It is personal for every single American. Certainly it is personal for the children in these programs; because what this program is saying and what is being proposed is that the government, that Washington knows better what kind of health care you need, and we make better decisions. We, politicians, bureaucrats here in Washington, make better decisions than individuals, than individuals, than children and their parents together.

I think it is helpful that we are having this debate because I think it provides that great contrast, that wonderful contrast between the party of individual responsibility, and the party that believes that patients and parents and their doctors ought to be able to make medical decisions, and the party that believes that the government ought to be making those decisions.

So I am looking forward to the debate. It is a difficult issue because the consequences are so great and the consequences are so personal to each and every American. I don't know anybody that believes truly that the government can make better health care decisions for themselves. I don't know anybody that believes the government can do that. So I am looking forward to the debate as we move forward on the SCHIP program, the State Children's Health Insurance Program.

I am going to talk a little bit more about that as we go on, but I am pleased to be joined by my good friend from Tennessee, Congresswoman MARSHA BLACKBURN, who is a leader in so many areas, but especially in the area of health care, and serves on the Energy and Commerce Committee. I am so pleased to have you join us this evening and share your concerns and your knowledge and information about the State Children's Health Insurance Program.

Mrs. BLACKBURN. It is a pleasure to join you. And I appreciate the opportunity to come and talk with our constituents about this program.

It is amazing to me as we are looking at this and looking at the reauthorization of it and looking at what has been a very successful program when it has worked as a block grant program, and then look at the problems that would arise as it moves to being an entitlement program. And this is something, though, that, unfortunately, it seems to be more or less the method that the Democrat majority is using as they move forward.

This is the "Hold on to Your Wallet" Congress, and they are expanding programs. Today we have done the college cost of savings. It sounds good, but, my goodness, nine new entitlement programs that they have voted to establish today, nine. And it is not going to have an effect with making certain that people have the ability to get into college and then stay in college. You have got all these different programs that appeal to special interest groups but not to the average family that is sitting down at the table and taking out a pencil and a piece of paper and saying, How do we make all of this fit?

I have just been amazed listening to the debate today as it pertained to education. And, of course, we are seeing this as we are working through our appropriations bills. They are spending more money. They are spending above the President's request. They are proving Ronald Reagan right at every turn. He has said, "There is nothing so close to eternal life on earth as a Federal Government program." And certainly we see that. They are given the opportunity, and what are they doing? They are starting new programs. They are starting the bureaucracy; certainly not the kind of change that the American people thought that they were going to get. And we see that as we look at the SCHIP program.

Now, those of us who have watched health care and worked on health care issues at both the State and the Federal level know the value of having this program and having it work and States having the flexibility that is there. But what we are seeing is the SCHIP program being hijacked to help the liberal left move their agenda of socialized medicine a little bit further toward the finish line. And when they talk about Medicare for everybody, when they talk about expanding Medicaid, and when they talk about moving SCHIP from a block grant to an entitlement and then expanding the reach of that program, that is what they are doing.

SCHIP is to be for children. We have States that are using it to pay for adult health care. SCHIP was originally capped at $40 billion over a 10-year period of time for block grants, for children's care. What has happened, Congress has granted an additional $676 million in new Federal spending for State bailouts through 2026. So, there again, we hear accountability and we hear our constituents talk to us about accountability and the importance of accountability, but what we see is our colleagues on the left who will say, "Well, if somebody gets in trouble, let's pay for it. Let's pay for it. Let's let the Federal Government pay for it." But the problem here is we forget, this is not Congress's money. It is not the bureaucracy's money. It is not SCHIP's money. It is not CMS's money. It is the hardworking family that goes to work every day, that earns that money, that sends it to the Federal Government. This is taxpayer money.

Mr. PRICE of Georgia. If the gentlelady will yield. I appreciate your comments. And I appreciate especially concentrating in that last statement about whose money this is, because so often we lose sight here with the incredible number of zeroes that we deal with here in Washington, billions and billions of dollars, truly. And all of those dollars take hardworking Americans waking up every single day, making certain that they have cared for themselves and their family, and getting to work and being generous enough to entrust to us their hardearned money, and it is incumbent upon us to spend that money wisely. And the challenge that I see with every government program, but especially this State Children's Health Insurance Program; it is a noble cause. It is a noble cause without a doubt. Who can object to providing health care for needy children? So it is a noble cause, but it is a government program that is clearly being morphed into something else. And I think that is what you were alluding to.

Mrs. BLACKBURN. And I thank the gentleman for yielding. Today we have 6 million children that are covered in SCHIP. We also have 600,000 adults that are covered in SCHIP.

Mr. PRICE of Georgia. Let me get this straight. In the Children's Health Insurance Program, there are hundreds of thousands of adults who are being covered? How is that possible?

Mrs. BLACKBURN. I thank the gentleman for yielding. That is happening because States are deciding that they are going to take the money and then use it for some things other than the children. Maybe they don't have enough children that fall below that poverty level or the 100, 200, 300 percent of poverty, wherever those levels may be for those specific State programs, so you have part of that money being used for adults.

Now, the problem that has come before us is SCHIP has to be reauthorized before September 30th, and the funding will expire. Now, this is a program we don't want to expire. We would like to see it continue as it was originally set up to continue. We do not want it to morph into other things and be a program that also covers adults, be a program that covers those that are not falling into the category of being needy children. We want to make certain that it remains a block grant, that States are given flexibility, and that the money is used to cover the children, the population for which it is intended. That is how accountabilities should work with these programs.

Now, our colleagues across the aisle want to make it permanent. They are not interested in addressing how the money is being spent or whether a less costly, more efficient system could end up serving children better and meeting the needs of those children in the appropriate way.

One of the things that they are also wanting to do is to change the income levels and include those that are at 400 percent of poverty. So what we would have is families that are making $60,000 to $84,000 a year would end up being eligible for SCHIP for their children. So what we would have is the IRS looking at a family's tax return and saying, "You are rich. You are going to pay the AMT." And then the SCHIP program looking and saying, "Well, you fall within the guidelines of 400 percent above poverty, and you qualify for this wonderful entitlement called SCHIP." So that is the kind of frustration that we see in the bureaucracy that causes frustration and a lot of questions from our constituents and causes them to say, "Wait a minute. How is this money being used?"

Now, we also hear from our constituents that they don't want more of this control centered with the bureaucrat. They want to be able to preserve the doctor-patient relationship. They want to be able to make choices for themselves. And they sure don't want socialized medicine and government-run health care.

We have heard one of our colleagues say, do you really want the bureaucracy that can't seem to straighten out Katrina, that can't seem to handle homeland security, that can't seem to get their hands around passports, to then manage health care from cradle to grave? And those are the right questions for our constituents to ask. And as they bring those questions forward, we say: And one of the ways that we need to address this is through making certain that SCHIP stays as it was intended to be, a block grant program that was put in place to assist the States in providing health care for children at low-income levels, those needy children.

And I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank the gentlelady again for that perspective. And I just want to highlight something that you mentioned, and that is that there are proposals here in the House and in Congress to make this program mandatory, part of that entitlement mentality that exists on the other side of the aisle, and to increase the eligibility for this mandatory program up to 400 percent of the poverty level; you mentioned that is about $82,000 for a family of four.

This chart demonstrates that the percent of children who would be covered up to 200 percent, which is what has been the original guidelines for the SCHIP program and what we believe ought to be appropriate at this point, is 50 percent of the kids will be covered in a Federal-State program.

□ 2215

If you go up to 300 percent, then it gets to 77 percent of the children. If you go up to 400 percent of the poverty level, you get nearly 90 percent of children in a Federal health care program. And that's what sheds light on the real issue here, the real issue being who ought to be in charge of health care for our Nation's children and for our Nation's families, and for individual people all across this Nation. We believe it ought not be the Federal Government, I think that that's fair to say. And the other side clearly believes that this is the next step, to allow them to have the Federal Government control health care. And I'm happy to yield.

Mrs. BLACKBURN. I thank the gentleman. And yes indeed. You know, one of the things that one of my constituents is fond of saying when they come to town hall meetings and gatherings is, Marsha, whatever the government giveth, the government sure can take away. And we need to keep our attention to as we talk about this health care. Do we really want to put a bureaucrat behind a desk making a decision for the type health care that our child is going to receive? Or do we want to make certain that we, as parents, and as patients, with a physician, have the opportunity to make those decisions about health care, and do we want to make certain that we are moving toward a market-driven health care system? Or do we want to move toward socialized medicine system? And those are questions that the American people are certainly asking.

You know, one of the things, as we've looked at this, and you hear the discussion about what it's going to cost, and generally, as with so many programs that come from the left, they will say, oh, but it's only going to cost this amount. And it's not going to be that much more expensive to pick up those extra 45 percent of the children to move us to 95 percent. It's not going to cost us that much. And it's going to pay dividends in the long run.

Well, you know, the interesting thing about that is the way government structures its budget. We're not looking at the 10-year, 20-year, 30-year cost. We're looking at a 5-year snapshot. Many of our States, when they construct their budgets, they're doing cost accounting, which is a 1-year view into what is taking place.

And even at this, you know, CBO has scored this bill at $50 billion, and we're finding out that the cost is more like a $108 billion to cover the cost between adding an additional 1 to 2 million extra children. And that doesn't even get into considering some of the income requirements for recipients. And this is going to be an interesting issue of debate.

And I yield to the gentleman.

Mr. PRICE of Georgia. I appreciate that because you triggered in my mind something about cost-of-government programs. And I'm reminded of the fact that when Medicaid itself was instituted in the mid-1960s that there was a wonderful estimate that said that Medicaid, at the turn of the century, when 2000 rolled around, would only cost about $8 billion. In fact, it cost about $80 billion.

So the Federal Government is always off by a significant factor, and so when you hear an estimate that this will only cost $108 billion, in fact, we can say with relative certainty that that is a lesser amount than it would actually cost, and it would be much greater burden on the American taxpayer.

And I'm pleased to yield back.

Mrs. BLACKBURN. Yes. And one of the points that I would make in this debate is that in fiscal year 2007 alone, SCHIP will cost the American taxpayer $11.5 billion. Now, under the plan that the Democrat leadership is pushing forward for expansion of this program, that cost would increase fivefold. That would increase fivefold. This is what it would cost turning it from a block grant with flexibility to the State and moving it to an entitlement where you're going to put it on auto pilot.

And people say, what are entitlements? What's the difference here? When you're talking about Medicare, when you're talking about Medicaid, when you're talking about some of our Social Service programs that are entitlements that every year they just grow right along. There's not a check and balance. You're not working on outcomes. You're not working on making certain that you're achieving efficiencies. You've got it on auto pilot.

Now we've established nine new today, nine new entitlement programs in education. That is what the Democrat leadership wanted. It's not what the American people wanted. That's what they wanted, entitlement programs. And what we know is they would increase the cost fivefold on this plan.

Another thing we need to keep in mind is that the SCHIP expansion would generate a real shift away from private health insurance and that private health insurance market for children. And for every 100 children who get public coverage as a result of SCHIP, there is a corresponding reduction in private coverage of between 25 and 50 children. So you change the way that market is going to work. And it is of concern to us. We know that this is something that will cause a lot of questions.

We are very concerned with what we hear they are pushing to do to try to make this palatable so that they can pull in votes to pass this SCHIP program. We know that our physicians have a problem with the payment system for Medicare reimbursement, and certainly, the gentleman from Georgia, being a physician, understands this so very well. And we've seen reductions in payments for Medicare payments to those physicians. And so they're going to include this in the SCHIP bill.

Well, the Medicare payments don't have anything to do with the SCHIP block grant. But in order to try to pull together those votes and pull together something that they think the Republicans can't afford to block, they're going to put that in there.

Now, if I were a practicing physician dealing with the SGR and with Medicare reimbursement, I would be highly offended that I'm going to be used as a bargaining chip in the Children's Health Care Insurance Program.

Now, they're also going to look for ways to improve programs that provide financial assistance to low income Medicare beneficiaries for premiums, cost sharing and prescription drugs. So they're going to set up a generational battle and say, well, we'll do this on SCHIP, but we're going to take away some of the benefits from the Medicare part D and the Medicare Advantage. So they're going to take away a little bit from the seniors and then try to put that into the children's health care.

Now, if I were a senior citizen, there again, if I liked my part D and my Medicare Advantage, I wouldn't like the fact that they're going to use me as a bargaining chip.

And then we find that they're going to provide a special focus on addressing the health care needs of those living in rural areas. Well, if I lived in a rural area, and if I had a community health center in my area, and of course, in my seventh District of Tennessee, I have plenty of rural areas and plenty of rural health centers. I wouldn't like the fact that I'm going to be a bargaining chip.

And it is unfortunate that this seems to be the path that they are going to choose to travel. Rather than addressing the issue straight up, rather than addressing the needs of the States, rather than addressing how do we best meet the needs of children, they're going to pull all these different things and pull them into one bill and try to make something they think that there are plenty of people that they can't vote against it.

So I find that, indeed, unfortunate and something that, when we talk about health care, preserving access to health care for all of our constituents, it is, indeed, unfortunate that that bargaining chip-type mentality, that let's make a deal with the hold on to your wallet Congress, is the way they want to operate and do business.

And I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank you so much for you comments. And I think the issues that you point out most recently there on the bargaining chips really speaks to the cynicism with which this leadership leads this Congress because it is, it's purchasing votes. It's purchasing numbers of votes in order to pass a bill. And then to have the, again, the all politics all the time, the bumper sticker politics that goes on by this leadership. And it is, frankly, what the American people are tired of. It's not what they voted for in November. And they are clearly telling each other and telling any individual who will ask that that has decreased their opinion of Congress.

And I'm pleased to yield.

Mrs. BLACKBURN. You know, as you were saying that, I'm reminded of what we in Tennessee went through in 1994 and 1995 as we saw the advent of TenCare in our State, which was the test case for Hillary Clinton health care. And we know what has happened in our State of Tennessee, and the fact that TenCare now is consuming about two-thirds of our State's budgets. It is a very, very difficult program.

And somebody always is going to pay. Somebody always has to pay the bill. And what we are seeing with the American public is, they know that it is the taxpayer that is going to pay; that there are not things that are free. Someone pays for that, and they, the taxpayer, going to work every day, American families holding American jobs, earning a pay check that, unfortunately, the Federal Government has first right of refusal on that pay check, they take their share before you get your share. And it happens every single pay period.

And so many people are tired of it. They're tired of government not being accountable, and they are tired of Congress having an insatiable appetite for their hard-earned money. And it's what causes them to contact us when they hear about how these appropriations bills are being handled, when they hear about the increase in Federal programs, when they hear about the increase in spending. And, yes, indeed, as I've told my constituents this weekend, I'm not surprised that the numbers for Congress are as low as they are. People wanted things done differently. And this is not the kind of change they wanted. What they're saying, this is exactly what we didn't want. It's exactly what we didn't want.

I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank you so much. I appreciate your perspective this evening so much on the program about which you know a lot and your perspective from the committee, and especially your perspective about representing constituents, real Americans, real Americans who are working just as hard as they can to make ends meet and being so very, very frustrated with a Federal Government and a leadership now in Congress that appears absolutely more interested in dividing and conquering, as opposed to putting in place appropriate policies. So I appreciate your comments.

I just want to make a few more comments about the specifics of the State Children's Health Insurance Program, because I think that there are a number of issues that need to be pointed out as we move forward with this debate. The current program, as we've talked about, was meant to cover, was scheduled and meant to cover children up to 200 percent of the poverty level. And as we've heard, many of the States covered to a higher degree than that. Some 235, some 250, some went up to 350 percent of the poverty level. And although that is, I think, a move in a direction that's not consistent, certainly with the intent of Congress, it probably is a move away from where the American people thought that program was going, without a doubt.

But, Mr. Speaker, it definitely is a move away from the intent when you look at the programs and realize that even those States that went up to 300 and 350 percent of the poverty level, some even up to 250 percent of the poverty level weren't even covering all of the children under 200 percent of the poverty level. And they were covering adults.

□ 2230

So it just was a flawed program.

And it is so often what happens here in Washington: Federal programs are enacted. Noble cause is outlined. Wonderful banner headlines provided. Great speeches given about how this will save this, that or the other thing. And then the implementation is so terribly and woefully flawed. And that has indeed happened in this case.

This reauthorization, as has been mentioned, is up because the program is about to be 10 years old. It expires on September 30 of this year. As a physician, I joined many of my colleagues before I came to Congress and before I was in the State legislature early in the 1990s, and many of us believed we were at a crossroads at that time as it related to health care. There were many on the other side of the aisle, on the Democrat side of the aisle, who believed that the government ought to take over health care at that point in the early 1990s. And, Mr. Speaker, as you will remember and as many folks will remember, if they think back to that time, there was a huge battle and a lot of expose about what the consequences of that would be. And thank goodness we didn't march down that road.

But we are now back at that crossroads. We backed up. We went down another road a little bit, and some of the direction was correct. Some of the direction was putting us further toward government-run health care. But we are now at that crossroads where we have a group of individuals in charge in the United States House of Representatives now, with a Democrat leadership, who believe that a Washington-controlled bureaucratic health care model is what America wants.

I don't believe that is what America wants. It certainly isn't what my constituents want. It wasn't what my patients wanted when I was practicing medicine.

I think it is important, as we look at this program, the State Children's Health Insurance Program, and as we look at the fact that it is up for reauthorization, that we ought to ask some questions. What have the consequences of the program been to date? Indeed, we have covered a number of children who would not possibly have had health insurance. One of the consequences of raising the Federal poverty level eligibility for the Children's Health Insurance Program is that we crowd out children who might otherwise be obtaining insurance through a private plan where their mom or their dad work. But there are other consequences, and some of those consequences are grave. One of them is, I believe, an increased dependence on government for the provision of health care. There is no doubt about that. I believe also that it undermines parental responsibility. And there is no doubt that it increases the burden on the hard-working American taxpayer.

I would like to touch on a few specifics on each of those. Increasing dependency on government, where does that come from? Well, when you look at the year 1998 and the percent of American children who were on either Medicaid or the State Children's Health Insurance Program, in 1998 it was about 28 percent. Twenty-eight percent of American children were enrolled in 1998 in either Medicaid or the State Children's Health Insurance Program, SCHIP. In 2005, that number had jumped to 45 percent or 6.2 million children. So it went in 1998 from 28 percent to 45 percent in 2005. So there is no doubt that there is an increased dependency on the government for the provision of health care. Again, I don't think that is what the American people had in mind.

State policies also have increased and encouraged the trend of adult enrollees. A couple of examples which just boggle my mind, Mr. Speaker, in Minnesota, for example, 87 percent of those enrolled in the State Children's Health Insurance Program in 2005 were adults. Eighty-seven percent were adults. That is not what Congress voted on in 1997. That is not what the American people thought was going to be the program to provide health insurance, health access, health care for the neediest children in our Nation. In Wisconsin, the number was 66 percent. So, in Wisconsin, 66 percent, and in Minnesota, 87 percent in 2005 were adults on the Children's Health Insurance Program. That is not what this program was to be about. And State officials, as we have mentioned, didn't stick to the 200 percent. So in New Jersey, for example, the amount went up to 350 percent of the poverty level. Mr. Speaker, that is an income of about $72,000. Now, that may or may not seem to be a lot of money to some folks, but the problem that we get in this doublespeak in Washington, in this Orwellian democracy model that we have by the leadership right now is that, as Congresswoman BLACKBURN mentioned, on the one hand, $72,000 is deemed to be "rich" by the other side of the aisle when it comes to the alternative minimum tax, but $72,000 for a given State under this program is deemed to be needy so that the State has to cover children in their health insurance program. Clearly it is doublespeak. Clearly it is Orwellian democracy. It has become increasingly clear that there are many Members of Congress who believe that expansion into higher income levels for families is exactly what they want because they at their core desire government health insurance over private health insurance. They desire a Washington-controlled bureaucratic model for the provision of health care and medicine in our Nation. So it is clear that the program has increased dependency on the government for the provision of health care.

How about transferring family responsibilities, taking the place of parents, transferring family responsibilities to the government? There is no doubt that that has occurred and in a variety of ways. In many cases, for example, the SCHIP program means that children's health coverage will be totally separate than their parents. So they go to different offices. They go to different office locations. There are different office hours. There are different doctors that care for them, different paperwork, all of which makes life more difficult. It makes the Federal Government and the State government the determiners. It makes them making the decisions for parents and for families.

I believe that the goal should be to help unite families, to help unite their coverage under one private plan that they select, that they own, not to spread the coverage out through a hodgepodge that increases dependency on the government.

Some in Congress suggest that private coverage is unattainable for lower-income families or working families. But the facts tell a different story. Remember, Mr. Speaker, facts are stubborn things and everyone is entitled to their own opinion, but they are not entitled to their own facts? Well, the facts tell a different story. According to the Congressional Budget Office, 50 percent of children whose families earn between 100 and 200 percent of the Federal poverty level have private health insurance coverage. Remember the other 50 percent covered by this program, 50 percent are covered by private health insurance. That number skyrocketed to 77 percent for those families that earn 200 to 300 percent of the Federal poverty level. In fact, 60 percent of people covered by SCHIP expansions already had private coverage available to them. Let me repeat that, Mr. Speaker, because that is a startling statement. It is a startling fact, and it is something that we ought to pay attention to. Sixty percent of the people covered by SCHIP expansions were already covered by private insurance before the program was instituted.

Mr. Speaker, what that means is that we are making decisions here in Washington that are providing financial incentives for individuals and businesses and people to move their health care coverage to government, and when we do that, it is incumbent upon us to ask the question, should we be doing that? What are the consequences of doing that? What are the unintended consequences of doing that? In 2012, if we continue down this road, 71 percent of the American children will be in a government-run health care system.

Now, what does that mean? What are the consequences of that? As a physician, I am here to tell you, Mr. Speaker, the consequences of that are that more health care decisions are made by bureaucrats and are made by individuals here in Washington than are made by doctors and their patients and children's parents. That is what it means. It means that more personal health care decisions move away from being made by patients and their doctors. That is not what we ought to be about. That is not increasing choice for individuals in the health care system. That is not increasing freedom for individuals in the health care system. That is creating a system that is Washington-controlled bureaucratic health care, and I don't believe that that is what the American people desire.

This program definitely has burdened the taxpayer. There is no doubt about that. You couldn't reach any other conclusion regardless of where you come down on the program. As was mentioned, this will cost hundreds of billions of dollars. And if it is made into an automatic or mandatory or entitlement program, it will increase even greater than that.

Now, Mr. Speaker, I have just a few short minutes, but I do want to touch on what we believe, what I believe we ought to do because there are positive solutions. There are positive answers to how we ought to move in a direction that provides patient-centered health care, patient-centered health care, something that I believe is wanted by the American people. It is something that I have termed American values and American vision. And one of those American values and one of those American visions is to have a health care system that is patient centered, that allows patients and their doctors to make decisions, not government officials. Not government officials. That is not where the American people want us to be. So if we are going to have a Children's Health Insurance Program, then we ought to live up to the premise for which it was brought about, and that is to target it to low-income families, low-income, uninsured families. And there is an easy way to do that. There is an easy way to do that.

You can empower families to make health care decisions that directly affect their own children. The way that you do that is through a robust system of premium assistance. You can provide and allow parents to utilize the SCHIP funds to be able to purchase private health care coverage without government micromanagement. It is a system that results, in essence, in a defined contribution program so that the Federal Government would, when needed for low-income uninsured children, provide assistance that would allow for the purchase of a private health insurance policy so that the family owns the policy. And when that happens, what that means is that it becomes patient-centered because the individuals, the parents, will select the best program for their child. And that is all that anybody is truly wanting. They want a system that responds to the health care needs of their family and their children; not a system where the Federal Government is making those decisions.

It is easy to also provide for a program that would expand the options for individuals and families beyond the narrow confines of the SCHIP program. It is important that the perceived need is for a system that provides appropriate health care, indeed, but the appropriate need is for one that is responsive to patients.

I have a few other items that I just want to point out, Mr. Speaker, before I close. And that is, again, that if we move toward the system that is being proposed by the folks who are interested in Washington-controlled bureaucratic health care, 71 percent of America's children will be on Medicaid or SCHIP in the year 2012. Over the next 4 years, if nothing has changed with this program and others, we will move from $11,000 per year, per household, Federal money, $11,000 per household to $13,000 per household spent on health care.

And there is a wonderful article that I would like to point out to my colleagues, Mr. Speaker, that was published on June 28 by Robert Novak called, "Socialized Medicine for 'Kids.'" And I will include that in the RECORD. I urge my colleagues to avail themselves of this article. This talks about removing the ability of parents to make personal health care decisions for their children.

SOCIALIZED MEDICINE FOR "KIDS"

(By Robert D. Novak)

WASHINGTON—There is no need to wait until a new president is elected next year for the great national health care debate. It is underway right now, disguised as a routine extension of an immensely popular, non-controversial 10-year-old program of providing coverage to poor children. In fact, this proposal is the thin edge of the wedge to achieve the longtime goal of government-supplied universal health insurance and the suffocation of the private system.

The Senate Finance Committee was scheduled to mark up this portentous legislation expanding the State Children's Health Insurance Program (SCHIP) today [Thursday], but disagreement over the size of the program and how to pay for it forced postponement. Democratic Sen. Jay Rockefeller's version would triple SCHIP's current five-year cost of $25 billion to a level of $75 billion. That would grant federal largesse to more than just poor "kids" (as politicians endearingly call children). An estimated 71 percent of all American children in families of four making as much as $82,000 a year would become eligible, with states also continuing present coverage of adults under SCHIP.

But where to find money to cover the massive cost? Senators of both parties want to raise tobacco taxes, but that well is not bottomless, as existing taxes have reduced cigarette smoking. Instead, House Democrats want to take money from private elements of Medicare instituted by the Bush administration. The overall effect would make three out of four American children accustomed to relying on government care no matter what course their parents take. In sum, SCHIP turns out to be socialized medicine for "kids" (and many adults).

A principal sponsor of the $75 billion program is Sen. Hillary Rodham Clinton, whose hand is detected in health care struggles the past 15 years. After the Clinton administration's sweeping "Hillarycare" failed in 1994 and contributed to that year's Republican takeover of Congress, the first lady miniaturized her goals by limiting coverage to poor children. Republicans, led by Sen. Orrin Hatch in one of his several collaborations with Sen. Edward M. Kennedy, had lost their revolutionary zeal after the government shutdown of 1995 and accepted SCHIP as a fallback position at a beginning outlay of $4 billion a year. It was the bargaining chip given President Bill Clinton in return for him signing the Deficit Reduction Act of 1997.

SCHIP over the past decade has been a beloved "kids" program whose faults were overlooked, much like the Head Start school program. The federal government has consistently granted waivers to permit 14 states to cover adults under SCHIP, which now cost $5 billion a year. Minnesota led the way, with 92 percent of money spent under the program going to adults.

The massive expansion was proposed by Sen. Clinton this year, furthering her promise of "step by step" advancement toward universal health care. Her proposal extends SCHIP to families at 400 percent of poverty (or $82,000 annually). Hatch after 10 years is back again supporting a Democratic program along with Sen. Chuck Grassley, the Finance Committee's ranking Republican. But they want a mere $55 billion (a $30 billion increase), compared with Rockefeller's $75 billion, causing the postponement of today's markup.

The Democratic congressional majority now faces the consequence of its "paygo" mandate to account for higher spending. The Senate's preference for tobacco taxes runs into present overall cigarette taxes of more than one dollar a pack, lower legal cigarette purchases and reduced smoking typified by a 19 percent decline in New York City. More creative funding comes with Rep. Pete Stark's scheme in the House Ways and Means Committee for slashing the popular private Medicare program. That not only would fund an expanded SCHIP but move toward government monopoly over all health insurance.

An indirect but pervasive impact of Sen. Clinton's grand design would be the impact in the same family of children who are insured by the government while their parents are covered privately. Would the children become accustomed to Washington taking care of them? Would the adults drop private insurance? The future is now for universal health care coverage, and President George W. Bush may soon face the decision of whether or not to veto it going into the election year.

Mr. Speaker, in closing, I just want to urge my colleagues to make certain that we remember why we were elected. We were elected to represent honestly and hopefully and responsibly our constituents, especially in the area of health care, an area that I knew very well as a physician and about which I became very frustrated because of governmental intervention. We are responsible to make certain that we set in place programs and policies that allow for the most personal decisions of our lives and of our children's lives to be made by individuals and their parents and their families, not by government.

So I urge my colleagues to make certain that as we move forward with this debate and with this discussion that we act responsibly and allow patients, their parents, and physicians to make health care decisions.

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30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to address the House. And I hope the Members of the House had a great 4th of July break as we celebrate another birthday of this great country. And the great thing about it is you're allowed to say what you want to say and feel what you want to feel and express yourself in any way that you would like to.

Mr. Speaker, as you know, the 30-Something Working Group, we come to the floor to share with not only the Members of Congress, but also with the American people, the importance of good policymaking, and also making sure that we're factual in what we say and what we do here.

It was quite interesting. I was sitting here reading my notes from the information that we pulled together to come to the floor. We're going to talk about Iraq tonight, but I'm going to talk a little bit about SCHIP because we spent a lot of time and many hours on this floor fixing what the Republican Congress left for dead, really. We had to come in, the Democratic majority, with the leadership of Speaker NANCY PELOSI, and save the SCHIP program in many States.

A number of Republican Governors wrote that were in a crisis mode of their program being shut down in the State of Florida, health care for children. In Washington, many people talk about SCHIP. I'm so glad to have the chairman here of the subcommittee that deals with this particular issue. And it goes to show you, here on the Democratic side we have great responsibility when it comes down to fixing and cleaning up the mess that was left from the 109th Congress and the Republican-controlled Congress and special interests got what they wanted.

I think it's also important to note that a supermajority of Republicans voted against the continuing resolution to be able to save the SCHIP program in many States to provide health care for children. And now we're going through the policy move that we have to take to be able to make sure that SCHIP is here for every child and to make sure that they have the kind of health care that they deserve.

So I'm so glad Mr. PALLONE from the Garden State is here because he is the chairman that's dealing with this very issue. I'm a member of the Ways and Means Committee that is also going to be having a discussion on this issue. And I can tell you, as we start to move forth and uncovering and unearthing some of the injustices that have taken place in the past, and we have Governors on our side, we have children advocates on our side, we have those that believe in true health care on our side in saying that this is not a last-day-at-school kind of syndrome that we see the President and others going through. And I think something is about to happen that is really great and is going to secure and make sure the children have the kind of health care they deserve.

Mr. PALLONE, I would be more than happy to yield to you at this time because I know without notes that you can talk about this because you and your staff have been working on this issue and members of your committee have been working on this issue.

Mr. PALLONE. I want to thank my colleague from Florida, first of all, for being here tonight and for being here for so many nights for so many years now. I know they call them the "30-Something," but it's several years now that you've been doing this on a regular basis, and drawing attention to what the Democrats are doing, and of course when we were in the minority, pointing out the contrasts between ourselves and the Republican majority.

I don't want to give a course in history here tonight, but I have to take issue with what my colleagues from Tennessee and Georgia just said with regard to the children's health initiative.

First of all, I think it's really important, and I know you say this all the time, that we're not here as ideologues. I'm not here because I'm a liberal or a conservative or because I want a government-run program or a privately run program. As far as I'm concerned, if everybody could get health care under some kind of privately run insurance program and it was all affordable and we could cover everybody, that would be fine with me. The only reason that the SCHIP or the children's health program was set up about 10 years ago, and I was there and I was part of it at the time, and it was done on a bipartisan basis, Republicans and Democrats supported it, was because we realized that there were more and more children in this country that were going without health care.

And we did not set up an entitlement. I heard my colleagues from Tennessee and Georgia on the Republican side repeatedly refer to this as an entitlement program. It is not an entitlement program. It is a program that simply gives money in a block grant. I mean, nothing could be less of an entitlement than a block grant, to States like Georgia and Tennessee that they match to try to cover children that don't have health insurance.

Now, let me stress this is for parents who work who have children. We have a Medicaid program for people who are very low income. But what we found 10 years ago, and again, on a bipartisan basis, just as many Republicans as Democrats, what we found 10 years ago was there are a lot of people who work for a living, but they don't get health insurance on the job and they cannot afford to go out in the individual market privately and buy it. I mean, that could cost you $12,000–$15,000 a year if you have to go out for a family of four and buy health insurance. If you're making 20, 30, $40,000 a year, you can't afford to pay $12,000–$15,000 a year for health insurance for yourself and your children.

So the Federal Government decided, let's give some money to the States. They will match it, and they can help cover these children of working parents whose income is a little too high so they don't qualify for Medicaid, but they can't get health care on the job because their employer doesn't offer it, and they can't afford to go out and buy it on the individual market.

Now, what is wrong with that? There is nothing wrong with that. I cannot understand how anyone on the other side of the aisle, including my two Republican colleagues that just spoke, would come out and say that we don't want kids to have health insurance. I mean, what are they talking about? There is no alternative for these people other than to go to the emergency room or the hospital. They can't get it on their job. They can't afford to buy it privately on the individual market. They have no alternative. And that is simply all we offer to do.

And now my colleagues on the Republican side are talking about entitlements, raising socialism. I mean, this is not an ideological issue. This is just a practical way of trying to deal with a problem.

Now, let me tell you something. You already made reference, my colleague, to the fact that some States this year ran out of money to pay for this children's health initiative very earlier, and the State that came here crying first was the State of Georgia.

Mr. MEEK of Florida. Mr. Speaker, if you would yield for a second.

You know, I was sitting here. And the great thing about being a Member of Congress, and I thank the people from the 17th Congressional District in Florida for sending me here, it's almost like, coach, get me the ball. I wanted to say, will the gentleman yield? Because it's interesting that Georgia was on their knees with hands clasped saying, please help us. Children are about to run out of health care insurance, and we're about to have a crisis. And it was the leadership of this Congress, the Democratic Congress, that brought about that kind of change. That's why people wake up at 7 a.m. in the morning to go vote for representation.

So now we're down to politics, Mr. Speaker. And it's very unfortunate, politics is playing a role in the lives of our children, grandchildren, nieces and nephews that need health care. And this is for working folks. These are for folks who punch in and punch out every day, individuals that are struggling every day that are hoping that the government will stand for them.

So, Mr. Chairman, continue. I yield back. But I'm just saying if Florida was in the situation, I couldn't come down here to the floor and start knocking something that this Congress ran to the savior. And what we had to do, Mr. Chairman, was to couple it with a number of other things to get it to pass for the President not to veto it. And we're going to talk about that a little later, but I think that's very, very important.

I yield back, sir.

Mr. PALLONE. Well, I just want to follow up on what you said. You know, this money that we give to States to help cover these kids in the last few years has run out very early for a lot of States. And, again, it was the gentleman from Georgia's own State, it was State representatives, Secretary of Health and Human Services, whatever they call that person in the State, came down here in February. And they were over in the Speaker's office, and I was asked to come. And there were Republicans and Democratic Congressmen in that room. Now, I can't say for sure that the gentleman who spoke tonight was there, but there were other Republicans. He may have been, but I don't want to say for sure because I don't remember. But there definitely were Republican Congressmen from the State of Georgia in that room over in the Speaker's office, along with Democrats. And they said, you've got to pass an emergency supplemental bill to give us more money for SCHIP because we're going to run out of our yearly allotment on March 1; two months into the year. So they said, please, do something. Well, what we did is we attached that to the emergency supplemental bill. Some people know that as the Iraq supplemental, but it really covered a lot of different things.

And as you say, we put $750 million just to cover Georgia and other States to the end of this year. And you know how difficult it was. The President threatened to veto it three or four times. We finally got it passed. And every month I would get calls or letters from the Georgia delegation saying, when are you going to pass this money because we're going to have to tell these kids that they don't have any health insurance.

So I don't understand how they come down here on the Republican side and complain about this program that they helped start, that their State is asking for money. Most of the people in that room from the State of Georgia were Republican, not Democrats, okay. And we're just practically saying, okay, look, we don't want to have to run out of this money every year because obviously this program is growing because the number of uninsured kids, again, from working families, keeps getting bigger every year. It's up to something like nine million children nationally that don't have any health insurance. Okay. And what we're saying is, let's come up with a larger pot of money over the next 5 years to pay for these kids so that, there is about six million of those nine million that are eligible for the children's health SCHIP program right now, eligible under the current law. There is about 6.7 that are covered, there are another 6 million that are eligible under the current law that President Bush and the Republicans have been supporting for the last 10 years, and there just isn't enough money to cover them.

So all we're saying is, let's take some money, in this case over 5 years it would cost about maybe $50 billion to cover these kids that are already eligible for this SCHIP program.

Now, how in the world the Democratic initiative to simply pay for kids that are already eligible for this program that's already on the books becomes socialism or entitlements or some kind of radical procedure here. For the life of me, I simply do not understand. I mean, there is nothing here that's new. There is nothing new here.

I yield back to the gentleman.

Mr. MEEK of Florida. Mr. Chairman, you said $5 billion over the next 5 years?

Mr. PALLONE. We're talking about $50 billion over the next 5 years, about $10 billion more per year, to cover the rest of the kids that are currently eligible for this program.

Mr. MEEK of Florida. That's $50 billion.

Mr. PALLONE. Right. And we're not talking about anything new here.

Mr. MEEK of Florida. Over the next 5 years.

Mr. PALLONE. Right, additional money.

Mr. MEEK of Florida. Well, let me tell you, per year in Iraq we spend $120 billion.

Mr. PALLONE. Exactly. And where do these kids go? They have no place to go. The only place they go is if they get sick or they need attention, they have to go to the hospital emergency room. And what kind of a way is that to operate a health care system where you have to take your kid to the hospital emergency room because they can't see a doctor on a regular basis.

Now, one of them said community health centers. I'm all for community health centers. I think it would be wonderful if every town in the country had a community health center and you could go there and get free care, but that's not the reality. In my district, we have maybe three or four of these community health centers. I represent about 650,000 people, and we have maybe three or four of these federally sponsored community health centers. There is no way in the world that these parents that take their kids, all who are uninsured, to these community health centers. There is absolutely no way that that's going to happen.

Mr. MEEK of Florida. Imagine the line. Imagine a rural county. Imagine an urban county that I represent, everyone kind of diving into one or two locations to make it all happen. Why should we inconvenience those that are counting on their government to respond, especially on behalf of our children.

I'm glad you came down here tonight to have you here, the person that has the gavel in their hand, heard testimony from the States. I know you know what I'm saying. This is what you're doing and this is why we're here. And Americans voted for a new direction, and we're heading in that new direction. There are those that are Members of Congress that don't want to move in that new direction. And, Mr. Speaker, like I said, the great thing about our country is that we can disagree and you can voice your opinion and other ideas, but I think it's important also for the American people to get fact and not fiction. And that's what we're here about, and that's what it's all about.

You are always welcome, Mr. Chairman, to come down. I am a part of the "something" part of the 30-something. So you can join, and that caucus is growing. And the good thing about what we do here on the floor from those new Members of Congress, we call them "majority makers," to those that have been here as long as you have been here, to see this process go full circle, 360 degrees, to be able to come to the floor at 11-something at night, to be able to set the record straight I think is important not only for Members of Congress, but also for the CONGRESSIONAL RECORD and for those individuals that are listening to the statements that are being made here on the floor that know better.

□ 2300

Mr. PALLONE. I appreciate it, and I know you want to get back to the Iraq war, as I think you should. I want to thank you again, and just say in conclusion from my part of this tonight, what I really don't like is trying to make this into an ideological debate.

When I hear my colleagues on the Republican side, instead of being practical and looking at what is going to accomplish something, to start making it ideological and talk about entitlements and socialism and the whole thing, we don't need that. We don't need that rhetoric here. We as Democrats are trying to accomplish things in a practical way, without ideology, without right or left and all this jargon that we are hearing from the other side.

I just hope that it doesn't continue, because otherwise I am going to come down here every night and talk about why practically speaking the children's health initiative is a good program.

Mr. MURPHY of Connecticut. If the gentleman would yield, just to make one last point on this, and I thank the gentleman from New Jersey for coming down, before I came here, I was the chairman of the Public Health Committee in the Connecticut State Legislature. What we figured out over time, because we were a State that submitted waivers to the Federal Government to expand our children's healthcare program, so we actually ended up with one of the more generous SCHIP programs in the country. We had more kids as a percentage of children who were eligible for children's healthcare, sponsored and subsidized by the State and Federal Government, than most other States, and what we found was that was actually reducing the cost of healthcare over time.

I got to listen to a little bit of the rhetoric on the other side of the aisle earlier, and they act as if we have existing today a fiscally responsible system of healthcare. We don't. We have the most expensive healthcare system in the world.

You may have covered this earlier before I got on to the floor. But we have the most expensive healthcare system in the world for outcomes that are lucky if they rival those of countries that spend 50 percent less on their healthcare, 16 percent of GDP in this country compared to 10 or 11 percent in other countries that insure everybody and get basically the same or better outcomes.

So what we found in Connecticut was as we expanded the reach of our SCHIP program and got more kids eligible and enrolled, we were actually cutting the cost of care for those kids because, guess what? Preventative care, as I am sure has been said on the Floor, is much less expensive, much more fiscally responsible than crisis care, when these kids show up in the emergency room with much more complicating, debilitating illnesses that require much more expensive care.

So, for my money, investing in children's healthcare insurance is the right thing for taxpayer dollars. We certainly know it is the humane thing to do, it is the moral thing to do, to insure children who have no healthcare through no fault of their own. But it is certainly the right thing to do if we are going to be responsible stewards of taxpayer dollars.

If I were sent here, as the folks on the other side of the aisle believe they have been, to be stewards of taxpayer dollars, I would be investing in preventative healthcare every single day I was here, and that is what the SCHIP program does.

Mr. MEEK of Florida. Mr. MURPHY, I just want to thank you, definitely fresh out of the State legislature, for coming to this floor. I served in the legislature myself, and I can tell you that in Florida we enjoy the Federal assistance that is there.

Some folks, Mr. Speaker, speak of Medicare as socialized medicine. If you try to do away with Medicare right now and have new and great ideas that would limit access to clinics and what have you, I think you would have an uprising in this country as we look at providing better healthcare.

If I can, we came to the floor tonight, and I have my Iraq notebook with me, and I want to thank not only staff but the Democratic leadership for taking a forward lean, as we have done since we have been here in the control of the House, and the American people provided us with an opportunity to lead, to move this country in a new direction, and also move this issue of Iraq in a new direction. I just want to talk a little bit about the numbers, and I want this to sink in, because I want Members to know exactly what we are doing.

We have to create and we have to be about a major paradigm shift, I would say slash "new direction," as it relates to Iraq. We know that the President has executive authority and he can veto. We know that the legislature, and when we say legislature, I started talking about States, I started talking about legislature, I would say the Congress, the legislative branch of government has the responsibility of policy and making sure that we pass legislation that will be helpful.

During the 4th of July break, which was a wonderful thing, you have an opportunity to go back to your districts and you have an opportunity to go to places where you can learn more, I actually went to Norfolk, Virginia, to the Naval facility there and spoke to a number of sailors and some marines and others that have been deployed before. I was there on a destroyer and also a submarine and also an amphibious vessel that moved marines into a forward area and had an opportunity to talk to a number of individuals over that weekend.

I left with the impression, Mr. MURPHY, of them saying, if you want to help the troops, then stand up for us in the Congress and making sure we bring some sense to what we are doing.

Now, some of the bloodiest weekends in Iraq took place during the 4th of July break, and a number of Iraqis have lost their lives and they have a number of civil war conflicts that are going on there. Also a number of marines, soldiers and others, even civilians, lost their lives.

I think it is important as we look at this and we go through a forward lean, I just want to capture this moment from the Congressional Research Service, Mr. Speaker, the nonpartisan Congressional Research Service, which is a nonpartisan organization within the Congress. These are individuals that are Ph.D.'s and those that count the numbers and really give the Americans an objective view of what the real picture is.

Let's talk about cost here for a minute. You heard Mr. PALLONE, the Chair of a subcommittee dealing with the children's health program, say over 5 years it would take $50 billion to be able to provide healthcare for children. Let's look at these numbers.

Per year in Iraq, and this is the chart that I have here, $120 billion a year. I am going to even further break that down to $10 billion a month and change. These are not my numbers. This is the Congressional Research Service numbers. Per week, $2.3 billion a week in Iraq. $2.3 billion. This is just Iraq. We are not talking about Afghanistan. Per day, $329 million and change. I am not even giving you the change. Per hour, $13 million. That is every hour in Iraq, $13 million.

Think about what we can do here domestically. I am talking to the mayors of our cities and our towns. I am talking to commissioners that would like to resolve some issues and want some sort of Federal assistance in doing that. I am talking to the citizen that is wondering why something is shut down in their community for a lack of funding.

Per minute, $228,000. That is per minute. $228,000. That is more than many Americans make in 5 years, Mr. MURPHY, a minute. That is what is happening in Iraq right now. Per second, $3,816. Some may say $4,000 a second.

You look at the Forbes' richest, most wealthy Americans, they are not even doing that. You have companies that wish they could make $3,816 a second. This makes Oprah, her income, look very small. This makes some of the new people that are there, the President or the used-to-be chairman of Microsoft, look very small when you look at these numbers. But you have to look at this issue for what it is. These are the dollars that we are spending.

Now, who is standing in front of us and making new policy changes here? I think it is important, and I think we are going to have a gut check here, and I want to make sure that Americans know exactly and the Members know. Because many Members, they go back home and they say, I did not quite understand that. I am sorry. It went over my head. I didn't understand what happened, when a constituent may walk up to them.

This week in the House we will have an opportunity to reaffirm our support and move this Iraq debate in a new direction. Responsible redeployment of our troops. We talk about responsible redeployment. We are talking about a bill that Chairman IKE SKELTON is going to bring to this floor tomorrow, or sometime this week, where Democrats and Republicans will have an opportunity on the record to vote once again as it relates to redeployment.

The Responsible Redeployment Act, H.R. 2956. It requires the responsible redeployment of U.S. troops beginning within 120 days of enacting and ending by April 1st, 2008. I think it is important that everyone understands that a supermajority, 70 percent, a supermajority of Americans believe that we should be out of Iraq.

It requires the President to publicly justify the post-deployment missions for the U.S. military in Iraq with a minimum number of troops necessary to carry out those missions. This is not saying that we are going to take all of the troops out of Iraq, but what it is saying is those troops that are in harm's way, doing the door-to-door, doing all of these things in the middle of a civil war that Iraqi troops should be responsible for, there are a number of people that are saying, you know, they are not quite ready.

But, meanwhile, back at the ranch, I know every Sunday on CNN they have a report talking about what happened in Iraq that week. I think I have seen too many flag-draped coffins. I think I have talked to too many spouses and family members that are saying, what are you going to do and how are you going to do it and how are you going to stand up?

Chairman IKE SKELTON is beyond this. He is what one may say is an individual that solely has the troops in his heart and in his mind. And this will be a product of not only him, but many Members of Congress. So Members will get an opportunity to vote.

Now, Mr. MURPHY, before I yield to you, I think it is important that we show who is standing in the schoolhouse door here. I would ask for not only the Members, but also the American people to go to the White House website if you want some information.

Members of the Republican minority, thanks to the American people, on March 29 of 2007, stood with the President after we moved the bill through this Congress that would move the policy as it relates to Iraq in a new direction. It would bring more accountability as it relates to profiteering, more accountability as it relates to how our troops are being deployed based on what the President says that he thinks is right. It is bringing democracy to it.

When we passed that bill, it passed both the House and Senate, I can say that the Democratic majority voted in the affirmative with a few Republicans, and it went to the White House. And before that bill could be carried to the White House, the President said that he would veto it.

I want you to take a look at this picture here, because I think it is very very important. Pictures speak 1,000 words. You have all Republicans, the minority, that are standing behind the President saying stand with the President and we will not allow the President to be overridden, for there to be an override of his veto.

I think it is important for us to pay very close attention to it, because my message to those that were on the steps of the White House, who met with the President, who had some sort of discussion with the President, that have said "we are going to make sure that the President's will is not overridden," well, I want to ask, how many times will the Republican minority go down and stand with the President in front of the will of the American people?

That is going to happen this week, Mr. Speaker, and I am glad that Speaker NANCY PELOSI has said we are willing to take the fight on behalf of the American people to the executive branch and to those Members of Congress who believe that we should be "staying the course" or continuing to do the same thing expecting different results.

There are a lot of things that are going on in Iraq that are not in the control of the American Congress and executive branch and those that they elected to represent them here in Washington, DC. But what we do have control over as it relates to the policy and as it relates to the will of the American people and the troops. One person said if you want to help the troops, get us out of Iraq. If you want to help the troops.

Mr. RYAN and I in the 108th and 109th Congress heard all kinds of speeches here on this floor, Mr. MURPHY, Members saying "I support the troops." "No, I support the troops more than you." "No, let me take my shirt. Let me show you a tattoo I have on my shoulder saying I support the troops."

That is not what it is about. It is about policy. It is about manning up and womaning up and leadering up and standing up on behalf of these men and women that are in harm's way.

□ 2315

These are real families. We have to treat this issue as it relates to redeployment of troops in Iraq as though our children or our nephew or our cousin or our husband or wife, what have you, are in harm's way as we speak. Those that have a dot.mil address behind their e-mail address that are emailing us and are asking us to be leaders, I am glad that this House is moving in the direction, and the Senate is moving in the direction, and I commend those Senators that have come to the side of the American people saying enough is enough. The President can burn all kind of Federal jet fuel and fly throughout the country. He was in Cleveland talking about what we need to do. Enough is enough. The bottom line is that folks have to come to grips that this is a democracy.

The White House is under some sort of impression, I want to say impression. They believe if they were to come out at a press conference, if the President were to say the rain doesn't fall from the sky, it comes up from the ground to the sky, they believe many Americans would actually look outside to see if that is true. We know what is right and what is wrong. What is wrong is the fact that we can no longer stand idly by and let this happen.

The Democratic Congress has tried to make this happen. We need Republican support. We need the American people to call their Republican representative and say enough with this partisan stuff, let's move for our young men and women in harm's way.

I yield to Mr. RYAN.

Mr. RYAN of Ohio. The bottom line is that this is not just us, or the Democrats or the American people. Mr. MEEK, Mr. MURPHY, these are the soldiers who are coming back.

I don't know what your personal experiences have been, but the soldiers in my district who have come back, and I meet them for a cup of coffee at the coffee shop and they talk off the record, they say, Get us out because this is insane. It is ridiculous. The only thing we all hear from the soldiers who say I want to go back, they say they want to go back because their buddies are over there. They are not going back because there is some great cause that the President has outlined for them. They are so far beyond that. They go back because their buddies are there, and God bless them. Those are the kind of buddies that we all want.

I think it is important that that picture that you showed, Mr. MEEK, and what the minority party is trying to do here by not giving us enough votes to override a Presidential veto in the House and in the Senate is they are complicit in following President George W. Bush's foreign policy that has taken this country right off the cliff. Mr. MEEK, Mr. MURPHY, Mr. Speaker, $600 billion, thousands of lives lost, innocent people in Iraq getting bombed.

And here's the bottom line that I think the country needs to know and completely understand. This President has made the country less safe. There are more terrorists today that are gunning at the United States than ever before. Even pre-9/11, and now al Qaeda is coming out and saying we are stronger than we have ever been. We are as strong as we were on 9/11.

We have thousands and thousands of more terrorists who want a gun to come at the United States. There are sleeper cells I am sure in the United States, but when we try to pass a Homeland Security bill that funds 3,000 more Border Patrol agents, that puts the proper equipment and the proper technology on the borders to make sure that when the cargo is coming into the ports that those are checked, that our first responders have the proper equipment that they need, the Republican minority basically filibustered in the House and tried to stop that from happening.

So what we are saying here is that if we don't quickly rectify this problem and start making investments that we can go after Osama bin Laden and al Qaeda instead of this mess that we are in in iraq, then we are more vulnerable as a country. And if something happens in this country, it lays right at the footsteps of the White House because we have been fighting this war. It has been ridiculous. The whole concept has been ridiculous. George Herbert Walker Bush said it was crazy to go into Iraq. This has not made any sense since the beginning. And now we are wasting $600 billion fighting a war in some country that we don't know a whole lot about instead of focusing that money on making sure that we get Osama bin Laden, making sure that we destroy al Qaeda. That's the war.

And so if al Qaeda hits the United States of America, it is because George Bush led us into a war in a country that didn't have any al Qaeda members in it.

Mr. MEEK of Florida. Mr. RYAN, the bottom line is that the President, and we have to talk about the student loan issue that he talked about earlier today, and I think it is important that we talk about that because again we had Members here talking about SCHIP and we were all once representatives in our States on the legislative end on the State level. But I think it is important for us to, and where is my red chart to talk about the debt.

We just had Mr. PALLONE as the chairman of the subcommittee down here, and we have a proposal talking about $50 billion over the next 5 years. Let me say real quick, per year it is $120 billion in Iraq and climbing. I say that to a mayor or to a Governor, I would like to have my hands on $120 billion that the Federal commitment has made.

Mr. RYAN, it is not the President, that is all too easy. The President is in his last leg of a swim meet here. He has the last day of school kind of syndrome. All of us know what the last day or last week of school felt like. I am about to leave the institution, and I don't have to worry about what is happening.

But guess what, it is not the last day of school for the American people and those that are in harm's way. We have a responsibility to stand for them. I am not going to just leave the President. I am going to say that those individuals on the Republican side of the aisle, not all of them, but a majority of them, are willing to stand with the President that ran this record debt up that we have now. A $1.19 trillion debt and climbing, done by the Republican majority in the 108th and 109th Congress and beyond, of rubber stamping what the President has done.

We all live the same kind of lives. We all understand our responsibility up here. But I tell you, to be able to move in a new direction in Iraq, it is going to take more than just Democratic majority Members, especially in the Senate, to be able to bring some real sense to this new direction in Iraq. The real issue is that there is a choice to be made.

Mr. RYAN, some of the Members on the Republican side used to laugh at us when we were on the floor. I see them in the hall and they are like, "You all are funny. Do you really believe people are going to follow what you all are talking about if you are given the opportunity to lead?"

Well, guess what, how do you like us now? People believe. Democrats, Republicans, Independents. And you know something, some people who voted for the first time in their lives who had given up on the political system, and I will be doggone if their vote goes in vain. I am telling you right now, we need Republican Members of this Congress to vote on behalf of our troops.

Want to help the troops? Vote for redeployment. You want to help the troops, vote for antiprofiteering legislation. You want to help the troops, when Mr. MURTHA comes to this floor with an appropriations bill that is going to bring major sense as it relates to the appropriations in this war, then support that if you want to support the troops.

Mr. RYAN, I am going to yield to Mr. MURPHY by saying this: As of July 11, today, the deaths in Iraq as it relates to U.S. military personnel, and this is not even counting those clandestine agents that are out there, those civilian folks, 3,609. That is as of 10 a.m. this morning.

Total number of wounded in action, returned to duty, 14,681.

Number of wounded that did not return to duty, 12,014 and climbing.

I want to say this is real. This is above and beyond Democrat-Republican politics, Independent politics, whatever the case may be. We are moving in the direction of redeployment of our troops and a new policy. The President can stand in the schoolhouse door all he wants to, but the bottom line is he is empowered by the Republican minority that are saying that we are not going to allow you to have enough votes to be able to override what the President is saying. That is where it comes down to it.

I can tell you, like I shared with some of my colleagues, you continue to follow the President on the old way, and I guarantee you, just like I said in the 108th Congress and 109th Congress, and I don't have a whole lot of say in what goes on in some of these districts because people have their own heart and mind. They read and they see. They see the people that are not coming back. People are being deployed.

They are not glad they are going. They are crying when people are going. Will I see my husband? Will I see my father again? What are we doing? What does this mean? We are in the middle of a civil war; what does that mean? Will my husband or wife be knocking down some door as we speak here on this floor, having Iraqis huddle in the middle of a room on a security mission that is necessary because the Iraqi government is not doing it, and those individuals will never forget that. And they are not doing it just because they feel like doing it; they are doing it because it is the mission. We support them in that mission, but the bottom line is we have to have a new attitude and new direction.

There are Iraqi troops that should be doing those house checks and taking that responsibility, and an Iraqi parliament that should be coming to work every day to make sure that they do what they do. It shouldn't be our people, and people know it. So the bottom line is, when you are in a place where you don't understand exactly where you should be, fall on the side of commonsense. That is all that I am saying.

Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you.

We know because we have talked to these families. When they are crying about their loved ones injured in the field of battle or, God forbid, have not come back, there is also a sense from military families that their despair is because they realize they are the only ones that are being asked to sacrifice for this war.

Mr. MEEK of Florida. What happened to the coalition, Mr. MURPHY?

Mr. MURPHY of Connecticut. The coalition of the willing is no more, Mr. MEEK. What is left are the military family, and their friends and families have been asked to shoulder almost the entire burden of this war.

When we talk about where we are going to spend the taxpayer dollars, you have to talk about what we are getting for that investment.

You gave the statistics on the casualties since the beginning of the war, but it is even more terrifying when you talk about what has happened simply since the surge has begun: 593 soldiers have died since January 10; 3,500 have been wounded; 1,600 wounded so badly they cannot return to battle. We are talking about 13,000 Iraqi civilians and members of the military police who have been killed or wounded since the surge took place.

So you have to ask what we are getting for this investment. It has gone from $8 billion a month to $10 billion a month since the surge has gone into effect. What we have gotten is an Iraqi political institution or Iraqi political infrastructure which is even less willing to take responsibility for its own actions, even less able to take control of their own country.

It was reported in the Associated Press of the President's report on progress in Iraq that the Iraqi government has not "met any of its targets for political, economic and other reform." Has not met any of the targets we have given them for economic, political reform.

Parliament is going home for the summer. There is a parliament where the biggest Sunni group has pulled out. You have an inability for the Iraqis to deal with their own shop. As someone said, right now the Iraqis are paying wholesale for their politics because we are subsidizing every decision that is being made there. It is time they start paying retail for their political decisions, and that is only going to happen when they have a sense of when the crutch is going to be taken away from them.

So, Mr. MEEK and Mr. RYAN, I think to myself when we talk about how we are going to spend money, whether we are going to spend $120 billion a year in Iraq or whether we are going to spend $40 or $50 billion on children's health care insurance, and I think, as Mr. RYAN said, that $120 billion investment is getting more and more Americans killed every day and is making this country less safe and less safe every day, and is making it less and less likely that the Iraqis will ever be able to take control of their country.

□ 2330

That's a terrible investment. That's a bad investment. When I think about $50 billion in children's health care, by doing the right thing, the moral thing for kids, and at the same time, probably making our health care system more affordable and less costly in the end, because we're hooking kids up with preventative health care, that's a great investment. That's a worthwhile investment.

Mr. RYAN of Ohio. We're slingshotting the kids then for 5 months.

Mr. MURPHY of Connecticut. At some point, we've got to talk about what results we're getting for our money, and if you can turn around even a portion of the money that we're using over there to make this country less safe, turn it around and college age, children's health care, I mean meat and potatoes things that matter to middle-class families, those are the investments that I came to Congress to work on. Those are the investments that millions of Americans around this country sent a new class of Democrats here to work on, and if we can get some Republicans to stand up with us this week, as we have seen happening in the Senate over the last week and a half, we'll start to make good on those promises.

Mr. RYAN of Ohio. Well, $50 million for children's health care or 5 months more in Iraq, let the American people make that decision. Poll that, get the focus group out and figure that one out, where the American people are going to be. They're going to be with the leadership. They're going to be with the Speaker. They're going to be with the majority leader in the Senate. They're going to be for making these investments.

And I just love, Mr. Speaker, how our Republican counterparts went way back to 1992, they went into the deep parts of the Republican library, the CATO Institute and everywhere else, and they pulled out the 1992 talking points, and they've dusted them off and everything's socialism and union bosses. And it's typical of why they're not in power.

Mr. MURPHY of Connecticut. I guess I wonder whether the water is different in the Republican cloakroom down here than it is in the Senate cloakroom, because what we've seen in the last couple of weeks, and I've got a list here of all of the people who have changed their opinion on the war in the last several weeks and all the quotes from Republicans in the United States Capitol regarding their new opinion of this war, which is that we should set a date for withdrawal, and it is Senate Republican after Senate Republican after Senate Republican, DICK LUGAR, GEORGE VOINOVICH, PETE DOMENICI, LAMAR ALEXANDER, OLYMPIA SNOWE, SUSAN COLLINS.

What's missing from that list, for some reason, are members of the Republican minority here in the House. This is the body that's supposed to actually be more responsive to the American people, not less responsive. So I haven't been here long enough to understand what the difference is, but some Republicans are waking up to the notion that it's time for a change. It just hasn't happened here yet.

Mr. RYAN of Ohio. That's the God's honest truth of where we are. The force of the American people broke through in the election, but it is yet to penetrate the ideology of the Republican leadership and the Republicans in the House, many of them, and everything is coming down to priorities. It's all coming down to priorities.

And when Mr. MURPHY and Mr. PALLONE and yourself are talking about making this investment in the children's health care, poor kids getting health care, our friends on the other side are so void of any ideas on how to make America competitive in the 21st century that they have got to scream socialism, and I urge all of our colleagues, Mr. Speaker, to go back to the 1930s and 1940s and 1950s and 1960s. The only argument our friends on the extreme right have is socialism.

We're talking about a bill that passed out of the Appropriations Committee with bipartisan support. The Members who are coming down here are extremists. They are the extreme neoconservatives who have implemented their policy over the last 6 years and have run this country domestically into the ground, have run our foreign policy into the ground, and now all they have is names to call us.

Well, go out, and when these millions of kids have health care, go to them and say, you know what, you really shouldn't get that health care because it's socialism, okay? When you go to college and you have an extra 700 bucks in a Pell grant or over the next few years it will be an increase of over $1,000 by 2011, from $4,050 to over $5,000, go to that college family, the parents that are struggling to pay for that, and let our friends on the other side say we have no business helping you with college; that's not the role of government, Mr. Speaker, that's socialism. And when we cut student interest rates from 6.8 percent to 3.4 percent, I urge all of our friends on the other side, go to all the millions of families across this country and say we don't want to do that, that's socialism; let the free market work.

These banks have been sucking off the government for years. We didn't raise taxes to do this. All we did was say the banks aren't going to make a big profit on the student loans. We're going to give it to the kids and give them a nice 3.4 percent rate so they can go get an education and go get a job and go create wealth and go start a business and hire people that are going to pay taxes to keep tax rates low for everybody.

They're void of ideas, and this is the best investment. I mean, this is great. We get to go, over the course of the next year, and campaign on this? This is good stuff.

Mr. MEEK of Florida. The thing about it and the thing about what we work on and what we meet on, and after we leave the floor I need to talk to you even further about this issue, because, Mr. Speaker, the President was on the road and saying, well, I'm going to veto the interest rate cut that the Democratic Congress passed because it doesn't help enough needy kids that are presently in college.

Well, this is the same President who said we're going to be treated as liberators when we were in Iraq.

This is the same President that has said that investing in big oil will be able to assist us to be energy independent when big oil made nothing but profits after the White House meeting.

This is the same President that said he was going to treat anyone in the White House that outed an CIA agent in a way that they should be treated, and then later let that person off the hook through his executive power.

This is the same President that has said that we need to send an escalation of troops to Iraq and we'll see a safer Iraq; that we've seen otherwise, some 500-plus men and women in uniform that have lost their lives since that surge.

This is the same President that goes on and on and on talking about how he's going to increase Pell Grants when he hasn't done that.

This is the same President that said that 9/11, that we are going to implement this Department of Homeland Security and said there was no need to pass all of the 9/11 recommendations. That still hasn't made it to his desk yet, that we want to get passed, that this Democratic Congress passed.

This is the same President that told folks to go shopping after 9/11 when he had the opportunity to move this country in a new direction, bring us together, help our economy, and the Americans were ready to do what they needed to do.

And this is the same President saying I'm going to veto a bill that's going to cut student loan rates not only for students, I will go further as a parent to say, for parents and grandparents that are helping children that are now coming out of college that are more in debt now than ever because the Federal Government is not there for them. If we're not there for them, then the State government can't be there for them because they have to cut, and guess where the first place is they go. They go to students and cut back.

So I'm about full right now of the American spirit and say that I hope that our leadership here in the House, with the President, you spoke of politics saying it's a great thing to run on.

I always said this whole Iraq issue, if we see more and more pictures like this, Republican leadership leading their caucus down to the White House saying we stand with the President and making sure that the Congress doesn't override his original thoughts or what he feels should be, the White House is not to be used as the Republican National Committee instrument or the Republican Congressional Campaign Committee. This is about the American people and what we do.

So, the President, this is his last day of school. This is the last month of school. He's about to move on. He's about to become a private citizen. Those of us that are in Congress, if the American people that allow us to come back after 2008, will be here to govern this country, and guess what, this is not the last day of school for Americans.

So, when we talk about cutting student loan rates in half and the President starts using all kinds of, I start to go back to the big oil argument. What, did the banks have a special meeting at the White House, saying we can't allow this to happen; you got to stand in the schoolhouse door; and will they be able to motivate these Members to go back to the White House and say we stand with the President? How many times?

So, Mr. Speaker, I know that the bold leadership we have here in the House, if he vetoes this bill, which I don't want him to do, I hope he signs it, and we're able to provide the assistance to these individuals that are in all of our districts, Republican and Democrats. This is not for Democratic kids. This is for all kids, for all families, for all working people. If he does it, I hope that within the hour that he does it that we have something here on this floor, and we'll separate the Members from the followers here on both sides of the aisle.

And when we passed this bill, I know you brought this issue up, but when we passed this bill, there was 143 Republicans that voted against it, just enough to withstand. One, one over to be able to hold off a presidential override. That's a gut check there, Mr. Speaker. I wonder how many of those 143 are going to be with the President in not allowing American families to have a cut in financial aid.

I want their constituents to pay very close attention on whose side you're on. Are you on the bank's side or are you on the American people side?

Mr. RYAN of Ohio. Can I make a point because I think this is so important. There's not been a tax increase here. This is not where the President can say, I'm going to veto this bill because the Democrats increased taxes on someone.

What we did is we shifted this money that was going to the banks and allowed them to charge students 6.8 percent. It was basically corporate welfare, and we're saying that that same amount of money that went to them is going to go to more students for cheaper loans, less interest rates, 3.4 percent instead of 6.8 percent, just a shift in the money, shift in priorities.

So what the President's basically saying is I would rather have the banks make the profit than expand student loans to more kids and more parents. Now, that's just reading the facts. Ignore our rhetoric.

Mr. MURPHY of Connecticut. To go deeper than that, let's explain exactly what the deal is. Let's delve one layer deeper into this, explain exactly what the deal is for banks here.

We already guarantee all of these loans for the banks. That's a great deal. You tell me that I'm going to lend money to somebody and if they don't pay it back, somebody else is going to pay me back? Well, guess what, I'll probably make that loan.

But then what we did on top of it, on top of it was we gave them a cut of the loan, too. You know what we figured out? They're still going to make the loans even if you don't give them a cut of the loan. They're guaranteed loans. They're essentially guaranteed loans. That's just commonsense.

And so as Mr. RYAN said, this becomes sort of a socialist welfare program for just a different set of people, people that are doing pretty well already. So, to me, this is just commonsense. So to a lot of people it's commonsense.

When we go back in our districts, we're hearing a lot of people talking about Iraq. People are behind the Democrats' plan to reorder our priorities there and start going after the real bad guys, but there are a lot of people struggling just with getting by every day and every week, and there are a lot of young parents who are raising young kids and looking at college costs, thinking to themselves how on earth am I going to do this.

And to think that one of the things that stands in their way is a system now that subsidizes some pretty well-off banks, at the expense of those parents and their kids, is ludicrous. I mean, frankly, I could probably sit there, even coming from a pretty fiscally conservative State like Connecticut, I could probably sit here and justify bringing in new revenue somehow in order to increase money for student aid. I think I could sell people back in Connecticut, and say, listen, we've got to put a little more into the pot and we're going take care of students who need help, I mean truly meritorious students.

We don't even have to do that here. We don't even have to make that argument. All we have to do is say listen, we've just got to shift moneys from the haves to the have-nots. That's the brilliance of this program.

Mr. MEEK of Florida. I know that we're running out of time, and I think Mr. RYAN is going to move us to a few more minutes here.

30-SOMETHING WORKING GROUP CONTINUED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 16 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I would be happy to share some of those minutes with my good friends who are here, and I just want to kind of go on the point that Mr. MURPHY was making.

We have a situation now where everything that we've done I think is going to help average folks, middle-class folks, lower middle-class folks, poor folks, upper middle-class folks. Think about a family who in July is going to get an increase in the minimum wage, struggling to get by, looking to get a little boost, and they get the boost because of a new Democratic Congress and the priorities of the Speaker that we're going to implement.

And then you have a kid in school or you have young kids that need health care, and you're going to now be able to access the SCHIP program. You're going to be able to go to more community health clinics because there's been an increase of hundreds of millions of dollars. Some more people are able to be covered.

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Then, if you are in a State like Ohio, where the Governor, Governor Strickland, used to be a Member of this body, signed a budget that has a zero percent increase in tuition costs this year and next year, that used to be 9 percent on average in Ohio.

Now this same family has an increase in the minimum wage; they have a $500 increase in the Pell Grant. They have student loans they are taking out that will be cut in half from 6.8 to 3.4 percent. If they have young toddlers, they will be covered under SCHIP. This family now will be a healthy, educated productive family in the United States of America, so that the 300 million people we have in this country can all be on the field competing against China for us, competing against 1.3 billion people in China for the United States, competing against 1.2 billion people in India for the United States.

Now, isn't that a good thing? Aren't these good, smart, targeted investments? I would say they are, and the benefits that we are going to yield from these investments are going to serve us for generations to come. We did a study in Ohio years ago; I think the University of Akron did the study. For every dollar the State of Ohio invested in higher education, they got $2 back in tax money, because those people made $40,000 a year instead of $20,000 a year.

Now, this is a good investment. These are good investments for us to make. Long term, they are going to make us more competitive. When you look at what we are doing, what we are trying to do with stem cell research, what we are trying to do with alternative energy research, this is good stuff.

Mr. MURPHY of Connecticut. Just a quick point. During the May break, I went back and spent most of the week visiting with manufacturers and businesses in northwestern Connecticut. I could imagine what I heard was the same thing from what anybody who makes that trip will hear. It's all about workforce, workforce, workforce, that our economic salvation as a region in the Northeast, but also as a country, is not going to necessarily be, in terms of how cheap we can turn out the rubber balls, it's going to be about the quality of our product, and the quality of our production capacity.

That's all about training the new generation of workers. I mean, this money that we are talking about, it doesn't just go for students who are going to a 4-year Ivy League school. This is also money for kids that are going to community technology colleges that are being trained to be tool-and-die makers, that are being trained to be computer technicians at the shops and the manufacturing centers of the next decade and the decade beyond.

If we are going to compete as a Nation, as you say, against China and everyone else who is undercutting us, it is going to be because we have the best trained and the most productive workforce in the country. That's what our manufacturers are screaming for, and that's what you address when you talk about putting money into higher education.

Mr. RYAN of Ohio. We are trying to compete with 1.3 billion people in China, 1.2 billion people in India. We only have 300 million people in the country.

So it seems to me that these investments that we are making are very wise, targeted investments. There is no tax increase. But what we are saying is, is it better to make sure that the banks have an increased inflated profit margin, or is it better for us as a country, the public, to make those investments in the families and basically give these families a tax cut? These middle-class families are getting a tax cut.

If you are taking out a loan, and you have two, three, four people in your family, you have a couple of kids going to school, both parents work, you are making 60 or $70,000 a year, and you are taking out a student loan, and last year if you took it out it was 6.8 percent and if you take it out this year and it's 3.4 percent, that's a tax cut for that family. When you go to file for the Pell Grant next year, and there is an increase of 4 or 5 or $600, that is a tax cut for a middle-class family.

What we are saying is we have a totally different philosophy from the Republican Party. They are cutting taxes in half over the past 6 or 7 years for the top 1 percent of income earners in the country.

We are saying, and the American people will make a judgment on this in the next election, would they rather have their Congress give a tax cut to someone who makes $1 million a year, or would they rather have us make the investments in the Pell Grant, in SCHIP, in community health clinics, reduce and cutting student loan interest rates in half and investing in alternative energy? Because that's what we are saying.

We would rather make these investments. We haven't raised taxes on anybody at all. That's the beauty of this whole thing, is we are just shifting our priorities. Instead of $14 billion going to the oil companies and corporate welfare, we are investing that money in alternative energy research. Instead of having billions of dollars go to the banks, we are investing that money into kids and giving them more access to college education, raising the minimum wage.

The American people, and many people are seeing, we all are seeing the numbers of Congress right now. We are not good, we understand that. But when these budgets hit, and the American people file their taxes next year, and they see there has been no increase, but yet they go to file for a Pell Grant and they see an increase in that and they see the student loan rate has been cut in half for the loan last year they had to take out for their kids and they get a boost in the minimum wage, and we are hiring thousands of scientists to do research and development through the energy bill that we passed last week, or that we will pass this week, these are the things that the American people will recognize, will understand and will see and these are going to yield long-term benefits.

One final point, the Republican Party has had their opportunity over the past 6 years to fully implement their whole agenda. They had a Republican House, huge majority, Republican Senate, Republican White House. They implemented the extreme neoconservative domestic agenda and foreign policy agenda, and the country has never been in worse shape.

Their philosophy, there is no more debate, what are we going to debate? They have had the chance to do it. They have done it. It's over. They have implemented it.

We have got the chart you showed, all the money borrowed from China, you know, all the money borrowed from foreign interests, the wages stagnant for 30 years, a foreign policy that's an atrocity right now, not a friend in the world.

So they have had a chance, and the American people have been kind enough to give us a chance, and they are going to be very proud. I understand that they may not all have felt yet what is going to come their way, but I believe that early next year, when our budget is implemented and they are having a chance to actually experience what we have done, they are going to say they are the Democrats again, and we are glad they are back in power.

Mr. MEEK of Florida. I started off the last hour talking about the fact that tomorrow or the next day that Democrats, Republicans would be able to show their true colors as it relates to the redeployment of troops, something we have already voted on and the President vetoed.

I think it's important that Members point to H.R. 2956 that will be on this floor in the next 48 hours, that will say responsible redeployment of troops. Embodied in that bill will be recommendations made not only by military advisers and those that are not longer a part of this, because as you know in the Pentagon, you say something different than what the Secretary under old Secretary Rumsfeld, back in the days, when all of those things took place and you made a career decision, if you had an idea that makes sense, and said, excuse me, sir, I know you think you have all the ideas.

Mr. RYAN of Ohio. That seems like 10 years ago.

Mr. MEEK of Florida. But it's alive and well. What we are learning more than ever now, having hearings on Iraq, people coming forth with some of the things that have us in the situation where we are now, mounting evidence of failed policy is the justification for this redeployment of troops.

Also, the issue, as it relates to the surge again, the Democratic Congress passed a nonbinding resolution saying that we disagree with the escalation of troops, that we need an escalation in diplomacy. We needed to think smarter.

We talked about the lack of coalition just a few minutes ago. We used to hear about the coalition. It got down to the single digits. It got outright embarrassing for the administration, so they stopped talking about it.

The mounting criticism of the failed Iraq policy, not only by Members of the military, but also the American people and Members of this Congress and some Republicans in the Senate and some Republicans here in the House and definitely a number of Democrats and retired general after retired general calling for a new direction. So this is what it's going to come down to.

It's going to come down to Members taking out their card that we vote with, and they are going to have to take it out. They are going to have to find one of these meters or machines here, and they are going to have to put it in there. They are going to have to vote "yes" or "no." Do they want to vote for staying the course with the President and all of the slogans that they come up with and that they poll, or are they going to vote for a new direction and doing exactly what the American people wanted us to do? That's the question.

I look forward to coming back to the floor, not only with Mr. MURPHY, but also with Mr. RYAN, talking about the issues that we are facing. The good thing about being in the majority, and I can tell you from someone that has been in the minority before in this House, is that we can bring ideas to the floor and actually see them voted on that we have not had before.

Mr. RYAN came up with a very important point, the fact that Republicans had a number of years to do what they said that they want to do. No one stood in their way. They could have done it. They didn't do it. They had the opportunity to do it. We have asked them to be a part of that opportunity that we are working on.

I am glad we had 16 additional minutes so we would have an opportunity to get this information out.

Mr. MURPHY of Connecticut. If I was one of those high-priced political consultants and a prospective candidate came to me and said, listen, this is what I want to be for, this is what I want to be known for, I want to stand with the President every turn, make sure we stay in Iraq for as long as we can. I think I am also going to be against children's health care insurance. I am going to try to defend the status quo on our health care system. I think it's about right, I think we got it right.

Also, I think I also want to be against affordable college. I think I also want to fight against increases in Pell Grants and Stafford loans and all the rest. If I was that political consultant I might sort of look at my watch, look at my date book, and, you know, take a pass on that one.

You know why? It's not about Republicans or Democrats. It's what the American people are asking for; it's what the American people have been crying for. They want a new direction in Iraq. They want help with the cost of getting by every day, which certainly includes the cost of health care and college affordability. They want a place that is listening to them again instead of listening to the White House and the banks and everyone else that has had the run of this place for a while.

It will be another good week here, and I hope sooner rather than later some of our friends across the aisle join us in standing up for what the American people have been crying for for a real long time.

Mr. RYAN of Ohio. I think that is such a poignant argument to make. Our friends on the other side are basically saying we are against the minimum wage, we are against increases in the Pell Grants, we are for higher interest rates for students to take out loans to go to school, we are against stem cell research. We are against research in alternative energy. They were for offering amendments to cut the budget for all the increases we were making, instead of giving the money to the oil companies to put in alternative energy. They were offering amendments to cut that.

When we offered earlier on to strip the oil companies of the $14 billion in corporate welfare they were getting, our friends voted against it, the extremists in their party. So you are exactly right. What are you for? What are you for?

I think we are quite clear as to what we are for on this side: lower student interest rates, more money for grants to go to college, higher minimum wage, focus on alternative energy, secure the country, 3,000 more Border Patrol agents in this country, technology to monitor biological chemical weapons on our ports, more funds for police and fire interoperability through the walkie-talkies, and able to talk and communicate with each other.

I mean, we have got a real agenda here.

Mr. MEEK of Florida. I am done. I just want to thank you and Mr. MURPHY for coming down tonight. I look forward to the next 48 hours, what kind of leadership will be shown on the minority side of the ball. We need them to be a part of this change in the new direction that we are moving in. But as the Democrats, with the slim majority that we do have, we are going to give the American people what they want, and that is leadership.

Mr. RYAN of Ohio. I appreciate it, Mr. MURPHY, Mr. MEEK, Mr. PALLONE who was here earlier, any emails from our colleagues who may be up right now, at www.30somethingdems@mail.house.gov or www.speaker.gov/30something.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Mr. HOYER) for today and the balance of the week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. McCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DeFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. McCOTTER, for 5 minutes, July 13.

Mr. POE, for 5 minutes, July 17 and 18.

Mr. JONES of North Carolina, for 5 minutes, July 17 and 18.

Mr. BURTON of Indiana, for 5 minutes, today and July 12 and 13.

Mr. CONAWAY, for 5 minutes, today.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, July 12, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2400. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the second quarter of fiscal year 2007 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title IX of the Department of Defense Appropriations Act of 2007, Pub. L. 109-289; to the Committee on Armed Services.

2401. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2402. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2007-0124; FRL-8320-3] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2403. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Richmond-Petersburg 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2006-0917; FRL-8320-8] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2404. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Hampton Roads 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2006-0919; FRL-8320-9] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2405. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the Texas State Implementation Plan Regarding a Negative Declaration for the Synthetic Organic Chemical Manufacturing Industry Batch Processing Source Category in El Paso County [EPA-R06-OAR-2007-0386; FRL-8321-7] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2406. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina: Revisions to State Implementation Plan; Clarification [EPA-R04-OAR-2005-SC-0003, EPA-R04-OAR-2005-SC-0005-200620c; FRL-8321-4] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2407. A letter from the Management Analyst, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of the Schedule of Application Fees Set Forth In Sections 1.1102 through 1.1107 of the Commission's Rules [GEN Docket No. 86-285] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2408. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Applicability of Federal Power Act Section 215 to Qualifiying Small Power Production and Cogeneration Facilities [Docket No. RM07-11-000] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2409. A letter from the Acting Assistant Director for Licensing, OFAC, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specifically Designated Narcotics Traffickers — received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2410. A letter from the Director, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program for fiscal year 2007, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Oversight and Government Reform.

2411. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2412. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting in compliance with the "Federal Activities Inventory Reform Act of 1998," (Pub. L. 105-270, the FAIR Act), the inventory of commercial and inherently government activities for FY 2006; to the Committee on Oversight and Government Reform.

2413. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting the Department's 2006 annual report on the use of the Category Rating System, pursuant to 5 U.S.C. 3319; to the Committee on Oversight and Government Reform.

2414. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2006, through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2415. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's FY 2006 inventory of commercial and inherently governmental activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998 (P.L. 105-270) and the Office of Management and Budget (OMB) Circular No. A-76; to the Committee on Oversight and Government Reform.

2416. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2417. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Years 2004 and 2005; to the Committee on Oversight and Government Reform.

2418. A letter from the Interim Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2006 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2419. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2006 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2420. A letter from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting the 2006 management report and statements on system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2421. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2006 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2422. A letter from the Controller, Federal Home Loan Bank of Des Moines, transmitting the 2006 management report and statements on system of internal controls of the Federal Home Loan Bank of Des Moines, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2423. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2006 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2424. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2006 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2425. A letter from the Comptroller General, Government Accountability Office, transmitting a copy of the Office's report entitled, "Forces That Will Shape America's Future: Themes from GAO's Strategic Plan"; to the Committee on Oversight and Government Reform.

2426. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report covering fiscal year 2006; to the Committee on Oversight and Government Reform.

2427. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2428. A letter from the Inspector General, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2429. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2430. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; a Temporary Rule [Docket No. 070510101-7101-01] (RIN: 0648-AV57) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2431. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rollovers to Prototype Roth IRAs [Announcement 2007-55] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2432. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Covered Employees under section 162(m)(3) [Notice 2007-49] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2433. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part 1, 102.) (Rev. Proc. 2007-39) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2434. A letter from the Branch Chief, Publications and Regulations, Internal Revenue

Service, transmitting the Service's final rule — Guidance regarding deductions by individuals for qualified conservation contributions [Notice 2007-50] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2900. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes. (Rept. 110–225). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 533. Resolution providing for consideration of the bill (H.R. 2956) to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes. (Rept. 110–226). Referred to the House Calendar.

Ms. CASTOR: Committee on Rules. House Resolution 534. Resolution providing for consideration of the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937. (Rept. 110–227). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1144. A bill to waive the non-Federal share of the cost of certain disaster assistance provided in connection with Hurricanes Katrina and Rita, and for other purposes; with amendments. (Rept. 110–228). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 781. A bill to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam". (Rept. 110–229). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 735. A bill to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building". (Rept. 110–230). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DOGGETT (for himself and Mr. LEWIS of Georgia):

H.R. 2989. A bill to amend provisions of title 46, United States Code, popularly known as the Death on the High Seas Act to limit application of those provisions to maritime accidents, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself and Mr. GORDON):

H.R. 2990. A bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit; to the Committee on Ways and Means.

By Mr. MOORE of Kansas (for himself, Mr. RYAN of Wisconsin, Mr. BARROW, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. LINCOLN DAVIS of Tennessee, Mr. DELAHUNT, Mr. DICKS, Mrs. EMERSON, Mr. ETHERIDGE, Mr. GRAVES, Mr. HELLER, Mr. HERGER, Mr. HILL, Mr. HOLDEN, Mr. HOLT, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. MITCHELL, Mr. MORAN of Kansas, Mr. PUTNAM, Mrs. MCMORRIS RODGERS, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. TIAHRT, and Mr. BAIRD):

H.R. 2991. A bill to improve the availability of health information and the provision of health care by encouraging the creation, use, and maintenance of lifetime electronic health records of individuals in independent health record trusts and by providing a secure and privacy-protected framework in which such records are made available only by the affirmative consent of such individuals and are used to build a nationwide health information technology infrastructure; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York (for himself, Mr. SESTAK, Ms. VELÁZQUEZ, Mr. LIPINSKI, Mr. CUELLAR, and Ms. CLARKE):

H.R. 2992. A bill to amend the Small Business Act to improve trade programs, and for other purposes; to the Committee on Small Business.

By Mr. BOREN:

H.R. 2993. A bill to prohibit the importation for sale of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. ROGERS of Michigan):

H.R. 2994. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BOREN, Ms. GINNY BROWN-WAITE of Florida, Mr. CONAWAY, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. PITTS, Mr. WALBERG, and Mr. WELDON of Florida):

H.R. 2995. A bill to provide small businesses certain protections from litigation excesses; to the Committee on the Judiciary.

By Mrs. DRAKE:

H.R. 2996. A bill to amend title 37, United States Code, to provide a dislocation allowance under section 407 of such title to retired members of the uniformed services, including members placed on the temporary disability retired list, moving from their last duty station to their designated home; to the Committee on Armed Services.

By Ms. KAPTUR (for herself and Mr. LANGEVIN):

H.R. 2997. A bill to require the Secretary of Agriculture and the Commissioner of Food and Drugs to establish a program requiring a certificate of assured safety for imported food items; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARSHALL:

H.R. 2998. A bill to establish the Ocmulgee National Heritage Corridor in the State of Georgia, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 2999. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for the District of Columbia under the Medicaid Program to 75 percent; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. PAYNE, Mr. KUCINICH, and Mrs. CHRISTENSEN):

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. DINGELL):

H.R. 3001. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE (for himself, Mr. BOREN, Mr. FRANK of Massachusetts, Mr. KILDEE, and Mr. RENZI):

H.R. 3002. A bill to establish a demonstration program to authorize the Secretary of Housing and Urban Development to guarantee obligations issued by Indian tribes to finance community and economic development activities; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 3003. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage diversity of ownership of telecommunications businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Mr. PETERSON of Pennsylvania):

H.R. 3004. A bill to reform the essential air service program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SERRANO:

H.R. 3005. A bill to establish a grant program to provide screenings for glaucoma to individuals determined to be at high risk for glaucoma, and for other purposes; to the

Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. SALI):

H.R. 3006. A bill to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. SAM JOHNSON of Texas, Mr. STARK, Mr. HERGER, Mr. MCDERMOTT, Mr. RAMSTAD, Mr. TANNER, Mr. KIND, Mr. FOSSELLA, Mr. GORDON, Mrs. MCMORRIS RODGERS, Mr. SCHIFF, Mr. TERRY, Mr. SHULER, Mr. POE, Mr. CARNEY, Mr. CONAWAY, Mr. SESTAK, Mr. FORTUÑO, Mrs. CHRISTENSEN, Mr. WELDON of Florida, Ms. MATSUI, Mr. SMITH of New Jersey, Mr. COHEN, Mrs. EMERSON, Mr. HINOJOSA, Mr. CALVERT, and Mr. MILLER of Florida):

H.R. 3007. A bill to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself, Mr. BRADY of Pennsylvania, Mr. HILL, Mr. PETERSON of Minnesota, and Mr. KAGEN):

H.R. 3008. A bill to amend title 38, United States Code, to improve services for veterans residing in rural areas; to the Committee on Veterans' Affairs.

By Ms. JACKSON-LEE of Texas (for herself, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. COHEN, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. ISRAEL, Ms. KILPATRICK, Ms. LEE, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. DELAHUNT, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. WYNN, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. LEWIS of Georgia, Ms. WATERS, Mrs. BIGGERT, Mr. CONYERS, and Mr. ELLISON):

H. Res. 535. A resolution commending David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes; to the Committee on the Judiciary.

By Mr. CUMMINGS:

H. Res. 536. A resolution recognizing the Johns Hopkins Men's Lacrosse Team as the 2007 National Collegiate Athletic Association Division I Men's Lacrosse Champions; to the Committee on Education and Labor.

By Ms. ESHOO (for herself, Mr. SHIMKUS, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. MCINTYRE, Mr. MILLER of North Carolina, Mr. WELLER, Mr. TERRY, Mr. CHABOT, Mr. GILLMOR, Mr. GORDON, Mrs. MYRICK, Ms. ZOE LOFGREN of California, Mr. COBLE, Mr. TURNER, Mr. KENNEDY, and Mr. PRICE of North Carolina):

H. Res. 537. A resolution expressing support for the designation and goals of "National 9-1-1 Education Month", and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MEEKS of New York:

H. Res. 538. A resolution recognizing Mukhtar Mai for her courage and her humanitarian work; to the Committee on Foreign Affairs.

By Mr. STUPAK (for himself, Mr. RAMSTAD, Ms. CARSON, Mr. MEEK of Florida, Ms. MCCOLLUM of Minnesota, Ms. JACKSON-LEE of Texas, Mr. REYES, Mr. CANTOR, Mrs. MCMORRIS RODGERS, Mr. WU, Mr. SCHIFF, Mr. ELLISON, Mr. GENE GREEN of Texas, Mr. FARR, Mr. GERLACH, Ms. BORDALLO, and Mr. POE):

H. Res. 539. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in "National Night Out", which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. FORBES, Mr. ROSS, Mr. MOLLOHAN, Mr. BERMAN, Mr. TOWNS, Mr. WATT, Mr. LIPINSKI, Mr. HOLDEN, and Mr. KIND.

H.R. 39: Ms. CORRINE BROWN of Florida.

H.R. 45: Ms. CLARKE and Ms. SOLIS.

H.R. 111: Mr. DONNELLY.

H.R. 211: Mr. TURNER.

H.R. 333: Mr. CRAMER and Mr. WEXLER.

H.R. 406: Mr. BRADY of Pennsylvania.

H.R. 436: Mr. BUCHANAN.

H.R. 507: Mr. FATTAH, Mr. WILSON of Ohio, Mr. JINDAL, Ms. MCCOLLUM of Minnesota, and Mr. RYAN of Ohio.

H.R. 508: Mr. WATT.

H.R. 513: Mr. REYES, Mr. SPRATT, Mr. LEWIS of Georgia, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 539: Mr. ALTMIRE.

H.R. 549: Mr. YOUNG of Alaska.

H.R. 551: Mr. GEORGE MILLER of California.

H.R. 558: Mr. ROSS.

H.R. 583: Mr. GONZALEZ, Ms. ESHOO, and Mr. COBLE.

H.R. 601: Mrs. JONES of Ohio.

H.R. 631: Mr. RYAN of Wisconsin and Ms. BEAN.

H.R. 677: Mr. BOUCHER.

H.R. 690: Mr. COURTNEY and Mr. LYNCH.

H.R. 695: Mr. ACKERMAN.

H.R. 718: Mr. WU.

H.R. 743: Mrs. MALONEY of New York, Mr. ALTMIRE, and Ms. FALLIN.

H.R. 758: Mr. HASTINGS of Florida, Mr. CUMMINGS, and Mr. RUPPERSBERGER.

H.R. 760: Ms. WATSON.

H.R. 784: Mr. LYNCH and Mr. MITCHELL.

H.R. 882: Mr. CONAWAY, Ms. CASTOR, and Mr. KILDEE.

H.R. 894: Ms. SHEA-PORTER.

H.R. 900: Ms. FALLIN and Mr. SHULER.

H.R. 917: Mr. SHULER.

H.R. 920: Ms. LORETTA SANCHEZ of California and Mr. COHEN.

H.R. 943: Mr. KILDEE.

H.R. 946: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 969: Mr. THOMPSON of Mississippi.

H.R. 1004: Ms. LEE, Mr. BRADY of Pennsylvania, Mr. RUPPERSBERGER, and Mr. AL GREEN of Texas.

H.R. 1014: Mrs. BIGGERT, Mr. BARROW, Mr. EMANUEL, and Mr. WELDON of Florida.

H.R. 1023: Mrs. NAPOLITANO, Mr. RUSH, Mrs. MYRICK, Mr. SMITH of Nebraska, Mr. REYES, and Mr. HELLER.

H.R. 1030: Mr. MARKEY.

H.R. 1043: Mr. TOM DAVIS of Virginia.

H.R. 1064: Mr. WELCH of Vermont, Mr. LAMPSON, Mr. BOOZMAN, and Mr. COHEN.

H.R. 1069: Mr. ENGEL.

H.R. 1070: Ms. CLARKE and Mr. BRADY of Pennsylvania.

H.R. 1073: Mr. ALTMIRE.

H.R. 1078: Mr. ALEXANDER, Mr. MARSHALL, Mr. HINOJOSA, Mr. WAXMAN, and Mr. FRANK of Massachusetts.

H.R. 1091: Mr. DEFAZIO.

H.R. 1105: Mr. RENZI and Mr. CHANDLER.

H.R. 1108: Mr. ALTMIRE and Ms. CORRINE BROWN of Florida.

H.R. 1117: Mr. KUCINICH.

H.R. 1125: Mr. BRALEY of Iowa, Mr. LARSEN of Washington, Mr. PERLMUTTER, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Mr. DAVIS of Kentucky, Mr. HOEKSTRA, Mr. HODES, Mrs. BIGGERT, Mr. DONNELLY, Mr. THOMPSON of California, and Mr. BARRETT of South Carolina.

H.R. 1134: Ms. HERSETH SANDLIN, Mr. SHAYS, and Mr. RUPPERSBERGER.

H.R. 1188: Mr. FRANK of Massachusetts.

H.R. 1198: Ms. BERKLEY and Mr. JINDAL.

H.R. 1223: Mr. FRANK of Massachusetts.

H.R. 1228: Mrs. TAUSCHER and Mr. SMITH of Washington.

H.R. 1229: Mr. BURTON of Indiana and Mr. YARMUTH.

H.R. 1237: Mrs. BONO, Mr. RENZI, Mr. ABERCROMBIE, Mr. PLATTS, Mr. ALLEN, and Mr. HILL.

H.R. 1240: Mr. DOYLE.

H.R. 1275: Mr. SCHIFF.

H.R. 1279: Mr. BLUMENAUER, Mr. HALL of New York, Mrs. LOWEY, Mr. HARE, Mr. HIGGINS, Mr. GRIJALVA, Ms. HERSETH SANDLIN, Mrs. GILLIBRAND, Mr. JINDAL, and Mr. CHANDLER.

H.R. 1303: Mr. SNYDER and Mr. DINGELL.

H.R. 1304: Mrs. MYRICK.

H.R. 1343: Mr. FATTAH, Mr. HOLDEN, Mr. MOORE of Kansas, and Mr. MEEKS of New York.

H.R. 1363: Ms. CARSON, Mr. LANTOS, Mr. DOYLE, Ms. MOORE of Wisconsin, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. ELLISON, and Mrs. MALONEY of New York.

H.R. 1396: Mr. WELCH of Vermont.

H.R. 1399: Mr. TURNER, Mr. HULSHOF, Mrs. EMERSON, and Mr. TERRY.

H.R. 1400: Mr. SCOTT of Virginia, Mr. ALTMIRE, and Mr. HASTERT.

H.R. 1409: Mr. BARTLETT of Maryland.

H.R. 1415: Mr. COSTELLO and Ms. WASSERMAN SCHULTZ.

H.R. 1416: Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, and Mr. SALAZAR.

H.R. 1418: Mr. DONNELLY, Mr. HOLDEN, and Mr. ABERCROMBIE.

H.R. 1421: Mr. SIMPSON and Mr. FORBES.

H.R. 1422: Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. DANIEL E. LUNGREN of California, Mr. DINGELL, and Mr. GARRETT of New Jersey.

H.R. 1430: Mr. SHULER.

H.R. 1459: Mrs. BIGGERT, Mr. SMITH of Texas, Mr. COSTELLO, Mr. GUTIERREZ, and Mr. JINDAL.

H.R. 1461: Ms. LINDA T. SÁNCHEZ of California, and Ms. ZOE LOFGREN of California.

H.R. 1474: Mr. UPTON, Mr. DOYLE, Ms. SUTTON, Mr. LINCOLN DAVIS of Tennessee, Mr. WAXMAN, and Mr. OBERSTAR.

H.R. 1496: Mr. BRALEY of Iowa and Mrs. MUSGRAVE.

H.R. 1514: Mr. WEXLER, Mr. FORBES, and Mr. KILDEE.

H.R. 1524: Mr. KUHL of New York, Mr. SERRANO, and Mr. ABERCROMBIE.

H.R. 1532: Mrs. GILLIBRAND and Mr. KUCINICH.

H.R. 1537: Mr. BISHOP of Utah and Mr. DOOLITTLE.

H.R. 1540: Mr. LANTOS.

H.R. 1553: Mr. ORTIZ, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. RUSH, Mr. NEAL of Massachusetts, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. HOLT, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. WAMP, Mr. MCDERMOTT, Mr. TIBERI, Mr. PRICE of North Carolina, Mr. JINDAL, Mr. BARROW, Mr. DAVIS of Illinois, and Mr. FATTAH.

H.R. 1560: Ms. SUTTON, Mr. HINOJOSA, Mr. RYAN of Ohio, Mrs. GILLIBRAND, Mr. CARNAHAN, and Mr. PRICE of North Carolina.

H.R. 1567: Mr. FARR, Mr. BERMAN, Mr. ANDREWS, Mr. LEVIN, Ms. SOLIS, Mr. KUCINICH, Mr. ROTHMAN, Mr. SIRES, Ms. NORTON, and Ms. HARMAN.

H.R. 1589: Mr. BOYD of Florida and Mrs. BOYDA of Kansas.

H.R. 1632: Mr. ENGLISH of Pennsylvania, Mr. HINCHEY, and Ms. CARSON.

H.R. 1643: Mr. KILDEE.

H.R. 1644: Ms. MCCOLLUM of Minnesota, Mr. FARR, Mr. ROTHMAN, Mr. BISHOP of New York, and Mr. VISCLOSKY.

H.R. 1663: Mr. WAXMAN and Mr. FATTAH.

H.R. 1671: Mr. WEINER.

H.R. 1687: Mr. FATTAH and Mr. REHBERG.

H.R. 1688: Mr. FRANK of Massachusetts, Ms. SUTTON, and Mr. KUCINICH.

H.R. 1721: Mr. WEINER, Mr. RAMSTAD, and Mr. PAYNE.

H.R. 1742: Mrs. EMERSON and Mr. KILDEE.

H.R. 1755: Mr. GRIJALVA and Mr. TOM DAVIS of Virginia.

H.R. 1767: Mr. NUNES.

H.R. 1774: Mr. CASTLE, Mr. PICKERING, Mr. KIND, and Mr. ISRAEL.

H.R. 1809: Mr. ALLEN, Mr. BOUCHER, and Mr. KUCINICH.

H.R. 1813: Mr. JINDAL and Mr. MEEK of Florida.

H.R. 1818: Mr. HERGER.

H.R. 1823: Mr. BUCHANAN, Mr. COHEN, Mr. CALVERT, and Mr. MANZULLO.

H.R. 1838: Mr. SCOTT of Georgia and Mr. FOSSELLA.

H.R. 1845: Mr. LEWIS of Georgia, Mr. BARROW, Mr. COHEN, Mr. HASTINGS of Florida, Mr. CALVERT, Mr. JINDAL, Mrs. JONES of Ohio, Mr. WEINER, Mr. HOLDEN, Mr. ACKERMAN, and Mr. KENNEDY.

H.R. 1872: Mr. WELCH of Vermont.

H.R. 1878: Mr. WAXMAN, Mr. FARR, Mr. CUMMINGS, Mr. WYNN, Mr. CLAY, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. CLYBURN, Ms. MOORE of Wisconsin, and Mrs. JONES of Ohio.

H.R. 1881: Mr. HOLDEN, Mr. JINDAL, Ms. WOOLSEY, and Mr. MCNRNEY.

H.R. 1884: Mr. RYAN of Ohio, Mr. BOOZMAN, Mr. GERLACH, Ms. SCHAKOWSKY, and Mr. BOYD of Florida.

H.R. 1937: Mr. RAMSTAD, Mr. WILSON of South Carolina, and Mr. BAKER.

H.R. 1964: Mr. BAIRD and Ms. DELAURO.

H.R. 1971: Mr. FATTAH.

H.R. 1975: Mr. BISHOP of New York and Ms. BEAN.

H.R. 1981: Mr. AL GREEN of Texas.

H.R. 1983: Mr. RYAN of Ohio and Mr. BOYD of Florida.

H.R. 2001: Mr. NUNES.

H.R. 2015: Mr. SARBANES, Ms. ESHOO, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, and Mr. MCNERNEY.

H.R. 2017: Mr. FATTAH.

H.R. 2045: Mr. ALEXANDER, Mr. JEFFERSON, Mrs. GILLIBRAND, Mrs. MYRICK, Mr. CHANDLER, and Mr. GENE GREEN of Texas.

H.R. 2049: Mr. WELCH of Vermont, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. KUCINICH, and Mr. WEXLER.

H.R. 2060: Mr. MCGOVERN and Mr. SARBANES.

H.R. 2066: Mr. MCNERNEY.

H.R. 2075: Mr. SPACE.

H.R. 2102: Ms. SCHAKOWSKY, Mrs. NAPOLITANO, Ms. FALLIN, Mr. ENGLISH of Pennsylvania, Mr. DOYLE, Ms. WASSERMAN SCHULTZ, and Mr. GARRETT of New Jersey.

H.R. 2116: Mr. ADERHOLT, Mr. BACHUS, Mr. WALDEN of Oregon, Mr. CLAY, and Mr. BOOZMAN.

H.R. 2122: Mr. DOYLE, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Ms. LORETTA SANCHEZ of California, Mr. EMANUEL, Mr. WEXLER, Mrs. NAPOLITANO, and Mr. BAIRD.

H.R. 2131: Mr. MITCHELL and Mr. HINOJOSA.

H.R. 2138: Mr. PITTS, Mr. SMITH of Washington, and Mr. CAMPBELL of California.

H.R. 2167: Mr. FORTUÑO.

H.R. 2183: Mr. GOODLATTE.

H.R. 2188: Mr. WELCH of Vermont and Ms. BERKLEY.

H.R. 2192: Mr. HINOJOSA.

H.R. 2205: Ms. ZOE LOFGREN of California and Mr. RAHALL.

H.R. 2208: Mr. NUNES and Mr. DAVIS of Kentucky.

H.R. 2211: Mr. ALLEN, Ms. SCHAKOWSKY, Ms. NORTON, Ms. CARSON, Mr. GUTIERREZ, Mr. ABERCROMBIE, Mr. FILNER, and Mr. MEEKS of New York.

H.R. 2215: Ms. MCCOLLUM of Minnesota.

H.R. 2221: Ms. JACKSON-LEE of Texas.

H.R. 2244: Mr. BLUMENAUER.

H.R. 2265: Mr. TOM DAVIS of Virginia and Mr. SNYDER.

H.R. 2284: Mr. DAVIS of Illinois.

H.R. 2289: Mr. WELCH of Vermont and Mr. SCOTT of Virginia.

H.R. 2295: Mr. HOLDEN, Mr. CANNON, Mr. CLEAVER, Mr. KILDEE, Mr. LATHAM, and Mr. REYES.

H.R. 2335: Mr. LATHAM.

H.R. 2343: Mr. MICHAUD, Ms. DELAURO, and Mr. ABERCROMBIE.

H.R. 2353: Mr. YARMUTH, Mr. WALZ of Minnesota, Mr. BOOZMAN, and Mr. COHEN.

H.R. 2364: Ms. KAPTUR and Ms. ESHOO.

H.R. 2367: Ms. WOOLSEY.

H.R. 2380: Mr. LEWIS of Kentucky, Mr. BOOZMAN, Mr. ADERHOLT, Mr. EHLERS, and Mr. CONAWAY.

H.R. 2390: Mr. TERRY.

H.R. 2392: Mrs. NAPOLITANO.

H.R. 2398: Ms. PRYCE of Ohio.

H.R. 2407: Mr. TOWNS, Mr. HINOJOSA, and Ms. CLARKE.

H.R. 2449: Mr. MARSHALL.

H.R. 2452: Mr. FILNER, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, and Mr. GILCHREST.

H.R. 2453: Mr. AKIN.

H.R. 2478, Mrs. DAVIS of California.

H.R. 2484: Ms. MATSUI.

H.R. 2508: Mr. PICKERING.

H.R. 2518: Ms. BERKLEY.

H.R. 2566: Mr. RANGEL.

H.R. 2567: Mr. GORDON, Mr. HOLDEN, and Mrs. EMERSON.

H.R. 2574: Mr. GONZALEZ and Mr. RAMSTAD.

H.R. 2577: Mr. BLUNT, Mr. PLATTS, and Mrs. MUSGRAVE.

H.R. 2578: Mr. ENGEL, Mr. THOMPSON of Mississippi, Mr. MCHUGH, and Mr. DAVID DAVIS of Tennessee.

H.R. 2587: Mr. WAMP.

H.R. 2592: Mr. VAN HOLLEN.

H.R. 2599: Mr. DAVIS of Illinois.

H.R. 2606: Mrs. MCMORRIS RODGERS, Mr. HINCHEY, and Mr. GENE GREEN of Texas.

H.R. 2608: Mr. NADLER.

H.R. 2609: Ms. KILPATRICK, Mr. MCGOVERN, Mr. PAYNE, Mr. TOM DAVIS of Virginia, and Ms. JACKSON-LEE of Texas.

H.R. 2612: Mr. RAHALL.

H.R. 2634: Ms. DELAURO, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. SERRANO, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mr. WEXLER, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. BISHOP of Georgia, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, and Mr. WATT.

H.R. 2639, Mr. SOUDER, Mr. PAUL, Mr. PLATTS, and Mrs. MCMORRIS RODGERS.

H.R. 2677, Mr. PRICE of North Carolina, Mr. CLAY, Mr. PAYNE, Mr. CHANDLER, and Mr. GENE GREEN of Texas.

H.R. 2693: Mr. WAXMAN.

H.R. 2702: Ms. HOOLEY.

H.R. 2706: Mr. FEENEY.

H.R. 2708: Ms. MATSUI, Mr. HINOJOSA, and Mr. HOLDEN.

H.R. 2711: Mr. WAXMAN and Mrs. TAUSCHER.

H.R. 2715: Ms. SOLIS.

H.R. 2726: Mr. ENGLISH of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. SESSIONS, and Mr. GARRETT of New Jersey.

H.R. 2729: Mr. FERGUSON.

H.R. 2736: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2743: Mr. ENGLISH of Pennsylvania.

H.R. 2744: Mr. MCDERMOTT, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Ms. ZOE LOFGREN of California, and Mr. LANTOS.

H.R. 2749: Mr. GERLACH.

H.R. 2758: Mr. HINCHEY and Mr. CAMPBELL of California.

H.R. 2787: Ms. GINNY BROWN-WAITE of Florida and Mr. VISCLOSKY.

H.R. 2809: Ms. SCHAKOWSKY and Mr. MCDERMOTT.

H.R. 2813: Mr. WALSH of New York.

H.R. 2818: Mr. DAVIS of Illinois and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2832: Mr. GORDON.

H.R. 2834: Mr. SHERMAN.

H.R. 2842: Mr. EMANUEL.

H.R. 2851: Mr. HINOJOSA, Mr. PAYNE, Mr. WAXMAN, Mrs. CAPPS, and Mr. ABERCROMBIE.

H.R. 2861: Ms. JACKSON-LEE of Texas and Ms. CARSON.

H.R. 2865: Mr. RANGEL.

H.R. 2880: Ms. GIFFORDS, Mr. KUHL of New York, and Mr. LINDER.

H.R. 2884: Mr. JEFFERSON, Mr. RANGEL, Ms. HARMAN, Mr. BUTTERFIELD, Mr. HONDA, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, and Mr. KLINE of Minnesota.

H.R. 2892: Mr. DAVIS of Illinois.

H.R. 2895: Mr. PAYNE.

H.R. 2902: Mr. SARBANES, Mr. LAMPSON, and Mr. DAVIS of Illinois.

H.R. 2905: Mr. TANCREDO, Mr. FERGUSON, Mr. MORAN of Kansas, Mr. SULLIVAN, Mr. LEWIS of Kentucky, Mr. SALI, Mr. MCCOTTER, Mr. LINDER, Mrs. CUBIN, and Mr. HELLER.

H.R. 2928: Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. PAYNE, and Mr. RANGEL.

H.R. 2929: Mr. RUSH, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. RANGEL, Ms. WATSON, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. INSLEE, and Ms. HIRONO.

H.R. 2933: Mr. LINCOLN DAVIS of Tennessee, and Mr. PLATTS.

H.R. 2934: Mr. ALTMIRE and Ms. GIFFORDS.

H.R. 2936: Mr. PAUL.

H.R. 2946: Mr. PAYNE.

H.R. 2955: Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Ms. CLARKE.

H.R. 2962: Mr. DAVIS of Illinois.

H. Con. Res. 28: Mr. KLINE of Minnesota.

H. Con. Res. 85: Mr. NADLER, Mr. GONZALEZ, Ms. BALDWIN, Mr. MITCHELL, Mr. BRADY of Pennsylvania, Mr. DELAHUNT, and Mr. EDWARDS.

H. Con. Res. 108: Mrs. CAPPS.

H. Con. Res. 136: Mr. TERRY.

H. Con. Res. 138: Mr. SIRES, Mr. FATTAH, Mr. AL GREEN of Texas, and Mr. GOODE.

H. Con. Res. 160: Mr. LEWIS of California.

H. Con. Res. 176: Ms. CORRINE BROWN of Florida, Mr. ENGLISH of Pennsylvania, and Mr. BRADY of Pennsylvania.

H. Res. 121: Mr. GUTIERREZ and Mr. STUPAK.

H. Res. 143: Mr. FILNER.

H. Res. 194: Mr. ROTHMAN.

H. Res. 241: Mr. HOLT, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, and Mr. JACKSON of Illinois.

H. Res. 282: Mr. DENT.

H. Res. 326: Mr. HAYES, Mr. HUNTER, Mrs. JO ANN DAVIS of Virginia, Mrs. BLACKBURN, Mr. GINGREY, Mr. UPTON, Mr. HALL of Texas, and Ms. GIFFORDS.

H. Res. 415: Mr. ABERCROMBIE.

H. Res. 427: Mr. BERMAN, Mr. WAXMAN, Mr. MCGOVERN, Mr. GRIJALVA, and Ms. SCHAKOWSKY.

H. Res. 433: Mr. BERRY.

H. Res. 444: Mr. ABERCROMBIE.

H. Res. 447: Mr. TOM DAVIS of Virginia.

H. Res. 457: Mr. WEXLER.

H. Res. 467: Mr. VAN HOLLEN, Mr. RAMSTAD, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 471: Mrs. NAPOLITANO, Ms. HARMAN, Mr. LANTOS, Mr. ISSA, Ms. CLARKE, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Mr. CROWLEY, Mr. ELLSWORTH, Mr. MURTHA, Mr. MICHAUD, Mr. DOYLE, Ms. SCHWARTZ, Mr. PALLONE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. RANGEL, Mr. ISRAEL, Mr. BRADY of Texas, Mr. SULLIVAN, Mr. THOMPSON of Mississippi, Mr. PASCRELL, Ms. KILPATRICK, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. ROTHMAN, Mr. WYNN, Mr. SCOTT of Georgia, Mr. ORTIZ, Mr. REYES, Mr. CARNAHAN, Mrs. BOYDA of Kansas, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. MOORE of Kansas, Mr. GINGREY, Mr. MATHESON, Mr. BOREN, Mr. SHULER, Mr. EMANUEL, Mr. BOSWELL, Mr. BERRY, Ms. LINDA T. SÁNCHEZ of California, Mr. PATRICK MURPHY of Pennsylvania, Mr. COHEN, and Ms. VELÁZQUEZ.

H. Res. 489: Mr. CAPUANO.

H. Res. 501: Mr. BAIRD.

H. Res. 509: Mr. RANGEL, Mr. MARIO DIAZ-BALART of Florida, and Mr. BRADY of Pennsylvania.

H. Res. 527: Mrs. MCCARTHY of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

H.R. 2956, the Responsible Redeployment from Iraq Act, by Representative SKELTON does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9 (f) of Rule XXI.

The amendment to be offered by Representative WATERS or a designee to H.R. 1851, the Section 8 Voucher Reform Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 969: Mr. JACKSON of Illinois.

EXTENSIONS OF REMARKS

STATEMENT IN HONOR OF JUDGE RONNIE WHITE

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. CARNAHAN. Madam Speaker, I rise today to recognize Judge Ronnie White, who recently retired from the Missouri Supreme Court.

Ronnie White was born in St. Louis, Missouri in 1953, and received degrees from St. Louis Community College, St. Louis University, and the University of Missouri-Kansas City School of Law.

Judge White has a long and storied career in public service. This work included jobs as a Public Defender, at the St. Louis City Counselor's office, and as a State legislator in the Missouri House of Representatives.

Since 1994, Judge White has been serving the State of Missouri as a Judge. From 1994 to 1995, he served as a Judge for the Eastern District of the Missouri Court of Appeals.

He was appointed by my father, Governor Mel Carnahan, in 1995 and served on the Supreme Court of Missouri until his retirement last week.

During his tenure on the Supreme Court, from 2003 to 2005, he served as the State's first African-American Chief Justice.

Judge White's service to Missouri has extended well beyond being a lawyer and a Judge. He has also been dedicated to numerous other causes, having served on boards of the St. Louis Housing Authority, the Regional Justice Information Services Commission, and the Maria Droste Residence for Women.

I am privileged to call Judge Ronnie White a friend, and am honored to pay tribute to him today for his great service to our State.

HONORING DR. JAN ACHENBACH OF NORTHWESTERN UNIVERSITY ON RECEIVING THE 2005 NATIONAL MEDAL OF SCIENCE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor an exceptional professor and scientist at Northwestern University, Dr. Jan D. Achenbach. His seminal contributions in the area of wave propagation in solids and his pioneering work in quantitative non-destructive evaluation have earned him the 2005 National Medal of Science, the Nation's highest award for lifetime achievement in fields of scientific research. As a graduate of Northwestern University with a degree from Dr. Achenbach's Department of Mechanical Engineering, I am especially proud to recognize his accomplishments and thank him for his years of dedication in the field.

Dr. Achenbach, who joined Northwestern in 1963, serves as the Walter P. Murphy Professor and Distinguished McCormick School Professor in the Department of Mechanical Engineering, Civil and Environmental Engineering and Engineering Science, and Applied Mathematics. For more than 40 years, Dr. Achenbach has devoted his time and energy to the research of solid mechanics and quantitative nondestructive evaluation, making major contributions in the field of propagation of mechanical disturbances in solids. He has developed methods for flaw detection and characterization by ultrasonic scattering methods. He also has achieved valuable results on earthquake mechanisms, on the mechanical behavior of composite materials under dynamic loading conditions, and on the vibrations of solid propellant rockets.

In addition, Dr. Achenbach is founder of Northwestern's Center for Quality Engineering and Failure Prevention, a state-of-art laboratory for quality control in structural mechanics, with profound impact on the aircraft industry, particularly the monitoring of aging aircraft.

Dr. Achenbach was awarded the 2003 National Medal of Technology, the Nation's highest honor for technological innovation. He was elected a member of the National Academy of Engineering in 1982, a member of the National Academy of Sciences in 1992 and a fellow of the American Academy of Arts and Sciences in 1994. In 1999, he was elected a Corresponding Member of the Royal Dutch Academy of Sciences. He is also an honorary member of the American Society of Mechanical Engineers and a fellow of ASME, ASA, SES, AMA, and AAAS. His awards include the Timoshenko Medal and the William Prager Medal.

Today, I ask my colleagues to join me in honoring Dr. Jan Achenbach for his tireless efforts in pioneering scientific research in engineering. He has done nothing less than an extraordinary job in his field and is truly deserving of the National Medal of Science. I congratulate Jan for this outstanding honor.

RECOGNIZING AND HONORING JACK VALENTI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. RANGEL. Madam Speaker, I stand today to recognize and honor Jack Valenti: a man from humble beginnings who achieved widespread recognition and respect in a career of remarkable and memorable accomplishments. I would also like to introduce an article from the New York Times entitled, "Walking with Presidents and (Hollywood's) Kings." His recent passing is a great loss to his family and many friends.

Jack Valenti, the son of a tax clerk and grandchild of Sicilian immigrants, was born September, 1921 in Houston, Texas. He admirably served the United States during World War II as a member of the Army Air Corps, earning the Distinguished Flying Cross; and later received his Master of Business Administration from Harvard University. After graduating from Harvard, Valenti returned home to Texas where he co-founded an advertising and political consulting agency, "Weekley & Valenti," in 1952.

Fellow Texan and Vice President Lyndon B. Johnson called on Valenti to organize President Kennedy's trip to Houston; and was subsequently invited to Fort Worth and Dallas the next day where Valenti found himself an eyewitness to President Kennedy's assassination. After President Kennedy's death in 1963, Valenti accompanied Vice President Lyndon B. Johnson aboard Air Force One as Johnson took the oath of the office of the President. Valenti had the honor of writing Johnson's first address to the American public as President and the privilege of serving as President Johnson's special assistant.

Following his work in the White House, Valenti worked for the Motion Picture Association of America (MPAA) where he served as President for 38 years. In 1968 he created the MPAA film rating system. Although some changes have occurred along the way, this voluntary movie rating system is still used to date. Even as Valenti worked in Hollywood, he continued to play a hand in government as a pro-copyright lobbyist.

As a husband, father of three, lobbyist and MPAA President, Valenti will be greatly missed. He served his nation through both the private and public sector. While we are all saddened by his passing, we are grateful for his contributions and achievements concerning our federal government and motion picture industry. He will never be forgotten.

WALKING WITH PRESIDENTS AND (HOLLYWOOD'S) KINGS

(By Jeanine Basinger)

The first time I heard Jack Valenti speak, I noted that he was dapper, unexpectedly handsome and short. He had arrived at a meeting of the trustees of the American Film Institute to nominate his friend Kirk Douglas for the annual Life Achievement Award. When he had finished and whirled out, he was still dapper and unexpectedly handsome, but he had grown very big in stature.

I had witnessed Mr. Valenti in action, an in-the-flesh version of his autobiography, "This Time, This Place: My Life in War, the White House, and Hollywood." He had exuded charm, established himself as everyone's pal with a few harmless anecdotes, taken the room by surprise with a passionate (and well-prepared) speech and rapidly moved on to his next battle, confident he'd

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

get what he came for. (He did; Mr. Douglas got the award.)

Mr. Valenti, who died on April 26, was a warrior, and he knew how to win. He just looked harmless.

Mr. Valenti was born in Houston, the grandchild of Sicilian immigrants, and his parents taught him loyalty, love of the United States and the importance of education, values he never surrendered or compromised.

Still, "a fierce ambition burned in me," he wrote. "I wanted to see more, know more and feel more than what seemed to be my lot." He found three major combat zones in which to achieve his dreams—war, politics and movie-making—and he writes about each in a different manner.

Mr. Valenti's earliest chance to make something of himself came in World War II. He entered the Army Air Corps and flew a B-25 on 51 combat missions over Europe, earning the Distinguished Flying Cross for his valor. His descriptions of that time, that place, are among the most vivid in his book. His prose throbs with memories of an experience that was simultaneously exhilarating, terrifying and "brutal, callous and cruel."

After the war Mr. Valenti completed his education at Harvard Business School and returned to Texas, joining with a friend to form a highly successful advertising agency. When Vice President Lyndon B. Johnson, a fellow Texan, asked Mr. Valenti to organize President John F. Kennedy's visit to Houston, scheduled for Nov. 21, 1963, Mr. Valenti managed on short notice to mastermind a flawless event. Pleased and impressed, Johnson impulsively invited him to go along on the next leg of Kennedy's journey: a brief hop to Fort Worth and Dallas, set for the next day.

Mr. Valenti went, and found himself eyewitness to the assassination of one American president and the emergency swearing in of another aboard Air Force One. Mr. Valenti would never again return to his life as an adman in Houston. That fateful Nov. 22 and its aftermath became the defining event of his life, a frame to hold his story, a shadow over it but also a foundation under it.

Mr. Valenti served three years in the Johnson White House as a top presidential aide. In this section of the book he is circumspect. He's a shrewd observer but careful with what he shares. Since he supervised Johnson's speeches, decided whom the president would see (or not see) and where he would go (or not go) to speak (or not speak), a reader wishes for more. If Jack Valenti were a great writer (he's not), a tattletale or even a Judas (he's not), his book could have been one of the most important historical pictures of the tormented decade of the 1960s in the United States.

Mr. Valenti left Washington in 1966 when Lew Wasserman, the chief executive of MCA Universal Studios, offered him the opportunity to become the head of the Motion Picture Association of America. To accept, Mr. Valenti had to face Johnson's wrath, and it says a lot about him that he did face it, carried the day and ended up still friends with that mercurial politician.

Writing about Hollywood, Mr. Valenti is looser, more willing to tell tales. His good-old-boy Texas storytelling skills are brought into irreverent play. He wryly describes his first meeting with the combined studio moguls ("the most skeptical audience in the Western world"). Full of Oval Office confidence, Mr. Valenti gave a rousing speech defining his job problems, only to hear Jack Warner, the tough-guy head of Warner Brothers, calmly tell him, "Your biggest problem will be the people sitting around this table."

Ultimately, Mr. Valenti learned how to operate in Hollywood: "In any meeting, I had to know who could carry the room at a particularly sensitive moment." He does not state the obvious: it was usually he.

His most enduring legacy from those years was his establishment in 1968 of the motion picture rating system, for which he fought ferociously and which he defended without apology. In the preface to his book Mr. Valenti warns the reader that he is writing for his grandchildren. In other words, he's going to censor himself. Just as he kept a lid on fear under combat stress, a lid on President Johnson (no doubt a lid the size of Kansas) and a lid on the leaders of Hollywood, Mr. Valenti keeps his memoir firmly under control. He tells only what he wants to tell, disappearing behind platitudes or quotations from Emerson, Faulkner and others when camouflage is needed.

To compensate, he never apologizes for being a Democrat and gives opinions on literature ("I never fathomed James Joyce"), Cary Grant ("getting Cary to pick up the restaurant check was a miracle few had ever witnessed"), Oscar night ("a ghastly piece of business") and more.

Mr. Valenti is only indirectly the hero of his own story, but he's still a clever adman who knows how to sell his product. What emerges is a portrait of a man who was not, as some might think, merely a political toady. In his own way he was strong and relentless, with a tough definition for leadership: "I have my own formula, which is quite simple. It is rooted in the ability to engage in courtship, to cosset talent, to understand the human condition and to make decisions fast."

When Mr. Valenti died at 85 of complications from a stroke, he had already unknowingly written his own most honest epitaph: "The professional does his job right every time, without regard for anything else." He had lived his life as a gentleman and a patriot, always the smooth operator (with scruples), but a man of steel whenever that became necessary. He might have been the last of the breed.

REMEMBERING THE INNOCENT LOST DURING SREBRENICA GENOCIDE

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. CARNAHAN. Madam Speaker, I rise today to express my deepest sympathy for the thousands who lost their lives on this, the 12th anniversary of the Srebrenica genocide.

We should remember all of the innocent people who were brutally killed by honoring their lives and remembering their struggle for freedom during the 3-year conflict in Srebrenica, a city in Bosnia and Herzegovina.

This conflict was the largest massacre and genocide of civilians in Europe since World War II.

In my district, I have the largest Bosnian population outside of Bosnia today. Approximately 40,000 Bosnians reside in the St. Louis, MO, area.

Of these, upwards of 5,000 are survivors of the Srebrenica massacre.

As a Representative of my Bosnian-American friends in St. Louis, I understand that this tragedy continues to affect many of my constituents.

We must commemorate those who died, hold those who are responsible accountable, and honor the brave survivors.

It is important for us to remember this dark chapter in history to learn from it for the benefit of our future generations.

HONORING DR. TOBIN MARKS OF NORTHWESTERN UNIVERSITY ON RECEIVING THE 2005 NATIONAL MEDAL OF SCIENCE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor an exceptional professor and scientist at Northwestern University, Dr. Tobin J. Marks. His pioneering research in the areas of homogenous and heterogeneous catalysis, organo-f-element chemistry, new electronic and photonic materials, and diverse areas of coordination and solid state chemistry, has earned him the 2005 National Medal of Science, the Nation's highest award for lifetime achievement in fields of scientific research. As a graduate of Northwestern University, I am especially proud to recognize his accomplishments and thank him for his years of dedication.

Dr. Marks, who joined Northwestern in 1970, serves as the Vladimir N. Ipatieff Research Professor of Chemistry in the Weinberg College of Arts and Sciences, and Professor of Materials Science and Engineering. He is recognized as a leader in the development and understanding of single-site polymerization catalysis, which is now a multi-billion dollar industry. He designed a co-catalyst that led to what is now a standard process for producing better polyolefins. Found in everything from sandwich wrap to long underwear, these versatile and inexpensive plastics are lighter in weight and more recyclable than previous plastics.

He also is conducting cutting-edge research of new materials that have remarkable electrical, mechanical, interfacial, and photonic properties. In his molecular optoelectronics work, Marks designs arrays of "smart" molecules that will self-assemble into, or spontaneously form, structures that can conduct electricity, switch light on and off, detect light, and turn sunlight into electricity. These structures could lead to the world's most, versatile and stable light-emitting diodes, LEDs, and to flexible "plastic" transistors.

During his career, Marks has received numerous honors, including the American Institute of Chemists Gold Medal, the John C. Bailar Medal from the University of Illinois at Urbana-Champaign, the Sir Edward Frankland Prize Lectureship of the British Royal Society of Chemistry, and the Karl Ziegler Prize of the German Chemical Society. He also is a recipient of three American Chemical Society, ACS, national awards and the ACS Chicago Section's 2001 Josiah Willard Gibbs Medal, regarded by many as the highest award given to chemists next to the Nobel Prize. He was elected to the National Academy of Sciences and the American Academy of Arts and Sciences in 1993.

Today, I ask my colleagues to join me in honoring Dr. Tobin Marks for his tireless efforts in pioneering scientific research in chemistry. He has done nothing less than an extraordinary job in his field and is truly deserving of the National Medal of Science. I congratulate Tobin for this outstanding honor.

A TRIBUTE TO THE PASADENA-FOOTHILLS ASSOCIATION OF REALTORS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Pasadena-Foothills Association of Realtors, (PFAR), which will be celebrating its 100th anniversary this year. For the past century, the Pasadena-Foothills Association of Realtors has remained committed to its members and to its community.

Founded in 1907 as the Pasadena Realty Board dedicated to "promoting good fellowship and fair dealing within the industry," the association has grown in size from 26 members in 1908 to approximately 2400 members in 2007. In recent years, the Pasadena-Foothills Association of Realtors has not only met their original objectives but has surpassed them, taking on projects both inside and outside the world of real estate and demonstrating through generosity and service what a tremendous asset it is to the community.

The Pasadena-Foothills Association of Realtors is comprised of many remarkable individuals who have served admirably in their communities including Warren Dorn and Jo Heckman. In 1955, at age 36, Mr. Dorn became the youngest mayor in Pasadena history and in 1956 was elected to the Los Angeles County Board of Supervisors. The first female President of the Association in 1960 and the first woman elected to the Board of Directors in 1975, Ms. Heckman moved seamlessly to the realm of public service by becoming Pasadena's first female Mayor in 1980.

In keeping with their public minded traditions, PFAR made a large charitable contribution of $2,100 to the Pasadena-Altadena Community Chest in 1957. Since then, the association and its members have been active participants in many organizations throughout the greater Pasadena area. in the 1980s, programs such as "Thanksgiving Food to Needy Families," "Christmas Tournament of Toys," and "Adopt-A-School" were implemented. In 1999, in response to requests made by local teachers, PFAR founded the program "REALTORS for Music," donating boxes of sheet music and numerous instruments to public schools in the area. In 2002, the association sponsored a blood drive and also started the "REALTORS for Reading" program, which collected 2,000 books for area school libraries in its first year alone. In addition, PFAR raised $86,000 in 2004, over $100,000 in 2005 and $116,000 in 2006 for local charities from popular events such as the Taste of Pasadena Festival and the Wreath Auction.

It is my pleasure to honor the Pasadena-Foothills Association of Realtors on its 100th anniversary of dedicated service to the community. I ask all members to join me in commending their efforts.

HONORING MASTER SERGEANT HULAN D. GREAVES

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to MSgt Hulan D. Greaves as he retires from the Air Force. He has been assigned to Detachment 1, 345 Training Squadron at Port Hueneme since 2003 and currently serves as Alfa Company Gas Phase Head.

Master Sergeant Greaves was raised in Barbados and attended the Seventh Day Adventist School. In 1977, he came to the United States with his parents and resided in Brooklyn, NY, before joining the Air Force in 1986. Following his graduation from basic training, Greaves attended Technical Training School at Chaunte AFB, IL, and graduated as a General Purpose Vehicle Mechanic. After graduation, Sergeant Greaves was assigned to 27 Transportation Squadron, Cannon AFB, NM. After 2 years in New Mexico, he departed for Germany and was assigned to the 4th Air Support Operations Center, where he spent 4 years before relocating to Andersen AFB, Guam. Greaves then returned to Germany before he was assigned, in 1998, to Eglin AFB, FL to 16 Electronic Warfare Squadron as Vehicle Manager.

In April 2003, Master Sergeant Greaves was selected for instructor duty and reported to Port Hueneme, CA. Master Sergeant Greaves currently holds an Associate's Degree in Vehicle Maintenance from the Community College of the Air Force and holds a Bachelor's Degree in Applied Science from Troy State University in Troy, AL. He has completed course 12, NCO Academy and Airmen Leadership School. Master Sergeant Greaves' decorations include Air Force Commendation Medal with 3 oak clusters, Air Force Achievement Medal with I oak cluster, Joint Meritorious Unit Award, AF Outstanding Unit Award with 4 oak clusters, AF Good Conduct Medal with 1 silver oak leaf, National Defense Service Medal with 1 bronze star, Southwest Asia Service Medal with 1 bronze star, Humanitarian Service Medal, AF Overseas Ribbon Short, AF Overseas Ribbon Long with 3 oak leaf clusters, AF Longevity Service with 3 oak leaf clusters, USAF NCO PME Graduate Ribbon with 2 oak leaf clusters and the AF Training Ribbon.

Madam Speaker, I am honored today to pay tribute to MSgt Hulan D. Greaves and thank him for his tireless dedication to our country and wish him the best in retirement.

ACKNOWLEDGEMENT OF ANOINTED VOICES' CONTRIBUTIONS TO NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. RANGEL. Madam Speaker, I stand today to recognize the inspirational and commendable work of Anointed Voices as part of the therapeutic ministries of the Bowery Mission in New York City and to enter into the record an article from the New York Times entitled "Recovering Addicts Sing of Faith and Hope."

Anointed Voices is an a cappella group, started in 2006, housed in the Bowery Mission: a faith based organization that serves the homeless, helps people fight their addictions to alcohol or drugs, and assists individuals with leading lives independent of substance abuse. It is considered one of New York City's most successful homeless shelters, providing compassionate and life-changing care to the city's most vulnerable populations.

The men who sing in the a cappella group were once homeless and struggling with addiction yet somehow found their way to the Mission. Their life stories reveal the power of faith and the power of individual will to overcome life's most challenging obstacles. They went from losing everything to becoming a voice of inspiration and encouragement to others. Anointed Voices sings in prisons and hospitals to the incarcerated, the youth, and the sick. Everyone who has had the pleasure and experience to hear their message has been both moved and impressed.

I am truly pleased to know that not only have these men turned their lives around, they are also empowering others to do the same.

AT THE BOWERY MISSION, SONGS OF FAITH AND REDEMPTION

(By Dalton Walker)

Inside an empty chapel in Lower Manhattan, Dwight Walker stood with his back facing the empty rows of pews. His voice began to rise with songs that included words like faith, found and lost. Five other men joined him.

"The storm is passing over—have faith in the Lord," Mr. Walker sang in the sanctuary at the Bowery Mission.

The six men are known as Anointed Voices, an a cappella group that sings and preaches in churches, in hospitals, before youth groups and in prisons.

Theirs is a small tale of redemption—of how hard work, willpower and faith can sometimes lead people away from lives of desolation. All were homeless at some point, struggling with drug and alcohol addiction. All forged a new path at the Bowery Mission, a faith-based organization that serves the homeless.

"The message is, no matter where you come from, there is a place God has given you," said James Macklin, 67, a member of Anointed Voices and director of outreach for the mission. "The only thing one has to do is mine for this goal and make a human being all he can be."

In 2004, Ien Williams, 46, lost everything to his cocaine addiction: his marriage, his truckdriving business and his home in

Queens. He carried his possessions in two suitcases through the streets of Manhattan.

Someone told him about the Bowery Mission, and though he was wary of its emphasis on Christianity, he decided he had nothing to lose by going there. Spending time there helped him beat his addiction, he said, and now Mr. Williams lives at the mission, on the Bowery near Rivington Street, where he is in charge of housekeeping duties. The other singers call him "the minister" because of his preaching.

"For me, it's a total worship experience," Mr. Williams said. "I sense the presence of God. This is where I'm safe."

The life stories of the other singers—Eugene Chisholm, Dennis Ogarra and Carroll Baylor—are strikingly similar to Mr. Williams's. Three of the six live at the mission, while the others have found their own places.

Mr. Ogarra helped found Anointed Voices in 2006 and recruited Mr. Walker and Mr. Williams. The others joined soon after.

Elvon R. Borst, manager of alumni programs at the mission, was impressed when she heard the group perform recently at a church in the Bronx.

"It seems to me that the men really try to deliver a message of encouragement and hope," she said.

Mr. Macklin serves as the group's coordinator, arranging four or five performances a month. Some churches have been particularly welcoming, impressed with their music and their message.

"Everyone," Mr. Macklin said, "deserves a second chance."

Two years ago, Mr. Walker, at 39 the youngest of the six members, was using large amounts of crack cocaine. His awakening came, he said, when he was shoved into a van in Manhattan with a bag over his head. The details, he said, are vague because he was high on crack. The next thing he remembers was a bright light shining through the bag into his eyes, he said. It was the police.

Mr. Walker eventually found his way to the Bowery Mission. "This has helped me stay clean, helped me develop a relationship with God," he said.

Mr. Ogarra, 49, who was born and raised in Brooklyn, joined the Army to escape living on the streets. He was stationed in Kansas at Fort Riley, but before long he was back to his old ways—using crack and cocaine and abusing alcohol.

After he was discharged from the Army he moved back to Brooklyn. "I took the habit with me," Mr. Ogarra said.

His addictions kept his life in chaos, preventing him from holding a steady job, and leading to the breakup of his marriage. In 2005, he said, he stood on a Long Island Rail Road platform on Atlantic Avenue and thought about killing himself. But something stopped him, he said, and someone who spotted him called the police. An officer suggested he seek help at the Bowery Mission.

"I was just mixed up," Mr. Ogarra said. "I drank many years away. I did many things. I had no direction, no drive and no hope."

The mission has kept him free of drugs. and the musical group has given him a more hopeful view of life. He now lives in Washington Heights and has a job with U.S. Security Associates, a nationwide security firm.

"It's a godsend I got here," Mr. Ogarra said. "I've learned to trust in my faith. If I was to give up I would be lost."

A tear rolled down Mr. Ogarra's right cheek as he spoke. But as the six men talked about their lives and prepared for another singing performance, there were plenty of jokes and laughter, too. "We're kind of like a family," Mr. Macklin said.

TRIBUTE TO JOHN R. HOGNESS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. McDERMOTT. Madam Speaker, the City of Seattle and our Nation recently lost one of the great leaders in the field of medicine, Dr. John R. Hogness, a friend, colleague, and constituent. Dr. Hogness contributed to the common good throughout his 85 years of life.

John wasn't merely a community asset, although he was that; John was a national treasure and we shall miss him.

Dr. Hogness served with distinction as the first president of the Institute of Medicine of the National Academy of Sciences.

Under John's leadership, the Institute grew to become a trusted, independent voice, at times courageous, at times bold, but always fair and forward thinking. The high standards Dr. Hogness applied to himself always became trademarks of the organizations he led. And he led some of America's best institutions, including the University of Washington.

Dr. John Hogness served as a president of the University of Washington, dean of the medical school, and vice president for medical affairs. The UW is an internationally acclaimed institution today, in part, because of the significant contributions made by Dr. John Hogness.

He never forgot his roots as a medical doctor and never forgot that medicine is about healing the pain and suffering of people.

Throughout his distinguished career, John believed that academia had a role and responsibility to champion the common good, and so Dr. Hogness long advocated for a national health plan because he believed that everyone had a right to receive medical treatment.

John was just as comfortable filling in for a rural medical doctor in Omak who wanted to take a vacation as he was creating a new department of bioengineering at the University of Washington. Of course, he excelled at both, drawing on his intellect, sense of humor, modesty and commitment to public service.

While this may not be your stereotypical academic, it defines Dr. John Hogness. From time to time, John might have been out of step with the status quo, but he was never out of touch with the people medicine was intended to help, or the medical advances that could save more lives and ease more suffering.

John once remarked that he was most proud of his role in creating an innovative regional medical education program serving Alaska, Washington, Idaho, Montana and Wyoming. Medical students attend the University of Washington's School of Medicine, the only medical school in the five states, but the young doctors intern in all five states.

It makes the rural practice of medicine real to young doctors and reality to rural communities throughout the region.

The long list of achievements can be summed up simply by knowing that Dr. John Hogness did so much for so many.

Rather than mourn his passing, I hope that we celebrate the life of Dr. John Hogness by remembering he was an intellectual giant who never forgot how to make house calls.

RECOGNIZING THE ACCOMPLISHMENTS OF SAMMIE OLKINETZKY

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. COLE of Oklahoma. Madam Speaker, today I rise to honor one of Oklahoma's genuine treasures, Ms. Sammie Olkinetzky, who recently observed her 50th anniversary as a church choir director.

Through her service as a choir director, hundreds of Oklahomans were encouraged to develop their singing abilities, utilize their gifts to entertain others, and most importantly, express praise to God through their talents.

Ms. Olkinetzky was born and raised in Ada, Oklahoma. She attended the University of Oklahoma and received a master's degree in music education.

Her first appointment as a choir director came in 1957 to Trinity Lutheran Church in Norman. While at Trinity, Ms. Olkinetzky had the opportunity to lead two children's choirs, the St. Timothy Choir and the Bach Choir, as well as a choir for adult church members. In 1963, Ms. Olkinetzky served as a dual choir director to both Trinity Lutheran Church and University Lutheran Church, which had recently partnered their choir with the Trinity congregation.

Madam Speaker, I ask my colleagues to join me in congratulating Sammie Olkinetzky for her fifty years of service. She has spent decades enriching the cultural and spiritual life of residents in the fourth district. I want to thank Ms. Olkinetzky for all of her contributions to the state of Oklahoma.

TRIBUTE TO DAVID F. DUNHAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. McGOVERN. Madam Speaker, I rise today in recognition of David F. Dunham who has retired after 35 years of public service with the Social Security Administration.

Mr. Dunham began working with the United States Postal Service in 1971 while attending the University of Massachusetts-Lowell. In 1972 he began work with the Social Security Administration at the Western Program Service Center. Later that year he transferred to Worcester, Massachusetts as a Claims Representative. He continued working in the Worcester area until his retirement. He was promoted to Operations Supervisor in 1984.

In addition to his work as Operations Supervisor, Mr. Dunham is recognized as one of the most gifted and talented instructors in the Boston Region. He taught numerous Service Representative and Claims Representative classes and many of his students are now successful

Social Security Administration employees and supervisors assigned throughout New England.

During his years of hard work, Mr. Dunham has come to exemplify public service. This spirit can be seen outside of his professional life as well. Mr. Dunham has participated in several local motorcycle rides for charity and is involved with activities and outreach programs with his church. It is a great pleasure to offer him my sincere congratulations for his accomplishments and retirement.

Madam Speaker, I am certain that the entire House of Representatives joins me in congratulating David Dunham for his outstanding service with the Social Security Administration and in wishing him a happy and healthy retirement with his partner Rick, his daughter Jerusha, and son-in-law Sean.

INTRODUCTORY STATEMENT OF TELECOMMUNICATIONS BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. RANGEL. Madam Speaker, today I am introducing legislation to provide tax incentives to encourage greater diversity of ownership in telecommunications businesses. My bill is a response to the increasing ownership of television and radio properties by large media companies.

I strongly believe that promoting diverse viewpoints on the airwaves is an important public policy goal. The only way to accomplish that goal is to broaden the ownership of broadcast stations. The television and radio spectrum is a limited resource. The trend in recent years has been toward a greater concentration of ownership in the hands of large media companies. We need to reverse that trend.

Madam Speaker, small businesses that wish to enter telecommunications businesses face significant barriers. To enter a broadcast industry, a small business must purchase an existing property. Owners of those properties find it much easier to sell to large businesses than to small businesses. Therefore, small businesses quite often do not have a seat at the table when there are negotiations over the sale of broadcast properties.

My bill would reduce those barriers by providing limited deferral of capital gain taxes when a telecommunications property is sold to a small business. This would provide the sellers of those properties a positive incentive to consider a small business purchaser.

Large segments of our society historically have been underrepresented in the ownership of radio and television properties. I believe that it is vital that those groups have access to the television and radio spectrum so that their views are represented on our airwaves. As a result, my bill increases the capital gain tax deferral when the sale is to a small business owned and controlled by individuals from these historically underrepresented groups.

Madam Speaker, I understand that some may attack my bill as being the re-enactment of a flawed prior program. The provisions in my bill are quite similar to the tax certificate program that was repealed by the Congress in 1995. I do not quarrel with those who assert that there were abuses in that program. However, it is unfortunate that the Congress chose repeal and not reform because that program had been effective in accomplishing its goal of expanding ownership of radio and television businesses. In 1978, before the implementation of that program, only .05 percent of all broadcast stations in this country were owned by minority groups. By 1994, the year before the program was repealed, the program had succeeded in increasing minority ownership 60-fold to 3 percent. Since that program was repealed, the number of minority-owned broadcast properties has declined.

The bill that I am introducing today is designed to prevent any potential abuses. It is limited to small business purchasers, it contains restrictions on the number of purchases that can be made by anyone business, it contains recapture provisions to prevent the use of the small business as a front for another party, and it contains provisions designed to prevent avoidance of the ownership requirements through options or other sophisticated transactions.

All small businesses, regardless of their ownership, would be eligible for the benefits of my bill. I believe this incentive is appropriate so that the views of many different groups are heard on our Nation's airwaves. The bill simply attempts to ensure that small businesses, including minority-owned small businesses, have a seat at the table when a broadcast property is being sold.

Madam Speaker, I am hopeful that we will be able to deal with this issue on a bipartisan basis. We should all support the goal of expanding diversity in ownership of broadcast properties. I am pleased that in the past Senator MCCAIN introduced a similar proposal in the Senate. I am hopeful that we can find bipartisan support in the House.

INTRODUCTION OF THE DISTRICT OF COLUMBIA MEDICAID REIMBURSEMENT ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Ms. NORTON. Madam Speaker, I introduce the District of Columbia Medicaid Reimbursement Act of 2007 today to raise the Federal medical assistance percentage, FMAP, the Federal contribution from the Federal Government from 70 percent to 75 percent, and to reduce the District's unique role as the only city that pays the full local cost of Medicaid, a program that is carried by States and counties in our country. New York City, the jurisdiction that powers the economy of New York State, contributes a 25 percent local share to Medicaid while the State pays 25 percent, less than the District's statutorily mandated 30 percent contribution. I introduce this bill because the District's continuing responsibility for most Medicaid costs that are typically borne by entire states is a major component of the District's structural deficit and threatens the stability of the city itself, according to the District's Chief Financial Officer, CFO.

The District's CFO reports that rapidly increasing Medicaid costs put the city at risk. In FY2005, these costs accounted for $1.4 billion, or 22 percent, of the city's gross funds budget. Total program costs have risen 42 percent since 1999, and are projected to increase by another $39 million this year. Yet the District, unlike other cities which have lost significant populations, has no State economy to share this burden. More than 25 percent of District children and adults are enrolled in Medicaid, compared to 12 percent in Maryland and just 9 percent in Virginia. On average, the District spends over $7,000 per enrollee, while Maryland and Virginia spend $5,509 and $5,177, respectively, reflecting serious health conditions that are concentrated among big city residents in this majority African-American city.

The D.C. Medicaid Reimbursement Act of 2007 is the seventh in the "Free and Equal D.C." series. This series of bills addresses inappropriate and often unequal restrictions placed only on the District and no other U.S. jurisdiction. Although today's bill cannot address the entire structural problem that the District faces because the city is not part of a state, the bill would eliminate the greater percentage the District pays by allowing a 25 percent city contribution, rather than the current contribution that is even greater than New York City's.

In 1997, as part of the Balanced Budget Act, Congress recognized that State costs were too costly for any one city to shoulder. To alleviate the resulting financial crisis, Congress increased the Federal Medicaid contribution to the District from 50 to 70 percent, and took responsibility for a few State costs—prisons and courts—relieving the immediate burden, but the city continues to carry most State costs.

In 1997, a formulaic error in the Medicaid Disproportionate Share Hospital, DSH, allotment reduced the 70 percent FMAP share, and as a result, the District received only $23 million instead of the $49 million due. I was able to secure a technical correction to the Balanced Budget Act of 1999, partially increasing the annual allotment to $32 million from FY2000 forward. I appreciate that in 2005, Congress responded to my effort to get an additional annual increase of $20 million in the budget reconciliation bill, bringing D.C.'s Medicaid reimbursement payments to $57 million as intended by the Balanced Budget Act. However, this amount did not reimburse the District for the years a Federal error denied the city part of its Federal contribution, and in any case, of course, was not intended to meet the structural problem this bill partially addresses.

The District has taken important steps on its own to reduce Medicaid costs through greater efficiency, and to treat and prevent conditions that prove costly when hospitalization or expensive treatments become necessary. The District Medicaid agency won Federal recognition as one of only two Medicaid programs nationwide to exceed the Federal Government's child immunization goal for school-age children at 95 percent, and improved its fraud surveillance, recovering $15 million in fraudulently billed funds. The city's novel D.C. Health Care Alliance, for which Federal approval is pending, would allow coverage of residents and provide more early and preventative care, avoiding huge Medicaid costs when health conditions become severe and Medicaid becomes the only option.

I urge my colleagues to join me in supporting this increase that will help my city's most needy residents.

RECOGNITION OF THE 2007 SANTA ROSA COUNTY OUTSTANDING FARM FAMILY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. MILLER. Madam Speaker, it is a great honor for me to rise today to extend congratulations to the Rufus Hayes family for being selected the 2007 Santa Rosa County Outstanding Farm Family. Since 1969, the Hayes family has been actively involved in farming in Northwest Florida.

Both Rufus and his wife Sandy have been involved with Santa Rosa County in my district for over several decades. Rufus started the family ranch in 1969 with just a barn and a few horses, and Sandy worked with the county school system in addition to keeping the books for the family ranch. Cutting horses was Rufus's specialty, and over the years many more services were added that helped others in the community. Not only were there riding lessons, boarding services, and tack sales, the Hayes Ranch also had cattle and even buffalo for horse training.

Of their four children, seven grandchildren, and one great grandchild, many also participate in the operation of and activity on the ranch. Their son Phil raises bucking bulls, produces bull riding events, and breaks horses just like his father did when he first started the ranch. The ranch also has week-long riding camps offered by Phil's wife Becky, and their daughter Jill helps with these camps as well as taking care of the horses boarded there. The rest of the family are regular visitors to the ranch, helping Rufus and Sandy with day-to-day operations as well as enjoying the recreation on the Hayes Ranch such as family picnics and fishing in the many ponds.

Madam Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family that is a role model for all of us. A deep sense of civic contribution and values has been instilled through all the generations of the Rufus Hayes family. It is my hope that this family tradition continues for many more generations.

TRIBUTE TO THE 50TH WEDDING ANNIVERSARY OF GOYO AND CONSUELO LOPEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor the 50th wedding anniversary of Goyo and Consuelo Lopez. This is a monumental event.

Mr. and Mrs. Lopez met as students playing in the Longhorn Band at University of Texas at Austin. Mr. Lopez had a successful career working for the weekly newspaper, "The South Texas Citizen." Mrs. Lopez began work as a music teacher in 1966 due to her love of music, and is now currently retired from teaching after a 41-year career. They have five children: Armando, Steven, Michael, Goyo, and Cynthia.

Madam Speaker, I am honored to have had the opportunity to recognize the dedication and great love that Goyo and Consuelo have shown for each other in their 50 years of marriage. I ask you to join me in honoring them on the celebration of their wedding anniversary and wish them health and happiness for years to come.

REMEMBERING THE MASSACRE AT SREBRENICA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. OLVER. Madam Speaker, I rise today in remembrance of one of the greatest tragedies of our lifetime. Today marks the 12th anniversary of the massacre in Srebrenica during the Bosnian war. On July 11, 1995 more than 7,000 Bosnian Muslims were systematically murdered by Serbian military and paramilitary forces in the largest massacre of civilians in Europe since World War II.

Beginning in April 1992, aggression and ethnic cleansing perpetrated by Bosnian Serb forces, while taking control of the surrounding territory, resulted in a massive influx of Bosnians seeking protection in Srebrenica and its environs, which the United Nations Security Council designated a "safe area" in Resolution 819 on April 16, 1993. Despite the visage of international protection, thousands of Muslim men and boys were slaughtered before the eyes of the world as part of a deliberate campaign of ethnic terror and genocide.

As we look back and remember the massacre in Srebrenica, it is not enough simply to mark its anniversary on the calendar. While we mourn the victims of these shocking events, we must also look to the present and to the future. When confronted with the horrors of the Holocaust the world proclaimed, "Never Again." Since that time we have witnessed the genocide in Rwanda, Cambodia, and, as we are reminded on this date, Bosnia. Today we are faced with an ongoing genocide in Darfur. Once again, thousands of innocent people are being attacked, raped, and murdered. And once again, it is not enough to stand by and express regret as these events unfold before our eyes. On this somber anniversary, let us affirm our commitment, not merely with words but with deeds, to the pledge "Never Again."

INTRODUCTION OF THE KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT OF 2007

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to introduce the Kendell Frederick Citizenship Assistance Act of 2007, which will assist over 68,000 non-citizens serving in the U.S. military in their quest to become citizens of the United States. Their sacrifice on behalf of this Nation is great; therefore, those who protect our country as non-citizens should undoubtedly be able to quickly bypass unwarranted red tape when applying for citizenship.

This legislation honors the memory of 21-year-old Army Reserve Spc. Kendell K. Frederick, a resident of Baltimore County and native of Trinidad who was stationed in Iraq when he made the decision to become a U.S. citizen. On October 19, 2005, after trying for more than a year to become a citizen and having his application delayed at least five times due to miscommunication and misinformation in the processing of his fingerprints, Kendell had no other choice but to travel with a convoy to a base to resolve this issue. Unfortunately, he was killed on the way by a roadside bomb, never realizing his dream of becoming an American citizen.

Spc. Frederick died while trying to show his gratitude to this country, to a Nation that finally showed its appreciation far too late by awarding him citizenship posthumously. Surely, it did not have to be this way. This legislation corrects this wrong by removing unnecessary hurdles that our non-citizen armed service members have been required to undergo in applying for citizenship along with ensuring that they are provided with assistance from the military and immigration officials, especially during their deployment. Specifically, the Act would assist our non-citizen men and women in uniform on the pathway to citizenship by making the following needed adjustments:

requires the Department of Homeland Security use the fingerprints taken by the military at induction for citizenship applications;

requires non-citizen military service members to submit their citizenship applications within 24 months of enlistment;

requires the Department of Homeland Security to create a dedicated customer service 1–800 phone line for service members and their families to call with questions;

requires the Department of Homeland Security to promptly update and revise its written and electronic citizenship application, instructions and guidebook within 30 days of any material change in the law or regulation; and

ensures executive agency accountability to Congress by requiring a GAO report documenting how the Department of Homeland Security currently handles military service members' citizenship applications as well as the training that DHS personnel receive regarding military citizenship applications.

Non-citizens are 5 percent of the total active duty U.S. military service members. According to the United States Citizenship and Immigration Services (USCIS), between September

11, 2001 and December 2006, 84 non-citizen armed services members (including Spc. Frederick) killed in action have been awarded posthumous citizenship. For their sacrifice, these non-citizens more than deserve not to be entangled in overly burdensome bureaucratic red tape.

Therefore, I urge my colleagues to support our troops by supporting this bill.

SWEARING IN OF POLICE OFFICER JOANNE McNELIS INTO THE MALVERNE POLICE DEPARTMENT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mrs. McCARTHY of New York. Madam Speaker, I rise today to honor a true American hero and a trailblazer from the 4th Congressional District. Joanne McNelis will make history when she is sworn into the Village of Malverne's Police Department.

Her actions will reverberate long after her service has finished. This is a historic moment. She will become the first female police officer in the 80-year history of the Village of Malverne. Those that follow after her will have a hole in the glass ceiling that Joanne McNelis created. Joanne's decision could not have been easy. It is never a simple matter to do something that had long been the purview of men. She has demonstrated significant courage—physical and emotional.

The daughter of one New York City Police Officer and the wife of another, law enforcement has always been in her blood. Joanne McNelis continues a long line of devoted public servants. She will risk her life to protect and serve her fellow citizens of Malverne. Her willingness to sacrifice her comfort and safety will make her village a safer place.

Madam Speaker, I ask that my colleagues join me today in recognizing the outstanding courage and the extraordinary achievement of Joanne McNelis. Together with her family and friends, I applaud Joanne for her dedication to her community and her sense of duty. I wish her continued success, and am honored to have her as a member of my district.

IN RECOGNITION OF THE HONORABLE JO ANN C. STEVENSON'S RETIREMENT AS CHIEF UNITED STATES BANKRUPTCY JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. EHLERS. Madam Speaker, I rise today to offer recognition of the Honorable Jo Ann C. Stevenson's retirement as Chief U.S. Bankruptcy Judge for the Western District of Michigan. Judge Stevenson was the first woman in the Western District of Michigan to be appointed to the Federal bench.

Judge Stevenson graduated cum laude from the Detroit College of Law in 1979. Upon graduation, Judge Stevenson clerked for the Honorable Vincent J. Brennan in the Michigan Court of Appeals and later for the Honorable Cornelia G. Kennedy in the U.S. Sixth Circuit Court of Appeals. While employed in the corporate insolvency practice group at the firm of Hertzberg, Jacob, and Weingarten in Detroit, MI, she was appointed a U.S. Bankruptcy Judge on December 23, 1987. In the course of her career, Judge Stevenson has authored several hundred opinions, of which approximately 95 percent have been affirmed on appeal.

During the time Judge Stevenson was on the bench, she also taught Bankruptcy Reorganization and Debtor/Creditor Relations at her alma mater. She has given numerous presentations and speeches and participated in many panels, including conferences for the Federal Bar Association Bankruptcy Seminar, the Conference for Chief Bankruptcy Judges, the American Bankruptcy Institute, the Grand Rapids Bar Association, the University of Michigan Institute of Public Policy Studies and the Sixth Circuit Judicial Conference.

Judge Stevenson has also been an active member of the Women Lawyer's Association of Michigan, the National Association of Women Judges, the Grand Rapids Bar Association, the Federal Bar Association, the American Inns of Court, the Joint Steering Committee for the Gender Fairness Task Force and a Racial/Ethnic Task Force in the Sixth Circuit, and the Standing Local Rules Committee for the U.S. Bankruptcy Court for the Western District of Michigan.

Judge Stevenson's departure from the bench will certainly mark a new chapter in her life, which will surely be as successful as her legal career. Though she plans to remain active in the Grand Rapids area, she plans to enjoy spending more time with her husband, Marshall Grate, and her many grandchildren.

I ask my colleagues to join me in thanking her for her service and in wishing her a long, happy retirement.

HONORING SERGEANT RONALD D. SLOCKETT

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. LAMPSON. Madam Speaker, it is with great pride that I stand before you today to honor the memory of an admirable man and fallen officer, Sergeant Ronald D. Slockett of the Sugar Land Police Department. His memory continues to represent the many brave Americans who put their lives in the line of fire every day to keep our cities and states safe. It is for his unwavering commitment to his duty and dedication to serving his community that the Police Department will be commemorating his sacrifice with a 21-gun salute to be held on the steps of Sugar Land City Hall on July 2nd.

Twenty years ago, while the Nation was celebrating its Independence Day, Sergeant Slockett patrolled the streets. During a routine traffic stop, suspects in the car shot and fatally wounded the veteran policeman. The perpetrators were drug traffickers who were holding hostages in the vehicle with the intent to harm them. Sergeant Slockett's courageous actions that fateful night will always be remembered with admiration, and today, he is recognized as the only Sugar Land Police Department officer to be killed in the line of duty.

Those who knew him recalled his "humor and fast wit," and his "gift to make you laugh." His daughter described him "as a perfect father," while others expressed their respect for his bravery. Simply said, Sergeant Slockett's energy and dedication continues to inspire many in the field. I am proud to honor his commendable contribution as a fallen soldier safeguarding our families and homes.

TRIBUTE TO ANNE THERESA HAWK

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Ms. SCHAKOWSKY. Madam Speaker, It is my honor to recognize and pay tribute to Anne Theresa Hawk, who celebrated her 100th birthday on June 29, 2007.

Anne was born on June 29, 1907 in Cloverdale, OH. She spent her childhood on a farm in Gainesville, TX, where she attended school in a one-room schoolhouse. The eighth of nine children, Anne is the last surviving member of her family.

Chicago has been Anne's home since she was 22 years old and it is also the place where she met her husband and where they raised their beautiful family. A loving caregiver, she has selflessly dedicated her love and energy to her three children, six grandchildren, and three great grandchildren. Over time, Anne has become quite a formidable scrabble player. She is also a writer, and she penned a memoir of her childhood in Texas called Hills Are for Climbing.

On behalf of the people of the Ninth Congressional District of Illinois, it is my privilege to congratulate Anne Theresa Hawk on this momentous occasion. You are a true inspiration, an asset to the community, and a wonderful woman. I wish you continued good health and happiness.

HONORING ST. JOSEPH HEALTH SYSTEM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize St. Joseph Health System, which has received a prestigious 2007 Great Workplace Award from the Gallup Organization recognizing the company as one of the twelve best places to work worldwide. St. Joseph Health System operates hospitals and clinics throughout California and is an important healthcare provider for residents of California's First District.

The First District is home to three of St. Joseph's hospitals: Redwood Regional Hospital in Fortuna, St. Joseph Hospital in Eureka, and Queen of the Valley Medical Center in Napa. I have had a long and productive working relationship with these hospitals—as has my wife, Jan, who fondly recalls her days working in Queen of the Valley with Sister Ann.

These hospitals have been fixtures in the North Coast health care delivery system for decades. St. Joseph Hospital in Eureka opened in 1920 in response to the influenza epidemic. It was the first full-service hospital in that area, staffed by 18 Sisters and one lay nurse. Today, St. Joseph Health System is the second largest employer in Humboldt County.

Queen of the Valley Medical Center in Napa is recognized as one of the region's premier treatment centers. Founded over 40 years ago, today it specializes in cardiovascular medicine and a full range of cancer prevention, diagnostic, and treatment services.

St. Joseph Health System is one of the ministries of the St. Joseph Sisters of Orange, a religious order dedicated to social justice, education, and healthcare. In addition to the order's work at St. Joseph Health System, they are a sponsoring religious order of Loyola Marymount University and provide funding for Taller San Jose, a center for the empowerment and education of Latino young adults living in poverty.

Madam Speaker, it is appropriate at this time that we congratulate St. Joseph Health System for receiving a 2007 Great Workplace Award, and acknowledge the contributions they have made to the health of citizens throughout California and the other states in which they serve.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 12, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 17

Time to be announced

Veterans' Affairs

Business meeting to markup the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).

Room to be announced

10 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the efficacy of democratic developments in Sub-Sahara Africa.

SD-419

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine improving air services to small and rural communities.

SR-253

Environment and Public Works

To hold hearings to examine the nominations of Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission, and R. Lyle Laverty, of Colorado, to be Assistant Secretary of the Interior for Fish and Wildlife.

SD-406

Homeland Security and Governmental Affairs

To hold hearings to examine federal acquisition, focusing on ways to strengthen competition and accountability.

SD-342

Judiciary

To hold hearings to examine the prosecution of Ignacio Ramos and Jose Compean.

SD-226

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To continue hearings to examine the readiness of the Census Bureau for the 2010 census.

SD-342

Foreign Relations

To hold hearings to examine protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki May 31, 2006 (the "Protocol") (Treaty Doc. 109-18), protocol Amending the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Copenhagen May 2, 2006 (the "Protocol") (Treaty Doc. 109-19), and protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, Signed on August 29, 1989, signed at Berlin June 1, 2006 (the "Protocol"), along with a related Joint Declaration (Treaty Doc. 109-20), and Convention Between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and accompanying Protocol, signed on November 27, 2006, at Brussels (the "proposed Treaty") (Treaty Doc. 110-3).

SD-419

Health, Education, Labor, and Pensions

Retirement and Aging Subcommittee

To hold hearings to examine the federal response to the Alzheimer's epidemic.

SD-628

Veterans' Affairs

To hold hearings to examine Department of Veterans Affairs and Department of Defense education issues.

SD-562

JULY 18

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine modernization of Federal Housing Administration programs.

SD-538

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the federal response to ensuring the safety of Chinese imports.

SR-253

Health, Education, Labor, and Pensions

Business meeting to consider S. 625, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, S. 1183, to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, S. 1551, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, and other pending calendar business.

SD-106

Judiciary

To continue oversight hearings to examine the Department of Justice.

SH-216

10:30 a.m.

Aging

To hold hearings to examine abuse of elderly citizens, focusing on prevention methods.

SD-628

2 p.m.

Small Business and Entrepreneurship

To hold hearings to examine increasing government accountability and ensuring fairness in small business contracting.

SR-428A

JULY 19

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual monetary policy report to the Congress.

SD-538

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the mayoral proposal to reform the District of Columbia's public school system, focusing on assessments, assurances, and accountability.

SD–342

2:45 p.m.

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

JULY 24

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the protection of children on the internet.

SR–253

JULY 25

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs health care funding.

SD–562

JULY 31

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation, Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, and William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.

SR–253

SENATE—*Thursday, July 12, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's opening prayer will be offered by the guest Chaplain, Mr. Rajan Zed of the Indian Association of Northern Nevada.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the Earth, inside the life of the sky, and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Lead us from the unreal to the real, from darkness to light, and from death to immortality. May we be protected together. May we be nourished together. May we work together with great vigor. May our study be enlightening. May no obstacle arise between us.

May the Senators strive constantly to serve the welfare of the world, performing their duties with the welfare of others always in mind, because by devotion to selfless work one attains the supreme goal of life. May they work carefully and wisely, guided by compassion and without thought for themselves.

United your resolve, united your hearts, may your spirits be as one, that you may long dwell in unity and concord.

Peace, peace, peace be unto all.

Lord, we ask You to comfort the family of former First Lady, Lady Bird Johnson.

Amen.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the Chamber.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a full 30 minutes of morning business. I have a brief statement I want to make.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, there will be a period of morning business. Once that is closed, the Senate will resume the Defense authorization bill at which time an amendment from the Republican side is expected to be offered. Once we have disposed of the Republican amendment, the next first-degree amendment from the majority side will be the wounded warriors amendment to be offered by Chairman LEVIN.

I have met with my staff this morning, and they have been meeting with Republican staff on the committee. I have spoken to Senator WARNER and Senator MCCAIN. We want this bill to have a full airing. We want people to have the opportunity to offer amendments. We are going to try to work our way through the procedural morass we find when we have a complicated bill, but we hope when we complete this legislation next week, people will feel they have had an opportunity to offer amendments.

We know there are a number of issues relating to Iraq. We want to try to get those up and disposed of. There are some other amendments I know people want to offer, nonrelated amendments, but I hope we can hold back from doing that. We should keep this bill one related to defense. I hope we can do that. There will be other opportunities, as we proceed through legislation, to offer some of the important nonrelated matters.

THE GUEST CHAPLAIN

Mr. REID. Let me say a few words about the guest Chaplain. Mr. Zed is a resident of Reno, NV. He serves as director of interfaith relations of the Hindu temple in Reno and is a spokesman for the Indian Association of Northern Nevada. He serves as the Hindu chaplain in northern Nevada and northern California hospitals. He teaches at Truckee Meadows Community College in Reno.

In addition to his tireless work in the Hindu faith, he is also active in the community doing many different activities. He serves on the governing board of the Northern Nevada International Center, is a member of the Reno Police Chief Advisory Board, and is a member of the Diversity Action Plan Committee of the Washoe County School District.

Mr. Zed was born in India. That is where he studied to become a Hindu chaplain. He holds degrees, including a master's degree from San Jose State University, in mass communications. He has a master's degree in business administration from the University of Nevada Reno.

I have had a long-standing association with the Indian community. I went to college in Logan, UT, Utah State University, a cold, cold place. Brigham Young, when he sent people to colonize the West, had people come back from Cache County to tell him that it couldn't be settled because it froze there every month of the year. Well, that is not quite true, but it freezes all but a couple months of the year. It is a wonderful community and a great university. It has grown a lot since I was there.

I lived off campus. I went there 2 years. I went to a junior college the first 2 years. I lived off campus. I was married. I would drive up that hill to the campus, and walking every day were students. They were Indians, coming from India to the United States to study. Utah State specialized in engineering and agriculture. These young men came from India to study at Utah State University. I would give them rides. I did that for 2 years, put as many in the car as would fit. When it came time to graduate, one of them came to me and said: Could you and Mrs. Reid stay over a day. We would like to do a traditional Indian feast for you.

Well, I am from Searchlight. I didn't know what they were talking about.

But we had that traditional Indian feast. Many of them were dressed similar to Mr. Zed. That was an eye opener for me. They had all this Indian food. I am a guy from Searchlight. We like beans and rice and potatoes and, when we were lucky, some round steak. My mother used to pound it so it would be tender and we could eat it. It was unusual food for somebody from Searchlight, but we enjoyed it. It was a lot of fun. They gave us a number of gifts when the feast was over, and it was really a feast. It was all traditional Indian food.

I don't remember all they gave me, but I do remember one item. It is in my office in the Capitol. That was many years ago. We have had five children since then and lots of grandchildren. But it was a little statue of Gandhi, hand carved. It is ivory. It is done so well, you can pull the staff out of his hand. It is done really well. I have protected and saved that all these years. It is in my office. I have always had it there.

The reason I mention that is that if people have any misunderstanding about Indians and Hindus, all they have to do is think of Gandhi. Here is a man who changed the world, a man who believed in peace. We heard the prayer: Peace, peace, peace. If there was ever a time, with this international war on terror that we are fighting now, where people have to understand how important peace is, think of Ghandi, a man who gave his life for peace, a tiny little man in physical stature but a giant in morality. Gandhi is the man that Martin Luther King, Jr., followed. His nonviolence was all based on the teachings of Gandhi. As a result of Gandhi, we had the civil rights movement, led by another man small in stature. Larger than Ghandi, Martin Luther King was not a giant of a man physically, but he was a giant of a man morally, just as Gandhi.

I think it speaks well of our country that someone representing a faith of about a billion people comes here and can speak in communication with our Heavenly Father regarding peace. I am grateful he is here. I am thankful he was able to offer this prayer of peace in the Capitol. I say to everyone concerned, think of Gandhi. If you have a problem in the world, think what this great man has done to bring peace and nonviolence to a troubled world.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

REMEMBERING LADY BIRD JOHNSON

Mr. McCONNELL. Mr. President, when Lady Bird Taylor met the man she would marry in the fall of 1934, her first reaction was to pull back. "Lyndon came on very strong," she said. "My instinct was to withdraw."

And when an assassin's bullet thrust her into the national spotlight on another fall day in 1963, she withdrew again. America remembers this remarkable woman for the quiet dignity with which she let a nation and a stricken wife mourn the loss of a President they loved. And our first reaction to her in those days of mourning was gratitude.

Now we mourn her passing, after a long tumultuous life that was marked above all by quiet service and a love of beauty.

She was nothing like her husband.

Lyndon Johnson was an overpowering figure who filled up every room he entered. His personality still reverberates through these walls. But he always knew what he needed to get ahead in life, and he saw in Lady Bird the tact and gentility he saw lacking in himself.

He asked her to marry him on their first date.

And soon the aspiring politician would marry this shy and pretty rancher's daughter. Sam Rayburn said it was the best thing Lyndon Johnson ever did.

Lady Bird brought a deep love of nature from east Texas to the White House, and she shared it with America. Residents and tourists in Washington have her to thank for the natural beauty that surrounds us here and that makes us proud to call this city our Nation's Capital.

Millions of travelers and commuters have her to thank for the flowers that line our roads. The blues, reds and yellows that light up America's highways are a living, lasting legacy to the woman who guided the Highway Beautification Act into law.

A friend to every First Lady since Eleanor Roosevelt, Lady Bird Johnson stepped out of the national spotlight as quietly as she stepped into it, again respecting the national mood at another painful moment in our history.

She outlived her famous husband by more than three decades, and we didn't hear or see much of her over the years. But she'd remind us from time to time that she was still here, quietly accepting an honor for her husband or launching some good environmental work. And we were always glad to see her. She became for us a kind of living assurance that beauty and grace outlive tragedy and loss.

We will miss her. We mourn with her daughters, Lynda and Luci, and their families. And we join them in honoring a very good American life that was spent in generous service to family and country.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 30 minutes with Senators permitted to speak therein, with the time equally divided and controlled by the two leaders or their designees.

The Senator from Oklahoma.

FAIRNESS DOCTRINE

Mr. INHOFE. Mr. President, today, I want to reiterate something I talked about on Monday and maybe elaborate a little bit. I am one of the cosponsors of an amendment that several people will be discussing today, amendment No. 2020—it is primarily offered by my colleague, Senator COLEMAN, and myself and Senator DEMINT and Senator THUNE and, I believe, some others also—to prohibit the reimplementation of the Fairness Doctrine.

Over the past few weeks, the Fairness Doctrine has received quite a bit of attention. The Democrat-controlled House of Representatives had a vote on June 28, just a couple weeks ago. The House voted 309 to 115 to prohibit the FCC from using funds to reinstate the Fairness Doctrine.

Now, the Fairness Doctrine is a regulation the FCC developed to require FCC-licensed broadcasters to provide contrasting viewpoints on controversial issues. However, the FCC conducted a review of this regulation in 1985. I remember this well. This was back during the Reagan administration. They concluded—and I am quoting now the FCC:

> [W]e no longer believe that the Fairness Doctrine serves the public interest.

In explaining why the FCC reached this conclusion, the FCC wrote—I am quoting again further—

> [T]he interest of the public is fully served by the multiplicity of voices in the marketplace today and that the intrusion by government——

The intrusion by government——

> into the content of programming unnecessarily restricts the journalistic freedoms of broadcasters. The FCC's refusal to enforce the Fairness Doctrine was later upheld in the DC Circuit Court of Appeals.
>
> That is a little bit of the history that took place, and there was not much controversy back in those days. Everybody pretty much agreed this is something that should be driven by the market, driven by the people, as opposed to being spoon-fed to the people by some governmental agency or anybody else.

So you might ask, why would a regulation that was found to be unnecessary over 20 years ago be controversial today? I can tell you why that is. It is because—and I happened to be in the middle of this when it happened—on June 22 I said something on a talk radio show that became quite controversial having to do with a statement I had made to a couple of the

Senators of a more liberal standing in the Senate.

They believed the content—which it is—of talk radio has a huge bias toward the conservative viewpoints. Now, I had made the statement—and I hate to sound rash when I do this, but I want to be accurate—I said: Well, you guys don't really understand. This is market driven. The market is driving it. There is no market out there for your liberal tripe.

So it happened, coincidentally, that the day after I made that statement, the Center for American Progress came out with this report. It is called "The Structural Imbalance of Political Talk Radio." Now, I am not critical of the people who are behind this. It is the people from the Clinton White House. Clearly, it is John Podesta, Mark Lloyd, and many others who are in charge of this program. I am not sure. I have heard that the Center for American Progress is supposed to be maybe another viewpoint from the Heritage Foundation. You hear all kinds of things. But this is what is interesting in this report. First of all, they go through and document the fact that in talk radio 91 percent of the content is conservative. I do not disagree with that. They say only 9 percent is progressive, or I would say liberal. I do not disagree with that.

After they make their case, they try to state that there has to be a correction for it. I am going to read just a few excerpts from this report.

They said:

> These findings—

Now, the findings we are talking about are the 91 percent—

> may not be surprising given general impressions about the format, but they are stark and raise serious questions about whether the companies licensed to broadcast over the public airwaves are serving the listening needs of all Americans.

Now, that is really interesting, "the listening needs of all Americans." What are the listening needs of all Americans? Who is going to determine that? Anyway, that is what they seem to be hanging their hat on. They said:

> Our conclusion is—

I am reading from this report which is from the Center for American Progress. That is John Podesta and Mark Lloyd and the rest of that group.

> Our conclusion is that the gap between conservative and progressive talk radio is the result of multistructural problems in the U.S. regulatory system.

It goes on to explain this. And then—I am kind of a slow learner. But after I figured out what they were talking about, they were talking about there are regulations that could be violated, or the intent of regulations could be in violation here. So they talk about some prescribed regulations to correct this problem.

Now I move to page 11 of this report, and they come to this conclusion. They said:

> If commercial radio broadcasters are unwilling to abide by these regulatory standards or the FCC is unable to effectively regulate in the public interest, a spectrum use fee should be levied on owners to directly support local, regional, and national public broadcasting.

You cannot get more socialistic than that in the comments. Now, the whole idea they are saying that not only then would talk show hosts who have a strong bias in one way or another lose their shows—let's say Sean Hannity, Rush Limbaugh, any of the rest of them—but they also would have to be fined and that money would go to support public broadcasting. Now, that is what caused the interest after 20 years.

When I say it is market driven, if you do not believe that, look at the effort by Al Franken and other liberals who tried to start Air America. Air America was designed to be on the liberal side. The problem was, nobody wanted to listen to it. So this is the problem that is out there, that people want to get away from what is market driven.

We went through this same exercise, I might add, not too long ago, about a year ago, I think it was. We had various—let's see, Armed Forces Radio. I have it here somewhere. There are three different radio stations that reach our troops around the world—not just in Iraq and Afghanistan but around the world. So there was an effort to prescribe programming so it would be equally liberal and conservative. Then there was an uproar by our troops over there because they did not want that. So through their publications, the Army Times and some other publications, they determined what they wanted to listen to, and it was primarily conservative.

So that is what has brought this thing up, and several people in the House and several people in the Senate—in this body—have said: We need to get the FCC to reinstitute the Fairness Doctrine.

Now, the amendment that was passed in the House of Representatives by that huge margin I just mentioned was to prohibit the FCC from changing its viewpoint as far as the Fairness Doctrine is concerned.

I have been outspoken on this issue for some time. For example, on the Defense authorization legislation we made quite an issue out of this. By the way, I might want to add, we won that battle. We ended up now so they are getting the programming they want, and it happens to be—this is quite a coincidence—it happens to be about the same—91 percent versus 9 percent—that the people are demanding today in terms of the market. The same principle applies again.

I have long said that talk radio is market driven. There simply is not much market for some of this other stuff that is out there. Some Senators have made it clear they intend to reinstate the Fairness Doctrine, but free speech is fundamental to what it means to be an American, and it must be protected. Reimposing some form of the Fairness Doctrine threatens first amendment rights. We all know that. But really what is most important is it gets to be very similar to some of these countries we criticize all the time where the government is trying to take over what comes through their airwaves.

So I am pleased to join my many colleagues, including Senators COLEMAN, DEMINT, and THUNE, in supporting this amendment, and I urge the Senate to speak just as definitely against the Fairness Doctrine.

I have a letter from the National Association of Broadcasters. In this letter—I will not read the whole thing—it winds up by saying:

> In the 20 years since elimination of the Fairness Doctrine, there has been a veritable explosion in alternative media outlets. Today, there are over 13,000 radio stations, more than 1,700 TV stations, nine broadcast TV networks, hundreds of cable and satellite channels, scores of mobile media devices and an infinite number of Internet sites that cater to every political persuasion and ideology. The Internet now enables consumers to obtain, and communicate to the world, virtually unlimited content.

Of course, this is a strong endorsement of our position by the National Association of Broadcasters. Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF BROADCASTERS,
Washington, DC, July 11, 2007.

DEAR SENATOR: I write today to express our strong opposition to a reinstatement of the so-called "Fairness Doctrine."

This discredited regulation, which stemmed from the 1940s and was eliminated two decades ago, required television and radio broadcasters to present contrasting points of view when covering controversial issues of public importance. In the Federal Communications Commission's 1985 Fairness Report, the FCC asserted that the doctrine no longer produced its desired effect and instead caused a "chilling effect" on news coverage that may also be in violation of the First Amendment.

I write to you today urging you to oppose any attempt to resurrect this long-discarded regulation. Free speech must be just that—free from government influence, interference and censorship.

The so-called Fairness Doctrine would stifle the growth of diverse views and, in effect, make free speech less free. Newsgathers, media outlets and reporters will be less willing to present ideas that might be controversial. In fact, FCC officials found that the doctrine "had the net effect of reducing, rather than enhancing, the discussion of controversial issues of public importance," and therefore was in violation of constitutional principles. ("FCC Ends Enforcement of Fairness Doctrine," Federal Communications Commission News, Report No. MM-263, August 4, 1987.)

In the 20 years since elimination of the Fairness Doctrine, there has been a veritable

> explosion in alternative media outlets. Today, there are over 13,000 radio stations, more than 1,700 TV stations, nine broadcast TV networks, hundreds of cable and satellite channels, scores of mobile media devices and an infinite number of Internet sites that cater to every political persuasion and ideology. The Internet now enables consumers to obtain, and communicate to the world, virtually unlimited content.
>
> Bringing back the Fairness Doctrine is unnecessary, unwarranted, and unconstitutional.
>
> Sincerely,
>
> DAVID K. REHR.

Mr. INHOFE. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WHITEHOUSE. Mr. President, if the Senator will amend his consent request so that both sides have equal additional time in morning business, there will be no objection.

The ACTING PRESIDENT pro tempore. Does the Senator modify his request?

Mr. DEMINT. Mr. President, I modify my request that I have 15 minutes and my colleague have 15 minutes as well.

Mr. WHITEHOUSE. No objection. I thank the Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Thank you, Mr. President. I thank my colleague for yielding.

EARMARK REFORM

Mr. DEMINT. Mr. President, I first thank my colleague from Oklahoma for bringing to the floor this important issue of free speech in America, and the bill that would help to keep the FCC from imposing gag rules on talk radio and other media. But that is not the purpose of my trip to the floor today.

Mr. President, I rise today to speak about the ongoing effort in the Senate to block earmark reform. It has now been 175 days—over 6 months—since we passed our earmark transparency rules. Yet they still have not been enacted.

As my colleagues know, we passed two important earmark transparency rules back in January that, first, require public disclosure of earmarks and, second, prohibit Congress from adding secret earmarks behind closed doors in conference committees where they cannot be openly debated or voted on. Both of these rules were unanimously supported by the Senate. But now—over 6 months later—Democrats are insisting that we change or drop these rules behind closed doors.

I asked the majority leader before July 4 if we could agree to protect these earmark reforms in conference, but he said no. I am not asking for an ironclad agreement. He said they would change in conference. I asked him what changes he wanted to make to these important earmark rules that had passed unanimously, but so far we do not have a response.

In fact, in CongressDailyAM, they put it quite clearly when they said:

> [Democrats] could not guarantee that DeMint's earmark language would survive negotiations with the House.

I would only correct one thing about that quote. This was actually NANCY PELOSI's language, modified slightly by Senator DURBIN, and voted on unanimously in the Senate. They are hardly my earmark requirements.

Well, there you have it. After stalling and blocking the enactment of these important ethics reforms for over 6 months, and after coming up with every excuse in the book to put them off, the Democrat leadership is now beginning to admit they plan to kill earmark reform.

It is now day 175 of business as usual in the Senate, and the party that said it would clean up the culture of corruption in Washington is already embracing it.

The majority leader and the majority whip made several statements on this issue on the Senate floor the other night, and I want to address them.

First, the majority leader said that my efforts to protect earmark reform were a "ploy," a "diversion," and a "smokescreen" to stop the ethics bill.

This accusation is completely false, and these two Senators are probably the only two people in America who believe it. I voted for the lobbying and ethics bill, and I even supported going to conference. In fact, I came to the floor on Monday and asked for consent to adopt the earmark transparency rules and to go to conference with the House on the ethics bill. But the other side objected because they only want to move forward on the ethics bill if they can gut the earmark reforms in secret.

The truth is, the only thing stopping the lobbying and ethics bill from moving forward is the Democratic leadership and their desire to kill meaningful earmark reform behind closed doors. They may want to hide their opposition to transparency by accusing me of having a secret plan to kill the bill, but Americans know the truth. They know folks in Congress love earmarks and will do anything to keep this process secret and easy for Members to designate money to their pet projects. It is clear, the only thing stopping this bill is obstruction to earmark reform.

Next, the majority leader said it was a "fantasy" for anyone to think they would kill earmark reform behind closed doors. Again, I am not sure how these things can be said with a straight face. Several Senators on the other side, including the majority leader himself, have publicly said they intend to change these rules behind closed doors, but they won't say how they are going to change them. If this is all a fantasy, then why won't they tell us what they plan to do with these reforms? This is supposed to be a bill about transparency, but the other side wants to rewrite it in secret.

But setting aside for a moment the fact that they have publicly admitted they plan to change these rules, we need to realize it is earmark reform we are talking about here. The culture of earmarking runs very deep in this town, and it is no fantasy that there are many in this body on both sides of the aisle who want to preserve that culture.

Next, the majority leader said Democrats are already complying with the rule and therefore we should trust them. The truth is the earmark disclosure the Democrats have given us is spotty at best. In fact, the Congressional Research Service says only 4 committees out of 18 have implemented even an informal disclosure rule. Even worse, it says these four informal rules cannot be enforced on the floor of the Senate.

The Defense bill we are debating right now is a perfect example. The committee put out a partial list of the earmark sponsors, but it has failed to make public the letters from these earmark sponsors certifying that they have no financial interest in the projects they have requested. This is a recipe for more Duke Cunninghams. It is a recipe for corruption.

Congressional Quarterly put it quite clearly when it stated:

> The earmarks—listed in the defense bill for the first time ever—would not have been published at all had most Democrats on the Senate Armed Services Committee gotten their way.

But the Democratic leadership wants us to trust them anyway. They want us to trust the people writing the earmarks to follow the rules without any accountability. It won't work, and the Defense bill is a perfect example.

It is also important to note that the Democrats have done nothing to address the practice of adding secret earmarks in closed door conference committees. As my colleagues know, one of our earmark transparency rules prohibits this awful practice. The Democrats in the House have been trying to get away with adding their earmarks in secret without any oversight, and now Senate Democrats are blocking a rule to stop it on our side.

Everyone knows the game around here. Everyone knows if you want a questionable earmark, you wait until the bill gets to conference and then you slip it in where it cannot be seen, where it cannot be debated, and where it cannot be stopped. Nothing has been done to stop this practice. The majority leader may believe Democrats have been transparent enough, but it is clear they have not. That is why we need a rule that will hold us all accountable.

Next, the majority leader said I am preventing the Congress from "restoring the faith" of the American people in their Government. Congress will never restore faith with the American people until it addresses earmarks. As long as Members of Congress can direct Federal tax dollars to the special interest of their choosing with little or no accountability, we will see more bribes, more indictments, more prison sentences, and more Duke Cunninghams. Ethics reform is not complete without earmark reform. Americans know what I am talking about. That is why we need to get this right.

Next, Senator DURBIN said if I would only look at the bills, I would see the Democrats have fully complied with the proposed rules. The truth is if Senator DURBIN would look at the earmark disclosure rule—which he wrote—he would know it requires Senators to certify they have no conflict of interest in the earmark, and that these certifications will be made public on the committee Web site. If he would do some checking and go to the Armed Services Committee Web site, he would see there are no letters there for all the earmarks that were added to the Defense authorization bill we are currently debating. That is one example of how the majority is skirting the rules and it is one example of why they don't want a formal rule that would stop them from pulling these tricks.

But setting aside their failures to be fully transparent, if Senator DURBIN believes they are in full compliance with the earmark rules, then why is he so opposed to enacting them? What is he afraid of? If they are already complying with these rules, why not formalize them so they can be actually enforced?

The truth is they are not fully complying with the rules and they have no plan to. They have been earmarking at will for years and they don't want anything that would make them more open or transparent.

The majority leader also said my desire to protect earmark reform is a "guise" to kill the ethics bill. Again, this is completely false. For me, this is about reforming the way we spend American tax dollars. That is my motive. I am one who believes that the culture of earmarks is what drives the culture of corruption, and I know many others agree. The only "guise" here is the guise the Democrats are putting up to hide their opposition to earmark reform. They keep saying they want to go to conference on the ethics bill, but they refuse to tell us what they plan to do with the earmark reform once they get there. Instead, they say "trust us."

Democrats keep saying they want an ethics bill, but the truth is they don't want earmark reform. They have called it a "petty issue" and a "trifle." It is all a guise. We all know what this debate is about—it is about earmarks and whether we are going to have business as usual in the Senate.

The other side wants us to change the way people outside of Congress behave—such as the lobbyists who bring their issues to us—but they completely oppose changing anything on earmarks, because this limits their own ability and it forces them to be accountable. That is the real guise here.

The majority leader appears to be so opposed to meaningful earmark reform that he is willing to cancel the August break in order to pressure me to allow them to gut these reforms in secret. From my perspective, cancelling the August break to debate earmark reform would not be a bad thing. We need to debate this, because there are many here in the Senate who still don't get it. They still don't understand that Americans are sick and tired of business as usual in Washington.

The majority leader also said the other night that he may try to force this down our throats, as he tried to force the immigration bill down our throats by filing a number of cloture motions. The other side says what I am doing to force them to protect earmark reform has never been done before and would set a bad precedent. They actually think people will believe that nobody has ever objected to going to conference, that no one has ever objected to sending a bill to a back room where it can be changed at will.

What I am doing is exactly what Senator REID did for years when he was in the minority. According to the Congressional Research Service, the Senator who has blocked the most attempts to go to conference over the past three Congresses is Senator HARRY REID. On several occasions he has demanded specific guarantees or concessions in exchange for allowing a bill to go to conference.

Senator REID knew then what he seems to have forgotten now: that a conference committee is not an entitlement. A bill is not entitled to go to conference where it can be changed behind closed doors. It is a luxury the majority leadership has used, but he is not entitled to it. There are a number of ways we can reconcile the differences between the two bills. The Senator from Nevada knew this before, but now that he is the majority leader, he seems to have forgotten.

All of this can be easily solved in a bipartisan way. All my friends on the other side need to do is accept these rules which were unanimously supported by the Senate back in January. And if for some reason they believe these rules need technical changes, then they should tell us what they are going to do to change them so we can work it out in the open instead of behind closed doors.

I hope my friends on the other side will change their minds. These are Senate rules that I am talking about, and there is no reason why we need to be negotiating with the House on them. All my friends on the other side have to do is stop blocking earmark reform and stop trying to change the rules in secret, and we can move on.

Americans have seen the ethical problems associated with earmarks. They have watched what happened to Duke Cunningham and they have seen a number of Members of Congress forfeit their seats on appropriations committees due to conflicts of interest. Americans understand that lobbying and ethics reform will not be complete if we don't do anything to shine the light on the process.

Mr. President, could I ask how much time I have remaining?

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator has 1 minute 10 seconds remaining.

Mr. DEMINT. I am more long-winded than I thought here.

Let me conclude, although we will need to continue this debate.

My goal is to get the lobby and ethics reform bill to conference. But a key part of that bill has always been earmark reform. The House has passed earmark reform as a House rule. We have passed the rule on the Senate side, but we have not adopted it. There is no reason to send a Senate rule that governs how we do business to a conference with the House. I wish to see this body accept this as a rule that has been unanimously voted on so we can move on to conference with lobby and ethics reform.

I am not holding up ethics reform or lobbying reform; I am asking this body to do what we have already voted on, and that is to accept the rule that we will be transparent about earmarks and how we spend American tax dollars.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I believe I have 15 minutes to speak in morning business; is that correct?

The PRESIDING OFFICER. The Senator has that time, plus the additional time granted to the Senator from South Carolina.

Mr. WHITEHOUSE. I thank the Chair.

IRAQ

Mr. WHITEHOUSE. Mr. President, the American people have demanded a new direction in Iraq, and the momentum building toward that change is strong. It is not difficult to understand why. More than 3,600 brave American troops have lost their lives. Tens of thousands have returned home gravely injured—gravely injured. The war now costs Americans $10 billion every month in Iraq, with total spending now exceeding that of the Vietnam war. It has ruined our international standing.

Despite all this, little has changed on the ground. Violence has worsened. Sectarian fighting goes on virtually unabated, with deadly attacks taking a severe and relentless toll. While courageous Americans die, Iraqi politicians argue and stall.

Leaving U.S. troops caught in the morass of Iraq has not made that country more secure and, more important, it does not make our country more secure. To stay President Bush's course will continue to cost our men and women in uniform their lives and their physical and mental health. It will continue to drain our national Treasury and further erode what little good will remains for America around the world. It will leave our military with overstrained troops, overstressed families, and equipment and resources in disrepair. We are breaking our military in Iraq.

It is time for a change. The American people know this. Democrats and, to their credit, many Republicans in this Congress know this. Anyone who is listening or looking with clear eyes knows this. Yet after years of misjudgments, years of misleading slogans, years of misplaced priorities, and years of failure, this President still refuses to do what he must do: Change course in Iraq and bring our courageous American troops home.

Just the other day, the President reasserted his intention to stay the course, to continue this war indefinitely, an open-ended commitment, a blank check, with no prospects for redeployment or a new direction. Again, President Bush has failed to listen to the millions of Americans who have called on him and who have called on us to bring the war to an end. Enough is enough. It is time for a change.

Mr. President, a Member of this body recently said this about our Nation's course in Iraq:

> In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved. Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long-term.

I happen to agree with those words spoken by the very distinguished Senator, RICHARD LUGAR of Indiana, but what I like the most about them is the voice of reason and thoughtfulness they impart to this debate. There has been too little of that to date. The questions we face over this war in Iraq are serious questions, and they demand seriousness and reason from those who would grapple with them. Senator LUGAR's statement reflects that thoughtfulness, reflects that reason, in the midst of a debate which has all too often been characterized by a lack of those characteristics.

Look at this administration, which too often communicates not with reason but with slogans and sound bites: "Stay the course." "Global war on terror." "Cut and run." "Precipitous withdrawal." People watching this continuing debate, mark when you hear the phrase "precipitous withdrawal." You are hearing the end of reason, and sloganeering. This is no service to the people of our country, not when serious and difficult problems must be solved. Just look where this slogan leadership has gotten us so far. It is a dishonor roll of failure: weapons of mass destruction, nonexistent; occupation planning, incompetence; reconstruction efforts, failed; the strain on our troops and their families, disabling; the treatment of our wounded troops, disgraceful; expenditures, massive; fraud, run rampant; the confidence of the American people, forfeited after cascades of false optimism and phony good news.

It is time, as Senator LUGAR's words exemplify, to pursue intelligent, thoughtful, and realistic decisions about our course in Iraq, decisions that will protect our national interest. It is time to put the slogans away and thoughtfully extricate ourselves from a disastrous mess.

I hope we can take these steps forward in the Senate together. I am encouraged that several Republican friends have stated clearly that they cannot support the President's failed course in Iraq and are seeking real change.

As I have said many times in this Chamber, our strategy to effect change in Iraq requires the rapid and responsible redeployment of our troops. As I told the President directly when I met with him several months ago, I see the prospect of U.S. redeployment as the most powerful force at our disposal in this conflict now. That prospect of redeployment of American troops will eliminate the insurgents' argument that America is an occupying army, taking away from them a powerful recruiting tool for militant extremists. It will spur Iraq's political leaders to step forward, to quit slow-walking us through their own civil war and take responsibility for the security and governance of their own country. It will confront neighboring nations with a real impetus to assume more positive roles in assuring the region's stability. It will help restore the faith of the world in the leadership, the integrity, the good judgment, and the good will of our great country.

The President's surge plan is not the new direction Americans are calling for. It is a tactic—a tactic that can only be effective as part of a larger coherent strategy. And strategy, in turn, largely depends on whether the overarching dynamic works in America's favor. In this regard, America is presently on the worst possible footing.

A redeployment of our troops creates the potential to change this overarching dynamic for the better, freeing us to focus on more effective strategies to counter al-Qaida and to stabilize the region. Iraqi leaders will have to reach compromises with each other because their vision for their country's future will no longer be drawn with a major U.S. military presence in it. In the time it will take to bring our massive deployment of troops home, we can send a clear signal to Iraqi leaders and to Iraq's neighbors that America is standing down and it is time for them to stand up. We can help them do that.

This is a critical step, and thoughtful, reasoned, political, and diplomatic leadership will be essential to take advantage of the new dynamic a redeployment offers. I will confess that I am deeply troubled that this administration may not have the credibility it needs to accomplish this difficult task, even if it were of a mind to try.

This Congress can help set favorable conditions for executive action. We cannot legislate diligence, we cannot legislate thoughtfulness, we cannot legislate competence, and it is not clear that this administration is viewed as capable of those qualities any longer. It may take new faces and new voices to represent our country credibly in this process. Fortunately, there are many talented and accomplished people in this country whose perspectives and experience can help build America's credibility and prestige around the world. It will be a significant diplomatic challenge, but it presents a significant—perhaps historic—diplomatic opportunity.

That executive responsibility—the need to put ourselves in that diplomatic arena—does not relieve us in the Senate of our duty to continue to press forcefully on behalf of the millions of Americans who demanded a change in Iraq, to apply reason, thought, and our best care and judgment to a problem that has not yielded to sloganeering. We will keep the pressure on this President and his administration, whose inability to admit failure is leading our precious Nation deeper and deeper into disaster in Iraq.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, first, what a remarkable ally the junior Senator from Rhode Island has been these few months he has been in the Senate. For his eloquence and help on many issues—particularly this issue—I thank him. I greatly enjoyed listening to his remarks.

It has been 52 months since military operations began in Iraq. We have now been engaged in the Iraq war longer than we were in World War II. Approximately 3,600 Americans have died and 25,000 have been wounded. More than 4 million Iraqis have fled their homes, and tens of thousands, at a minimum, have been killed. With President Bush's surge well underway, violence in Iraq has exploded to unprecedented levels and American troop fatalities are up 70 percent. In short, from all sides, the situation in Iraq is an unmitigated disaster.

As if that weren't bad enough, our national security continues to suffer as the administration's single-minded focus on Iraq prevents us from adequately confronting threats of extremism and terrorism around the globe. Indeed, violence and instability continue to fester elsewhere at a great cost to our national security.

Last November, when the American people cast their ballots, they expressed their opposition to this war loudly and clearly. As the situation continues to deteriorate, they have raised their voices still louder. I know my colleagues hear their voices, as more and more of them step forward to call for a long overdue change of course.

At the other end of Pennsylvania Avenue, those voices continue to fall on deaf ears. Time and again, the President has made it clear that nothing—not the wishes of the American people, not the advice of military foreign policy experts, not the concerns of members of both parties—will discourage him from pursuing a misguided war that has no end in sight.

Congress cannot wait for this President to change course in Iraq because you and I know he has no intention of doing so. He has made it clear that he will continue to pursue massive military engagement despite the wishes of the American people, despite the fact that our military is stretched to the breaking point, and despite the fact that our presence in Iraq has been, according to our own State Department, "used as a rallying cry for radicalization and extremist activity in neighboring countries."

So it is up to us in Congress to listen to the American people, to save American lives, and to ensure our Nation's security by redeploying our troops from Iraq. We have the power and we have the responsibility to act, and to act now. That is why I will support the amendment offered by Senators LEVIN and JACK REED. By passing binding deadlines for both beginning and ending redeployment, the Senate can take a strong step toward bringing our involvement in this war to a close.

I especially applaud Senators HAGEL, SMITH, and SNOWE for putting principle ahead of party by cosponsoring this amendment. I hope their example inspires still more Senators to realize that it is not enough to just criticize the war or just call on the President to change course and that we don't need to—in fact, we cannot afford to—wait for more reports and more time before taking decisive action.

The Levin-Reed amendment doesn't go as far as I would like. I am concerned that the exception in the amendment, particularly for "providing logistical support" to Iraqi troops, would give the administration too much wiggle room to "repackage" its military mission instead of redeploying our brave servicemembers. Nonetheless, I am pleased to see so many colleagues—on both sides of the aisle—recognizing, at last, that the President's course in Iraq has failed, that Congress needs to act, and that we can and must safely redeploy our troops.

Other amendments that have been proposed fall short because they don't require the troops to be redeployed. It is not enough to pass something that sounds good but doesn't move us toward ending the war. Weak, feel-good amendments may give people political comfort, but that won't last long. We can fool ourselves, but we can't fool the American people.

Mr. President, it is increasingly clear that the war in Iraq has become the defining aspect of our engagement in this part of the world and that it, coupled with this administration's inconsistent efforts to promote democracy and the rule of law, has unfortunately alienated and angered those whose support and cooperation we need if we are to prevail against al-Qaida and its allies.

Our role in the war in Iraq has generated a level of political turbulence throughout the region and beyond. It has given way to a new variety of al-Qaida-style militants. These militants are gaining prominence in many countries that have traditionally been our allies. The longer we remain in Iraq, the longer these new strains of extremism will threaten the security of the region and, in turn, threaten our Nation. As long as the President's policies continue, Iraq will continue to be what the declassified National Intelligence Estimate calls a "cause celebre" for a new generation of terrorists.

Al-Qaida and its affiliates are not a one-country franchise. Yet this administration continues to pretend otherwise, such as calling Iraq the central front in the war on terror. Al-Qaida's networks have not relinquished their global fight to focus exclusively on Iraq. By deploying our troops from Iraq, we can focus on developing a comprehensive global strategy to combat them around the globe.

As I said, the administration's policies in Iraq are an unmitigated disaster. But there is a way to mitigate that disaster, to lessen the burdens it is imposing on our troops, our national security, our taxpayers, and our country. And that is to redeploy our troops from Iraq.

There is no reason to delay this decision until September. We know now what we will know then, and we know it isn't pretty. We have already read in the Pentagon's first quarterly surge report that violence has increased throughout much of the country in recent months, and we know there is no military solution to Iraq's problems. The only question is how long we are prepared to wait and how many Americans we are willing to have killed before we act.

As my colleagues know, the majority leader and I have introduced legislation that would safely redeploy our troops by setting a date, after which our funding for the war would be ended. That is what Congress did in 1993 with respect to our military mission in Somalia. I continue to believe we must be prepared to take that step again to finally put an end to the war in Iraq.

However, if the Levin-Reed amendment wins the support of a majority of the Senate, I believe that will be an important step forward, and I will likely not insist on a vote on the Feingold-Reid amendment at that time. If our efforts to end the war don't succeed, however, I will offer Feingold-Reid as an amendment to the Department of Defense appropriations bill when it is considered by the Senate. Of course, I hope that will not be necessary, but it will depend on whether enough of my colleagues are prepared to back up their words with action, to listen to the American people, and to say enough is enough.

This war doesn't make sense. It is hurting our country, and it is time to end it.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Alabama may proceed in morning business.

IRAQ

Mr. SESSIONS. Mr. President, I have great respect for my colleague, Senator FEINGOLD. If I am not mistaken, he opposed the authorization of military force in Iraq and has consistently opposed that policy. I am not supportive of the Levin amendment. I think it would result in a precipitous, irresponsible, and dangerous redeployment of our soldiers, confusing to our allies, placing our soldiers who remain in Iraq at greater risk, and placing the Iraqi soldiers, many of whom, indeed, are standing with us right now to fight al-Qaida in Iraq, making their lives more dangerous. In fact, they are taking more casualties than we are. It is not correct to say they are not performing. We wish they would perform much better. We wish the Government was stronger. But, in fact, we are at this very moment shoulder to shoulder in operation after operation around Iraq.

I will note this. This is not a little, bitty nation we are leaders of. This is the United States of America, a great nation. Two months ago, the Congress of this great Nation voted to fund the surge in Iraq, and this Senate voted 99 to 0 to confirm General Petraeus to lead that surge. We required an interim report on July 15 on how things are going and a more serious, comprehensive report from General Petraeus himself in September. OK? That is what we did, and that is what we are doing.

For the last, I believe, 3 weeks, the surge has been complete. For only 3 weeks have we had the full complement of troops as part of this surge. Already some things have happened militarily that are good in Iraq.

So before we get the general's report in September, without anything other than our own opinions from reading newspapers and watching TV and sitting in our air-conditioned offices, we are now going to come along and abrogate what this great Nation did 2 months ago because of some political pressure or some spot they saw on the evening news, placing our soldiers at risk, undermining the policies we are asking them to execute at this very moment. Even pushing for that at this time I think is irresponsible.

I wish to be on record as saying I understand the difficulties we are facing in Iraq. I understand the courage our soldiers are displaying. I understand the risks they are subjected to right now, and we want to see the situation improve. All of us do. But we voted for this policy. The surge has just started. We need to give General Petraeus a chance to proceed with it and not flop around irresponsibly and come up with a withdrawal policy that is so rapid that I am not even sure the military can effectively carry it out under the Levin amendment. As a matter of fact, they cannot effectively carry it out.

Mr. President, I guess we are still in morning business. I see my colleague, Senator NELSON from Florida, whom I respect so greatly. He chairs the Strategic Subcommittee of which I am pleased to be the ranking member.

I believe I am to be recognized in a few minutes on a separate amendment, but if Senator NELSON has some comments he would like to make at this time, I will consider yielding to him and see what our schedule is.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Nelson (FL) amendment No. 2013 (to amendment No. 2012), to change the enactment date.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of U.S. forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Mr. NELSON of Florida. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, under the unanimous consent agreement that was entered into last night, a Senator designated on the Republican side was to offer an amendment at this time and then I was going to, or someone designated by me was going to offer a second-degree amendment.

I want Senator GRAHAM to say what the intention was on that side—that intention has been changed—and then I will comment on what he has to say.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I had intended to offer amendment No. 2064 to strike certain provisions of the bill regarding detainee procedures, legal procedures affecting detainees. I have been talking with Senator LEVIN and his staff to see if there is some common ground we can find about this CSRT process at Guantanamo Bay—Combatant Status Review Tribunals. There are some ideas that Senator LEVIN has that I am going to associate myself with.

I thought what we would do, I intend to reserve my ability to offer the amendment—and intend to do so unless we can find some common ground—and allow Senator SESSIONS to go forward on the Republican side. I will continue to work with my colleague, Senator LEVIN, to see if we can find some accommodation with regard to the subject matter in question, with the understanding, if we can, that we will do that at the appropriate time. If we cannot, I would like to be able to bring my amendment to strike back.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from South Carolina. That is our understanding. We understand what his intent was. We both have been involved in some discussions on this matter. Our staffs are involved in some discussions on this matter.

Senator GRAHAM has indicated his willingness to hold off offering his amendment at this time, with the understanding that he will have an opportunity at a later time to offer that amendment, and these discussions will continue in the interim.

Mr. GRAHAM. That is correct.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I understand the Senator from Alabama has an amendment.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2024, AS MODIFIED, TO AMENDMENT NO. 2011

Mr. SESSIONS. I thank my colleague from Florida, Mr. NELSON, and I thank him for his leadership as chairman of the Strategic Subcommittee on the Armed Services Committee, of which I am the ranking member. I want to assert again that I have been pleased to work with him and value his judgment and insight, and value his insight with regard to amendment No. 2024, which I have filed a modification to, and I now ask that amendment, as modified, be called up at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes amendment numbered 2024, as modified.

The amendment is as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1218. POLICY OF THE UNITED STATES ON PROTECTION OF THE UNITED STATES AND ITS ALLIES AGAINST IRANIAN BALLISTIC MISSILES.

(a) FINDING.—Congress finds that Iran maintains a nuclear program in continued defiance of the international community while developing ballistic missiles of increasing sophistication and range that pose a threat to both the forward-deployed forces of the United States and to its North Atlantic Treaty Organization (NATO) allies in Europe; and which eventually could pose a threat to the United States homeland.

(b) POLICY OF THE UNITED STATES.—It is the policy of the United States—

(1) to develop and deploy, as soon as technologically possible, in conjunction with its allies and other nations whenever possible, effective defense against the threat from Iran described in subsection (a)(1) that will provide protection for the United States, its friends, and its North Atlantic Treaty Organization allies; and

(2) to proceed in the development of such response in a manner such that any missile defenses fielded by the United States in Europe are integrated with or complementary

to missile defense capabilities that might be fielded by the North Atlantic Treaty Organization in Europe.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senators KYL, DOLE, INHOFE, and THUNE be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I don't know if my colleague from Florida wants to make a comment now.

Mr. NELSON of Florida. After the Senator.

Mr. SESSIONS. I will be glad to yield to Senator NELSON if he wishes to share some thoughts.

The amendment offered today, simply put, acknowledges that we have a growing threat to peace and security that arises from Iran's nuclear and missile program, and this amendment would make it the policy of the United States to develop effective defenses against this threat as soon as possible.

The amendment also emphasizes the need to ensure that the defenses we deploy are coordinated with existing programs of our NATO allies. A number of Senators and Members of the House want to be sure that we coordinate with the NATO allies, and this amendment would call for that.

Sadly, the Islamic Republic of Iran continues to threaten the United States and our allies and that threat must be recognized and confronted. My amendment signals the resolve of the United States to do that. At a time when Iran is openly threatening to destroy the United States and our various allies—and is providing weapons, such as explosively formed penetrators, or EFPs, which we have pretty clearly traced to Iran today, and that are killing our soldiers in Iraq and Afghanistan—demonstrating our understanding of the seriousness of their threat and their purpose is critical for us to have clear thinking and sound policy. So I appreciate my colleagues, such as Senator LIEBERMAN, who spoke eloquently and offered an amendment on the need to confront Iran's support of worldwide terrorism, which we voted on yesterday—in a very strong vote.

I see missile defense as another facet of confronting and facing this threat. Even in the Middle East, where anti-Israel sentiments are all too common, Iran is the only country in the Middle East where the President openly calls for the destruction of Israel. Shortly after taking office in 2005, Ahmadi-Nejad, the President, rallied supporters at a conference, and the conference was called "A World Without Zionism." In that speech he said, "The current skirmishes in the occupied land are part of a war of destiny. The outcome of hundreds of years of war will be defined in Palestinian land. As the Imam said"—and here he is referring to the Ayatollah Khomeini—"Israel must be wiped off the map."

But Israel isn't the only target of Iran's crash program to develop long-range missiles with nuclear warheads—long-range missiles they are now developing. He is developing also nuclear warheads. In the same speech Ahmadi-Nejad was quoted as saying this: "Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury."

That includes, of course, the United States—us—and our allies in Europe and the Middle East. For anyone who doubts that Ahmadi-Nejad's threat was meant to include America, he has also been quoted as saying this: "And God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism."

A world without the United States. It does not get much more straightforward than that. Arnaud de Borchgrave, an experienced world observer and editor at large of the Washington Times and United Press International, had a piece in the Washington Times yesterday, and he pointed out some of the examples of the kind of extremism, real extremism, we have seen from the Iranian leadership.

Now, let me say this: The Iranian people are good people. They have quite an educated population, certainly for that area of the world. There is no need and no justification for Iranian leadership to betray those people, the people of that historic nation, with these kinds of policies. In truth, President Ahmadi-Nejad and certain clerics are damaging the history, the economy, the people, and the reputation of Iran. There is no reason for this. It should not continue. Unfortunately, it is reality. And while we can hope for change, change does not seem likely in the short run.

While the people of Iran may, and I think do, oppose this extremism, the President and the extremists, certain mullahs and others, seem to be firmly in control of the country and determined to pursue a radical and extremist ideology and policy. It is not only a tragedy for Iran that this is occurring but for the whole world.

Mr. de Borchgrave lists some of the statements that are more than sufficient to alert the world to the dangers and the intentions of the leaders of Iran today. This is what he wrote yesterday, and I quote:

> Whether Iran's President Mahmoud Ahmadi-Nejad said he wants to wipe Israel off the map is still contested, even by anti-mullah Iranian-Americans. But that he wants to wipe out the Jewish state, there can be no doubt. As he completes his visits to every Iranian town, the collection of his pronunciamentos is edifying reading.
>
> Culled from a wide variety of sources, ranging from the Agence France Presse, the French national news agency, to the London Daily Telegraph, to the Suddeutsche Zeitung Online, to France's Le Monde and Liberation, Mr. Ahmadi-Nejad spells out the target and the strategy: "This regime—here he is talking about Israel—will one day disappear. The Zionist regime is a rotten tree that will be blown away by one storm. The countdown for the destruction of Israel has begun. Zionists are the personification of Satan."

He goes on to say:

> In the case of any unwise move by the fake regime of Israel, Iran's response will be so destructive and quick the regime will regret its move forever. The west invented the myth of the massacre of the Jews (in World War II) and placed it above Allah, religions, and profits.

So he continues to assert that the Holocaust was a myth, invented by the West.

What about his strategic plan?

> We don't shy away from declaring Islam is ready to rule the world. The wave of the Islamist revolution will soon reach the entire world. Our revolution's main mission is to pave the way for the reappearance of the 12th Imam, the Mahdi, a 5-year-old boy who vanished 1,100 years ago and who will lead the world into an era of peace and prosperity, but not before the planet is first convulsed by death and destruction.

He goes on to say:

> Soon, Islam will become the dominating force in the world occupying first place in the number of followers among other religions. Is there a craft more beautiful, more sublime, more divine than the craft of giving yourself to martyrdom and becoming holy? Do not doubt, Allah will prevail and Islam will conquer mountaintops of the entire world. Islam can recruit hundreds of suicide bombers a day. Suicide is an invincible weapon. Suicide bombers in this land showed us the way and they enlighten our future. The will to commit suicide is one of the best ways of life.

This is the President of a country that is steadfastly moving forward to develop nuclear weapons and steadfastly advancing its ability to launch intercontinental ballistic missiles.

What does he say about nuclear power?

> By the grace of Allah we will be a nuclear power and Iran does not give a damn about the IEA, the International Energy Agency, their demands to freeze enrichment of nuclear fuel. Iran does not give a damn about resolutions.

That is the U.N. Resolutions. Those are his words. There are other comments. He goes on to say, as I indicated earlier, at this conference on the world without Zionism—the President of Iran said:

> To those who doubt, to those who say it is not possible, I say accomplishment of a world without America and Israel is both possible and feasible.

You can say this is an exaggeration. You can say this is not realistic. But I suggest that is the repeated statements of the leader of a very dangerous nation, a nation with real capabilities. They are developing a nuclear capability and an expanding and growing missile capability. I think yesterday Senator LIEBERMAN, after the vote on his amendment, summed it up very well. This is what he said:

> The threat posed by Iran to our soldiers, to our allies, to our national security is a truth that cannot be wished or waved away. Congress today began the process of confronting it.

We also need to take one more step in that process by making clear that we are not going to leave our Nation or our allies in Europe vulnerable to any missile threats from Iran.

Most Senators were in the room a few weeks ago when the Director of National Intelligence, ADM Mike McConnell, gave us a classified briefing and described in detail the threat posed by Iran. Having received that briefing, I think few of us would doubt that Iran does pose a threat to the security of the United States and our allies. It is a threat to us. It is not something we need to be intimidated about. We don't need to back down to Iran. Militarily there is no doubt in the mind of this Senator or any objective observer's mind what would happen if a conflict developed here. But we need to be realistic, we need to seek to avoid conflict, but we need to pursue policies that will make sure we don't allow our citizens to fall under a risk of a nuclear missile attack.

So they are pursuing, under Ahmadinejad's leadership, the means to kill millions of people with the single push of a button. When Iran's Shehab-3 missiles are paraded through the streets of Iran, they are draped with banners stating, "Israel must be wiped off the map." That is what they put on their missiles. With a range of 1,300 kilometers and a payload capacity of over 700 kilograms, the Shehab-3 has the capacities to implement Ahmadi-Nejad's genocidal agenda. Iran is also working hard to develop missiles that can reach Europe and the States. The Shehab-4 is well along in development and will reportedly be able to reach most of continental Europe. The Shehab-5 and Shehab-6 have also been discussed in open sources. They are developing those advanced missiles. These sources claim these models will have the capacity to reach the eastern seaboard of the United States.

Iran's ability to develop nuclear warheads for those missiles are proceeding apace as well. In April, in a speech at the Natanz nuclear enrichment facility, there in Iran, Ahmadi-Nejad stated:

> I declare that as of today our dear country has joined the nuclear club of nations and can produce nuclear fuel on an industrial scale.

International Atomic Energy Agency later confirmed that Iranian enrichment capabilities were developing rapidly while our knowledge and understanding of their nuclear program was decreasing. This uncertainty is very disturbing.

Yesterday, the Washington Post reported the construction of an underground tunnel complex near its enrichment facilities at Natanz. It appears, therefore, that Iran is preparing to protect and hide its nuclear capabilities.

Nothing about Iran's behavior recently suggests that it will use these capabilities in a responsible manner. In fact, to the contrary, we expect Ahmadinejad to use nuclear-tipped missiles to threaten, blackmail, and terrorize the nations that oppose its radical agenda and using them, actually using them based on some of the extreme statements he has made, cannot be placed out of the question.

We all remember last March when Iran seized 15 British sailors and held them as hostages. Imagine a time in the not-too-distant future when Iran could take the whole city of London as a hostage with a nuclear threat. According to reports in the Washington Post, the intelligence community assesses that Iran's ICBMs and its nuclear weapons capability will both mature in 2015. That is not that far away. As a result, the cities of the eastern seaboard and of Europe are expected to face the threat of nuclear attack from Iran in less than 8 years.

Keep in mind that 2015 is the midpoint of the estimated range. Iran's capability could come online in 2017, later, or even by 2013, if things proceed faster than expected. That may seem like a long way away, but an adequate defense will take a long time to build and we need to start now. According to the Missile Defense Agency, even if Congress fully funded the European defense site—which I hope that we will. We refer to it as the "third site," and it is funded every year—the system would not be up and running until 2013. Any delay to that schedule—which could happen for a number of reasons—could open up a window of vulnerability during which Iran would have the means to attack us and our allies, perhaps with nuclear weapons, and we will have no means of defending the American people or our allies against them.

The good news is we have it in our power to prevent this window of vulnerability and keep it from opening if we commit as a nation to doing so. My amendment represents an opportunity for the Senate to go on record with such a commitment. An effective missile defense, which we would promptly begin to deploy, could convince the Iranian leadership that developing such missiles for their nuclear weapons is a futile undertaking. Perhaps we may have already missed, however, that opportunity to actually deter them in this way, making it all the more important that we get moving on development of the means to defend ourselves and our allies.

This amendment is more than about setting U.S. policy on missile defense, it is about sending a message to the rest of the world, our friends and enemies alike, that we take this Iranian threat seriously and we intend to stand up to it. The debate over the third site is being watched with great interest around the world. Some may be drawing conclusions about our commitment to meet this threat head on and doubting that we are committed. In fact, I will note that we effectively deployed and continue to upgrade a national missile defense system that can meet the North Korean missile threat, which is somewhat more advanced than Iran's but not a lot. We know we have this capability and we should do it with Iran also.

Imagine sitting in Mr. Ahmadinejad's shoes today. He provides sophisticated weapons to our enemies in Iraq, killing hundreds of American troops in the process. In response, one of our colleagues proposed legislation to prohibit the President from attacking Iran without congressional authorization. Ahmadinejad rushes headlong toward a nuclear weapon and long-range delivery capability and both the Senate and the House cut funding for missile defenses that could neutralize the threat. Ahmadi-Nejad must not feel like his bluster and threats will be effective.

They will not be. Imagine the conclusions that Vladimir Putin is drawing from those media reports. In February of 2007, Mr. Putin and the Russian Army Chief of Staff, Yury Baluyevsky, threatened to unilaterally withdraw from the Intermediate Nuclear Forces Treaty, which prohibits the United States and Russia from deploying arsenals of short- and medium-range missiles in Europe. Mr. Putin later suspended Russia's obligations under the Conventional Forces in Europe Treaty, which historically allowed NATO and the Warsaw Pact to remove much of the military personnel and material that was arrayed along Europe's central front during the height of the Cold War.

Finally, in June of this year, Putin directly threatened to focus Russia's nuclear arsenal on "new targets in Europe." Putin claimed that "the strategic balance in the world is being upset" and that Russia "will be creating a system of countering that antimissile system."

These threats coincided with Russian tests of an advanced ICBM, the RS-24, by Russia.

It ought not. Of course, any third site in Europe will be ineffective against the massive missile capability of Russia. We don't have any capability of doing that. We can create a system that will be very effective against anything the Iranians can do in the decades to come but not Russia. Our plans have no intention of affecting Russia. But we also need not be affected by Mr. Putin's bluster or that we be slowed down in our legitimate interests in protecting our country and our allies from Iranian threats by these kinds of comments from the Russians.

We reduced somewhat—not greatly—but $84 million in funding for the third site in Europe. Colleagues felt that money could not be effectively spent.

They did not believe it was necessary in this year's budget. The problem might be that some would conclude the action by our committee in taking those steps to trim the budget would be a plan to kill missile defenses in Europe.

Yesterday, an article in the Christian Science Monitor entitled "Obstacles Ahead for Missile Defense," stated the Senate was opposed to building defenses against Iranian missiles, in effect, saying:

> In Washington, the Democratic-controlled Congress appears reluctant to fund the move, scrambling its near-term prospects.

I don't think that is true. I think there is bipartisan support for creating a missile defense system, but a firm belief exists on the part of my Democratic colleagues that we should not go so fast that it is not done wisely.

We have reached a proposal in the legislation as written that we can live with. However, there has been some confusion as to our seriousness in this commitment.

In fact, on July 5 the Washington Post ran an article entitled, "Senate Panel Faults Missile Defense Plan." In the article, the Post states:

> Democrats in Congress are building a legislative roadblock for the Bush administration's plan to place elements of a missile defense system in Poland and the Czech Republic.

It is an incorrect perception. It undermines our alliance relationships by causing our allies to think we are not committed in a serious way to building a missile defense system that would be effective against Iranian attacks and be protective of Europe. So I think it is therefore incumbent upon us to clarify the Senate's stance.

The Poles and the Czechs and other NATO allies have all undertaken the momentous challenge of winning over their populations to the idea of American missile defenses in Europe. They have battled anti-Americanism, pressure from Europe and Russia, because they value our friendship, but more importantly because they realize Europe may soon be vulnerable to Iranian nuclear intimidation and potential nuclear attack unless steps are taken to develop defenses now.

I think it would be a slap in the face and unbefitting to our Nation if we were to pull the rug out from under these projects after our allies have stepped up and been supportive of them. We cannot stand idly by, my colleagues, when a madman threatens to destroy the United States and to wipe from the map allies of the United States, then defies the international community by developing the means to carry out these threats.

We are the most powerful military in the world, but some people doubt our seriousness and our commitment. In the Middle East, in particular, this perception of weakness can be a fatal error. So I think it is appropriate for us to make clear to Iran and to Russia and to our allies worldwide that we understand that the Iranian danger is clear and present.

We must leave no uncertainty in anyone's mind that we intend to defend ourselves and our allies from this threat. Our security, the security of our allies, and the credibility of our commitments are all at stake. I will just add that while the Iranian actions are very troubling, they should be taken very seriously. Iran's words cannot be ignored.

I would say one thing further. We have no reason to be intimidated by Iran. We have the capability of defending ourselves, our military, and our interests, and the leaders in Iran need to know this. This Senator is prepared to take whatever steps are necessary to defend our national interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, with regard to the Sessions amendment, it would establish a U.S. policy concerning defense against Iranian ballistic missiles stating that the United States will develop and deploy effectively defenses against Iranian ballistic missiles as soon as technologically possible.

I think everyone agrees with that idea. I would suggest that this is effectively our policy today, and, indeed, is the policy of the bill and is so stated in the bill before us, that we are already developing and deploying a number of missile defense programs to provide such effective defenses.

For example, the United States has already deployed the Patriot PAC-3 system to the region to provide defensive capability for our forward-deployed forces in the region. We are also developing and deploying the AEGIS BMD system, and we are developing the THAAD system. All of these systems will provide effective defense capability against Iran's existing and near-term missile capabilities.

However, we do not have sufficient capability today with these systems to provide the level of protection that our combatant commanders need. Our senior military commanders readily acknowledge that fact, including the combatant commander of the U.S. Strategic Command, General Cartwright. He is responsible for global integrated missile defense. He readily acknowledges that fact.

For that reason, the bill before the Senate authorizes an additional $315 million to increase or accelerate these three crucial near-term missile defense programs. And what they do is to provide increased protection for our forward-deployed forces, our allies, and our friends in the region.

In other words, we are already putting this policy in effect. That is the true measure of our determination to provide effective defenses against Iran's ballistic missiles.

Now, I understand the Republican leader wants to make a statement.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, would the Senator yield 1 minute for my response?

I thank Senator NELSON for his comments. I agree with him that, properly read, our legislation does what he says. But I even had a military person think that perhaps we had done something to weaken our commitment. I think others, such as the Washington Post, may have overinterpreted some of the things that are in that language. I believe this would be a good way to clarify our policy. I thank him for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, before I speak on the amendment concerning the withdrawal from Iraq offered by Senator LEVIN, I would like to make a few comments about the benchmarks report required by the supplemental bill that was signed in May and released by the President just this morning.

We knew when the Senate passed the conference report that according to the legislation we were requiring a benchmark report in July and a benchmark report in September. Why were these dates important? First, we knew that July was important because the Baghdad security plan is now fully manned, something that was achieved less than 1 month ago.

Congress wanted to send a clear signal to the Iraqi Government that full cooperation and sacrifice in executing the Baghdad security plan was imperative and that the hard work of political compromise must begin. We have done that.

Second, General Petraeus informed the Senate that he and Ambassador Crocker would provide an assessment of the counterinsurgency plan to the President, as we all know, in September. Having heard that, the Senate thought it reasonable that we would be provided the same assessment and that we could form a reasoned legislative response to that report.

What have we learned? We have learned that progress is mixed, that many of our military tasks assigned to the military have been achieved, and that we have not seen sufficient progress on the political benchmarks. The Congress decided in May that 1 month of a fully manned surge was an insufficient period to call the Petraeus plan a success or a failure. Certainly, the young soldiers and marines risking their lives today on the streets of Baghdad and Ramadi would agree, and they deserve our patience.

Some of our colleagues have quite reasonably refrained from drafting new amendments that would revisit the actions taken by this Senate back in May until they have at least reviewed the benchmarks report delivered just today.

I would encourage my colleagues to review the report, as I intend to, and to hear what General Petraeus and Ambassador Crocker have to say in September. There is much at stake and, frankly, they deserve to be heard.

AMENDMENT NO. 2087

Now on another matter, Mr. President, the Senate will soon take up the Levin amendment. But before we do, I think it is important that we take a look at what it says.

The Levin amendment says:

> The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of enactment of the enactment of this Act.

Now, exactly what would this reduction involve—10,000 troops, 20,000, 50,000, all of them? Can we at least get maybe a ballpark figure? The Levin amendment does not quite give us one. It only says U.S. forces will have a "limited presence" after this reduction. What is a "limited presence"?

Does it mean limiting our presence in Al Anbar, which everyone agrees has been a stunning success in our fight against al-Qaida? Does it mean limiting our presence in Baghdad? In the Kurdish areas to the north? What does "limited presence" mean? The Levin amendment does not say. We are left to guess.

The Levin amendment says the members of our Armed Forces will only be free to protect the United States and coalition personnel and infrastructure, to train Iraqi security forces, and to engage in targeted counterterrorism operations against al-Qaida. What does "targeted" mean? The Levin amendment does not tell us.

It says:

> The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions by April 30.

But how will we know when he has completed the transition? And how many forces would have to be moved in order for the Secretary of Defense to comply with the bill's mandate to complete it? The amendment is silent on that question as well.

If there were more to this amendment, I might have more questions, but there is not. That is it. The supposedly groundbreaking policy shift that the Democratic majority has been circling around is nothing more than a page and a half of vague policy proposals; in fact, an empty shell. Do they really expect us to send this to conference and to see what might happen? That is wise war policy? That is a responsible alternative to the current policy? That is the alternative they give us to the Petraeus plan, a doctrine that has been widely acclaimed as the last word on counterinsurgency, which is showing signs of success less than a month after it was fully manned?

Look, Democrats and Republicans voted to go into Iraq based on the same intelligence the President had. It is dishonest and it is unhelpful to turn every debate on this war into a discussion of how and why we entered it in the first place.

More than 150,000 American troops are there. They are now fighting the same group that attacked and killed thousands of innocent Americans on 9/11, who attacked many others before and since, and who are plotting to kill thousands more even as we speak. There is one thing we should be concerned about in discussing this war, and it is the one thing we never hear about from the other side; that is, inning the fight against al-Qaida.

Now, the President has recognized that previous strategy failed to focus on the insurgency and al-Qaida. He changed course. Now we are fighting them head on with the Petraeus plan. At full manning, this strategy has been in place for less than a month. We will get a report on its progress in September. What sense does it make to short-circuit that strategy right now, especially when the only alternative we are getting from the other side is a page and a half of questions.

Yesterday, the spokesman for the Multi-National Force in Iraq gave us an update on al-Qaida's operations in Iraq. He reminded us that al-Qaida members refer to Iraq as their central front. This is al-Qaida members who say it is their central front. He told us al-Qaida and its affiliates are the greatest source of the spectacular attacks that are fueling sectarian violence in Iraq.

He told us that in recent months, more and more Iraqis have started to reject al-Qaida and its ideology and are finally fighting back. Troops are getting good, actionable intelligence from these people which they are using to disrupt al-Qaida networks and safe havens in and around Baghdad. He showed us a chart that illustrated some of our recent successes against the enemy. Our Armed Forces in Iraq killed or captured 26 high-level al-Qaida leaders in May and June alone. Eleven of them were emirs who were city or local al-Qaida leaders; seven were smuggling foreigners, weapons, and money into Iraq; five were cell leaders; and three were leaders of IED networks. Last month, our troops uncovered an al-Qaida media hub near Samarra. They have concluded that between 80 and 90 percent of suicide attacks in Iraq are carried out by foreign-born terrorists who have killed some 4,000 Iraqi citizens just over the last 6 months.

These are some of the concrete realities on the ground. This is what is actually happening, not what people over here seem to be talking about. We are fighting al-Qaida head-on, and we are making progress. Would the Levin amendment force us to turn our backs on al-Qaida again? We have no idea. It really doesn't say. But it could. That is something we should all keep in mind as we begin this debate, whether we are willing to go with this or with the Petraeus plan.

Mr. FEINGOLD. Mr. President, I support the provisions in the 2008 Defense authorization bill that seek to prevent premature deployment of missile defenses in Europe, and I continue to have serious concerns about the operational effectiveness and cost of these technologies. I voted for the amendment offered by Senator SESSIONS because Iran may develop the capacity to threaten our allies with nuclear weapons and because the amendment supports development of an "effective defense" when it is "technologically possible." I will continue encouraging the administration to work with the international community to engage directly with Iran.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent that the Sessions amendment No. 2024, as modified, be set aside until 4 p.m. today and that no amendment be in order to the Sessions amendment; that at 4 p.m. today, there be 2 minutes of debate equally divided and controlled between Senator SESSIONS and myself or our designees; that upon the use of that time, without further intervening action or debate, the Senate proceed to vote in relation to the Sessions amendment, as modified.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, I will not object, but I would like to clarify with the chairman that we intend to not only take up the wounded warrior amendment but also, if there are other amendments, if we debate and discuss wounded warrior and there is time for that—we want to tell our colleagues that there are some 98 pending amendments that have not been addressed as of yet, and we would like to address those as soon as possible since we will obviously have a very busy week on this bill next week as well as today. We have 4½ hours between now and the next vote.

My other question to the distinguished chairman is, Is it his desire that we perhaps have another amendment that could be voted on at that time?

Mr. LEVIN. Mr. President, I thank my friend from Arizona. It is our hope that we can complete the debate on the wounded warriors legislation. I did intend to offer that as soon as this unanimous consent agreement is agreed to. Those who wish to speak on the wounded warrior legislation we invite to come to the floor in the next few hours. If the debate on that legislation is completed before 4 o'clock, the Senator from Arizona is correct, we would then, hopefully, have a vote on the wounded warriors amendment immediately after the vote on the Sessions amendment. If debate on the wounded warriors legislation is completed before 4 o'clock, as he indicated, there would then be an opportunity for another amendment to be offered as designated by the ranking member. I believe, in terms of alternating, it is now our turn. I will be offering, on behalf of many Senators, on a bipartisan basis the wounded warrior legislation. Then it is our understanding the next amendment would be from the Republican side.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. McCAIN. I thank the Senator from Michigan. I understand there were already several amendments to the wounded warrior legislation, which have been accepted on both sides, which we will be presenting. I would ask the indulgence of the chairman to make a brief statement before we take up the wounded warrior amendment bill. Would that be OK? It is not on wounded warrior.

Mr. LEVIN. I have no objection whatsoever to Senator MCCAIN being recognized immediately after our UC is accepted—if it is—for a statement. Then it would be the understanding that I would then be recognized to introduce the wounded warrior amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my colleague and friend from Michigan. I know he shares my concern about the work that needs to be done in the next few days to try to get this bill completed. We do urge our colleagues to come forth with relevant amendments. As I mentioned, there are at this time, obviously, a number of amendments my colleagues will want considered and debated, including two very big amendments on Iraq, the Salazar-Alexander amendment, as well as the Reed-Levin amendment which I am sure will take up considerable time. Before we move to the wounded warrior bill, which I praise for its bipartisanship and its effort to bring together both sides of the aisle to address one of the most compelling issues of our time, and that is the treatment of the men and women who are serving in the military—I will have more remarks about that later—I would like to draw my colleagues' attention to an editorial that ran last Sunday in the New York Times titled "The Road Home."

I ask unanimous consent to have that editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 8, 2007]

THE ROAD HOME

It is time for the United States to leave Iraq, without any more delay than the Pentagon needs to organize an orderly exit.

Like many Americans, we have put off that conclusion, waiting for a sign that President Bush was seriously trying to dig the United States out of the disaster he created by invading Iraq without sufficient cause, in the face of global opposition, and without a plan to stabilize the country afterward.

At first, we believed that after destroying Iraq's government, army, police and economic structures, the United States was obliged to try to accomplish some of the goals Mr. Bush claimed to be pursuing, chiefly building a stable, unified Iraq. When it became clear that the president had neither the vision nor the means to do that, we argued against setting a withdrawal date while there was still some chance to mitigate the chaos that would most likely follow.

While Mr. Bush scorns deadlines, he kept promising breakthroughs—after elections, after a constitution, after sending in thousands more troops. But those milestones came and went without any progress toward a stable, democratic Iraq or a path for withdrawal. It is frighteningly clear that Mr. Bush's plan is to stay the course as long as he is president and dump the mess on his successor. Whatever his cause was, it is lost.

The political leaders Washington has backed are incapable of putting national interests ahead of sectarian score settling. The security forces Washington has trained behave more like partisan militias. Additional military forces poured into the Baghdad region have failed to change anything.

Continuing to sacrifice the lives and limbs of American soldiers is wrong. The war is sapping the strength of the nation's alliances and its military forces. It is a dangerous diversion from the life-and-death struggle against terrorists. It is an increasing burden on American taxpayers, and it is a betrayal of a world that needs the wise application of American power and principles.

A majority of Americans reached these conclusions months ago. Even in politically polarized Washington, positions on the war no longer divide entirely on party lines. When Congress returns this week, extricating American troops from the war should be at the top of its agenda.

That conversation must be candid and focused. Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs. Perhaps most important, the invasion has created a new stronghold from which terrorist activity could proliferate.

The administration, the Democratic-controlled Congress, the United Nations and America's allies must try to mitigate those outcomes—and they may fail. But Americans must be equally honest about the fact that keeping troops in Iraq will only make things worse. The nation needs a serious discussion, now, about how to accomplish a withdrawal and meet some of the big challenges that will arise.

The United States has about 160,000 troops and millions of tons of military gear inside Iraq. Getting that force out safely will be a formidable challenge. The main road south to Kuwait is notoriously vulnerable to roadside bomb attacks. Soldiers, weapons and vehicles will need to be deployed to secure bases while airlift and sealift operations are organized. Withdrawal routes will have to be guarded. The exit must be everything the invasion was not: based on reality and backed by adequate resources.

The United States should explore using Kurdish territory in the north of Iraq as a secure staging area. Being able to use bases and ports in Turkey would also make withdrawal faster and safer. Turkey has been an inconsistent ally in this war, but like other nations, it should realize that shouldering part of the burden of the aftermath is in its own interest.

Accomplishing all of this in less than six months is probably unrealistic. The political decision should be made, and the target date set, now.

Despite President Bush's repeated claims, Al Qaeda had no significant foothold in Iraq before the invasion, which gave it new base camps, new recruits and new prestige.

This war diverted Pentagon resources from Afghanistan, where the military had a real chance to hunt down Al Qaeda's leaders. It alienated essential allies in the war against terrorism. It drained the strength and readiness of American troops.

And it created a new front where the United States will have to continue to battle terrorist forces and enlist local allies who reject the idea of an Iraq hijacked by international terrorists. The military will need resources and bases to stanch this self-inflicted wound for the foreseeable future.

The United States could strike an agreement with the Kurds to create those bases in northeastern Iraq. Or, the Pentagon could use its bases in countries like Kuwait and Qatar, and its large naval presence in the Persian Gulf, as staging points.

There are arguments for, and against, both options. Leaving troops in Iraq might make it too easy—and too tempting—to get drawn back into the civil war and confirm suspicions that Washington's real goal was to secure permanent bases in Iraq. Mounting attacks from other countries could endanger those nations' governments.

The White House should make this choice after consultation with Congress and the other countries in the region, whose opinions the Bush administration has essentially ignored. The bottom line: the Pentagon needs enough force to stage effective raids and airstrikes against terrorist forces in Iraq, but not enough to resume large-scale combat.

One of Mr. Bush's arguments against withdrawal is that it would lead to civil war. That war is raging, right now, and it may take years to burn out. Iraq may fragment into separate Kurdish, Sunni and Shiite republics, and American troops are not going to stop that from happening.

It is possible, we suppose, that announcing a firm withdrawal date might finally focus Iraq's political leaders and neighboring governments on reality. Ideally, it could spur

Iraqi politicians to take the steps toward national reconciliation that they have endlessly discussed but refused to act on.

But it is foolish to count on that, as some Democratic proponents of withdrawal have done. The administration should use whatever leverage it gains from withdrawing to press its allies and Iraq's neighbors to help achieve a negotiated solution.

Iraq's leaders—knowing that they can no longer rely on the Americans to guarantee their survival—might be more open to compromise, perhaps to a Bosnian-style partition, with economic resources fairly shared but with millions of Iraqis forced to relocate. That would be better than the slow-motion ethnic and religious cleansing that has contributed to driving one in seven Iraqis from their homes.

The United States military cannot solve the problem. Congress and the White House must lead an international attempt at a negotiated outcome. To start, Washington must turn to the United Nations, which Mr. Bush spurned and ridiculed as a preface to war.

There are already nearly two million Iraqi refugees, mostly in Syria and Jordan, and nearly two million more Iraqis who have been displaced within their country. Without the active cooperation of all six countries bordering Iraq—Turkey, Iran, Kuwait, Saudi Arabia, Jordan and Syria—and the help of other nations, this disaster could get worse. Beyond the suffering, massive flows of refugees—some with ethnic and political resentments—could spread Iraq's conflict far beyond Iraq's borders.

Kuwait and Saudi Arabia must share the burden of hosting refugees. Jordan and Syria, now nearly overwhelmed with refugees, need more international help. That, of course, means money. The nations of Europe and Asia have a stake and should contribute. The United States will have to pay a large share of the costs, but should also lead international efforts, perhaps a donors' conference, to raise money for the refugee crisis.

Washington also has to mend fences with allies. There are new governments in Britain, France and Germany that did not participate in the fight over starting this war and are eager to get beyond it. But that will still require a measure of humility and a commitment to multilateral action that this administration has never shown. And, however angry they were with President Bush for creating this mess, those nations should see that they cannot walk away from the consequences. To put it baldly, terrorism and oil make it impossible to ignore.

The United States has the greatest responsibilities, including the admission of many more refugees for permanent resettlement. The most compelling obligation is to the tens of thousands of Iraqis of courage and good will—translators, embassy employees, reconstruction workers—whose lives will be in danger because they believed the promises and cooperated with the Americans.

One of the trickiest tasks will be avoiding excessive meddling in Iraq by its neighbors—America's friends as well as its adversaries.

Just as Iran should come under international pressure to allow Shiites in southern Iraq to develop their own independent future, Washington must help persuade Sunni powers like Syria not to intervene on behalf of Sunni Iraqis. Turkey must be kept from sending troops into Kurdish territories.

For this effort to have any remote chance, Mr. Bush must drop his resistance to talking with both Iran and Syria. Britain, France, Russia, China and other nations with influence have a responsibility to help. Civil war in Iraq is a threat to everyone, especially if it spills across Iraq's borders.

President Bush and Vice President Dick Cheney have used demagoguery and fear to quell Americans' demands for an end to this war. They say withdrawing will create bloodshed and chaos and encourage terrorists. Actually, all of that has already happened—the result of this unnecessary invasion and the incompetent management of this war.

This country faces a choice. We can go on allowing Mr. Bush to drag out this war without end or purpose. Or we can insist that American troops are withdrawn as quickly and safely as we can manage—with as much effort as possible to stop the chaos from spreading.

Mr. McCAIN. It is worth spending a few moments to discuss this editorial because it is not often that one of America's flagship papers declares as lost a war which 160,000 brave American soldiers are trying mightily to win.

Beginning with its first line in this remarkable editorial, "It is time for the United States to leave Iraq without any more delay than the Pentagon needs to organize an orderly exit," the Times editorial advocates a precipitous withdrawal of American forces. It does so conceding that such a withdrawal is likely to increase the chaos and bloodshed in Iraq, not decrease it, and that a redeployment could prompt "reprisals, further ethnic cleansing, even genocide." A remarkable statement that a newspaper that frequently calls for the United States to bring its national power to bear for moral purposes, not the least of which in the Darfur region of Sudan, could so easily throw out consequences that are so terrible.

In the opinion of the New York Times, apparently genocide is not worth fighting to prevent, nor is it worth fighting to prevent "potentially destabilizing refugee flows" hitting Jordan and Syria or to stop Iran from filling the power vacuum left behind by our departure or disrupting a likely terrorist sanctuary. No, none of these things are worth fighting for in the Times' opinion because it has concluded that "keeping troops in Iraq will only make things worse."

This misunderstanding clouds the entirety of the editorial. The Times appears to believe that because things have been mismanaged since 2003 and because violence remains at unacceptably high levels, things simply can't get worse, so we should withdraw and at least save ourselves. But this is sheer folly. Things in Iraq, however bad they have been and remain, could get far, far worse. Anyone who recalls Cambodia or Rwanda or any of the other places that have seen killing on a massive scale knows just how terrible violence can be when it spirals out of control.

The consequences of a precipitous withdrawal from Iraq include emboldening terrorists, inducing a wider regional war, fanning the flames of a Sunni-Shia conflict, putting millions of lives at risk, and destabilizing an area key to America's strategic interests.

The editorial States bluntly, "Whatever [the President's] cause was, it is lost," because "additional military forces poured into the Baghdad region have failed to change anything." That is a remarkable statement, a remarkable statement. "Additional military forces poured into the Baghdad region have failed to change anything." I just came back from a visit. I know I have been pilloried for saying that there has been progress in Iraq. Well, they can pillory General Petraeus and they can pillory their own reporters who have clearly pointed out that there have been measurements of success—and a long, long way to go, but the fact is, there has been some success.

The fact is, in Baghdad, as General Petraeus attests, it is demonstrably untrue that additional military forces poured into the Baghdad region have failed to change anything. In Baghdad, U.S. military and Iraqi forces are establishing joint security stations and patrolling the city together to manage violence. Since January, sectarian violence has fallen. The total number of car bombings and suicide attacks has declined in May and June, and the number of Iraqis coming forward with information is rising.

The President offered an assessment today. There are some areas of success. There are some areas of no movement, and there are some areas of failure, particularly where the Iraqi Government is concerned. We should know that. In an area south of Bagdad, commanders report increasing numbers of local tribes siding with the coalition against al-Qaida and similar effects north of the city.

This editorial makes the breathtaking assertion that the war in Iraq is "a dangerous diversion from the life-and-death struggle against terrorists." Someone from the editorial board must have neglected to inform our troops on the ground, who, when I visited them last week in Baghdad and Anbar, spent several hours briefing me on their counterterrorism operations. The editors must have also neglected to speak with General Petraeus, who has called Iraq "the central front of al-Qaida's global campaign."

In case terrorists remain in Iraq and seek to plan attacks outside the country, the Times has an answer. The United States can set up bases in Kuwait and Qatar and even in northern Iraq because:

> . . . the Pentagon needs enough force to stage effective raids and airstrikes against terrorist forces in Iraq.

Yet I wonder whether the Times has thought through any of the logistical issues associated with waging a counterterrorism effort from a neighboring country. Do we send American counterterrorism teams into Iraq for these operations? Do they remain in place? How are they supplied? We have seen for 3½ years that such efforts are much less successful when our troops are confined to forward operating bases than when our soldiers are deployed among the population, in the cities. I can hardly imagine how difficult it would be to wage the same struggle not from forward operating bases but from a neighboring nation.

These troops would not be needed to help stop an incipient civil war because, as the Times tells us, "that war is raging, right now." Iraq may fragment into separate states, the editorial goes on, but "American troops are not going to stop that from happening."

Well, a couple days ago, Iraqi Foreign Minister Hoshyar Zebari explained that the dangers of a quick American pullout from Iraq could include a civil war. I suspect the foreign minister means a real, full-scale civil war, one that dwarfs the violence taking place today. I also suspect the foreign minister understands there is no clear delineation between sectarian violence, whether or not it constitutes civil war, and terrorist activity. Al-Qaida bombed the mosque in Samara in a deliberate attempt to foment sectarian violence. Zarqawi wrote of his plans to target the Shia before his own death. Walking away from Iraq would not simply leave an ongoing sectarian struggle simmering away at its own pace, sealed off from the world. Civil war in Iraq has real implications for American national security interests.

After the withdrawal prompts the terrible consequences that even the New York Times foresees, it will be incumbent upon the United States to ameliorate the fallout. This, the editorial page tells us, can be done by talking to Iran—by talking to Iran—to pressure it to "allow Shiites in southern Iraq to develop their own independent future."

At a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq, I think it is a pretty safe bet that Tehran will not be open to many of Washington's entreaties following a withdrawal. The much more likely course is that Iran will comfortably step into the power vacuum left by a U.S. redeployment. When it does so, though, the Times would have Washington "persuade Sunni powers like Syria not to intervene on behalf of Sunni Iraqis." My friends, that would be a tough sell, to put it mildly, if the Iranians are in the regional ascendance.

Perhaps the root of the New York Times' misconception of the war in Iraq is crystallized by a sentence in its final paragraph. It expresses fierce opposition to "allowing Mr. Bush to drag out this war without end on purpose." "Allowing Mr. Bush to drag out this war without end on purpose." I think all of us would oppose any war without end or purpose, but this does not describe the conflict in Iraq. We remain in Iraq to bring enough security to allow the Government to function in a way that will protect the people of Iraq and, as a result, the national interests of the United States. That is the purpose and the end goal of this war, as I see it.

But do not take my word for it, Mr. President. Ask the thousands of brave men and women who are putting themselves in harm's way every day. I had the privilege to once again visit many of them in Iraq last week, and I can tell my colleagues they understand the purpose. I wish I could say the same of our journalistic friends in New York.

Mr. President, I wish to remind my colleagues about the statements that have been made by various people who are experts on Iraq and are respected national security advisers, including people such as Brent Scowcroft and Henry Kissinger, and many others who have been involved in this issue, many of whom, like General Zinni, were opposed from the beginning to the conflict but now believe setting a date for withdrawal will be a disaster of monumental consequences.

I hope the editorial page of the New York Times would listen to some of those people. For example, Henry Kissinger, who recently said that setting a date for withdrawal will lead to chaos in the region; including people such as General Zinni, who had opposed our intervention in Iraq to start with, who said setting a date for withdrawal would have catastrophic consequences.

I have seen some interesting op-ed pieces in my time. I have rarely seen one that is farther off the mark than the editorial in last Sunday's New York Times. I am convinced that if we pursued that course, as the editorial leads: that the war is lost, and it is time for the United States to leave Iraq without any more delay, and the Pentagon needs to organize an orderly exit—is a remarkable statement by one of the largest newspapers in America.

Henry Kissinger—I think we can find wisdom in several suggestions put forward by him. But we also should heed his words, as well as many others. He is correct to say: "precipitate withdrawal would produce a disaster," one that "would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia," produce greater violence among Iraqi factions and "embolden radical Islamism" around the world.

My friends, I hope the editorial writers for the New York Times would pay attention to Ayman al-Zawahiri, al-Qaida's deputy chief, who said that the United States is merely delaying our "inevitable" defeat in Iraq, and that "the Mujahideen of Islam in Iraq of the caliphate and jihad are advancing with steady steps towards victory."

Their target is not Iraq. Pay attention to their words. Their target is the United States of America.

Recall the plan laid out in a letter from Zawahiri to Abu Mus'ab al-Zarqawi before his death. That plan is to take shape in four stages: establish a caliphate in Iraq, extend the jihad wave to the secular countries neighboring Iraq, clash with Israel—none of which will commence until the completion of stage one—expel the Americans from Iraq.

If the New York Times editorial board does not pay attention to the words of people like me and General Scowcroft and General Zinni and Dr. Kissinger, and many other people who are experts, I would hope they would pay attention to the words of Zarqawi, Zawahiri, and others who have made very clear what their intentions are in Iraq.

Mr. President, at this time I yield the floor and ask unanimous consent that Senator LEVIN offer the wounded warrior legislation or whatever he wants.

The PRESIDING OFFICER. Is there objection?

The senior Senator from Michigan.

Mr. LEVIN. Mr. President, I did not have a chance, because the Senator was speaking, to ask the Senator from Arizona if there would be any objection if instead of offering the wounded warrior amendment at this time that I yield to the Senator from North Dakota for a statement on an amendment, a different amendment that he intends to offer. I think his statement would last 15 minutes or 20 minutes.

Mr. McCAIN. How long?

The PRESIDING OFFICER. Does the Senator from Arizona withdraw his unanimous consent request?

Mr. McCAIN. I withdraw it. I just wonder how long, again.

Mr. LEVIN. Mr. President, 15 or 20 minutes.

The PRESIDING OFFICER. The Senator withdraws the unanimous consent request.

Mr. McCAIN. Mr. President, could I ask the Senator from Michigan to amend the request to immediately following the remarks of the Senator from North Dakota that then there would be the offering of the wounded warrior amendment?

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from North Dakota be recognized for up to 20 minutes to speak on an amendment that he would intend to offer at a later time, and immediately following that I then be recognized to offer the wounded warrior legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized for up to 20 minutes.

Mr. DORGAN. Mr. President, let me thank my colleague from Michigan and my colleague from Arizona as well.

I believe my colleague, Senator CONRAD from North Dakota, may well join me, if he is able to.

I want to describe an amendment we have filed. We will attempt to offer it at some point, but I have filed an amendment, along with my colleague, Senator CONRAD, and I want to describe it briefly. As I do, let me say this: I understand, and have always understood, it is far easier, when making a case, to make the negative side than the positive side. I understand, and have always understood, it is easier to recognize failure than it is to recognize success. I respect everyone's views on this issue, this issue of the war in Iraq, the fight against terrorism. It is a passionate debate we have in this Chamber and in this country. I respect the views of everyone who stands and offers their thoughts about what this country ought to do.

We need to get this right. The future of this country, perhaps the future of the world, depends on our ability to get this right. But I have been waking up in the mornings and picking up the morning papers and seeing statements in the papers that have bothered me a lot.

I want to mention, as we bring to the floor of the Senate a piece of legislation authorizing the spending for our military of $640 billion roughly—$640 billion—and we are building anti-ballistic missile defense systems, we are building ICBMs, we are building tanks and planes and ships, we are doing all these things, and we are spending a lot of money—but, even as we do all that, let me review something else, if I might.

It has been 6 years since Osama bin Laden and al-Qaida attacked us with 19 people and box cutters, hijacking airplanes loaded with fuel and killing innocent Americans—thousands of them.

Six years since those attacks. A long time.

It has been 6 long years, and yet Osama bin Laden is still free today. He has not been brought to justice.

It has been 6 long years, and al-Qaida is stronger today than it has been in years, according to all of the reports recently released.

It has been 6 years, and al-Qaida is now rebuilding its terrorist training camps, along with the Taliban, in a safe harbor.

It has been 6 years, and they are reconstituting their ability to attack us. Yes, al-Qaida and the Taliban are reconstituting their operational capability in a safe hideaway in Pakistan. It is called a "secure hideaway in Pakistan" officially.

It remains the greatest threat to the United States, even after these 6 long years: after two wars in two countries, after trillions of dollars spent on those wars and for homeland security, after the deaths of thousands of our military, and after the wounding of tens of thousands of our military.

Yesterday, we heard from the No. 2 person, al-Zawahiri. He has released about a dozen tapes in the last year. Previously, we heard from Osama bin Laden. They are free, and they have escaped justice, and they are exhorting their followers to attack and kill, and al-Qaida is reconstituting.

All this after six years.

Let me describe a couple of things.

On, January, 11, 2007, in testimony before the Senate Select Committee on Intelligence, the top intelligence person in our country said:

> Al Qaeda continues to plot attacks against our Homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideaway in Pakistan.

Our top intelligence person in this country said they have a secure hideout in Pakistan. John Negroponte said that. He was the Director of National Intelligence at the time. That was only a few months ago.

Here is what he also said:

> Al Qaeda is the terrorist organization that poses the greatest threat to US interests, including to the Homeland.

January 2007. That is not from the New York Times or the Washington Post, that is the testimony from John Negroponte, who at that point was the top intelligence official in our Government. Al Qaeda had a secure hideaway in Pakistan and remained the greatest threat to the U.S.

Now, 2 days ago, I read in the paper that the head of our Homeland Security agency has a "gut feeling" about a new period of increased risk—a "gut feeling."

Well, let me show you what we had in August of 2001: a Presidential daily briefing. This was released, by the way, about 3 years ago. This was the Presidential daily briefing, and I have it in my hand, dated August 6, 2001. The title is "Bin Laden determined to strike in the U.S."

That was the Presidential daily briefing in August of 2001. "Bin Laden determined to strike in the U.S."

July of 2007, almost six years later, top administration officials say that "Al Qaeda is better positioned to strike the West." That's the secret intelligence assessment of the National Counter Terrorism Center.

Think of that for a moment. Six years have passed. Six years have passed since the attacks of September 11, 2001. But, here we are debating a $640-plus billion authorization bill for armaments of every kind, and the greatest threat to our country today, according to the top intelligence Director in this Government, is al-Qaida and its network. And they operate from a secure hideaway in Pakistan. And, they are rebuilding their operational capability. Six years later.

What has happened? What is happening? Well, we wake up in the morning and we read what is happening: Officials are worrying of a terror attack this summer. Michael Chertoff says he has a "gut feeling" about that. Other U.S. counterterrorism officials who spoke on condition of anonymity shared Chertoff's concern. This article says:

> Al-Qaida and like minded groups have been able to plot and train more freely in the tribal areas along the Afghan-Pakistani border in recent months.

I have been in that area. I have flown over the Afghanistan and Pakistani area border. I understand what it looks like. I understand you can't see where one country starts and another country begins. I understand how difficult all this must be. But I don't understand how this administration has decided, after 6 long years, that it doesn't matter so much that we haven't captured Osama bin Laden. The President himself said that. He doesn't worry much about Osama bin Laden. That's a direct quote. I can get it for you. That's exactly what he said: Don't worry much about him.

Well, our country ought to worry about him. The leadership of al-Qaida is the leadership of the organization that attacked this country and who, even now, we are told, are planning additional attacks against this country. So how is it in all this time that has elapsed that Osama is still on the loose and that al-Qaida is getting stronger and stronger.

How is it that this is so even after the President said "If you harbor terrorists, you are the same as terrorists to us; there will be no safe harbor." There was a safe harbor in Afghanistan for the terrorists. The Taliban gave them a safe harbor, so we went to war in Afghanistan. We drove out the Taliban and got rid of the safe harbor. That's what we did back in 2001 and 2002.

But, apparently now, there is another safe harbor for Osama bin Laden and al-Qaida. After 6 long years, they have another safe harbor. It's in Pakistan or on the border of Pakistan and Afghanistan. They have terrorists training camps there. They are rebuilding. They are planning. Just like they did before.

We must do something about this. We must not ignore this warning. We must act now.

Senator CONRAD and I have filed an amendment and we will offer it when we get the opportunity. It will do a couple of things. No. 1, it will insist we be given classified briefings on a quarterly basis on the hunt for Osama bin Laden and the leadership of al-Qaida.

It will require that every quarter the Defense Department and the Director of National Intelligence provide Congress with a classified briefing telling us what is being done by the resources of this administration and the resources that are given in this Defense authorization bill to apprehend and bring to justice Osama bin Laden, al-Zawahiri, and others who led the attacks against this country and who even today plan additional attacks against our country.

This is an urgent matter. This isn't just going after those who attacked us yesterday. It's about going after those seeking to attack us today and tomorrow.

Just 2 weeks ago, the McClatchy Newspaper, on June 26, 2007, reported that "Al-Qaida regroups in a new sanctuary on the Pakistani border," senior U.S. military intelligence and law enforcement officials say. It reported that "While the U.S. presses its war against insurgents linked to al-Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping, and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan."

Six years after the attacks in this country, this is what we read.

Now, we are in a war in the country of Iraq. I understand there are some in this Chamber who say this is the beachhead against al-Qaida. It is not. Does al-Qaida exist in Iraq? Yes, it does. But most of what is happening in Iraq is sectarian violence: Shia killing Sunni, Sunni killing Shia, Sunni and Shia killing American soldiers. Yes, al-Qaida exists in Iraq, but al-Qaida has largely come to Iraq as a result of what has been happening in Iraq. It was not and is not the central fight with respect to the war on terror.

I spoke about this previously with respect to an amendment of this type. Incidentally, Senator CONRAD and I have gotten this amendment passed by the Senate previously, but it gets dropped in conference. My hope is it will pass the Senate once again and this time—this time, at long last—it will not be dropped in conference.

Finally, on a quarterly basis, at least, we will be able to get classified information about whether this administration is pursuing and bringing to justice those who attacked this country on 9/11, 2001, and those who, according to the papers this morning and yesterday morning and the morning before that, continue to plot those attacks against this country.

How much longer will we be asked to read these stories, in most cases by unnamed administration officials?

> "Senior leaders of al-Qaida operating from Pakistan over the past year have set up a band of training camps in the tribal regions near the Afghan border," according to American intelligence and counterterrorism officials. "American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistani tribal area north of Waziristan."

Those are the reports. They have been the same for a year or so now. Every couple of months we read this.

I think it is important to ask the question—as we describe a piece of legislation that will offer $640-plus billion for the Department of Defense—I think it is important for us to ask the question as to whether at least a portion of this is dedicated to bringing to justice those who attacked this country.

If the head of our intelligence service is correct when he says that "Al-Qaida is the terrorist organization that poses the greatest threat to U.S. interests, including to the Homeland," then why is the central fight not a fight to apprehend and bring to justice the leadership of al-Qaida?

Why are they free today? Why are they in a secure area? Why are they harbored in a secure area where they are plotting attacks against our country and other countries? Why does that exist? It seems to me, at least in part, it must be a matter of will. The central fight, in my judgment, ought to be the fight to bring to justice those who attacked our country.

Now, with respect to Iraq, this country is going to leave Iraq. That is not the question. The question is when and how.

The American people are not going to continue year after year after year asking American soldiers to be in the middle of a civil war in Iraq. It simply will not be the case that the American people will allow that to happen. So we are going to leave Iraq; the question is how and when. We will debate that via several amendments over the coming days.

But my point this morning is to say, while we debate Iraq and debate the circumstances of American troops largely in the middle of a civil war in Iraq, the question remains: Why? Why, after 6 years, does Osama bin Laden remain free? Why does he remain in a secure hideaway and remain apparently at the top, along with al-Zawahiri, in charge of al-Qaida, plotting attacks against free people? Why is that still the case?

Shouldn't we, finally, at last, at long last as a country, insist that our major objective be to bring to justice the leaders of al-Qaida and destroy the al-Qaida network? That is the real fight against terrorism.

There is so much to say about so many subjects on the Defense authorization bill, but when we talk about defending our country's interests, we can go back some years and recall that we were in the middle of a Cold War, where we knew who the enemy was. The enemy was a nation state. In that case, the Cold War was the Soviet Union; the Soviet Union and the United States built large arsenals of nuclear weapons to stand each other off in something called mutually assured destruction.

Times have changed. The Soviet Union doesn't exist anymore. Now, the major threat to our country is not a nation state. It is not an organization that has an "army" that wears uniforms. The greatest threat to our country now, according to testimony before the Select Committee on Intelligence of our country's most senior intelligence official, the Director of Intelligence, Mr. Negroponte, is clear:

> Al-Qaida is the terrorist organization that poses the greatest threat to U.S. interests, including to the Homeland.

If that is the case, then where is the strategy in the use of all the resources we provide in this legislation to the administration? Where is the strategy to bring to justice those who attacked this country? Regrettably and unfortunately, I think that strategy has not existed for far too long.

As I indicated, I have filed the amendment I have written and the amendment that I and Senator CONRAD, who joins me in this amendment, will attempt to have considered by the Senate. I assume it will be considered following the consideration of several others of the Iraq amendments that have already been noticed. The amendment we have filed requires classified reports on a quarterly basis. It also will double the reward that has been offered from $25 million to $50 million for apprehending or information leading to the apprehension of Osama bin Laden.

We gave the current administration substantial authority to boost the reward 2 years ago. It did not do that. We believe that, because nothing seems to happen with this administration on this issue, it is important for the Congress to push and to insist.

In this amendment, we ask for four key things. We ask that the classified briefings be given to Congress telling us the likely current location of the al-Qaida leadership. All of the information suggests that senior leaders in this administration know generally where that location is.

We ask for a description of the ongoing efforts to bring the leadership of al-Qaida to justice and a report on the Governments of the countries in which al-Qaida is allowed to exist and allowed to rebuild. We ask for reports on whether they are fully cooperating with us and what they are doing to help us apprehend those who attacked our country.

So that represents my interest in trying to address this issue. Once again, I have spoken to Senator LEVIN previously on this issue. In fact, we have previously passed a similar amendment through the Senate, and I appreciate his cooperation in doing so. I would ask of Senator LEVIN if he would give us some consideration. We filed the amendment, and we will ask to follow it up and have it considered at some appropriate point.

He, of course, manages this bill and has the juggling requirement to meet all the needs for time that people have. I see my colleague, Senator CONRAD, is coming to the floor, and I think I have a few minutes remaining. As he joins us to speak of his interest in this amendment, let me ask Senator LEVIN, if I might, while we are waiting for Senator CONRAD, would we have an opportunity either this week or next week to be able to consider our amendment?

Mr. LEVIN. Mr. President, that would be our plan and our hope. Perhaps the Senator from North Dakota could remind me, did we clear this amendment or was there a rollcall vote on this?

Mr. DORGAN. The amendment was cleared, I believe. We actually offered it twice, but I believe it was cleared.

Mr. LEVIN. I would hope we could clear it again, and if not, there will be a spot for the Senator to offer the amendment.

Mr. DORGAN. We would like, if necessary, a rollcall vote on the amendment and I thank you for your consideration. As I said, Senator CONRAD will take the remaining time, so at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, how much time is remaining of the unanimous consent?

The PRESIDING OFFICER. There is 1 minute 45 seconds.

Mr. LEVIN. How much time does Senator CONRAD, if I could address him, need? We were delaying introducing the wounded warriors legislation in order to give the Senator an opportunity to speak on the amendment which he plans on offering. Is that the same amendment which——

Mr. CONRAD. Yes.

Mr. LEVIN. I wonder if the Senator could let us know about how long it would be?

Mr. CONRAD. Ten minutes.

Mr. LEVIN. Senator MCCAIN is not here, but I doubt that he would have any objection, so therefore I take the liberty of asking unanimous consent that Senator CONRAD be recognized for 10 minutes and then I be recognized to introduce the wounded warrior legislation. Senator AKAKA is also here, and I am wondering if he has any objection.

Mr. AKAKA. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the September 11, 2001 attack by al-Qaida, led by Osama bin Laden, is seared on the soul of the Nation. I know it is a day I will never forget. President Bush vowed then to bring Osama bin Laden and his al-Qaida terrorist allies to justice.

Days after 9/11, President Bush said:

> This act will not stand; we will find those who did it; we will smoke them out of their holes . . . we will bring them to justice.

Every American shared those feelings. Similar to Pearl Harbor, the date of 9/11 became a seminal moment for our Nation, a day we cannot and must not forget. But it has now been nearly 6 years—2,130 days—since the attacks of 9/11—that's more time than America took fighting fascism in World War II.

Osama bin Laden is still at large. In fact, he and al-Qaida are gaining strength, by all accounts. Two weeks ago in Great Britain, we saw a failed attempt to target airports with car bombs. Two years ago, London subway bombings killed 52 and injured 700—bombings which may be linked to al-Qaida.

Today's newspapers report U.S. intelligence analysts have concluded that al-Qaida has rebuilt to its pre-9/11 strengths. These analysts say al-Qaida is "considerably operationally stronger than a year ago" and has "regrouped to an extent not seen since 2001." The reports suggest al-Qaida has created "the most robust training program since 2001, with an interest in using European operatives" and is "showing greater and greater ability to plan attacks in Europe and the United States."

Private experts agree al-Qaida is now stronger than before. According to the National Memorial Institute for the Prevention of Terrorism, the number of al-Qaida operatives worldwide has grown from 20,000 6 years ago to 50,000 today.

What is going on here? What does it say to jihadists around the world that a terrorist mastermind such as bin Laden can kill 3,000 Americans and remain alive and untouched 6 years later? What does it say that he and his allies are gaining strength?

There can be only one conclusion: The President got our priorities wrong. Before finishing with al-Qaida and capturing bin Laden, President Bush lost focus.

We know who attacked us on 9/11. It was Osama bin Laden and al-Qaida, not Saddam Hussein and Iraq. Yet the painful truth is the administration got our priorities wrong. The President pulled troops and intelligence specialists out of Afghanistan and the search for Osama bin Laden and the leaders of al-Qaida and instead attacked Iraq.

USA Today reported:

> In 2002, troops from the 5th Special Forces Group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden in Afghanistan to prepare for their next assignment: Iraq. Their replacements were troops with expertise in Spanish culture.

Are people hearing this? We pulled experts in the Arab language and Middle East culture out of the hunt for Osama bin Laden, an Arabic speaker who led the attack on us, and we put those troops over into the hunt for Saddam Hussein in Iraq and replaced them with experts in Spanish culture. There are not many Spanish speakers in Afghanistan and Pakistan.

> The CIA, meanwhile, was stretched badly in its capacity to collect, translate, and analyze information coming from Afghanistan. When the White House raised a new priority, it took specialists away from the Afghanistan effort to ensure Iraq was covered.

I believe this will go down in history as a profound mistake. We lost focus. The President took us on a path that proved to be a distraction. Instead of following up on Osama bin Laden and al-Qaida, we got diverted and directed our energy and attention to Saddam Hussein and Iraq. I believe the priorities were wrong.

The former head of the CIA's bin Laden unit called the invasion of Iraq "a godsend to Osama bin Laden." So I have to ask why—why did we allow our post-9/11 focus on bin Laden to be distracted? Why didn't we have enough forces on the ground at Tora Bora to get the job done and capture bin Laden and his al-Qaida allies? The answer, I believe, unfortunately is clear: The administration made a strategic error and shifted its focus from Afghanistan to Iraq. I believe, as I have said before, that that was a profound mistake.

I spent the last 2 years of my high school years living in the Arab culture. I attended an American Air Force base high school in Tripoli, Libya. In that culture, it is critically important not to allow someone to go uncaptured and unaccounted for who launched an attack. If you don't finish business with those who attack you, they only grow in the public mind. That is absolutely the wrong message to send.

Last September, the administration once again showed it is not focused on al-Qaida. President Bush's national strategy for combating terrorism includes only one passing reference to Osama bin Laden. Last September, the White House issued an updated strategy for counterterrorism. In a 23-page document, bin Laden's name appears only once.

This man ordered the killing of 3,000 innocent Americans, but in the administration's report on fighting terrorist threats, he is only an afterthought.

It has now been 2,130 days since President Bush said "We will find those who did it; we will smoke them out of their holes . . . we will bring them to justice." Those were absolutely the right sentiments and the right plan. Unfortunately, the President's strategy has failed. He has not found Osama bin Laden. He has not smoked him out of his hole, and he has not been brought to justice. Osama bin Laden and al-Qaida operatives continue to threaten this Nation.

I believe that is unacceptable. We must capture or kill Osama bin Laden. We must bring his entire network of terrorists to justice. I believe deeply that stopping al-Qaida should be our top priority.

Our amendment makes that clear. It is very simple. It says that capturing or killing Osama bin Laden and dismantling al-Qaida should be our top priority.

Our amendment has two parts. First, it doubles the bounty on Osama bin Laden. Whether we capture or kill him, it is past time that he be brought to justice. I urge my colleagues to join us in sending that message.

Second, our amendment requires a clear report to Congress, laying out the administration's strategy for bringing bin Laden and al-Qaida operatives to justice.

I urge my colleagues to make it this Nation's top military priority to bring Osama bin Laden to the justice that he deserves as the world's most notorious terrorist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 2019 TO AMENDMENT NO. 2011

(Purpose: To provide for the care and management of wounded warriors)

Mr. LEVIN. Mr. President, I call up amendment No. 2019, the dignified treatment of wounded warriors amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. McCAIN, Mr. AKAKA, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. McCASKILL, Mr. DURBIN, Ms. STABENOW, Mr. HARKIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. BOND, Mr. ISAKSON, Mr. SALAZAR, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. LOTT, Mr. DODD, Mrs. HUTCHISON, Mr. CARDIN, and Mr. BIDEN, proposes an amendment numbered 2019 to 2011.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Monday, July 9, 2007, under "Text of Amendments.")

Mr. LEVIN. Mr. President, I am offering this with Senators McCAIN, AKAKA, WARNER, MURRAY, GRAHAM, and about 40 other Senators who are listed on the amendment.

This amendment, in bill form, was introduced on June 13 of this year. It was marked up and unanimously agreed to by the Armed Services Committee on the 14th of June. It was reported to the full Senate on the 18th of June. As of now, as I indicated, we have over 40 cosponsors. The ideas of many Senators and parts of legislation championed by many Senators are incorporated in this amendment.

This is truly a bipartisan amendment. It is an amendment that has had a huge amount of input by many Senators. Although I would prefer the Senate consider this important legislation as a stand-alone provision, a stand-alone bill, because of the shortage of floor time, we now offer it as an amendment to the national defense authorization bill. If it is adopted as an amendment, and assuming that our Defense authorization bill is passed, we would then seek to have it introduced and passed immediately thereafter as stand-alone legislation, so we would have it in two forms—one as an amendment to the bill and the other as a stand-alone bill passed by the Senate, so it could go immediately to the House, without waiting for a conference on the authorization bill between the Senate and the House, which would delay the passage of this very important legislation.

Shortfalls in the care and treatment of our wounded warriors came to our attention as a result of a series of articles in the Washington Post in February. These articles described deplorable living conditions for some servicemembers in an outpatient status. They described a bungled bureaucratic process for assigning disability ratings that determine whether a servicemember will be medically retired with health and other benefits for himself and his family. They describe a clumsy handoff between the Department of Defense and the Department of Veterans Affairs as the military member transitions from one department to another. The Nation's shock and dismay, when hearing about these problems, reflected the American people's support, the American people's respect, and the American people's gratitude to the men and women who put on our Nation's uniform. Those men and women deserve the best—not shoddy medical care and bureaucratic snafus.

The Armed Services Committee and the Committee on Veterans' Affairs held a rare joint hearing to identify the problems our wounded soldiers are facing. These committees have continued to work together to address these issues, culminating in the amendment we offer today. The Committee on Veterans' Affairs has also marked up separate legislation that will be offered as an amendment to our amendment. Their legislation will ensure that the Veterans' Administration appropriately addresses the problems our seriously wounded and injured servicemembers face after they transition to VA care.

The amendment we are introducing addresses the issues of inconsistent application of disability standards. It addresses disparate disability ratings, substandard facilities, lack of seamless transition from the Department of Defense to the Veterans' Administration, inadequacy of severance pay, care and treatment for traumatic brain injury and post-traumatic stress disorder, medical care for caregivers not eligible for TRICARE, and it addresses the need to share medical records between the Department of Defense and the Department of Veterans Affairs.

Our amendment addresses the issue of inconsistent disability ratings by requiring that the military departments use VA standards for rating disabilities, unless the Department of Defense rating is higher. So it would take the higher of the two ratings under our legislation. Our amendment adopts a more favorable statutory presumption for determining whether a disability is incident to military service. We do that by adopting the more favorable VA presumption.

We require two pilot programs to test the viability of using the VA to assign disability ratings for the Department of Defense. We also establish an independent board to review and, where appropriate, correct unjustifiably low Department of Defense disability ratings awarded since 2001.

Our amendment addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of injured servicemembers who will transition from the Department of Defense to the VA.

We establish a Department of Defense and a Department of Veterans Affairs interagency program office to develop and implement a joint electronic health record.

The amendment authorizes $50 million for improved diagnosis, treatment, and rehabilitation of military members with traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD. We require the establishment of centers of excellence for both TBI and PTSD to conduct research, train health care professionals, and a number of other things.

We provide guidance throughout the Department of Defense in the prevention, diagnosis, mitigation, treatment, and rehabilitation of TBI and PTSD. And the amendment requires that the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, report to Congress with comprehensive plans to prevent, diagnose, mitigate, and treat TBI and PTSD.

The amendment increases the minimum severance pay to 1 year's basic pay for those separated with disabilities incurred in a combat zone or combat-related activity and 6 months basic pay for all others. This is quadrupling or doubling, depending on the circumstance, of the current arrangement.

Our amendment also eliminates the requirement that severance pay be deducted from disability compensation for disabilities incurred in a combat zone.

Our amendment also addresses the problem that exists because medically retired servicemembers who are eligible for TRICARE as retirees do not have access to some of the cutting-edge treatments that are available to members still on active duty.

The amendment does that by authorizing medically retired servicemembers to receive the Active-Duty medical benefit for 3 years after the member leaves active duty, and this can be extended to 5 years where medically required.

The amendment authorizes military and VA health care providers to provide medical care and counseling to family members who leave their homes and often leave their jobs to help provide care to their wounded warriors.

The dignified treatment of wounded warriors amendment requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for military medical treatment facilities, speciality medical care facilities, and military housing for outpatients that will be uniform and consistent and high level throughout the Department of Defense.

In summary, the dignified treatment of wounded warriors amendment is a comprehensive approach that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care of our wounded warriors in the Department of Defense and through the transition to care in the VA system. With the amendment we will be discussing in a moment, that has been adopted by the Veterans' Affairs Committee under the chairmanship and leadership of Senator AKAKA, this bill will also address shortfalls in the VA system itself after the transition to the Veterans' Administration of our wounded warriors. Those warriors deserve the best care and support that we can muster. The American people rightly insist on no less.

There are a number of organizations which support this legislation. I will read from a release that was issued by one of those organizations. This is the Wounded Warrior Project:

> [This] is a nonprofit organization aimed at assisting those men and women of the United States armed forces who have been severely injured during the war on terrorism in Iraq, Afghanistan, and other hot spots around the world.

A description of this project is:

> Beginning at the bedside of the severely wounded, Wounded Warrior Project provides programs and services designated to ease the burdens of these heroes and their families, aid in the recovery process and smooth the transition back to civilian life.

Just one paragraph from their release is the following:

> With this legislation, the Senate is telling our nation's wounded warriors that they have heard their concerns and are ready to take appropriate actions to ensure that these brave men and women are taken care of in a manner befitting their sacrifices. . . . This wide ranging legislation will improve the provision of health care and benefits to injured military personnel and make the system much more efficient as well.

I ask unanimous consent that the statement of the Wounded Warrior Project and the statement of the Fleet Reserve Association be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, we have a number of amendments which have been cleared, 10 amendments which have been cleared which we will describe in a few moments after Senator McCAIN speaks and after Senator AKAKA speaks. We will describe those second-degree amendments that have been cleared on both sides of the aisle.

Again, I especially thank my ranking member, Senator McCAIN, and all the members of our committee for the extraordinary work they have put in on this legislation. It is, as I mentioned, comprehensive and desperately needed.

I also thank Senator AKAKA, who is chairman of our Veterans' Affairs Committee, for his leadership because that committee has worked very closely with our committee on this joint project. This is truly not just a joint effort between two committees but just about every Member of this body has had a role and a voice in this legislation. It is one of the best examples, I believe, of not only bipartisan action that I have seen in the Senate, but also a very speedy action and, we believe, very thorough consideration as well.

I yield the floor.

EXHIBIT 1

WOUNDED WARRIOR PROJECT (WWP) APPLAUDS SENATE ARMED SERVICES COMMITTEE FOR NEW LEGISLATION TO ASSIST SEVERELY WOUNDED SERVICEMEMBERS

Jacksonville, FL, June 14, 2007.—Today, the Wounded Warrior Project (WWP) applauded the Senate Armed Services Committee for the introduction of the "Dignified Treatment of Wounded Warriors Act", a comprehensive piece of legislation that will greatly assist severely wounded servicemembers. WWP was particularly pleased to note that the bill included several of the legislative proposals that the organization has proposed and supported.

"With this legislation, the Senate is telling our nation's wounded warriors that they have heard their concerns and are ready to take appropriate actions to ensure that these brave men and women are taken care of in a manner befitting their sacrifices", said WWP Executive Director, John Melia. "This wide ranging legislation will improve the provision of health care and benefits to injured military personnel and make the system much more efficient as well".

The "Dignified Treatment of Wounded Warriors Act" is sponsored by Senators Levin (D–MI), McCain (R–AZ), Akaka (D–HI), Warner (R–VA), Clinton (D–NY) and others. Among the provisions included in the legislation, the bill would require the Department of Defense (DOD) to adopt a Pre-Deployment Cognitive Assessment tool to help identify Traumatic Brain Injury or Post Traumatic Stress Disorder in returning servicemembers. Additionally, it would require DOD to work with the Department of Veterans Affairs (VA) on developing a caregiver training program for family members of brain injured servicemembers, and reform the disability evaluation and ratings system that military personnel must navigate prior to retirement from service. The bill would also create an overlap of DOD and VA benefits to allow wounded warriors to benefit from the strengths of both systems without having to choose access to one over the other.

In addition to these provisions, at this morning's Senate Armed Services Committee hearing, eight amendments suggested by WWP were adopted into the bill.

"These provisions have grown out of our direct interaction with our wounded warriors", Melia said. "We strongly encourage the Senate to pass this bill and to work with the House of Representatives to ensure these vital initiatives are included in the final version of the bill that will hopefully reach the President's desk. We stand committed to assisting in any way."

ABOUT WOUNDED WARRIOR PROJECT

Wounded Warrior Project (WWP) is a nonprofit organization aimed at assisting those men and women of the United States armed forces who have been severely injured during the war on terrorism in Iraq, Afghanistan and other hot spots around the world. Beginning at the bedside of the severely wounded, WWP provides programs and services designated to ease the burdens of these heroes and their families, aid in the recovery process and smooth the transition back to civilian life. For more information, please call (904) 296–7350 or visit *www.woundedwarriorproject.org.*

FLEET RESERVE ASSOCIATION,
Alexandria, VA, July 11, 2007.

Hon. CARL LEVIN,
Chairman, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN: The Fleet Reserve Association (FRA) strongly supports your pending amendment to the FY 2008 Defense Authorization bill that include the provisions of "The Dignified Treatment of Wounded Warriors Act" (S. 1606), to improve the management of medical care, the disability rating system, and quality of life issues for wounded members of the Armed Forces. This amendment is important and will address significant long standing problems associated with the coordination of care between the Departments of Defense and Veterans Affairs.

FRA appreciates your leadership on this issue and shares your concern about adequate care for wounded service members. The Association stands ready to assist you in its passage in the 110th Congress. The FRA point of contact is John Davis, FRA' s Director of Legislative Programs at john@fra.org.

Sincerely,

JOSEPH L. BARNES,
National Executive Secretary.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I begin by echoing the remarks of the chairman of the committee that we appreciate the partnership with the Committee on Veterans' Affairs, a partnership led by Senator AKAKA and Senator

CRAIG. We have worked closely together in trying to come up with one of the most aptly titled pieces of legislation that I have ever been involved in, the Dignified Treatment of Wounded Warriors Act.

It is important to point out that we are making this part of the Defense authorization bill, which we believe has a very good chance of being signed by the President, as the quickest way to get this legislation enacted. There was a great deal of discussion back and forth as to whether it should stand by itself or should be part of the Defense Authorization Act.

I know I speak for all of us, and that is if something happens to this legislation, we would come back with a separate piece of legislation so that we can make sure we act as quickly as possible.

We were all deeply disappointed by the conditions at Walter Reed that were reported in February of this year and the problems that our wounded warriors faced after their inpatient care was complete—living in substandard conditions at building 18, being treated poorly, battling a Cold-War disability evaluation process and, for some, falling through the cracks.

Since February of 2007, there have been many encouraging changes. First and foremost, Secretary Gates insisted on accountability for the leadership failures that led to the tragedy at Walter Reed.

In April of this year, the Army stood up a new warrior transition brigade at Walter Reed to attend to the needs of wounded and ill soldiers in both Active and Reserve components. This model of soldiers caring for soldiers is now spreading throughout the Army.

I think we are on the right track to address the problems at Walter Reed, but there is much more to be done. And I emphasize, we all recognize there is much more to be done. But I do believe this legislation is a very important and valuable contribution to the effort that must be ongoing. We must match the heroism of the wonderful young men and women who have given so much for our country.

Let me tell you who some of my heroes are: SGT Ted Wade was grievously wounded in Iraq in 2004, who together with his young wife Sara has bravely battled for 4 years the maze of health care and benefit evaluations of the Department of Defense, Veterans Affairs, and Social Security; lost medical records, confusing and conflicting medical and physical evaluations, and Sara even lost her job. These brave young people have also lost time. Four years is too much to ask of someone who has given so much for his country.

SFC Jeff Mittman is a brave Army soldier who was wounded 2 years ago by an RPG that tore away a significant portion of his face. Today, Jeff is still on active duty, though he returns to Walter Reed frequently for special surgery. Together with his wife Christy, they have continued to raise their children. Jeff is back at school. As a testament to his heroism, Jeff says of his extraordinary injuries: "I got hit hard, but I'll walk it off." This weekend, he and his family will celebrate the second anniversary of his being alive.

SGT Eric Edmondson, a soldier who suffered severe traumatic brain injury in October 2005 and was thought to be without hope of recovery, today is standing on his own, thanks to the work of his remarkable therapist and his own strong determination to survive.

Petty Officer Mark Robbins is a Navy Seal who lost his eye from a sniper's bullet after saving the lives of his buddies in an RPG attack in Iraq in April of this year. Mark, who walked to the medical evacuation helicopter on his own after being wounded, is recovering today at his home in San Diego. His determination to carry on in the fight in spite of his injury is not the exception among our young men and women, it is a tribute.

I also think it is appropriate from time to time, even though what happened at Walter Reed was a disgrace and a scandal and a source of national shame, and it is important that we continue to emphasize that there are thousands and thousands of people who work in our armed services hospitals and clinics and also in veterans affairs who are present at our hospitals, who take care of our aging veterans from the "greatest generation," Korea, and the Vietnam war. These people labor most of the time without credit, most of the time without publicity, and do a magnificent job.

The system is broken, not the people—not the people—who serve with dedication and patience and care, and love our veterans in a way which should be an example to all of us, and we should never forget that as we try to fix a broken system.

As I mentioned, these are some of America's heroes, my heroes, who have sustained terrible wounds, whose lives have been saved by the finest medical professionals in the world, and who, with their families, face the challenge of a long recovery and rebuilding their lives.

This legislation, the Dignified Treatment of Wounded Warriors Act, will make a difference in the lives of our wounded warriors and their families. It bridges the gap in health care coverage for the severely wounded and ensures their access to the broadest possible range of health care options.

It authorizes additional care and support for families who are caring for the wounded. It requires the Secretary of Defense and Veterans Affairs to develop and implement new policies to better manage the care and transition of our wounded soldiers. It empowers a special board to review disability ratings of 20 percent or less and to restore to a wounded soldier, if appropriate, a higher disability rating or retired status.

Mr. President, that issue alone, of disability ratings, is one that, frankly, the Senator from Michigan and I cannot understand why it continued; that from one medical evaluation board, a certain level of disability and compensation would be adjudged while on active duty, go directly to the VA, and then another assessment is made with a different level of disability. It is just nonsensical. And I would like to say to all my colleagues, and I know we share a responsibility as well, we blamed the military, we blamed the VA, and we blamed a lot of people, but part of the responsibility lies right here with those of us who are supposed to have been paying better attention than we did. So I wish to make that perfectly clear, that I personally—and the Congress—share in the responsibility for having not fixed this system and some of the problems that have existed for a long time.

This legislation empowers a special board, as I mentioned, to review disability ratings. It authorizes additional funding for traumatic brain injury and post-traumatic stress disorder, encouraging public and private partnerships to address these signature injuries of the war, and supports efforts to erase the stigma associated with seeking care.

We found out, much to our sorrow, that in this kind of conflict, brain injuries are probably far more prevalent than almost any other conflict in which our Nation has engaged. We also have found out, thank God, that we are able to save a higher percentage of those wounded than we have in any other conflict—again, a testimony to the incredible professionalism of those who labor and work with dedication in our military medical health care system.

The legislation improves benefits related to the administrative separation from the military due to injury, increasing severance pay for servicemembers with disabilities incurred in a combat zone, and eliminating the requirement that severance pay be deducted from VA disability compensation for disabilities incurred in a combat zone—another remarkable situation which should have been fixed long ago. It requires the Secretary of Defense to immediately implement pilot projects to test improvements to the disability evaluation systems, to fundamentally change and improve those antiquated systems. It requires the Secretary of Defense to inspect and improve medical treatment in residential facilities and to study the accelerated construction of new facilities at the National Medical Center at Bethesda. The current facilities of Walter Reed have served the Nation well, but we can, and must, do better.

This legislation is an important step toward restoring trust for America's wounded and our veterans, but it is not our final destination. Our work also must be informed by the Presidential Commission on Care for America's Wounded, cochaired by one of my personal heroes, Senator DOLE, an enduring American hero. This report will be filed in another few weeks, and I am confident we will work to implement the recommendations of that report as quickly as possible.

I am pleased that the Senate Committees on Armed Services and Veterans' Affairs held a joint hearing on the care of the wounded earlier this year. On June 27, the Committee on Veterans' Affairs reported a bill, portions of which will be offered as an amendment to the underlying bill. These add new resources for traumatic brain injury and mental health evaluations provided by the VA and extend the eligibility for care for combat veterans from 2 to 5 years.

I believe additional conversation and legislation are needed to ensure that veterans with service-connected illnesses and disabilities have timely access to quality health care service through the Veterans' Administration. Given the strain on the veterans health system and the limits of our resources, I believe this can best be achieved through partnerships with civilian health care specialists, based on the health care needs of our wounded veterans. I don't think there is anybody in the world who is better qualified and better trained to address direct combat injuries. I do believe there are many areas of health care in America that are better at certain types of illnesses, certain types of mental therapy that is required, and other areas where health care specialists exist. Those health care specialists should be made available to our veterans. I am a fiscal conservative, as everybody knows, but in this area, the care and treatment of wounded warriors and veterans, we cannot retreat, no matter what the cost.

I wish to again thank the distinguished chairman of this committee for his leadership. I again thank Senator AKAKA, Senator CRAIG, and every member of the Veterans' Affairs Committee as well as the Armed Services Committee for our coming together and coming forward with this legislation. I only regret that it was needed.

I repeat the words of President George Washington in 1789, as I have so often during these times:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

Again, I thank all the members of the committee, and I thank Ted and Sara Wade, Jeff and Christy Mittman, Eric Edmondson, Mark Robbins and his parents, and all of our wounded and their families. The solution to your trials requires cooperation among us all—in Congress, within the executive branch, and among veterans in military service organizations. With this amendment, I believe we are on the right path.

Again, I want to add my appreciation for the veterans service organizations—the VFW, the DAV, the AMVETS, the American Legion, and so many veterans organizations that labored day after day, in obscurity but with courage and with dedication on behalf of our veterans. Without them, we would not have received the valuable guidance and information and knowledge they have provided us as they address these challenges every single day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. LEVIN. Mr. President, I wonder if the Senator from Hawaii would yield for a unanimous consent request.

The PRESIDING OFFICER. Does the Senator yield?

Mr. AKAKA. Certainly.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the remarks of the Senator from Hawaii, the Senator from Washington and the Senator from New York be recognized on this side to speak, and if there are Senators on the Republican side who wish to speak, that they be interspersed with those three Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

AMENDMENT NO. 2019

Mr. AKAKA. Mr. President, I thank the chairman and the ranking member for their leadership in bringing about changes that will make a huge difference in the military and in our country as well. Later today, I intend to offer, along with my good friend and ranking member of the Committee on Veterans' Affairs, Senator CRAIG, an amendment to the National Defense Authorization Act for Fiscal Year 2008 that would complement the outstanding work already done by the Armed Services Committee with the dignified treatment of wounded warriors amendment.

Our amendment seeks to enhance the care servicemembers receive once they transition to veteran status. It would improve the capability of the Department of Veterans Affairs to care for veterans with traumatic brain injuries. It would also improve access to VA mental health and dental care, address the issue of homelessness among newly discharged servicemembers, and recognize the importance of the National Guard and Reserve in the VA's outreach programs.

This amendment is a direct outcome of the close collaboration between the Veterans' Affairs Committee and the Armed Services Committee following our April 12 joint hearing. I was delighted to work with Chairman LEVIN of the Armed Services Committee, Ranking Member CRAIG of the Veterans' Affairs Committee, and others on this important amendment. I also thank Senators ROCKEFELLER, MURRAY, OBAMA, BROWN, and MIKULSKI for their cosponsorship of the amendment.

Our amendment includes provisions recently approved by the Committee on Veterans' Affairs at our markup on June 27 and represents the VA Committee's work to address the seamless-transition issues in collaboration with the Armed Services Committee's work on S. 1606, the Dignified Treatment of Wounded Warriors Act. Our actions here today, Mr. President, represent true collaboration between the two committees—a model for how the Department of Veterans Affairs and Defense should be working together.

At the heart of our amendment are improvements to TBI care. Ranking Member CRAIG and I worked on these TBI provisions, and they have garnered the support of many organizations, including the American Academy of Neurology, the Brain Injury Association of America, the Commission on Accreditation of Rehabilitation Facilities, and the Disabled American Veterans.

The VA was caught flatfooted by the large number of devastating TBIs resulting from the conflicts in Iraq and Afghanistan. Our amendment would require individual rehabilitation plans for veterans with TBI and authorize the use of non-VA facilities for the best TBI care available. It would require the VA to implement and research an education program for severe TBI through coordination with other Federal entities conducting similar research. There is also a pilot program for assisted-living services for veterans with TBI. This is comprehensive TBI legislation.

The amendment also addresses the amount of time a newly discharged servicemember has to take advantage of the unfettered access to VA care for which they are eligible. Under current law, any Active-Duty servicemember who is discharged or separated from active duty following deployment to a theater of combat operations, including members of the Guard and Reserve, is eligible for VA health care for a 2-year period without reference to any other criteria. Our amendment would extend this period to 5 years.

There are two primary reasons for allowing a greater period of eligibility: protection from budget cuts and ensuring access to care for health concerns—such as mental health or readjustment problems—that may not be readily apparent when a servicemember leaves active duty. In recent years, funding for VA health care has too often been delayed by the legislative and appropriations process, leading to delayed or denied care for veterans with lower priorities for VA care. Veterans who have served in a combat theater deserve to have their health care guaranteed for at least the 5 years immediately following their discharge.

With regard specifically to mental health and readjustment issues, 2 years is often insufficient time for symptoms related to PTSD and other mental illnesses to manifest themselves. In many cases, it takes years for these invisible wounds to present themselves, and many servicemembers do not immediately seek care. Experts predict that up to 30 percent of OIF and OEF servicemembers will need some type of readjustment service. Five years would provide a more appropriate window in which to address these risks. With over 1.4 million Americans having served in OIF and OEF and with over 600,000 of those members already eligible for VA health care because they have left active duty or, in the case of Reserve Forces, have been demobilized, extending this eligibility will help smooth their transition to civilian life.

To further address the mental health needs of separating servicemembers, we have included a provision in our amendment that would require the VA to provide a preliminary mental health examination within 30 days of a veteran's request for it.

I thank Senator OBAMA for his work on this provision.

We have learned from past wars that the longer mental health needs go unmet, the more difficult and extended the recovery.

Additionally, as servicemembers separate from active duty and become veterans, the threat of homelessness always exists as they reintegrate into society.

We have all heard the sad and shocking statistic that one out of every three homeless persons on the street at any given time is a veteran.

To further assist transitioning service members, our amendment requires the VA to conduct a demonstration project to identify those who are at risk of becoming homeless upon discharge or release from active duty. The demonstration project would provide referral, counseling, and support services for these individuals.

It has been proven through previous VA efforts that this process can reduce the incidence of homelessness and other problems among veterans.

This amendment also addresses the issue of the VA's outreach to members of the Guard and Reserves.

In the ongoing global operations, the reserve components have been used on an unprecedented scale. When these citizen soldiers redeploy and demobilize it is essential that the VA include them in outreach efforts.

To recognize the importance of the Guard and Reserve, and to acknowledge their contribution to the Nation's efforts, this amendment would redefine the VA's definition of outreach to include specific reference to the Guard and Reserve.

Finally, the amendment also addresses VA dental care for separating servicemembers by extending the window to apply for VA dental benefits following discharge from active duty. This amendment extends from 90 days to 180 days the application period for such benefits.

Recently returned servicemembers face significant readjustment, and dental concerns may not be a top priority. In addition, members of the National Guard and Reserve are often given 90 days of leave following discharge from active duty, and, upon return to their units, the opportunity to apply for dental benefits has passed.

The extension to 180 days would improve access to care and facilitate smoother transition from military to civilian life.

Our amendment touches on many of the issues that are affecting transitioning servicemembers and newest veterans. It truly complements the outstanding work that was done by the Armed Services Committee to take care of wounded warriors. I urge all of my colleagues to support this amendment when it comes before the Senate. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I know Senator MURRAY is going to be recognized now under our existing unanimous consent agreement. I ask, after she is recognized and after Senator SCHUMER, who is also in the sequence, is recognized, that Senator CARPER of Delaware be recognized following Senator SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that Senator ISAKSON be added as a cosponsor of this amendment.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Madam President, it is an honor to me to be here today to speak about the amendment that is currently before the Senate, the Dignified Treatment of Wounded Warriors Act. This is a critically important amendment for the Senate and a critically important action for Congress and for the United States of America in finally making sure that we take care of those who have served this country so honorably, the men and women who are serving us overseas.

Madam President, 4½ years ago, the President asked Congress to go to war in Iraq. I stood on this floor as one of a handful of Senators, 23 of us who, at that time, said no. I said no because I didn't believe we had a clear mission. I didn't believe we should take our eye off the ball of the war on terror and the al-Qaida threat that was confronting our Nation, and I believed we did not have in place a long-term plan for military action in Iraq. I have never regretted that vote.

But when I spoke on the floor opposing the action of the President, I said once our troops were sent to war, no matter how we voted on it, it was our responsibility to make sure we took care of them when they came home. This country has failed to do that.

I had to sit out here on the Senate floor and fight, literally, vote after vote to get this Senate to pay attention to the fact that we had men and women coming home, waiting in long lines to get their VA benefits, who were not able to get an appointment to see a doctor, who were unemployed, who were being sent back to the front time and time again, whose families were falling through the cracks because of the long deployments, and that we had military facilities that were incapable of dealing with the thousands of men and women who were coming home and who were injured.

Today, finally, we are coming to a point where, through the hard work of our VA Committee, Armed Services, and others, we have brought to the Senate a bipartisan amendment that I hope passes overwhelmingly this afternoon, that begins to address the critical needs which our soldiers are facing.

Since this war began 4½ years ago, I have taken the time to stop and talk to our men and women when they have come home. I have seen the tears in their eyes as they wait on medical hold not for days, not for months, but for more than a year, fighting the very service they swore to serve, to get their benefits. They were given ratings that were far too low in order to keep them in the military rather than allowing them to get out and get on with their lives. I have talked to men and women on medical hold, who were trying to get through a complex system of ratings for help, whose advocates themselves, advocates to help them get through the system, were soldiers who had post-traumatic stress syndrome and had difficulty themselves dealing with their own lives, let alone advocating for a servicemember who is trying to get through a complex system.

I have talked personally to men and women who, after not once, not twice, but maybe dozens, if not more than 100 times, being close to explosives, came home and couldn't understand why they couldn't remember their children's names or where they put their car keys or even where they lived because they had traumatic brain injury, but no one had diagnosed it correctly.

I have talked to too many parents and spouses and family members who have told me horrific stories of their very proud servicemember who has come home, left the service, and been left at home medically dealing themselves drugs because they have post-traumatic stress syndrome and no one had taken the time to find them or their family to educate them about the services they need.

When we agree to this legislation, this amendment today, we will finally have taken a very direct step in helping the men and women who have served this country so honorably.

Madam President, 4½ years ago, when the President asked us to go to war in Iraq, he talked about weapons of mass destruction, he talked about al-Qaida, he talked about the mission to fight the war on terror—but what he has never talked about, in my opinion, is taking care of those men and women who have served us honorably. Today, the Senate is going to talk about those men and women who have served us and what we need to do for them.

Several months ago, Bob Woodruff presented an amazing television series to us about traumatic brain injury and its impact on men and women as they make their way through medical hold and finally go out and get into communities and are lost in the system. Traumatic brain injury is not something that can be treated today and you are fine tomorrow. It is a lifelong, debilitating injury. We do not have out in the country today the capability of making sure those men and women are not lost.

We have seen too many times, when men and women who have post-traumatic stress syndrome can't keep a job, and they find themselves at home and, tragically, cases of suicide because of that.

We have to address the costs and the issues that face our men and women, and proudly stand here and make sure we are doing everything we can. This year, with the Democratically controlled majority, we have finally moved forward for the first time to put in place a strong budget to take care of our veterans. We have finally, for the first time when we passed the supplemental war spending, actually added dollars to care for our veterans.

Today the step we are taking has more to do with the policies these men and women fight when they come home. They are in a system in the service that rates them one way, and when they finally get discharged, they go through a veterans system that rates them in an entirely different way. The two systems do not talk to each other. They do not electronically talk to each other. Soldiers lose their medical forms. They are fighting systems. They can't get the benefits they deserve because they are fighting paperwork.

No one should fight for our country overseas and come home and have to fight paperwork. That is what this amendment will do, is make sure, finally, that the VA and the DOD speak in the same language and treat these men and women as a single person and not just a pile of paperwork.

This amendment has teeth. It will require the Department of Defense and the Department of Veterans Affairs for the very first time to come back to us by January 1 of next year with a series of comprehensive policies that will make sure our rating systems are the same; that their electronic systems that track our men and women speak to each other; that no one gets lost because their advocate is dealing with his or her own health care issues. It will make sure we can go back with pride to the men and women who have served us and say we have made a tremendous effort for them.

We have seen partisan battles through many years on the floor of the Senate. Today we are going to see a time when we come together as Republicans and Democrats to say there is one group of Americans who deserve us to speak with one voice, and that is the men and women who have served us. Regardless of how we feel about this war, regardless of how we want to end it—I want to end it more than anyone—I want to make sure the men and women who served us are taken care of. This amendment makes a dramatic step forward.

I think it is important to know, even if we were able to get enough votes to end this war today, the men and women who have served us will need our help and our support and our dollars for years to come—whether they have lost a limb, whether they have traumatic brain injury, whether they have post-traumatic stress syndrome. They have borne the burden of this war. It is incumbent upon this country to bear the burden of their care. This amendment takes a major step forward, and I hope today we have 100 percent of the Senators on the floor saying yes to the men and women who served us so honorably.

I yield the floor.

Mr. LEVIN. Madam President, before the Senator from New York is recognized under our unanimous consent agreement, I especially thank the Senator from Washington. She has been one extraordinary advocate for this cause of our veterans. She is a symbol of the effort that so many people in this Senate have put into this legislation, but I just want to especially identify her because she, along with Senator AKAKA and other members of the Veterans' Affairs Committee, has joined with us as one. I thank her particularly.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would ask my friend, the chairman, if perhaps we might, after the Senator from Washington is recognized, by unanimous consent, go through the managers' amendments following that and then proceed with the debate, or is the Senator from New York also recognized?

Mr. LEVIN. The sequence is the Senator from New York, then the Senator from Delaware. But how long will this take?

Mr. MCCAIN. For us to go through the package, a maximum of 3 or 4 minutes.

Mr. LEVIN. Are we ready with the list?

Mr. MCCAIN. If that is all right, maybe between the two Senators we can do it.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, first, I wish to thank both my colleague from Michigan, who does such a profoundly great effort on these proposals and these bills, for the thought and the care and the sensibility that goes into it. I also wished to say that my colleague from Washington, I wished to add my voice, she has been a clarion voice, talking about veterans and their needs and their care long before the issue was front and center, long before the Walter Reed scandal emerged, long before we were able to take over the Senate and put the money of this Nation where its voice has been, and that is behind our veterans.

Now, the amendment that was offered that my colleague from Washington talked about, the dignified treatment of wounded warriors, to honor those who serve us with medical care and treatment they need is another opportunity to demonstrate our support for our troops.

I hope my colleagues will all join us in this amendment and do what is right for those who serve. Unfortunately, yesterday, my colleagues on the other side of the aisle blocked another effort to support our troops with appropriate time at home between deployments. Yesterday they blocked Senator WEBB's amendment addressing the serious challenges our military is facing both abroad and home.

I am disappointed that most of my colleagues on the other side of the aisle felt it was more important to simply go along with the wishes of the President than support our troops, the brave men and women who are fighting for us in Afghanistan and Iraq.

We are putting our most valuable military resource at risk by failing to provide our troops with the resources they need to complete their mission. By that, I mean we are not allowing them enough time to recover in between their deployments to Afghanistan and Iraq.

My State is home to one of the Nation's finest military academies, if not the finest in the United States, the U.S. Military Academy at West Point. West Point produces many of our military's finest leaders.

But while West Point continues to produce excellent soldiers, the Army is unable to keep them. Unfortunately, graduates of West Point are leaving the military at five times the rate they did before the Iraq war. Roughly half of the West Point classes of 2000 and 2001 have left the Army. That is an extremely severe indictment of the President's policies in Iraq.

When these patriots, these young men and women who want to serve their country and enroll in this great institution leave so quickly, which has been uncharacteristic, it says something very severe about the wrong direction our Nation's military policy is pursuing.

That is not all. This January, 3,200 members of the valiant 10th Mountain Division, 3rd Brigade Combat Team, stationed in Fort Drum, NY, learned that their tour had been extended by 4 months. They had been fighting in Afghanistan for nearly 12 months and found out, right as they were to come home, they would have to remain in Afghanistan for an additional 4 months.

That is why I supported Senator WEBB's amendment. We have asked so much our of our brave men and women who continue to sacrifice their lives and place themselves in harm's way to defend our Nation. At the current troop rotation rate, we are simply running our troops into the ground.

This hurts us at home, both in declining retention rates and the rise of mental health issues associated with multiple deployments to Iraq and Afghanistan.

As I have said before, I am disappointed that some have felt it was more important to support the President than to support the troops, the brave men and women who are fighting for us in Afghanistan and Iraq.

But despite the refusal of the other side to join us in the Webb amendment, Congress will not stop supporting our troops, as we carry on the fight to transform our failing policy in Iraq to a mission that reflects the current situation on the ground.

When the President vetoed our supplemental spending bill, we vowed that we would continue to ratchet up the pressure as the President becomes more and more isolated in his views. Well, here we are. This week we in Congress continue to work toward a solution in Iraq that changes our mission from policing a civil war to more on what should be our first and foremost goal, counterterrorism. Now the pressure on this administration is rising as the people speak out and demand change and more and more Republicans are joining with us and the Democratic Congress in looking toward a change in mission for our troops.

As more Republicans join us in our fight to transform the mission on the ground, the President has only responded with threats and empty rhetoric. So let me be clear: President Bush has to realize we are not going to give up our goal of changing our mission. We will not back down, we will not be deterred, we will not rest until the mission changes; that mission that costs $10 billion a month, because this administration has continued to pursue its policy in fear, empty words, charges that people are not patriotic, charges that people are not supporting the troops, even though that is exactly what we are trying to do here and have been doing. That is not going to work. This debate is not going away.

Even though the President continues to stall, telling the country to wait until September when his general issues a report that everyone else in our country and around the world already seems to know, that our current policy in Iraq is not working, we will move now to change the course in Iraq.

The President would be wise to work with us to change the mission now, not wait until September when this report is issued. If the report had any degree of honesty or integrity, it will show that the mission is not working.

I speak to soldiers all the time, from NCOs and privates to one- and two-star generals. So many of them, when they talk to you privately, believe the mission is not, cannot, and will not work. It seems almost everyone knows this. There are many in the military, particularly in the higher ranks, who are loyal to the President, as they should be; he is the Commander in Chief, but in the hearts and minds of so many of our soldiers, they know the policy is not working.

Every day that we wait, our troops continue to be caught in the dangerous crosshairs of a civil war; every day that we wait, the American people grow more dissatisfied with our failed strategy; every day we wait, more members of your party realize we must change course and call for it.

So the Senate, led by Chairman LEVIN and our great military expert in this body, the only West Point graduate in this body, Senator JACK REED of Rhode Island, the Senate has an opportunity to send the President even tougher language regarding our policies regarding Iraq.

This amendment does all the right things. It changes the current mission to force protection, training Iraqi security forces, and performing targeted counterterrorism operations. But it also calls for a substantial reduction in our forces in Iraq by next April, and it requires these changes. It is not laudatory, wishful thinking such as some of the other amendments. It is the only amendment that is before us that requires a change of course in Iraq.

That is the right policy for many reasons. First, our troops are caught in the middle of a civil war in Iraq. They patrol the streets of Baghdad, while Sunnis and Shias shoot at one another. Our soldiers are caught in the crossfire. That is not where they belong; a point that I, along with many of my colleagues, have been making for a long time.

It is clear the Sunnis, the Shias, and the Kurds dislike each other more than they like any central government of Iraq. No number of American troops will change that no matter how hard they try and how valiant they are. The Sunnis, Shias and Kurds also have to work this out for themselves.

Second, we need to focus on Afghanistan, where the planning for 9/11 took place, where al-Qaida is growing in strength. We are not nearly doing enough in Afghanistan to counteract the ever-increasing production of opium there, a problem that threatens the ever fragile Government.

Not only does opium production fuel the heroin trade around the globe, but the heroin funds terrorists who aim to attack the United States and our allies around the world.

Our soldiers have fought long and hard to rid Afghanistan of terrorists and Taliban. However, as the drug trade continues to surge and consume the Nation, their heroic efforts may be undone. The Taliban draws its strength from the drug trade in order to prevent them from reclaiming the country. We need to crack down on the drugs that fuel their regime.

Secretary Chertoff's report said al-Qaida is stronger today than it was before 9/11. That is as severe an indictment of the President's Iraq policy as there could be. The very forces who struck us on 9/11 are growing stronger in Afghanistan, in Pakistan, and around the world, while we are bogged down in Iraq.

Could there be any fact that demands change more than that? We were attacked on 9/11 by al-Qaida. The next day, 2 days, 3 days later, I was there as the President stood on that pile of rubble and took the megaphone from the firefighter and said: We will beat al-Qaida and we will beat the terrorists.

They are now stronger than they were before that day. What is wrong? Characteristically and depressingly, the President said al-Qaida is actually weaker than before 9/11, contradicting the report released by his Secretary of Homeland Security.

The President says al-Qaida is weaker. The Secretary of Homeland Security has issued a report saying they are stronger. This is so typically unfortunate of this administration. This is a rerun of the weapons of mass destruction issue that occurred long ago. Make up your mind on what you want to do, ignore all the facts, and no matter what the people around you say, no matter what the American people say, vote for it.

Unfortunately, we have become bogged down in a civil war in Iraq no one has bargained for, as al-Qaida grows stronger in other parts of the world. Being caught in the crosshairs of a sectarian struggle not only puts our troops in harm's way, it means we are not focusing our resources, our energy, and our soldiers on what is the most important thing, which is defeating al-Qaida and terrorists.

Our mission today was not the original mission, and that is why we must change, why it must change to put the focus back on counterterrorism. Every day we continue to follow the President's Iraq policy is another day al-Qaida can strengthen.

That is not just my assessment. That is the feeling of this Congress, including more and more Members on the other side of the aisle; it is the feeling of a majority of the American people and so many in the intelligence agencies.

Today, the President claimed there are some signs of success in Iraq. But this administration's sign of success is very different than most peoples'. The Government of Iraq has failed to meet few of the legislative benchmarks set out by the administration itself. Violence in Baghdad and across Iraq continues unabated. Thousands of refugees are fleeing Iraq every day. Iran continues to support efforts to destabilize the region. Yet the administration still refuses to admit we need to change our failing policy in Iraq.

President Bush and his few remaining allies continue to cling to the fiction that our present course can somehow turn the situation around. The American people know better. This Congress knows better. That is why we keep pushing and pushing and pushing to change the mission in Iraq to one that reflects the reality on the ground.

I urge all my colleagues to support the Levin-Reed amendment. It is the only amendment that requires a change in direction in Iraq. All of the others have good intentions, but they are hortatory. They are offered with good intentions, but they allow people to say: I want a change in policy, but I am not going to force the President to do so. The American people know better. They know that if you really want to change the course of what we are doing in Iraq and change the course in the war on terror, then you must support Levin-Reed. You can't stand for something that says: Well, please, Mr. President, consider doing this, as the other amendments do, because the President won't. The President has been intransigent despite all of the facts on the ground. It is clear this administration has lost its way in Iraq, and this amendment charts the right course forward and requires them to follow it. Despite the stubbornness of the administration, despite their continuing to ignore what is happening in this world, we need to transform our mission in Iraq, and we must do it now.

I hope, I pray, for the future of our war on terror and for the future of this country, that the Levin-Reed amendment gets the required 60 votes and we move forward as a nation together and set our policy right once and for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, Senator CARPER had to leave the Chamber for a moment. I ask unanimous consent that Senator DURBIN now be recognized and then Senator CARPER be recognized under the sequence previously ordered. That is always subject to a Republican coming because they would be interspersed among the listed Senators on this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Madam President, I salute the Senator from Michigan. As chairman of the Armed Services Committee, he brings an important bill to the floor. This is a bill which decides how we are going to authorize funds for America's military. We are enjoying the blessings of liberty in this country because of men and women in uniform who are willing to fight and die and keep this land free. This bill each year tries to make certain they have the resources to fight and be effective, to keep America safe. It is a huge responsibility with which this committee and this chairman have been entrusted. I thank the chairman, Senator LEVIN, and his Republican counterpart, Senator MCCAIN, for their fine work.

I wish to echo the words said by Senator SCHUMER about the amendments before us. One of the most important elements of this debate is what is going to happen in Iraq. If we don't make a decision in Congress to change the direction in Iraq, we all know what will occur. President Bush has made it clear. He has said he will leave it to the next President to start removing troops. That means 18 more months of war. It means 18 more months of American casualties. It means 18 more months of expense for American taxpayers. It means a war that will continue with no end in sight. We have it within our power in the Senate through this bill to change that course, to have a new direction in Iraq.

I will support the amendment offered by Senator LEVIN and Senator JACK REED of Rhode Island. They have been two of our best leaders on this issue because they are so committed to it and study it so carefully. They have it right.

The Levin-Reed amendment says that within 120 days, American soldiers will start coming home. It says that by April 1 of next year, our mission will change. We will no longer have a combat force protecting Iraq. We will have specific, defined missions. Our combat forces will come out. We will be there to fight the al-Qaida terrorists, to train Iraqi soldiers, and to protect American assets and the American soldiers who are coming home. That is it. At that point, the Iraqis have to take over. It is their country. It is their future. At some point, they have to stand up and assume the responsibility. The Levin-Reed amendment says explicitly that is what we are going to do.

There are many other amendments that will be considered. Some of my closest friends are going to offer amendments. Senator KEN SALAZAR and Senator LAMAR ALEXANDER have a bipartisan amendment to bring in the Iraq Study Group approach. There is nothing wrong with the Iraq Study Group. We praised the Iraq Study Group when they made their report last December. Had the President lived by their recommendations, we might be in a different place at this moment in time. But we are not. We are embroiled in this war, and we need to change it.

I have read the Salazar-Alexander amendment in its entirety. I can tell you that if you vote for this amendment, not a single soldier will come home, not one. They leave to the President the authority to make the decision about when to end this war. We know what his view is. This President is out of touch with the reality in Iraq. He is out of touch with the American people. The Salazar-Alexander amendment will not change that. The Levin-Reed amendment will. It will say to the President that the American people, through their elected representatives in the Senate, want to change this policy, and we will do it by law. That is the way to change it, not by sending a message to the President hoping for the best.

I will support the Levin-Reed amendment. I believe the Salazar-Alexander amendment would have been a good thing to do a year ago when the Iraq Study Group issued its report. Today, it doesn't reach the result we want to reach in an effective time.

AMENDMENT NO. 2019

I would like to thank the chairman and ranking member for their work on the Dignified Treatment of Wounded Warriors Act being offered today as an amendment to the Defense authorization bill. I am proud to be a cosponsor of this effort.

I also would like to thank Senators WARNER, MURRAY, GRAHAM, OBAMA, WEBB, HAGEL, CANTWELL, CLINTON, and BAUCUS, who are co-sponsors of my Military and Veterans Traumatic Brain Injury Treatment Act—much of which is included in the amendment before us today.

Traumatic brain injury is the signature injury of the Iraq war. The widespread use of Improvised Explosive Devices, IEDs, has taken a terrible toll. Even those who have walked off the battlefield without visible scars often find they have suffered the internal trauma of a traumatic brain injury.

The provisions from my bill that have been included in this amendment will reduce the number of our wounded soldiers who fall through the cracks and are left to fend for themselves as they struggle to recover from a traumatic brain injury.

We have made tremendous progress in battlefield medical care.

During Vietnam, one in three service members who were injured died. In Iraq and Afghanistan, 1 in 16 who are injured die. But with the changes in warfare and in medical technology, more of our service members are coming home with serious brain injuries from Iraq and Afghanistan than from any other recent conflicts.

For some of these wounded warriors, the greatest battle comes at home when they seek care. Many of these returning troops need long-term treatment and rehabilitation long after their discharge from active duty, as they fight to overcome the severe disabilities that a traumatic brain injury can cause.

For others, there is a different story. Some service members don't even realize they have suffered a traumatic brain injury until long after their discharge, because we don't do a very good job of identifying and treating those who may have suffered a brain injury.

Fortunately, many of those who suffer a brain injury are able to recover fairly quickly. But for some, the experience is life-altering, even life-shattering. We must not fail them in their time of need.

Consider the case of SGT Eric Edmundson. In October 2005, he suffered a severe head concussion when a roadside bomb exploded near him. He was cared for at Walter Reed Hospital, but then was transferred to a VA facility where he and his family felt he was not receiving the kind of treatment that would allow him to continue to make progress in rehabilitation.

He would have been stuck there if the family had not found a creative way to obtain the care he needed by ensuring that Eric could receive treatment and rehabilitation at one of the premiere rehabilitation hospitals in the nation: the Rehabilitation Institute of Chicago. Two weeks ago, I attended a ceremony at the Rehabilitation Institute of Chicago in which Eric walked out of the hospital.

Now consider the case of SGT Garrett Anderson of Champaign, IL. Garrett went to Iraq with the Illinois National Guard. After 4 months there, an IED exploded next to his armored humvee in Baghdad. The blast tore off his right arm below the elbow, shattered his jaw, severed part of his tongue, damaged his hearing, and punctured his body with shrapnel.

He spent 7 months at Walter Reed, where he received excellent care in Ward 57, the famous amputee ward. However, the outpatient care that followed has been filled with paperwork and redtape. It was months before the VA recognized that Garrett had suffered a traumatic brain injury, and he has not received the kind of treatment for brain injury that could make a significant difference in the trajectory of his rehabilitation.

We need to change the way we handle patients with traumatic brain injury, so that they receive the care they need at the time they need it, and the provisions from my Military and Veterans Traumatic Brain Injury Treatment Act that have been included in this amendment will do just that.

These provisions include: requiring the Secretary of Defense, in consultation with the Secretary of the Veterans Administration, to develop a comprehensive program to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury and post-traumatic stress disorder; and requiring predeployment cognitive screening as a baseline for evaluating potential brain injuries.

Other principles from my bill have been included in this broader amendment to apply to all service members, and not only those who have suffered from traumatic brain injuries. For example, this amendment would require: a uniform policy and procedures to ease a service member's transition from the DOD to VA; a 3-year period in which a medically retired service member can obtain the same medical benefits as those on active duty; a joint electronic health record for DOD and VA; and outreach to members and their families regarding the benefits to which they are entitled.

Indeed, we must do much more for all of our wounded warriors, and the dignified treatment of wounded warriors amendment is a comprehensive policy governing their care. This bipartisan amendment also would require: medical care and job placement services for family members providing care for severely injured service members; establishment of Centers of Excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder; improvements in the disability system for service members; and improved housing facilities for injured patients.

Our Nation's service members deserve swift action on this effort to improve the treatment they will receive if they are wounded or suffer a traumatic brain injury.

I can't imagine the anguish that must be associated with such an injury, but I can imagine the kind of medical system I would like to have in place if it were my son or daughter struggling to recover from such an injury. This legislation reflects that vision.

I thank all of my colleagues who have contributed to this legislation and I urge all Senators to support this measure.

I wish to elaborate on a story as to why I have added provisions in this amendment. This is about American soldiers coming home who are wounded and how they are treated. Those of us—and I think it includes almost everyone in the Senate who has taken the time to go to military hospitals and VA hospitals—know that, sadly, after promising to these men and women that if they will take the oath to defend America, we will stand by them when they come home, we have broken our promise time and again.

This story illustrates why this is needed and why I have added some language which I hope will help. It is the story of a brave young soldier named Eric Edmundson, 7 years in the Army, 27 years of age, who suffered a traumatic brain injury in Iraq. As a result of that injury, he went through surgery, and during the course of surgery, there was a problem: His brain was deprived of oxygen for a period of time. He was rushed to Walter Reed Hospital, where he went through more surgery and more effort and then finally was discharged from Walter Reed to Richmond, VA, to the VA hospital. Eric went into that hospital in a very bad state. He really hadn't made much of a recovery. His father, his mother, his wife, and his sister were all by his side praying for the best and hoping for the best treatment.

After a period of time, the people at the Richmond VA hospital came to the family and said: We have bad news about Eric. We need for you to pick out a wheelchair because he is going to spend the rest of his life in a wheelchair in a nursing home. His father says not only no, but hell no; I am going to fight for my son; he is not going to spend the rest of his life sitting in this wheelchair. His father quit his job in North Carolina and became a full-time advocate for his son, this fallen soldier. He fought the Government to make sure his son had the best. Let me tell you what happened.

Eventually, he went on the Internet and found the Rehab Institute of Chicago, one of the best. He insisted that his son go to this rehab institute. The Government said they wouldn't pay for it. He said: I am sending him anyway. He had him admitted and finally persuaded the Government to start paying for his treatment.

Ten weeks ago, I walked into the hospital room of Eric Edmundson. Here was this bright, smiling young man sitting in a wheelchair. He followed me with his eyes as I walked into the room, and I stood before him and said: Eric, how are you doing? He can't speak. He just smiled, looked at me, and nothing happened.

Four weeks ago, I went back to that hospital room to visit with the family and this young soldier. His mom and dad said: Eric has a present for you. I thought: What could this be? They walked over and they propped him up by his elbows, and he took four steps. There wasn't a dry eye in that hospital room. We were all crying, including Eric. He was walking.

His dad said to me—and this was right before Memorial Day: A month from now, he is going to walk out of the front door of this hospital. I was there on June 30, the day of his official discharge. Eric Edmundson walked out of the front door of that hospital. He had been given up on by a VA system that didn't have the 35 years of experience the Rehab Institute of Chicago has. He had been given up on by so many others. But America can't give up on these soldiers. We can't relegate a 27-year-old soldier to a lifetime in a nursing home because we are afraid to refer him to the best hospital in America. That is wrong.

This amendment will help. This amendment for our wounded warriors will help them move forward in the system and have greater opportunities. Sad to say, it doesn't go far enough. There has to be a point in this system where the military hospitals of America and the VA hospitals will concede there may be a better hospital for this soldier, this sailor, this marine, this airman, and we cannot deny them that care. We have to give them that care. This bill doesn't include that. I am disappointed.

We asked these brave young men and women to fight our enemies overseas. They shouldn't come home wounded and have to fight their Government. That is what the Edmundson family had to do. We should make certain no other family of any other soldier ever faces that in the future.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Michigan.

Mr. LEVIN. Mr. President, there was an agreement previously that we would alternate back and forth. If that is what Senator ISAKSON is seeking to implement, they have a right to do so. I would note to Senator CARPER that we did agree that if a Republican did wish to speak, they would be recognized in an alternate way.

I ask unanimous consent that the following sequence be accepted for the Democratic Senators, subject to that same understanding that Republican Senators would be interspersed: After Senator CARPER, Senator MCCASKILL, Senator BROWN, and then Senator LINCOLN would be the order on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, in relation to that unanimous consent, I ask unanimous consent that following the presentation by Senator CARPER from Delaware, Senator HUTCHISON of Texas be the next one recognized on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, we have had a tenuous debate, and it is going to go a while. I first commend Senator LEVIN on this amendment. I am proud to be a cosponsor of it. Although we have differences on many things, I don't think there is a difference in this Chamber on the provision of services and health care to our wounded warriors as they come home. As a member of the Veterans' Affairs Committee, I have been pleased to work with Senator AKAKA and Senator CRAIG on many of the provisions in this legislation. I thank Senator CARPER for allowing me to take a few minutes.

I appreciate the remarks by the Senator from Illinois about what he has done in this bill. As I listened to many of the discussions about the things we need to fix, I think sometimes we forget to remember all the things we are doing well. I wish to talk about two things.

One, I wish to let the men and women of the U.S. Department of Defense medical services and the Veterans' Administration know how much I appreciate what they are trying to do and what they have been trying to do. Let me illustrate that by telling a very brief story.

I go to Walter Reed periodically anytime there is a wounded Georgia veteran there. I also see other veterans, but I make it a point to make sure that the parents or a spouse of every one of those veterans has my phone number and knows they have an advocate in Washington as long as they are at Walter Reed.

One of my visits to Walter Reed just happened to be on the Monday following the breakout of the story about building 19 or 18, the building that was in bad shape. That was a national story and reflected poorly on Walter Reed and on us.

When I got there, I first went to visit Corporal Pearson, a Georgian, actually from my home county, who had been wounded. I gave him my phone number, and asked for his father's phone number. I left from there to go to see Building 18. I went over there and saw the condition Building 18 was in, and I, too, knew we could do much better.

On the way to my office at Russell, I called from my car on my cell phone to the corporal's father and left a message for him to call me back. He called me that night. I told him how much I appreciated his son's service, and I wanted him to know, while he and his wife were in Georgia and his son was at Walter Reed, they could use me as a family member, if they would, to give them any assistance he might need at the hospital.

He thanked me for that. He said: Senator ISAKSON, just do one thing for me. I have been watching all this on the news about that building, and I am sorry about that, but if anybody asks you, tell them my son has been in Walter Reed for 10 days, and my wife and I were with him every day until yesterday, and I have never seen anybody receive finer care.

I pass that on not to in any way mask those places where we do have difficulties and need improvement—many of them recognized in this particular amendment—but as we talk about things we want to make better, we cannot forget that day in and day out the loyal American service men and women in the U.S. Armed Forces medical corps at Walter Reed and in the VA who are doing a phenomenal, lifesaving job, a better job than has ever been done in the history of warfare. I want to put in that compliment and pat on the back for them.

Secondly, with regard to the wounded warrior amendment, this addresses so many things we have learned from the trauma of the types of wounds that are coming from the type of warfare we are fighting in Iraq. We are saving so many more of our wounded warriors on the battlefield, but because of that we have many more who need long-time care, long-time attention, and specific attention. This wounded warrior amendment goes a long way toward doing that.

I particularly compliment the authors of the amendment, and all of us on the Veterans Committee, on the new referral system that is put in here for the diagnosis of PTSD, and how that has been greatly improved in the number of people who can actually make that referral back to Veterans Affairs or the Veterans' Administration or back to DOD, if they are still on active duty.

I also want to brag for a second about General Shoomaker at Walter Reed. One of the things we talk about—and Senator DURBIN's remarks addressed this—is the difficulty we have been having with the handoff of health care from leaving DOD to going to the VA. That has been a problem, and we have a record number of people who are being handed off once their service is over, while they still have treatment necessary, from DOD to VA.

General Shoomaker was at Fort Gordon in Georgia prior to coming to Walter Reed, when he was asked to come in and straighten out the difficulties Walter Reed had. While at Fort Gordon, General Schoomaker had been the real catalyst for what is said in the military to be the best seamless transfer of wounded warriors from DOD to the Veterans Administration.

Today, now, for those who are coming home with amputations, who are in need of long-term therapy, long-term treatment, long-term care, who go from active duty, are severed honorably, to go into veterans status, they have created a seamless transfer in that rehab at Augusta, which is recognized as second to none. I know the recommendations in this amendment which will be adopted by this body will go a long way toward improving the systems by which those transfers take place.

I am pleased to rise to thank those in our military and the care they give, and know there are areas where we can do better. I commend Senator LEVIN and the many cosponsors of this particular amendment for all the work and time that has gone into it.

As we have a very tenuous and difficult debate, it is important for the American people to know every Member of this Congress appreciates the care that is given by our military doctors and our military medical personnel and understands we can do better. As we deal with the trauma that comes from the type of conflict we are now in, this wounded warriors amendment will see to it that the care, the referral, the diagnosis, the treatment, and the transfer are better now than they have ever been before.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask to be advised when I have consumed 20 minutes of my time.

The PRESIDING OFFICER. The Chair will so notify the Senator from Delaware.

Mr. CARPER. Thank you, Mr. President.

I come today to address the Chamber and our colleagues on the subject of cost-effective airlift in the 21st century. Before I do that, though, I wish to preface my remarks with this:

Today, we have received an interim report from the administration on whether progress is being made in Iraq—specifically, progress with respect to the 18 benchmarks that were required in legislation we enacted in May of this year. From the news accounts this morning, there are few surprises. The U.S. military, as expected, is doing its job—a tough job. The problem is, the Iraqi Government and too many of its elected leaders are not.

The Iraqi Parliament remains hamstrung by profound, seemingly irreconcilable differences. Despite months of American prodding, the Iraqi lawmakers have yet to agree on any of the major issues before them: how to share oil wealth, how to share power, when to schedule elections, de-Baathification, how to settle the sectarian differences that so badly divide their country.

We also have news this morning that al-Qaida is once again on the move, bringing to the forefront how the President's policies in Iraq have effectively created not fewer terrorists but more and, unfortunately, made our country, I fear, less safe.

According to U.S. intelligence estimates, al-Qaida has rebuilt its operations to levels we have not seen since just before the September 11 attacks. These reports indicate that the al-Qaida network is regrouping along the Afghan-Pakistani border. The CIA says there is evidence of more training, more money, more communications, and increased activity among al-Qaida. The results of such activity, as we know too well, could be deadly.

This new report tells me we have diverted too many of our resources to fighting a war that simply cannot be won by military might alone, and in doing so we have lost ground on the war on terror. Osama bin Laden remains at large 6 years after 9/11, and has seemingly taken peaceful refuge somewhere in Afghanistan or Pakistan. That is unacceptable.

This week and next, we are going to be taking a series of votes on how best to change the course in Iraq and refocus our energy on where it belongs—rooting out al-Qaida and going after their terrorist networks abroad and at home in a way that makes sense and will better guarantee success.

Part of that means, beginning later this year, that we begin to redeploy a portion of our troops from Iraq to put additional pressure on, and encouragement for, the Iraqi Government to do what it must do to help bring peace to their nation. Part of that means refocusing our efforts on how to win the war on terror, smoke out Osama bin Laden, and, in doing so, make our world a safer place.

I hope our President will work with our colleagues and with me to chart a winning course on the war on terror. We cannot get there alone. This is something we must do together.

Having said that, I want to now focus on cost-effective airlift in the 21st century.

The Senate is writing legislation this week intended to equip our Armed Forces to meet our national security threats and keep our country safe. Doing so is one of the foremost responsibilities of this body.

Our Armed Forces are charged with providing our Commander in Chief with flexible options for responding to a wide variety of threats across the globe. In Iraq, our Armed Forces are keeping the lid on a civil war and protecting civilians from terrorists.

In Korea, our Armed Forces are charged with guarding an ally's border and deterring aggression on the part of a large conventional military.

In the Pacific and the Persian Gulf, our Armed Forces protect American interests through the projection of naval power and carrier-based air power.

At home, our National Guard provides our Nation's Governors with critical response capability to cope with natural disaster, such as Hurricane Katrina.

At times, it can seem as though the demands on our military are practically limitless. Unfortunately, the resources available for equipping our military to meet these demands are not. At a time when our Federal budget remains mired in the red, we need to be looking for ways to meet our military requirements in a fiscally responsible manner.

I have come to the floor today to talk about one way we can do that. I have come to the floor, as I have said, to discuss cost-effective airlift in the 21st century.

Although the air men and women of our strategic airlift fleet rarely receive the attention they deserve, the reality is our military could not perform any of their missions I described if it were not for their hard work and dedication. Strategic airlift involves the use of cargo aircraft to move personnel, weaponry, and material over long distances—often to combat theaters on the other side of the globe. During Operation Desert Storm, U.S. aircraft moved over 500,000 troops and more than 540,000 tons of cargo. During the current war in Iraq, airlift sorties have made up the majority of the nearly 30,000 total sorties flown by U.S. military aircraft.

Strategic airlift enables our military to respond to threats wherever they occur in the world real time. Not only must our fighting men and women be transported to the fight, they must be continuously resupplied. Airlift makes that possible.

Most of the supplies, materiel, and weaponry moves abroad aboard ships. Almost all of our personnel and a good deal of cargo, however, are transported by aircraft. That airlift is provided by a combination of U.S. military airlift and commercial aircraft. The three military aircraft doing most of the heavy lifting are the C–5, the C–17, and the C–130. Together, they provide what I call an "air bridge"—an "air bridge"—to Iraq, Afghanistan, and to other troubled spots around the world.

Over the past 10 years, the United States has reduced its Cold War infrastructure and closed some two-thirds of its forward bases. Therefore, to maintain the same level of global engagement, U.S. forces must now deploy more frequently and over greater distances. Since 9/11, the scale and pace of operations has increased dramatically.

There have been several efforts in recent years to quantify our military's strategic airlift requirement. The most recent one is the Mobility Capabilities Study, which was commissioned by the Pentagon, and was completed in February of last year. It concluded that the Nation's airlift requirement could be met with a fleet of 112 C–5s and 180 C–17s.

Our current strategic airlift fleet—including aircraft currently flying and aircraft on order—consists of 111 C–5s and 190 C–17s. An update to the Mobility Capabilities Study included in the President's budget this year confirmed that this mix is sufficient to meet our airlift needs.

The problem at the moment is not that we have too few aircraft; the problem is that most of the C–5s in our airlift fleet are not as reliable as they could be. There are two ways in which we could choose to address this problem: One, we could fix the aircraft we have, or, two, we could purchase new aircraft.

Families face a similar choice when they have a problem with their car. Should they fix their car or should they buy a new one? Usually families make this decision based on one of three factors: Can the car they have be fixed? If it can, is it cheaper to fix than buying a new one? If the car can be fixed, and it is cheaper to fix than buying a new one, do they have so much money that they can afford—in spite of the greater cost—to go ahead and buy a new car anyhow?

We should ask ourselves the same question when it comes to paying for military aircraft within the confines of a responsible Federal budget.

Let's look at this first chart about meeting our Nation's airlift needs. We pose on the chart three questions: Can the aircraft we have be fixed? Can they be fixed for less than the cost of purchasing new aircraft? Or, finally, can we afford to buy new aircraft anyhow, even if it is unnecessary and more costly?

The answer to the first question is, yes, the aircraft can be fixed. The answer to the second question—can it be fixed for less than purchasing a new aircraft—is, yes, it can. Can we afford to buy new aircraft anyhow, even though it is unnecessary and may be more costly? The answer to that, I believe, is no.

First, let's consider the question of whether the aircraft we have can be fixed. There are currently programs in place to fix C–5s. The C–5s are being upgraded with new engines, new hydraulics, new avionics, and more than 70 other improvements throughout the aircraft. The contractor responsible for these upgrades has committed to the Air Force that the improvements to these aircraft will result in at least a 75-percent mission capable rate. That is up from 60, 65 percent today.

If that level of reliability can be achieved, our current fleet of C–5s and C–17s is sufficient to meet our airlift needs now and for the foreseeable future. That is the conclusion of both the military's latest analyses of our airlift needs and an independent study done by the Institute for Defense Analyses. To date, 3 C–5s—one a C–5A and two of them C–5Bs—have received the complete upgrades that are eventually planned for the entire C–5 fleet. General Schwartz, who is commander of the U.S. Transportation Command, has said he is encouraged by the performance of these aircraft and believes the target mission-capable rate of at least 75 percent will be met and possibly exceeded. General Schwartz isn't the only one giving the modernized flights high praise.

One of the modernized B models came to the Dover Air Force Base about 2 months ago for their annual inspection. I had the opportunity to see it and talk to the crew. I asked one of the pilots aboard the aircraft who has some 4,000 flight hours on the C–5, "How does it fly?" His response: "Like a rocket."

While most acknowledge that C–5s can be fixed, there are those who argue that many of them are not worth fixing. I have heard two versions of this argument. The first is that even if most of the fleet can and should be fixed, at least 25 or 30 of the older C–5As are such "bad actors" that they should be retired. Unfortunately, those who have made this claim have done little to substantiate their claim. Congress has asked the Air Force to provide a list of these bad actors by tail number. To date, as far as I know, the Air Force has not done so. A recent analysis by the Congressional Research Service suggests a possible reason why. Perhaps these bad actors do not exist.

Let's look at this chart, my second chart here: The C–5 reliability argument. These are the words paraphrased from the Congressional Research Service: An examination of C–5 reliability and maintainability statistics for the past three fiscal years does not identify any obvious subset of the C–5 fleet that stands out as notably 'bad actors.'

The other version of the "some of the C–5s are not worth saving" argument draws a line in the sand, not between a set of bad actors and the rest of the fleet but between the older C–5As and the newer C–5Bs. It is a common perception that the C–5As do not perform as well as the C–5Bs, but that perception again is contradicted by the facts. Again, to quote the CRS study, the recent CRS study—I think it was released a couple of months ago:

> C–5A performance and reliability is not uniformly inferior to C–5B performance. Over the past three years, for example, the C–5A fleet has averaged a higher mission departure reliability rate of over 83 percent than the C–5B fleet, which is right around 81 percent.

However, some claim that even if C–5As are not uniformly less reliable, inevitably they will incur structural problems because they are older than the C–5B models. This claim continues to be made even after the Air Force established a Fleet Viability Board in 2003 to evaluate the C–5A fleet and render judgment on the suitability for its continued service. The board 4 years ago reviewed all the relevant data and concluded that the C–5A fleet is structurally sound and viable for at least 25 years and probably longer. To be sure—to be sure—the Air Force actually tore a C–5A apart in late 2005 to inspect it from top to bottom and end to end. The aircraft was given a clean bill of health.

The evidence at hand strongly suggests, at least to me, that we could fix the aircraft we have. Here is the question, though: Can we fix them for less than it would cost to replace them with new aircraft? On this point, it is not even close.

Before I go on to explain why that is the case, let me pause for a moment to say that as a former naval flight officer—I served 5 years active duty, 18 years in the Reserve; I have about 3,500 hours in a P–3 Navy aircraft. Let me say I am a great admirer of the C–17 aircraft. I have supported, and I suspect the Presiding Officer has supported, acquisition of additional C–17 aircraft out of the 190 that have been bought so far. Having said that, it is a highly reliable workhorse. Its mission-capable rate hovers around 85 percent. It can land on large airfields and small airstrips, all of which highly commend the aircraft to us, and that is why we ordered and bought so many of them. In my own State, the Dover Air Force Base has begun receiving a squadron of 13 C–17s. We are delighted. We are excited. We are enthusiastic about their arrival.

Having said that, let me add that the cost of modernizing a C–5 is roughly one-third—let me say that again—the cost of modernizing a C–5 is roughly one-third the cost of purchasing a new C–17. Modernizing a C–5 is roughly one-third of the cost of purchasing a new C–17. Moreover, the C–5 can carry twice as much cargo as the C–17. By modernizing a C–5, we buy twice as much hauling capacity for one-third the cost. Let me say that again. By modernizing a C–5, we can buy twice as much hauling capacity for one-third the cost.

Now, I know some dispute these figures. First, they argue that modernizing a C–5 costs more than one-third of the cost of purchasing a new C–17. They do so by suggesting that the C–5 reengineering program is experiencing dramatic cost growth. Again, the facts say otherwise. According to CRS, claims that the cost of C–5 modernization has risen substantially—and this is what CRS says; this is a quote—"appear to be somewhat at odds with official cost reports from the Department of Defense Comptroller."

The Defense 2006 Select Acquisition Report for the C–5 reengineering program showed average procurement unit cost growth of under 3 percent. Now, it is never good news when a program cost growth goes over expectation, even by a little. However, 2.9 percent cost growth is not particularly remarkable when compared to other Defense acquisition programs.

Moreover, CRS reports that:

> Projections of future cost growth are driven in large part by the Air Force's decision to slow down the C–5 modernization production and to extend it by two years.

Over the last 5 years, the Air Force has pushed this program further and further out into the future—not 2 years but 5 years. Because stretching out the program leads to insufficient production rates, costs have increased.

The contractor responsible for modernizing C–5s has offered the Air Force a firm fixed-price contract in order to guarantee no more cost overruns. All the Air Force has to do to nail down a definite, affordable price is not stretch out the program any further. The ball is in the Air Force's court. If the Air Force does not choose to keep the program on schedule, thereby securing an affordable, fixed price, one has to wonder—at least I wonder—whether the Air Force is interested in making the most cost-effective choice for taxpayers.

Advocates of retiring C–5s have also disputed the fact that a C–5 can carry twice as much as the C–17. In fact, they have begun to refer to C–5s as "C–17 equivalents" for purposes of meeting our airlift needs.

However, the C–5 clearly boasts a greater payload capacity than the C–17, as this chart shows. This is the C–5 and C–17 capabilities comparison. Let's look at it: The C–5 and the C–17. MA tanks, the C–5 carries two, the C–17 carries one; Bradleys, the C–5 carries four, the C–17 carries two; Apache helicopters, the C–5 carries six, the C–17 carries three; multiple launch rocket systems, the C–5 carries four, the C–17 carries two. And Patriot missile launchers, the C–5 carries two and the C–17 carries one.

Despite the fact its cargo capacity in cubic feet for the C 5 is only 60 percent greater than the C–17, the C–5 hauls double the load in several cases and actually makes more efficient use of its cargo space when transporting large weapons systems, I think as we see here. Despite the size advantage of the C–5, advocates of retiring the C–5 still make two arguments to ignore the vehicle's greater hauling capacity.

First, they point out the C–5s currently have reliability problems that negate the C–5s' greater size and capacity. The problem with this argument is we are addressing C–5 reliability problems through the modernization process that our friends in the Air Force continue to delay. The second argument I hear for overlooking the C–5's superior hauling capacity is it doesn't actually matter in practice. Some claim that since both C–5s and C–17s generally fly missions carrying less than the full weight they are capable of carrying, it makes little sense to compare what they are capable of carrying when fully loaded. Well, my office was told the reason C–5s and C–17s generally carry less than the capacity is they "cube out" first. That means the limiting factor is more often the number of pallets these aircraft can carry, rather than the weight they carry. However—here is an important point—this point reinforces that C–5s actually carry twice as much as the C–17s, since C–5s have 36 pallet positions and C–17s have only 18.

So can we fix the aircraft we have for less than the cost of replacing them with new aircraft? I believe the answer is yes.

Let's look at this last chart, some of the benefits of the C–5. This is a paraphrase of the CRS report that came out a couple months ago. This is what the paraphrase is. It says: Current cost estimates of modernizing the C–5 are about one-third that of a new C–17, and the C–5 will carry twice the payload of the C–17.

Not my words but those of CRS.

We can fix the aircraft, the C–5As and Bs that we have, and it is clearly less expensive to do that than to buy new aircraft. But can we afford to purchase new aircraft anyhow, even though it is unnecessary and exceedingly costly? In 2006, the Federal Government, our Federal Government, ran a deficit of just under a quarter of a trillion dollars. OMB tells us the deficit for 2007 this year will be around $200 billion. We are rapidly approaching the retirement of the baby boomers, which will put unprecedented strain on Social Security, on Medicare, and on Medicaid. In short, we are spending beyond our means, and we are using the Social Security surplus to mask an even larger operational deficit.

The Defense Science Board tells us that:

> Each year of additional C–17 production beyond 2008 will represent an additional $2.4 billion acquisition and $2 billion to $3 billion life cycle cost commitment.

I would ask: Aren't there better ways we could use some of this money than purchasing aircraft the military has not requested, credible studies suggest to me—and I think to others—that we don't need?

Even if we confine our focus on the Air Force budget, it is clear there are better uses for this money. The strategic airlift fleet—C–5s and C–17s—is the youngest of the Air Force's aircraft fleets—the youngest—not the oldest, the youngest. If we have several billion dollars lying around, I would suggest there are other fleets in the Air Force inventory in more urgent need of new aircraft than the strategic airlift fleet, including tankers, C–130s, to name a few. Yet if you ask the Chief of Staff of the Air Force, he will tell you this is the reason the Air Force is not and will probably not put money in its own budget to retire C–5s and replace them with new aircraft.

When we actually sit down and do the math, it is difficult to argue that C–5s, with wings and fuselages that have another 30 or 40 years of useful life, should be retired and replaced with new C–17s. It is even more difficult to argue that it is cost-effective to do so.

The only reason left to consider for why we would possibly want to retire C–5s and replace them with new C–17s is that the C–17s can perform missions that C–5s cannot.

It is true that C–17s and C–5s have different attributes. The C–17 can land on short, austere runways that the C–5 cannot. But it is important to keep in mind that only a small minority of strategic airlift missions involve taking off from or landing on short, austere runways. On the other hand, the C–5 can carry outsized cargo that the C–17 cannot carry.

In fact, the evidence suggests that if we have a deficit, in terms of matching our capabilities with our needs, it is that we have too few modernized C–5s, not too few C–17s. For instance, during Operation Enduring Freedom and Iraqi Freedom, the Department of Defense has been forced to lease a Russian aircraft called the An-124 to carry outsize and oversize cargo because C–17s cannot carry this cargo, and not enough C–5 aircraft have been available.

An-124s are Russian aircraft that are comparable to the C–5s. Actually, they are a little bigger than C–5s. It is ironic that some are talking about retiring C–5s when the C–5s we have are insufficient to meet our needs and we must rely on an even larger Russian aircraft to help fill the gap.

Mr. President, I have come to the floor on more than one occasion during my time in the Senate to discuss this issue. I want to be honest with you; sometimes we act as though our usual obligation to be careful stewards of the taxpayers' dollars does not apply when it comes to defense spending. I want to remind my colleagues of this: When we spend beyond our needs, there is an opportunity cost. We end up shortchanging our troops in the field, failing to provide them with the body armor and up-armored vehicles they need, or we end up shortchanging our troops when they come home, failing to actually tend to their physical and psychological needs, which is a problem and concern we hope to address by the amendment that was discussed before me.

Let me finish today by commending the leadership of the Armed Services Committee and its SeaPower Subcommittee, which has jurisdiction over this issue. They have shown a commitment over the years to identifying the facts on this issue and making decisions based on the facts.

The Defense bill reported out of the Armed Services Committee—the bill before us today—retains the requirement in current law that we fully flight-test three C–5s that have been modernized before making any further C–5 retirement decisions. The committee also approved report language requiring the Air Force to provide Congress with a report this year, giving us an up-to-date assessment on the performance of these three C–5s which have undergone modernization upgrades, as well as the projected cost of upgrading of the rest of the C-5 fleet.

I thank the members of the committee and the chairman and Senator MCCAIN, as well as their staffs, for their work on this issue. I hope we pass this Defense authorization bill which is before us. I hope the Senate will insist on its position in this regard in the conference with the House.

I yield back my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that following Senator MCCASKILL's remarks, Senator COLLINS be recognized on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I thank Chairman LEVIN and Senator MCCAIN for making this amendment a priority. I also thank Chairman AKAKA, Senator MURRAY, and many others who worked on this issue for a long time.

I was honored to have the opportunity to be one of the first in the Senate to file a bill on the subject of wounded warriors after the Walter Reed scandal broke. It was an interesting process for me because I spent time at Walter Reed and, of course, I got the official tour. Then I sat down and talked to the soldiers there. It was in those conversations that I learned about some of the problems we are trying to address in this important amendment. Many of the things Senator OBAMA and I included in our legislation have, in fact, been included in this amendment. Overall, it is going to make a real difference in these warriors' lives and their families' lives—how they are treated within our health care system as they return from battle, as they return from their service, while they are still in the Active military.

I won't go into the details of the amendment. Many others have spoken about it. Suffice it to say that, overall, it is going to make a huge improvement in the physical disability system and being able to maneuver through the system in a way that is not punitive, making that transition from the Active military to the veterans system much smoother and easier to navigate. It is going to support the families of these men and women. That was what struck me. Some of these family members who are going to Walter Reed to care for these men and women who have given so much for us—they were not being treated with consistency, not getting some of the benefits they deserved because, frankly, they were doing us a favor by being there and caring for their loved ones. We also address that.

Certainly, we have more assistance and advocacy for outpatients. That was the meat of the problem at Walter Reed. It wasn't the quality of the medical care they were receiving; it was the way the outpatients were being treated, the facilities they were in, the priority they were being given, and were their needs being met, particularly in the area of substance abuse, and were they being met in the area of mental health care. I think this amendment will go a long way toward correcting the underlying problems in the system that allowed the scandal at Walter Reed to become the focus of the American public for so many weeks early in the year.

I also, with some regret, repeat some words I have said before. The reason I regret having to repeat these words is because when I gave this speech 14 months ago, I believed at the time I gave this speech that there would be change after the election. I believed in my heart that the people in Washington would listen like they had not listened before. But because they have not, I think it is important to repeat part of the speech I gave on Harry Truman's birthday, in May of last year, as I talked about the war in Iraq and the reasons I thought it was important to make a change in the Senate.

I grew up in rural Missouri, in the heart of a Nation that I was raised to love and revere. I grew up surrounded by strong men and women who had won a great world war, a war fought against tyranny. My father was a decorated veteran of that war whom I rarely recall ever hearing speak about combat. As I grew older, his silence spoke volumes to me, not only about the modesty of his generation but about what Dwight Eisenhower later called the "agony of the battlefield."

I grew up in a family of Missouri Democrats, Roosevelt people, Truman people, but one of the first political speeches my father asked me to read was President Eisenhower's farewell address that he gave in 1961. Reading his speech again later in my life, I found myself deeply moved by his words. I respect his eloquence as he spoke of this country's fundamental decency and greatness. He called upon America to live up to its ideals by always using our greatest strength wisely in the service of peace and liberty. He warned us to be aware of arrogance, yet maintain our readiness to sacrifice.

I was raised to believe that sacrifice in the defense of our freedom is an American ideal and that from our earliest days, Americans have willingly given of themselves in our defense and in the defense of others. I have always known and felt and believed that, through generation after generation, that willingness has made us safe.

So as I grew up in Missouri, our country seemed on the verge of its greatest period, a time of joy and growth and undeniable strength; a time when all would finally share in our Nation's great bounty, when our military would be used wisely to benefit ourselves and the world; a time, too, when long-closed doors would finally open and we would live up to the ideal of America that lit all the continents with hope and promise and made us admired and respected across so much of the globe. I did not think then that an American leader would ever squander the trust of our people or the admiration of the world that had been won with such courage and at such a cost. But that is what has happened.

In the days after 9/11, this Nation was united, as it was after Pearl Harbor. The world bled for us and stood at our side. Our historic allies offered all possible aid. New allies in Asia and the Middle East emerged, all agreeing to support us in a war on terror.

But that has changed. America was misled into a different war, not against al-Qaida. Instead, we went to war with Iraq. Fearful of weapons of mass destruction, we believed they were a threat to the world. We had a plan to destroy the terrorists. We were strong. But there were no weapons of mass destruction. We did not have a plan to destroy the terrorists. We did not even have a plan to take care of Iraq.

Now our strength has been compromised. The President and his administration have led us into a quagmire, alienated our allies, diminished our national morale, cost us billions of dollars, thousands of precious lives, and maimed many thousands more. Even our Nation's top military authorities have cited enormous mistakes, while this administration refuses to listen to them.

Those were words of a speech I gave 14 months ago, and this administration still refuses to listen. I have listened. I have listened to Missourians. I have listened to General Petraeus. I have listened to the President. I have listened to the experts who have come in front of our Committee on Armed Services, including former generals, generals who have served in Iraq, and maybe most importantly, I have listened to brave soldiers in Iraq.

I sat across a breakfast table and looked at a young man and said: But are you worried if we begin pulling out of Iraq that it will be chaos?

And this young man from Missouri, from a State that I love and he loves, and a country that we want to protect more than anything, looked at me and said: Ma'am, we are in chaos. We need to get out of here.

I implore the Commander in Chief to listen to America, to listen to the people of this country who figured this out months ago. We are stuck in a situation that is squandering the lives of our bravest, and it is also squandering the future of our Nation because of the financial toll it is taking on our budget.

It is time that we change course in Iraq. We have an opportunity to speak louder than any American voice can speak. We have an opportunity to say to the President of the United States: You must change course. It is time to bring our combat troops home from Iraq.

We need to begin that process quickly, and we need to begin to refocus our efforts on fighting terrorism around the world, going after al-Qaida, making our military strong, restoring our prominence in the world with allies that matter, understanding that the strength of our Nation rests with a strong military that we must protect and not wear thin, and, finally, realize that America is speaking with a strong voice. This is a democracy. If we cannot listen to those who sent us here, we have failed our duty in this great Chamber.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in strong support of the amendment that is being offered by Senator LEVIN and Senator MCCAIN that will add to this legislation the wounded warriors bill that we worked so hard on in the Armed Services Committee.

I also wish to acknowledge the great leadership of the Veterans' Affairs Committee, Senator LARRY CRAIG and Senator DANIEL AKAKA.

This is an unusual case where two Senate committees worked together in a bipartisan way to produce legislation that will help improve the care of our veterans, our wounded warriors, and their families.

All of us were outraged by the reports of substandard conditions at Walter Reed Hospital. But our investigation of those conditions revealed other problems with the system—disparities in the award of disability ratings, poor treatment of our soldiers and marines after they had left the military hospitals, a lack of a smooth transition into the VA medical system. These are just some of the problems that were uncovered. I believe this legislation contains the reforms that are going to make a real difference in ensuring high quality, consistent medical care for those who have given so much.

I have become particularly concerned about the treatment of those who are suffering from traumatic brain injury. Traumatic brain injury, or TBI, has emerged as the signature injury of the Iraq war. Bomb blasts are the most common cause of injury and death in Iraq. While improvements in body armor and protective gear have enabled our troops to survive attacks that once would have proven deadly, they still do not fully protect against damage from blasts from roadside explosives or suicide bombers.

As many as 28 percent of the 1.4 million troops who have served in Iraq and Afghanistan have been exposed to bomb blasts and may have suffered at least some form of traumatic brain injury. Mr. President, 60 percent of the blast victims treated at Walter Reed have been diagnosed with mild, moderate, or severe traumatic brain injury.

I visited one such soldier recently at Walter Reed, a 19-year-old soldier from Maine who is faced with making an agonizing medical decision while he is suffering the effects of a mild case of TBI. I thought: How terribly difficult it was for this brave young man to be faced with making a decision about whether to amputate his foot while his judgment is impaired by a traumatic brain injury, an injury that was not initially diagnosed. And that is one of the problems.

I have worked very closely with the Senator from New York, Mrs. CLINTON, to come up with a better system for screening soldiers for TBI because while the evidence of brain injury may be dramatically clear in some cases, in others there may be no outward or visible sign of the trauma. It can take days, weeks, or even months before the symptoms of TBI are readily apparent. As a consequence, as with this soldier, a mild case of TBI may go misdiagnosed or untreated, particularly if the servicemember has sustained more obvious injuries.

Soldiers with TBI often have symptoms affecting several areas of brain function. Headaches, sleep disorders, and sensitivity to light and noise are common. Attention, memory, language, and problem-solving abilities can be affected. Some of the more troubling symptoms can be behavioral: mood changes, depression, anxiety, emotional symptoms. Moreover, sometimes the symptoms of TBI overlap with post-traumatic stress disorder, making it difficult to distinguish between the two.

Sadly, failure to accurately diagnose or treat TBI can result in frustration, inadequate medical treatment, and a series—an endless series—of hardships for our returning veterans and their families.

So I am very pleased the wounded warriors bill includes an expansion of research into TBI and, perhaps most important, provisions authored by Senator CLINTON and myself that will address problems resulting from the misdiagnosis, or the failure to diagnose at all, cases of TBI. The bill will improve the screening process that our troops go through before deployment to improve TBI diagnoses after deployment.

While many wounded servicemembers receive cognitive evaluations upon their return, if there is no baseline test conducted prior to the injury, it can be very difficult to assess the injury, and it can lead to questions about the validity of postdeployment assessment. So our amendment requires a baseline assessment to be done prior to the deployment.

I end by saying that the idea for this predeployment assessment came to me from a neurologist in Maine who treated a soldier back from Iraq who had a traumatic brain injury that had been missed. It was severely interfering with his recovery. Fortunately, this neurologist was able to make the correct diagnosis and see that this brave soldier who had sacrificed so much got the care and treatment he needed.

I believe the provisions in the wounded warriors bill, the amendment before us, will greatly reduce the chances of misdiagnosis in the future. There are many other provisions in this bill that are going to improve the treatment and care for those who have served their country so well and sacrificed so much, but I did want to highlight these provisions of special interest to me.

Again, I salute the leaders of the Armed Services Committee and the Veterans' Affairs Committee for their dedication and hard work. All of us have learned so much, and each and every one of us is committed to ensuring the highest quality of care for those who have sacrificed so much.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, in November, voters in my State of Ohio and across this Nation shouted from the ballot box: The Iraq war must end. They demanded we refocus our efforts on securing our homeland so that the darkest day in our Nation's history, 9/11, is never repeated. With Democrats in control of Congress this session, we immediately began to work to end the war. We set out to implement the full recommendations of the 9/11 Commission, recommendations that will go a long way toward making our country safer.

By working to end the war in Iraq and passing the commission's recommendations, we are executing a strategy to combat terrorism. Make no mistake, ending the war in Iraq is a counterterrorism strategy. Global terrorist attacks have increased sevenfold since we invaded Iraq—sevenfold. Unfortunately and tragically, our continued engagement in Iraq is the best thing that ever happened to jihadist recruitment.

Democrats brought to this Chamber not just one piece of legislation to redeploy our troops out of Iraq but many. And each time, every time, either Republicans defeated the measure in Congress by threatening filibuster or the President vetoed it in the White House—each time, every time.

Two days ago, the President was in my State in Cleveland trying to buy more time for this war. The President has yet to define "victory." He has yet to tell us how many years it will take to achieve whatever his definition of "victory" is. Will we be in Iraq for 5 more years, for 10 more years, for 15 more years? Will more thousands of U.S. service men and women die, tens of thousands? The President has yet to hold himself and his administration accountable for fomenting a civil war and breeding more global terrorism.

The President is proud of his stubbornness. He should be ashamed.

The path he is wed to has simultaneously increased the threat of terrorism and reduced our Nation's capacity to protect against it. Stubbornness is not leadership. Defensiveness is not leadership. Finger-pointing is not leadership. Supporting the President's strategy in Iraq because you support the President is not leadership. Lives are at stake. Our homeland security is at stake. Global stability and security are at stake.

Yesterday we learned that al-Qaida is at pre-9/11 strength. That is frightening news, and it is cause for outrage because it did not have to be that way, and it does not have to be that way.

We learned yesterday that the border between Afghanistan and Pakistan is fostering the next generation of al-Qaida at an alarming rate. What kind of signal exactly does the President and his supporters think we send by failing to secure the region where we know al-Qaida lives and trains and plans, according to military analysts, with relative freedom—the same region that served as the breeding ground for global terrorism through al-Qaida before 9/11, the same region we now know that al-Qaida trained in for the deadliest attack on our Nation's soil, the same region where Osama bin Laden, the mastermind behind 9/11, is believed to be hiding, free to plot the next attack on our homeland.

Over the objection of military advisers, the 9/11 Commission, and the voice of a nation, the President stubbornly insists upon staying the course with a failed policy in Iraq. Staying the course with the President's failed Iraq policy hasn't forced our Government to take its eye off the ball, it has caused us to drop it.

Prior to World War II, the French built the Maginot Line, assuming this line would prevent Germany from attacking France. History proved the French wrong. The President's strategy in Iraq is the Maginot Line of the 21st century. It imperils our Nation by mistakenly focusing our attention in the wrong direction.

We have dropped the ball on capturing Osama bin Laden. We have dropped the ball on securing Afghanistan. We have dropped the ball on implementing the 9/11 Commission recommendations. Anyone who thinks those aren't signals al-Qaida is paying close attention to is sorely mistaken.

Supporting the President's policy doesn't just fail to effectively target terrorism, it puts a bull's-eye squarely on our Nation. Ending the war in Iraq isn't just about bringing our troops home. It isn't just about ensuring veterans get the health care and the benefits they have long been denied. It isn't just about a new direction in our foreign policy. It is about returning our focus to where it must be if our Nation, our communities, and our families are to remain safe. Ending the war in Iraq is about reengaging in full force on the war on terror.

I applaud my Republican friends who have chosen to stand up to the President. More and more of them have taken steps of bravery with every vote we bring to the floor. But it is not enough. With every lost vote, we add more lives to the list of the men and women lost in Iraq. With every lost vote, we empower al-Qaida.

In the Senate, those of us committed to ending this war of choice and securing our Nation will keep fighting to end the war. I appreciate the leadership of Senator WEBB, of Senator HAGEL, Senator REID, and Senator LEVIN, all of whom have shown courageous leadership on this crisis of a generation. Together, we are going to change this policy. The safety of every American depends on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. LEVIN. Will the Senator from Idaho yield for a unanimous consent request?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Idaho has completed his remarks, the Senator from Massachusetts, Mr. KERRY, be recognized; after Senator LINCOLN, if there is a Republican here, they would then come next and that, after that, after Senator LINCOLN, Senator KERRY be the next Democrat in sequence.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, reserving the right to object, and I would not object, for the purposes of planning, I know we have a vote at 4. Does Senator LINCOLN have an estimate as to how much time she will take?

Mrs. LINCOLN. Ten minutes.

Mr. KERRY. Reserving the right to object, I would not object, but it is my understanding we are trying to go back and forth. Is there a Republican who is lined up at this point? If not, I think the Senator from Arkansas is going to speak for about 10 minutes and if I could proceed after her.

Mr. McCAIN. Yes. Senator CRAIG is here. I know of no additional speakers. I think it is legitimate, since the Senator from Massachusetts is on the floor. I would agree that following Senator CRAIG, Senator LINCOLN and then Senator KERRY proceed.

Mr. KERRY. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, let me first of all thank the chairman and the ranking member for bringing this legislation to the floor and for including in it the wounded warrior amendment. Let me also thank the senior Senator from Arizona for his leadership on what has been a critical and important issue for our country and, at best and at worst, very divisive. I have not seen him step back one moment from the defense of our men and women in uniform and the mission they are conducting in Iraq, and I thank Senator McCAIN for that kind of leadership. It is tremendously important for our country that we have that quality of leadership, knowledge, and understanding; to be able not only to travel there and understand but to come back to this country and articulate it.

I must also say I was disappointed when the Senator from Missouri talked about lives squandered in Iraq. I am sorry, but every young Idahoan who has died in Iraq was not a life squandered. To me, that young man or woman was a hero in defense of their Nation, in defense of a nation trying to be free, and an expression from our Nation of that; for preserving for this generation of Americans a sense of freedom and independence in a very difficult world. Lives squandered? I am sorry, I choose other words. The difference between a life squandered and that of an American hero is a distinct difference.

Today, we are here to talk about wounded warriors. We are also here to talk about something my chairman of the VA Committee, DANNY AKAKA, and I have brought forward in an amendment that will be considered and, we hope, handled by the chairman and the ranking member and our whole Senate in a unanimous way to deal with traumatic brain injury improvements and transitional benefits that I and Senator AKAKA and all our colleagues have worked on for those who are in the active service and about to become veterans.

Certainly, the Presiding Officer, now serving on the Veterans' Affairs Committee, has openly participated with us in making sure the word "seamless transition" is not just something in our vocabulary, but it is a reality of moving men and women from active service into a veteran status; and for those who were injured and are eligible for benefits, to make sure that transition is, in fact, seamless.

I would like to speak for a moment on an amendment we are offering that deals with that. Senator AKAKA a few days ago laid out a number of provisions that are in this amendment and was on the floor earlier to speak to it, and I wish to address some of those on the floor at this moment but not to travel that path again.

First, I am proud of the comprehensive nature of the language dealing with those suffering from traumatic brain injury in this amendment. Enactment of these provisions will ensure that injured servicemembers, veterans, and their families will receive a detailed plan from a VA treatment team outlining their care and a rehabilitation program. They can be certain the plan will be reviewed and updated often, even at their request.

They will benefit from new investments in research into mild, moderate, and serious traumatic brain injury. Most important to me, they will have the comfort of knowing the Secretary can provide TBI care in a private, non-VA facility anytime the Secretary determines that doing so would be optimal to the recovery and rehabilitation of a patient.

Through time and hearings, we have discovered in the VA Committee that while the Veterans' Administration and their health care delivery systems are, by the nature of what they do, the best in the country, with some of the cutting-edge technology that is available in the private sector, we are not yet up to speed in the VA public sector. So giving the Secretary this flexibility and option says to our veteran, who may well be suffering from TBI: You are going to get the best that is available, private or public, at the time you need it. That is the way it ought to be.

In other words, whenever it is in the best interest of the patient's recovery, then the VA can purchase private care until that care may be available within the system itself.

These are a few of the very important provisions in this amendment that I believe will make the care and treatment of our wounded servicemembers and veterans even better.

I would also like to point out our actions with this amendment reflect a pledge we made a few months ago when the Veterans' Committee and the Armed Services Committee held a joint hearing to receive testimony on needed changes to the transition programs of health care benefits. At that time, many of us stated our intention to make a good-faith effort to work on these issues under our respective committees' jurisdictions and to merge them back together again at the earliest possible opportunity. Senator AKAKA and Senator LEVIN certainly were good to their word as we worked to bring those together, and that is exactly what is reflected in these amendments that are currently before the Senate and will be when we bring the other amendment forward. So I am very proud to tell the Senate that both committees have done their work and lived up to their bargain.

I wish to compliment the Senators from Michigan and Arizona, as I did earlier, for the work they have done on the Armed Services Committee in producing the wounded warrior bill that is now pending to this authorization bill as amendment No. 2019. That bill, coupled with the amendment Senator AKAKA and I are now offering, will provide a comprehensive approach to improving the benefits and services of those who are severely injured in service and those who need transitional assistance.

Finally, I also think this amendment is very important because it demonstrates Congress can break down the walls of jurisdiction and territory and do the right thing at the right time for the right people. In this case, it is America's brave young men and women who are standing in harm's way, and as a result of their bravery and their heroism may sustain some level of injury.

I and other Senators have been very critical of the bureaucratic roadblocks we oftentimes see in DOD or the VA. But I must tell you we see a merging now and a breaking down of those barriers and roadblocks that ought to be done when we find those difficulties arising. So I believe that if we are going to demand these two agencies break down their walls of territory and jurisdiction, then we can demonstrate the same. These amendments recognize and demonstrate that. I am proud we are doing so today.

I wish to thank, again, Chairman LEVIN and Ranking Member MCCAIN for their support throughout the process, and I wish to thank Chairman AKAKA for his leadership. I also wish to compliment the staff of the Senate Armed Services Committee—Gary Leeling, Dick Walsh, and Diana Tabler—for working in a collegial way with our staffs on the Veterans' Affairs Committee to make all of this effort very possible in the way that it is being presented on the floor.

Mr. President, to my colleagues, the chairman and the ranking member, I appreciate the opportunity to come speak on these critical issues, and once again the cooperation between the VA Committee and their staffs, and the Armed Services Committee and their staffs, I think, is a model of how we get things done in the appropriate way and in the timely way necessary.

I yield the floor.

Mr. LEVIN. Mr. President, first, let me thank Senator CRAIG for all the work he and his committee put in on this bill. I know he and Senator AKAKA and members of that committee have played a major role. Their amendment reflects additional work, and we are very grateful. I know every veteran in this country and their families are grateful.

Mr. President, I ask unanimous consent that Senator MCCAIN and I, at this time, be allowed to offer six second-degree amendments which have been cleared—they shouldn't take more than a few minutes—prior to Senator LINCOLN being recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2131 TO AMENDMENT NO. 2019

Mr. LEVIN. Mr. President, on behalf of myself and Senators DURBIN and MCCAIN, I call up amendment No. 2131, a second-degree amendment to our amendment. It requires the Secretary of Defense to develop a comprehensive plan for the provision to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder. The amendment has been cleared, I believe.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DURBIN, proposes an amendment numbered 2131 to amendment No. 2019.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to develop a comprehensive plan for the provision to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder the services that best meet their individual needs)

At the end of section 1631(b), add the following:

(16) A program under which each member of the Armed Forces who incurs a traumatic brain injury or post-traumatic stress disorder during service in the Armed Forces—

(A) is enrolled in the program; and

(B) receives, under the program, treatment and rehabilitation meeting a standard of care such that each individual who is a member of the Armed Forces who qualifies for care under the program shall—

(i) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(ii) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(17) A requirement that if a member of the Armed Forces participating in a program established in accordance with paragraph (16) believes that care provided to such participant does not meet the standard of care specified in subparagraph (B) of such paragraph, the Secretary of Defense shall, upon request of the participant, provide to such participant a referral to another Department of Defense or Department of Veterans Affairs provider of medical or rehabilitative care for a second opinion regarding the care that would meet the standard of care specified in such subparagraph.

(18) The provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder and their families about their rights with respect to the following:

(A) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(B) The options available to such members for treatment of traumatic brain injury and post-traumatic stress disorder.

(C) The options available to such members for rehabilitation.

(D) The options available to such members for a referral to a public or private provider of medical or rehabilitative care.

(E) The right to administrative review of any decision with respect to the provision of care by the Department of Defense for such members.

Mr. McCAIN. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2131.

The amendment (No. 2131) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2154, AS MODIFIED, TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, on behalf of Senator GRAHAM, I call up amendment No. 2154, an amendment which improves the distribution of benefits under Traumatic Servicemembers' Group Life Insurance.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GRAHAM, proposes an amendment numbered 2154, as modified, to amendment No. 2011.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) DESIGNATION OF FIDUCIARY FOR MEMBERS WITH LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is medically incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

Mr. McCAIN. Mr. President, the amendment, as modified, has been cleared.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2154, as modified.

The amendment (No. 2154), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2115 TO AMENDMENT NO. 2019

Mr. LEVIN. Mr. President, on behalf of myself, Senators CRAIG, AKAKA, and McCAIN, I call up amendment No. 2115. It is a second-degree amendment to the wounded warrior amendment that requires the Secretary of Defense to ensure that the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder collaborates to the maximum extent possible with the National Center for PTSD and the Department of Veterans Affairs and other appropriate entities.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CRAIG, for himself and Mr. AKAKA, proposes an amendment numbered 2115 to amendment No. 2019.

Mr. McCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to ensure that the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities)

On page 47, strike lines 15 through 18 and insert the following:

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2115) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2114 TO AMENDMENT NO. 2019

Mr. LEVIN. Mr. President, on behalf of myself and Senators CRAIG, AKAKA, and McCAIN, I call up amendment No. 2114, which is a second-degree amendment to the pending amendment that requires the Secretary of Defense to ensure that the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury collaborates to the maximum extent possible with the Department of Veterans Affairs and other appropriate entities.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CRAIG, for himself and Mr. AKAKA, proposes an amendment numbered 2114 to amendment No. 2019.

Mr. McCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Defense to ensure that the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities)

On page 43, strike lines 8 through 11 and insert the following:

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institu-

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2114) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2089 TO AMENDMENT NO. 2019

Mr. LEVIN. Mr. President, on behalf of Senator LIEBERMAN, myself, and Senator McCAIN, I call up amendment No. 2089, a second-degree amendment to our pending amendment. This relates to the Center of Excellence for PTSD.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LIEBERMAN, for himself, Mr. LEVIN, and Mr. McCAIN, proposes an amendment numbered 2089 to amendment No. 2019.

Mr. McCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the development of a program on comprehensive pain management in the Center of Excellence in the Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder)

On page 50, strike lines 11 and 12 and insert the following:

"(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(14) Such other responsibilities as the Secretary shall specify.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2089) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2090 TO AMENDMENT NO. 2019

Mr. LEVIN. Mr. President, on behalf of Senators LIEBERMAN, MCCAIN, and myself, I call up amendment No. 2090, a second-degree amendment to our pending amendment regarding the Center of Excellence for Traumatic Brain Injury.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LIEBERMAN, for himself, Mr. LEVIN, and Mr. MCCAIN, proposes an amendment numbered 2090 to amendment No. 2019.

Mr. McCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the development of a program on comprehensive pain management in the Center of Excellence in the Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury)

On page 46, strike lines 17 and 18 and insert the following:

"(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

"(15) Such other responsibilities as the Secretary shall specify.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2090) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2162 TO AMENDMENT NO. 2019

Mr. LEVIN. Mr. President, on behalf of Senator SNOWE and myself, I call up amendment No. 2162, a second-degree to the pending amendment. It requires the Secretary of Defense to submit a report on reductions in disability ratings.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. SNOWE, for herself and Mr. LEVIN, proposes an amendment numbered 2162 to amendment No. 2019.

Mr. McCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit upon appeal a reduction in disability rating once such rating has been assigned by an informal physical evaluation board of the Department of Defense)

On page 23, between lines 6 and 7, insert the following:

(3) Report on reduction in disability ratings by the Department of Defense.

The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the numbers of instances in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction. Such report shall cover the period beginning October 7, 2001 and ending September 30, 2006, and shall be submitted to the appropriate Committees of Congress by February 1, 2008.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2162) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I believe we have done amendment No. 2154. I thank the Chair and thank our good friends from Arkansas and Massachusetts for their understanding and, of course, my good friend from Arizona.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I have a special thanks to the chairman and ranking member for their leadership on such a critical issue at such a critical time in our Nation. Their leadership and their ability to work together have certainly brought us together here on this issue and many others. I am grateful to them for that.

I rise today on behalf of the brave men and women of our National Guard and Reserve who have sacrificed so greatly for our freedom. They are the policemen and the doctors, the schoolteachers and mayors in communities all across our great land. They are also the beloved sons and daughters, fathers and mothers and families in our neighborhoods, in mine and yours, all across this Nation. Our Nation has turned to them in unprecedented numbers to help defend our freedoms around the world. With pride and courage, they have answered their Nation's call. We have seen also in their call to duty the great contribution they give in our communities because, as they are deployed, we see in our communities where perhaps our mayors or our school principals or our fire chiefs have to be replaced temporarily as they are gone.

Since the tragic events of September 11, 2001, nearly 600,000 of these citizen soldiers, including several thousand from my home State of Arkansas, have been activated to serve in Iraq and Afghanistan. More than 132,000 have pulled multiple tours of duty. In doing so, they have served and continue to serve with distinction in some of the worst conditions imaginable. It is time, now, for us as a nation and as a body here in the Senate to begin providing them with benefits that are more commensurate with their increased sacrifice.

One area in particular is the educational benefits provided under the Montgomery GI bill. These benefits were signed into law in 1984, a time when members of the Selected Reserve were seldom mobilized. Consequently, standard Montgomery GI benefits reflected that reality. But, unfortunately, it is not the same reality we see today. That is why I have offered two amendments to the 2008 Defense Authorization Act. These two amendments are a part of a bill that I have helped work with my colleague from Arkansas, Congressman SNYDER, to put together in the Total Force GI bill that we have introduced on behalf of our Guard and Reserve. These two proposals offer two very big steps toward modernizing the Montgomery GI benefit to better reflect the increased commitment our Guard and Reserve are making to protect our Nation.

I am extremely proud to be joined by 13 of my colleagues, including the Presiding Officer, from both sides of the aisle and over 40 military veterans and higher education groups, working together as the partnership for veterans education. So many of us all well know how critically valuable education is to each and every one of us, to our families, to the success of our economics and our country, and we want to see a part of that a possibility for our veterans.

The first amendment, which is amendment No. 2072, would place both Selected Reserve Montgomery GI programs under the same umbrella in law as the Active-Duty program. Under the current structure, Active-Duty benefits have continued to increase in recent years, while the benefits for our hardworking reservists have remained untouched. As a result, the value of the Montgomery GI benefits has plummeted for members of the Selected Reserve, despite their increased service, from 47 percent of Active-Duty benefits in 1985 to now only 29 percent of those benefits today. This amendment would establish one program with one set of rules that would cut inconsistent and inequitable structuring of benefits by ensuring that all future benefits are upgraded equitably and are easier to administer.

An identical provision has been included in the House-passed version of the Defense authorization bill. My hope is that my colleagues will join me in including this amendment in our Defense authorization bill to truly reflect not only our gratitude but certainly, without a doubt, what our guardsmen and reservists deserve after the incredible and courageous commitment they have made to this country.

The second amendment is amendment No. 2074, and it is identical to an amendment that was passed unanimously by the Senate last year. This amendment would allow operational reservists to have portability of their Reserve Education Assistance Program—it is called their REAP benefit—for up to 10 years upon their separation from service.

In establishing REAP, which is their Reserve Education Assistance Program, Congress took steps to enhance educational benefits for activated members of the Selected Reserve, but we failed to address their lack of readjustment or transition components. As a result, Active-Duty servicemembers have up to 10 years after their separation of service to utilize their Montgomery GI benefit, while operational reservists, whom they are often fighting alongside, without a doubt, must forfeit all of the educational benefits they have earned once they separate from the Selected Reserve.

That is incredible. We have guardsmen and reservists who are serving alongside Active-Duty military. They are seeing the same dangers, the same challenges, the same pain, the same separation from family, for relatively the same amount of time. Yet when they come home and they leave the Guard, they no longer have access to those educational opportunities. How unfair. How important it is right now for us, as these returning veterans have an opportunity to begin to transition themselves back into their communities, back into their existing jobs or new jobs—the need for education is paramount, and making sure we make it available for them is absolutely essential.

To this day, the Montgomery GI benefits continue to be the only benefits that those who have served Selected Reserve activated duty in the war on terror may not access when they eventually separate or retire. In addition, members of today's Selected Reserve are so busy training and deploying that they have little time to actually use their educational benefits; therefore, their ability to use their benefits while serving is curtailed because of repeated deployment and denied entirely once they finish their service. We are talking about education. We are talking about empowerment. We are talking about something they deserve, they have earned, and we should be making sure we make available to them.

I would like to give an example. Take, for instance, Jamaal Lampkin, who is a 28-year-old native of Malvern, AR, whose story was recently reported in USA Today. Jamaal spent 13 months with the U.S. Army Reserve in Iraq. After his distinguished tour of duty, which included a Purple Heart, he did not have time to utilize the enhanced educational benefits he had earned prior to the conclusion of his service obligation. To do so, he had to reenlist and risk the chance of being redeployed at some point. How unbelievable, for someone who had given of himself and offered himself in service to this great Nation to come back and find that after that tour of duty, those benefits were gone.

In his records, here in this article, he said:

> I had the proud opportunity to serve my country in Iraq and I just wanted to move on.

He, and those like him, certainly deserve as much. We must act on behalf of these brave Americans because they deserve a policy more reflective of their sacrifice. Jamal fought and was wounded alongside active-duty servicemembers, but because of an inequity of the law, he is denied the same opportunity to utilize those educational benefits he has rightly earned, benefits that serve as a primary means of helping our service men and women make that difficult transition back into civilian life after serving in combat.

Some have raised concerns this amendment would have an effect on retention because it would provide a postservice portability of benefits. I wholeheartedly disagree. There are many valid personal and family reasons that influence a volunteer's decision to serve. Military analysts have consistently noted that reenlistment bonuses and lump sum cash payments have been effective in meeting and exceeding reenlistment goals in the Active and Reserve forces, not the educational benefits that are deferred over time.

That is why we have seen an unprecedented increase in the amount spent on these bonuses in recent years. At a time when one branch of our military is spending over $1 billion in cash bonuses, the least we can do is provide a fraction of those costs on investing in our citizen soldiers. After all, doing so only serves to enhance our Nation's competitiveness through the development of a more highly educated and productive workforce.

Young high school graduates in Arkansas and across this great country thinking about furthering their education and whether to join the National Guard or Reserves should know they will earn Montgomery GI benefits by enlisting, and even more if they are called up to duty.

When it is time to reenlist, they can keep all earned educational benefits with the opportunity to earn more by staying in or they can take with them in civilian life the benefits they have earned when they were called up to defend our great Nation.

As the daughter of a Korean war veteran, I was taught from an early age about the sacrifices of our troops and the sacrifices our troops have to make to keep our Nation free. I have been grateful for the service of so many of our brave men and women from the State of Arkansas and across this Nation. On behalf of them and their families, I will continue to fight to ensure they are provided with the benefits, the pay, and the health care they have earned.

Madam President, I ask unanimous consent to have printed in the RECORD letters of endorsement from the Military Officers Association of America, the National Reserve Association, the American Legion, the Air Force Sergeants of America, the Veterans of Foreign Wars, and the Enlisted Association of the National Guard of the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AIR FORCE SERGEANTS
ASSOCIATION,
Temple Hills, MD, July 9, 2007.

Hon. BLANCHE LAMBERT LINCOLN,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of our 130,000 AFSA members, I want to express our staunch support of the two amendments you are proposing regarding total force educational assistance enhancement. In recent years our military operations tempo requirements have been shared by members of the active duty, guard and reserve forces. Guard and Reserve forces now train and deploy alongside our active forces seven days a week, 365 days a year; therefore, opportunities for their use of educational benefits are diminished. These two amendments afford our total force a better balance of educational opportunities.

The first amendment will provide operational reservists with 10-year portability of educational benefits, thus mirroring those of our active duty force. Unlike current restrictive guidelines, this amendment will allow them to use the benefits they have earned after leaving tours of active duty. The second amendment will integrate the reserve MGIB programs into Title 38. This will allow for single source oversight of a more balanced approach to total force educational benefits. Both amendments will serve to enhance educational opportunities for AFSA's growing number of guard and reserve members.

Senator Lincoln, thank you for your continued focus on total force educational benefits. We stand ready to support you in this endeavor and others of mutual concern to our members should the need arise. Please feel free to contact me, or my Deputy Director of Military and Government Relations, Ruth Ewalt.

Sincerely,

RICHARD M. DEAN,
Chief Executive Officer.

THE AMERICAN LEGION,
Washington, DC, July 9, 2007.

Hon. BLANCHE LINCOLN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the 2.7 million members of The American Legion, I am writing to strongly endorse the amendments to the National Defense Authorization Act (S. 1547) that you propose to introduce to provide an extension of the delimiting date for the use of Montgomery GI Bill benefits for those members of the Reserve components who have been called to active duty and to recodify Title 10 Chapters 1606 and 1607 to Title 38.

The American Legion supports passage of major enhancements to the current All-Volunteer Force Education Assistance Program, better known as the Montgomery GI Bill (MGIB). This amendment would extend the delimiting date of the Reserve Educational Assistance Program (REAP) to ten years after separation from the Selected Reserve and Ready Reserve. Furthermore, this amendment would recodify Title 10 Chapters 1606 and 1607 (MGIB-SR and REAP) to Title 38 and thereby place these two programs under the same authority as the active duty MGIB, but leaving kickers under Title 10. We note that the current make-up of the operational military force requires that adjustments be made to support all Armed Forces members.

As the distinctions between the Active and Reserve Forces continue to fade, the difference between the Active and Reserve Forces of the MGIB should disappear accordingly. Benefits should remain commensurate with sacrifice and service. Today, approximately 40 percent of troops in Iraq are National Guard personnel or Reservists. Many members of the Reserve components would not be eligible to receive benefits while they are members of the Reserve components due to frequent mobilizations and other factors, yet they have honorably served their country in the Armed Forces. By extending the delimiting date to ten years after completion of service, Reservists will have an additional opportunity to use their MGIB benefits. Additionally, by enacting this legislation, future MGIB rates of the Reserve components would increase lock-step with the active duty rates and eliminate any inconsistencies.

The American Legion feels that all veterans should be treated equally regardless of their Reserve National Guard status. An individual who was called to duty and served honorably should not have to remain in the Selected Reserve to use their earned benefits. We support legislation that would allow all Reservists and National Guard members to use their education benefits after separation regardless of disability status and if their enlistment contract expires.

In closing, The American Legion strongly endorses your proposed amendments to the National Defense Authorization Act and thanks you for your continuing support of America's veterans and their families.

Sincerely,

JAMES E. KOUTZ,
National Economic Commission.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, July 10, 2007.

Hon. BLANCHE LINCOLN,
U.S. Senate,
Washington DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airman in the Army and Air National Guard. With a constituency base of over 414,000 soldiers and airmen, their families, and a large retiree membership, EANGUS engages Capitol Hill on behalf of courageous Guard persons across this nation.

On behalf of EANGUS, I'd like to offer our letter of support for your amendment to H.R. 1585, the "National Defense Authorization Act of 2008." Your amendment would move Chapter 1606 and Chapter 1607 benefits from Title 10 to Title 38. The amendment is cost neutral, corrects an actuarial budgeting issue in the original language, but keeps educational kickers with DOD under Title 10.

With the active component Montgomery GI Bill under Title 38 and the Selected Reserve program under Title 10, there are inconsistencies and inequities in the benefits for the same level of sacrifice by the service member. This would establish one program with one set of rules under one committee which can do nothing but better the educational future of our service members.

Thank you for your continued support of our military and veterans. If our association can be of further help, feel free to contact our Legislative Director, SGM (Ret) Frank Yoakum.

Working for America's Best!

MICHAEL P. CLINE,
Executive Director.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, July 10, 2007.

Hon. BLANCHE LINCOLN,
U.S. Senate,
Washington, DC.

The Enlisted Association of the National Guard of the United States (EANGUS) is the only military service association that represents the interests of every enlisted soldier and airman in the Army and Air National Guard. With a constituency base of over 414,000 soldiers and airmen, their families, and a large retiree membership, EANGUS engages Capitol Hill on behalf of courageous Guard persons across this nation.

On behalf of EANGUS, I'd like to offer our letter of support for your amendment to H.R. 1585, the "National Defense Authorization Act of 2008." Your amendment would allow members of the Selected Reserve who are activated for 90 days or more or have already earned their Chapter 1607 Montgomery GI Bill benefits to have portability of their 1607 benefits upon the conclusion of their service, for up to 10 years from their last date of service. This provision would apply only to their 1607 benefits (those benefits earned through activated service) and not their 1606 benefits (their standard Selected Reserve educational benefits).

A very small segment of our nation's population has volunteered to defend the remainder of America during this long war. National Guard and Reservists called to active duty to defend the nation in the War on Terrorism are the only group of veterans who have no access to their MGIB benefits after completing their service commitment. It sends a signal that their service and sacrifice are not valued. As our nation's defenders, they deserve the same readjustment benefit as all other service men and women.

Thank you for your continued support of our military and veterans. If our association can be of further help, feel free to contact our Legislative Director, SGM (Ret) Frank Yoakum.

Working for America's Best!

MICHAEL P. CLINE,
Executive Director.

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, July 10, 2007.

Senator BLANCHE LINCOLN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the nearly 362,000 members of the Military Officers Association of America (MOAA), I am writing to thank you for your untiring support of our military men and women and in particular for your efforts to establish a "total force" GI Bill that matches educational benefits to service and sacrifice.

MOAA strongly supports your intention to sponsor floor amendments to the Senate version of the national defense authorization act that would forge a Montgomery GI Bill (MGIB) that better supports armed forces recruitment and helps our veterans including returning Guard and Reserve warriors to realize their full potential as citizens and soldiers.

Earlier this year, the House favorably endorsed a provision in its defense bill that authorizes the transfer of reserve educational benefits programs from the Armed Forces code to Title 38, the laws governing veterans' benefits. We applaud this action as an essential first step in MGIB reform and respectfully recommend that you and Senate colleagues co-sponsor identical language as an Amendment to the Senate defense authorization.

In addition, MOAA thanks you for your work last year in pressing for a 10-year readjustment benefit for mobilized reservists who earn MGIB entitlement under Chapter 1607 of 10 U.S. Code. We recommend that you again sponsor this critical equity provision.

Guard and Reserve servicemembers called to active duty to defend the nation in the War on Terror are the only group of veterans who have no access to their MGIB benefits after completing their service commitment. That's not only unfair, but it sends a signal that their service and sacrifice are not valued.

A fraction of our population—about 1%—is defending the rest of the nation during this long, difficult and complex war. We, the protected, must do all we can to ensure our National Guard and Reserve warriors realize their full potential as soldiers and citizens during and after their service.

MOAA and our colleagues in The Partnership for Veterans' Educational thank you most sincerely for your leadership in sponsoring amendments that honor the service and sacrifice of our Guard and Reserve warrior-citizens.

Sincerely,

NORBERT R. RYAN, Jr.,
President.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, DC, July 11, 2007.

Hon. BLANCHE LINCOLN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States and our Auxiliaries, I would like to offer our support for your Amendment providing operational reservists with a 10-year portability of their Chapter 1607 (REAP) MGIB benefits.

Currently, active duty service members have up to ten years after their separation of service to utilize their MGIB benefits, while operational reservists must forfeit ALL of the educational benefits they earned on active duty once they separate. This benefit continues to be the only one that those who have served Selected Reserve activated duty in the War on Terrorism may not access when they eventually separate. Also, members of today's Selected Reserve are so busy training and deploying that they have little time to actually use their MGIB benefits. Their ability to use the benefit while serving is curtailed because of repealed deployments and denied entirely once they finish their service. This amendment would remedy this problem facing Guard and Reserve members.

The original GI Bill helped to create the middle class through easing the transition from active duty to civilian life, improving access to education and creating an unprecedented number of opportunities for millions of Americans. The GI Bill is a central transition tool aiding generations of Americans to reconnect and improve their families' lives.

Thank you for introducing this amendment and we look forward to working with you and your staff on this important legislation. Your stalwart support for America's veterans, and all who stand in defense of our nation, is appreciated.

Sincerely,

DENNIS CULLINAN,
National Legislative Service.

NAVAL RESERVE ASSOCIATION,
Alexandria, VA, July 10, 2007.

Senator BLANCHE LINCOLN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LINCOLN: On behalf of the Naval Reserve Association, and 76,000 current members of the Navy Reserve, I am writing to thank you for your untiring support of our military men and women and in particular for your efforts to establish a "total force" GI Bill that matches educational benefits to service and sacrifice.

NRA strongly supports your intention to sponsor floor amendments to the Senate version of the national defense authorization act that would forge a Montgomery GI Bill (MGIB) that better supports armed forces recruitment and helps our veterans including returning Guard and Reserve warriors to realize their full potential as citizens and soldiers.

The House favorably endorsed a provision in its defense bill that authorizes the transfer of reserve educational benefits programs from the Armed Forces code to Title 38, the laws governing veterans' benefits. We applaud this action as an essential first step in MGIB reform and respectfully recommend that you and Senate colleagues co-sponsor identical language as an Amendment to the Senate defense authorization.

In addition, NRA thanks you for your work last year in pressing for a 10-year readjustment benefit for mobilized reservists who earn MGIB entitlement under Chapter 1607 of 10 U.S. Code. We recommend that you again sponsor this critical equity provision.

Guard and Reserve servicemembers called to active duty to defend the nation in the War on Terror are the only group of veterans who have no access to their MGIB benefits after completing their service commitment. That's not only unfair, but it sends a signal that their service and sacrifice are not valued. Since 9-11, over 585,000 Guard and Reserve members have been called to serve during this critical time.

A fraction of our population—about 1%—is defending the rest of the nation during this long, difficult and complex war. We must do all we can to ensure our National Guard and Reserve warriors realize their full potential as citizens during and after their service as Sailors, Airmen, Marines, Soldiers, and Guardsmen.

NRA and our colleagues in The Partnership for Veterans' Education, and the TMC thank you most sincerely for your leadership in sponsoring amendments that honor the service and sacrifice of our Guard and Reserve warrior-citizens.

Sincerely,

C. WILLIAMS COANE,
RADM, USN (retired),
Executive Director.

Mrs. LINCOLN. Again, I urge my colleagues—I strongly urge my colleagues—to support these amendments. These are the right things to do on behalf of these unbelievable individuals, these unbelievable Americans, these citizen soldiers who leave their homes and their jobs. They leave their communities and their families to go in the bravest of manners to defend this great country, to defend our freedom. It is the least we can do for those we owe so much and to reassure future generations that a grateful nation will not forget them when their military service is complete. And, more importantly, that we will partner with them to reach the ultimate in their potential, the ultimate in their desire to make themselves the best they can be when they return home.

I encourage any colleagues to support both of our amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2019

Mr. KERRY. Madam President, I rise today to speak to the Levin-Reid-Kerry et. al amendment with respect to Iraq. Today the President made a partial report on Iraq. And while it is true there has been some tactical military success, no amount of spinning, no amount of focus on the military component can obscure the bottom line reality in Iraq today.

That reality is clear. There has been no meaningful political progress. In the long run, that is the only progress that matters, that makes a difference to our policy because it is the politics that is producing the killing and the chaos in Iraq.

Unless and until Iraqis resolve their fundamental political differences, any security gains will be temporary at best, particularly given the numbers of troops that are committed to that security, and given the difficulties that we already understand in terms of deployment schedules.

That is a fundamental underlying reality that colleagues in the Senate need to focus on. Any tactical gain in the short term, whether it is in Anbar Province, Diyala, or elsewhere, is welcome now, but the fact is, it is fundamentally temporary absent the political resolution that is critical to ultimately ending the violence.

So moving the goalposts, dressing up the failure to meet strict benchmarks as progress, those are, frankly, rationalizations for failure over the long term. They are not plans for success. It is hard when you measure the absence of political progress over the course of the last months against these temporary tactical gains. It is very difficult to suggest that we are doing anything except sort of committing American forces, troops, to a kind of holding action for hope, hope that there is some turn and some kind of outcome.

I think most of us would rather have the U.S. military committed to what we all consider to be a winning strategy, not a hopeful strategy. Meanwhile, in the middle of the President's report, partial report today, another, frankly, more chilling and important report tells us that while we have been bogged down and distracted in Iraq, al-Qaida, which the President keeps referring to as the central enemy, al-Qaida has found a safe heaven in Pakistan. Al-Qaida has rebuilt its organization.

Today, top intelligence officials tell the United States that al-Qaida is better positioned to strike the West than they have been at any time since 9/11. I think any American hearing this, after these several thousand lives have been sacrificed in Iraq, to hear that al-Qaida, which is the principal focus of the war on terrorism, is stronger today after all of these billions of dollars and lives lost in Iraq, is a stunning turn of events, shocking turn of events, one that ought to stop everyone in the Senate to collectively turn our policy to where it ought to be, which is the focus on al-Qaida and not the focus in Iraq.

In fact, what has happened in Anbar Province proves that al-Qaida can become more of a minimalist kind of threat in Iraq itself when measured against the threat of the political killing that is taking place between Sunni and Shia, Shia and Sunni.

Our principal focus, notwithstanding this report from our own intelligence agencies, is where? It is on Iraq. Not principally where it ought to be, in Afghanistan and northwest Pakistan. Iraq is not just a distraction from the fight against terrorists, it is, frankly, al-Qaida's best fundraising tool. It is al-Qaida's best organizational magnet. You did not have to wait until September in order to understand what is happening today and what will continue to happen in the absence of any measure of political progress.

So what we need is not a step away by the Senate, not some sort of delaying tactic to wait for the magic of hope to produce itself in September, what we need is the hard work of the Senate to produce a policy for change now. Two days ago I heard some of my colleagues come to the floor and question why we are having this debate now when the White House is going to report on the escalation in September?

I heard the Senator from Alabama, Mr. SESSIONS, say: This is not the time to alter the policy we established about 2 months ago.

I heard Senator KYL from Arizona say: We need to wait for the report in September before making judgments about what to do next.

I heard the senior Senator from Arizona, Mr. MCCAIN, ask—and these are his words: Why do we have to keep taking up the Iraq issue when we know full well in September there will be a major debate on this issue?

Well, I have respect for all of the opinions of all colleagues in the Senate. I particularly have respect and know how much my friend, my colleague from Arizona, cares about American troops and understands the price of war. But I think that is the wrong question. Those are the wrong questions.

The American people understand why we ought to debate this issue now. The answer is very simple, and it is very compelling. It is because American soldiers are dying now, and because the escalation, the purpose of the escalation—which was to provide cover for the Iraqi politicians to make compromises—can be judged a failure now.

When a policy is not working, you do not wait for an artificial timeline to fix it; you fix it now. The very same voices who have come to the floor for years condemning artificial deadlines now want to wait for more Americans to die and more Iraqis to kill each other, until the artificial deadline of September, regardless of what the facts tell us today.

I believe they want to do it so President Bush can deliver his report, even though we know today what the heart of that report will be. In fact, the President delivered a partial report today. I think most people understand, because it is obvious, that the facts are beginning to accelerate the need to be able to have a more rapid response.

The report in September, I guarantee my colleagues, will reflect exactly what we see today. Violence will be up in some places, and it will be down in others. There will be some tactical successes. Our military will deserve the credit for those, and our soldiers will have earned those tactical successes the hard way. But no matter what sacrifices they have made, and they will have made extraordinary sacrifices, the fact remains that absent the political differences, which already we are hearing they will not make, and they are not prepared to engage in, absent that, the civil war will be raging on and squabbling Iraqi politicians and sectarian forces will refuse to compromise. And, most importantly, despite the so-called breathing room that the escalation was supposed to provide, there will be no real political progress.

What is happening now is as disturbing as anything I have seen in the 23 years that I have been in the Senate. I came here in 1985 during the height of the Cold War. President Reagan was at that time leading us in an effort to try to confront the continued nuclear confrontation under which we had lived since the end of World War II. I think all of us remember well what a critical moment of confrontation that was.

But I came here principally on this issue of war and peace. It was also a time when we were deeply caught up in an illegal war in Central America, and the issue of the contras came to dominate the debate in Washington for a period of time. I mention that because the issues of the lessons of war and how America goes to war and what we do has been something that has been at the center of my involvement in public life.

I must say, what I see today happening, I regret, reminds me of what I thought was a lesson that we had learned in the course of the Vietnam war, and something that we had always resolved to avoid.

Many of us remember how then-President Nixon continued our involvement because he didn't want history to judge him as having lost a war, notwithstanding that he didn't begin it, he inherited it. So we continued our intervention in a civil war for pride and to save face, not because we had a winning strategy. Presidents and politicians may have the luxury of worrying about losing face or worrying about their legacy, but the Senate has the responsibility to worry about young Americans and innocent civilians who are losing their lives now for a policy that is failing now.

In recent weeks, some have reminded me of a question I asked when I returned from service in Vietnam almost 40 years ago, when I spoke from my heart about what I thought was wrong with that war. Back in 1971, I was privileged to testify before the Senate Foreign Relations Committee and raised the question: How do you ask a man to be the last man to die for a mistake? I never thought I would be reliving that question again. I never thought I would have parents of young Americans killed in Iraq look me in the eye and tell me: Senator, my son died in vain.

On a personal level, I happen to disagree with that statement. I think each of my colleagues probably does also. I believe that any American—I heard the Senator from Idaho talking about this—no matter the bad decisions made in Washington, no matter the faults of the policy, any American who gives up life or limb for love of country has never done so in vain. Because service to country under any circumstances is the highest calling there is. I would like to be able to tell those parents that their sons and daughters died for a policy that was equal to their service and equal to their sacrifice. I thought we had learned something from Vietnam. I thought we had learned something from a war that went on and on, a war that was escalated long after Presidents and policymakers knew that no number of American troops could end the civil war between the Vietnamese. Here we are back in the same place today, where no number of American troops in Iraq can end a civil war between Iraqis.

I think most of our colleagues understand this war in Iraq was a disastrous mistake and the policy being pursued today which doesn't resolve the fundamental differences that are propelling Iraqis to kill Iraqis is itself a mistake. So we are seeing a war prolonged and prosecuted not for a winning strategy. No general has come to us, no administration official has come to us in 407, where we meet for our secret briefings, or in any committee and said: This is a winning strategy. What we have is a hope, a wing, and a prayer that somehow these Iraqis are going to come together and make some decisions.

But we don't even have the kind of leverage diplomacy that war deserves to maximize the ability of those people to come together. We are seeing a war prolonged to prosecute it not for a winning strategy but for a refusal to accept reality.

What is that reality? We have heard it from General Casey, General Abizaid, General Petraeus, from the Secretary of State, from the President, and the Vice President—there is no military solution.

Each Member has to ask themselves in these next days, what is our responsibility to our soldiers and to our country—not to our political party, not to an ideology. What is our responsibility to the soldiers and to country? I think it is pretty straightforward. It is to get the policy right, not in September but now.

The only question on this Senate floor now is whether we are going to have the courage to change the policy and get it right. The only question is whether we are going to stop this administration from adding to the thousands of mistakes compounded one upon the other or whether we are going to say: Well, we would like to do it. We kind of have the responsibility to. We hear people in cloakrooms privately saying: I think it is wrong. Boy, it is screwed up. But it doesn't translate into votes. It is that simple. If you think the policy is broken now, then we ought to fix it now, because lives are at stake, as are the interests of our country. Our security is at stake, and the war on terror is at stake.

If anybody needs a reminder of the urgency, I say to them respectfully: You don't have to wait until September to get a reminder. All you have to do is go out to Arlington Cemetery almost any day of the week. You can see the many military funerals but particularly those of servicemembers who served in Iraq and Afghanistan. You can see the precise military honor given to each of those soldiers, the flags draping the coffin rippling in the breeze. You can see the honor guard folding that flag meticulously into that sharp triangle of blue and white stars and then handing it to the loved ones, the wife, the mother, husband, father. Then hear those words: On behalf of a grateful nation, and watch people crumble.

We are losing about 100 soldiers a month. I ask my colleagues: How many more times is that scene going to be repeated between now and September? How many more times is that scene going to be repeated before this institution does what it is supposed to do? How are you going to feel in September if you finally wind up saying: Well, I think the policy is broken now? And what will happen with respect to the parents of those soldiers and their families, those who gave their lives so we could wait for a report to tell us the obvious, what we know today?

Over a year ago, Senator FEINGOLD and I came to the Senate floor and we asked our colleagues to confront this very reality, to recognize the fact that our own generals knew even then there was no American military solution to an Iraqi civil war, to acknowledge that the political progress necessary for the Iraqis to end their civil war would come only if America compelled them to act by imposing meaningful deadlines and leveraging those deadlines with legitimate diplomatic effort. That was 1 year ago. We got 13 votes. People said at the time: Well, we are not ready. I am not there yet. One thousand Americans have died since then. I ask those folks: What about now? Are you ready now or will it take another thousand?

It is not the numbers per se, because America has lost many more people in other wars. What it is is the numbers measured against the strategy and the progress. That is where our responsibility lies. By any measurement, we have a requirement to respond now. Those 13 votes have now grown to more than 50 votes today, but still the policy is the same.

Today Senator LEVIN and Senator REED, myself and others are asking the Members of the Senate to look hard at what we are proposing. Don't fall prey to the quick hit, easy stereotype, political denunciation of what is happening here. This is a legitimate policy proposal which, if it were joined in in a bipartisan way, would send a critical message to Iraqis and to folks in the region about the dynamic that has to change in order to truly meet all of our strategic interests in that region.

I have heard some people use descriptions that it is a recipe for failure. Well, measured against what, No. 1? No. 2, it is the only way, according to most of the experts outside the Senate, to actually leverage a shift in behavior by the Iraqis who today believe they can continue to play the American presence off for their own political purposes. The fact is, it is only by shifting to a different deployment, which is what we do. There is no precipitous, complete withdrawal from Iraq, to the chagrin of some people who think there absolutely should be. There is a responsible, calculated, carefully timed process by which, together with our own deployment schedules, we have laid out an ability for the President to continue to finish the training, to chase al-Qaida and prosecute the war on terror, and to protect American forces.

According to the Iraq Study Group, according to all of the outside analyses that have looked at this issue, the fact is, those are the only legitimate things we ought to be called on to do a year from now. Nobody is talking about next month or 2 months from now that suddenly Iraq would be abandoned. The fact is, we have come to a moment where the private hand wringing we see in the elevators and in private conversations has run its course. It is time to speak one's conscience publicly through votes, not privately.

It is legitimate to suggest that to wait until September for a report, where most of the intelligence community and most of the observers we have talked to who have followed this issue closely and report to us appropriately tell us themselves that there is precious little, if any, advance with respect to the political compromise, makes it exceedingly difficult to be able to suggest that. I think we have lost 523 Americans who have died since the escalation started. In the next 2 months at the rate of 100 a month, you are looking at over 200 that we know will die for a policy that remains a mistake over those next 2 months.

Let me lay out for a moment where we are with respect to this political solution, because it makes the picture even more stark. It has been over 1 year now since the Maliki government took power. What have we asked of them? What have they agreed to? What have they accomplished?

Virtually nothing accomplished politically. But it is not the first time the Iraqis have not met any of the requests made of them and items agreed to. The fact is that 9 months ago was the deadline for Iraqis to approve a new oil law and a provincial election law. Neither one has been approved. Eight months ago was the deadline for a new de-Baathfication law to help bring the Sunnis into the government. Guess what. It hasn't been approved, and nothing happened as a consequence of its not being approved. Seven months ago was the deadline for Iraqis to approve legislation to disarm the militias. Absolutely no progress has been made on this crucial legislation and the militias continue to wreak havoc. Six months ago was the deadline for Iraqis to complete a constitutional review process. The constitutional committee hasn't even drafted proposed amendments, and the Iraqis remain far apart on basic issues such as federalism and the fate of the divided city of Kirkuk.

So we find ourselves today no closer to a political solution than we were when the Maliki government took power over 1 year ago, but over 1,100 American troops have given their lives since that time. We are no closer than we were in January when the President decided to disregard key elements of the Iraq Study Group and announced the escalation, but over 600 additional American troops have died since then. Without real deadlines to pressure the Iraqis to a new reality, we will not be able to leverage their behavior. If you can't do it that way, having seen that we can't do it this other way, it may be that you can't do it, in which case American troops should not be caught in the middle of what they are determined to pursue.

One-third of the Cabinet in Iraq, including the major Sunni party, is currently boycotting the Government. Iraq's Parliament, which cannot even muster a quorum more than once every week or two, is reportedly still going to go on vacation for the entire month of August without having met their schedule.

It is pretty hard to discern how you turn to the parent of a troop who is maimed or killed in the course of the month of August while the Iraqi politicians are vacationing without even meeting one of the political requirements that has been set out. So I think there is a guarantee they are not going to meet the political progress before September, absent some change that is not currently on the horizon.

The front page of Sunday's Washington Post tells us pretty much all we need to know:

> [T]he Iraqi government is unlikely to meet any of the political and security goals or timelines President Bush set for it in January when he announced a major shift in U.S. policy.

So time is not on our side, and it has not been on our side for a long time, and no escalation is going to change that.

The President keeps telling us, and tells Americans, that we must not abandon the fight against al-Qaida in Iraq and leave them with a safe haven. Well, how many times do we have to say it? We all agree with that. That is not even on the table. No one is talking about abandoning Iraq to al-Qaida. No one is talking about not continuing to prosecute the war against al-Qaida.

In fact, in the Levin-Reed-Kerry amendment there is a specific statement with respect to a specific provision with respect to the President's need to continue to prosecute al-Qaida in Iraq. We all agree with that. That is not the issue. What it is is a phony argument, and I think our troops and the country deserve better than a phony argument. We deserve more than a Presidential straw man in a debate while real men and women are fighting and putting their lives on the line for us.

Our bill keeps in place the troops necessary to prosecute al-Qaida. Our bill keeps in place the troops necessary to complete the training of Iraqis to stand up for themselves. Our bill keeps in place the troops necessary to protect American facilities and forces. And 1 year from now that is all our mission ought to be.

We have troops in many other parts of the region—Kuwait, Bahrain, in the Gulf, and many other places—and we have the ability to do what we need to do to represent our interests with respect to Iran and with respect to the region. But we must redefine our mission and focus on our vital national interests, and chief among those is fighting al-Qaida smartly.

I believe it is fundamentally wrong to sacrifice over 100 American troops per month as we stretch our military past the breaking point for a policy that we know does not address the fundamental issues and resolve those issues. The troops deserve to know they are being asked to sacrifice for real progress. It is wrong to keep spending over $10 billion each month—$456 billion in total—for this war of choice. We cannot continue telling Americans that refereeing an Iraqi civil war is worth more in our blood and treasure than it would have been to provide Head Start for a year to 60 million of our children or to provide nearly 4 years of health care to every child in America or to provide a tenfold increase in foreign aid to express the real face and values of America all over the world.

In fact, all of the money that has been spent in Iraq could have funded a Middle East development plan nearly four times as large as the Marshall Plan, a plan that would have helped reduce radicalism rather than enflame it.

We also cannot continue to squander our moral authority and offer al-Qaida a greater recruiting tool than they could ever have hoped to create for themselves.

So my hope is we would work to find a genuine bipartisan majority in the Senate, a majority of conscience, a pragmatic and patriotic majority committed to work across party lines to right a failed policy in Iraq and leave in place a sustainable strategy.

Now, let me say a word about that to my colleagues.

We keep hearing the words "precipitous" and "failure." None of us want failure. We want success. What we are hearing today is—we may have differing views about how you get it; it is not often talked about, but it is clear, and I think it should be talked about—that if we are unsuccessful in seeking the kind of political compromise necessary, there will be a lot of killing that will continue, and there will be people who have put themselves on the line to fight for their own future and for democracy whom we will have obligations to. We need to live up to them.

That is another lesson of Vietnam.

We need desperately to work together in the best traditions of the Senate and the country to find what I think is real common ground—that we have interests in the region, interests in Iraq, interests with respect to the Middle East peace process, that we will have long-term interests and obligations no matter who is President of the United States or how we approach this and that we need to shift course in order to get to that place.

Now, some have insisted on seeing this entire issue exclusively through the prism of victory or defeat over an enemy in battle. But that simply is not the reality of what we see in Iraq today in a civil war. Iraq is a chaotic society, a failed state. The real question is: How do you work together to craft a strategy that is sustainable militarily, politically, financially, and diplomatically? There are areas of broad bipartisan agreement for those who are willing to do that work of building consensus.

First of all, I think there is agreement there will be some residual presence among at least the majority of the people on our side of the aisle. In addition, all of us are concerned that our redeployment from Iraq must not happen in a manner that draws us back into a greater conflict at a later date. We ought to be working together to lay the groundwork not just for the next few months but for the next years down the road throughout the region.

There is broad agreement that we must refocus our mission on what ought to be our core objective: fighting terrorists. Indeed, in the alternative, we are creating more terrorists daily as a result of our policy than if we were to shift it.

So refocusing the mission means American troops should be hunting and killing al-Qaida and not being killed on patrol through the streets of Baghdad in the middle of a civil strife where they become a target of opportunity for any person who wants to create a headline.

It means training Iraqis to patrol Iraqi streets and refocusing our mission on preventing this war from spreading into a regional conflict.

And finally—and this is perhaps most important of all because you cannot get to any of the other things if you do not do this; and we have not done it—we need to embark on a major diplomatic outreach to restore America's influence and credibility in the Middle East. I will offer an amendment asking the Senate to go on record supporting a standing conference for the region, including the Permanent Five of the United Nations and all the regional partners and neighbors and parties, in order to reclaim the diplomatic initiative in Iraq and throughout the region.

This debate also ought to be part of a larger framework. In Lebanon, the Siniora Government is hanging on by a thread as it confronts Sunni extremists sympathetic to al-Qaida in the north and Shia extremists led by an empowered Hezbollah in the south. Iran and Syria have stepped into the vacuum, leading reconstruction efforts after the last war and creating a greater connection to the people in the street as a result. Now they are rearming Hezbollah for the next war. The Palestinians have fought a brief civil war that left an emboldened Hamas in control of Gaza, and again Iran and Syria stand poised to take advantage of that.

Never has there been a more important moment to try to move together collectively, diplomatically in that effort. None of these events, frankly, should have taken us by surprise because King Abdullah of Jordan loudly warned of three civil wars last year. Yet time and again we seem to be taken by surprise when events on the ground spin out of control, and then we are left scrambling to patch together an ad hoc response from half a world away. That simply cannot continue. It is not in our interest. It certainly is not in the interest of the region.

So we need a reliable multilateral regional forum for preventing these situations from becoming crises—and for responding when they do. That is why we have to lead the effort to convene Iraq's leaders and key regional players in the effort to do that.

In the end, we need to reach for the best traditions of the Senate and look back to the bipartisan accomplishments of men such as Republican Senator Arthur Vandenberg, who chaired the Senate Foreign Relations Committee and worked closely with Democratic President Harry Truman, and together they helped to create—were the principal leaders in creating—a new world order and a winning strategy in the Cold War. They cooperated on a series of institutions and treaties—NATO, the IMF, the U.N. Charter, the Marshall Plan—and all of those outlived both of them.

When Arthur Vandenberg passed away in 1951, the Chaplain at his funeral said:

> We thank Thee that in the gathering storm of aggression which now rages, Thy servant Arthur H. Vandenberg, in a time that called for greatness, grew into greatness.

This is a long time since the time of Arthur Vandenberg and Harry Truman, but for the Senate to live up to its own obligations and possibilities, I believe we ought to go back to the politics that stops at the water's edge when it comes to foreign policy. I think we ought to grab that opportunity here and now to change our policy in Iraq. Why? Not for partisan advantage but to strengthen our country in the pursuit of our interests in the region and to truly support our troops and provide the kind of direction that will strengthen America and strengthen us in the war on terror.

Mr. STEVENS. Madam President, I support this amendment for the dignified treatment of wounded warriors. It creates a comprehensive policy for the care and management of wounded military servicemembers and addresses the health care needs of servicemembers and their families. We urgently need this provision for a seamless transition from military to civilian life.

The policy and standards for the DOD and the Veterans' Administration in this provision will streamline medical and physical disability evaluation processes between the two agencies, allowing for more immediate attention to the care of our wounded instead of focusing on paperwork for the board. This is an exhausting process.

The care of our wounded servicemembers' families is addressed by reimbursing them for related expenses such as travel to medical appointments, or providing medical care to those family members who are providing support to severely injured servicemembers.

This is needed legislation to continue and enhance treatment and diagnosis for traumatic brain injury and post traumatic stress disorder, by developing Centers of Excellence, establishing requirements for research, and developing a standard process for pre and post deployment screenings. The amendment will assure a fully coordinated system and it improves the medical tracking process and establishes protocols for quality assurance for deployed servicemembers.

This legislation also directs a jointly integrated policy, created and administered by the Department of Defense and the Veterans' Administration, to better manage and transition servicemembers exiting active service to civilian life.

It requires these two Departments to develop a joint electronic medical record by 2010.

It establishes a joint DOD–VA program office that is responsible for the development, testing, and implementation of the joint health record.

This will expedite the transition of servicemembers to the VA and allow for immediate and uninterrupted treatment by VA clinics and hospitals.

The policies set forth in this amendment will enhance the care for the severely ill or injured by ensuring those former servicemembers who were injured between 2001 and 2012 will receive medical and dental care up to 5 years after separation from the military.

These initiatives are all very much in need to better provide the support and care our dedicated servicemembers deserve, especially after putting their lives on the line.

Mr. MENENDEZ. Madam President, I rise today in strong support of the Dignified Treatment of Wounded Warriors Act. This legislation will bring long needed reforms to the transition process between the Department of Defense and the VA.

The controversy at Walter Reed again brought to light the shortcomings in the process our returning veterans must deal with in their difficult transition from soldier to civilian. Just as the living conditions that came to light are unacceptable, so too are the countless stories detailing the maze of forms, hearings, and medical evaluations that prevent so many of our veterans from getting the health care and benefits they need and a grateful nation wishes to provide them.

Too often, it seems that rather than thanking the soldier for their sacrifice, this system sets up yet another battle of bureaucracy. Too often, it seems that the system is stacked against the very soldiers it is designed to help. Too often, veterans must seek out their own treatment options and benefits or risk missing deadlines and losing benefits. It doesn't have to be this way. We have an obligation not only to fulfill the promises we make to America's fighting men and women, but to do so in a manner that ensures the benefits we owe them are made readily available.

That this bill will push DOD and VA to prepare a comprehensive and coordinated strategy to help the soldier in their transition to civilian is a critical correction to a long-flawed process. Currently, soldiers can be discharged with little more than directions to the nearest VA and a stack of paperwork a team of lawyers would struggle to complete. The chasm that currently exists between DOD and VA has swallowed too many bright and talented individuals trying to put their life back together after sacrificing so much for this great Nation.

This amendment requires a comprehensive policy on the transition of our wounded soldiers back to civilian life. It will push the reform of such problem areas such as the medical hold status, a situation in which soldiers can sit for months on end with their life on hold while DOD decides what to do with them; the medical evaluation process where soldiers' disability ratings are chronically underrated; and improved sharing of records between DOD and VA, amazingly not a common practice even in this day and age.

I am particularly proud to support this bill because of the priority it places on treatment of traumatic brain injuries and post-traumatic stress disorder. Medical research still has a long way to go before we can wholly treat TBI's and PTSD, but this bill goes a long way towards creating an extensive strategy for diagnosing and rehabilitating servicemembers afflicted with these conditions.

We must lift the stigma and educate soldiers that these conditions are as real as a bullet wound, and can be just as deadly. This bill does just that. The emphasis on pre-and post-deployment assessments will revolutionize the military's process of diagnosis and treatment.

Due to the unique nature of these injuries and the delay in symptoms that so often occurs, many veterans have gone without treatment and suffered a lifetime of pain and anguish because we have not had these safeguards in place. Thankfully, with this bill the Congress is saying, "no longer." No longer will we stand idly by while veterans are discharged from DOD and fade into the shadows of society. No longer will we turn a blind eye to cries for help from America's bravest. No longer will we ignore the needs of veterans who have sacrificed so much for their country.

I am proud to support this proposal extending health care to medically retired servicemembers for 3 additional years. Sometimes we forget that when these veterans leave the military, they leave behind their career, their pay and their way of life. By allowing them steady access to health care, we give them some sense of normalcy as they begin a new chapter in their lives.

I do believe there is much work left to be done, and as a Congress we must remain vigilant to ensure that the spirit as well as the letter of this legislation becomes law and the reforms are carried out to their fullest. One way of remaining vigilant in the pursuit of a smooth transition from solider to veteran is to provide resources to outside watchdogs to help ensure transparency and advocacy in the process. That is why I have introduced the Veterans Navigator Act, which will provide $25 million in Federal grants over the next 5 fiscal years to create a pilot program to fund "Navigators" to help veterans enter the system and will build on existing programs run by veterans service organizations, VSOs, and other experienced organizations. While the dignified treatment of wounded warriors amendment will bring about many long-overdue reforms to the transition process, veteran navigators could be particularly critical as independent nongovernmental sources of information and advice for the veteran during their transition. In fact, navigators could play a vital role in the successful implementation of the changes made in the Dignified Treatment of Wounded Warriors Act, as they can be watchdog and counsel, whistleblower and advocate. In short, because the veteran navigators will not be part of the government system, they will be better able to advocate for veterans.

The very least that we can do is ensure that all of these brave men and women are able to access the medical benefits to which they are entitled and the care which they require, particularly in this, their time of greatest need. At some point in each of our lives, we might need a guiding hand to help us find our way. These brave men and women went out across the world for us, with this bill I believe we are stepping out for them.

Mr. WARNER. Madam President, providing for our men and women in uniform, and their families, is our highest priority on the Armed Services Committee, and this bill will provide a comprehensive approach to caring for those, who through their courage, have sacrificed greatly for our country. Our Nation owes these brave men and women nothing less than the finest possible care.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent, if it is agreeable with Senator LEVIN, that Senator STABENOW be allowed 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, that, of course, would be fine with me, but we have a vote scheduled at 4 o'clock. If that is going to delay that vote, we better clear that with folks who may be relying upon a 4 o'clock vote.

Madam President, how long will the Senator from Michigan wish to speak?

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Ideally, 10 minutes, 8 minutes—somewhere in that range—7, 8 minutes.

Mr. LEVIN. Madam President, then I join in that unanimous consent request that the Senator from Michigan be recognized for up to 10 minutes.

Mr. MCCAIN. So 3 minutes after 4 o'clock.

Mr. LEVIN. Now the vote will be delayed until about 5 after 4 o'clock.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, first, I thank the distinguished Senator from Massachusetts for his eloquence and passion and knowledge and leadership on all of these critical issues related to Iraq and what we need to be doing to keep our country safe.

I thank also Senator CARL LEVIN, our senior Senator from Michigan, for all his wonderful leadership as he has moved this bill and so many other bills through the Congress that deal with supporting our troops, being a strong military, and now making sure we are there for our troops when they come home.

I thank also Senator JOHN MCCAIN for his graciousness today, as well as for his work with Senator LEVIN. I thank Senator DANNY AKAKA, chairman of the Veterans' Affairs Committee, and LARRY CRAIG, the ranking member, for their bipartisan effort.

This has truly been an excellent example of what we can do when we work together on something such as the wounded warrior amendment, which I am proud to be a cosponsor of. But the bipartisan effort, the effort between two committees of the Senate, working together, has been wonderful, and we now have an amendment in front of us, the Levin-McCain and others amendment, that is critically important to pass.

I stand here today as a daughter of a World War II Navy vet and the wife of an Air Force vet of 14 years, and I am very proud of what we are doing and what our new majority is doing to advocate for our troops and our veterans.

For too many soldiers and marines, the flight out of Iraq or Afghanistan is the first step in a long journey back to the lives they left at home.

Those wounded in combat face a second tour of duty—a tour of duty marked by long hours of rehabilitation, often painful medical procedures, and a physical or psychological adjustment to a life lived with the scars of war.

When the men and women of our Armed Forces put on the uniform, they are making a promise to defend America. In return, we promise them that their Nation will be there for them when they come home.

Our Armed Forces truly are the finest patriots our Nation has to offer—truly. As members of an all-volunteer military, charged with defending the greatest democracy on Earth, our soldiers and sailors and airmen and marines have proven their bravery, courage, and honor time and again. They don't need more empty promises. What they need and what we owe them is a system that works for them when they are wounded, either physically or mentally, in the service of our country.

I am very proud of the fact that our new majority has made both supporting our troops and our veterans one of our very top priorities. The budget resolution we passed earlier this year places fully funding veterans' health care, working with all of our veterans service organizations, as one of our very top budget priorities. Now we have in front of us another important way to support our troops coming home who are wounded.

We are a nation at war. We know that. We are currently ill-equipped to deal with the human consequences of that war.

The administration's failed planning for this war did not end at the borders of Iraq. It stretched into Walter Reed Hospital and into every veterans' health care facility, into every community that has sent an able-bodied son or daughter off to fight, only to be faced with the realities of an injured veteran returning home. Repeated redeployments have only compounded the problem, as we talked about yesterday, as we debated the important Webb amendment which, I might add, was passed and supported by 56 Members, although we could not break the filibuster of the Republican caucus. Mental health injuries have increased dramatically as troops have been forced to face their second, third, and fourth combat redeployments. The lack of time between redeployments has increased the physical danger to our troops by sending them back on the front lines, overtired, underequipped, and without the increased training they need.

Our heavy reliance on our National Guard has resulted in wounded veterans returning to cities and towns all across our country, often to communities that are far away from veterans' health care facilities or the traditional infrastructure of the military health care system. Our troops deserve better in Iraq, and they deserve better when they come home.

Earlier this year a bright light was turned on the deplorable conditions faced by some of our returning wounded veterans at Walter Reed. The true tragedy of these events is that they are merely a symptom of larger problems with a system that too often has let our soldiers and veterans down. I am very proud of the leadership coming from our caucus, our leader, Senator REID, and our caucus leadership, in focusing the light of day and taking action that has brought us today to this very important amendment. There is no room for bureaucratic or political squabbling when it comes to the treatment of our soldiers and our veterans. The system should serve one mandate and one mandate only: providing the highest quality service available to all of them, while causing them the least amount of personal hassle and frustration.

Senator LEVIN's wounded warrior amendment is a much needed step, and it is a needed systemwide approach that has been put together on a bipartisan basis. It addresses many problems that plague this far too often burdened and difficult process while enhancing health care for wounded service men and women, including treatment of traumatic brain injury and post-traumatic stress disorder, which has been viewed now as the signature injury of this war.

The number of casualties in Iraq and Afghanistan is growing every day. These brave men and women don't have time to wait. They need their country to step up right now, and that is what we have the opportunity to do together with this amendment.

We have many disagreements in this body. The various pieces of legislation we face on a daily basis require robust debate and oftentimes we find ourselves on different sides of the issue of the day. I can't imagine, though, how any one of us would oppose this amendment. The facts are simple. The system is broken and in need of repair. The ones paying the price are our soldiers, our veterans, and their families. We need to make changes and we need to make them now.

This was a war of choice in Iraq, not of necessity. But dealing with the consequences of this war is unquestionably a necessity. Our troops have done their job and now we need to do ours. I urge my colleagues to support the wounded warrior amendment.

AMENDMENT NO. 2024

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to a vote on amendment No. 2024 offered by the Senator from Alabama, Mr. SESSIONS.

Who yields time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, this amendment, which has been modified in agreement with my colleagues on the Democratic side of the aisle to reach an amendment I think we can all support, would state it is the policy of the United States that we should have a system that will protect the United States and its allies against Iranian ballistic missiles. The findings are that Congress finds that Iran maintains a nuclear program in continued defiance of the international community, while developing ballistic missiles of increasing sophistication and range that pose a threat to the forward-deployed forces of the United States and to its North Atlantic Treaty Organization allies in Europe, and which eventually pose a threat to the United States homeland.

That is the problem we are dealing with. So we would state with clarity, so there is not any doubt about it—and I think our bill we passed in committee does that, but some have misinterpreted it, in my opinion—that it would state that it is our policy to develop and deploy as soon as technologically possible, in conjunction with allies and other nations wherever possible, an effective defense against the threat of Iran as described in the previous paragraph.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. And to develop an appropriate response.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, the amendment as modified is within the provisions of the funding in the underlying bill, because the bill would authorize an additional $315 million to increase or accelerate several near-term missile defense programs that are specifically designed to protect our forward-deployed forces, our allies, and our friends, for example, the Patriot PAC–3, the Aegis BMD program, and the THAAD system. So it is entirely consistent.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—90

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Thune
Voinovich
Warner
Whitehouse
Wyden

NAYS—5

Feinstein
Leahy
Sanders
Tester
Webb

NOT VOTING—5

Biden
Dodd
Johnson
Obama
Vitter

The amendment (No. 2024), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, the next order of business we agreed upon will be to dispose of the wounded warrior legislation. There are three pending amendments which have now all been cleared. They need to be prepared and accepted. It may take us 20 minutes or so. Then there will be a vote.

Mr. McCAIN. Madam President, if I can tell my friend, I think it will only take us about 2 minutes since we are in agreement, and then we can move to wounded warriors, for the benefit of our colleagues.

Mr. LEVIN. Five minutes before a vote can begin, that will be fine. The sooner the better. We are all happy with that schedule. Is Senator DORGAN on the floor?

Mr. LEAHY. Will the Senator yield for a question?

Mr. LEVIN. I will be happy to yield. I will be happy to yield in a minute to the Senator from Vermont. The next business, if it is agreeable with the ranking member, will be to dispose of the Dorgan amendment, at which point we are going to Levin-Reed. Is my understanding correct?

Mr. STEVENS. What is the Dorgan amendment?

Mr. LEVIN. The Dorgan amendment is an al-Qaida amendment. We are trying to work out a UC that involves a series of amendments around Levin-Reed, including the Cornyn amendment.

Mr. McCAIN. If the Senator will yield for a question.

Mr. LEVIN. I will be happy to yield.

Mr. McCAIN. It is our intention to set it up so there is at least a side by side offered by Senator CORNYN, and there may be additional side by sides, if necessary. Is that our basic agreement?

Mr. LEVIN. Assuming cloture is invoked and we get to a vote on Levin-Reed, at that point there will be a side by side in this UC with the Cornyn amendment, but we have to leave open the possibility, then, of a side by side for an amendment with Cornyn.

Now I will be happy to yield to the Senator from Vermont.

Mr. LEAHY. Madam President, I wonder if the Senator will just give me 4 minutes. Vermont has lost per capita more men and women in Iraq and Afghanistan than any other State. One is being interred tomorrow. I wonder if I may have 4 minutes to speak about that person in morning business because the family will be here tomorrow for interment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, reserving the right to object, the distinguished bill managers and I have been talking about a procedure whereby I was under the understanding that I would be allowed to lay down my amendment. It would be then set aside, and then later there would be an attempt to structure a side by side with the Reed-Levin amendment and the Cornyn amendment perhaps for next week, but it will have to be done by unanimous consent.

Mr. LEVIN. If the Senator will yield, the staff is preparing a UC which covers the entire subject. It is too complex for us to say something and get into more trouble. Let's just get the UC.

Mr. McCAIN. If I may respond, it is the intention to make sure there would be a side by side if the procedure, if it comes up——

Mr. LEVIN. If we get to a vote on Levin-Reed, it is our intention, and it will be implemented in a UC, that Senator CORNYN's amendment, which he wanted to be voted on side by side, would be voted on side by side, but we then need to have the opportunity to have a side by side with the Cornyn amendment. I am just cautioning everybody, because we have already had enough confusion on this subject, that we should wait for the staff to prepare that UC so everybody is satisfied.

Mr. CORNYN. Will the Senator yield for a question?

Mr. LEVIN. I will be happy to yield.

Mr. CORNYN. My question, Madam President, is, my understanding is the Cornyn amendment would be laid down this evening perhaps, then set aside while we work on the UC that the distinguished chairman referred to and perhaps set it up for a vote next week. Is that correct?

Mr. LEVIN. My understanding is the current procedure, where we are, we alternate amendments. So the Senator from Arizona, the ranking member, can designate anybody he wishes on his side to offer an amendment. But in terms of laying aside what comes up, when it is voted on, and side by sides, that part has to be resolved by a UC.

Mr. CORNYN. If I may ask one more question, Madam President, is it the Senator's intention that following the disposition of the wounded warriors amendment that it would be in order for the distinguished ranking member on our side to lay down the Cornyn amendment?

Mr. LEVIN. We are going to try to dispose of the Dorgan amendment immediately afterward. But the next time the Senator from Arizona can designate a Member on his side, it is his intention to have the Senator from Texas recognized.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. McCAIN. Madam President, before the Senator from Vermont speaks, I assure the Senator from Texas that there is no intention of depriving him of a side by side; that the intention is to frame the UC such that there is a side by side, but there is a little parliamentary side of it. I hate to take the time of all of our colleagues, but that is the intent and the agreement between the two of us to get it done. I will have the next amendment after the Dorgan amendment, and I will recognize him at that time. Then we will work out the modalities.

Mr. CORNYN. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, in that regard, while the two managers are on the Senate floor, on Tuesday, the distinguished senior Senator from Pennsylvania, Mr. SPECTER, and I came to the floor to offer our amendment—at least to get it filed—on habeas corpus, which has been joined by many Senators on both sides of the aisle. That was objected to.

I am just wondering: We have been trying every day since. Can the managers give me some idea of when Senator SPECTER and I may begin the debate on that amendment?

Mr. McCAIN. Madam President, may I say this is one time I am glad I am not in the majority.

Mr. LEVIN. I am trying to figure out how to respond to Senator McCAIN. I am not sure I have a good response.

Mr. LEAHY. The amendment is filed.

Mr. LEVIN. We are going to move to the Iraq legislation immediately after the disposition of the Dorgan amendment, subject to the Cornyn amendment, which will be next which is being figured out in a UC. We are then going to go to the Iraq legislation, the Levin-Reed legislation, so I cannot tell the Senator from Vermont how long the debate on that legislation is going to last. There are many people who wish to be recognized thereafter, and I cannot at this time tell him which one from our side will be the one to be selected. I don't want to make that choice now.

Mr. LEAHY. Madam President, I understand the response of the distinguished senior Senator from Michigan, but I wonder if he might give some indication to this Senator whether he believes that at some time an effort can be made to bring forward—the amendment has been filed. I was erroneous. It has been filed. But assuming it is germane, some time the amendment, Specter-Leahy, et al, amendment will be brought forth.

Mr. LEVIN. It is certainly my intention that Senators have that opportunity. The Senator from California has asked, a number of other Senators have asked, and it is my hope and intent that Senators will have an opportunity to offer amendments.

Mr. LEAHY. Madam President, I would renew my unanimous consent request. Back to where I started.

The PRESIDING OFFICER. Without objection, it is so ordered.

VERMONT FALLEN

Mr. LEAHY. Madam President, this week, the Senate is engaged again in an intense debate about one of the most pivotal issues facing our Nation and its families right now—the ongoing war in Iraq. There is great division in the country and in the Congress on many of these issues, but I believe there is one area where we remain united, and that is in support and appreciation of our troops and their families and friends here at home.

The Nation shares the sorrow and grief over the loss of so many fine Americans in war. Our military operations in Iraq and Afghanistan have come at the cost of precious American lives. No one knows that pain more than those loved ones left behind—the spouses, the parents, the sons, and the daughters who are left to pick up the pieces. A gaping hole of unimaginable proportions opens with each and every one of these family losses.

Families in Vermont have gone through more than their share of the pain. Vermont has suffered the highest per capita casualty rate of any State in the Nation during these ongoing operations. We are a State of just over 600,000 people, and many of our State's sons and daughters are part of the Vermont National Guard, the Reserves, and the Active-Duty Forces. Twenty-six servicemembers with Vermont ties have given their lives in Iraq and Afghanistan. Behind the names of those Vermonters are dozens of families and hundreds of friends facing that all-too-real and perhaps unknowable loss. When I go to these funerals and I look around in the church or the synagogue where the funeral is being held, I see so many people I have known from childhood days and realize they, too, are members of the family of those who have died.

Earlier this year, dedicated students at Vermont's Norwich University produced a documentary about these families coping with the loss of their loved ones. Titled "Vermont Fallen," the film documents how many of these family members have reacted, how they have tried to cope. In the darkest and saddest of times, this project has helped a new Vermont family to emerge, brought together by community screenings of the film. They have been able since then to turn to each other for comfort.

The Norwich students' project has offered a glimpse into the searing and highly personal grief and mourning that has touched thousands of American families and scores of American communities across Vermont and across the country. They have produced a tribute that speaks directly to each human heart.

Tomorrow, at Arlington National Cemetery, one of our fallen, 1LT Mark Dooley, will be interred. Lieutenant Dooley selflessly died in the line of duty in Iraq in 2005. He was a member of the police department in Wilmington, VT, a lovely town that is nestled right in southern Vermont, almost on a midline with the Green Mountains. My wife Marcelle and I went to the police station after his death just to sign the condolences and to announce our condolences. Lieutenant Dooley's parents will also be there, as well as other members of his family, and in a sense, every Vermonter will be there.

Joining the Dooleys, lending their unique understanding of the special bond that comes from it, will be the families of the "Vermont Fallen." I hope the Dooleys and what has now become their extended family will find comfort in one another. They deserve to be in the thoughts, the hearts, and prayers of all Vermonters and every American as they gather at Arlington. They are in the thoughts and prayers of the Members of the Senate.

Madam President, I ask unanimous consent to have printed in the RECORD a list of the "Vermont Fallen."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VERMONT CASUALTIES IN IRAQ AND AFGHANISTAN

Twenty-four American servicemen with ties to Vermont have died in Iraq since the war began. One Vermonter has been killed in Afghanistan. A 26th Vermonter died of natural causes in Kuwait while training to go to Iraq:

2007

Marine Cpl. Christopher Degiovine, 25, who graduated from Essex Junction High School in 2000 and Champlain College in 2005, was killed in Anbar Province, Iraq, on April 26.

2006

U.S. Army Sgt. Carlton A. Clark, 22, of Sharon, was killed Aug. 6 when an improvised bomb detonated next to the vehicle in which he was riding in Baghdad.

Marine Lance Cpl. Kurt Dechen, 24, of Springfield was killed Aug. 3 during fighting in Iraq's Anbar Province.

Vermont National Guard Sgt. 1st Class John Thomas Stone of Tunbridge was killed March 29 in southern Afghanistan, when the forward operating base he was in was attacked.

Vermont National Guard Spc. Christopher Merchant of Hardwick was killed March 1 in a coordinated attack on Iraqi police headquarters in Iraq, roughly three miles northwest of Ramadi.

Vermont National Guard Sgt. Joshua Allen Johnson, 24, from Richford, where he lived with his grandparents, was killed Jan. 25 in Ramadi. Johnson was born in St. Albans.

2005

Army National Guard 2nd Lt. Mark Procopio of Burlington was killed Nov. 2 by a homemade bomb while on patrol. Procopio and his patrol were responding to a downed Marine helicopter in Ramadi.

Army National Guard Spc. Scott P. McLaughlin of Hardwick was killed Sept. 22 after a sniper's bullet pierced the seams of his body armor near Ramadi.

Army National Guard 1st Lt. Mark H. Dooley, was killed Sept. 19 when the Humvee he was riding in was destroyed by a roadside bomb in Ramadi.

Army National Guard Sgt. 1st Class Chris S. Chapin, 39, of Proctor, was killed by small arms fire Aug. 23 while performing a civil affairs mission near Ramadi.

Army Sgt. 1st Class Michael Benson, a Minnesota native, who married a woman from Colchester, was wounded by a roadside bomb in Iraq on Aug. 2. He later died in a military hospital in Washington. He was buried in Belvidere.

Marine Sgt. Jesse Strong, 24, of Albany, was one of four Marines killed Jan. 26 during an ambush in Iraq's Anbar Province.

2004

Marine Lance Cpl. Jeffery S. Holmes, 20, of Hartford, was killed on Thanksgiving Day while conducting house-clearing operations in Fallujah.

Army Staff Sgt. Michael Voss, 35, of Carthage, N.C., was killed Oct. 8 when a roadside bomb exploded in a convoy he was leading back to base near Kirkuk. He was a native of Enosburg;

Marine Lt. Col. David Greene, 39, of Shelburne died July 29 when the helicopter he was piloting was hit by ground fire in Anbar Province.

Army National Guard Sgt. Jamie Gray, 29, of East Montpelier died June 7 when a bomb exploded south of Baghdad.

Army National Guard Sgt. Kevin Sheehan, 36, of Milton died May 25 in the same attack that killed Alan Bean Jr.

Army National Guard Spc. Alan Bean Jr., 22, of Bridport died May 25 during a mortar attack about 25 miles south of Baghdad.

Maine Army National Guard Spc. Christopher D. Gelineau, 23, who graduated from Mount Abraham Union High School in Bristol, died April 20 after the convoy he was in was ambushed in Mosul.

Army National Guard Sgt. William Normandy, 42, of East Barre, died March 15 of natural causes while training in the Kuwait desert.

Army Spc. Solomon C. Bangayan, 24, of Jay, died Jan. 15 after his convoy was ambushed in Baghdad.

2003

Army Capt. Pierre Piche, 29, of Starksboro, died Nov. 15 when the helicopter he was in went down in Mosul.

Army Pvt. Kyle Gilbert, 20, of Brattleboro was killed Aug. 6 in fighting in Baghdad.

Army Sgt. Justin Garvey, 23, who graduated from Proctor High School, was killed July 20 when the convoy he was in was attacked near Tal Afar.

Army Chief Warrant Officer Erik A. Halvorsen, 40, of Bennington died April 2 when the helicopter he was in crashed near Karbala.

Marine Cpl. Mark Evnin, 21, South Burlington, died April 3 after a firefight near Kut.

Mr. LEAHY. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I know the chairman is on his way here, and while he is on his way, I would just like to urge all Senators who have amendments to this bill to please get them in. We have approximately 100 pending. Obviously, most of those can be dispensed with without debate and votes, but we really need to stop submitting amendments because there has to be a time where we just have had enough amendments approved. So I would urge my colleagues to get their amendments in tonight—before tomorrow, if they can, but tomorrow at the latest—so that next week we can begin the process of approving or deciding to debate and to vote on various amendments.

Madam President, I note the presence of the distinguished chairman, so I yield the floor.

Mr. LEVIN. Madam President, I join my good friend from Arizona first of all in urging people to get their amendments in to us. I don't know the time that was suggested by the Senator, but I want to repeat it—what was it? Well, the earlier the better because we have a lot on our plate.

Madam President, these are the three second-degree amendments—we referred to them before—and as soon as these amendments are disposed of, we are then going to move to vote on the wounded warriors legislation, and I believe we should have a rollcall on that legislation.

AMENDMENT NO. 2132 TO AMENDMENT NO. 2011

(Purpose: To provide and enhance rehabilitative treatment and services to veterans with traumatic brain injury and to improve health care and benefits programs for veterans)

Mr. LEVIN. Madam President, on behalf of Senators Akaka, Craig, Rockefeller, Murray, Brown, Mikulski, and Obama, I call up amendment No. 2132, an amendment to provide and enhance rehabilitative treatment and services to veterans with traumatic brain injury and to improve health care and benefits programs for veterans.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. AKAKA, for himself and Mr. CRAIG, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. BROWN, Ms. MIKULSKI, and Mr. OBAMA, proposes amendment numbered 2132 to amendment No. 2011.

Mr. McCAIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2132) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2160, AS MODIFIED, TO AMENDMENT NO. 2019

Mr. LEVIN. Madam President, on behalf of Senators NELSON of Nebraska and GRAHAM, I call up amendment No. 2160, a second-degree amendment to our pending amendment; and on behalf of Senators NELSON and GRAHAM, I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Nebraska, for himself and Mr. GRAHAM, proposes amendment numbered 2160, as modified.

Mr. McCAIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To provide extended benefits under the TRICARE program for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty)

On page 34 after line 5, of the amendment insert the following:

SEC. 1627. EXTENDED BENEFITS UNDER TRICARE FOR PRIMARY CAREGIVERS OF MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1079(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) Subject to such terms, conditions, and exceptions as the Secretary of Defense considers appropriate, the program of extended benefits for eligible dependents under this subsection shall include extended benefits for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

"(B) The Secretary of Defense shall prescribe in regulations the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph.

"(C) For purposes of this section, a serious injury or illness, with respect to a member of the uniformed services, is an injury or illness that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating," and that renders a member of the uniformed services dependent upon a caregiver.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

Amendment (No. 2160), as modified, was agreed to.

Mr. LEVIN. Madam President, I move to reconsider.

Mr. MCCAIN. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2159, AS MODIFIED, TO AMENDMENT NO. 2019

Mr. LEVIN. Madam President, on behalf of Senators NELSON of Nebraska and GRAHAM, I call up amendment No. 2159, a second-degree amendment to the pending amendment regarding travel reimbursement for specialty care; and on behalf of Senators NELSON and GRAHAM, I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NELSON of Nebraska, for himself and Mr. GRAHAM, proposes amendment numbered 2159, as modified, to amendment No. 2160.

Mr. MCCAIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 31, after line 14 of the amendment insert the following:

SEC. 1622. REIMBURSEMENT OF CERTAIN FORMER MEMBERS OF THE UNIFORMED SERVICES WITH SERVICE-CONNECTED DISABILITIES FOR TRAVEL FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.

(a) TRAVEL.—Section 10741 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—In any case in which a former member of a uniformed service who incurred a disability while on active duty in a combat zone or during performance of duty in combat related operations (as designated by the Secretary of Defense), and is entitled to retired or retainer pay, or equivalent pay, requires follow-on specialty care, services, or supplies related to such disability at a specific military treatment facility more than 100 miles from the location in which the former member resides, the Secretary shall provide reimbursement for *reasonable travel expenses* comparable to those provided under subsection (a) for the former member, and when accompaniment by an adult is determined by competent medical authority to be necessary, for a spouse, parent, or guardian of the former member, or another member of the former member's family who is at least 21 years of age.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 2008, and shall apply with respect to travel that occurs on or after that date.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2159), as modified, was agreed to.

Mr. LEVIN. Madam President, I move to reconsider.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I believe we have now disposed of all the known amendments to the wounded warrior legislation, and I know that I am speaking on behalf of all of us, at least 50 cosponsors, that a lot of work was put in by a lot of Senators on this legislation. Both committees, Veterans' Affairs and Armed Services, have worked together, so thanks to all of the Senators for all of the work that has gone into this. In all the bills that have been filed, ideas have been taken from so many of those bills, and those Senators are a part of this legislation, so I hope we can now promptly, and even unanimously, in a very bipartisan way, adopt this legislation.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. INOUYE) would vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—94

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Biden
Dodd
Inouye
Johnson
Obama
Vitter

The amendment (No. 2019) was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote, and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator CORNYN now be recognized to call up amendment No. 2100; that after his statement of 20 minutes, his amendment be laid aside; that Senator DORGAN then be recognized to offer his amendment No. 2135.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2100 TO AMENDMENT NO. 2011

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment 2100 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2100 to amendment No. 2011.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists)

At the end of title XV, insert the following:

SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that "[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally".

(3) The Iraq Study Group noted that "Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world".

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that "a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. . . . The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory."

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that "Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence".

(8) The Iraq Study Group noted that "Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons."

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, "Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs."

(11) The Iraq Study Group found that "[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

Mr. CORNYN. Mr. President, as we debate the so-called new strategy in Iraq, and as we once again engage in more than a little political posturing that has become so redundant, that has already delayed important legislation, not the least of which was the emergency appropriations bill to get proper funding and equipment to our troops, it appears once again that some of my colleagues in the Senate feel we should retreat, thus abandoning what al-Qaida views as the central front in their global war of terror, and in so doing, allowing Iraq to become a safe haven for al-Qaida, the same terrorist organization that hit this country on September 11, 2001.

I ask my colleagues who want us to abandon this critical fight now, if we leave Iraq before the Iraqis can defend and govern themselves, then will they answer this question: Will that action strengthen or weaken al-Qaida and other foreign jihadists in Iraq and across the region? If there is one thing all of us should have learned by now, it is that al-Qaida and organizations that emulate it are the face of evil. These organizations and the individuals who subscribe to their ideology are dedicated to the destruction of the United States, to the destruction of Israel, and to committing the most barbaric and incomprehensible assaults on innocent civilians that any of us can possibly imagine.

Without a stable government in Iraq, it becomes increasingly likely that the training and equipping of terrorists and the planning and execution of terror operations can proceed in both Iraq and throughout the region with impunity, and that our adversaries will operate with little fear of discovery or disruption.

I also ask my distinguished colleagues who believe that we ought to leave Iraq before it is stable: Will al-Qaida and other terrorists then follow us here into the United States, even while expanding their influence in the Middle East, Europe, Asia, and Africa? We have already seen numerous attacks occur throughout Europe and Africa from al-Qaida-linked or al-Qaida-inspired terrorists. With a firm foothold in Iraq, al-Qaida would have a safe and unthreatened sanctuary to serve as their new base of operations from which they can expand further into the Middle East or Africa or Europe, spreading chaos, fear, and strife.

How long would it be before al-Qaida is able to continue unabated with further attacks against the United States including operations into and within our country?

I ask my distinguished colleagues who believe we should retreat and surrender before stabilizing Iraq, before providing them the opportunity to govern and defend themselves: How will we address Iran's continued support of Iraqi insurgents and terrorists now that we have definitive evidence of their involvement in activities such as the training of terrorists and Shiite militias in Iran; operations in Iraq by terrorists trained in Iran by Al-Quds and other Iranian special military forces; alliances with Hezbollah and other groups, including Iranian-trained and equipped Hezbollah fighters operating in Iraq; the provision of the explosive formed penetrator and other improvised explosive devices that are killing American soldiers, sailors, marines, and airmen; and other aid and assistance directly resulting in the death of American citizens serving us bravely in Iraq?

We must be especially concerned as Iran spreads its power and influence in the region, considering their insistence on developing nuclear capabilities. I ask my colleagues who subscribe to this proposed policy of retreat and surrender: What will Iran do to expand their influence in Iraq through their Shia alliances if we stage an immediate withdrawal?

We have seen the impact of Iranian-supported terrorist activity in Iraq. Not only have we lost hundreds of American servicemembers due to Iranian involvement, not to mention those who still live but live with grievous injuries, but scores of Iraqis have died too, including innocent civilians who have been the victims of these savage attacks.

I ask my colleagues who believe we ought to retreat and surrender regardless of the circumstances on the ground, regardless of the ability of the Iraqis to govern and defend themselves: Will Sunni majority nations outside of Iraq, including Saudis and others, stand by and let Shiites massacre Sunnis in Iraq? Conversely, will Iran, Hezbollah, and others stand by when Sunnis then massacre Shiias in retaliation? It is clear that this situation could rapidly deteriorate into a full-scale civil war, a massive religious conflict or, at worst, uncontrolled genocide on both sides.

I ask my distinguished colleagues who believe we ought to withdraw from Iraq before that country is able to defend and govern itself: What is the resultant impact with the Kurds in northern Iraq and with Turkey if we stage an immediate withdrawal?

Cross-border incursions by both PKK elements operating from Kurdish safe havens in northern Iraq, and retaliatory attacks by Turkish forces could become routine, further destabilizing Iraq, Turkey, and the region.

I ask my distinguished colleagues who believe we ought to withdraw from Iraq before that country is able to govern and defend itself: What will happen to our Iraqi allies who have fought alongside of us? How will this affect America's ability to conduct future multinational operations?

Some have argued we should have shaped and relied upon a stronger coalition before undertaking operations in

Iraq. Clearly we lose the ability to build such a coalition in the future if we leave our allies behind as we precipitously withdraw from Iraq.

I ask my distinguished colleagues who believe we ought to withdraw from Iraq before that country is able to govern and defend itself: What is the scope of humanitarian and refugee crisis that will ensue if we suddenly depart from Iraq? Where and how will the United States address that consequent crisis? It was not that long ago we experienced the largest scale humanitarian and refugee flow after the first gulf war. We were able to eventually deal with that situation through a substantial commitment of forces to Joint Task Force Provide Comfort in northern Iraq. Under this new scenario, it would be difficult if not impossible for us to adequately help the large segments of the Iraqi population trying to flee from unrelenting terror when our forces suddenly withdraw.

I ask our colleagues who believe we ought to withdraw from Iraq before the Iraqis are able to govern and defend themselves: Are the Iraqis ready to assume full responsibility and control of their own security, economic development, reconstruction, and governance? If not, how can we posture the Iraqis for that desired end state, while at the same time withdrawing under continued enemy pressure?

Finally, I ask my colleagues on the other side this important question: What is your plan? What is your plan for the way forward in Iraq and in the region?

Our presence in Iraq is not about pride. It is not, as some have suggested, solely to benefit the Iraqis. Instead it is about our own vital national security and our ability to address the threats to our Nation. Our success is not just about providing the people of Iraq a safe environment to develop and provide for their own self-governance, it is about America's national security, the stability of the Middle East, and our partners in the war on terror.

We have to do what is right for America's national security, which means helping to stabilize the Middle East and supporting our partners in the war on terror. These 10 concerns have caused me to draft an amendment which I believe must be added to this bill. This amendment expresses the sense of Congress that "the Senate should commit itself to a strategy that will not leave a failed state in Iraq." It also states that "the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq."

The Iraq Study Group, National Intelligence Estimates, and even the New York Times have all repeatedly warned against the consequences of a failed state in Iraq. Instability in the region could lead to genocide, retaliatory attacks against our allies, invasions from neighboring countries, and the proliferation of global terrorism. We cannot allow these possibilities to become realities. Withdrawing our troops now or on the expedited basis proposed by Senators REED and LEVIN, when Iraq is not yet able to sustain itself, will only sink the fledgling nation into further chaos and disorder while ensuring that either we will recommit our troops later to a more tumultuous and dangerous battle or that we will leave ourselves open to future attacks from a fortified terrorist network.

I urge all my colleagues to reject any notion of a premature troop withdrawal and join me in expressing the importance of a stable Iraqi nation, not just for the benefit of the people of Iraq but for our own national security. We can't talk about ideas such as withdrawing our troops without looking at the consequences. I know all of us join in believing that we want to get our troops home as soon as we can. The only difference between us is those who believe we ought to do so based on an arbitrary timetable and those who believe we ought to do so after we are able to leave the Iraqis in a position to govern and defend themselves, not just, again, for their security and safety but for ours as well. Because a failed state in Iraq is a clear and present danger to the American people. It would be terrible, indeed, if, having let that happen and seeing more Americans die as they did on 9/11 as a result of al-Qaida's strength and its ability to recruit, train, and then export terrorist attacks to the United States and around the world, that more people in this country and other countries around the world had to die. That is at stake.

If we are going to talk about ideas such as those proposed in the Reed-Levin and other amendments, we need to confront directly the consequences of our actions. This amendment expresses the sense of the Senate that we will take no action that will make it more likely that Iraq will end up a failed state, again, in the national security interest of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2135 TO AMENDMENT NO. 2011

Mr. DORGAN. Mr. President, I have an amendment at the desk, No. 2135, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes an amendment numbered 2135.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to bringing Osama bin Laden and other leaders of al Qaeda to justice)

At the end of subtitle B of title XII, add the following:

SEC. 1218. JUSTICE FOR OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA.

(a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN LADEN.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708e)(1)) is amended by adding at the end the following new sentence: "The Secretary shall authorize a reward of $50,000,000 for the capture, or information leading to the capture, of Osama bin Laden.".

(b) STATUS OF EFFORTS TO BRING OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

Mr. DORGAN. Mr. President, I offer this amendment on behalf of myself, my colleague Senator CONRAD, and my colleague Senator SALAZAR. My understanding is we will vote on this amendment in the morning. I don't know whether there has been a unanimous consent order on that matter, but my understanding is it will be voted on at 9:30. I wanted to spend a few minutes talking about what this amendment is. Let me begin by pointing out the following.

It has been nearly 6 years since Osama bin Laden and the leadership of al-Qaida ordered an attack on our country on 9/11/2001. Thousands of

Americans were killed, innocent Americans murdered by Osama bin Laden and the leadership of al-Qaida. Nineteen terrorists with box cutters using commercial airliners loaded with fuel attacked this country. Thousands died. Six years later, Osama bin Laden is still free. He has not been brought to justice. Six years later, we are told in reports by senior officials in the newspapers—and I will read some of them—that al-Qaida is stronger than it has been in years. Six years later, we are told that al-Qaida and the Taliban are rebuilding terrorist training camps in northern Pakistan and the region between northern Pakistan and Afghanistan. Six years later, we are told that the leadership of al-Qaida has a secure hideout in Pakistan. Six years later, we are told that al-Qaida, with its leadership, remains the greatest terrorist threat to our country. All of this after 6 years, two wars in two countries, hundreds and hundreds and hundreds of billions of dollars spent at home and abroad, thousands of American soldiers dead, and tens of thousands wounded.

That is a failure. The fact that those who attacked us on 9/11 have not been brought to justice and, in fact, are now planning additional attacks against this country and other countries and doing so in secure and safe harbors in northern Pakistan, the fact that that exists is a failure. We have troops going door to door in Baghdad in the middle of a civil war. Yet the leadership of al-Qaida, the greatest terrorist threat to this country, is apparently living free in a safe harbor in northern Pakistan.

Let me describe some of the reasons I bring this discussion to the floor. This is testimony by John Negroponte, then-Director of National Intelligence on January 11, 2007, before the U.S. Senate Select Committee on Intelligence:

> Al Qaeda continues to plot attacks against our homeland and other targets with the objective of inflicting mass casualties. And they continue to maintain active connections and relationships that radiate outward from their leaders' secure hideout in Pakistan.

Think of that, 6 years after 9/11, after they engineered the murder of innocent Americans, our Director of National Intelligence says the leadership of al-Qaida "continues to plot attacks against our homeland" from their "secure hideout in Pakistan."

Further, the Director of National Intelligence, in the same testimony said this:

> Al Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to the homeland.

That is from the Director of National Intelligence. Al-Qaida is the greatest terrorist threat to our country. He said that in January of this year.

Let me fast forward. The McClatchy newspapers, June 26, 2007. Senior U.S. intelligence and law enforcement officials in this administration said:

> While the U.S. presses its war against insurgents linked to al Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary on the border between Afghanistan and Pakistan.
>
> Al Qaida, its allies in Afghanistan's Taliban movement and Pakistani radicals "have free rein there now," said Marvin Wenibaum, a former State Department intelligence analyst.

That is last month.

July 11, "Officials Worry of Summer Terrorist Attack."

> . . . Homeland Security Secretary Michael Chertoff told the editorial board of the Chicago Tribune that he had a "gut feeling" about a new period of increased risk.

The next day, July 12:

> Six years after the Bush administration declared war on al-Qaeda, the terrorist network is gaining strength and has established a safe haven in remote tribal areas of western Pakistan for training and planning attacks.
>
> The report, a five-page threat assessment compiled by the National Counterterrorism Center, is titled "Al-Qaida Better Positioned To Strike the West."

We have seen some of this before. Mr. Chertoff says he has a gut feeling. The fact is, we have a lot of intelligence-gathering capability. Mr. Chertoff, Director of Homeland Security, has a gut feeling.

Let's go back 6 years to August of 2001, from the President's daily briefing. I have it in my hand. It was released in 2004. In August of 2001 the intelligence gave the President a document titled: "Bin Ladin Determined to Strike in US." On 9/11, bin Laden and al-Qaida struck the U.S. with devastating effect.

July 2007, secret intelligence assessment from the U.S. National Counterterrorism Center:

> Al Qaeda better positioned to strike the west.

Six years ago, the President's daily briefing said bin Laden was determined to strike the United States, and he did. Six years later:

> Al Qaeda better positioned to strike the west.

So much money spent in lives, in treasury. So much done, so much action in Iraq, where US troops, now go door to door in Baghdad. What has happened to the leaders of those who continue to plan attacks against our country? What has happened to the leaders of the organization who our National Intelligence Director says represent the greatest terrorist threat to our country? They live free, able to speak to the world. Al Zawahiri last week spoke to the world. They live free. They are creating new terrorist training camps, and they are talking to the world about their plans to inflict damage and to attack other parts of the world. That is called failure.

Let me go back again a few years, September 15, 2001. I will not ever forget sitting in the Chamber of the House of Representatives in a joint session of Congress when President Bush came to speak. This country was one at that point. They weren't Republicans and Democrats. This was a country that had been victimized by a devastating attack by terrorists who were perfectly content to give their own lives as long as they could kill innocent others. The President came and spoke to a joint session of Congress. Here is what he said:

> We will not only deal with those who dare attack America, we will deal with those who harbor them and feed them and house them.

On August 31, 2006, at the American Legion National Convention, the President said:

> We have made it clear to all nations, if you harbor terrorists, you are just as guilty as the terrorists. You are an enemy of the United States, and you will be held to account.

The question most people ask is: What has happened in 6 years that those who planned and executed the attacks against this country now live free and apparently have reconstituted their strength and are planning further attacks against us? We have committed 150,000 or so American troops over a long period of time, so far a period of time longer than the Second World War lasted, and they are now going door to door in Baghdad in a civil war, where Shia are killing Sunnis and Sunnis are killing Shia, and they are both killing American troops. Sometime, we are going to leave Iraq. That is not the question. The question isn't whether. The American people and this Congress are not going to allow American soldiers to be in the middle of a civil war in Iraq for years ahead. That is not going to be the case. The question isn't whether we leave Iraq. The question is when and how.

But even as we discuss and debate that—and we will this week and next week and perhaps the week after—even as we deal with those issues, the American people have a right, through this Congress, to ask the President: Why is it that those who engineered the attacks are still able to engineer and plan further attacks? Why is it that those who engineered the attacks of 2001 are still active, are still apparently in safe harbors, immune to whatever efforts might or might not have existed to bring them to justice? The President was asked about this at one point, and the President said: I don't think much about Osama bin Laden. Well, he should. We should.

The amendment we offer is very simple. Six long years later, this amendment would require the President every 3 months, every single quarter, to send a classified report to this Congress telling us what has been done in this administration, what has been done to apprehend and bring to justice the leadership of al-Qaida.

If, in fact, this is the greatest terrorist threat to our country—if that is the case—and that does not come from me, that comes from the head of intelligence in this country, John Negroponte, in January of this year—if that is the case, why isn't this our primary objective and our most important objective?

This amendment says the following: It doubles the reward money for the apprehension of Osama bin Laden. It also requires a quarterly classified, top secret report to be provided to Congress to tell us what is being done to attempt to make this a priority and apprehend the leadership of al-Qaida.

I understand it is much easier to recognize failure than to recognize success. I understand that. But it does not take much looking to understand this failure.

Now, Senator CONRAD and I have offered this amendment before, and it passed the Senate before and then was quietly dropped in conference by those who do not want this amendment to survive.

But it seems to me we ought to as a country understand, if we are waking up in the mornings these days and reading, as I read this morning in the newspapers—and yesterday morning and the morning before—that our Homeland Security Secretary has a "gut feeling" about this, that or the other thing, and there is a meeting down at the White House to assess these increased risks—we need to understand it is all about al-Qaida. It is all about the leadership of al-Qaida planning additional attacks. It is about the reconstitution of terrorist activities in training camps with the Taliban and al-Qaida. And—guess what—we are going door to door in Baghdad trying to figure out how we deal with the Sunnis and the Shias.

Yes, there are some al-Qaida in Iraq, but those who tell us that is the central fight against terrorism are wrong, and they ought to know it. Go have a secret briefing upstairs. I tell you, if you believe that is the central fight against terrorism, go have a classified, secret briefing, and then you come back and tell me that is what you heard. You will not hear that.

An honest, level look at what is going on in Iraq will describe, unfortunately, a civil war in Iraq. Yes, there is some al-Qaida in Anbar Province and some other al-Qaida influences, but the principal issue in Iraq is sectarian violence or a civil war, and this Congress, at some point, is going to tell this President we are not going to keep American soldiers in the middle of a civil war for any great length of time. But we will insist that we make a priority as one of our significant objectives to bring to justice those who murdered thousands of Americans on 9–11–2001, and we will insist that those who are now planning additional attacks from a secure hideaway—as Mr. Negroponte points out, a secure hideaway—we will insist that some effort be made in this country to deal with that issue.

Let me ask one question. I do not want five reasons or three reasons. I want somebody to give me one good reason why there ought to be any secure hideout anywhere on this Earth for the people, the leaders of al-Qaida who committed this atrocious act against this country in 2001 and who are now planning additional attacks against this country. I do not need five reasons. Is there any reason there ought to be a secure hideout anywhere on this planet for these people? The answer ought to be no.

Getting the terrorists who attacked us on 9–11 has not been our objective, in my judgment. We have gotten sidetracked. It has not been our objective to make this the central issue, and I believe it ought to be the central issue. Senator CONRAD believes that. Senator SALAZAR and others believe it. I expect and hope that tomorrow, when we have a vote at 9:30 in the morning, the Senate will go on record saying it is time—long past the time—for this country to demand that the leadership of al-Qaida be brought to justice and that we interrupt the opportunity of those to be in a secure hideout in Pakistan, planning additional destruction and planning additional deaths against innocent Americans in attacks on our homeland.

That is the amendment. It is simple. No one can misunderstand that amendment. No one can misinterpret it. My hope is, at the end of the vote tomorrow, the Senate will have expressed itself as forcefully as I hope it can on this subject.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I rise to speak on the amendment that has been offered by Senator DORGAN and I have a second-degree amendment, which I will then offer. I also wish to speak about the broader issue before us, the Defense authorization bill, but specifically Iraq and an amendment I have cosponsored with Senators SALAZAR and ALEXANDER dealing with the Iraq Study Group recommendations.

First, I rise in support of the amendment by Senator DORGAN. I certainly agree with him that it is critical we focus on the threat posed by al-Qaida—whether it be in Afghanistan, Pakistan, or Iraq, or the under leadership of al-Zawahiri or Osama bin Laden. That needs to be a focus of our intelligence and security efforts, as well as the efforts our special forces, because of the threat they pose not just to American citizens but to our allies around the world.

We cannot forget they are committed to the death and destruction of innocent civilians around the world. Under no circumstances should we allow any secure area, hideout, or haven to be reconstituted or recreated in the way it was created in Afghanistan under the Taliban rule.

So I am pleased to support his amendment. No one should underestimate the complexity of the challenge of tracking down the leaders of al-Qaida, wherever they are around the world, but the American people should know the greatest effort and the greatest commitment is being undertaken to deal with these terrorists.

AMENDMENT NO. 2184 TO AMENDMENT NO. 2135

Mr. President, at this time, I would, however, like to offer a second-degree amendment. In the drafting of Senator DORGAN's amendment, he speaks about "the capture, or information leading to the capture," but I certainly believe most Americans would agree we should also provide support, assistance, and a reward if information leads to the death of al-Qaida's leadership.

To that end, my second-degree amendment would simply amend that line to ensure this amendment provides support for the capture or death or information leading to the capture or death of Osama bin Laden, where the $50 million reward is allowed.

Mr. President, at this time, I send the amendment to the desk. It is a second degree to the Dorgan amendment, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 2184 to amendment No. 2135.

Mr. SUNUNU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike page 2, line 2 and insert in lieu thereof: "for the capture or death or information leading to the caputure or death of".

Mr. SUNUNU. The amendment, as I have described it, is a simple, single line that inserts that additional contingency. I think the reporting and the assessment of the threats that are included in this amendment make sense. Members of Congress along with members of our intelligence agencies need the most accurate information available to understand what work is being undertaken, what efforts are being made, and what progress is in tracking these terrorists. I think that, in turn, will help us make much better policy decisions.

So I am pleased to support the amendment. I hope the Senator from

North Dakota will accept my second-degree amendment, and I look forward to the adoption of this change to the Defense Authorization bill.

Second, Mr. President, I wish to address the Salazar-Alexander amendment that has been filed, which we certainly hope to have a vote on next week. This is a piece of legislation that I worked with Senators SALAZAR and ALEXANDER on addressing the recommendations of the Iraq Study Group.

The Iraq Study Group was a bipartisan effort covered extensively in the media since the release of their recommendations in December 2006. I made the point at the time, 7 months ago, that those recommendations—there were over 70 different proposals and recommendations in the report—represented the most complete assessment that had been made of the situation in Iraq. That it was a comprehensive framework, and that it did not just deal with security issues but included recommendations addressing political reforms that need to take place within the country with the political dynamics of Iraq. That it included diplomatic efforts that could make a real difference in stabilizing Iraq, supporting the efforts of neighbors and other countries in the region, as well as changes that ought to be made to our intelligence-gathering operation to support not just our effort in Iraq but our effort to deal with al-Qaida in Iraq and around the world. This is something that Senator DORGAN spoke about.

I said at the time that, that framework and those recommendations should be embraced and implemented to the greatest extent possible, first, because it is a comprehensive effort, and second, because the Iraq Study Group proposals recognize the importance and responsibility of the Iraqi Government implementing a series of reforms. They include economic development, reconciliation, the sharing of oil revenues with peoples of all regions and ethnic groups across the country, the debaathification process—designed to bring the country closer together, to create greater unity among the different ethnic factions across Iraq. Only the Iraqi Government, given time, can accomplish these goals which are essential to improving the stability within the region, reducing the level of violence and creating the environment where our troops can be brought home as soon as possible. No American soldier should serve in Iraq a day longer than is absolutely necessary.

This plan is comprehensive in its approach. It recognizes the importance and the responsibility of the Iraqi Government to take steps to improve the situation, and it places an emphasis on the coalition mission, the mission of U.S. forces, in addressing the threat of al-Qaida, focusing on the counterterrorism mission within the country, and training Iraqi security forces.

This is one of the few and perhaps the only truly broad bipartisan effort we have had before us in the last several months. We have seen a series of relatively partisan votes dealing with hard withdrawal dates, criticizing the Pentagon policy in one area or another. On this legislation right now we have seven Democratic sponsors, six or seven Republican sponsors, and I think the support we would receive from both sides of the aisle is even more dramatic than that. So it is a bipartisan effort that attempts to implement or help encourage the implementation of the recommendations of the Iraq Study Group. I think that provides a very sound and strong framework, not just for improving the situation in Iraq but for also addressing a lot of the regional problems that are contributing to its stability in the other countries in the region.

I would encourage all of my colleagues to take a hard look at this legislation. I don't think anyone would agree with 100 percent of all of the recommendations in the Iraq Study Group Report, but I think we can recognize that it is the product of a great deal of effort to understand the situation, assess the climate in Iraq, and make substantive recommendations that will move us forward.

I encourage my colleagues to support the amendment.

Mr. SMITH. Mr. President, today I have submitted an amendment that would help tackle an alarming problem with our men and women who serve in the Armed Forces, the Heroes Helping Heroes Act.

I have introduced the Heroes Helping Heroes Act in the Senate this year to provide funding for peer support programs so that trained veterans can help returning veterans navigate the sometimes perilous transition to civilian life.

My intention is to expand the use of peer-support approaches to assist the reintegration of America's veterans as they return from active duty to their homes and communities. We hope that this legislation will demonstrate the effectiveness of peer-support approaches and ease the burden of the social, economic, medical and psychological struggles our veterans face.

Fortunately, "peer-support" approaches offer a low cost and effective adjunct to traditional services by allowing the heroes of our country to help each other. Veteran peer-support offers two things that no kind of professionalized service can ever hope to: the support of someone who has had the same kinds of experiences and truly understands what the veteran is going through; and the potential of a large pool of experienced volunteers who can assist and support returning veterans at very little cost.

Last week I held a hearing on the issues surrounding older veterans in my home State of Oregon. I also held a series of roundtables in both Portland and White City to discuss how we can improve the current mental health system, be it through the VA, Department of Defense, or within the community mental health structure.

What we now refer to as post-traumatic stress disorder was once described as "soldier's heart" in the Civil War, "shell shock" in World War I, and "combat fatigue" in World War II. Whatever the name, it is a serious mental illness and deserves the same type of attention and care provided for a physical wound.

In recent reports, we have heard that 20 to 40 servicemen and women are evacuated each month from Iraq due to mental health problems. In addition to those who are identified, there are many more who will return home after their service to face re-adjustment challenges. Some will need appropriate mental heath care to help them adjust back to "normal" life. While others will need medical assistance to heal more serious PTSD issues. Yet others will need help to mentally cope with their physical wounds.

The effectiveness of these approaches has been documented in a variety of domains. Specifically, for mental health disorders like PTSD and depression, peer-support programs have shown that participation yields improvement in psychiatric symptoms and decreased hospitalizations, the development of larger social support networks, enhanced self-esteem and social functioning, as well as lower services costs. The Substance Abuse and Mental Health Service Administration, SAMHSA, and even the President's new Freedom Commission on Mental Health, have recognized peer-support approaches as an emerging practice that is helping people recover from traumatic events.

So many of our veterans from previous conflicts, such as World War II and the Korean and Vietnam Wars, needed similar programs once they returned home. Yet I fear that we didn't do enough to help them. With proper and early supports systems in place, we can work to prevent the more serious and chronic mental health issues that come from a lack of intervention.

As our country faces new waves of veterans with mental health illnesses, many of whose issues arise from combat stress, we must ensure that we learn from the lessons of the past. We must ensure that they are cared for, and we must not leave behind those who fought for Nation in previous generations.

I ask my colleagues to support this important amendment.

Ms. COLLINS. Mr. President, I am in strong support of the fiscal year 2008 National Defense Authorization Act.

This legislation will provide essential resources to our troops as they engage in combat overseas and training at home. It also offers an important opportunity at this crucial time for continued debate as to our Nation's future presence in Iraq. This is the most important challenge facing our country, and I will address this issue in subsequent remarks.

Let me begin by thanking my colleagues, the distinguished chairman and ranking member of the Armed Services Committee, Senator LEVIN and Senator McCAIN, for their leadership in crafting this bill and for their strong commitment to our Nation's Armed Forces.

This legislation includes a strong commitment to strengthen Navy shipbuilding by including $13.6 billion for shipbuilding programs. The declining size of our Navy fleet is of great concern to me, and this legislation is an important step toward reversing that troubling decline.

The Chief of Naval Operations, Admiral Mullen, has proposed a 313-ship Navy shipbuilding plan that seeks to address longstanding congressional concerns that Navy shipbuilding has been inadequately funded in recent years. The resulting instability has had a number of troubling effects on the shipbuilding industrial base and has contributed to significant cost growth in Navy shipbuilding programs. The CNO's plan—combined with more robust funding by Congress—will begin to reverse the decline in Navy shipbuilding.

I strongly support the provisions authorizing the funding for construction of destroyers for the 21st century, the DDG–1000 *Zumwalt* class destroyers. The DDG–1000 represents a significant advance in Navy surface combatant technology. Its capabilities include: superior precision naval surface fire support; advanced stealth technologies; engineering and technological innovations allowing for a reduced crew size; and sophisticated, advanced weapons systems, such as the electromagnetic rail gun.

In addition, it is important to note the tremendous cost savings that will be realized over the lifecycle of a DDG–1000 destroyer compared to that of a DDG–51 destroyer as a result of various innovations and technological advancements.

It is critical that the construction of the first two DDG–1000 destroyers in 2007 and 2008 continue as scheduled without further delays. The dedicated and highly skilled workers at our Nation's surface combatant shipyards, such as Bath Iron Works in my home State of Maine, are simply too valuable to jeopardize with further contracting delays.

That is why I am concerned that the House version of this bill includes a provision to prohibit the start of construction on lead ships until the Secretary of Navy certifies that detailed design is complete. This provision, if enacted, could further delay the Navy's awarding of the construction contract for the first two DDG–1000 destroyers.

The House version would also require that the next-generation class of Navy cruisers, which will be the follow-on to the DDG–1000 destroyer, be powered by nuclear propulsion systems, even though neither of the U.S. Navy's proven surface combatant shipyards, Bath Iron Works and Ingalls Shipyard, has the facilities or certifications required to construct nuclear-powered surface combatant ships. This provision could dramatically increase the costs of future surface combatants, thereby reducing the overall number of ships built at a time when the Navy is seeking to revitalize and modernize its fleet.

Of further concern is the fact that the Senate version of this legislation, as drafted initially, eliminated all funding for the Littoral Combat Ship Program for fiscal year 2008, despite the fact that this ship is an integral part of the CNO's 313-ship plan. Fortunately, I was able to work with my colleagues on the Armed Services Committee during the mark up of this legislation to restore $480 million to ensure continued development of this important program.

I am pleased that the Senate Armed Services Committee also agreed to my request for $50 million in funding to continue the modernization program for the DDG–51 *Arleigh Burke* class destroyers. This program provides significant savings to the Navy by applying some of the technology that is being developed for the DDG–1000 destroyer and backfitting the DDG–51, which may reduce the crew size by 30 to 40 people.

The Senate's fiscal 2008 Defense authorization bill also includes funding for other defense-related projects that benefit Maine and our national security. Funding is provided for machine guns and grenade launchers, both of which are manufactured by the highly skilled workers at Saco Defense in Saco, ME.

All of the Senate Armed Services Committee members are concerned about improving the protection of our troops in harm's way. As such, this bill includes $4 billion above the President's budget request for accelerated procurement of Mine Resistant Ambush Protected, MRAP, vehicles for the Armed Forces and $4.5 billion for the Joint Improvised Explosive Defeat Organization.

In addition, the legislation provides $5 million to the University of Maine's Army Center of Excellence for the production and demonstration of lightweight modular ballistic tent insert panels. The panels provide crucial protection to servicemembers in temporary dining and housing facilities in mobile forward-operating bases in Iraq and Afghanistan.

The legislation also provides $6.9 million for the Maine Army National Guard to field the Integrated Disaster Management System, developed by Global Relief Technologies in Kennebunk and Portsmouth, in support of critical medivac operations in Iraq. This system provides near real-time data management and analysis to and from field operators via state-of-the-art, hand-held devices.

The bill also authorizes $9.7 million for construction of a Consolidated Emergency Control Center at the Portsmouth Naval Shipyard. This facility will consolidate all of the shipyard's emergency response entities into one centralized location, which will provide a comprehensive communications and response capability in the event of an emergency.

Finally, I am pleased that this bipartisan Defense bill also authorizes a 3.5-percent across-the-board pay increase for servicemembers, half a percent above the President's budget request. This bill provides the necessary resources to our troops and our Nation and recognizes the enormous contributions made by the State of Maine. The bill provides the necessary funding for our troops, and I offer it my full support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that I be granted 30 minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank the Chair.

(The remarks of Senator ENZI pertaining to the introduction of S. 1783 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, is there a preestablished time limit?

The PRESIDING OFFICER. There is not.

Mr. GRASSLEY. I will speak roughly, if any Members are interested, 15 minutes or so.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, in October 2006, the North Korean regime of Kim Jong Il culminated years of provocative military action by conducting a nuclear test. In the years preceding that test, North Korea expelled international inspectors, restarted nuclear facilities, and reinvigorated its plutonium production program, this, following the pledge by North Korea, under the agreed framework in 1994, to freeze and dismantle its nuclear weapons program in exchange for our assistance.

I am glad that following this test in 2006, the international community joined the United States in condemning that test, and the United Nations Security Council passed a resolution requiring North Korea to halt their nuclear tests and dismantle their nuclear weapons program.

In February of this year, our State Department negotiators and Bush administration officials heralded a breakthrough agreement with North Korea. On February 13, the six-party negotiators, including the countries of the United States, Russia, South Korea, Japan, China, and North Korea, concluded an agreement to end North Korea's nuclear programs.

President Bush stated he was "pleased with the agreement reached" by the six-party talks. He acknowledged that under the agreement, North Korea committed to take several specific actions by a 60-day deadline, and President Bush made clear that the cooperation on economic, humanitarian, and energy assistance to North Korea would be provided "as the North carries out its commitments to disable its nuclear facilities." In other words, there was going to be a step-by-step process by which they disabled their nuclear facilities, that they would then get economic, humanitarian, and energy assistance in North Korea.

Pursuant to the February 13 deal, North Korea was required to take a series of actions within 60 days. This included a freeze of its nuclear installations at Yongbyon, including shutting down a nuclear reactor and plutonium processing plant. The International Atomic Energy Agency in Vienna was to be allowed to monitor the freeze at Yongbyon. To no one's surprise, that 60-day deadline that was negotiated passed with no action by the North Koreans. The Yongbyon facility was not shut down. The International Atomic Energy Agency inspectors were not admitted, reminiscent of the pussyfooting with North Korea that went on during the 1990s.

Rather than comply with their commitments under the agreement—then we know what North Korea did, something that was not even negotiated—North Korea proceeded to demand the release of assets frozen at the Macau-based Banco Delta Asia.

The approximately $25 million was frozen by the United States Treasury Department in 2005 once it was discovered that these funds came from a range of fraudulent and illegal activities by the North Koreans; simply stated, counterfeiting of U.S. currency and money laundering.

So what was our response to the North Korean demand? Did we refuse to negotiate the BDA funds until North Korea demonstrated their commitment to follow through on their obligations? I am sorry to say the answer is no. We allowed them to pussyfoot around, as they have done so often.

Our team of negotiators began working on a way to yield to Kim Jong Il's demands, once again accepting their pussyfooting.

Keep in mind, under the terms of the February 13 agreement, North Korea had the unambiguous responsibility to take the first step, which North Korea did not do. In addition, the BDA frozen funds were not stated in or a part of that February 13 agreement. So how do we get to the point of responding to their pussyfooting that they demand something that is not in an agreement that was already agreed to? What good are agreements? Not only had the North Koreans not followed through on their commitment by the 60-day deadline, they were now reopening the agreement by demanding the release of these frozen funds.

So rather than force North Korea to fulfill its commitments, our negotiators were looking for ways to respond to their pussyfooting, their unwillingness to act, and then work to get those frozen funds unfrozen.

Here again Uncle Sam becomes Uncle Sucker for some tinhorn dictator. And we wonder why we are not respected around the world.

In June, after weeks of back and forth between the State Department and Pyongyang, the funds were unfrozen and our own Federal Reserve System was called in to transfer the funds. How illicit these funds were in the first place is the fact that they went to banks all over the world to try to transfer them. They even went to Russia, and Russia would not touch it. But once again Uncle Sam is Uncle Sucker and our Federal Reserve System was willing to pass on that tainted money.

Before North Korea showed even an inkling of followthrough on their obligations, we conceded on an issue that wasn't even a part of the agreement that they were supposed to start dismantling their nuclear program. So it begs the question of whether the BDA funds were part of a side deal that our State Department negotiators had chosen to agree to but not include in that formal agreement.

In addition, in pushing the BDA issue as a precondition for implementing the initial phase of the six-party agreement, Kim Jong Il had succeeded in rendering the timelines of the agreement useless. In other words, what was supposed to happen in 60 days after the February 13 agreement did not happen in 60 days, and more pussyfooting by Kim Jong Il, as we saw in the 1990s and we are seeing again now. Do we ever learn a lesson?

In addition to pushing the BDA issue as a precondition of implementing the initial phase of the agreement, he had in fact pulled one over on the United States. These deadlines, starting February 13, were touted by the six-party negotiators as evidence that North Korea would finally comply with the demands to give up its nuclear program and that they would be held accountable to strict deadlines. Neither of these things happened, and people in North Korea are laughing at Uncle Sucker again.

In recent days and weeks, North Korea has begun to signal that they will take concrete steps to shut down and seal the Yongbyon facility and accede to verification and monitoring procedures of the International Atomic Energy Agency. Assistant Secretary of State Christopher Hill recently visited North Korea and described his positive discussions with the North Koreans and their intentions to fulfill their obligations.

I wonder if he bothered to discuss with them why they didn't keep their word. Is their word worth anything? I mean, after all, you have an agreement. Can you trust people who sign a name to a document?

It is difficult to understand the positive reaction to the signals now being sent by North Korea 3 months after they were required. In other words, in 60 days things would start to happen. Nothing happened until 3 months after the 60 days. Nonetheless, the International Atomic Energy Agency has, in recent days, determined the scope of its inspection regime and is expected to be back in North Korea within weeks.

But once again, there is no target date for shutting down the Yongbyon facility. It appears that all we are getting from North Korea's leadership is the same old footdragging—pussyfooting around. And while the North Koreans have said they intend to shut down and seal the Yongbyon facility in the near future, do you know what they are doing now? They are putting more demands on us ahead of time. They are now tying those actions to the delivery of heavy oil.

Now, this bears repeating, because, here again, we have more pussyfooting. Before shutting and sealing the nuclear facility at Yongbyon, North Korea is demanding the delivery of heavy oil, and even other assistance, without any significant action on their part. Mr. President, to use a quote from baseball's great Yogi Berra, it's deja vu all over again.

My great concern is that North Korea is in the process of exploiting, time and again, our willingness to concede to their demands for assistance, regardless of whether they ever actually comply with their commitments of the February agreement in the first place. In other words, if they can sucker us again, they want to sucker us for all they can get out of us.

I understand the angst of North Korea with allowing the International Atomic Energy Agency inspectors in and the freezing of the Yongbyon facility, but these steps are rather small compared to the future requirements.

If Kim Jong Il ever complies with the first phase of this agreement, the next phase will require them to make a complete declaration of all nuclear programs, including their uranium enrichment activities.

It also requires the complete disablement of all nuclear facilities. Keep in mind, no timetables, no deadlines have been agreed to for the implementation of this phase. It is during those future steps, when the real heavy lifting will be required, that we will see the true nature of Kim Jong Il.

I haven't seen any change, and I don't expect a lot of change, but I expect the United States to just continue to be suckered and suckered and suckered. And if Kim Jong Il has no intention of giving us his nuclear weapons program, which many believe, it will be crystal clear at that point when real commitments come due.

I am afraid we will likely see more of the same patient back and forth, so-called confidence building—those are words our people use—that our negotiators seem so compelled to pursue. It seems that nothing has been learned during the process with North Korea. Have the diplomats at Foggy Bottom not learned anything from the mistakes made by this administration now, by the Clinton administration previously?

Have we learned nothing from Kim Jong Il's perpetual tactics of agreeing to terms, only to demand then further concessions, as though written agreements mean nothing? We have been down this road before. When are we going to recognize we are being made a sucker, much the same way President Clinton was played along with? When will we say to Pyongyang that enough is enough? When will this Bush administration stand its ground?

I support the international effort towards a diplomatic solution on this matter, but I also think it is imperative we learn from past mistakes. I was deeply skeptical of North Korea's willingness to follow through on the 1994 Agreed Framework, and I am deeply skeptical they will follow through on the February 13 agreement.

If Pyongyang continues to demand assistance without complying with the terms of the February 13 agreement, I hope the President—the present chief executive, President Bush—will quickly realize the deja vu tactics of Kim Jong Il and put an end to the policies of concessions without compliance. If not, President Bush will have done nothing more to address North Korea's nuclear problems than President Clinton.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

TRADE WITH CHINA

Mr. BROWN. Mr. President, I appreciate the comments of the senior Senator from Iowa and his terrific work on North Korea and what we need to do, and I thank him for that.

Today, new trade figures were released by the Department of Commerce. The news continues to be bad, as our trade policy continues on its merry way. We saw the numbers—$20 billion trade deficit in May, the most recent number they released—$20 billion, leaving us for the year, at this point, a $96 billion trade deficit with China. That is a 15-percent increase over last year. That means we are buying $96 billion more from China than we are selling to China, and that is just through the first 5 months of 2007.

To understand a billion dollars, which is pretty hard to do, if you had a billion dollars and you spent a dollar every second of every minute, of every hour, of every day, it would take 31 years to spend $1 billion. The pages who sit in this Chamber, Mr. President, have lived about a half billion seconds. They are a little older than half of 31 but not much. So our trade deficit with China, so far this year, up through the first 5 months since January 1, is $96 billion.

Our trade deficit with the whole world, just in the month of May, was $66 billion. President Bush the first said a trade deficit of a billion dollars translates into 13,000—mostly manufacturing jobs—13,000 jobs for a $1 billion trade deficit. You can do the math and see what this continued persistent insidious trade deficit is doing to our economy.

Those are just numbers. Last week, in my State of Ohio, just to put faces with those numbers, I was in the town of Lima, the town of Mansfield, where I grew up—my mother had her 87th birthday—I was in Lorain and Marion and Zanesville. Each of those are medium-sized cities of 30,000, 40,000, 50,000, and 60,000 people. Each of those cities contributed so much to the muscle of this country, to our war effort in World War II, to the building of a middle class, and to doing all that industrial America has done, and in each of those communities—Lima, Zanesville, Mansfield, Lorain, and Marion—and I could add Springfield, Xenia, Findlay, Ravenna and Ashtabula—my wife's hometown—I could add all those cities, and in too many cases the growth in this economy that the President trumpets when he comes to Cleveland—a more prosperous area—the President trumpets this economic growth, an economic growth that is passing by too many of these communities.

When I grew up in Mansfield, we had the international headquarters of Tappan-Stowe, Westinghouse, General Motors, and we had a Mansfield Tire Company, and the corporate headquarters of Ohio Grass, and tens of thousands of industrial manufacturing jobs. Today, of those companies I mentioned, only General Motors is still there.

Mr. President, we know what that kind of job loss does to communities when a company closes and lays off 2,000 people to move to Mexico, to China, or whatever happens. When 2,000 people lose their jobs, or 200 people lose their jobs, we know what that does to the community and to the families and to those individuals. We also know it means layoffs for teachers, police officers, firefighters, and that the community is less safe, less prosperous, and there is less opportunity for young people in those communities to go to school and get a good education in hopes of achieving the American dream.

The President's answer to this—and I don't put all of this decline in manufacturing, where my State of Ohio has lost literally hundreds of thousands of jobs, onto the Bush administration. I don't put all of this at the President's feet nor at the feet of failed trade policy, but clearly NAFTA, PNTR with China, the Central American Free Trade Agreement, trade agreements that are now on the table, all of these clearly have contributed to the decline of manufacturing in a big, big way.

So what is the President's answer? We had NAFTA, we had PNTR, we had CAFTA, and so the President's answer is let's do four more trade agreements. Let's do a trade agreement with Panama, let's do a trade agreement with Peru, let's do a trade agreement with Colombia, and let's do a trade agreement with South Korea. Again and again it is the same NAFTA failed model.

This time the President said it is going to be better because we are going to include labor and environmental standards in Peru and in Panama.

First, if that is the case, why today, literally this week, were workers in Peru demonstrating on the streets? Because they think these trade agreements are bad for workers in their country too. The fact is, these trade agreements might be good for some investors short term but they are never good for the workers in Peru, they are not good for workers in Panama, they are not good for the workers in the United States, and they are not good for our communities or families.

The President says: Well, this trade agreement is different because we have labor and environmental standards that are going to be negotiated alongside them. But the fact is that is what they said about NAFTA. They passed labor and environmental standards in a side agreement and it did nothing to raise the labor and environmental standards in NAFTA, but it did turn a trade surplus that we had with Mexico in 1993 into a trade deficit into the tens of billions of dollars. We know that.

We also know what happened when we signed a trade agreement with Jordan—one I voted for when I was in the House of Representatives—a trade agreement that had solid labor and environmental standards in the middle of the agreement, at the core of the agreement. We also know that happened in 2000.

In 2001, when President Bush took office, his trade representative, Robert Zoellick, wrote a letter to the Jordanian Government saying we were not going to use the dispute resolution and not going to actually enforce the labor and environmental standards. What has happened? Jordan is now a sweatshop with a whole lot of Bangladeshi workers exporting textiles and apparel all over the world and has undercut all that trade agreement has been. It has undercut all that trade agreement should have been. So when I hear the President say we are going to do a trade agreement with Peru and Panama and South Korea and Colombia, it is the same old story. The trade policy is not working. We need something different.

We need to go back and relook at NAFTA, relook at PNTR, relook at CAFTA. We also need a trade policy that will have strong labor and environmental standards and strong food safety standards. Look at what has happened with China in the last few weeks. Look at the news stories about China—contaminants or worse in toothpaste and dog food, defective consumer toys for children. We are exposing American children, American families, Americans generally to the products coming from a country with no regulation, with no health and environmental standards, with no consumer product safety standards—none of those. Yet our market is wide open for them to sell into this country and just end run all the protections we have built to raise our standard of living and to protect our families and our children.

As Senator DORGAN said, we also need trade agreements with benchmarks to allow us to gauge whether these serve the national interest. We should have objectives of opening markets and creating jobs ensuring these benchmarks, so each year we have a report card whether this trade deal is actually helping us export or is this actually exporting jobs. Is this trade deal helping American workers bring their wages up or are these trade agreements pulling wages down? Are they helping to build a middle class or are they, like they have in the past, taking them piece by piece and pulling apart the middle class in this country?

We know what we need to do. We know, unfortunately, what the Bush administration wants to do on trade policy. Now is the time to start by rejecting these trade agreements the administration continues to push down our throats.

At the same time, when we pass trade agreements that work for workers and work for the middle class in this country and work for poorest workers in the developing world, we also need a manufacturing policy in our country. We need a tax system that rewards work, a tax system that encourages production in this country, the enlargement of the manufacturing extension partnership Senator KOHL from Wisconsin so eloquently spoke about, and we need a real alternative energy policy in this country, one that really will mean more manufacturing of wind turbines—the University of Toledo does some of the best wind research in the country—and of solar panels. My State has a variety, a whole bunch of manufacturing capabilities. There is simply no reason we can't help to turn my State into a Silicon Valley of alternative energy.

It is an opportunity whose time has come. It is an opportunity for us, as a Senate and a House, and for Governor Strickland in Ohio and Lieutenant Governor Fisher and all of us to work together, not just to change the direction of trade policy or change our tax system to help the middle class and help American workers but to embark on an alternative energy policy that will help stabilize energy prices, that will help wean us off Middle Eastern oil, and ultimately will help produce good-paying industrial jobs in our State.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

AMENDMENT NO. 2184 TO AMENDMENT NO. 2135

The PRESIDING OFFICER. Is there further debate on the Sununu second-degree amendment, No. 2184? If not, without objection, the amendment is agreed to.

The amendment (No. 2184) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING LADY BIRD JOHNSON

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to celebrate the life of Lady Bird Johnson. She was one of the most beloved First Ladies in our Nation's history.

Lady Bird Johnson represented the best of Texas and the best of America. Since the days that I attended the University of Texas with her daughter Lynda, I have known and admired Lady Bird Johnson. I knew her as a woman of dignity, kindness, and graciousness.

Through the years, I have also come to know Luci, one of the most thoughtful people I have ever met. And, of course, most of us in the Senate know Lynda and her husband Chuck Robb, a former Senator from Virginia.

Claudia Alta Taylor Johnson was a Texas original. She was born in Karnack, TX, on December 22, 1912. During her infancy, a nursemaid commented, "She's as pretty as a ladybird," and that nickname virtually replaced her given name of Claudia Alta for the rest of her life.

Lady Bird graduated from Marshall High School in Marshall, TX, studied journalism and art at St. Mary's Episcopal School for Girls, and graduated from the University of Texas.

In 1934, she married Lyndon Baines Johnson, another young, smalltown Texan, who would go on to serve our State in the U.S. House and Senate and then our country as Vice President and later as President of the United States.

In her role as First Lady, Lady Bird shared her love of the outdoors with the American people, becoming the strongest advocate for improving our public spaces. She was instrumental in promoting the Highway Beautification Act, which enhanced the Nation's highway system by limiting billboards and planting roadside areas. I will never pass wildflowers on a median of a highway without thinking of her. She was also a champion of the Head Start Program.

Even after her husband left office in 1969, she remained active in public life and especially in Texas. She served on the University of Texas board of regents. On December 22, 1982—her 70th birthday—she and Helen Hayes founded the National Wildflower Research Center, a nonprofit organization devoted to preserving and reintroducing native plants in planned landscapes at the University of Texas. In 1998, that center was officially renamed the Lady Bird Johnson Wildflower Center.

As the U.S. Senator from Lady Bird's home State, I have consistently worked to strengthen and promote her outstanding legacy. Over the years, I have worked to preserve the LBJ office in the Jake Pickle Building in Austin and to add the Lady Bird Johnson Plaza to the LBJ Library.

In the fall of 2006, Lady Bird joined me at a groundbreaking ceremony for the new plaza. She was radiant that day. The renovation is still in progress and has now been scheduled to finish by August of 2008—just in time for what would have been Lyndon's 100th birthday. The plaza will be graced by wildflowers which will serve as a tribute to Lady Bird's love of nature. Each wildflower will represent the lifework of a beautiful woman who will always have a special place in the hearts of the people who knew her.

I am proud, as a Texan, that this Texas lady represented the best of our Nation. My thoughts and prayers are with Lady Bird's family—especially her daughters Lynda and Luci. We all mourn her passing, but we should also celebrate this remarkable woman's life.

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to Lady Bird Johnson, one of our Nation's most beloved former First Ladies.

Lady Bird Johnson was a conservationist, an enthusiastic political wife, a shrewd businesswoman, and the loving grandmother of a close-knit family.

But she will be best remembered for her efforts to make America a more beautiful country.

Lady Bird Johnson was born Claudia Alta Taylor to her parents near Karnack, TX, in 1912. Legend has it that she received the quaint nickname when a nursemaid exclaimed that the young Claudia was "as purty as a lady bird."

At a very early age, she expressed an interest in the environment, and in particular, wildflowers—which would become a lifelong passion.

A graduate of the University of Texas, Lady Bird received a bachelor of arts in history and a bachelor of journalism in 1934.

It was in Austin where she met her future husband, Lyndon Baines Johnson. The connection between the two was electric—after a whirlwind romance and courtship, the two were married in November 1934.

Lady Bird was a loyal and tireless supporter during her husband's political career—usually behind the scenes—from Congressman to Senator, from Senate majority leader to Vice President, and finally, on that fateful day in 1963, as the 36th President of the United States.

And it is her accomplishments as First Lady that distinguished Lady Bird as visionary.

Lady Bird brought a dash of Texas hospitality and genteel charm to the White House during those first dark days of the Johnson administration, as the Nation struggled to recover from the tragedy of the Kennedy assassination.

A life-long lover of the environment, Lady Bird Johnson is best known for the Beautification Act of 1965, which is widely credited as the Lady Bird Act. The legislation encouraged efforts to make the Nation's Interstate System more scenic and limited billboards that could be posted along roadways.

So as millions of American families go on summer vacations, they can thank Lady Bird Johnson for the beautiful wildflowers that bloom along the highways.

It was the first of a major legislative effort undertaken by a First Lady—and helped to transform the very nature of the Office of the First Lady.

Lady Bird began her beautification efforts with the "First Lady's Committee for a More Beautiful Capital" in 1965.

Although it is largely known that the First Lady worked to have flower beds and dogwood trees planted throughout the Capitol, Lady Bird also worked to address more urban societal concerns here in the District of Columbia, such as crime, public transportation, mental health and recreation.

And to Lady Bird, beautification meant much more—it embodied a deep commitment to the conservation of this country's natural resources.

In her own words, it meant: "clean water, clean air, clean roadsides, safe waste disposal and preservation of valued old landmarks, as well as great parks and wilderness areas."

As First Lady, she was often considered a "shadow Secretary of the Interior."

When the White House Conference on Natural Beauty was convened in May 1966, Lady Bird kicked off the conference proceedings by asking this important question:

> Can a great democratic society generate the drive to plan, and having planned, execute projects of great natural beauty?

And thanks in part to her efforts, the Johnson administration helped to oversee some 150 legislative accomplishments for the environment, including: The Clean Air Act; The Wilderness Act of 1964; The Land and Water Conservation Fund; The Wild and Scenic Rivers Program; and numerous additions to the National Park system.

Lady Bird Johnson helped to ensure protection of some of America's finest natural treasures, including the Grand Canyon, the Hudson River Valley, and perhaps closest to my heart, the majestic California redwoods.

Lady Bird Johnson was also closely involved in President Johnson's civil rights efforts and his "Great Society" campaign, particularly on the Head Start program.

She helped to ensure that low-income youngsters are given the opportunities they need to compete fairly and equally when they enter elementary school.

So she truly left her stamp as a First Lady.

After leaving the White House in 1969, Lady Bird turned her attention once again to wildflowers. She was instrumental in launching the National Wildflower Research Center in 1982, which was later renamed in her honor.

The center has been central to helping preserve many species of wildflowers and plants, which are increasingly sensitive to the challenges of climate change. In fact, today, some 30 percent of the world's wildflowers and other native flora are endangered.

Lady Bird Johnson was one of America's finest citizens. And she was recognized as such. In 1977, the former First Lady was presented with America's highest civilian award, the Medal of Freedom, by President Gerald Ford. And in 1988, she received the Congressional Gold Medal from President Ronald Reagan.

As Laurance Rockefeller aptly stated when Lady Bird was awarded the Conservation Award for Lifetime Achievement in 1977:

> She's a role model for leadership responsibility for women. That's a big part of her legacy, above and beyond the environment.

Lady Bird Johnson will be very much missed. And I offer my personal and deepest sympathies to her family.

Mr. WEBB. Mr. President, today I join people from throughout America in paying tribute to former First Lady Lady Bird Johnson, who passed away yesterday at the age of 94.

Lady Bird Johnson served as America's First Lady during one of the most tumultuous periods in our Nation's history. During the 1960s, this Nation suffered through the assassinations of our most promising leaders.

We were also bitterly divided by the war in Vietnam. With respect to Vietnam, the Johnson family was personally affected by the war. Many of us recall the White House wedding of Chuck and Lynda Bird Robb in 1967, and how Chuck Robb later distinguished himself as a Marine Corps officer in Vietnam.

And many of our cities literally burned as America struggled to end segregation and to usher in a new era of civil rights. On this last issue, in particular, President Johnson and Lady Bird Johnson deserve historical credit for their leadership and political courage.

It was against this backdrop of political and civil unrest that America was especially blessed by the grace, humility and quiet determination of Lady Bird Johnson.

Mrs. Johnson reminded all of us that America is at her best when we are civil to each other and when we treat our adversaries with tolerance and respect.

Of course, her legacy extends far beyond her grace, charm and steadfast loyalty to President Johnson. To a greater extent perhaps than any other living American, Lady Bird Johnson was the mother of the modern environmental movement.

With her tireless efforts to beautify the countryside, promote conservation and combat roadside litter, Lady Bird Johnson demonstrated the power that each of us has to protect the environment and make our communities more attractive. Again, we need to embrace her legacy today.

In my home State of Virginia, we have always felt a special connection to Lady Bird Johnson. She was the mother of Lynda Bird Robb, who was the Commonwealth's First Lady from 1982 to 1986, and the mother-in-law of Chuck Robb who was Governor at that time and later a distinguished Member of this body.

During her frequent trips to our State, Virginians always embraced Lady Bird Johnson for her warmth, grace, and strength of character. These were the same values for which all Americans held her in such high esteem.

I want to extend to her family and many friends my deepest sympathies, as well as my appreciation for her extraordinary life. America is a much better Nation because of the life and service of Lady Bird Johnson.

INTELLIGENCE ASSESSMENT ON AL-QAIDA

Mr. OBAMA. Mr. President, the new intelligence assessment is a chilling reminder that the American people are less secure than we were on 9/11. According to press reports of the assessment, al-Qaida has reconstituted, rebuilt its training and command and control capabilities, and is better positioned to strike the West. Meanwhile, Osama bin Laden and his top deputy are still on the loose.

If America is again attacked, it will be in no small measure a consequence of the Bush administration's failure to destroy al-Qaida at its roots in Afghanistan and to adequately secure the homeland. The decision to authorize and fight a misguided war in Iraq also created a new cadre of experienced terrorists bent on the destruction of the United States and our allies. The recent attacks in Britain are likely only the beginning of an Iraqi "blowback," which may haunt us for years to come. Since we invaded Iraq, the number of Islamic extremist terrorist attacks—excluding those in Iraq and Afghanistan—has risen by 35 percent worldwide.

We cannot win a war against the terrorists if we are on the wrong battlefield. America must urgently begin redeploying from Iraq and take the fight more effectively to the enemy's home by destroying al-Qaida's leadership along the Afghan-Pakistan border, eliminating their command and control networks, and disrupting their funding. To counter their ability to rebuild these capabilities, we must convince Pakistan to pursue an effective strategy, with our assistance, to deny the terrorists sanctuary in Pakistan's northwest territories. We must also finish the job and secure Afghanistan, where the Taliban is resurgent.

But it will take more than force to defeat this threat. It will take wisdom and patience to restore America's credibility in the Muslim world and reduce both passive and active support for extremists. We need to partner with the vast majority of Muslims in their struggle against those who would distort their religion, create oppressive theocracies, and kill innocents. We must demonstrate through action, not mere words, that America is not at war with Islam, and that we will stand with those Muslims who seek a better future.

Abu Ghraib served as a recruiting poster for violent Islamic extremists. Guantanamo has diminished America's standing in the Muslim world and with our closest allies. The needless violation of our civil liberties at home has damaged our moral authority abroad. All these actions have undercut our fight against terrorists. This is not America, this is not who we are. We must close Guantanamo, renounce torture, and respect the rule of law to be faithful to our own values, prosecute the war on terrorism more effectively, and begin to engender renewed admiration for America in the Muslim world. American values and liberties must be seen as a source of our strength, not as a liability, in the fight against terrorism.

Finally, we must take many long-overdue steps to better secure our homeland. We need to lock down loose nuclear material around the world, upgrade port, transport and chemical plant security, allocate homeland security dollars according to risk, and give local law enforcement the resources and intelligence support to help prevent rather than simply respond to terrorist attacks.

The administration argues this intelligence assessment proves its case for doing more of the same. On the contrary, the American people cannot afford more of the same. This intelligence assessment reminds us once again of the consequences of the decision to authorize and fight the war in Iraq, and to direct our resources away from the wider war on terrorism that was yet to be won. It underscores the urgent need for a new, more effective counterterrorism strategy at home and abroad.

HONORING OUR ARMED FORCES

SPECIALIST DUSTIN WORKMAN

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SPC Dustin Workman II of Greenwood, NE. Specialist Workman was killed on June 28 by an improvised explosive device in Baghdad. He was 19 years old.

Specialist Workman graduated from Ashland-Greenwood High School in 2005. Faculty at Ashland-Greenwood remember his talent for writing and his love of books, though not necessarily the ones assigned to him, his skill in mechanical working, and most importantly, his hard work and commitment to finishing school. From the time he was a freshman at Ashland-Greenwood, Specialist Workman's teachers noticed a strong desire to serve in the Army.

Specialist Workman enlisted with the Army and served with B Company, 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, based at Fort Carson, CO. We are proud of Specialist Workman's service to our country, as well as the thousands of other brave Americans serving in Iraq.

Specialist Workman is survived by his parents Dustin and Valerie, younger brother Korey, and younger sister Krysta.

I ask my colleagues to join me and all Americans in honoring SPC Dustin Workman II.

GUATEMALA

Mr. LEAHY. Mr. President, with the Congress's attention on Iraq and the Middle East, I want to take a moment to alert other Senators to an important issue in Guatemala, a country that rarely makes the news in Washington.

Many of us remember the decades of civil conflict that caused the deaths of an estimated 200,000 Guatemalans, many of them indigenous Mayan civilians. Since those dark days, most Guatemalans have tried to put that tragic period behind them and to build the institutions of democracy that can provide economic development, stability and justice.

While the Guatemalan Army has shrunk to half its size, the peace accords that ended the fighting have yet to be fully realized. Most troubling is the rampant violent crime, organized crime and corruption, much of it perpetrated by illegal armed groups, some of which are comprised of former members of the security forces and their supporters.

During the tenure of President Berger, the Guatemalan Government, with the assistance of the United Nations, has sought to establish a commission to investigate and prosecute these clandestine groups. The first attempt was rejected by Guatemala's Constitutional Court, but recently the Court approved the establishment of an International Commission against Impunity in Guatemala, CICIG. The CICIG is widely regarded as an essential mechanism for combating the cancer of human rights violations and organized crime that are threatening to destroy the foundations of Guatemala's democracy.

It is important to note that the Constitutional Court confirmed that CICIG would work alongside the Attorney-General's office in investigating illegal groups. Far from weakening national sovereignty, CICIG will support Guatemala by helping to strengthen the capacity of the country's weak judicial system.

Not only could CICIG go a long way in fulfilling the government's commitment under the peace accords to combat illegal armed groups, it could also help to uncover the full extent of these groups and dismantle their underlying structure. Most importantly, it would be an unprecedented step in ending the impunity that has been the greatest impediment to establishing the rule of law in Guatemala.

At this point, the future of CICIG is in the hands of the Guatemalan Congress, and with new elections approaching time is running out. It would be a terrible waste of years of hard work by the Guatemalan Government and the United Nations if the CICIG is not approved. Whether for prospective foreign investors or the surviving families of victims of political violence, nothing is more important than knowing the truth and seeing that justice is finally possible.

On June 28, the Senate Appropriations Committee, like the House of Representatives last month, unanimously reported the fiscal year 2008 foreign aid appropriations bill. That legislation would authorize the resumption of assistance for the Guatemalan Air Force, Navy and Army Corps of Engineers, if they are respecting human rights and the Guatemalan Congress ratifies the CICIG agreement.

I urge the Guatemalan Congress to seize this historic opportunity. The alternative, which is almost unthinkable, of rejecting this essential step to uphold the rule of law, would send a chilling message that it is the forces of crime and violence who will determine Guatemala's future. That is not an outcome that Guatemala or its people can afford.

TRIBUTE TO BOB VAN HEUVELEN

Mr. CONRAD. Mr. President, I rise today to pay tribute to my chief of staff upon his retirement from the U.S. Senate. Robert Van Heuvelen is recognized not only by me, but also by his colleagues and other Members, as a highly respected, effective, and engaging public servant.

Mr. Van Heuvelen has had a remarkable career in the Federal Government, spanning over 32 years. Bob first came to Capitol Hill in 1975 to work as a legislative assistant for the Honorable Quentin Burdick in the Senate. Following that, he served as assistant counsel for the Environment and Public Works Committee for the Honorable Edmund Muskie. He remained in Washington and went on to work as a Federal prosecutor at the U.S. Department of Justice, rising to the position of deputy and acting chief of the Department of Justice's environmental enforcement section, and eventually to director of the Office of Regulatory Enforcement at the Environmental Protection Agency.

For the past 10 years, I have been privileged to have Bob serve on my staff, first as policy director and then as chief of staff. He brought with him extensive experience in Government and his lifelong dedication to our home State of North Dakota.

During his tenure in my office, some of his most notable accomplishments include coordinating disaster relief for the devastating 1997 flood of Grand Forks, spearheading the work of a tobacco task force to formulate a strong public health response to the tobacco settlements, fighting for a fair Medicare distribution formula and estate tax reform. He also made great strides in developing strong working relations with both his Democratic and Republican colleagues. Bob has helped organize monthly breakfasts, dinners, and policy meetings for chiefs of staff of both parties, fostering a sense of bipartisanship, an accomplishment which is truly praiseworthy.

Bob is a native of Bismarck, ND. He earned his bachelor's degree at Macalester College in Minnesota. Following that, he attended the University of Minnesota, where he received his master's degree in public policy, and George Washington University, where he received his juris doctor. Today, Bob and his wife of 30 years, Jane Sherburne, live in Bethesda, MD. They have three wonderful children—Ben, Elizabeth, and Will.

As Bob goes forward in his life and on to other endeavors, I hope that he proudly looks back at his time here on Capitol Hill and realizes the tremendous difference he has made for North Dakota, our Nation, and in the lives of so many people. I am honored to have had the pleasure to work with him and look forward to our ongoing friendship. We have had great fun doing the Nation's business, and I will miss him. I commend Bob for his many achievements and superior service and wish him the very best.

IN RECOGNITION OF VASILIKI CHRISTOPOULOS

Mr. GREGG. Mr. President, today I wish to express Kathy's and my greatest admiration and thanks for a person who over the past 14 years has been the heart and soul of my Washington staff. Vasiliki Alexopoulos Christopoulos has served as my administrative assistant since February 2001 and before that as my legislative director, director of appropriations and as a legislative assistant. From her first days when she began working with us during our 1992 Senate campaign, Kathy and I knew Vas was an extraordinary person.

To describe Vas simply as AA does not do her justice—although that job is at the center of a well-run and effective Washington office and is critical to the success of a Senator. She, rather, has been the heartbeat of the office. Her caring, warm, and always positive personality calms the stormy times and has given all of us a shot of energy when we needed a lift. Vas understands that running an office is more than assigning tasks. Under her leadership, it has been about building an exceptional team. She always makes sure that when there is a task to be done, it is not left to one person; rather, everyone jumps in with Vas leading the way.

Whether it is counseling interns through separation anxieties, interviewing people to join the office, or assisting Kathy, me, and our children in making sense out of this chaotic lifestyle, Vas has always organized, planned, and followed through in a manner that has lead to a successful end in a positive way.

Walking with Vas to get a cup of coffee is like taking a field trip. This is no police officer, no maintenance staff, no congressional staff who does not know Vas and want to share a story. One quickly learns that everyone in Washington is Greek.

Vas could do about anything she wishes, including probably be mayor of Nashua, but she has chosen a different course. She is moving from the friendly confines of Washington and Nashua to the cold, barren land of Grand Rapids, MI. Michigan, where the summer occurs on July 4, will be the better for this. She will bring her sunny personality which will inevitably warm even the chill climate of Michigan.

As Vas and her terrific husband Jimmy embark on this new career path and challenge, seeking all things Greek, Kathy joins me in thanking her for all her years of dedication to the Gregg family, our office staff, and all the people of New Hampshire. We have all greatly benefited from her commitment and love. She has been and will remain a part of our family and although she will be a bit further away, we wish her only the best and say thank you.

ADDITIONAL STATEMENTS

HONORING REYNOLDS, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its anniversary. On July 27–29, the residents of Reynolds will gather to celebrate their community's history and founding.

Reynolds is a vibrant community located in eastern North Dakota. Founded in 1880, years before North Dakota was granted statehood, Reynolds was named for Dr. Henry A. Reynolds, who served as a surgeon in the Civil War and had recently migrated to the area from Maine. Reynolds, like many other North Dakota communities, was originally incorporated with the arrival of the railroad.

Reynolds is now, and always has been, a very unique community. The city itself has two churches, two elevators, and is separated by two counties. The number two is very important to the residents of Reynolds, and celebrating its quasquicentennial 2 years late is, as the community says, kind of a "Reynoldsism."

Today, Reynolds has much to celebrate. Its 125th+2 celebration will be an event worth taking in. Festivities will include a steak fry, parade, street fair, alumni baseball game, fireworks, and much more.

I ask the Senate to join me in congratulating Reynolds, ND, and its residents on their first 127 years and in wishing them well in the future. By honoring Reynolds and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Reynolds that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Reynolds has a proud past and a bright future.●

TRIBUTE TO BERNARD WOODARD

● Mr. CORNYN. Mr. President, today I celebrate the life and mourn the recent passing, of a great Texan, Thurmond Bernard Woodard. Mr. Woodard recently lost a courageous battle with cancer, a foe he had been battling since 2005.

Born on January 9, 1949, in Ocala, FL, Thurmond Woodard learned the importance of family at an early age. His childhood and adolescence were marked by the qualities that would later endear him to all—strong will, strong character, and uncompromising integrity. He went on to earn a bachelor's degree in accounting from Hampton University and then embarked on a storied career in finance, marketing, sales, and human-resources management.

In October 2000, Woodard was serving as president and chief operating officer for Roosevelt Thomas Consulting and Training in Atlanta. In that role, he spent his days advising the company on the importance and necessity of integrating diversity within business strategies. Recognizing his talent and vision, Austin-based Dell Inc. decided to try and lure him away by offering him the job of vice president for global diversity and chief ethics, privacy, and compliance officer. Thankfully for Dell, he accepted the offer and never looked back. He held those positions until his death in April.

Known for his dedication to creating cultures of dignity, respect, and inclusion, Thurmond promoted the importance of leadership through creating opportunity for all. "We cannot resist change that is inevitable," he said. "We have to get on board and help drive that change."

That eloquence earned him the admiration of his colleagues, including Dell's chief executive Michael Dell who said, "His sensible counsel, generosity of spirit, tireless dedication, and optimism were appreciated and admired by all he touched. His passing leaves a void impossible to fill."

That void is seen not only at Dell but also in the many Texas communities in which he had a profound impact. Even in the difficult stages of his illness, he served as deacon and Sunday school teacher at the David Chapel Missionary Baptist Church in downtown Austin. His work as a mentor and community activist was recognized last year when the Austin Area Urban League honored him with the Whitney M. Young Jr. Award for his efforts to promote diversity through the strengthening of business and community partnerships.

Thurmond's impact could also be seen in our Nation's Capitol, where he served as a board member of the Congressional Black Caucus Foundation and was the key architect of the foundation's AVOICE virtual library on the history of African Americans in Congress. Other organizations that continue to benefit from his efforts and generosity in Washington include the Congressional Hispanic Caucus Institute's Center for Latino Leadership and Operation Hope's financial literacy center in Anacostia.

Dell will honor his legacy of outreach by endowing a scholarship in his name for students of color and students from disadvantaged economic backgrounds around the world.

Even though he was known for being an incredibly successful businessman and community leader, Thurmond was known first as an incredibly successful family man. A beloved father and husband, he leaves behind his wonderful wife of 37 years Suzanne, his children Michelynn and Derek, and countless friends. They recall with fondness Thurmond's love of humor, friendship, and the occasional round of golf.

He lived life with vigor, passion, and unwavering optimism. And even though he has been called home to God, Thurmond's selflessness and decency will always serve to guide and inspire us all.

Mr. President, please join me in celebrating the life of Thurmond Bernard Woodard.●

RETIREMENT OF DALE W. SOPPER

● Mr. HARKIN. Mr. President, today we recognize a distinguished executive at the Social Security Administration, Dale W. Sopper. Dale is the Deputy Commissioner for Budget, Finance and Management. He is a dedicated public servant who has served his country in public service for 42 years.

A native of Allentown, PA, he began his Federal career as a claims insurance specialist in the local Social Security Office in Kansas City, MO. After 2 years, he was selected for the Management Intern Program at the then-Department of Health, Education and Welfare. He served in a number of increasingly responsible positions there and in the Department of Health and Human Services over the next 16 years, ultimately serving as HHS' Assistant Secretary for Management and Budget.

Dale returned to the Social Security Administration in 1983 as the Deputy Associate Commissioner for Management, Budget and Personnel. In his current position as Deputy Commissioner for Budget, Finance and Management, Dale is responsible for providing executive leadership and direction in administering: a comprehensive financial program of budget policy, formulation and execution; accounting policy and operations; the agency's acquisition and grants program; audit resolution and liaison; the internal controls program; agencywide facilities and publications management programs; and the agency's efforts to improve annual wage reporting and wage reconciliation activities. In addition, Dale serves as SSA's chief financial officer, senior procurement executive and principal deputy ethics counselor.

During Dale's long and distinguished career with both agencies, he has received many awards—of special note, the Presidential Rank Awards for Distinguished Executive and Meritorious Executive, the Donald Scantlebury Memorial Award, the Elmer Staats Award and the Frank Greathouse Distinguished Leadership Award.

Dale will retire from the Social Security Administration on August 3, 2007. He is an exceptional career executive who has consistently demonstrated strength, integrity, diligence and a relentless commitment to public service and the well-being of our citizens across the Nation. Through his extraordinary leadership and achievements, he has inspired countless men and women with whom he has worked over these past 42 years.

It is important that we in Congress recognize the many men and women who devote their working lives to improve the lives of others. Career civil servants often do their work in quiet anonymity behind the scenes providing vital service to the American people. They are rarely recognized for their important contribution. Dale Sopper is one of those people. His record of leadership at the Social Security Administration and his commitment to providing the American people with effective and compassionate service is a record of which he can be justly proud.

I wish Dale all the best in his retirement from Federal service and thank him for his many years of dedicated service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INITIAL ASSESSMENT REPORT RELATIVE TO THE IRAQI BENCHMARKS—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with section 1314 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) (the "Act"), attached is the report that assesses the status of each of the 18 Iraqi benchmarks contained in the Act and declares whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

This report has been prepared in consultation with the Secretaries of State and Defense; Commander, Multi-National Forces-Iraq; the United States Ambassador to Iraq; and the Commander of United States Central Command.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 12, 2007.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2558. A communication from the Secretary of the Interior, transmitting the report of a draft bill entitled, "Preserve America and Save America's Treasures Act"; to the Committee on Energy and Natural Resources.

EC–2559. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project for the Des Moines and Raccoon Rivers, Des Moines, Iowa; to the Committee on Environment and Public Works.

EC–2560. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partial Termination and Turnover Rate" (Rev. Rul. 2007–43) received on July 11, 2007; to the Committee on Finance.

EC–2561. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Organization Officer and Employee Report, Form LM-30" (RIN1215–AB49) received on July 11, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2562. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–70, "Safe and Stable Homes for Children and Youth Amendment Act of 2007" received on July 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–148. A resolution adopted by the City Council for the City of Okeechobee of the State of Florida urging Congress to appropriate the funds necessary to bring the Herbert Hoover Dike into compliance with current levee safety standards; to the Committee on Environment and Public Works.

POM–149. A resolution adopted by the Council of the City of North Miami of the State of Florida urging Congress to appropriate the funds necessary to bring the Herbert Hoover dike into compliance with current levee protection safety standards; to the Committee on Environment and Public Works.

POM–150. A concurrent resolution adopted by the Legislature of the State of Utah expressing opposition to the Divine Strake explosive test that is to be conducted in Nevada in 2007; to the Committee on Armed Services.

Whereas, "Divine Strake" is the code name for a large high-explosive test to be conducted by the Defense Threat Reduction Agency;

Whereas, the Pentagon has stated the purpose of the test is to "determine the potential for future non-nuclear concepts," such as high-energy weapons or the simultaneous use of multiple conventional bombs to destroy deeply buried and fortified military targets, as an alternative to detonating a nuclear device;

Whereas, the test was originally planned to take place June 2, 2006 at the site of an existing underground tunnel in the United States Department of Energy Nevada Test Site, but was postponed several times due to legal action, then later delayed until 2007;

Whereas, the test is scheduled to utilize 700 tons of an ammonium nitrate combined with fuel oil explosive, which is equivalent to 593 tons of TNT;

Whereas, there is concern that the explosion could stir up nuclear particles, left from previous tests conducted decades earlier at the Nevada test site, into the atmosphere;

Whereas, in December 2006, the revision to the Environmental Assessment was released, and although the study concluded that there are no health risks to persons outside the blast area, it stated, "Since suspended natural radionuclides and resuspended fallout radionuclides from the detonation have potential to be transported off of the NTS by wind, they may contribute a radiological dose to the public";

Whereas, on January 22, 2006, the Washington County Commission issued a statement opposing the federal government's plan to conduct the test which reads in part, "The City of St. George has a unique history due to its proximity to the Nevada Nuclear Test Site during the atomic age. . . thousands of early deaths of those living in southern Utah and the surrounding areas have been attributed to nuclear testing during the 1950s and 1960s at the site. Many St. George residents and others have suffered incalculable loss as a result of radioactive fallout exposure from the detonations at the site";

Whereas, the Commission added, "To assure the safety and well-being of our citizenry, these concerns must be carefully studied and evaluated before a decision is made to proceed with the proposed detonation"; and

Whereas, much more needs to be done to assure that there is never a repeat of the immense suffering endured by citizens of Utah and nearby states due to the nuclear fallout from past tests at the Nevada Test Site. Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express opposition to the Divine Strake high-explosive test to be conducted by the Defense Threat Reduction Agency at the United States Department of Energy Nevada Test Site in 2007. Be it further

Resolved, That copies of this resolution be sent to the Defense Threat Reduction Agency, the United States Department of Defense, the United States Department of Energy Nevada Test Site, the Washington County Commission, and to the members of Utah's congressional delegation.

POM 151. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact H.R. 1619 or S. 587 to direct the Secretary of the Treasury to mint coins to commemorate the Ford Model T; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 78

Whereas, Michigan's integral role as the heart of the automobile industry in our country and around the world is well established. Nearly 100 years ago, an especially meaningful chapter in this long history began with the opening of the Highland Park Ford Plant that is acknowledged to be the birthplace of the assembly line. In addition, the more than 15 million Model T Fords that were built between 1908 and 1927 reshaped the American landscape and our way of life; and

Whereas, The new age in manufacturing that was born in Michigan and the Model T Ford set in motion changes in how Americans live and how people travel around the world. The rise in the American middle class, the ability to prevail in defense of our nation in world wars, and subsequent technological advances all can be traced in significant measure to the automobile industry that began with the vision and hard work of the pioneer mechanics in Michigan; and

Whereas, Congress has before it legislation that would require the Secretary of the Treasury to mint not more than 500,000 coins to commemorate the 100th anniversary of the Model T Ford automobile. Under this legislation, these dollar coins, which would be public tender, would be comprised of 90 percent silver and 10 percent copper. The legislation also provides that the money raised by a surcharge above the face value would be distributed to the Motor Cities National Heritage Area through the Automobile National Heritage Partnership and to the Edison Institute. This money would create endowments to support the celebration of the

Model T and the preservation of its story through educational programs and displays; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact H.R. 1619 or S. 587, to direct the Secretary of the Treasury to mint coins to commemorate the 100th anniversary of the Model T Ford; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–152. A joint resolution adopted by the Senate of the State of Tennessee urging Congress to address the economic impact of interchange fees and merchant discount charges and develop clear and concise disclosure to consumers and retailers; to the Committee on Banking,Housing, and Urban Affairs.

SENATE JOINT RESOLUTION NO. 361

Whereas, consumers are increasingly using credit and debit cards and other electronic transactions to make purchases, and the number of credit and debit card transactions each year now exceeds the number of check transactions; and

Whereas, payment system networks and technology provide significant economic benefits to merchants and consumers; and

Whereas, merchants and retailers pay merchant discount fees, including interchange fees, to access payment system networks for credit and debit transactions; and

Whereas, the fees, policies, and practices of credit card organizations have social and economic consequences for merchants and consumers; and

Whereas, interchange costs have risen dramatically in recent years and the number of transactions involving interchange fees has grown in volume in recent years due to consumer preference to use credit and debit cards and the expansions in technology facilitating the use of credit card systems; and

Whereas, American consumers and retailers pay the highest credit card fees in the world, with rates averaging close to 2 percent and debit card fees averaging close to 1 percent; and

Whereas, merchants are required to pay merchant discount fees, including interchange fees, to banks to access credit and debit card payment system networks; and

Whereas, interchange fees are ultimately passed on to consumers, including those who pay by cash or check, in the form of higher prices; and

Whereas, it is advantageous to have competitive economic models that assure a highly competitive marketplace; and

Whereas, with more and more consumers using electronic payment methods, the United States Congress needs to assure a highly competitive and vibrant market that promotes an economic playing field that is fair to consumers, merchants, and card providers alike. Now, therefore, be it

Resolved by the Senate of the One Hundred Fifth General Assembly of the State of Tennessee, the House of Representatives concurring, that this General Assembly hereby urges the Congress of the United States of America to act expeditiously to address the economic impact of interchange fees and other merchant discount fees and develop clear and concise disclosure to consumers and retailers. Be it further

Resolved, That this General Assembly strongly urges each member of the Tennessee congressional delegation to utilize the full measure of his or her influence to assess the economic impact of interchange fees and other merchant discount fees. Be it further

Resolved, That the Chief Clerk of the House of Representatives is directed to transmit a certified copy of this resolution to the President and the Secretary of the United States Senate; the Speaker and the Clerk of the United States House of Representatives; and to each member of the Tennessee congressional delegation.

POM–153. A resolution adopted by the House of Representatives of the State of Pennsylvania urging Congress to provide equitable funding to the Department of Housing and Urban Development for the operation of quality affordable housing; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 292

Whereas, Pennsylvania's public housing authorities are essential in the Commonwealth of Pennsylvania; and

Whereas, Pennsylvania is home to 90 public housing authorities serving an estimated 245,819 residents of the Commonwealth of Pennsylvania; and

Whereas, Pennsylvania's public housing authorities provide high-quality affordable housing to the residents in the Commonwealth of Pennsylvania through the use of Federal resources and programs; and

Whereas, Pennsylvania's public housing authorities have successfully assisted residents of the Commonwealth of Pennsylvania with moving to work programs and preapprenticeship training, resulting in greater self-sufficiency and a reduced burden on Commonwealth resources; and

Whereas, developments built by Pennsylvania's public housing authorities have in some instances increased the values of neighboring properties and communities in the Commonwealth of Pennsylvania by 142%; and

Whereas, new funding guidelines developed by the United States Department of Housing and Urban Development have resulted in reduced funding for the Commonwealth of Pennsylvania, its public housing authorities and the Pennsylvanians who rely on these services; and

Whereas, Pennsylvania's public housing authorities are a major employer in the Commonwealth of Pennsylvania, and funding cuts from the United States Department of Housing and Urban Development have resulted in drastic layoffs and diminished services to the residents of public housing; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize the importance of the quality services, support and housing provided by Pennsylvania's public housing authorities and respectfully urge the Congress to provide equitable funding to the United States Department of Housing and Urban Development for the operation of quality affordable housing; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–154. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for acquiring a second airport surveillance radar facility for the Salt Lake International Airport; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 2

Whereas, Salt Lake City International Airport (SLCIA) is one of the nation's primary hub airports, is the second largest hub airport for Delta Air Lines and processed over 455,000 aircraft operations during 2005 making it the 18th busiest airport in the world, and conservative forecasts project operations to grow to over 634,000 operations by 2025;

Whereas, the Provo Airport is the second busiest airport in Utah with over 175,000 operations a year and was recently designated as the primary reliever to SLCIA by major commercial airlines including Delta, Frontier, and Southwest, a designation that significantly increases the demand on Provo Airport;

Whereas, the Salt Lake City Terminal/TRACON (terminal radar approach control) facility has responsibility for coordinating the safe and efficient movement of aircraft within the regional airspace but experiences important limitations in the regulation of aircraft using the Provo Airport and airports in surrounding communities;

Whereas, coordinating air traffic activity within the region is complicated significantly because the mountainous terrain along the Wasatch Front creates a sizeable radar shadow which prevents air traffic controllers from seeing aircraft below 8,000 feet, above ground level, in Utah Valley, while aircraft operating below 500 feet, above ground level, at the Salt Lake City Airport II cannot be seen;

Whereas, aircraft arriving or departing the Provo Airport and surrounding airports regularly interact with commercial aircraft using SLCIA; when aircraft operating at these airports request entry into SLCIA airspace, air traffic controllers are not able to determine the precise location of the aircraft due to lack of radar coverage; the slower speeds of these aircraft combined with airspace congestion can present safety concerns for commercial airline operations as well as for general aviation;

Whereas, the lack of ASR–11 (automated surveillance radar) at Provo Airport causes significant delays to take-off and landing operations during poor weather conditions, resulting in a real and significant threat to air safety;

Whereas, there is no backup radar equipment to provide continuous radar coverage to the surface when existing radar becomes inoperable, and the volume of activity generated by the Delta Air Line hub is closely linked to the efficiency of the entire national air transportation system;

Whereas, ASR–11 would provide essential redundancy to assure that adequate safety is maintained at all times; and

Whereas, the radar shadow and the limitations it creates can be corrected by installing a second ASR–11 facility that would be fully integrated with the existing radar at SLCIA and would be optimally located at the Point of the Mountain, providing major safety and efficiency benefits to all of the airports previously mentioned: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, support the critical need to acquire ASR–11 (automated surveillance radar) to provide radar redundancy for the Sale Lake City International Airport, and to achieve full radar coverage for Provo Airport and other general aviation airports. Be it further

Resolved, That the Legislature and the Governor request that Utah's Congressional Delegation seek the appropriation of funds in the 2008 FAA Facilities and Equipment budget needed to acquire ASR–11, as well as to finalize site selection and to acquire property to the extent needed for the installation of the system. Be it further

Resolved, That copies of this resolution be sent to the city of Provo, the Provo Airport, Delta Air Lines, Frontier Air Lines, Southwest Air Lines, and to the members of Utah's congressional delegation.

POM–155. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to take action to help stop children and employees from accessing Internet pornography; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, the Internet has become an extremely important and popular means of exchanging information, and is relied upon in Utah for business, education, recreation, and other uses;

Whereas, many Internet sites contain material that is pornographic, either obscene or inappropriate for children, and a majority of these sites originate within the United States but outside of the state of Utah;

Whereas, the availability of Internet pornography on the job costs Utah employers significant numbers of work hours, strains employers' computer equipment, reduces productivity, and leads to potentially hostile work environments for men and women;

Whereas, while the custody, care, and nurturing of children resides primarily with parents, the widespread availability of Internet pornography and the ability of children to circumvent existing filtering technology defeat the best attempts at parental supervision or control;

Whereas, Internet pornographers use evolving techniques to lure Utah children and others into viewing and purchasing pornographic material, defying existing technology designed to block adult content;

Whereas, current methods for protecting computers and computer networks from unwanted Internet content are expensive, block more than the intended content, and are easily circumvented;

Whereas, because children, employees, and others may seek out pornography, warnings and other labels meant to help avoid inadvertent hits on pornographic sites may simply increase the likelihood that these sites will be visited;

Whereas, credit card verification systems burden credit card companies, are expensive and time consuming to establish and maintain, and inhibit legal speech;

Whereas, other forms of age verification have not been practicable;

Whereas, prior Congressional attempts to address children's access to Internet pronography have been held unconstitutional or otherwise have not passed constitutional scrutiny;

Whereas, prior Congressional attempts to address children's access to Internet pornography have not been based on technology that allows individual Internet users to select what kind of Internet content enters their homes and work spaces;

Whereas, protecting the physical and psychological well-being of Utah's children by shielding them from inappropriate materials is a compelling interest of the Legislature of the State of Utah;

Whereas, protecting the right of Utah's citizens to control what materials enter their homes and other private property is a compelling interest of the Legislature of the State of Utah;

Whereas, although the State of Utah has taken rigorous action in an attempt to shield Utah's children from obscenity and other inappropriate adult content, it cannot effectively curb the problems with Internet pornography within its borders without the support of the United States government;

Whereas, the United States remains in control of the Internet through the Department of Commerce, and the National Telecommunication and Information Association; and

Whereas, the United States has the ability to create appropriate policies and enforcement tools to effectively deal with these issues: *Now, therefore, be it*

Resolved, that the Legislature of the state of Utah, the Governor concurring therein, strongly urges the United States Congress to take action to help stop children and employees from accessing Internet pornography; *be it further*

Resolved, that the Legislature and the Governor strongly urge the United States Congress to seriously consider enacting legislation to facilitate a technology-based solution that allows parents and employers to subscribe to Internet access services that exclude adult content; *be it further*

Resolved, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, and the members of Utah's congressional delegation.

POM–156. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to encourage expansion of existing or the construction of new petroleum refineries to meet increasing energy needs; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 121

Whereas, The price of petroleum products has been unpredictable. Between December 2006 and the end of February 2007, the price of crude oil fluctuated between 62 dollars a barrel and 50 dollars several times. Currently, the world crude oil price exceeds 66 dollars a barrel. Recently, oil futures leapt above 72 dollars a barrel on the New York Mercantile Exchange due to shrinking gasoline supplies and international tensions. Increased refinery capacity would buffer the United States from some of the more volatile price swings that occur during periods of global conflict and which are often outside of our national control; and

Whereas, There has not been a new oil refinery built in the United States in nearly 30 years. Yet, in the intervening years, the total energy demand in the United States has grown by about 40 percent. According to the United States Energy Information Administration, the projected petroleum demand between 2003 and 2025 will increase by 30 percent. We must plan for our future energy needs by incorporating new petroleum refineries into the overall energy policy of the United States; and

Whereas, Recent major investments in the Marathon Refinery located in the city of Detroit, Michigan's only refinery, will increase the output by about 28 percent, from 74,000 barrels per day to over 102,000 barrels per day. Marathon's investment of $300 million was made possible through the collaborative efforts of Marathon, the city of Detroit, and the state of Michigan. Marathon's commitment to Michigan and its collaboration with the city and state to create a renaissance zone encompassing the refinery illustrates the type of creative solutions that can be used to promote increased capacity or the construction of new refineries; and

Whereas, Constructing new refineries or expanding current facilities would also create new jobs and increase gasoline, fuels, and distillate output—all vital components of strengthening our economy. Michigan is well placed to locate a new refinery due to our proximity with Canada, this country's largest source of imported petroleum. Moreover, Michigan's highly skilled labor force could adapt to employment in the refinery industry; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to establish a national energy policy that promotes the expansion of existing or construction of new petroleum refineries in the United States; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the United States Environmental Protection Agency, the United States Department of Energy, the American Petroleum Institute, and the American Petroleum Industries of Michigan.

POM–157. A resolution adopted by the Senate or the State of Louisiana urging Congress to pass the Non-Market Economy Trade Remedy Act of 2007; to the Committee on Finance.

SENATE RESOLUTION NO. 119

Whereas, H.R. 1229, the "Non-Market Economy Trade Remedy Act of 2007," will ensure that the United States countervailing duty law applies to imports from non-market economies; and

Whereas, the purpose of the countervailing duty law is to offset any unfair competitive advantage that foreign manufacturers or exporters have as a result of subsidies; and

Whereas, manufacturing is a vital part of the American economy; and

Whereas, each American manufacturing job results in the creation of approximately four additional jobs; and

Whereas, since 1997, Louisiana has lost over thirty-nine thousand manufacturing jobs due to unfair trade practices; and

Whereas, Louisiana's coastal area is home to some of the nation's premiere commercial fisheries, accounting for 30% of the commercial fisheries production of the lower 48 states; and

Whereas, the Louisiana seafood industry provides an annual economic impact of approximately two billion eight hundred million dollars and over thirty-one thousand jobs; and

Whereas, the Louisiana seafood industry has lost over eleven thousand jobs and millions of dollars due to illegally subsidized seafood imports and dumping from foreign nations; and

Whereas, industries that once were the pride of their communities and employed generations of the same family have been shut down resulting from jobs being shifted to foreign nations where labor is cheap and environmental standards are not enforced; and

Whereas, billions of dollars in wages and millions of jobs are expected to move from the United States to low-cost nations by 2015; and

Whereas, H.R. 1229, the "Non-Market Economy Trade Remedy Act of 2007," is being considered in Congress to correct the longstanding inequity of trade law, and requires the Department of Commerce to take action in countervailing duty cases in support of American businesses:

Now therefore, be it Resolved, that the Senate of the Legislature of Louisiana memorializes the Congress of the United States to vote in favor of H.R. 1229, the "Non-Market Economy Trade Remedy Act of 2007." and; *be it further Resolved*, that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–158. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to oppose the South Korea Free Trade Agreement; to the Committee on Finance.

HOUSE RESOLUTION NO. 101

Whereas, the Bush Administration has negotiated a new free trade agreement with South Korea that fails to protect worker rights and will jeopardize tens of thousands of automotive jobs in the United States; and

Whereas, this flawed agreement is the largest since the North American Free Trade Agreement (NAFTA), and it contains no enforceable protections for workers' rights and will undermine the ability of the government to protect food safety, the environment, and public health; and

Whereas, this agreement will exacerbate and accelerate the loss of good jobs in the United States manufacturing sector, especially in automobiles, apparel, and electronics. The United States already has a massive trade deficit with South Korea, with a large portion of that deficit in automobiles and automobile parts; and

Whereas, the agreement will jeopardize thousands of automobile jobs because it opens the United States automobile market further while failing to address the barriers to the sale of United States automobiles in South Korea; and

Whereas, the United States Trade Representative rejected a very sensible proposal put forward by a bipartisan group of members of Congress to tie any opening of the United States automobile market to concrete benchmarks in United States sales in Korea. Until such benchmarks are set, we do not have confidence that the South Korea Free Trade Agreement is in the best interests of the United States: Now, therefore, be it

Resolved by the Senate, That we urge the United States Congress to oppose the South Korea Free Trade Agreement; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–159. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass legislation to resolve federal identity theft and fraud issues; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, identity theft and fraud includes the theft of a person's Social Security number for the purpose of obtaining employment, avoiding child support payments, or for other personal gain;

Whereas, contributing to the problems are companies that do not have the tools or resources necessary to adequately verify whether or not a Social Security number is fraudulent and companies that are notified of fraudulent Social Security numbers of employees but take no corrective action; and

Whereas, identity theft and fraud are national problems that must be addressed with additional countermeasure: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to support, work to pass, and vote for legislation that prevents the misuse of a person's Social Security number, whether by an individual or a company. Be it further

Resolved, That the Legislature and Governor urge that the legislation include increased and effective verification requirements by companies, accompanied by the tools and resources necessary to adequately verify whether or not a Social Security number is fraudulent, and increased penalties for individuals who intentionally use fraudulent Social Security numbers to obtain employment, avoid child support obligations, or for other personal gain. Be it further

Resolved, That the Legislature and the Governor urge that the legislation include increased penalties for companies who repeatedly report wages on employees with fraudulent Social Security numbers. Be it further

Resolved, That copies of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Social Security Administration, the Utah Department of Workforce Services, and to the members of Utah's congressional delegation.

POM–160. A joint resolution adopted by the Legislature of the State of Utah urging Congress to pass the Children's Health Insurance Program; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 3

Whereas, the health of Utah's children is of paramount importance to Utah's families;

Whereas, poor child health is a threat to the educational achievement, social, and psychological well-being of Utah's children;

Whereas, protecting the health of our children is essential to the well-being of our youngest citizens and the quality of life in our state;

Whereas, the Utah's Children's Health Insurance Program (CHIP), which has enrolled 112,119 uninsured children since its inception in 1998, is an integral part of the arrangements for health benefits for the children of Utah;

Whereas, Utah's CHIP is of great value in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs; and

Whereas, the federal funding available for Utah's CHIP is indispensable to providing health benefits for children of modest means: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the state's congressional delegation to work with the United States Congress to reauthorize the Children's Health Insurance Program (CHIP) in a timely manner to ensure federal funding for CHIP in Utah. Be it further

Resolved, That the Legislature urges the Governor to work with Utah's congressional delegation to ensure that CHIP is reauthorized in a timely manner. Be it further

Resolved, That the Legislature urges all components of state government to work together with educators, health care providers, social workers, and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in Utah be used to the maximum extent possible. Be it further

Resolved, That the Legislature urges the Governor to ensure that children who qualify for Medicaid or Utah's CHIP are identified and enrolled. Be it further

Resolved, That copies of this resolution be sent to Governor Huntsman, the Utah Department of Health, the United States Department of Health and Human Services, and to the members of Utah's congressional delegation.

POM–161. A concurrent resolution adopted by the Legislature of the State of Utah urging support for Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, the World Health Organization's (WHO) Constitution states that "The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health";

Whereas, this position demonstrates that the WHO is obligated to reach all peoples throughout the world, regardless of state or national boundaries;

Whereas, the WHO Constitution permits a wide variety of entities, including nonmember states, international organizations, national organizations, and nongovernmental organizations, to participate in the activities of the WHO;

Whereas, five entities, for example, have acquired the status of observer of the World Health Assembly (WHA) and are routinely invited to its assemblies;

Whereas, both the WHO Constitution and the International Covenant of Economic, Social, and Cultural Rights declare that health is an essential element of human rights and that no signatory shall impede on the health rights of others;

Whereas, Taiwan seeks to be invited to participate in the work of the WHA simply as an observer, instead of as a full member, in order to allow the work of the WHO to proceed without creating political frictions and to demonstrate Taiwan's willingness to put aside political controversies for the common good of global health;

Whereas, this request is fundamentally based on professional health grounds and has nothing to do with the political issues of sovereignty and statehood;

Whereas, Taiwan currently participates as a full member in organizations like the World Trade Organization, Asia-Pacific Economic Cooperation, and several other international organizations that count the People's Republic of China among their membership;

Whereas, Taiwan has become an asset to all these institutions because of a flexible interpretation of the terms of membership;

Whereas, closing the gap between the WHO and Taiwan is an urgent global health imperative;

Whereas, the health administration of Taiwan is the only competent body possessing and managing all the information on any outbreak in Taiwan of epidemics that could potentially threaten global health;

Whereas, excluding Taiwan from the WHO's Global Outbreak Alert and Response, Network, for example, is dangerous and self defeating from a professional perspective;

Whereas, good health is a basic right for every citizen of the world and access to the highest standard of health information and services is necessary to help guarantee this right;

Whereas, direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases through increased trade and travel;

Whereas, the WHO sets forth in the first chapter of its charter the objectives of attaining the highest possible level of health for all people;

Whereas, Taiwan's population of 23 million people is larger than that of three quarters of the member states already in the WHO and shares the noble goals of the organization;

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those in western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas, Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas, in recent years, both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but have ultimately been unable to render assistance;

Whereas, the WHO does allow observers to participate in the activities of the organization; and

Whereas, in light of all the benefits that participation could bring to the state of health of people not only in Taiwan, but also regionally and globally, it seems appropriate, if not imperative, for Taiwan to be involved with the WHO: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urges the Bush Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the World Health Organization. Be it further resolved that the Legislature and the Governor urges that United States' policy should include the pursuit of some initiative in the World Health Organization which would give Taiwan meaningful participation in a manner that is consistent with the organization's requirements. Be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the majority leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, and the World Health Organization.

POM-162. A resolution adopted by the Senate of the State of Louisiana commending Congress for passing the Federal Minimum Wage Act of 2007; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 61

Whereas, the United States Congress passed the Fair Minimum Wage Act of 2007 (Minimum Wage Act) by an overwhelming vote by both Republicans and Democrats; and

Whereas, the President of the United States signed the Minimum Wage Act into law on May 27, 2007, as part of the U.S. Troop Readiness Veterans Care, Katrina Recovery and Iraq Accountability Appropriations Act; and

Whereas, the new law amends the Fair Labor Standards Act of 1938 and gradually raises the federal minimum wage from $5.15 per hour to $7.25 per hour over a two year period; and

Whereas, the Minimum Wage Act was a component of the new Democratic majority's 100-Hour Plan in the United States House of Representatives; and

Whereas, as part of the new law, $4.8 billion worth of tax breaks are going to be given to small businesses over a ten year period to offset the wage increase; and

Whereas, the Minimum Wage Act is the first national minimum wage increase in over a decade and provides a wage boost for 12.5 million workers nationwide. Now, therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby commend President George W. Bush and the Congress of the United States for passing the Federal Minimum Wage Act of 2007. Be it further

Resolved, That a copy of this Resolution be transmitted to the President of the United States, the secretary of the United States Senate, and the clerk of the United States House of Representatives.

POM-163. A resolution adopted by the House of Representatives of the State of Pennsylvania urging Congress to enact improvements to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 345

Whereas NCLB, reauthorizing the Elementary and Secondary Education Act (ESEA), was signed into law on January 8, 2002; and

Whereas, NCLB significantly increased the Federal Government's role in elementary and secondary education; and

Whereas, NCLB represented the most sweeping changes in Federal education policy in 30 years; and

Whereas, the House of Representatives of the Commonwealth of Pennsylvania supports the goals of raising student achievement, closing achievement gaps and ensuring that each child has a qualified teacher; and

Whereas, NCLB, while establishing a rigorous standard for our nation's public schools and a model for assessing school achievement, has produced unintended consequences; and

Whereas, school districts in the Commonwealth of Pennsylvania have incurred additional costs under NCLB for staff development, certification requirements, testing, data collection, public school choice-related transportation, supplemental education services and other school improvement programs; and

Whereas, NCLB has resulted in overreliance on standardized testing to the exclusion of other recognized indicators of student achievement; and

Whereas, NCLB mandates have prevented teachers and paraprofessionals from delivering a comprehensive curriculum; and

Whereas, the present adequate yearly progress (AYP) structure under NCLB is flawed, resulting in a high AYP failure rate; and

Whereas, smaller class sizes and community/parent involvement are proven methods of increasing student achievement; and

Whereas, the Commonwealth of Pennsylvania's certification process requires individuals to meet high standards and complete a rigorous, thorough course of study; and

Whereas, federal funding for NCLB Title I (Improving the Academic Achievement of the Disadvantaged) between 2002 and 2005 fell $21.4 billion short of statutorily authorized levels. Therefore be it

Resolved, That the House of Representatives of the commonwealth of Pennsylvania urge the Congress to enact NCLB improvements including:

State-level development of a research-based school accountability formula incorporating district-level assessments, school-level assessments, performance or portfolio assessments, high school graduation rates and percentage of students participating in dual enrollment or honors, Advanced Placement or International Baccalaureate courses.

(2) Support systems instead of sanctions: increased Federal funding for enhanced Federal and State technical assistance and Federal and State improvement plan assistance.

(3) Differentiated outcomes for schools, with targeted improvement plans for specific subgroups of students.

(4) Transparent growth models, at the State level, with data used exclusively for instructional, curricular and professional development purposes.

(5) Valid, reliable assessments for each child that accurately and fairly reflect student, school and school district performance.

(6) Flexibility relating to test scores of students with disabilities and English Language Learner students: allowing IEP teams to determine appropriate assessment and standards for each child, removing the 1% and 2% limits for alternative assessments and extending to three years the AYP inclusion of test scores of English Language Learner students for whom native language assessments in required core content subjects are not available.

(7) Restoration of the Class Size Reduction program in place prior to NCLB, whose goals were to provide an optimum class size of 15 students and to foster parent and community involvement by funding initiatives such as adult and family literacy, parenting classes and community engagement programs.

(8) Defining "highly qualified teacher" as any educator who is teaching in his or her assigned area of certification and who has met the licensure/certification requirements set forth in his or her respective state.

(9) Full funding of all NCLB programs at authorized levels; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of Education, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-164. A resolution adopted by the House of Representatives of the State of Utah urging Congress to suspend or repeal the REAL ID Act; to the Committee on Homeland Security and Governmental Affairs.

HOUSE RESOLUTION NO. 2

Whereas the implementation of the REAL ID Act intrudes upon the states' sovereign power to determine their own policies for identification, licensure, and credentialing of individuals residing therein;

Whereas one page of the 428 page 9/11 Commission report that did not give consideration to identification issues, prompted Congress to pass the legislation which created the REAL ID Act, ignoring states' sovereignty and their right to self-governance;

Whereas the REAL ID Act converts the state driver licensing function into federal law enforcement and national security functions that are outside the purpose and core competency of driver licensing bureaus;

Whereas the REAL ID Act constitutes an unfunded mandate by the federal government to the states;

Whereas the REAL ID Act requires states to confirm their processes of issuing driver licenses and identification cards to federal standards by May 2008;

Whereas the National Governor's Association, National Conference of State Legislatures, and American Association of Motor Vehicle Administrators predict state compliance with the REAL ID Act provisions will require all of the estimated 245 million current driver license and identification card holders in the United States to renew their current identity documents in person by producing three or four identity documents, thereby increasing processing time and doubling wait time at licensing centers;

Whereas identification-based security provides only limited security benefits because it can be avoided by defrauding or corrupting card issuers and because it gives no protection against people not already known to be planning or committing wrongful acts;

Whereas the REAL ID Act will cost the states over $11 billion to implement according to a recent survey of 47 state licensing authorities conducted by the National Governor's Association, the National Conference of State Legislatures, and the American Association of Motor Vehicle Administrators;

Whereas the use of identification-based security cannot be justified as part of a "layered" security system if the costs of the identification "layer"—in dollars, lost privacy, and lost liberty—are greater than the security identification provides;

Whereas the "common machine-readable technology" required by the REAL ID Act would convert state-issued driver licenses and identification cards into tracking devices, allowing computers to note and record people's whereabouts each time they are identified;

Whereas a more secure and flexible system of verifying identity may be achieved by less intrusive means to the individual and to states by employing the free market and private sector ingenuity;

Whereas the requirement that states maintain databases of information about their citizens and residents and then share this personal information with all other states will expose every state to the information security weaknesses of every other state and threaten the privacy of every American;

Whereas the REAL ID Act wrongly coerces states into doing the federal government's bidding by threatening to refuse noncomplying states' citizens the privileges and immunities enjoyed by other states' citizens;

Whereas the REAL ID Act threatens the privacy and liberty of those individuals belonging to unpopular or minority groups, including racial and cultural organizations, firearm owners and collectors, faith-based and religious affiliates, political parties, and social movements;

Whereas Congress passed the REAL ID Act without a single hearing in either house and without an up-or-down vote in either house;

Whereas the REAL ID Act thus imposes a national identification system through the states, premised upon the threat to national security, but without the benefit of public debate and discourse; and

Whereas the REAL ID Act is determined by the Utah State House of Representatives to be in opposition to the Jeffersonian principles of individual liberty, free markets, and limited government: Now, therefore, be it

Resolved, That the Utah House of Representatives urges the United States Congress and the United States Department of Homeland Security to suspend implementation of the REAL ID Act; and be it further

Resolved, That the REAL ID Act should be repealed outright by the United States Congress to avoid the significant problems it currently poses to state sovereignty, individual liberty, and limited government; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-165. A joint resolution adopted by the Legislature of the State of Tennessee opposing the implementation of the REAL ID Act of 2005; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 248

Whereas the State of Tennessee recognizes the Constitution of the United States as our charter of liberty and the Bill of Rights as affirming the fundamental and inalienable rights of Americans, including freedom of privacy and freedom from unreasonable searches; and

Whereas the people of Tennessee recognize that the Constitution of the State of Tennessee affords even greater privacy rights for her citizens than those provided by the Constitution of the United States; and

Whereas Tennessee has a diverse population whose contributions are vital to the state's economy, culture and civic character; and

Whereas Tennessee is proud of her tradition of protecting the civil rights and liberties of all her residents, affirming the fundamental rights of all people, and providing more expansive protections than are granted by the Constitution of the United States; and

Whereas the federal REAL ID Act of 2005, Public Law 109-12, creates a national identification card by mandating federal standards for state driver's licenses and identification cards and requires states to share their motor vehicle databases; and

Whereas the REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

Whereas the REAL ID Act prohibits federal agencies and federally regulated commercial aircraft from accepting a driver's license or identification card issued by a state that has not fully complied with the act; and

Whereas the REAL ID Act places a costly, unfunded mandate on states, with initial estimates for Tennessee of more than one hundred million dollars, plus the additional burden of millions of taxpayers' dollars in ongoing annual expenses, and a national estimate of more than eleven billion dollars over the five years following its implementation; and

Whereas the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens. Such activities are not the business or responsibility of government; and

Whereas the REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license; and

Whereas these public and private databases are likely to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identities in order to travel on commercial aircraft, open a bank account, or perform any of the numerous functions required to live in the United States today; and

Whereas the Federal Trade Commission estimates that ten million Americans are victims of identify theft annually, and because identity thieves are increasingly targeting motor vehicle departments, the REAL ID Act will enable the crime of identity theft by making the personal information of all Americans, including date of birth and signature, accessible from tens of thousands of locations; and

Whereas the REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement personnel or victims of stalking or criminal harassment; and

Whereas the REAL ID Act contains onerous record verification and retention provisions that place unreasonable burdens on state motor vehicle divisions and on third parties required to verify records; and

Whereas the REAL ID Act will place enormous burdens on citizens seeking new driver's licenses, such as longer lines, increased document requests, higher costs, and a waiting period; and

Whereas the REAL ID Act will place state motor vehicle staff on the front lines of immigration enforcement by forcing state employees to determine federal citizenship and immigration status, excessively burdening both foreign-born applicants and motor vehicle staff; and

Whereas the REAL ID Act passed without sufficient deliberation by Congress and did not receive a hearing by any congressional committee or a vote solely on its own merits, despite opposition from more than six hundred organizations; and

Whereas the REAL ID Act eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state and local policymakers, privacy advocates, and industry experts to solve the problem of the misuse of identity documents; and

Whereas the REAL ID Act provides little security benefit and leaves identification systems open to insider fraud, counterfeit documentation, and database failures; Now, therefore, be it

Resolved, By the Senate of the one hundred fifth General Assembly of the State of Tennessee, the House of Representatives concurring, that we support the government of the United States in its campaign to secure our country, while affirming the commitment that this campaign not be waged at the expense of the essential rights and liberties of the citizens of this country, nor by placing the added burden of a costly mandate upon the taxpayers of each state; and be it further

Resolved, That it is the policy of the State of Tennessee to oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the constitutions of the State of Tennessee and the United States, including the Declaration of Rights and the Bill of Rights; and be it further

Resolved, That the Tennessee General Assembly urges the Tennessee congressional delegation to support measures to repeal the REAL ID Act; and be it further

Resolved, That there be no implementation of the REAL ID Act of 2005, unless and until funding for the additional cost associated with same is furnished by the United States government; and be it further

Resolved, That the Chief Clerk of the Senate be hereby authorized and directed to forward a certified copy of this resolution to the President of the United States, George W. Bush, the United States Attorney General, Alberto Gonzales, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Tennessee in the Congress of the United States.

POM–166. A resolution adopted by the House of Representatives of the State of Michigan urging the approval of the placement of a statue of President Gerald R. Ford in the United States Capitol; to the Committee on Rules and Administration.

HOUSE RESOLUTION NO. 148

Whereas each state is permitted to have two statues of prominent citizens on display in our nation's capitol as part of the National Statuary Hall Collection, which was created by federal law in 1864. This collection is a strong reminder of the heritage we share and the exceptional men and women who have helped shape our nation. Michigan's two statues are of Lewis Cass and Zachariah Chandler, leaders who played pivotal roles in the history of our state and nation; and

Whereas the federal law governing the National Statuary Hall Collection also provides a procedure for states to replace an existing statue with a new one. This reflects the continuing growth and development of our country. With the recent passing of Gerald R. Ford, Michigan's only president and a man who devoted his entire life to the service of our state and nation, the people of Michigan wish to acknowledge this native son and commence the process of placing a statue of him in the National Statuary Hall Collection; and

Whereas under the established guidelines, the legislature must adopt a resolution to express formally its support for the statue of the person to be honored and to request the Joint Committee on the Library of Congress to approve the placement of the statue. The governor must also express support; and

Whereas under the procedures that govern the replacement of a statue in the collection, the resolution requesting the Joint Committee on the Library of Congress must identify the entity that will select the sculptor and pay for all aspects of the process; and

Whereas relocating the statue of Zachariah Chandler to Michigan would allow many more Michigan citizens, including young people, to learn more of the life of this exceptional man and his contributions to our state; and

Whereas Gerald Ford's life of honesty, integrity, and service constitutes one of Michigan's most important contributions to our nation. As a veteran of World War II and Grand Rapids congressman for a quarter century, Gerald Ford, a man of abiding principle and a strong sense of duty, came to the highest office in our land under most difficult circumstances. As the 38th president, Gerald Ford took the oath of office as our country faced a crisis in confidence. Acting with little regard for political expediency, President Ford helped the country heal through his own honesty and trustworthiness. These qualities, long known by the people of Grand Rapids and his colleagues in Congress, left a legacy that stands strong; and

Whereas the Gerald R. Ford Foundation is committed to the effort to add an image of President Ford to the National Statuary Hall Collection. The Gerald R. Ford Foundation has agreed to serve as the body selecting a sculptor and to fund all of the costs associated with the placement of the new statue and the relocation of the statue of Zachariah Chandler to Michigan; Now, therefore, be it

Resolved by the House of Representatives, That we request the Joint Committee on the Library of Congress to approve the placement of a statue of President Gerald R. Ford as part of the National Statuary Hall Collection in the United States Capitol and to authorize the removal of the statue of Zachariah Chandler and its relocation to Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Joint Committee on the Library of Congress, the members of the Michigan congressional delegation, the Office of the Governor, and the Gerald R. Ford Foundation.

POM–167. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact legislation to improve the health programs available to veterans; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 53

Whereas, providing medical care for the men and women who risk their lives in defense of our nation is a most important responsibility. While this is always true, the significance of this task should be eminently clear as our armed forces are engaged in battle; and

Whereas, funding for the Department of Veterans Affairs is determined each year by the Congress as part of discretionary spending. This budget is seriously under funded each year. This chronic under funding has a direct impact on the level of services available to our injured veterans. Currently, nearly 90 percent of federal health care spending is carried out through direct, rather than discretionary funding; and

Whereas, the Department of Veterans Affairs has the nation's largest health care system, with more than 150 hospitals, hundreds of clinics, nursing homes, residential rehabilitation treatment programs, and specialized services to deal with the most horrific and widest range of injuries. Recent rises in demand for health care services have far outpaced spending; and

Whereas, the American people owe our returning veterans proper health care services to address the injuries they sustain in defense of our freedoms. Quality health care for those injured in service to the country should not be subject to the annual fluctuations of a budget process that is often held hostage to politics. Clearly, the care of our wounded must be a top priority; Now, therefore, be it

Resolved, By the House of Representatives, That we memorialize the Congress of the United States to enact legislation to increase funding for veterans health programs and to reform budget practices to assure that veterans health care needs are addressed by direct rather than discretionary funding; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1772. A bill to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE:

S. 1773. A bill to amend the Internal Revenue Code of 1986 to regulate payroll tax deposit agents; to the Committee on Finance.

By Mrs. BOXER:

S. 1774. A bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Mr. GREGG):

S. 1775. A bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that no child is left behind; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. BROWN):

S. 1776. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a user fee program to ensure food safety, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 1777. A bill to amend title II of the Public Health Service Act to restore the integrity to the office of the Surgeon General; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. SMITH, and Mr. LOTT):

S. 1778. A bill to authorize certain activities of the Maritime Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself and Mr. DORGAN):

S. 1779. A bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself, Mr. STEVENS, Mr. PRYOR, and Mr. INOUYE):

S. 1780. A bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1781. A bill to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the "Buck Owens Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD (for himself and Mr. DURBIN):

S. 1782. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. ENZI:

S. 1783. A bill to provide 10 steps to transform health care in America; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. CANTWELL, and Ms. LANDRIEU):

S. 1784. A bill to amend the Small Business Act to improve programs for veterans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. NELSON of Florida (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mr. SANDERS, Mrs. FEINSTEIN, Mr. MENENDEZ, and Mr. CARDIN):

S. 1785. A bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. CORNYN, Mr. HATCH, Mr. MENENDEZ, Mr. SPECTER, Mr. LEVIN, Mrs. CLINTON, Mr. OBAMA, Ms. MIKULSKI, Mr. DURBIN, Mr. BIDEN, Mrs. HUTCHISON, Mr. DODD, Mrs. BOXER, and Ms. LANDRIEU):

S. Res. 269. A resolution expressing the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of former United States Representative Barbara Jordan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. Res. 270. A resolution honoring the 75th anniversary of the International Peace Garden; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 309

At the request of Mr. SANDERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 551

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 551, a bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals.

S. 617

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 635

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 635, a bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 771

At the request of Mr. HARKIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 836

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 836, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 970

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1310

At the request of Mr. LOTT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1353

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1353, a bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1385

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1385, a bill to designate the United States courthouse facility located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

S. 1469

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1606

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1624

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1624, a bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services.

S. 1742

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1742, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1748

At the request of Mr. COLEMAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 224

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. Res. 224, a resolution expressing the sense of the Senate regarding the Israeli-Palestinian peace process.

AMENDMENT NO. 2019

At the request of Mr. LEVIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Virginia (Mr. WARNER), the Senator from Washington (Mrs. MURRAY), the Senator from South Carolina (Mr. GRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Alabama (Mr. SESSIONS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maine (Ms. COLLINS), the Senator from West Virginia (Mr. BYRD), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Illinois (Mr. OBAMA), the Senator from North Carolina (Mrs. DOLE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Texas (Mr. CORNYN), the Senator from Vermont (Mr. SANDERS), the Senator from South Dakota (Mr. THUNE), the Senator from Rhode Island (Mr. REED), the Senator from Florida (Mr. MARTINEZ), the Senator from Ohio (Mr. BROWN), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. TESTER), the Senator from Nebraska (Mr. NELSON), the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Arkansas (Mr. PRYOR), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Michigan (Ms. STABENOW), the Senator from Iowa (Mr. HARKIN), the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. ISAKSON), the Senator from Colorado (Mr. SALAZAR), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Mississippi (Mr. LOTT), the Senator from Connecticut (Mr. DODD), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 2019 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. COLEMAN, his name was added as a cosponsor of amendment No. 2019 proposed to H.R. 1585, supra.

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 2019 proposed to H.R. 1585, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2019 proposed to H.R. 1585, supra.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 2019 proposed to H.R. 1585, supra.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 2019 proposed to H.R. 1585, supra.

AMENDMENT NO. 2022

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2024

At the request of Mr. SESSIONS, the names of the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mrs. DOLE), the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2024 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2027

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2027 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2029

At the request of Mr. GREGG, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 2029 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2043

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2043 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2046

At the request of Mrs. CLINTON, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2046 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2047

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of amendment No. 2047 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2057

At the request of Mr. FEINGOLD, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 2057 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. DODD), the Senator from Maine (Ms. COLLINS), the Senator from Indiana (Mr. BAYH), the Senator from Colorado (Mr. SALAZAR), the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. OBAMA), the Senator from New York (Mrs. CLINTON), the Senator from Maine (Ms. SNOWE), the Senator from Washington (Mrs. MURRAY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2072

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 2072 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 2086 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2100

At the request of Mr. CORNYN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 2100 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2108

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2108 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2125

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 2125 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 2125 intended to be proposed to H.R. 1585, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1773. A bill to amend the Internal Revenue Code of 1986 to regulate payroll tax deposit agents; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Small Business Payroll Protection Act of 2007. This crucial legislation will protect small businesses from payroll tax fraud and provide them with greater security when working with IRS registered payroll service providers.

By way of background, let me say that in the fall of 2003, small businessman Roger Cyr, owner of the Lily Moon Cafe in Saco, Maine, learned that he was the victim of payroll tax fraud and that he owed $52,000 in back taxes. He was one of a number of small business owners in Maine who were forced to pay their payroll taxes twice after an unscrupulous payroll provider ran off with their tax deposits instead of making the required payments to the Internal Revenue Service.

Unfortunately, this type of payroll fraud is not unique to my State of Maine, with instances of malfeasance occurring in Georgia, Texas, Utah, Iowa, Maryland, New York, and elsewhere throughout the U.S. It is unconscionable that these small business owners, are required to pay their payroll taxes twice. This additional and unexpected expense can drive these companies out of business.

But let me be clear, these egregious examples of payroll fraud hide the fact that most small businesses use payroll providers that are honest, meticulous, and trustworthy. The majority of payroll tax agents pay their clients' taxes accurately, and on time, providing outstanding service as they help their clients with a myriad of complicated tax and accounting issues. Consequently, the organizing principle behind the bill I introduce today is to safeguard small business owners from afew dishonest payroll providers, and to shield the honest payroll providers from the bad actors in their industry.

To that end, this legislation contains a number of provisions designed to guard small business owners against fraud. These provisions include increasing IRS oversight of payroll service providers, creating a separate section of the Internal Revenue code that will govern the payroll industry, defining the responsibilities of payroll tax deposit agents, and requiring all agents to register with the IRS or be penalized. The bill also penalizes payroll providers that collect, but fail to make, required tax payments by extending section 6672 penalties to all payroll tax agents. Additionally, payroll clients will also be informed of their continued liability for all of their payroll taxes as well as their obligation to periodically verify that their payroll taxes are paid in full.

Now, I recognize that the new regulations will be more costly for small payroll companies to implement than for large payroll companies. In order to keep client protections in place, while providing small payroll services providers with some reasonable flexibility, the bill offers a choice. Payroll providers can either obtain a surety bond, or comply with quarterly third-party certifications.

Surety bonds can be very difficult for many small businesses to obtain. Consequently, instead of bonding, many small payroll service providers prefer the targeted quarterly certification option, which ensures that payroll agents are depositing clients' tax funds completely and on time. Small payroll agents assert that the certification process actually provides their clients with greater fraud protection than a surety bond because the certification verifies the payroll agent's sound financial practices quarterly, while a surety boud only requires an annual audit.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I understand how critical it is to defend our small business owners from tax fraud. Enacting these provisions will help protect small companies in Maine, Utah, Georgia and in each of our states, from the very few dangerous payroll providers that would steal their clients' payroll taxes. At the same time, this bill recognizes that small payroll tax agents must be provided flexible and reasonable regulatory options that offer real protection to their clients. This legislation contains both strong safeguards and small business flexibility.

Mr. President, I urge my colleagues to help create a buffer for our small businesses from devious pay roll tax agents by increasing IRS oversight and protections as contained in this bill. I hope my colleagues will strongly support the Small Business Payroll Protection Act of 2007.

By Mr. BURR (for himself and Mr. GREGG):

S. 1775. A bill to reauthorize the Elementary and Secondary Education Act of 1965 to ensure that no child is left behind; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I rise today to speak on the No Child Left Behind Act of 2007, which I am pleased to introduce with my colleague Senator GREGG of New Hampshire. It has been an honor for my office to work with Senator GREGG, one of the "Big 4" architects of the original No Child Left Behind legislation that passed Congress with overwhelmingly bipartisan support and that was signed into law by President Bush in January 2002.

The No Child Left Behind Act of 2007 is the first comprehensive reauthorization legislation to be introduced in either the Senate or the House of Representatives. I hope our introduction today will kick-start the legislative process and get the Senate and the House on the path to a swift reauthorization of NCLB, the most sweeping and important federal K–12 education legislation passed since the original Elementary and Secondary Education Act was passed in 1965.

If ever there were a Federal law that needed to be reauthorized on time, it is No Child Left Behind. As the headline to Ron Brownstein's article in yesterday's Los Angeles Times read: "Don't leave this law behind: Progress is slow under Bush's 2001 education reform, but No Child Left Behind is worth improving." To be sure there has been lots of gnashing of teeth and grimacing in the K–12 field since NCLB was passed. But as many of us in Congress and across the country recognized when NCLB was passed in 2001, the point of No Child Left Behind wasn't, in the words of Kati Haycock of the Education Trust, "to make people happy."

If we had wanted to make the adult stakeholders in K–12 happy, we could have done nothing and just kept the status quo. However, in 2001 this Congress and a number of dedicated individuals and groups across this Nation decided the status quo for our children was not acceptable and that the time had come to eradicate, as President Bush called it, the "soft bigotry of low expectations." Together with strong bipartisanship, this Congress with the passage of No Child Left Behind stated to all the adult stakeholders that we can and will close the achievement gap and to all of America's children that, regardless of background, socio-economics, race, ethnicity, or disability, you can and will learn and you can and will achieve.

We must not turn away from what we began when we passed the original No Child Left Behind legislation. The stakes are too high both for our children and the Nation as a whole. In the ever competitive global economy, all our children, not just some and not just the lucky or the fortunate, must be equipped with the academic skills to succeed. We cannot afford to return to the status quo of days past. The time is now to reauthorize No Child Left Behind and to reassert to all of America's children that this Congress will not give up on them and will not stop this endeavor until the too-long-standing achievement gap is closed once and for all and until all children have the academic skills they need to succeed in both postsecondary education and the workforce.

The No Child Left Behind Act of 2007 that Senator GREGG and I are introducing today does not abandon the basic tenets of No Child Left Behind. To be sure there is still a great deal of work to do to reach our Nation's goal of having all children proficient in reading and math by 2013–2014. Nevertheless, we are seeing historic increases in student achievement. Since the passage of NCLB, the United States has witnessed a greater increase in student achievement in the last five years than in the 30 previous years combined, as well as a significant narrowing in the achievement gap between African-American and Hispanic students and their Caucasian peers. The No Child Left Behind Act of 2007 builds on the original cornerstone laid by Congress in 2001 of holding schools accountable for the academic achievement of all their students and of empowering parents to make better choices for their child's education.

In particular, the No Child Left Behind Act of 2007 preserves the foundational principles of NCLB. It maintains the goal that all children will reach grade-level proficiency in reading in math by 2013–2014; keeps in place annual testing in grades 3–8 and at the high school level; and keeps in place an accountability system rooted in State standards and State assessments. Further, our bill does not water down accountability with the addition of multiple measures; rather, it keeps a laser-like focus on grade-level achievement in math and reading.

While maintaining the fundamentals of NCLB, the No Child Left Behind Act of 2007 rightly responds to legitimate concerns parents, teachers, and principals, have raised regarding the original legislation. In response to concerns raised about impracticable accountability timeframes, the No Child Left Behind Act of 2007 streamlines the accountability timeline to make it easier for schools to develop and implement plans to improve student achievement and to focus on what matters most teaching and learning. Additionally, recognizing that schools and their needs vary, the No Child Left Behind Act of 2007 allows for differentiated interventions for schools in restructuring to allow districts and schools to target resources to students and schools most in need of assistance.

Further, in response to calls for the use of a growth model to measure individual student progress and to positively recognize schools and educators who are making tremendous strides in improving the achievement of all children, the bill expands the Department's seven State growth model demonstration to all 50 States.

The No Child Left Behind Act of 2007 also responds to legitimate concerns regarding the special populations of limited English proficient, LEP, students and students with disabilities, by providing greater flexibility, focus, and resources to help schools educate these students to high standards. Notably, the bill grants new flexibility for LEP students who are new to the country and codifies in statute recent flexibility granted by the Department of Education for special education students, which permits the use of alternate academic achievement standards for students with the most significant cognitive disabilities and modified academic achievement standards for students who have disabilities that preclude them from achieving grade-level proficiency. Finally, the bill targets Federal assessment dollars to develop and administer valid and reliable assessments for special education and LEP students and targets professional development dollars to empower teachers with better tools and information for teaching LEP and special education children.

The No Child Left Behind Act of 2007 reasserts that high-quality teachers are the most important factor to improved student academic achievement. The bill authorizes programs to ensure that all students are taught by a highly qualified teacher and to ensure that low-income and minority students are not taught by unqualified and inexperienced teachers at higher rates than their more affluent peers. The No Child Left Behind Act of 2007 maintains the current definition of highly qualified teacher; emphasizes alternative certification, incentive, differential, and performance and merit pay; and has States and districts conduct needs assessments to determine which districts and schools have the most acute teacher quality and staffing needs in order to better target resources to those schools and districts. Further, the bill gives greater authority to local school districts to renegotiate restrictions in collective bargaining agreements that contribute to the least experienced and qualified teachers teaching in the schools with students most in need of a highly qualified teacher.

Finally, the No Child Left Behind Act of 2007 focuses on improving the Nation's high school graduation rate. Included in the legislation is the Graduate for a Better Future Act, which I introduced earlier this year in response to the high school dropout crisis in the United States. The high school graduation rate for the class of 2003 was only 70 percent nationwide. Thus, almost one-third of American students who enter high school in ninth grade drop out of school and never receive a high school diploma. Large disparities exist in the high school graduation rates among various subgroups of students. Although the high school graduation rate for white students was 78 percent in 2003, the rate for African American students was only 55 percent, and the rate for Hispanic students was only 53 percent.

To remain competitive in the world economy, it is critical for America's youth to graduate from high school and to have access to the postsecondary education needed to succeed in the 21st century job market. Funds under the Graduate for a Better Future Act will be used to create models of excellence for academically rigorous high schools to prepare all students for college and the 21st century workplace; to implement accelerated academic catch-up programs for students who enter high school behind; to implement an early warning system to quickly identify students at risk of dropping out of high school; to implement comprehensive college guidance programs; and to implement programs that offer students opportunities for job-shadowing, internships, and community service so that students are able to make the connection between what they are learning in school and how that applies and is used in the workplace.

Additionally, the No Child Left Behind Act of 2007 requires states to get serious and to get accurate in their calculation of graduation rates. The Nation's dropout crisis will not go away by fudging on the numbers. The graduation rate in the No Child Left Behind Act of 2007 builds on the work of all 50 states through the National Governors Association, which has signed the Graduation Counts Compact, an effort started in 2005 to find a common method for calculating each state's high school graduation rate.

As I stated at the beginning of my remarks, continuing our endeavor begun in 2001, the time is now to reauthorize No Child Left Behind. For the future of our Nation, our children, we must not turn back. Once again let us stand together and State to the American public that we can and will close the achievement gap. And once again let us say to every child, regardless of background, you can achieve.

Mr. GREGG. Mr. President, since its implementation, the No Child Left Behind Act has been successful in narrowing the achievement gap and improving student performance. Since its passage, the U.S. has witnessed a greater increase in student achievement in the last 5 years than in the previous 30 years combined, as well as a significant narrowing in the achievement gap. Because of No Child Left Behind, parents are now empowered with information on the quality of their child's school and given the ability to improve their child's education through additional tutorial services.

No Child Left Behind has been tremendously successful in ensuring that all students have access to the same high academic standards. No longer can a school hide behind the averages of their higher performing students; now all students are given the same opportunities to reach academic proficiency. Today I am introducing the No Child Left Behind Act of 2007 with my colleague Mr. BURR. This bill builds upon the basic tenets of No Child Left Behind and rightly responds to the legitimate concerns of parents, teachers and principals. The No Child Left Behind Act of 2007 maintains the expectation that all students can reach or exceed proficiency when given the opportunity. Any rollback of accountability simply ignores the progress already being made and the belief that all students can reach proficiency when given the opportunity.

Recognizing that each school and its needs vary tremendously, the No Child Left Behind Act of 2007 allows for differentiated consequences to ensure that schools where a majority of students are not performing at grade-level are treated differently than schools where a small segment of the school population is not meeting State standards. Coupled with additional time before advancing into the next stage of Program Improvement, these new differentiated consequences will allow schools to target resources and interventions to the students who need the most assistance in reaching state-determined levels proficiency.

Under this bill, the Federal Government will continue to support States financially in their development, improvement, and administration of State academic assessments through the reauthorization of the Grants for State Assessments program. Additionally, because many States are still striving to improve their assessment systems to assess students with disabilities and limited English proficient students validly and reliably, the No Child Left Behind Act of 2007 creates a fund dedicated solely to the development and improvement of assessments for these students.

The No Child Left Behind Act of 2007 recognizes that high quality teachers are the most important factor to improved student academic achievement. The bill authorizes several programs to ensure that all students are taught by a highly-qualified teacher and to ensure that low-income students are not taught by unqualified and inexperienced teachers at higher rates than their more affluent peers. This bill authorizes the Teacher Incentive Fund, a program to encourage State and schools districts to expand performance-based compensation for teachers and principals in high-need schools who raise student achievement and close the achievement gap. The No Child Left Behind Act of 2007 also authorizes the Adjunct Teacher Corp, a program to encourage highly educated and trained professionals, particularly in the areas of math and science, to teach high school courses in their area of expertise.

One of the key cornerstones of No Child Left Behind, options for parents, is maintained and expanded in the No Child Left Behind Act of 2007. Notably, this bill makes supplemental services available at the same time as public school choice, expands the time period parents can enroll their children in tutorial services programs and makes it easier for supplemental service providers to readily access school facilities.

The No Child Left Behind Act of 2007 authorizes a new "money follows the child" program and provides financial assistance to districts that permit Title I dollars to follow the child to the public school of his or her choice. This child-centered program will infuse competition into the public school system, empower parents with new choices and encourage all public schools to improve the academic achievement of all students.

The combination of strengthening supplemental services and the new child-centered program will provide even greater resources for parents to ensure that the educational needs of their children are being met.

This bill maintains what we know is working, accountability, transparency and expanded options, without adding burdensome new requirements. By maintaining the fundamentals of No Child Left Behind, this bill combines maximum flexibility with differentiated consequences to ensure that all schools and students have the tools necessary to reach academic proficiency.

By Mr. DURBIN (for himself and Mr. BROWN):

S. 1776. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a user fee program to ensure food safety, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I rise today to introduce legislation to strengthen the ability of the Food and Drug Administration, FDA, to ensure the safety of food imported into the U.S.

The volume of food imports has increased significantly in recent years, from $45.6 billion in 2003 to $64 billion in 2006. According to the USDA, imported food accounts for 13 percent of the average American's diet, including 31 percent of fruits, juices, and nuts; 9.5 percent of red meat; and 78.6 percent of fish and shellfish.

This upward trend in imported food has been accompanied by an increasing number of health and safety incidents related to imported food products. In the past 6 months, we have seen what appears to be the intentional contamination of wheat gluten and rice protein concentrate with melamine, which is an industrial product that should never find its way into food products. In addition, we recently learned that a significant volume of imported fish products from China have been contaminated with chemicals and residues, including Malachine green and Nitrofuren. We have found imported Chinese toothpaste in the U.S. that was contaminated with diethylene glycol, which is a toxic component used in antifreeze.

Unfortunately, the FDA currently lacks the resources and authority to adequately determine the quality and safety of food imports, inspect an adequate volume of imported food, and rapidly detect and respond to incidents of contaminated imports. This legislation would take several steps to correct these problems.

First, the bill would impose a fee for the FDA's oversight of imported food products. These fees would generate revenues to be used for inspections of imported food and critical food safety research. The legislation directs the FDA to use some of this funding to perform cutting-edge research to develop testing technologies and methods that would quickly and accurately detect the presence of pervasive contaminants such as E. coli and listeria. The legislation would also establish a food importer certification program that would require foreign firms and governments to demonstrate that their food safety systems are equivalent to ours.

What has been made clear through the pet food recall and other outbreaks of foodborne illnesses is that the FDA is a severely underfunded and understaffed agency. Much of the responsibility for overseeing and inspecting the safety of imported food rests with the FDA. However, due to fairly flat budgets and increasing responsibilities, the number of inspectors looking at these shipments has actually decreased from more than 3,000 inspectors in 2003 to the present level of around 2,700 inspectors.

The Centers for Disease Control, CDC, estimates that 76 million Americans become sick from foodborne illnesses each year. More than 300,000 are hospitalized and 5,000 die each year. Less than 1.5 percent of imported food is inspected by the FDA and the FDA lacks the resources and authorities to certify the standards of our trading partners. This situation presents an economic, public health, and bioterrorism risk to the U.S.

The FDA office that is responsible for regulating more than $60 billion of imported food, the Center for Food Safety and Nutrition, CFSAN, is also responsible for regulating $417 billion worth of domestic food and $59 billion in cosmetics. All of this activity is regulated by an office for which the President requested $467 million in fiscal year 2008. Only $312 million of that amount would be for inspectors. We clearly need to review FDA's funding to make sure that it has the resources necessary to safeguard the 80 percent of our food supply that it is responsible for regulating. For this reason, a group of my colleagues and I sent a letter earlier this year to the Agriculture Appropriations Subcommittee, which funds the FDA, asking for a significant increase in the level of funding for the FDA foods program.

But imports present a special challenge. It may cost more to ensure the safety of food produced in other countries, and the logistical challenges are greater. It is important that we supplement the FDA's budget with additional funding streams to make sure that it has the resources necessary to safeguard our food supply from contaminated imports.

Specifically this legislation would direct the FDA to collect a user fee on imported food products, for the administrative review, processing, and inspection costs borne by the FDA. The legislation would use that funding to bolster FDA's import inspection program, which currently inspects less than 1.5 percent of all imports. It would also fund critical research into rapid testing technologies for detecting foodborne pathogens.

Lastly, this bill would establish an imported food certification program. Today, any country and any company can export food products to the United States as long as they inform regulators of the shipment. No checks are performed to ensure that the producer has adequate sanitary standards. The FDA does not ensure that trading partners have equivalent regulatory systems or inspect overseas plants when problems arise.

When the FDA does want to investigate an outbreak, it can be delayed by uncooperative foreign governments. For example, during the pet food recall, U.S. regulators were delayed three weeks in their request for visas to inspect facilities.

This new program would mark a watershed change in the food import safety posture of the U.S. This bill says that if you want a slice of the lucrative U.S. market, you have to comply with the same common-sense standards that apply to U.S. food producers. You have to have equivalent food safety systems and processes in place to those of the U.S. You need to give U.S. regulators access to your facilities and records so they can check your safety record without unnecessary delay. In addition, U.S. regulators would have the power to revoke the certification of a company or country that fails to comply, and to detain products that fail to meet U.S. standards.

For too long, we have gone without a solid safety standard for imported foods. Instead, our regulators jump from alert to alert and recall to recall. This legislation would close these loopholes that allow dangerous imports into our country and put a solid, proactive system in place to protect our food supply.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) Short Title.—This Act may be cited as the "Imported Food Security Act of 2007".

(b) Findings.—Congress finds that—

(1) the safety and integrity of the United States food supply is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) illnesses and deaths of individuals and companion pets caused by contaminated food—

(A) have contributed to a loss of public confidence in food safety; and

(B) have caused significant economic loses to manufactures and producers not responsible for contaminated food items;

(3) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination; and

(B) an increasing volume of imported food, without adequate monitoring and inspection;

(4) the United States is increasing the amount of food that it imports such that—

(A) from 2003 to the present, the value of food imports has increased from $45,600,000,000 to $64,000,000,000; and

(B) imported food accounts for 13 percent of the average Americans diet including 31 percent of fruits, juices, and nuts, 9.5 percent of red meat and 78.6 percent of fish and shellfish; and

(5) the number of full time equivalent Food and Drug Administration employees conducting inspections has decreased from 2003 to 2007.

SEC. 2. USER FEES REGARDING INSPECTIONS OF IMPORTED FOOD SAFETY.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by inserting after section 801 the following:

"USER FEES REGARDING FOOD SAFETY

"Sec. 801A. (a) In General.—

"(1) Assessment.—Beginning in fiscal year 2008, the Secretary shall in accordance with this section assess and collect fees on food imported into the United States.

"(2) Purpose of Fees.—

"(A) In general.—The purpose of fees under paragraph (1) is to defray the costs of carrying out section 801 with respect to food. Costs referred to in the preceding sentence include increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in carrying out such section.

"(B) Allocations by secretary.—Of the total fee revenues collected under paragraph (1) for a fiscal year, the Secretary shall reserve and expend amounts in accordance with the following:

"(i) The Secretary shall reserve not less than 50 percent for carrying out section 801 with respect to food, other than research under section 801(p). In expending the amount so reserved, the Secretary shall give first priority to inspections conducted at ports of entry into the United States and second priority to the implementation of the import certification program under section 805.

"(ii) The Secretary shall reserve not more than 50 percent for carrying out research under section 801(p).

"(3) Amount of fee; collection.—A fee under paragraph (1) shall be assessed on each line item of food, as defined by the Secretary by regulation. The amount of the fee shall be based on the number of line items, and may not exceed $20 per line item, notwithstanding subsection (b). The liability for the fee constitutes a personal debt due to the United States, and such liability accrues on the date on which the Secretary approves the food under section 801(c)(1). The Secretary may coordinate with and seek the cooperation of other agencies of the Federal Government regarding the collection of such fees.

"(b) Total Fee Revenues.—The total fee revenues collected under subsection (a) for a fiscal year shall be the amount appropriated under subsection (f)(3).

"(c) Annual Fee Adjustment.—Not later than 60 days after the end of each fiscal year beginning after fiscal year 2008, the Secretary, subject to not exceeding the maximum fee amount specified in subsection (a)(3), shall adjust the amounts that otherwise would under subsection (a) be assessed as fees during the fiscal year in which the adjustment occurs so that the total revenues collected in such fees for such fiscal year equal the amount applicable pursuant to subsection (b) for the fiscal year.

"(d) Fee Waiver or Reduction.—The Secretary shall grant a waiver from or a reduction of a fee assessed under subsection (a) where the Secretary finds that the fee to be paid will exceed the anticipated present and future costs incurred by the Secretary in carrying out section 801 with respect to food (which finding may be made by the Secretary using standard costs).

"(e) Assessment of Fees.—

"(1) Limitation.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2008 unless the amount appropriated for salaries and expenses of the Food and Drug Administration for such fiscal year is equal to or greater than the amount appropriated for salaries and expenses of the Food and Drug Administration for fiscal year 2008 multiplied by the adjustment factor applicable to the fiscal year involved, except that in making determinations under this paragraph for the fiscal years involved there shall be excluded—

"(A) the amounts appropriated under subsection (f)(3) for the fiscal years involved; and

"(B) the amounts appropriated under section 736(g) for such fiscal years.

"(2) Authority.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate of the fees, at any time in such fiscal year notwithstanding the provisions of subsection (a)(3) relating to the time at which fees are to be paid.

"(f) Crediting and Availability of Fees.—

"(1) In general.—Fees collected for a fiscal year pursuant to subsection (a) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriation Acts until expended without fiscal year limitation. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for carrying out section 801 with respect to food, and the sums are subject to allocations under subsection (a)(2)(B).

"(2) Collections and appropriation acts.—The fees authorized in subsection (a)—

"(A) shall be collected in each fiscal year in accordance with subsections (a)(3) and (b); and

"(B) shall only be collected and available for the purpose specified in subsection (a)(2).

"(3) Authorization of appropriations; allocations by secretary.—Subject to paragraph (4), there is authorized to be appropriated for fees under this section such sums as may be necessary to carry out the purposes of this section for each of the fiscal years 2008 through 2012. Such appropriated funds may be in addition to any other funds appropriated for such purposes.

"(4) Offset.—Any amount of fees collected for a fiscal year under subsection (a) that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(g) Collection of Unpaid Fees.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(h) Construction.—This section may not be construed as requiring that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in carrying out section 801 with respect to food be reduced to offset the number of officers, employees, and advisory committees so engaged.

"(i) Definition of Adjustment Factor.—For purposes of this section, the term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for April of the preceding fiscal year divided by such Index for April 2007.".

SEC. 3. RESEARCH ON TESTING TECHNIQUES FOR FOOD SAFETY INSPECTIONS OF IMPORTED FOOD; PRIORITY REGARDING DETECTION OF INTENTIONAL ADULTERATION.

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following:

"(p) Research on Testing Techniques for Food Safety Inspections of Imported Food.—

"(1) In general.—The Secretary shall (directly or through grants or contracts) provide for research on the development of tests and sampling methodologies, for use in inspections of food under this section—

"(A) whose purpose is to determine whether food is adulterated by reason of being contaminated with microorganisms or pesticide chemicals or related residues; and

"(B) whose results are available not later than approximately 60 minutes after the administration of the tests.

"(2) Priority.—In providing for research under paragraph (1), the Secretary shall give priority to conducting research on the development of tests that are suitable for inspections of food at ports of entry into the United States. In providing for research under paragraph (1), the Secretary shall under the preceding sentence give priority to conducting research on the development of tests for detecting the presence in food of the pathogens E. coli, salmonella, cyclospora, cryptosporidium, hepatitis A, or listeria, the presence in or on food of pesticide chemicals and related residues, and the presence in or on food of such other pathogens or substances as the Secretary determines to be appropriate. The Secretary shall establish the goal of developing, by the expiration of the 3-year period beginning on the date of the enactment of the Imported Food Security Act of 2007, tests under paragraph (1) for each of the pathogens and substances receiving priority under the preceding sentence.

"(3) Periodic reports.—The Secretary shall submit to Congress periodic reports describing the progress that has been made toward the goal referred to in paragraph (1) and describing plans for future research toward the goal. Each of the reports shall provide an estimate by the Secretary of the amount of funds needed to meet such goal, and shall provide a determination by the Secretary of whether there is a need for further research under this subsection. The first such report shall be submitted not later than March 1, 2008, and subsequent reports shall be submitted semiannually after the submission of the first report until the goal is met.

"(4) Consultation.—The Secretary shall carry out the program of research under paragraph (1) in consultation with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and the Administrator of the Environmental Protection Agency. The Secretary shall with respect to such research coordinate the activities of the Department of Health and Human Services. The Secretary shall in addition consult with the Secretary of Agriculture (acting through the Food Safety and Inspection Service of the Department of Agriculture) in carrying out the program.

"(5) Awards to private entities.—Of the amounts reserved under section 801A(a)(2)(B)(ii) for a fiscal year for carrying out the program of research under paragraph (1), the Secretary shall make available not less than 50 percent for making awards of grants or contracts to private entities to conduct such research.".

SEC. 4. CERTIFICATION OF FOOD IMPORTS.

(a) In General.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

"SEC. 805. CERTIFICATION OF FOOD IMPORTS.

"(a) In General.—Not later than 2 years after the date of enactment of this section, the Secretary shall establish a system under which a foreign government or foreign food establishment seeking to import food to the United States shall submit a request for certification to the Secretary.

"(b) Certification Standard.—A foreign government or foreign food establishment requesting a certification to import food to the United States shall demonstrate, in a manner determined appropriate by the Secretary, that food produced under the supervision of a foreign government or by the foreign food establishment has met standards for food safety, inspection, labeling, and consumer protection that are at least equivalent to standards applicable to food produced in the United States.

"(c) Certification Approval.—

"(1) Request by foreign government.—Prior to granting the certification request of a foreign government, the Secretary shall review, audit, and certify the food safety program of a requesting foreign government (including all statutes, regulations, and inspection authority) as at least equivalent to the food safety program in the United States, as demonstrated by the foreign government.

"(2) Request by foreign food establishment.—Prior to granting the certification request of a foreign food establishment, the Secretary shall certify, based on an onsite inspection, the food safety programs and procedures of a requesting foreign firm as at least equivalent to the food safety programs and procedures of the United States.

"(d) Limitation.—A foreign government or foreign firm approved by the Secretary to import food to the United States under this section shall be certified to export only the approved food products to the United States for a period not to exceed 5 years.

"(e) Withdrawal of Certification.—The Secretary may withdraw certification of any food from a foreign government or foreign firm—

"(1) if such food is linked to an outbreak of human illness;

"(2) following an investigation by the Secretary that finds that the foreign government programs and procedures or foreign food establishment is no longer equivalent to the food safety programs and procedures in the United States; or

"(3) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

"(f) Renewal of Certification.—The Secretary shall audit foreign governments and foreign food establishments at least every 5 years to ensure the continued compliance with the standards set forth in this section.

"(g) Required Routine Inspection.—The Secretary shall routinely inspect food and food animals (via a physical examination) before it enters the United States to ensure that it is—

"(1) safe;

"(2) labeled as required for food produced in the United States; and

"(3) otherwise meets requirements under this Act.

"(h) Enforcement.—The Secretary is authorized to—

"(1) deny importation of food from any foreign government that does not permit United States officials to enter the foreign country to conduct such audits and inspections as may be necessary to fulfill the requirements under this section;

"(2) deny importation of food from any foreign government or foreign firm that does not consent to an investigation by the Secretary when food from that foreign country or foreign firm is linked to a food-borne illness outbreak or is otherwise found to be adulterated or mislabeled; and

"(3) promulgate rules and regulations to carry out the purposes of this section, including setting terms and conditions for the destruction of products that fail to meet the standards of this Act.

"(i) Detention and Seizure.—Any food imported for consumption in the United States may be detained, seized, or condemned pursuant to section 304.

"(j) Definition.—For purposes of this section, the term 'food establishment'—

"(1) means a slaughterhouse, factory, warehouse, or facility owned or operated by a person located in any State that processes food or a facility that holds, stores, or transports food or food ingredients; and

"(2) does not include a farm, restaurant, other retail food establishment, nonprofit food establishment in which food is prepared for or served directly to the consumer, or fishing vessel (other than a fishing vessel engaged in processing, as that term is defined in section 123.3 of title 21, Code of Federal Regulations).".

(b) Transitional Program.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate regulations to establish a transitional food safety import review program, with minimal disruption to commerce, that shall be in effect until the date of implementation of the food import certification program under section 805 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

By Mr. TESTER (for himself and Mr. Dorgan):

S. 1779. A bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes; to the Committee on Indian Affairs.

Mr. TESTER. Mr. President, Indian Education is perhaps the most important issue facing Indian Country today because education represents hope. Higher education leads to better job opportunities. Better jobs lead to higher income and happier days. Higher income leads to greater access to health care and adequate housing and overall, a higher quality of life. Higher quality of life leads to strong communities. Happy, healthy, and strong communities are more resistant to the destructive forces of poverty such as chemical abuse, violence and neglect.

No one disagrees that 85 percent unemployment in Indian Country is unacceptable. No one disagrees that it is unacceptable that the majority of America's at-risk youth live in Indian Country. However, merely reciting these statistics over and over won't make the situation any better. We need to work together to make Indian Country a better place to live, work and raise a family.

Senator Dorgan and I introduce this vital legislation to help advance the remarkable work tribal colleges and universities are doing. Through grants awarded under this bill, tribal colleges and universities will have additional resources necessary to strengthen Indian communities through the provision of health promotion and disease prevention education, outreach and workforce development programs, through program implementation, research, and capacity building. Not only will it improve education, but it will also improve the delivery of culturally appropriate health care services. In addition to good education and increased access to health care, this bill will also help create good jobs in Indian Country.

Tribal colleges and universities are accredited by independent, regional accreditation agencies, and like all institutions of higher education, must undergo stringent performance reviews to retain their accreditation status. In addition to offering postsecondary education opportunities, tribal colleges serve reservation communities by providing critical services including: libraries, community centers, cultural, historical and language programs; tribal archives, career centers, economic development and business centers; health and wellness centers, public meeting places, child and elder care centers. Despite their many obligations, functions, and notable achievements, tribal colleges remain the most poorly funded institutions of higher education in this country.

The continued success and future of the Nation's tribal colleges and universities depends on their ability to provide higher education and community outreach programs. For them to succeed however, they must have the financial resources to do so. I am honored to rise today to introduce this important legislation for improving conditions in America's Indian Country. I am proud of the folks who came together to help craft the bill and am proud to cosponsor it with my friend, Chairman of the Senate Committee on Indian Affairs, Senator DORGAN.

I am proud to serve on the Indian Affairs Committee and to work to improve conditions in Indian Country.

For example, on April 5th, I held a Tribal College Summit at the Blackfeet Community College in Browning, the first of its kind.

Leaders of all the Tribal nations in Montana and leaders throughout Indian higher education met to brainstorm about how we can improve tribal colleges in the State of Montana and across the country. By the end of the day, each group pledged to take specific actions to improve tribal college education throughout the U.S.

Part of my pledge includes introducing this PATH legislation. By training more Indian students to enter the health care field, we will provide Indian country with more educated and self-sufficient members and improve the quality of and access to healthcare in Indian Country.

Healthier communities and good-paying jobs lead to improved overall conditions in Indian Country.

As a Montanan and member of the Senate Indian Affairs Community, I am proud to introduce this legislation. I look forward to swift consideration and eventual passage.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1781. A bill to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the "Buck Owens Post Office"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, today I am joined by my colleague, Senator FEINSTEIN, to introduce legislation to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the Buck Owens Post Office.

Country western legend, Buck Owens was one of the pioneers of the "Bakersfield Sound," that brought the raw edge of electric guitars and a rock and roll beat to country music. A great musician and a generous man, Buck left behind a legacy of artistry and love for his adopted hometown of Bakersfield and California's Central Valley.

The son of a sharecropper, Buck was born Alvis Edgar Owens, Jr. in Sherman, TX, in 1929. At an early age, he nicknamed himself "Buck" after a mule on the family farm. In 1937, the Owens family moved west seeking better fortune during the Great Depression. When he was just 13 years old, Buck dropped out of school to find work, but he never stopped pursuing his passion for music.

A natural musician, Buck taught himself to play guitar in his early teens. When he was just 16, he had already landed a regular show on a local radio station and was playing shows in honky tonks and bars around Phoenix. Just 6 years later, Buck moved his young family to Bakersfield, California, where he began to make his mark on country music as a performer, a songwriter, and a recording artist.

Buck's trademark stinging electric guitar and rhythm sound revolutionized country music and challenged the Nashville establishment. His 20 number-one hits are a testament to his place among the greatest artists in country music history. Throughout his decades as an entertainer, Buck delighted audiences from Bakersfield to Nashville, all the way to Japan and even the White House.

Buck's pioneering work has continued to inspire a new generation of musicians. In 1986, when Buck had finished a 25-year run as the cohost of the Hee Haw television show, Dwight Yoakam and other new traditional performers were just beginning a revival of his hallmark Bakersfield Sound.

I was fortunate to have met Buck back in 1997 at his Crystal Palace in Bakersfield, when I was invited to present one of his special red, white, and blue guitars to a promising music student named William Villatoro. I still vividly remember how the young man was deeply moved and inspired by Buck's generous gesture. I will certainly remember Buck Owens as a man of great compassion who possessed a profound love for his country. Although he is no longer with us, I take great comfort in knowing that Buck Owens was able to be a shining light not only in the life of a young man from Bakersfield but also to the millions of others who admired his musical gifts and were touched by his humanity.

I encourage my colleagues to join me in support of this legislation as we commemorate an icon of American music whose artistry and generosity touched so many lives in his community.

By Mr. FEINGOLD (for himself and Mr. DURBIN):

S. 1782. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce the Arbitration Fairness Act of 2007. Just as its name suggests, the Arbitration Fairness Act is designed to return fairness to the arbitration system. This bill is not an anti-arbitration bill. If anything, it is pro-arbitration. I firmly believe that this bill will strengthen the arbitration system by returning arbitration to a more equitable design that reflects the intent of the original arbitration legislation, the Federal Arbitration Act.

President Calvin Coolidge signed the Federal Arbitration Act, FAA, into law on February 12, 1925. Congress passed the FAA to make arbitration an enforceable alternative to the civil courts. Even as early as the 1920s, there were concerns about the efficiency of the civil court system and a desire to allow a speedier alternative. The intent of the FAA, as expressed in a 1923 hearing before a subcommittee of the Senate Judiciary Committee, was "to enable business men to settle their disputes expeditiously and economically." In a later hearing on the FAA, it was clarified that the legislation was not intended to apply to the employment contracts of those businesses. This distinction is important because it illustrates that, while arbitration was something that the FAA's original sponsors wanted to promote, they were also careful to make clear that they didn't intend for arbitration to become a weapon to be wielded by the powerful against those with less financial and negotiating power.

Since the FAA's enactment, the use of arbitration has grown exponentially.

Arbitration certainly has advantages. It can be a fair and efficient way to settle disputes. I strongly support voluntary, alternative dispute resolution methods, and I believe we ought to encourage their use. But I also believe that arbitration is a fair way to settle disputes between consumers and lenders only when it is entered into knowingly and voluntarily by both parties to the dispute after the dispute has arisen. Otherwise arbitration can be used as a weapon by the stronger party against the weaker party.

One of the most fundamental principles of our justice system is the constitutional right to take a dispute to court. Indeed, all Americans have the right in civil and criminal cases to a trial by jury. The right to a jury trial in civil cases in Federal court is contained in the Seventh Amendment to the Constitution. Many States provide a similar right to a jury trial in civil matters filed in State court.

I have been concerned for many years that mandatory arbitration clauses are slowly eroding the legal protections that should be available to all Americans. A large and growing number of corporations now require millions of consumers and employees to sign contracts that include mandatory arbitration clauses. Most of these individuals have little or no meaningful opportunity to negotiate the terms of their contracts and so find themselves having to choose either to accept a mandatory arbitration clause or to forgo securing employment or needed goods and services. Incredibly, mandatory arbitration clauses have been used to prevent individuals from trying to vindicate their civil rights under statutes specifically passed by Congress to protect them.

There is a range of ways in which mandatory arbitration can be particularly hostile to individuals attempting to assert their rights. For example, the administrative fees, both to gain access to the arbitration forum and to pay for the ongoing services of the arbitrator or arbitrator, can be so high as to act as a de facto bar for many individuals who have a claim that requires resolution. In addition, arbitration generally lacks discovery proceedings and other civil due process protections.

Furthermore, there is no meaningful judicial review of arbitrators' decisions. Under mandatory, binding arbitration, even if a party believes that the arbitrator did not consider all the facts or follow the law, the party cannot file a suit in court. The only basis for challenging a binding arbitration decision is fairly narrow: if there is reason to believe that the arbitrator committed actual fraud, or was biased, corrupt, or guilty of misconduct, or exceeded his or her powers. Because mandatory, binding arbitration is so conclusive, it is a credible means of dispute resolution only when all parties understand the full ramifications of agreeing to it.

Unfortunately, in a variety of contexts, employment agreements, credit card agreements, HMO contracts, securities broker contracts, and other consumer and franchise agreements, mandatory arbitration is fast becoming the rule, rather than the exception. The practice of forcing employees to use arbitration has been on the rise since the Supreme Court's Circuit City decision in 2001. Unless Congress acts, the protections it has provided through law for American workers, investors, and consumers, will slowly become irrelevant.

The Arbitration Fairness Act of 2007, which I am happy to say will also be introduced in the House by Representative HANK JOHNSON, D-GA, reinstates the FAA's original intent by requiring that agreements to arbitrate employment, consumer, franchise, or civil rights disputes be made after the dispute has arisen. The act does not apply to mandatory arbitration systems agreed to in collective bargaining, and it does not prohibit arbitration. What it does do is prevent a party with greater bargaining power from forcing individuals into arbitration through a contractual provision. It will ensure that citizens once again have a true choice between arbitration and the traditional civil court system.

In our system of Government, Congress and State legislatures pass laws and the courts are available to citizens to make sure those laws are enforced. But the rule of law means little if the only forum available to those who believe they have been wronged is an alternative, unaccountable system where the law passed by the legislature does not necessarily apply. This legislation both protects Americans from exploitation and strengthens a valuable alternative method of dispute resolution. These are both worthy ends, and I hope that my colleagues in the Senate will join me in working to pass this important bill.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arbitration Fairness Act of 2007".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Federal Arbitration Act (now enacted as chapter 1 of title 9 of the United States Code) was intended to apply to disputes between commercial entities of generally similar sophistication and bargaining power.

(2) A series of United States Supreme Court decisions have changed the meaning of the Act so that it now extends to disputes between parties of greatly disparate economic power, such as consumer disputes and employment disputes. As a result, a large and rapidly growing number of corporations are requiring millions of consumers and employees to give up their right to have disputes resolved by a judge or jury, and instead submit their claims to binding arbitration.

(3) Most consumers and employees have little or no meaningful option whether to submit their claims to arbitration. Few people realize, or understand the importance of the deliberately fine print that strips them of rights; and because entire industries are adopting these clauses, people increasingly have no choice but to accept them. They must often give up their rights as a condition of having a job, getting necessary medical care, buying a car, opening a bank account, getting a credit card, and the like. Often times, they are not even aware that they have given up their rights.

(4) Private arbitration companies are sometimes under great pressure to devise systems that favor the corporate repeat players who decide whether those companies will receive their lucrative business.

(5) Mandatory arbitration undermines the development of public law for civil rights and consumer rights, because there is no meaningful judicial review of arbitrators' decisions. With the knowledge that their rulings will not be seriously examined by a court applying current law, arbitrators enjoy near complete freedom to ignore the law and even their own rules.

(6) Mandatory arbitration is a poor system for protecting civil rights and consumer rights because it is not transparent. While the American civil justice system features publicly accountable decision makers who generally issue written decisions that are widely available to the public, arbitration offers none of these features.

(7) Many corporations add to their arbitration clauses unfair provisions that deliberately tilt the systems against individuals, including provisions that strip individuals of substantive statutory rights, ban class actions, and force people to arbitrate their claims hundreds of miles from their homes. While some courts have been protective of individuals, too many courts have upheld even egregiously unfair mandatory arbitration clauses in deference to a supposed Federal policy favoring arbitration over the constitutional rights of individuals.

SEC. 3. DEFINITIONS.

Section 1 of title 9, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 1. Definitions";

(2) by inserting before "'Maritime'" the following:

"As used in this chapter—";

(3) by striking "'Maritime transactions'" and inserting the following:

"(1) 'maritime transactions';";

(4) by striking "commerce" and inserting the following:

"(2) 'commerce'";

(5) by striking ", but nothing" and all that follows through the period at the end, and inserting a semicolon; and

(6) by adding at the end the following:

"(3) 'employment dispute', as herein defined, means a dispute between an employer and employee arising out of the relationship of employer and employee as defined by the Fair Labor Standards Act;

"(4) 'consumer dispute', as herein defined, means a dispute between a person other than an organization who seeks or acquires real or personal property, services, money, or credit for personal, family, or household purposes and the seller or provider of such property, services, money, or credit;

"(5) 'franchise dispute', as herein defined, means a dispute between a franchisor and franchisee arising out of or relating to contract or agreement by which—

"(A) a franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan or system prescribed in substantial part by a franchisor;

"(B) the operation of the franchisee's business pursuant to such plan or system is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising, or other commercial symbol designating the franchisor or its affiliate; and

"(C) the franchisee is required to pay, directly or indirectly, a franchise fee; and

"(6) 'pre-dispute arbitration agreement', as herein defined, means any agreement to arbitrate disputes that had not yet arisen at the time of the making of the agreement.".

SEC. 4. VALIDITY AND ENFORCEABILITY.

Section 2 of title 9, United States Code, is amended—

(1) by amending the heading to read as follows:

"§2. Validity and enforceability",

(2) by inserting "(a)" before "A written";

(3) by striking ", save" and all that follows through "contract", and inserting "to the same extent as contracts generally, except as otherwise provided in this title"; and

(4) by adding at the end the following:

"(b) No predispute arbitration agreement shall be valid or enforceable if it requires arbitration of—

"(1) an employment, consumer, or franchise dispute; or

"(2) a dispute arising under any statute intended to protect civil rights or to regulate contracts or transactions between parties of unequal bargaining power.

"(c) An issue as to whether this chapter applies to an arbitration agreement shall be determined by Federal law. Except as otherwise provided in this chapter, the validity or enforceability of an agreement to arbitrate shall be determined by the court, rather than the arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement.

"(d) Nothing in this chapter shall apply to any arbitration provision in a collective bargaining agreement.".

SEC. 5. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date of the enactment of this Act and shall apply with respect to any dispute or claim that arises on or after such date.

SECTION-BY-SECTION ANALYSIS

When Congress enacted the Federal Arbitration Act ("FAA"), its goal was to allow an alternative forum for parties on equal footing to resolve their disputes. Yet a series of court decisions moved the law away from its original intent and opened the door for arbitration to be used to deprive ordinary citizens in employment, consumer, and franchise disputes of their constitutional right to use the civil justice system.

The Arbitration Fairness Act of 2007, introduced in the Senate by Sen. Russ Feingold (D-WI) and in the House by Rep. Hank Johnson (D-GA), reflects the FAA's original intent by requiring that agreements to arbitrate employment, consumer, franchise, or civil rights disputes be made after the dispute has arisen. The Act does not prohibit arbitration, but it will prevent a party with greater bargaining power from forcing individuals into arbitration through a contract entered into prior to a dispute arising. It will ensure that citizens have a true choice between arbitration and the traditional civil court system.

Sec. 1: Short Title: the "Arbitration Fairness Act of 2007"

Sec. 2: Findings: This section details how the law has moved away from the original intent of the Federal Arbitration Act and has now exposed growing numbers of individual consumers and employees to mandatory arbitration agreements. It also discusses the ways in which mandatory arbitration systems are skewed in favor of powerful, corporate, repeat players.

Sec. 3: Definitions: This section amends section 1 of the FAA (9 U.S.C. §1) to include specific definitions of "employment dispute," "consumer dispute," and "franchise dispute," which are covered by the Act. An employment dispute is any dispute between an employer and employee arising out of the relationship as defined by the Fair Labor Standards Act. A consumer dispute is a dispute between an individual person who seeks or acquires property, services, money, or credit for non-business purposes and the seller or provider of those goods or services. A franchise dispute is a dispute between a franchisor and franchisee arising out of or relating to the contract establishing the franchise.

Sec. 4: Validity and Enforceability: This section amends section 2 of the FAA (9 U.S.C. §2) to establish that agreements to arbitrate employment, consumer, or franchise disputes will not be enforceable if they are entered before the actual dispute arises. It extends this rule to disputes arising under civil rights statutes and statutes regulating contracts or transactions between parties of unequal bargaining power. This section also states that disputes as to whether the Act applies shall be resolved by the court, rather than through arbitration. Finally, the section clarifies that the Act does not apply to collective bargaining agreements.

Sec. 5: Effective Date: The Act shall apply to claims and disputes arising on or after the date of enactment.

By Mr. ENZI:

S. 1783. A bill to provide 10 steps to transform health care in America; to the Committee on Finance.

Mr. ENZI. Mr. President, I rise for the purpose of introducing a bill on health care reform. I know the Presiding Officer has immense interest in it, as do a number of other Senators. I have read his bill and incorporated many parts of that.

Health care reform is one of the biggest needs in this country. It is the fastest escalating price in this country. It is the biggest cost to companies and individuals in this country. We need to have a solution.

I have been working with Senator KENNEDY, who is the chairman of the Health, Education, Labor and Pensions Committee. He has a very full plate with the Higher Education Act, the higher education reconciliation, information technology, and I could go on to mention about 53 bills we are working on in that committee. So I have had some latitude as ranking member to try to pull together some information—some legislation that would deal with health care for this Nation. This is a work in progress. This is not a finished document.

I wish to thank Senator KENNEDY for working with me and his staff and my staff to come up with some health care principles we wanted to follow. Of course, I appreciate the work Senator NELSON did with me in previous times and currently on small business health plans. I appreciate Senator BAUCUS's efforts on health care and how the tax package goes together with that. We can see there are a lot of moving parts to anything we do with health. Senator COBURN has an outstanding and very comprehensive package on how we can solve many of the health care and health insurance problems in this Nation. Senator LOTT, Senator DEMINT, Senator MCCONNELL; as I mentioned, the Presiding Officer, Senator WHITEHOUSE; Senator LINCOLN, Senator CARPER, Senator SALAZAR, and Senator DURBIN—these are all people who have come up with either a comprehensive plan or a piece of a plan that would work to make an important difference in health care in this country.

Congressman McCreary on the House side has been a real leader on this and, of course, the President and the administration have made contributions as well. The President, in his State of the Union speech, made some comments about how taxes would fit in with solving some of the uninsured problems in the country, and some of those provisions are in here as well.

Without the work of everyone on this, it can't be done. If it gets polarized, it can't be done. This is something which has to be done in a very bipartisan way. I hope we have a framework from which we can all operate, making changes, finding third ways.

I work on an 80-percent rule. I anticipate and from experience have found that usually everybody can agree on 80 percent of the issues, and among the 80 percent of the issues on which they agree, they can agree on 80 percent of any one of those issues. You never get a perfect bill around here. If you can get 80 percent, you can get a lot done. That is what we are trying to do on health care—make an 80-percent change for the people of America. Eighty percent would be a huge difference and will help out a lot of people.

So I rise today to talk about an issue that is literally a heartbeat away from devastating the lives of every American; that is, our current health care crisis. Undeniably, we have a problem. There are 46.1 million Americans, according to the last tabulation, who are uninsured. Now, we always talk about that figure and change it slightly differently because there are 7 million of those people who make over $80,000 a year and don't have insurance, so they must choose not to have insurance, but they are uninsured. People who are on Medicaid, they don't have to sign up for anything before they have an emergency. When they go to the hospital, they can sign up then. That is a significant number of the 46.1 million people as well. So I don't know whether to really say they don't have insurance, but at any rate, let's just use that figure of 46.1 million Americans who are uninsured and figure out a way to solve that, as well as to help people who also have insurance to perhaps be able to handle the situation even better.

Health care costs are outstripping inflation. They are increasing annually at three times the rate of the Consumer Price Index. It is little surprise that three out of every four Americans are concerned about health care—three out of four. I think probably, if you are talking to people, you would think the percentage was even higher than that.

Employer-provided health insurance is voluntary and in critical condition. Sixty percent of the country's employers offer insurance today, but that is down 9 percent from a few years ago. It is partly due to the fact that the cost of health insurance for companies has nearly doubled in the same amount of time. With employers expected to pay over $8,000 per employee versus $4,000 5 years ago, we have no choice but to stabilize the system and provide more options for businesses so they can continue to provide health care for their employees.

We must also provide real options—real options for those without employer-based health care. My own home State of Wyoming is hard-hit. On average, one in five Wyoming residents is uninsured, and more and more residents are losing the coverage they do have as the costs go up. It is largely due to the fact that much of Wyoming's economy is small business. Nearly 70 percent of Wyoming employers are small business. Actually, if you use the Federal definition of small business and you talk about companies headquartered in Wyoming, 100 percent of the companies are small business. We don't have a single one, according to the Federal definition, that is based in Wyoming. But nearly 70 percent of the employers find that it is nearly impossible to afford health care coverage for their employees.

Thankfully, I am not here today to talk about these problems; I am here to provide real solutions. Americans need and deserve real solutions to this crisis now, and they are counting on this body to work together to get that. The time has come to move beyond the rhetoric and principles to true comprehensive health care reform.

Congress could enact 10 major steps for health care reform. These 10 steps are the basis of the legislation I am introducing today, the Ten Steps to Transform Health Care in America, or simply "Ten Steps."

In putting together these 10 steps, I first wanted to understand the problem, and all the proposals others have been discussing help with that. I have studied those other proposals very carefully, and my colleagues will find that I have included many of the concepts of those other proposals in the 10 steps. I particularly wish to recognize again and thank Senator BAUCUS, Senator KENNEDY, Senator NELSON, Senator COBURN, Senator LOTT, Senator DEMINT, Senator MCCONNELL, Senator WHITEHOUSE, Senator LINCOLN, Senator CARPER, Senator SALAZAR, Senator DURBIN, Congressman MCCREARY, the President, the administration—all of them for their contributions, for their patience, and for their willingness to share their ideas.

However, to truly do this right, we have to move beyond the usual jurisdictional issues, beyond the usual reauthorizations of a single program at a time. We have to examine the whole health care system and together—together, we have to put forward a bold and comprehensive solution that addresses our health care crisis. That is what Ten Steps does. It is a comprehensive solution to a very big problem. It can be done in parts. It doesn't have to be done as one structure.

It needs to go through the committee process. I have pointed out several times that bills that don't go through the committee process usually don't make it through the process at all. They are good for making rhetoric, they are good for making points, they are sometimes good for advancing a principle, but they seldom ever make it to the President's desk for signature. So I know this will have to go through more than one committee. I know the jurisdictional issues between Health, Education, Labor and Pensions and the Finance Committees. I have no problem. We did the pensions bill last year, going through those same kinds of multiple committees and getting agreement from everybody, and that can be done on this issue as well—of course, as long as we don't polarize it.

So I want to reiterate again that this is not a final bill. One of the things we have done in the HELP Committee which has helped to move things along is to consider every bill a work in progress. At a lot of the committee meetings, when you have a markup, different amendments are presented and they are voted up or down, just like on the floor. Well, that doesn't result in a lot of compromise. So what we have done on the HELP Committee is use the markup process as an indication of problems and the level of intensity of those problems, and we have agreed to work through those problems even after the bill makes it through committee. As a result, it seldom makes it through committee unanimously, but it makes it through committee in a bipartisan way, and that encourages people to work together to find solutions. Sometimes it is one way or the other, but usually it is finding a third way to come up with a mechanism to do what we are trying to do. Once we can put away some of the old "diving into the weeds" things that have happened year after year, we are able to come up with something new and different that actually reaches the goal we have been trying to reach as we jumped into the weeds through the whole process.

So I want to remind everybody that it is a work in progress. We want more ideas. We want some of those third ways. But primarily, we want everybody to take a look at what is in here because it is a compilation of a number of people who have really taken a look at the situation.

So what does it do? These 10 steps—I will break them down into the actual 10 steps and go through each of them.

First, we eliminate unfair tax treatment of health insurance, which expands choices and coverage and gives all Americans more control over their health care.

Our current health insurance system is biased toward employer-based coverage—kind of due to a historical accident. The wage controls of World War II increased competition among employers for recruiting the best employees and incentivized employers to offer health benefits instead of what they couldn't do, which was increase wages. In 1954, Congress codified a provision declaring that such a contribution would not count as taxable income. This tax policy made it very favorable for individuals to get their health benefits through their employers and consequently has penalized individuals who get coverage through the individual market. So if you work for a big company—a tax break. If you don't—penalized.

The Joint Committee on Taxation estimated that moving this tax bias and a few related health care tax policies will save the Government $3.6 trillion over the next 10 years. Even around here, that is a lot of money. That is a lot of money which can and should be used to expand choices and access and give individuals more control over their health care. Ten Steps ensures that every American can benefit from this savings—whether they get their health care from their employer, from the individual insurance market or they decide they want to get off Medicaid and switch to private insurance.

Let me be clear. My goal is not to erode employer-based health insurance, given that the Ten Steps does not alter the way employers treat health insurance. Rather, I wish to provide more options for individuals who don't currently have insurance through their employer. Everyone should be treated equally.

Once the employee exclusion for health care insurance is eliminated, we must provide additional tax incentives for the purchase of health care insurance. Ten Steps is a hybrid approach, combining the standard deduction for health insurance with a tax subsidy for those who need it the most. That way, no particular population is adversely affected.

The second step of Ten Steps would increase affordable options for working families to purchase health insurance through a standard tax deduction. The national above-the-line standard deduction for health insurance will equal $15,000 for a family and $7,500 for an individual. I wish to also note the earned-income tax credit for taxpayers with qualifying children is held harmless—that is very important—so those receiving the earned-income tax credit will not be affected by these changes. Actually, they will be affected in a positive way.

For example, say Bob from Gillette, WY, has total compensation of $38,000, made up of $34,000 in wages and $4,000 in health insurance premiums paid by his employer. Because of the current unfair tax treatment of premiums, Bob's current taxable income is reduced to $34,000, which means he paid about $5,000 in taxes. To an accountant, this is all fascinating; for other people, I am not so sure.

Under the Ten Steps, which eliminates the exclusion of premiums from tax, Bob's total compensation and thus taxable income would be $38,000. By providing Bob with a $7,500 standard deduction for health insurance, his taxable income under this bill would be lowered to $30,500, which means he would pay about $4,000 in taxes. So Bob's total savings under this proposal is $1,000 a year.

The third step of Ten Steps is what makes this a hybrid approach. I couple the standard deduction with a refundable, advanceable, assignable tax-based subsidy. That is a mouthful, but it ensures that Americans receive this credit in a meaningful way that allows them to purchase real insurance coverage.

Given that everybody is not familiar with these terms, I will explain them. As a refundable credit, it benefits folks even if they don't have tax liability. They don't have to owe taxes in order to get it. This helps low-income individuals. Advanceable means the subsidy would be paid at the beginning of the year so individuals can use the funds to immediately purchase health insurance. If it wasn't advanceable, individuals would need to first pay for their health insurance and then get the money back at the end of the year to pay them back for that purchase. To encourage everyone to obtain health insurance right away, we should provide those funds upfront. Further, to ensure that the subsidy goes toward the purchase of health care insurance, it is also assignable—paid directly from the IRS to the insurance carrier that the individual chooses.

Ten Steps includes the tax subsidy equal to $5,000 for a family or $2,500 for an individual. The full subsidy amount is available to individuals at or below 100 percent of the Federal poverty level, which is $20,650 right now for a family of four. The subsidy is phased out between up to 300 percent of Federal poverty level, with individuals at 200 percent receiving half the subsidy and individuals at 301 percent receiving the standard deduction instead of the subsidy. I am sure everybody got that.

The fourth key step for health care reform is to provide market-based pooling to reduce growing health care costs and increase access not only for small businesses, unions and other kinds of organizations and their workers, members, and families. That is a change from anything I have done on pooling before, but it is a change that was requested by the other organizations and unions, as well as small business. Those of you who know me well recognize how central this would be to any health care reform proposal of mine.

While I have not yet introduced the small business health plan legislation from last year, I have not abandoned those key principles. Every day, emergency rooms treat more than 30,000 uninsured Americans who work for or depend on small businesses. That is at least 30,000 reasons why I will not abandon the concept. However, in the proposal I am introducing, I have addressed some of the criticisms of the bill, and I have offered what I believe are appropriate solutions.

For instance, while the earlier bill focused heavily on small businesses—and this one still does—it simply became clear that other organizations, including unions and churches, can benefit from better pooling options too. Therefore, under this bill, the umbrella of the pooling option has been expanded to include more kinds of organizations but with the same strong focus on consumer protections and State-based oversight.

Of course, a big elephant in the room was dealing with those who were misled to fear how the initial proposal dealt with insurance mandates. I hope those who were so vocal before will pause this time around. By incorporating what many have described as the Snowe amendment—which I am sure we would have passed at the time we were talking about that before—the legislation would require benefit mandate categories if a majority of the States required them. While I still have some concerns, I am comfortable with this compromise because the mandate requirement is coupled with something it needs to encourage pooling and that is a common definition of what that mandate means. We do it with the Federal insurance plan because definitions in all the States run a little bit different. If you are trying to do something comprehensively, it is pretty hard to figure out what each definition means, so there needs to be a way of streamlining it and coming up with a common definition for that mandate. I don't think people have a problem with that, especially since we do it with the Federal plan.

As I learned with the previous debate, mandates for many different services and items are not consistent from State to State. Thus, if we are to discuss requiring those, we should at least have a consistent definition of what those mandates require. We should not further complicate the pooling option with a multitude of definitions. We want to make insurance as simple as possible. I know that is kind of an oxymoron, I am sure, because I know nobody in America relishes having their insurance agent come over and spend an evening explaining the bill to them. But we want to have this little bit of streamlining so it is simpler and people will be able to understand it, to the degree that is possible with insurance.

While the next step is probably one of the most obvious ones, it is also one many have not yet discussed. Currently, HIPAA portability protections are provided to group health plans. The protections provide assurances to consumers that insurers will deal with preexisting conditions fairly and provide coverage, even to small groups.

These protections have been a great help for individuals purchasing health care coverage in the group market. However, those consumer protections are not provided nearly as well to individuals who are purchasing in the individual market. Ten Steps blends the individual and group market to extend important HIPAA portability protections to the individual market so the insurance security can better move with you from job to job. It allows people to take that new opportunity and still be sure they will be covered, even if they have had some preexisting conditions.

The sixth step emphasizes preventive benefits and helps individuals with chronic diseases better manage their health. America should have health care, not sick care. Prevention, prevention, prevention. That makes a big difference in the cost.

We have all been discussing the need to do more to prevent disease, not just treat its symptoms. Even though I leave much to the markets to define some health insurance components, the one thing we must emphasize is the need for prevention. Any plan purchased with the tax subsidy must include basic preventive services and a medical self-management component.

This concept is modeled after a very successful program in Wyoming. In 2005, Wyoming EqualityCare, our Medicaid Program, began providing one-on-one case management for Medicaid participants with chronic illnesses, such as diabetes, asthma, depression or heart disease, to encourage better self-management of these conditions. The program provides educational information on self-management, as well as a nurse health coach who follows up with each patient to ensure they have what they need to take care of themselves.

In addition, EqualityCare provides a nursing hotline so all patients have a direct line to a health care provider when they are concerned about an illness. These programs targeting those with chronic illnesses were estimated to save nearly $13 million for the EqualityCare program in 2006. In a lot of States, that would not sound like a lot, but Wyoming is the least-populated of all of the States. We are hoping to get 500,000 people in the next census. When you talk about $13 million being saved in this EqualityCare Program dealing with Medicaid participants, it is a lot of money, proportionately, particularly because it cut down on inappropriate use of emergency room services.

Now, another key step of the Ten Steps for health care reform is to give individuals the choice to convert the value of their Medicaid and SCHIP program benefits into private health insurance, putting them in control of their health care, not the Federal Government. The rationale for this step is simple. If the market can provide better coverage at a lower price, why not allow Americans to access that care?

This gives low-income individuals more options about where they can receive their care and what care is available to them. Some providers don't see Medicaid and SCHIP patients. This provision will change that by letting the market forces work and give all patients more choices. It is time for people to start making decisions about their care. Let's get the Government out of the doctors office.

About 6,000 kids are enrolled in the Wyoming SCHIP program. An additional 6,000 kids are eligible for the program but are not enrolled. I wonder why that is. Maybe it is because folks in Wyoming are wary about accepting Government help, and they think there is a negative stigma associated with SCHIP and Medicaid. Well, under Ten Steps, they can use that money to purchase health care insurance through the private sector so that their family can attain the high quality care they need and deserve. This will cover more people.

The eighth step in Ten Steps is a bipartisan proposal which the HELP Committee approved last month—the "Wired for Health Care Quality Act," which encouraged the adoption of cutting-edge information technologies in health care to improve patient care, reduce medical errors, and cut health care costs. Some of the most serious challenges facing health care today—medical errors, inconsistent quality, and rising costs—can be addressed through the effective application of available health information technology linking all elements of the health care system.

The widespread use of health IT can save lives. If somebody is traveling and gets in a car wreck or gets hurt in some other way, the emergency room doctor would be able to find out everything he or she needs to know to make the right treatment decisions, without the person having to fill out one of those little papers at the doctors office, which they may not be capable of doing if they have been in a requiem or have some other problem.

Better use of health IT would also allow medical data to move with people when they go to other locations. When someone goes to the doctor's office, they won't have to take the clipboard and a pencil and write down everything they can remember about their history. It will already be recorded and go with them. It will make a huge difference.

Beyond saving lives and saving time, more effective use of health information technology would save us a lot of money. A RAND study suggested that health IT has the potential to save—listen to this—$162 billion a year. Even around here that is real money. In order for these savings to be realized, we have to create an infrastructure for interoperability.

All the different health providers and insurers and doctors have to be able to get the information electronically, but doctors, hospitals, health care advocates, the business community, including small businesses, are clamoring for Congress to take action and establish uniform health IT standards. That will cut down on the cost of the software.

Time is of the essence. If Congress does not act, our health care system will move forward in a highly inefficient, fragmented, and disjointed way. Among other things, this bill will eliminate duplicative tests and reduce medical errors. That is a lot of where that $162 billion a year in savings comes from.

Health care reform cannot simply expand health insurance coverage. It must also expand access to actual providers of care. There are growing shortages of health care providers nationally, with a shortage of up to 200,000 primary care physicians and 1 million nurses expected by 2020. Who is going to take care of us at the hospital if we don't have nurses? Who is going to help make a diagnosis if we don't have doctors?

That is why the ninth step of Ten Steps helps future providers and nurses pay for their education while encouraging them to serve in areas with great need with five key reforms.

This legislation provides competitive matching grants for States to encourage nurses to return to the profession after having left the workforce for 3 years or more while reaffirming the commitment to current programs targeting nurse educators and nurse education. So this will encourage people to come back into providing that excellent service. To deal with the shortage right now, this legislation will expand the number of nonimmigrant skilled workers visa slots for nurses serving in medically underserved areas.

To expand access to those most vulnerable, Ten Steps reaffirms the commitment to current programs that are working, such as the Community Health Centers program and the loan repayment programs at the National Health Service Corps. Working together, these two programs provide key support in underserved areas.

To allow for greater access to health care services, clarification will be made that convenient care clinics may accept and receive reimbursement from Medicaid and SCHIP patients. These convenient care clinics are small health care facilities located in retail outlets providing affordable and accessible nonemergency health care from nurses, physician assistants, and physicians. Often open 7 days a week, these clinics provide an option for those seeking routine and preventive care services in a more convenient setting—at the retail outlets—and with patients seen typically within 15 minutes.

Finally, building upon the successes of current rural health programs, Ten Steps will ensure appropriate development of rural health systems and access to care for residents in rural areas.

In providing access to health care, I believe it is important to envision where we want to provide that care. Community and home-based care is often much preferred, less costly, and proven to increase quality of life. To encourage innovative approaches to keeping long-term care in residential settings, competitive grants will be available to give seniors more options for receiving care in home or community-based settings. We just had a hearing on that subject in the HELP Committee. It was both very helpful and very convincing.

The final step to Ten Steps decreases the skyrocketing cost of health care by restoring reliability in our medical justice system through State-based solutions. The bill I have been discussing today includes the Fair and Reliable Medical Justice Act, which I just introduced with Senator BAUCUS, for States to encourage early disclosure of preventable health care errors, prompt and fair compensation for injured patients, and careful analysis on patterns of health care errors to prevent future injuries. By funding demonstration projects, States are enabled to experiment with and learn from ideas leading to long-term solutions tailored to the unique circumstances of each State.

No one—not patients or health care providers—is appropriately served by our current medical litigation procedures. Right now, many patients who are hurt by negligent actions receive no compensation for their loss. Those who do receive merely 40 cents of every premium dollar, given the high cost of legal fees and administrative costs. That is simply a waste of medical resources.

Furthermore, the likelihood and the outcomes of lawsuits and settlements bear little relation to whether the health care provider was at fault. Consequently, we are not learning from our mistakes. Rather, we are simply diverting our doctors. When someone has a medical emergency, they want to see a doctor in an operating room, not a courtroom.

The medical liability system is losing information that could be used to improve the practice of medicine. Although zero medical errors is an unattainable goal, the reduction of medical errors should be the ultimate goal in medical reform. The Institute of Medicine, in its landmark study called "To Err is Human," estimated that preventable medical errors kill somewhere between 44,000 and 98,000 Americans each year. That study further emphasized that to improve our health care outcomes, we should no longer focus on individual situations but on the whole system of care that is failing American patients.

In the 8 years since that study, little progress has been made. Instead, the practice of medicine has become more specialized and complex while the tort system is more focused on individual blame than on a system safety.

I realize I have talked for quite a bit about Ten Steps, and given the current crisis, we should be talking a lot more about real solutions, not just problems. I also want everyone to know I believe the introduction of this bill today is simply the first step forward. I look forward to talking with others about their thoughts on how to improve this proposal, how to better refine it so it can better serve all Americans.

With all of that talk, I also want action, real action, to provide real coverage for Americans, not a large expansion of a government program with a huge pricetag that does little to impact those who are uninsured.

We have an opportunity, we have an obligation to take care of the people of this country, and they are demanding it. Let's work from a basis of some information and see where we can take it so that we get a solution and we get action now.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. CANTWELL, and Ms. LANDRIEU):

S. 1784. A bill to amend the Small Business Act to improve programs for veterans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I am pleased to introduce today the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act. As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I am gratified that I was able to work with Ranking Member Senator SNOWE on behalf of the 25 million veterans currently in America, including over 1 million who have left military service since September 11, 2001. As the conflicts in Iraq and Afghanistan continue, the number of veterans, including service disabled veterans, will increase and reservists will continue to carry more of the burden then ever before. As veterans and reservists reenter civilian life, the small business programs provided by the Federal Government will become even more critical. I am serious about addressing the problems affecting veterans and reservists who wish or are already engaged in small business and this bill is another step forward in doing so.

The Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007 reauthorizes the veteran programs in the Small Business Administration. Specifically, this legislation increases the funding authorization for the Office of Veteran Business Development from $2 million today to $2.5 million over three years. In light of the large numbers of veterans returning from Iraq and Afghanistan and increased responsibilities placed on this office by Executive Order 13360, it is high time that the Office of Veteran Business Development receive the funding levels that it needs.

The bill also creates an Interagency Task Force to improve coordination between agencies in administrating veteran small business programs. One of the biggest complaints that our Committee heard at the "Assessing Federal Small Business Assistance Programs for Veterans and Reservists" hearing held on January 31st was that Federal agencies do not work together in reaching out to veterans and informing them about small business programs. This task force is an attempt to improve that. The task force is composed of representatives from Small Business Administration, Department of Defense, Department of Veterans Affairs, Department of Labor, General Services Administration, Office of Management Budget and four veterans service organizations appointed by the President. The task force will focus on increasing veterans' small business success, including procurement and franchising opportunities, access to capital, and other types of business development assistance.

This bill also permanently extends the SBA Advisory Committee on Veterans Business Affairs. The committee was created to serve as an independent source of advice and policy recommendations to the SBA, the Congress, and the President. The veteran small business owners who serve on this committee provide a unique perspective which is sorely needed at this challenging time. Unfortunately, continuing uncertainty about the Committee's future has, at times, distracted the committee from focusing on its core function. Therefore, I have called for its permanent extension. It is clear to me that more needs to be done to address the issues facing veterans and reservists, and the role this committee plays will continue to be important.

Additionally, I have taken a number of steps to better serve the reservists who are serving their country abroad while their businesses are suffering at home. Over the past decade, the Department of Defense has increased its reliance on the National Guard and reserves. This has intensified since September 11, 2001, and increased deployments are expected to continue. The affect of this increase on reservists and small businesses continues to remain of concern. A 2003 GAO report indicated that 41 percent of reservists lost income when mobilized. This had a higher effect on self-employed reservists, 55 percent of whom lost income.

In 1999, I created the Military Reservist Economic Injury Disaster Loan, MREIDL, program to provide loans to small businesses that incur economic injury as a result of an essential employee being called to active duty. However, since 2002, fewer than 300 of these loans have been approved by the SBA, despite record numbers of reservists being called to active duty. It is clear that changes need to be made, so that reservists are informed about the availability of the MREIDL program and that the program better meets their needs.

At the hearing on January 31, we heard suggestions for a number of changes which would improve the Military Reservist Economic Injury Disaster Loan program, and I have included those changes in this bill. They include increasing the application deadline for such a loan from 90 days to 1 year following the date of discharge; creating a predeployment loan approval process; and improved outreach and technical assistance.

This bill also increases to $50,000 the amount SBA can disburse without requiring collateral under the MREIDL program. Reservist families have already sacrificed enough when a family member goes away to serve their country and when their business is harmed as a result. This loan program would allow reservist dependent businesses to access the capital they need to stay afloat without having to sacrifice beyond the service of the key employees. In order to give reservists time to repay the loans, the non-collaterized loan created in this bill would not accumulate interest or require payments for one year or until after the deployment ends, whichever is longer.

While addressing the funding needs of reservists is essential, I also want to make sure that reservists receive the technical and management assistance they need to succeed. For that reason, this bill also includes the establishment of the Reservists Enterprise Transition and Sustainability Task Force. This grant program would allow Small Business Development Centers, Women's Business Centers and veteran centers to compete for grants to create programs that help small businesses prepare for and cope with the mobilization of reservist-employees and owners.

There are two more provisions which will help this Nation's service members. One section of the bill will require the SBA to give priority to MREIDL loans during loan processing. Another provision will give activated service members an extension of any SBA time limitations equal to the time spent on active duty. This will make it easier for service members to serve their country while continuing to meet their obligations at home.

Lastly, this bill calls for two reports. One report will look at the needs of service-disabled veterans who are interested in becoming entrepreneurs. As a result of the war on terror and improved medicine, we are seeing more service-disabled veterans than we have seen in decades. For some service-disabled veterans, entrepreneurship is the best or only way of achieving economic independence. Therefore, it is essential that we understand and take steps to address the needs of the service-disabled veteran entrepreneur or small business owner.

This bill also calls for a study to investigate how to improve relations between reservists and their employers. In January, the Committee heard that recent changes by the Department of Defense to policies regulating the length and frequency of reservist deployments is harming the ability of reservists to find jobs and the ability of small business owners to continue hiring them. Witnesses testified about reservists being turned down or not considered for jobs because they are reservists. I have heard reservists talk about being pressured to leave the reserves if they would like to continue to advance at work. I have also heard the concerns of small business owners who want to support servicemembers; however, they cannot do so if it means the survival of their business. Understanding more about this issue is important and essential to making sure that policymakers can continue to support citizen soldiers and the small businesses that employ them across the Nation.

Veterans possess great technical skills and valuable leadership experience, but they require financial resources and small business training to turn that potential into a viable enterprise. A recent report by the Small Business Administration stated that 22 percent of veterans plan to start or are starting a business when they leave the military. For service-disabled veterans, this number rises to 28 percent. This bill is another step forward in providing the necessary resources for veterans and reservists to succeed in starting or growing a small business.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE I—VETERANS BUSINESS DEVELOPMENT

SEC. 101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(d) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force;

"(B) a representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) the General Services Administration; and

"(vi) the Office of Management and Budget; and

"(C) 4 representatives of veterans service organizations, selected by the President.

"(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

"(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through increased use of contract reservations, expanded mentor-protégé assistance, and matching such small business concerns with contracting opportunities;

"(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; and

"(E) making other improvements relating to the support for veterans business development by the Federal Government.

"(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

"(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

"(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.".

SEC. 103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

TITLE II—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 201. SHORT TITLE.

This title may be cited as the "National Reservist Enterprise Transition and Sustainability Act of 2007".

SEC. 202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting "any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing enterprise transition and sustainability assistance to Reservists under section 37," after "any women's business center operating pursuant to section 29,".

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

"(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

"(3) the term 'Association' means the association established under section 21(a)(3)(A);

"(4) the term 'eligible applicant' means—

"(A) a small business development center that is accredited under section 21(k);

"(B) a women's business center;

"(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

"(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

"(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

"(6) the term 'Reservist' means any person who is—

"(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

"(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

"(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

"(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

"(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

"(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

"(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

"(2) providing access to information and resources, including Federal and State business assistance programs;

"(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

"(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

"(5) assisting in developing a long-term plan for possible future activation; and

"(6) providing enterprise transition and sustainability assistance.

"(d) RULEMAKING.—

"(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

"(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

"(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

"(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

"(B) priorities for the types of assistance to be provided under the program authorized by this section;

"(C) standards relating to educational, technical, and support services to be provided by a grantee;

"(D) standards relating to any national service delivery and support function to be provided by a grantee;

"(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

"(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

"(A) the activities for which the applicant seeks assistance under this section; and

"(B) how the applicant plans to allocate funds within its network.

"(3) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4), requiring matching funds, shall not apply to grants awarded under this section.

"(f) AWARD OF GRANTS.—

"(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

"(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount—

"(A) not less than $75,000 per fiscal year; and

"(B) not greater than $300,000 per fiscal year.

"(g) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall—

"(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

"(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

"(i) the Administrator;

"(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

"(iii) the Committee on Small Business of the House of Representatives.

"(2) CONTENTS.—The report under paragraph (1) shall—

"(A) address the results of the evaluation conducted under paragraph (1); and

"(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

"(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

"(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the program authorized by this section only with amounts appropriated in advance specifically to carry out this section.".

TITLE III—RESERVIST PROGRAMS

SEC. 301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking "90 days" and inserting "1 year".

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking "$1,500,000" each place such term appears and inserting "$2,000,000".

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.".

SEC. 306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today, with Senator KERRY, to introduce the Military Reservist and

Veteran Small Business Reauthorization and Opportunity Act of 2007. This bill improves the programs and resources available to our Nation's veteran entrepreneurs and the small businesses that employ our veterans.

Thank you, Senator KERRY, for working so closely with me on this bipartisan legislation and for your long standing commitment to our Nation's veterans. This bipartisan measure contains key provisions from both S. 904, the Veterans Small Business Opportunity Act of 2007, which I introduced in March, and Senator KERRY's S. 1005, Military Reservist and Veteran Small Business Reauthorization Act of 2007. It is truly critical that all of our fellow Senators, on both sides of the aisle, continue to collaborate on our veterans' behalf and support swift passage of this legislation.

In October 2003, I requested a Congressional Budget Office Report entitled "The Effects of Reserve Call-Ups on Civilian Employers." That report, issued in May 2005, highlighted the problems that our nation's small businesses face when their owners or key employees are "called up" to serve in defense of our Nation. In response to that report's findings, I offered two bills to improve the resources and programs targeted to these veterans and small businesses. Those bills, S. 1014, the Supporting our Patriotic Businesses Act, and S. 3122, the Patriot Loan Act of 2006, were the genesis of S. 904 that I introduced earlier this year. Similarly, Senator KERRY has an established history of working on these issues, and the Small Business Committee on January 31 held its first hearing of the 110th Congress regarding programs to assist veterans and reservists.

In recent years, our Nation's Guard and Reserve forces, which I collectively refer to as reservists, have selflessly answered the call to duty in both Iraq and Afghanistan. In fact, there have been over 425,000 reservist deployments, including nearly 3,000 from my home State of Maine, to those two countries since September 11, 2001. With the majority of nongovernmental reservists either being self-employed or working for small businesses, it is easy to see that veteran entrepreneurs and small businesses are profoundly and disproportionately impacted by these deployments.

As our reservists answer our Nation's call to duty, we must similarly fulfill our obligations to help protect their livelihood back home. In addition to addressing this responsibility, our legislation includes other broad provisions to help our Nation's veteran entrepreneurs across the board.

First, our bill makes vast improvements to the Small Business Administration's, SBA, Military Reservist Economic Disaster Loan, MREIDL, program. The MREIDL program provides funds to businesses to meet ordinary and necessary business expenses that they could have made, if not for the deployment of a reservist who is one of their essential employees.

Specifically, the bill establishes a preapplication process so businesses can be prepared, in advance, to apply for an MREIDL and includes a provision allowing a businesses up to 1 year, as opposed to 90 days, to apply. The legislation increases, from $1.5 million to $2 million, the maximum MREIDL loan a business can take and raises, from $5,000 to $50,000, the level of uncollateralized MREIDL loans available to businesses. Finally, our changes to the MREIDL program would allow the SBA Administrator to defer the payment of principal and interest while the employee is deployed.

Second, the measure also includes a national reservist enterprise transition and sustainability provision. This provision would allow the SBA to award grants to entities that assist businesses with preparing and implementing a business strategy to cover the period of time that the owner is called-up on active duty through 6 months after that owner's date of return.

Third, our bill would create a new Interagency Task Force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting opportunities to, small businesses owned and controlled by veterans. This type of coordinated and targeted effort by our Federal Government is long overdue.

Finally, today's legislation would increase funding for the SBA's Office of Veterans Business Development, and permanently extend the duties and responsibilities of the SBA Advisory Committee on Veterans Business Affairs. It would also allow small businesses owned and operated by veterans to extend their SBA program participation time limitations by the duration of their owner's deployment.

While I have not provided an exhaustive list of this bill's provisions and all that it would do, a simple review of the legislation will reveal that it goes far toward helping our nation's veteran entrepreneurs and our patriotic small businesses that employ reservists, despite the risk that deployments entail. Our legislation is not a silver bullet, but it is certainly a step in the right direction. To that end, I urge my colleagues to join us in support of this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 269—EXPRESSING THE SENSE OF THE SENATE THAT THE CITIZENS' STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT A COMMEMORATIVE POSTAGE STAMP BE ISSUED IN HONOR OF FORMER UNITED STATES REPRESENTATIVE BARBARA JORDAN

Mr. LAUTENBERG (for himself, Mr. CORNYN, Mr. HATCH, Mr. MENENDEZ, Mr. SPECTER, Mr. LEVIN, Mrs. CLINTON, Mr. OBAMA, Ms. MIKULSKI, Mr. DURBIN, Mr. BIDEN, Mrs. HUTCHISON, Mr. DODD, Mrs. BOXER, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 269

Whereas, in 1966, Barbara Jordan became the first African American since 1883 to serve in the Texas Senate, where she served with distinction until 1972;

Whereas Barbara Jordan became the first African American United States Representative from Texas when she won election to represent Texas's 18th District in the United States House of Representatives in 1972;

Whereas, from 1979 to 1996, Barbara Jordan served as a distinguished professor at the University of Texas Lyndon B. Johnson School of Public Affairs, where she also held the Lyndon B. Johnson Centennial Chair in National Policy;

Whereas President Bill Clinton awarded Barbara Jordan the Presidential Medal of Freedom, the Nation's highest civilian honor, in August 1994; and

Whereas Barbara Jordan was a pioneer whose devotion to civil rights for all people in the United States resonates to this day: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of former United States Representative Barbara Jordan.

Mr. LAUTENBERG. Mr. President, I submit today a resolution calling on former Congresswoman Barbara Jordan to be honored with a commemorative stamp. Congresswoman Jordan was the first African American and the first woman to deliver a keynote address at the Democratic National Convention, which was delivered exactly 31 years ago today.

Congresswoman Barbara Jordan was a pioneer whose devotion to civil rights certainly warrants recognition. She was born in Houston on February 21, 1936, educated in Houston's public schools, and received a B.A. in political science and history from Texas Southern University in 1956. Congresswoman Jordan graduated from Boston University School of Law in 1959, after which she was admitted to the Massachusetts and Texas bars.

In 1966, Congresswoman Jordan became the first African American since 1883 to serve in the Texas Senate, where she served with distinction until 1972. That year, she won election to represent Texas' 18th District in the U.S. House of Representatives and became the State's first African-American Representative. In August 1994, President Bill Clinton awarded Congresswoman Jordan the Medal of Freedom, the Nation's highest civilian honor.

Overcoming some of the most difficult odds imaginable, Congresswoman Jordan always fought hard for what she believed in, devoting herself to improving the quality of life for all Americans. I am pleased that the Senate is considering this resolution which is cosponsored by 14 other Senators, including the 2 distinguished Senators from Texas, Congresswoman Jordan's home State.

SENATE RESOLUTION 270—HONORING THE 75TH ANNIVERSARY OF THE INTERNATIONAL PEACE GARDEN

Mr. CONRAD (for himself and Mr. DORGAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 270

Whereas the International Peace Garden was conceived in 1928 by Dr. Henry J. Moore, a Canadian member of the National Association of Gardeners, who said the garden would be "a memorial to international friendship that shall endure to all time";

Whereas the International Peace Garden, a National Park affiliate, was dedicated in 1932, with 50,000 people in attendance, on the border between the State of North Dakota and the Province of Manitoba as a symbol of the long-standing peace, friendship, and cooperation between the United States and Canada;

Whereas a cairn of native stone was constructed on the international border and inscribed "To God in His Glory. . . We two nations dedicate this garden and pledge ourselves that as long as men shall live we will not take up arms against one another";

Whereas in 1934 the Civilian Conservation Corps helped plant and construct the garden on the 2,339 acres of land donated by the State of North Dakota and Province of Manitoba;

Whereas the first building built by the Civilian Conservation Corps, the Lodge, made of North Dakota granite and timber from the Duck Mountains in Manitoba, still remains in the garden today;

Whereas more than 150,000 flowers grace the garden each year and another 2,000 to 5,000 plants and flowers comprise a large working floral clock, a centerpiece of the garden;

Whereas symbols of peace appear throughout the garden, including the 120 foot Peace Tower honoring early immigrants, the Peace Poles donated by the Japanese government that declare "May Peace Prevail" in 28 different languages, and the Peace Chapel, the only building to straddle the international border;

Whereas the garden's bell tower has a set of Sifton chimes, cast by Gillett and Johnston of Croydon, England, that are 1 of only 4 sets that exist in the world today;

Whereas more than 150,000 visitors travel to the International Peace Garden every year to view the floral displays, fountains, sunken garden, and other scenic vistas;

Whereas the International Peace Garden hosts the International Music Camp, which offers musical opportunities and instruction for students and adults from around the world, and the Legion Athletic Camp, one of the top student athletic training camps;

Whereas the State of North Dakota proudly declares itself the Peace Garden State in recognition and honor of the International Peace Garden;

Whereas the State of North Dakota, the Province of Manitoba, the United States, and the Canadian Governments have each contributed to the garden and its continued preservation;

Whereas the International Peace Garden is undertaking numerous restoration efforts of existing facilities and the addition of a stone-and-glass interpretive center, a tropical plant observatory, and a conflict resolution center; and

Whereas on July 14, 2007, the International Peace Garden will commemorate its 75th Anniversary: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the International Peace Garden on its 75th anniversary;

(2) honors the International Peace Garden for sharing its history, beautiful gardens, and a message of peace with the public; and

(3) urges support for continued restoration and expansion efforts at the International Peace Garden.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2131. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. MCCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 2132. Mr. AKAKA (for himself, Mr. CRAIG, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. BROWN, Ms. MIKULSKI, Mr. OBAMA, Mr. SPECTER, Mr. BIDEN, Mr. TESTER, Mr. DORGAN, Mr. SANDERS, and Mr. WEBB) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2133. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2134. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2135. Mr. DORGAN (for himself, Mr. CONRAD, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2136. Mrs. CLINTON (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2137. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2138. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2139. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2140. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2141. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2142. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2143. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2144. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2145. Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2146. Mr. BYRD (for himself, Mrs. CLINTON, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2147. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2148. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2149. Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2150. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2151. Mr. FEINGOLD (for himself, Mr. GRASSLEY, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2152. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2153. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2154. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2155. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. MCCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2156. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr.

McCain) to the amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2157. Ms. SNOWE (for herself and Mrs. Lincoln) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. Levin (for himself and Mr. McCain) to the amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2158. Mr. NELSON of Nebraska (for Mr. Johnson) submitted an amendment intended to be proposed by Mr. Nelson of Nebraska to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2159. Mr. NELSON of Nebraska (for himself and Mr. Graham) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. Levin (for himself and Mr. McCain) to the amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 2160. Mr. NELSON of Nebraska (for himself and Mr. Graham) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. Levin (for himself and Mr. McCain) to the amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 2161. Mr. NELSON of Nebraska (for himself and Mr. Graham) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2162. Ms. SNOWE (for herself and Mrs. Lincoln) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. Levin (for himself and Mr. McCain) to the amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 2163. Mrs. CLINTON (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2164. Mr. SMITH (for himself, Mr. Harkin, Ms. Collins, and Mrs. Lincoln) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2165. Mr. BOND (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2166. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2167. Mr. GRASSLEY (for himself, Ms. Stabenow, and Mr. Harkin) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2168. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2169. Mr. WHITEHOUSE (for himself, Mr. Durbin, Ms. Mikulski, Mr. Feingold, and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2170. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2171. Mr. FEINGOLD (for himself, Mr. Leahy, Mr. Dodd, Mr. Kerry, Mrs. Boxer, Mr. Whitehouse, Mr. Kennedy, Mr. Harkin, Mr. Sanders, and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2172. Mr. CONRAD (for himself, Mr. Dorgan, Ms. Landrieu, and Mr. Vitter) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2173. Mr. KOHL (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2174. Mr. LEVIN (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2175. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2176. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2177. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2178. Mr. KYL (for himself, Mr. Vitter, Mr. Inhofe, Mr. Lieberman, and Mr. Lott) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2179. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2180. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2181. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2182. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2183. Mr. WYDEN (for himself, Mr. Bond, and Mr. Rockefeller) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2184. Mr. SUNUNU proposed an amendment to amendment SA 2135 submitted by Mr. Dorgan (for himself, Mr. Conrad, and Mr. Salazar) to the amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra.

SA 2185. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2186. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2187. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. Levin (for himself and Mr. McCain) to the amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2188. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2131. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. Levin (for himself and Mr. McCain) to the amendment SA 2011 proposed by Mr. Nelson of Nebraska (for Mr. Levin) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of section 1631(b), add the following:

(16) A program under which each member of the Armed Forces who incurs a traumatic brain injury or post-traumatic stress disorder during service in the Armed Forces—

(A) is enrolled in the program; and

(B) receives, under the program, treatment and rehabilitation meeting a standard of care such that each individual who is a member of the Armed Forces who qualifies for care under the program shall—

(i) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(ii) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(17) A requirement that if a member of the Armed Forces participating in a program established in accordance with paragraph (16) believes that care provided to such participant does not meet the standard of care specified in subparagraph (B) of such paragraph, the Secretary of Defense shall, upon request of the participant, provide to such participant a referral to another Department of Defense or Department of Veterans Affairs provider of medical or rehabilitative care for a second opinion regarding the care that would meet the standard of care specified in such subparagraph.

(18) The provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder and their families about their rights with respect to the following:

(A) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(B) The options available to such members for treatment of traumatic brain injury and post-traumatic stress disorder.

(C) The options available to such members for rehabilitation.

(D) The options available to such members for a referral to a public or private provider of medical or rehabilitative care.

(E) The right to administrative review of any decision with respect to the provision of care by the Department of Defense for such members.

SA 2132. Mr. AKAKA (for himself, Mr. Craig, Mr. Rockefeller, Mrs. Murray, Mr. Brown, Ms. Mikulski, Mr. Obama, Mr. Specter, Mr. Biden, Mr. Tester, Mr. Dorgan, Mr. Sanders, and Mr. Webb) submitted an amendment intended to be proposed to amendment

SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of division A, add the following:

TITLE XVI—VETERANS MATTERS

SEC. 1601. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs is a leader in the field of traumatic brain injury care and coordination of such care;

(2) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(3) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and interdisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(4) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(5) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities;

(6) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans; and

(7) in such system for life-long case management, it is necessary to conduct outreach and to tailor specialized traumatic brain injury case management and outreach for the unique needs of veterans with traumatic brain injury who reside in urban and non-urban settings.

SEC. 1602. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

"§1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community

"(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient or outpatient rehabilitation care from the Department for a traumatic brain injury—

"(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

"(2) provide such plan in writing to such individual before such individual is discharged from inpatient care, following transition from active duty to the Department for outpatient care, or as soon as practicable following diagnosis.

"(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

"(1) Rehabilitation objectives for improving the physical, cognitive, and vocational functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

"(2) Access, as warranted, to all appropriate rehabilitative components of the traumatic brain injury continuum of care.

"(3) A description of specific rehabilitative treatments and other services to achieve the objectives described in paragraph (1), which description shall set forth the type, frequency, duration, and location of such treatments and services.

"(4) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

"(5) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

"(c) COMPREHENSIVE ASSESSMENT.—

"(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

"(A) the physical, cognitive, vocational, and neuropsychological and social impairments of such individual; and

"(B) the family education and family support needs of such individual after discharge from inpatient care.

"(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment from among, but not limited to, individuals with expertise in traumatic brain injury, including the following:

"(A) A neurologist.

"(B) A rehabilitation physician.

"(C) A social worker.

"(D) A neuropsychologist.

"(E) A physical therapist.

"(F) A vocational rehabilitation specialist.

"(G) An occupational therapist.

"(H) A speech language pathologist.

"(I) A rehabilitation nurse.

"(J) An educational therapist.

"(K) An audiologist.

"(L) A blind rehabilitation specialist.

"(M) A recreational therapist.

"(N) A low vision optometrist.

"(O) An orthotist or prostetist.

"(P) An assistive technologist or rehabilitation engineer.

"(Q) An otolaryngology physician.

"(R) A dietician.

"(S) An opthamologist.

"(T) A psychiatrist.

"(d) CASE MANAGER.—(1) The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan, and coordination of such care, required by such subsection for such individual.

"(2) The Secretary shall ensure that such case manager has specific expertise in the care required by the individual to whom such case manager is designated, regardless of whether such case manager obtains such expertise through experience, education, or training.

"(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family or legal guardian of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

"(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with a State protection and advocacy system if—

"(A) the individual covered by such plan requests such collaboration; or

"(B) in the case such individual is incapacitated, the family or guardian of such individual requests such collaboration.

"(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

"(4) In developing vocational rehabilitation objectives required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

"(f) EVALUATION.—

"(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

"(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.

"(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State protection and advocacy system' means a system established in a State under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) to protect and advocate for the rights of persons with development disabilities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

"1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.".

SEC. 1603. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 1602 of this Act, the following new section:

"§1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation

"(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide rehabilitative treatment or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

"(1) who is described in section 1710C(a) of this title; and

"(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

"(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation of such individual .

"(b) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.

"(c) AUTHORITIES OF STATE PROTECTION AND ADVOCACY SYSTEMS.—With respect to the provision of rehabilitative treatment or services described in subsection (a) in a non-Department facility, a State designated protection and advocacy system established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) shall have the authorities described under such subtitle.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 1602 of this Act, the following new item:

"1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.".

(c) CONFORMING AMENDMENT.—Section 1710(a)(4) of such title is amended by inserting "the requirement in section 1710D of this title that the Secretary provide certain rehabilitative treatment or services," after "extended care services,".

SEC. 1604. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7330 the following new section:

"§ 7330A. Severe traumatic brain injury research, education, and clinical care program

"(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive only long-term residential care.

"(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center and other relevant programs of the Federal Government (including other Centers of Excellence).

"(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall, in collaboration with the Defense and Veterans Brain Injury Center and any other relevant programs of the Federal Government (including other Centers of Excellence), conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $10,000,000 to carry out the program required by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

"7330A. Severe traumatic brain injury research, education, and clinical care program.".

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

SEC. 1605. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Defense and Veterans Brain Injury Center, carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with a provider participating under a State plan or waiver under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term "assisted living services" means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term "case management services" includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term "congressional veterans affairs committees" means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term "eligible veteran" means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

SEC. 1606. RESEARCH ON TRAUMATIC BRAIN INJURY.

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of mild to severe forms of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders;

(3) research on means of improving the diagnosis, rehabilitative treatment, and prevention of such sequelae;

(4) research to determine the most effective cognitive and physical therapies for the sequelae of traumatic brain injury; and

(5) research on dual diagnosis of post-traumatic stress disorder and traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of such title, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of such title, relating to research, education, and clinical activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing in comprehensive detail the research to be carried out pursuant to subsection (a).

SEC. 1607. AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.".

SEC. 1608. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR COMBAT SERVICE IN THE PERSIAN GULF WAR OR FUTURE HOSTILITIES.

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking "2 years" and inserting "5 years".

SEC. 1609. MENTAL HEALTH: SERVICE-CONNECTION STATUS AND EVALUATIONS FOR CERTAIN VETERANS.

(a) PRESUMPTION OF SERVICE-CONNECTION OF MENTAL ILLNESS FOR CERTAIN VETERANS.—Section 1702 of title 38, United States Code, is amended—

(1) by striking "psychosis" and inserting "mental illness"; and

(2) in the heading, by striking "**psychosis**" and inserting "**mental illness**".

(b) PROVISION OF MENTAL HEALTH EVALUATIONS FOR CERTAIN VETERANS.—Upon the request of a veteran described in section 1710(e)(3)(C) of title 38, United States Code, the Secretary shall provide to such veteran a preliminary mental health evaluation as soon as practicable, but not later than 30 days after such request.

SEC. 1610. MODIFICATION OF REQUIREMENTS FOR FURNISHING OUTPATIENT DENTAL SERVICES TO VETERANS WITH A SERVICE-CONNECTED DENTAL CONDITION OR DISABILITY.

Section 1712(a)(1)(B)(iv) of title 38, United States Code, is amended by striking "90-day" and inserting "180-day".

SEC. 1611. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

SEC. 1612. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 of title 38, United States Code, is amended by inserting ", or from the National Guard or Reserve," after "active military, naval, or air service".

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

"(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;".

SA 2133. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. MODIFICATION OF AMOUNT OF BACK PAY FOR MEMBERS OF NAVY AND MARINE CORPS SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II TO TAKE INTO ACCOUNT CHANGES IN CONSUMER PRICE INDEX.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-170) is amended by adding at the end the following new paragraph:

"(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.".

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

SA 2134. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AT WARREN GROVE GUNNERY RANGE, NEW JERSEY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Air Force has 32 training sites in the United States for aerial bombing and gunner training, of which Warren Grove Gunnery Range functions in the densely populated Northeast.

(2) A number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents of New Jersey, including the following:

(A) On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying 5 houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties.

(B) In November 2004, an F-16 Vulcan cannon piloted by the District of Columbia Air National Guard was more than 3 miles off target when it blasted 1.5-inch steel training rounds into the roof of the Little Egg Harbor Township Intermediate School.

(C) In 2002, a pilot ejected from an F-16 aircraft just before it crashed into the woods near the Garden State Parkway, sending large pieces of debris onto the busy highway.

(D) In 1999, a dummy bomb was dumped a mile off target from the Warren Grove target range in the Pine Barrens, igniting a fire that burned 12,000 acres of the Pinelands forest.

(E) In 1997, the pilots of F-16 aircraft uplifting from the Warren Grove Gunnery Range escaped injury by ejecting from their aircraft just before the planes collided over the ocean near the north end of Brigantine. Pilot error was found to be the cause of the collision.

(F) In 1986, a New Jersey Air National Guard jet fighter crashed in a remote section of the Pine Barrens in Burlington County, starting a fire that scorched at least 90 acres of woodland.

(b) SEMIANNUAL REPORT ON SAFETY MEASURES.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Air Force shall submit to the congressional defense committees a report on efforts made to provide the highest level of safety by all of the military departments utilizing the Warren Grove Gunnery Range.

(c) JOINT LAND USE STUDY ON ENCROACHMENT AT WARREN GROVE GUNNERY RANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a joint land use study on encroachment issues at Warren Grove Gunnery Range.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $250,000 for fiscal year 2008 to conduct the joint use study under paragraph (1).

SA 2135. Mr. DORGAN (for himself, Mr. CONRAD, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1218. JUSTICE FOR OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA.

(a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN LADEN.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708e)(1)) is amended by adding at the end the following new sentence: "The Secretary shall authorize a reward of $50,000,000 for the capture, or information leading to the capture, of Osama bin Laden.".

(b) STATUS OF EFFORTS TO BRING OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

SA 2136. Mrs. CLINTON (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. TRAINING AND CERTIFICATION PROGRAM FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) PROGRAM ON TRAINING AND CERTIFICATION OF FAMILY CAREGIVER PERSONAL CARE ATTENDANTS.—The Secretary of Veterans Affairs shall establish a program on training and certification of family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.

(b) LOCATION.—The program required by subsection (a) shall be located in each of the polytrauma centers of the Department of Veterans Affairs designated as a Tier I polytrauma center.

(c) TRAINING CURRICULA.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, develop curricula for the training of personal care attendants described in subsection (a). Such curricula shall incorporate applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations.

(2) USE OF EXISTING CURRICULA.—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2308).

(d) PROGRAM PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the program required by subsection (a).

(2) BASIS FOR DETERMINATION.—A determination made under paragraph (1) shall be based on the clinical needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(e) ELIGIBILITY FOR COMPENSATION.—A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under this section shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(f) COSTS OF TRAINING.—

(1) TRAINING OF FAMILIES OF VETERANS.—Any costs of training provided under the program under this section for family members of veterans shall be borne by the Secretary of Veterans Affairs.

(2) TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the program under this section for family members of members of the Armed Forces. Amounts for such reimbursement shall be derived from amounts available for Defense Health Program for the TRICARE program.

(g) CONSTRUCTION.—Nothing in this section shall be construed to require or permit the Secretary of Veterans Affairs to deny reimbursement for health care services provided to a veteran with a brain injury to a personal care attendant who is not a family member of such veteran.

SA 2137. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1107. EDUCATIONAL ASSISTANCE IN SUPPORT OF THE NUCLEAR MISSIONS OF THE NAVY.

(a) IN GENERAL.—The Secretary of the Navy shall carry out a program to provide scholarships, fellowships, and grants for pursuit of programs of education at institutions of higher education that lead to degrees in engineering and technical fields that are necessary for a workforce to support the nuclear missions of the Navy.

(b) ELEMENTS.—The program under subsection (a) shall include the following:

(1) Merit-based scholarships for undergraduate study.

(2) Research fellowships for study the graduate level.

(3) Grants to support the establishment at 2-year public institutions of higher education of programs of study and training that lead to degrees in engineering and technical fields that are necessary for a workforce to support the nuclear missions of the Navy.

(4) Grants to increase the utilization of training, research, and test reactors at institutions of higher education.

(5) Any other elements that the Secretary considers appropriate.

(c) CONSULTATION.—In developing the program, the Secretary shall consult with trade organizations, technical societies, organized labor organizations, and other bodies having an interest in the program.

(d) REPORT ON PROGRAM.—Not later than January 31, 2008, the Secretary shall submit to Congress a report on the program under subsection (a), including a description of the program and a statement of the funding required during fiscal years 2009 through 2013 to carry out the program.

(e) REPORT ON WORKFORCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy during the 10-year period beginning on the date of the report.

(2) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SA 2138. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. EXPANSION OF PROGRAMS OF EDUCATION ELIGIBLE FOR ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—Subsection (b) of section 3014A of title 38, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph (1):

"(1) enrolled in—

"(A) an approved program of education that leads to employment in a high technology occupation in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); or

"(B) during the period beginning on October 1, 2007, and ending on September 30, 2011, an approved program of education lasting less than two years that (as so determined) leads to employment in—

"(i) the transportation sector of the economy;

"(ii) the construction sector of the economy;

"(iii) the hospitality sector of the economy; or

"(iv) the energy sector of the economy; and".

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 3014A. Accelerated payment of basic educational assistance".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 30 of such title is amended to read as follows:

"3014A. Accelerated payment of basic educational assistance.".

SA 2139. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. IMPROVED HOUSING BENEFITS FOR DISABLED MEMBERS OF THE ARMED FORCES AND EXPANDED BENEFITS FOR VETERANS WITH SEVERE BURNS.

(a) HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.—Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

"(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.".

(b) SPECIALLY ADAPTED HOUSING ASSISTANCE FOR DISABLED VETERANS WITH SEVERE BURNS.—Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

(c) REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS.—

(1) IN GENERAL.—Not later than December 31, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist disabled veterans in acquiring—

(A) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(B) such adaptations to their residences as are reasonably necessary because of their disabilities; or

(C) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(2) FOCUS ON PARTICULAR DISABILITIES.—The report required by paragraph (1) shall pay particular attention to the needs of veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code.

(d) ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.—Section 3901(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "or (iii)" and inserting "(iii), or (iv)"; and

(B) by adding at the end the following new clause:

"(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary); or"; and

(2) in subparagraph (B), by striking "or (iii)" and inserting "(iii), or (iv)".

(e) ADAPTED HOUSING ASSISTANCE FOR DISABLED MEMBERS OF THE ARMED FORCES RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.—

(1) IN GENERAL.—Subsection (a) of section 2102A of title 38, United States Code, is amended—

(A) by inserting "(1)" before "In the case";

(B) by striking "disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and" and inserting "person described in paragraph (2)";

(C) by striking "such veteran's" and inserting "the person's";

(D) by striking "the veteran" and inserting "the person";

(E) by striking "the veteran's" and inserting "the person's"; and

(F) by adding at the end the following new paragraph:

"(2) A person described in this paragraph is—

"(A) a veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title; or

"(B) a member of the Armed Forces who—

"(i) has, as determined by the Secretary, a disability permanent in nature described in subsection (a)(2) or (b)(2) of section 2101 of this title that has incurred in the line of duty in the active military, naval, or air service;

"(ii) is hospitalized or receiving outpatient medical care, services, or treatment for such disability; and

"(iii) is likely to be discharged or released from the Armed Forces for such disability.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking "veteran" both places it appears and inserting "person with a disability"; and

(B) in subsection (c), by striking "veteran" and inserting "person".

(3) REPORT ON ASSISTANCE FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WHO RESIDE IN HOUSING OWNED BY FAMILY MEMBER ON PERMANENT BASIS.—Not later than December 31, 2007, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans and members of the Armed Forces described in subsection (a) of such section, as amended by paragraph (1) of this subsection, who reside with family members on a permanent basis.

SA 2140. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERIODS OF ADMISSION.

(a) SHORT TITLE.—This section may be cited as the "Secure Border Crossing Card Entry Act of 2007".

(b) PERIODS OF ADMISSION.—Section 214(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(2)) is amended by adding at the end the following:

"(C)(i) Except as provided under clauses (ii) and (iii), the initial period of admission to the United States of an alien who possesses a valid machine-readable biometric border crossing identification card issued by a consular officer, has successfully completed required background checks, and is admitted to the United States as a nonimmigrant under section 101(a)(15)(B) at a port of entry at which such card is processed through a machine reader, shall not be short than the initial period of admission granted to any other alien admitted to the United States under section 101(a)(15)(B).

"(ii) The Secretary of Homeland Security may prescribe, by regulation, the length of the initial period of admission described in clause (i), which period shall be—

"(I) a minimum of 6 months; or

"(II) the length of time provided for under clause (iii)

"(iii) The Secretary may, on a case-by-case basis, provide for a period of admission that is shorter or longer than the initial period described in clause (ii)(I) if the Secretary finds good cause for such action.

"(iv) An alien who possesses a valid machine-readable biometric border crossing identification card may not be admitted to the United States for the period of admission specified under clause (i) or granted extensions of such period of admission if—

"(I) the alien previously violated the terms and conditions of the alien's nonimmigrant status;

"(II) the alien is inadmissible as a nonimmigrant; or

"(III) the alien's border crossing card has not been processed through a machine reader at the United States port of entry or land border at which the person seeks admission to the United States.".

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendment made by subsection (b).

(2) WAIVER OF APA.—In promulgating regulations under paragraph (1), the Secretary may waive any provision of chapter 5 of title 5, United States Code (commonly known as the "Administrative Procedure Act") or any other law relating to rulemaking if the Secretary determines that compliance with such provision would impede the timely implementation of this Act.

SA 2141. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INTERNATIONAL COMMUTERS.

(a) H–1A TEMPORARY WORKERS.—Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended by striking "(H) an alien (i) (b)" and inserting the following:

"(H) an alien—

"(i)(a) who—

"(aa) continuously maintains a residence at which the alien is actually domiciled outside the United States, which the alien has no intention of abandoning;

"(bb) is coming temporarily to the United States to perform temporary work of a seasonal nature, not to exceed more than 10 months in any calendar year;

"(cc) commutes each business day, across the international border of the United States, to work in a full-time position with a qualified United States employer; and

"(dd) returns, across such border, to his or her foreign residence at the conclusion of each business day, or

"(b)".

(b) TEMPORARY LABOR CERTIFICATION.—Section 214(c)(1) of such Act (8 U.S.C. 1184(c)(1)) is amended—

(1) by inserting "(A)" after "(c)(1)";

(2) by striking "For purposes of this subsection" and inserting the following:

"(B) For purposes of this subsection with respect to nonimmigrants described in section 101(a)(15)(H)(i)(a) (referred to in this subparagraph as 'H–1A temporary workers'), the term 'appropriate agencies of the Government' means the Department of Labor. Before filing a petition with the Secretary of Homeland Security for an H–1A temporary worker, the employer shall apply for a temporary labor certification with the Secretary of Labor, which shall inform the Secretary of Homeland Security whether—

"(i) United States workers capable of performing the temporary services or labor are available; and

"(ii) the alien's employment would adversely affect the wages and working conditions of similarly employed United States workers.

"(C) For purposes of this subsection".

(c) NUMERICAL LIMITATIONS.—Section 214(g) of such Act is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(B) by inserting before subparagraph (B), as redesignated, the following:

"(A) under section 101(a)(15)(H)(i)(a) may not exceed 90,000;"; and

(C) in subparagraph (B), as redesignated, by striking "or" and inserting "and";

(2) in paragraphs (5), (7), and (8), by striking "paragraph (1)(A)" each place it appears and inserting "paragraph (1)(B)"; and

(3) in paragraphs (9) and (10), by striking "paragraph (1)(B)" each place it appears and inserting "paragraph (1)(C)".

(d) PERIOD OF AUTHORIZED ADMISSION.—Section 214(g)(4) of such Act is amended to read as follows:

"(4)(A) The period of authorized admission for an alien who is provided nonimmigrant status under section 101(a)(15)(H)(i)(a) may not exceed 3 years.

"(B) The period of authorized admission for an alien who is provided nonimmigrant status under section 101(a)(15)(H)(i)(b) may not exceed 6 years.".

SA 2142. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON LANDOWNER'S LIABILITY.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by inserting after subsection (g) the following:

"(h) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law and subject to appropriations, an owner of land located within 100 miles of the international land border of the United States may seek reimbursement from the Department of Homeland Security for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under the Federal or State tort law, arising directly from such border security activity if—

"(A) such owner has been found negligent by a Federal or State court in any tort litigation;

"(B) such owner has not already been reimbursed for the final tort judgment, including outstanding attorney's fees and costs;

"(C) such owner did not have or does not have sufficient property insurance to cover the judgment and have had an insurance claim for such coverage denied; and

"(D) such tort action was brought as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

"(2) DEFINITIONS.—In this subsection—

"(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property; and

"(B) the term 'owner' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

"(3) EXCEPTIONS.—Nothing in this subsection may be construed to limit landowner liability which would otherwise exist for—

"(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

"(B) maintaining an attractive nuisance;

"(C) gross negligence; or

"(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws of the United States during—

"(i) a patrol of such landowner's land; or

"(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or evade execution of an arrest warrant for a violation of any immigration law.

"(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to the Federal Tort Claims Act.".

SA 2143. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction,

and for defense activiites of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYMENT-BASED VISAS.

(a) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1996, 1997," after "available in fiscal year";

(B) by striking "be available" and all that follows and inserting the following: "be available only to—

"(A) employment-based immigrants under paragraphs (1) and (2) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

"(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act; and

"(C) those immigrant workers who had petitions approved based on Schedule A under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "1996, 1997, and" after "available in fiscal years"; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

"(ii) DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from fiscal years 1996 and 1997 shall be distributed equally between—

"(I) immigrant workers with approved petitions based on Schedule A (as described in paragraph (1)(C)); and

"(II) employment-based immigrants under paragraphs (1) and (2) of section 203(b) of the Immigration and Nationality Act.".

(b) H–1B VISA AVAILABILITY.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (vi), by striking "and" at the end;

(B) by redesignating clause (vii) as clause (ix); and

(C) by inserting after clause (vi) the following:

"(vii) 65,000 in each of fiscal years 2004 through 2006;

"(viii) 115,000 in fiscal year 2007; and"; and

(2) in paragraph (4)—

(A) by inserting "(A)" after "(4)"; and

(B) by adding at the end the following:

"(B) Subparagraph (A) shall not apply to a nonimmigrant who has an approved petition for an immigrant visa under paragraph (1) or (2) of section 203(b) if at least 180 days have elapsed since the filing an application for adjustment of status under subsection (a), (k) or (i) of section 245 that has not been denied. The Secretary of Homeland may extend the stay of such an alien in 1-year increments until a final decision is made on the alien's application for adjustment of status.".

(c) IMMIGRANT VISA BACKLOG REDUCTION.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 290,000; and

"(2) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during the previous fiscal year; and

"(B) the number of such visas issued during the previous fiscal year.".

(d) RETAINING IMMIGRANTS WHO HAVE BEEN EDUCATED IN THE UNITED STATES.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

"(F) Aliens who have earned a master's or higher degree from an accredited United States university.

"(G) Aliens who—

"(i) have earned a master's or higher degree in science, technology, engineering, or math; and

"(ii) have been working in the United States in a field related to such degree in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under paragraph (1) or (2) of section 203(b).

"(H) Aliens who—

"(i) are described in subparagraph (A) or (B) of section 203(b)(1); or

"(ii) have received a national interest waiver under section 203(b)(2)(B).".

SA 2144. **Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activiites of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle A of title XIV, add the following:

SEC. 1408. ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES WITH RESPECT TO AFGHANISTAN.

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, is hereby increased by $180,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, as increased by subsection (a), $180,000,000 may be available for drug interdiction and counterdrug activities with respect to Afghanistan.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

SA 2145. **Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activiites of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle C of title XV, add the following:

SEC. 1535. TRANSITION OF MISSION OF UNITED STATES FORCES IN IRAQ.

(a) IN GENERAL.—Commencing as of the date of the enactment of this Act, the President shall immediately begin the transition of mission for all United States forces in Iraq.

(b) TRANSITION OF MISSION.—United States forces in Iraq shall be limited to—

(1) protecting United States personnel and infrastructure in Iraq;

(2) continuing the training and equipping of Iraqi security forces;

(3) securing Iraq's borders in order to halt and prevent the influx of foreign and al Qaeda fighters into Iraq; and

(4) continuing the conduct of counterterrorism operations against al Qaeda, al Qaeda-affiliated forces, and other terrorist groups engaged in destabilization efforts in Iraq.

(c) GOAL FOR ACTIONS.—The goal of completing the transition and redeployment of United States forces to a new mission in accordance with this section shall be March 31, 2008, as outlined in the report of the Iraq Study Group.

SA 2146. **Mr. BYRD (for himself, Mrs. CLINTON, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of title XV, add the following:

SEC. 1535. EXPIRATION OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) authorized the President to use force in Iraq for two limited purposes: to defend the national security of the United States against the continuing threat posed by Iraq; and to enforce all relevant United Nations Security Council resolutions regarding Iraq.

(2) The Government of Iraq identified in the resolution has been removed and no longer poses a threat to the national security of the United States and has been replaced with a democratically-elected government.

(3) The situation in Iraq in 2007 is vastly different than it was in 2002, and involves an internal sectarian conflict rather than a dictatorial regime hostile to the United States.

(b) EXPIRATION.—Section 3 of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1501; 50 U.S.C. 1541 note) is amended by adding at the end the following new subsections:

"(d) EXPIRATION.—

"(1) IN GENERAL.—The authorization in subsection (a) shall expire on October 11, 2007.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(A) denying the United States Armed Forces the capacity to act in self-defense or in protection of the United States Embassy in Baghdad and its personnel;

"(B) precluding the President from withdrawing the United States Armed Forces from Iraq at any time before October 11, 2007, if circumstances warrant;

"(C) precluding Congress by joint resolution from directing such a withdrawal; or

"(D) preventing missions that are specifically permitted in the National Defense Authorization Act for Fiscal Year 2008.

"(e) NEW AUTHORITY.—In order to conduct military operations in Iraq that do not relate to the withdrawal of members of the United States Armed Forces after the date specified in subsection (d)(1), the President shall be required to request from Congress specific new authority, and to articulate in detail the mission, strategy, and goals of a continued United States military presence in Iraq.".

(c) AVAILABILITY OF FUNDS FOR SAFE AND ORDERLY REDEPLOYMENT.—Notwithstanding any other provision of law, any funds made available by any Act for the Department of Defense are immediately available for obligation and expenditure to plan and execute a safe and orderly redeployment of the United States Armed Forces from Iraq.

SA 2147. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. AUTHORITY OF THE AIR UNIVERSITY TO CONFER ADDITIONAL ACADEMIC DEGREES.

Section 9317(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(5) The degree of doctor of philosophy in strategic studies upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree in manner consistent with the guidelines of the Department of Education and the principles of the regional accrediting body for Air University.

"(6) The degree of master of air, space, and cyberspace studies upon graduates of Air University who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.

"(7) The degree of master of flight test engineering science upon graduates of the Air Force Test Pilot School who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.".

SA 2148. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

"(A) that—

"(i) is held in the United States or any of its territories or commonwealths;

"(ii) is governed by the International Paralympic Committee; and

"(iii) is sanctioned by the United States Olympic Committee;

"(B) for which participation exceeds 100 amateur athletes; and

"(C) in which at least 25 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability."; and

(2) by adding at the end the following new subsection:

"(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) may be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

"(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.".

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after "international sporting competitions" the following: "and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,"; and

(2) by striking "45 days" and inserting "15 days".

SA 2149. Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. POSTDEPLOYMENT MEDICAL AND MENTAL HEALTH SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

Section 1074f(b) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (1), by striking "(or as soon as possible thereafter)" and inserting ", but not later than 90 days after the redeployment of the member and before a subsequent deployment of the member to an area in which the system is in operation";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The postdeployment examination of a member of the armed forces required under paragraph (1) shall include a comprehensive medical and mental health assessment of the member conducted on an individualized basis and in person by personnel qualified to conduct such examinations.".

SA 2150. Mr. LAUTENBERG (for himself, Mr. DODD, Mr. COBURN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) FINDINGS.—Congress makes the following findings:

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Since the fall of the Taliban, the United States has provided Afghanistan with over $20,000,000,000 in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts.

(3) There is a stronger need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, and the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) One example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has met this objective in the case of Iraq.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking efforts similar to those of the Special Inspector General for Iraq Reconstruction.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the "Inspector General"), who shall be appointed by the President.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) DUTIES.—

(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and contracts carried out utilizing such funds in Afghanistan in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the departments, agencies, and entities of the United States Government, and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy and the efficient utilization of funds for economic reconstruction, social and political development, and security assistance;

(G) the recovery of funds for the United States Government, including instances of overpayments such as duplicate payments or duplicate billing; and

(H) the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, or remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(f) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employees of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(h) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the United States Government entity or entities involved in the contract or grant identified, and solicited offers from, potential contractors or grantees to perform the contract or grant, together with a list of the potential contractors or grantees that were issued solicitations for the offers;

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition; and

(v) a description of any previous instances of wasteful and fraudulent activities in Afghanistan by current or potential contractors, subcontactors, or grantees and whether and how they were held accountable.

(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or affiliated entities in the course of reconstruction efforts.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by the United States Government with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) SEMIANNUAL REPORT.—Not later than December 31, 2007, and semiannually thereafter, the Inspector General shall submit to the appropriate congressional committees a report meeting the requirements of section 5 of the Inspector General Act of 1978.

(4) PUBLIC TRANSPARENCY.—The Inspector General shall post each report required under this subsection on a public and searchable website not later than 7 days after the Inspector General submits the report to the appropriate congressional committees.

(5) LANGUAGES.—The Inspector General shall publish on a publicly available Internet website each report under this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(6) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex as the Inspector General determines necessary.

(7) LIMITATION ON PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(i) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (3) of subsection (h) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.

(j) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term "amounts appropriated or otherwise made available for the reconstruction of Afghanistan" means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund;

(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455); and

(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and

(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:

(i) Operating Expenses of the United States Agency for International Development.

(ii) Economic Support Fund.

(iii) International Narcotics Control and Law Enforcement.

(iv) International Affairs Technical Assistance.

(v) Peacekeeping Operations.

(vi) Diplomatic and Consular Programs.

(vii) Embassy Security, Construction, and Maintenance.

(viii) Child Survival and Health.

(ix) Development Assistance.

(x) International Military Education and Training.

(xi) Nonproliferation, Anti-terrorism, Demining and Related Programs.

(xii) Public Law 480 Title II Grants.

(xiii) International Disaster and Famine Assistance.

(xiv) Migration and Refugee Assistance.

(xv) Operations of the Drug Enforcement Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 105 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2008 from any unobligated balances of any expired appropriation for the Department of Defense. These funds shall remain available until expended.

(l) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available for the reconstruction of Afghanistan have been expended.

(2) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SA 2151. Mr. FEINGOLD (for himself, Mr. GRASSLEY, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 530, after line 18, insert the following:

DIVISION D—STUDY OF WARTIME TREATMENT OF CERTAIN PEOPLE

SEC. 4101. SHORT TITLE.

This division may be cited as the "Wartime Treatment Study Act".

SEC. 4102. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment

of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 4103. DEFINITIONS.

In this division:

(1) DURING WORLD WAR II.—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term "European Americans" refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term "Italian Americans" refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term "German Americans" refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term "Latin American nation" refers to any nation in Central America, South America, or the Caribbean.

TITLE I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 4111. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the "European American Commission").

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 4112. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as "World War II detention facilities");

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 4111(e).

SEC. 4113. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 4114. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 4115. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this title.

SEC. 4116. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 4121. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the "Jewish Refugee Commission").

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 4122. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 4121(e).

SEC. 4123. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 4124. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 4125. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this title.

SEC. 4126. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 2152. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize

appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORT ON UNDERFUNDING OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

(a) FINDINGS.—Congress makes the following findings:

(1) Pressure to reduce the amounts expended by the Department of Defense for health care has contributed to many of the current problems at Walter Reed Army Medical Center.

(2) It is inappropriate to reduce the amounts expended by the Department of Defense and the Department of Veterans Affairs for health care while members of the Armed Forces or veterans who served in Iraq and Afghanistan require health care as a consequence of such service.

(b) REPORT REQUIRED FOR UNDERFUNDING.—If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense and the Department of Veterans Affairs for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department of Defense and the Department of Veterans Affairs for health care for such preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount on the access to and delivery of medical and support services to members of the Armed Forces, veterans, and their family members.

SA 2153. **Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle D of title X, add the following:

SEC. 1044. STUDIES ON PRESUMPTION OF SERVICE CONNECTION FOR TRAUMATIC BRAIN INJURY IN MEMBERS OF THE ARMED FORCES AND VETERANS WHO SERVED IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) Many of the members of the Armed Forces deployed in Operation Iraqi Freedom and Operation Enduring Freedom have traumatic brain injuries.

(2) In many cases, such injuries are not diagnosed because there is no external indication of the injury.

(b) STUDIES ON TREATING TRAUMATIC BRAIN INJURY AS PRESUMPTIVE CONDITION FOR DISABILITY COMPENSATION.—

(1) STUDY BY SECRETARY OF DEFENSE.—

(A) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility and advisability of establishing a presumption for treatment of traumatic brain injury in members of the Armed Forces who served in Operation Iraqi Freedom or Operation Enduring Freedom as a service-connected condition for purposes of disability compensation under the laws administered by the Secretary of Defense.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study required by subparagraph (A).

(2) STUDY BY SECRETARY OF VETERANS AFFAIRS.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the feasibility and advisability of establishing a presumption for treatment of traumatic brain injury in veterans who served in Operation Iraqi Freedom or Operation Enduring Freedom as a service-connected condition for purposes of disability compensation under the laws administered by the Secretary of Veterans Affairs.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the results of the study required by subparagraph (A).

(3) STUDY BY DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.—

(A) IN GENERAL.—The Director of the National Institutes of Health shall conduct a study on traumatic brain injury, including the detection of traumatic brain injury and the measurement and classification of the severity of traumatic brain injury.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to Congress a report on the results of the study required by subparagraph (A).

SA 2154. **Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:**

At the end of subtitle E of title X, add the following:

SEC. 1070. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) DESIGNATION OF FIDUCIARY FOR MEMBERS WITH LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is medically incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SA 2155. **Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. MCCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

On page 23, between lines 6 and 7, insert the following:

(3) REPORT ON MODERNIZATION OF SCHEDULE FOR RATING DISABILITIES IN USE BY DEPARTMENT OF VETERANS AFFAIRS.—In addition to the report submitted under paragraph (1), the Secretary of Veterans Affairs shall also submit to the appropriate committees of Congress a plan to update the schedule for rating disabilities in use by the Department of Veterans Affairs to reflect the effects of mental health disorders, including traumatic brian injury and post-traumatic stress disorder, on the modern workforce.

SA 2156. **Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. MCCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

On page 89, between lines 2 and 3, insert the following:

SEC. 1664. NO REDUCTION IN DISABILITY RATING.

A disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense may not be reduced upon appeal.

SA 2157. **Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. MCCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for**

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 6 and 7, insert the following:

(3) PLAN FOR INDEPENDENT ADVOCATES FOR COVERED MEMBERS OF THE ARMED FORCES.—In addition to the report submitted under paragraph (1), the Secretary of Defense shall also submit to the appropriate committees of Congress a report setting forth a plan to expand access to organizations recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code, to provide independent service member advocates to covered members of the Armed Forces, which advocates shall—

(A) not report to the Secretary of Defense in the performance of the duties as advocates;

(B) advise covered members of the Armed Forces on matters relating to the medical records and service records of such covered members of the Armed Forces; and

(C) provide covered members of the Armed Forces with such information as may be necessary for such covered members of the Armed Forces to prepare for reviews by physical evaluation boards.

SA 2158. Mr. NELSON of Nebraska (for Mr. JOHNSON) submitted an amendment intended to be proposed by Mr. NELSON of Nebraska to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary of Education shall—

(1) deem each local educational agency that was eligible to receive a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a basic support payment for heavily impacted local educational agencies under such section for the fiscal year for which the determination is made under this subsection; and

(2) make a payment to such local educational agency under such section for such fiscal year.

(b) EFFECTIVE DATES.—Subsection (a) shall remain in effect until the date that a Federal statute is enacted authorizing the appropriations for, or duration of, any program under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for fiscal year 2008 or any succeeding fiscal year.

SA 2159. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. McCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of part I of subtitle B of title XVI (as proposed to be added by the amendment), add the following:

SEC. 1622. REIMBURSEMENT OF CERTAIN FORMER MEMBERS OF THE UNIFORMED SERVICES WITH SERVICE-CONNECTED DISABILITIES FOR TRAVEL FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.

(a) TRAVEL.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—In any case in which a former member of a uniformed service who incurred a disability while on active duty in a combat zone or during performance of duty in combat related operations (as designated by the Secretary of Defense), and is entitled to retired or retainer pay, or equivalent pay, requires follow-on specialty care, services, or supplies related to such disability at a military treatment facility more than 100 miles from the location in which the former member resides, the Secretary shall provide reimbursement for reasonable travel expenses comparable to those provided under subsection (a) for the former member, and when accompaniment by an adult is necessary, for a spouse, parent, or guardian of the former member, or another member of the former member's family who is at least 21 years of age.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 2008, and shall apply with respect to travel that occurs on or after that date.

SA 2160. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. McCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of part II of subtitle B of title XVI (as proposed to be added by the amendment), add the following:

SEC. 1627. EXTENDED BENEFITS UNDER TRICARE FOR PRIMARY CAREGIVERS OF MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1079(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) Subject to such terms, conditions, and exceptions as the Secretary of Defense considers appropriate, the program of extended benefits for eligible dependents under this subsection shall include extended benefits for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

"(B) The Secretary of Defense shall prescribe in regulations the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph.

"(C) For purposes of this paragraph, a serious injury or illness, with respect to a member of the uniformed services, is an injury or illness that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008.

SA 2161. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.

Section 2107a(h) of title 10, United States Code, is amended by striking "not more than 416 cadets each year under this section, to include" and inserting "each year under this section".

SA 2162. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. McCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

On page 23, between lines 6 and 7, insert the following:

(3) REPORT ON REDUCTION IN DISABILITY RATINGS BY THE DEPARTMENT OF DEFENSE.

The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the numbers of instances in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction.

Such report shall cover the period beginning October 7, 2001 and ending September 30, 2006, and shall be submitted to the appropriate Committees of Congress by February 1, 2008.

SA 2163. Mrs. CLINTON (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 594. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1135. Cold War service medal

"(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War service medal', to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

"(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

"(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

"(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

"(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

"(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) APPLICATION FOR MEDAL.—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

"(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(h) COLD WAR DEFINED.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1135. Cold War service medal.".

SA 2164. Mr. SMITH (for himself, Mr. HARKIN, Ms. COLLINS, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. PILOT PROGRAM ON ASSISTING VETERANS ORGANIZATIONS IN FACILITATING COMMUNITY REINTEGRATION OF VETERANS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program to demonstrate and assess the feasibility and advisability of delivering community reintegration support and services to veterans by assisting veterans organizations in developing and promoting peer support programs for veterans.

(2) DESIGNATION.—The pilot program required by paragraph (1) shall be known as the "Heroes Helping Heroes Program".

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on October 1, 2007.

(c) SELECTION OF PILOT PROGRAM PARTICIPANTS.—

(1) IN GENERAL.—The Secretary shall select not more than 20 eligible entities to participate in the pilot program.

(2) APPLICATION.—Each eligible entity seeking to participate in the pilot program shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary shall require.

(3) SELECTION.—The Secretary shall select participants in the pilot program from among the applicants under paragraph (1) that the Secretary determines—

(A)(i) have existing peer support programs that can be expanded or enhanced, and resources, for the delivery of community reintegration support and services to veterans (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; or

(ii) have the capacity, including the skill and resources necessary, to develop and maintain new peer support programs for the delivery of community reintegration support and services (including mentoring programs, self-help groups, and Internet and other electronic-based peer support resources) that are suitable for the pilot program; and

(B) have a plan to continue such peer support programs after the pilot program ends.

(d) GRANTS.—

(1) IN GENERAL.—The Secretary shall award grants to pilot program participants to develop and promote peer support programs that deliver community reintegration support and services for veterans.

(2) AMOUNT.—The Secretary shall ensure that the average amount of the grant awarded under paragraph (1) to a pilot program participant is not more than $300,000 and not less than $100,000 per fiscal year.

(3) MATCHING FUNDS.—A recipient of a grant under paragraph (1) shall contribute towards the development and promotion of peer support programs that deliver community reintegration support and services to veterans an amount equal to not less than ten percent of the grant awarded to such recipient.

(4) DURATION.—The duration of any grant awarded under paragraph (1) may not exceed three years.

(e) USE OF FUNDS.—A grant awarded to a pilot program participant pursuant to subsection (d) shall be used by the pilot program participant for costs and expenses connected with the development and promotion of peer support programs that deliver community reintegration support and services to veterans, including costs and expenses of the following:

(1) Program staff or a coordinator of volunteers, but not more than 50 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(2) Consultation services, but not more than 20 percent of such grant award may be used for such purpose in any fiscal year of such pilot program.

(3) Program operations, including costs and expenses relating to the following:

(A) Advertising and recruiting.

(B) Printing.

(C) Training of volunteers, veterans, and staff.

(D) Incentives, such as food and awards.

(E) Overhead expenses, but not more than ten percent of such grant award may be used for such purposes.

(f) TECHNICAL ASSISTANCE.—In addition to the award of grants under subsection (d), the Secretary shall provide technical assistance to pilot program participants to assist them in developing and promoting peer support programs that deliver community reintegration support and services to veterans.

(g) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a veterans service organization;

(B) a not-for-profit organization—

(i) the primary mission of which is to assist veterans;

(ii) that has been in continuous operation for at least 12 months; and

(iii) is not a veterans service organization; or

(C) a partnership between an organization described in subparagraph (A) or (B) and an organization that is not described in subparagraph (A) or (B).

(2) PILOT PROGRAM PARTICIPANT.—The term "pilot program participant" means an eligible entity that is selected by the Secretary, in accordance with subsection (c), to participate in the pilot program under this section.

(3) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization recognized by the Secretary for the representation of veterans

under section 5902 of title 38, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs to carry out this section, $4,500,000 for each of fiscal years 2008, 2009, and 2010.

SA 2165. Mr. BOND (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "National Guard Empowerment Act of 2007".

(b) CONSTRUCTION WITH CERTAIN OTHER PROVISIONS.—Sections 532 and 533 of this Act, and the amendments made by such sections, shall not take effect.

SEC. 1602. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking "joint bureau of the Department of the Army and the Department of the Air Force" and inserting "joint activity of the Department of Defense".

(2) PURPOSE.—Subsection (b) of such section is amended by striking "between" and all that follows and inserting "between—

"(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

"(2) the several States.".

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting "to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff," after "principal adviser".

(2) MEMBER OF JOINT CHIEFS OF STAFF.—(A) Such section is further amended—

(i) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(ii) by inserting after subsection (c) the following new subsection (d):

"(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.".

(B) Section 151(a) of such title is amended by adding at the end the following new paragraph:

"(7) The Chief of the National Guard Bureau.".

(3) GRADE.—Subsection (e) of such section, as redesignated by paragraph (2)(A)(i) of this subsection, is further amended by striking "lieutenant general" and inserting "general".

(4) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

"(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

"(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

"(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

"(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.".

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) DEVELOPMENT OF CHARTER.—Section 10503 of title 10, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking "The Secretary of the Army and the Secretary of the Air Force shall jointly develop" and inserting "The Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force, shall develop"; and

(B) in paragraph (12), by striking "the Secretaries" and inserting "the Secretary of Defense".

(2) ADDITIONAL GENERAL FUNCTIONS.—Such section is further amended—

(A) by redesignating paragraph (12), as amended by paragraph (1)(B) of this subsection, as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

"(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.".

(3) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§10503a. Functions of National Guard Bureau: military assistance to civil authorities

"(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

"(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

"(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

"(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

"(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

"(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

"(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

"(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

"(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

"(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

"(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

"(d) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.".

(4) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

"§10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

"(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

"(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

"(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

"(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.".

(5) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

"§10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

"10503. Functions of National Guard Bureau: charter.
"10503a. Functions of National Guard Bureau: military assistance to civil authorities.".

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

"10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.".

SEC. 1603. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1604. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).".

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1605. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1606. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1607. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Each report under this section concerning equipment of the National Guard shall also include the following:

"(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

"(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

"(A) for which funds were appropriated;

"(B) which was due to be procured for the National Guard during that fiscal year; and

"(C) which has not been received by a National Guard unit as of the close of that fiscal year.".

SA 2166. Mr. SMITH submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activiites of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle D—Other Matters

SEC. 1241. IRAN COUNTER-PROLIFERATION SANCTIONS.

(a) SENSE OF CONGRESS.—The following is the sense of Congress:

(1) The United States should pursue vigorously all measures in the international financial sector to restrict Iran's ability to conduct international financial transactions, including prohibiting banks in the United States from handling indirect transactions with Iran's state-owned banks and prohibiting financial institutions that operate in United States currency from engaging in dollar transactions with Iranian institutions.

(2) The United States should take all possible measures to discourage and, if possible, prevent foreign banks from providing export credit guarantees to foreign entities seeking to invest in Iran.

(3) Iran should comply fully with its obligations under United Nations Security Council Resolutions 1737 (2006) and 1747 (2007), and any subsequent United Nations resolutions related to Iran's nuclear program, and in particular the requirement to suspend without delay all enrichment-related and reprocessing activities, including research and development, and all work on all heavy water-related nuclear activities, including research and development.

(4) The United Nations Security Council should take further measures beyond Resolutions 1737 and 1747 to tighten sanctions on Iran, including preventing new investment in Iran's energy sector and mandating the reduction of government-backed export credit guarantees, as long as Iran fails to comply with the demand of the international community to halt its nuclear enrichment campaign.

(5) The United States should encourage foreign governments to direct state-owned entities to cease all investment in Iran's energy sector and all imports to and exports from Iran of refined petroleum products and to persuade, and, where possible, require private entities based in their territories to cease all investment in Iran's energy sector and all imports to and exports from Iran of refined petroleum products.

(6) Administrators of Federal and State pension plans should divest all assets or holdings from foreign companies and entities that have invested or invest in the future in Iran's energy sector.

(7) Iranian state-owned banks should not be permitted to use the banking system of the United States.

(8) The Secretary of State should designate the Iranian Revolutionary Guards as a Foreign Terrorist Organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and the Secretary of the Treasury should place the Iranian Revolutionary Guards on the list of Specially Designated Global Terrorists under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) INVESTMENT.—The term "investment" has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term "Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran" has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(4) FAMILY MEMBER.—The term "family member" means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.

(5) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 321 of title 21, United States Code.

(c) CLARIFICATION AND EXPANSION OF DEFINITIONS.—

(1) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(A) by inserting "financial institution, insurer, underwriter, guarantor, and other business organization, including any foreign subsidiary, parent, or affiliate of the foregoing," after "trust,"; and

(B) by inserting ", such as an export credit agency" before the semicolon.

(2) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking "petroleum and natural gas resources" and inserting "petroleum, petroleum by-products, liquefied natural gas, oil or liquefied natural gas, oil or liquefied natural gas tankers; and products used to construct or maintain pipelines used to transport oil or liquefied natural gas".

(d) RUSSIA NUCLEAR COOPERATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the date of the enactment of this Act, the sanctions described in paragraph (2) shall apply with respect to Russia, unless the President makes a certification to Congress described in paragraph (3).

(2) SANCTIONS.—The sanctions described in this paragraph are the following:

(A) AGREEMENTS.—The United States may not enter into an agreement for cooperation with Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(B) LICENSES TO EXPORT NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not issue a license to export directly or indirectly to Russia any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(C) TRANSFERS OF NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not approve the transfer or retransfer directly or indirectly to Russia of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(3) CERTIFICATION.—The certification described in this paragraph means a certification made by the President to Congress on or after the date that is 15 days after the date of the enactment of this Act that the President has determined that—

(A) Russia has suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran; or

(B) Iran has completely, verifiably, and irreversibly dismantled all nuclear enrichment-related and reprocessing-related programs.

(4) TERMINATION OF SANCTIONS.—The sanctions described in paragraph (2) shall remain in effect until such time as the President makes the certification to Congress described in paragraph (3).

(5) RECERTIFICATION.—

(A) IN GENERAL.—Not later than 1 year after the date on which the President makes a certification under paragraph (3), and annually thereafter, the President shall recertify that the President has determined that Russia has not resumed nuclear assistance to Iran or transfers of advanced conventional weapons or missiles to Iran.

(B) EFFECT OF FAILURE TO RECERTIFY.—If the President does not make the recertification under subparagraph (A) within 1 year of making the certification described in paragraph (3), the sanctions described in paragraph (2) shall apply with respect to Russia until the President makes such recertification.

(e) ECONOMIC SANCTIONS RELATING TO IRAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the date of the enactment of this Act, the sanctions described in paragraph (2) shall apply with respect to Iran, unless the President makes a certification to Congress described in paragraph (3).

(2) SANCTIONS.—The sanctions described in this paragraph are the following:

(A) PROHIBITION ON IMPORTS.—No article that originates in Iran may be imported into the United States.

(B) PROHIBITION ON EXPORTS.—

(i) IN GENERAL.—Except as provided in clause (ii), no article that originates in the United States may be exported to Iran.

(ii) EXCEPTION FOR FOOD, ANIMAL FEED, AND MEDICINE.—The prohibition in clause (i) does not apply to exports to Iran of food, animal feed, or medicine that originate in the United States.

(C) TRADE PREFERENCES.—The United States Trade Representative or any other Federal official may not take any action that would extend a unilateral trade preference to any article that originates from—

(i) Iran; or

(ii) any other country that is determined by the Secretary of State to be—

(I) engaged in nuclear cooperation with Iran, including the transfer or sale of any item, material, goods, or technology that can contribute to uranium enrichment or nuclear reprocessing activities of Iran; or

(II) contributing to the ballistic missile programs of Iran.

(D) ACCESSION TO WTO.—The United States Trade Representative or any other Federal official may not take any action that would lead to the accession of Iran to the World Trade Organization.

(E) FREEZING ASSETS.—

(i) IN GENERAL.—At such time as the United States has access to the names of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, the President shall take such action as may be necessary to freeze immediately the funds and other assets belonging to anyone so named, the family members of those so named, and any associates of those so named to whom assets or property of those so named were transferred on or after January 1, 2007. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(ii) ASSET REPORTING REQUIREMENT.—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees.

(F) UNITED STATES GOVERNMENT CONTRACTS.—The United States Government may not procure, or enter into a contract for the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) CERTIFICATION DESCRIBED.—The certification described in this paragraph means a certification made by the President to Congress beginning on the date that is 15 days after the date of the enactment of this Act that the President has determined that Iran has completely, verifiably, and irreversibly dismantled all nuclear enrichment-related and reprocessing-related programs.

(4) TERMINATION OF SANCTIONS.—The sanctions described in paragraph (2) shall remain in effect until such time as the President makes the certification to Congress described in paragraph (3).

(f) WORLD BANK LOANS TO IRAN.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on—

(A) the number of loans provided by the World Bank to Iran;

(B) the dollar amount of such loans; and

(C) the voting record of each member of the World Bank on such loans.

(2) REDUCTION OF CONTRIBUTION OF THE UNITED STATES.—The President shall reduce the amount to be paid on behalf of the United States to the World Bank for fiscal year 2008, and each fiscal year thereafter, by an amount equal to the amount that bears the same ratio to the total amount appropriated for the World Bank for that fiscal year as—

(A) the total amount provided by the Bank to entities in Iran, and for projects and activities in Iran, in the preceding fiscal year, bears to

(B) the total amount provided by the Bank to all entities, and for all projects and activities, in the preceding fiscal year.

(3) ALLOCATION OF AMOUNTS NOT CONTRIBUTED TO THE WORLD BANK.—There is authorized to be appropriated to the United States Agency for International Development for fiscal year 2008, and each fiscal year thereafter, an amount equal to the amount by which the total payment of the United States to the World Bank is reduced for that fiscal year as a result of the application of paragraph (2). Funds appropriated pursuant to this subsection shall be made available for the Child Survival and Health Programs Fund to carry out programs relating to maternal and child health, vulnerable children, and infectious diseases other than HIV/AIDS.

(g) INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.—

(1) FINDINGS.—The work of the Office of Terrorism and Financial Intelligence of the Department of Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(A) $59,466,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 and 2010.

(3) AUTHORIZATION AMENDMENT.—Section 310(d)(1) of title 31, United States Code, is amended by striking "such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005" and inserting "$85,844,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010".

(h) NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—As required under section 1213 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2422), the Director of National Intelligence shall submit to Congress an updated, comprehensive National Intelligence Estimate on Iran.

(i) EXCHANGE PROGRAMS WITH THE PEOPLE OF IRAN.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the United States should seek to enhance its friendship with the people of Iran, particularly by identifying young people of Iran to come to the United States under United States exchange programs.

(2) EXCHANGE PROGRAMS AUTHORIZED.—The President is authorized to carry out exchange programs with the people of Iran, particularly the young people of Iran. Such programs shall be carried out to the extent practicable in a manner consistent with the eligibility for assistance requirements specified in section 302(b) of the Iran Freedom Support Act (Public Law 109-293; 120 Stat. 1348).

(3) AUTHORIZATION.—Of the amounts available under the heading "Educational and Cultural Exchange Programs", under the heading "Administration of Foreign Affairs", under title IV of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2321), there are authorized to be appropriated to the President to carry out this section $10,000,000 for fiscal year 2008.

(j) RADIO BROADCASTING TO IRAN.—The Broadcasting Board of Governors shall devote a greater proportion of the programming of the Radio Farda service to programs offering news and analysis to further the open communication of information and ideas to Iran.

(k) INTERNATIONAL REGIME FOR THE ASSURED SUPPLY OF NUCLEAR FUEL FOR PEACEFUL MEANS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the Concept for a Multilateral Mechanism for Reliable Access to Nuclear Fuel, proposed by the United States, France, the Russian Federation, the Federal Republic of Germany, the United Kingdom, and the Netherlands on May 31, 2006, is welcome and should be expanded upon at the earliest possible opportunity;

(B) the proposal by the Government of the Russian Federation to bring one of its uranium enrichment facilities under international management and oversight is also a welcome development and should be encouraged by the United States;

(C) the offer by the Nuclear Threat Initiative (NTI) of $50,000,000 in funds to support the creation of an international nuclear fuel bank by the International Atomic Energy Agency (IAEA) is also welcome, and the United States and other member states of the IAEA should pledge collectively at least an additional $100,000,000 in matching funds to fulfill the NTI proposal; and

(D) the Global Nuclear Energy Partnership, initiated by President Bush in January 2006, is intended to provide a reliable fuel supply throughout the fuel cycle and promote the nonproliferation goals of the United States.

(2) POLICY.—It is the policy of the United States to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means under a multilateral authority, such as the International Atomic Energy Agency.

(l) REPORTING REQUIREMENTS.—

(1) FOREIGN INVESTMENT IN IRAN.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on—

(A) any foreign investments made in Iran's energy sector since January 1, 2007; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(2) INVESTMENT BY UNITED STATES COMPANIES IN IRAN.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall report to the appropriate congressional committees the names of persons that have operations or conduct business in the United States that have invested in Iran and the dollar amount of each such investment.

(3) INVESTMENT BY FEDERAL THRIFT SAVINGS PLAN IN IRAN.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Executive Director of the Federal Retirement Thrift Investment Board shall report to the appropriate congressional committees on any investment in entities that invest in Iran from the Thrift Savings Fund established under section 8437 of title 5, United States Code.

(4) LIST OF DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of the Treasury shall report to the appropriate congressional committees on the efforts of the Secretary of State and the Secretary of the Treasury to place the Iranian Revolutionary Guards on the list of designated Foreign Terrorist Organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and the list of Specially Designated Global Terrorists under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism).

(5) ESTABLISHMENT OF INTERNATIONAL REGIME.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the activities of the United States to support the establishment of an international regime for the assured supply of nuclear fuel for peaceful means under a multilateral authority, such as the International Atomic Energy Agency.

(6) EXPORT CREDITS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of the Treasury shall report to the appropriate congressional committees on any guarantee or extension of credit by foreign banks to persons investing in the energy sector of Iran, and any fines, restrictions, or other actions taken by the President to discourage or prevent such guarantees or extensions of credit.

SA 2167. Mr. GRASSLEY (for himself, Ms. STABENOW, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 199, after line 8, insert the following:

(c) CIVILIAN AGENCIES.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, governmentwide regulations for the purchase of products or services offered by Federal Prison Industries by civilian agencies shall be revised to establish procedures, standards, and limitations consistent with those established in section 2410n of title 10, United States Code, as amended by this section.

(2) SIGNIFICANT SHARE.—For the purposes of purchases by Federal agencies other than the Department of Defense, Federal Prison Industries shall be treated as having a significant share of the market of a product under regulations required by this section if the Administrator for Federal Procurement Policy determines that the Federal Prison Industries' share of the governmentwide market for the category of products including such product is greater than 5 percent.

SA 2168. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D at title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE PROCUREMENT PROGRAM FOR THE KC-X TANKER AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) Aerial refueling is a critically important force multiplier for the Air Force.

(2) The KC-X tanker aircraft procurement program is the number one acquisition and recapitalization priority of the Air Force.

(3) Given the competing budgetary requirements of the other Armed Forces and other sectors of the Federal Government, the Air Force needs to modernize at the most cost effective price.

(4) Competition in defense procurement provides the Armed Forces with the best products at the best price.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Air Force should—

(1) hold a full and open competition to choose the best possible joint aerial refueling capability at the most reasonable price; and

(2) be discouraged from taking any actions that would limit the ability of either of the teams seeking the contract for the procurement of KC-X tanker aircraft from competing for that contract.

SA 2169. Mr. WHITEHOUSE (for himself, Mr. DURBIN, Ms. MIKULSKI, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NOTIFICATION OF CONGRESS OF DENIAL OF ACCESS TO INFORMATION BY AN INSPECTOR GENERAL.

(a) REQUIREMENT FOR CONGRESSIONAL NOTIFICATION.—If an individual working for, or on behalf of, an inspector general of an agency, department, or instrumentality of the United States or working for, or on behalf of, the Counsel for Professional Responsibility of the Department of Justice, in fulfillment of the mandate of such inspector general or Counsel is denied access to a specific classified compartment or denied access to a special access program, the head of such agency, department, or instrumentality shall submit to the appropriate committees of Congress a notification of the denial not later than 15 days after the date of the denial.

(b) CONTENT OF NOTIFICATION.—A notification required by subsection (a) shall include—

(1) the nature of the review, inquiry, or investigation in which the individual was engaged;

(2) the title or position of the individual involved;

(3) the name of the compartment or program involved; and

(4) the official who made the decision to deny the access.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and any committee of the Senate or the House of Representatives that has oversight responsibility for the appropriate agency, department, or instrumentality of the United States.

(d) REQUESTS PENDING AFTER 60 DAYS.—If a request for access to a specific classified compartment or to a special access program is not granted or denied within 60 days of the date of the original request for such access, a notification under subsection (a) shall be required.

SA 2170. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

SEC. 3126. INCLUSION OF CERTAIN NUCLEAR WEAPONS PROGRAM WORKERS IN THE SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) IN GENERAL.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384*l*) is amended—

(1) in paragraph (9), by adding at the end the following new subparagraph:

"(C) An individual described in paragraph (14)(D)."; and

(2) in paragraph (14), by adding at the end the following new subparagraph:

"(D) The employee was so employed at the Nevada Test Site or other similar sites located in Nevada during the period beginning on January 1, 1950, and ending on December 31, 1993, and contracted an occupational illness, basal cell carcinoma, or chronic lymphocytic leukemia, and, during such employment—

"(i) was present during an atmospheric or underground nuclear test or performed drillbacks, tunnel re-entry, or clean-up work following such a test (without regard to the duration of employment);

"(ii) was present at an event involving the venting of an underground test or during a planned or unplanned radiation release (without regard to the duration of employment);

"(iii) was present during testing or post-test activities related to nuclear rocket or ramjet engine testing at the Nevada Test Site (without regard to the duration of employment);

"(iv) was assigned to work at Area 51 or other classified program areas of the Nevada Test Site (without regard to the duration of employment); or

"(v) was employed at the Nevada Test Site, and was employed in a job activity that—

"(I) was monitored for exposure to ionizing radiation; or

"(II) was comparable to a job that is, was, or should have been monitored for exposure to ionizing radiation at the Nevada Test Site.".

(b) DEADLINE FOR CLAIMS ADJUDICATION.—Claims for compensation under section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as added by subsection (a), shall be adjudicated and a final decision issued—

(1) in the case of claims pending as of the date of the enactment of this Act, not later than 30 days after such date; and

(2) in the case of claims filed after the date of the enactment of this Act, not later than 30 days after the date of such filing.

SA 2171. Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. DODD, Mr. KERRY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, Mr. SANDERS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. SAFE REDEPLOYMENT OF THE TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of United States forces from Iraq that are not essential to the limited purposes set forth in subsection (d). Such redeployment shall begin not later than 120 days after the date of the enactment of this Act.

(c) USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the Armed Forces after March 31, 2008.

(d) EXCEPTION FOR LIMITED PURPOSES.—The prohibition in subsection (c) shall not apply to the obligation or expenditure of funds for the limited purposes as follows:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations.

(2) To provide security for United States infrastructure and personnel.

(3) To train and equip Iraqi security services.

SA 2172. Mr. CONRAD (for himself, Mr. DORGAN, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. MODIFICATION OF LIMITATIONS ON RETIREMENT OF B-52 BOMBER AIRCRAFT.

(a) MAINTENANCE OF PRIMARY AND BACKUP INVENTORY OF AIRCRAFT.—Subsection (a)(1) of section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2111) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph (C):

"(C) shall maintain in a common configuration a primary aircraft inventory of not less than 63 such aircraft and a backup aircraft inventory of not less than 11 such aircraft.".

(b) NOTICE OF RETIREMENT.—Subsection (b)(1) of such section is amended by striking "45 days" and inserting "60 days".

SA 2173. Mr. KOHL (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 876. GREEN PROCUREMENT POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 1, 2004, the Department of Defense issued its green procurement policy. The policy affirms a goal of 100 percent compliance with Federal laws and executive orders requiring purchase of environmentally friendly, or green, products and services. The policy also outlines a strategy for meeting those requirements along with metrics for measuring progress.

(2) On September 13, 2006, the Department of Defense hosted a biobased product showcase and educational event which underscores the importance and seriousness with which the Department is implementing its green procurement program.

(3) On January 24, 2007, President Bush signed Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management, which contains the requirement that Federal agencies procure biobased and environmentally preferable products and services.

(4) Although the Department of Defense continues to work to become a leading advocate of green procurement, there is concern that there is not a procurement application or process in place at the Department that supports compliance analysis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) not later than 90 days after the date of the enactment of this Act, the Department of Defense should provide to Congress a report on its plan to increase the usage of cleaning products that minimize potential impacts to human health and the environment at all Department of Defense facilities inside and outside the United States, including through the direct purchase of products and the purchase of products by facility maintenance contractors; and

(2) the Department of Defense should establish a system to document and track the use of environmentally preferable products and services.

SA 2174. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 115. GENERAL FUND ENTERPRISE BUSINESS SYSTEM.

(a) ADDITIONAL AMOUNT.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 101(5) for other procurement for the Army is hereby increased by $59,041,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 101(5) for other procurement for the Army, as increased by paragraph (1), $59,041,000 may be available for the General Fund Enterprise Business System of the Army.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

(b) OFFSET.—

(1) RDTE, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby reduced by $29,219,000, with the amount of the reduction to be allocated to amounts available for the General Fund Enterprise Business System.

(2) O&M, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $29,822,000, with the amount of the reduction to be allocated to amounts available for the General Fund Enterprise Business System.

SA 2175. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, strike lines 4 through 6 and insert the following:

(G) the information officers of the Defense Agencies; and

(H) the Director of Operational Test and Evaluation and the heads of the operational test organizations of the military departments and the Defense Agencies.

On page 247, between lines 7 and 8, insert the following:

(9) The adequacy of operational and development test resources (including infrastructure and personnel), policies, and procedures to ensure appropriate testing of information technology systems both during development and before operational use.

(10) The appropriate policies and procedures for technology assessment, development, and operational testing for purposes of the adoption of commercial technologies into information technology systems.

SA 2176. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GAO REVIEW OF USE OF AUTHORITY UNDER THE DEFENSE PRODUCTION ACT OF 1950.

(a) THOROUGH REVIEW REQUIRED.—The Comptroller General of the United States (in this section referred to as the "Comptroller") shall conduct a thorough review of the application of the Defense Production Act of 1950, since the date of enactment of the Defense Production Act Reauthorization of 2003 (Public Law 108-195), in light of amendments made by that Act.

(b) CONSIDERATIONS.—In conducting the review required by this section, the Comptroller shall examine—

(1) existing authorities under the Defense Production Act of 1950;

(2) whether and how such authorities should be statutorily modified to ensure preparedness of the United States and United States industry—

(A) to meet security challenges;

(B) to meet current and future defense requirements;

(C) to meet current and future energy requirements;

(D) to meet current and future domestic emergency and disaster response and recovery requirements;

(E) to reduce the interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(F) to safeguard critical components of the United States industrial base, including American aerospace and shipbuilding industries;

(3) the effectiveness of amendments made by the Defense Production Act Reauthorization of 2003, and the implementation of such amendments;

(4) advantages and limitations of Defense Production Act of 1950-related capabilities, to ensure adaptation of the law to meet the security challenges of the 21st Century;

(5) the economic impact of foreign offset contracts and the efficacy of existing authority in mitigating such impact;

(6) the relative merit of developing rapid and standardized systems for use of the authority provided under the Defense Production Act of 1950, by any Federal agency; and

(7) such other issues as the Comptroller determines relevant.

(c) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of the review conducted under this section, together with any legislative recommendations.

(d) RULES OF CONSTRUCTION ON PROTECTION OF INFORMATION.—Notwithstanding any other provision of law—

(1) the provisions of section 705(d) of the Defense Production Act of 1950 (50 U.S.C.

App. 2155(d)) shall not apply to information sought or obtained by the Comptroller for purposes of the review required by this section; and

(2) provisions of law pertaining to the protection of classified information or proprietary information otherwise applicable to information sought or obtained by the Comptroller in carrying out this section shall not be affected by any provision of this section.

SA 2177. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. RELIEF OF RICHARD M. BARLOW OF SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress makes the following findings:

(1) Richard Barlow was a counter-proliferation intelligence officer with expertise in Pakistan nuclear issues.

(2) From 1980–82, Mr. Barlow served as the action officer for Pakistan proliferation matters at the Arms Control and Disarmament Agency.

(3) In 1985, Mr. Barlow joined the Central Intelligence Agency, becoming a recognized issue expert on Pakistan's clandestine nuclear purchasing networks and its weapons programs.

(4) After serving as a Special Agent with the Customs Service, Mr. Barlow then joined the Office of the Secretary of Defense starting in 1989, where he continued to investigate Pakistan's nuclear weapons network headed by A. Q. Khan.

(5) Mr. Barlow was instrumental in the 1987 arrest and later conviction of 2 agents in Pakistan's nuclear weapons development program headed by A. Q. Khan, for which he received an award for exceptional accomplishment from the Director of the Central Intelligence Agency and numerous commendations from senior State Department and law enforcement officials.

(6) In addition, Mr. Barlow received a prestigious commendation from the State Department's Legal Advisor for assistance to President Ronald Reagan and Secretary of State George P. Schultz for triggering the Solarz Amendment relating to termination of military and economic aid to Pakistan for exporting nuclear weapons technology.

(7) In a classified hearing following the arrests of the Pakistani agents, Mr. Barlow, as the Central Intelligence Agency's top expert, testified truthfully to the Subcommittee on Asian Pacific Affairs of the Committee on International Relations of the House of Representatives, then known as the House Foreign Affairs Committee, that the arrested Pakistanis were agents of the Pakistani government, and revealed that Pakistan had continued to regularly violate United States nuclear export laws.

(8) Mr. Barlow's actions revealed that certain Executive Branch officials had been withholding this information from the Congressional committees.

(9) In 1989, Mr. Barlow joined the Office of the Secretary of Defense in the Office of Non-proliferation where he continued to investigate Pakistani proliferation networks.

(10) In April 1989, Mr. Barlow received an outstanding performance review from his Department of Defense supervisors, and in June 1989 he was promoted.

(11) During the spring and early summer of 1989, Mr. Barlow told his supervisors on a number of occasions that he had serious concerns that Executive Branch officials were concealing intelligence about Pakistan's nuclear program from Congress and were obstructing pending criminal investigations into Pakistan's procurement efforts in order to avoid triggering the Pressler and Solarz Amendments and to obtain approval for a proposed $1,400,000,000 sale of F–16 jets to Pakistan.

(12) On August 2, 1989, Mr. Barlow raised concerns about false testimony given by senior officials to the Congress on Pakistan's nuclear capabilities to the Subcommittee on Asian Pacific Affairs of the Committee on International Relations of the House.

(13) On August 4, 1989, several weeks after being promoted, Richard Barlow was handed a notice of pending termination.

(14) On August 8, 1989, Mr. Barlow's security clearances were suspended for reasons that were classified and not revealed to him.

(15) On August 26, 1989, Mr. Barlow, under threat of firing, was offered a series of menial, temporary assignments by Department of Defense personnel and security officials concerned about possible retaliation against him as a Congressional whistleblower by senior officials in the Office of the Secretary of Defense.

(16) Mr. Barlow then underwent a 9-month long security investigation involving numerous allegations levied against him by his superiors in the Office of Secretary of Defense, all of which were found to be false.

(17) In March of 1990, Mr. Barlow then had his security clearance restored and remained in a series of temporary assignments until February 1992, when he then resigned under duress.

(18) At the time of his separation from government service, Mr. Barlow had completed 8 years of government service.

(19) Mr. Barlow's temporary loss of his security clearance and personnel actions against him damaged his reputation and left him unable to find suitable employment inside the Government.

(20) For the next 15 years, Mr. Barlow continued to serve his country as a consultant to the intelligence and law enforcement communities working on complex counter-intelligence and counter-proliferation operations without the benefits he would have had if he had continued as a Federal employee.

(21) In 1998, the Senate approved a private relief resolution, Senate Resolution 253 (105th Congress) to provide compensation for Richard Barlow's losses on "the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity".

(22) With Senate Resolution 253, the Senate recognized the importance of protecting Federal employees who inform Congress of Executive Branch distortions of the truth and other wrongdoing.

(23) On March 6, 2000, the Government filed a protective order under the state secrets privilege for documents requested under discovery by Mr. Barlow relating to the Pakistan nuclear program.

(24) The documents denied under the state secret privilege were documents that Mr. Barlow had official access to prior to the loss of clearance.

(25) The documents denied under the state secrets privilege were subpoenaed by Mr. Barlow to substantiate the allegations he originally made regarding his claim of false testimony of Government officials to Congress on the Pakistan nuclear weapons program and the actions taken against him.

(26) The evidence withheld from the Court as a result of the state secrets privilege included significant, sworn statements from a number of senior intelligence, Department of State, and Department of Defense officials corroborating Mr. Barlow's charges of Executive Branch wrongdoing.

(27) As a result of the use of the state secrets privilege, Mr. Barlow and the United States Court of Federal Claims did not have access to evidence and information necessary to evaluate the key information relating to the merits of Mr. Barlow's case and accurately report its findings to the Senate.

(28) Since Mr. Barlow's separation from government service in 1992, five Senate and five House committees have intervened in support of Mr. Barlow's case on a bipartisan basis, and investigations by the Central Intelligence Agency, State Department Inspectors General, and the Government Accountability Office have corroborated Mr. Barlow's findings or found that personnel actions were taken against him in reprisal.

(29) Richard Barlow is recognized for his patriotism and service to his country.

(b) COMPENSATION OF CERTAIN LOSSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Richard M. Barlow of Santa Fe, New Mexico, the sum of $1,800,000 for compensation for losses incurred by Richard M. Barlow relating to and a direct consequence of—

(A) personnel actions taken by the Department of Defense affecting Richard Barlow's employment at the Department (including Richard Barlow's top secret security clearance) during the period beginning on August 4, 1989, and ending on February 27, 1992; and

(B) Richard Barlow's separation from service with the Department of Defense on February 27, 1992.

(2) NO INFERENCE OF LIABILITY.—Nothing in this section shall be construed as an inference of liability on the part of the United States.

(3) NO AGENTS AND ATTORNEYS FEES.—None of the payment authorized by this section may be paid to or received by any agent or attorney for any services rendered in connection with obtaining such payment. Any person who violates this subsection shall be guilty of a misdemeanor and shall be subject to a fine in the amount provided in title 18, United States Code.

(4) NON-TAXABILITY OF PAYMENT.—The payment authorized by this section is in partial reimbursement for losses incurred by Richard Barlow as a result of the personnel actions taken by the Department of Defense and is not subject to Federal, State, or local income taxes.

SA 2178. Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. LIEBERMAN, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 132. ENHANCEMENT OF FLEET MISSILE DEFENSE CAPABILITIES.

(a) ADDITIONAL AMOUNT FOR ENHANCEMENT OF ATLANTIC FLEET MISSILE DEFENSE CAPABILITIES.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated by section 102(a)(4) for other procurement for the Navy is hereby increased by $62,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 102(a)(4) for other procurement for the Navy, as increased by paragraph (1), the amount available for Program element 0204228N for Aegis Support Equipment (Budget Line Item 524600) is hereby increased by $51,500,000 and the amount available for Program Element 0204228N for Aegis Support Equipment (Budget Line Item 524605) is hereby increased by $10,500,000, with such amounts to be available—

(A) for the procurement of equipment to outfit United States Atlantic Fleet ships with Aegis Ballistic Missile Defense Radar and Weapons System modifications; and

(B) to expand and enhance Navy installation teams to support installation of the modifications described in paragraph (1) into United States Atlantic Fleet vessels commencing in 2010.

(b) ADDITIONAL AMOUNT FOR AEGIS BALLISTIC MISSILE DEFENSE SHIPS.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide may be increased by $25,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), $25,000,000 may be available for Ballistic Missile Defense Aegis (Program Element 0603892C) for the enhancement of the capacity of Aegis Ballistic Missile Defense ships to intercept ballistic missiles in the ascent phase.

(c) OFFSET.—The amount authorized to be appropriated by section 1505(3) for research, development, test, and evaluation, Air Force, is hereby reduced by $87,000,000, with the amount of the reduction to be allocated to funds available for MILSATCOM Terminals (Program Element 0303601F).

SA 2179. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 203. AMOUNT FOR HIGH SPEED TEST TRACK, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) INCREASE IN AMOUNT FOR AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amount authorized to be appropriated by section 201(3) for the Air Force for research, development, test, and evaluation is hereby increased by $7,000,000.

(b) AVAILABILITY FOR HIGH SPEED TEST TRACK.—Of the amount authorized to be appropriated by section 201(3) for the Air Force for research, development, test, and evaluation, as increased by subsection (a), $7,000,000 may be available for the High Speed Test Track, Holloman Air Force Base, New Mexico.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for the Air Force for operation and maintenance is hereby reduced by $7,000,000.

SA 2180. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 203. AMOUNT FOR JOINT DIRECTED ENERGY TEST SITE, WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) INCREASE IN AMOUNT FOR ARMY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amount authorized to be appropriated by section 201(1) for the Army for research, development, test, and evaluation is hereby increased by $8,000,000.

(b) AVAILABILITY FOR JOINT DIRECTED ENERGY TEST SITE.—Of the amount authorized to be appropriated by section 201(1) for the Army for research, development, test, and evaluation, as increased by subsection (a), $8,000,000 may be available for the Joint Directed Energy Test Site, White Sands Missile Range, New Mexico.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby reduced by $8,000,000.

SA 2181. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. 10,000-POUND BALLISTIC AERIAL DELIVERY AND SOFT-LANDING SYSTEM.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $4,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Army, as increased by subsection (a), $4,000,000 may be available for Advanced Warfighter Technologies (PE #0603001A) for the 10,000-pound Ballistic Aerial Delivery and Soft-Landing System.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby reduced by $4,000,000.

SA 2182. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENCE AND PURPOSE OF RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in subsection (a), by adding at the end the following: "However, the Retirement Home shall be treated as a military facility of the Department of Defense, and may not be privatized. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense."; and

(2) by striking subsection (g) and inserting the following new subsection (g):

"(g) ACCREDITATION.—The Chief Executive Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.".

(b) SPECTRUM OF CARE.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: "The services provided residents of the Retirement Home shall include nonacute medical and dental services, pharmaceutical services, and transportation of residents, at no cost to residents, to acute medical and dental services and after-hours routine medical care".

(c) ADMINISTRATION THROUGH CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking "Chief Operating Officer" each place it appears and inserting "Chief Executive Officer"; and

(B) in subsection (e)(1), by striking "Chief Operating Officer's" and inserting "Chief Executive Officer's".

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1515. CHIEF EXECUTIVE OFFICER.".

(3) OTHER CONFORMING AMENDMENTS.—The Armed Forces Retirement Home Act of 1991 is further amended by striking "Chief Operating Officer" each place it appears (other than section 1531 (24 U.S.C. 431)) and inserting "Chief Executive Officer".

(d) MODIFICATION OF AUTHORITIES APPLICABLE TO CHIEF EXECUTIVE OFFICER.—

(1) TERM OF OFFICE; ELIGIBILITY FOR REAPPOINTMENT.—Paragraph (2) of subsection (a) of section 1515 of such Act is amended to read as follows:

"(2) The Chief Executive Officer shall serve a term of four years, but is removable from office during such term at the pleasure of the

Secretary. An individual may be reappointed as Chief Executive Officer for a single additional term of four years.".

(2) EVALUATION OF PERFORMANCE.—Subsection (a)(3) of such section is amended by adding at the end the following new sentence: "In evaluating the performance of the Chief Executive Officer, the Secretary shall take into account the views of the Local Board for each facility of the Retirement Home and of the residents of each facility of the Retirement Home.".

(3) QUALIFICATIONS.—Subsection (b) of such section is amended to read as follows:

"(b) QUALIFICATIONS.—To qualify for appointment as the Chief Executive Officer, a person shall have—

"(1) not less than 10 years of civilian or military experience as a medical doctor, nurse, nurse practitioner, or other public health care professional;

"(2) experience managing a medical care facility or continuing care facility, including experience—

"(A) managing a military installation, military medical treatment facility or veterans medical care facility, public health care facility, or retirement home; or

"(B) providing long-term medical care to the elderly; and

"(3) proven senior leadership and management skills as an administrator of a military installation, residential or medical facility, or public health care facility.".

(4) RESPONSIBILITIES.—Subsection (c) of such section is amended—

(A) in paragraph (1)—

(i) by striking ", operation, and management" and inserting "and financial management"; and

(ii) by striking "to the Secretary" and inserting "directly to the Secretary (or the designee of the Secretary)";

(B) in paragraph (2)—

(i) by striking "supervise the operation and administration" and inserting "advise the Secretary on the long-term financial and administrative management"; and

(ii) by striking ", including the Local Boards of those facilities"; and

(C) in paragraph (3)(C), by inserting before the period at the end the following "and submit to the Secretary and the Under Secretary of Defense for Personnel and Readiness on a quarterly basis reports on such examinations and audits".

(5) COMPENSATION.—Subsection (d)(2) of such section is amended by striking the second sentence and inserting the following new sentence: "In determining the amount of the bonus each year, the Secretary shall take into account the views of the Local Board for each facility of the Retirement Home, and the resident advisory committee or council of each facility, regarding the performance of the Chief Executive Officer.".

(e) CHIEF MEDICAL OFFICER.—The Armed Forces Retirement Home Act of 1991 is further amended by inserting after section 1515 the following new section:

"SEC. 1515A. CHIEF MEDICAL OFFICER.

"(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Medical Officer of the Retirement Home. The Secretary of Defense shall make the appointment in consultation with the Secretary of Homeland Security.

"(2) The Chief Medical Officer shall serve a term of two years, but is removable from office during such term at the pleasure of the Secretary.

"(3) The Secretary (or the designee of the Secretary) shall evaluate the performance of the Chief Medical Officer not less frequently than once each year. The Secretary shall carry out such evaluation in consultation with the Chief Executive Officer and the Local Board for each facility of the Retirement Home.

"(4) An officer appointed as Chief Medical Officer of the Retirement Home shall serve as Chief Medical Officer without vacating any other military duties and responsibilities assigned to that officer whether at the time of appointment or afterward.

"(b) QUALIFICATIONS.—(1) To qualify for appointment as the Chief Medical Officer, a person shall be a member of the Medical, Dental, Nurse, or Medical Services Corps of the Armed Forces, including the Health and Safety Directorate of the Coast Guard, serving on active duty in the grade of brigadier general, or in the case of the Navy or the Coast Guard rear admiral (lower half), or higher.

"(2) In making appointments of the Chief Medical Officer, the Secretary of Defense shall, to the extent practicable, provide for the rotation of the appointments among the various Armed Forces and the Health and Safety Directorate of the Coast Guard.

"(c) RESPONSIBILITIES.—(1) The Chief Medical Officer shall be responsible to the Secretary, the Under Secretary of Defense for Personnel and Readiness, and the Chief Executive Officer for the direction and oversight of the provision of medical, mental health, and dental care at each facility of the Retirement Home.

"(2) The Chief Medical Officer shall advise the Secretary, the Under Secretary of Defense for Personnel and Readiness, the Chief Executive Officer, and the Local Board for each facility of the Retirement Home on all medical and medical administrative matters of the Retirement Home.

"(d) DUTIES.—In carrying out the responsibilities set forth in subsection (c), the Chief Medical Officer shall perform the following duties:

"(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

"(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, and any other applicable health card standards and requirements (including requirements identified in applicable reports of the Inspectors General for the Retirement Home and the Inspector General of the Department of Defense).

"(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

"(4) Periodically examine and audit the medical records and administration of the Retirement Home.

"(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

"(e) ADVISORY BODIES.—In carrying out the responsibilities set forth in subsection (c) and the duties set forth in subsection (d), the Chief Medical Officer may establish and seek the advice of such advisory bodies as the Chief Medical Officer considers appropriate.".

(f) LOCAL BOARDS OF TRUSTEES.—

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

"(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Executive Officer.

"(2) The Local Board for a facility shall provide to the Chief Executive Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

"(3) The Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness not less often than annually an assessment of all aspects of the facility, including the quality of care at the facility.

"(4) Not less frequently than one each year, the Local Board for a facility shall submit to Congress a report that includes an assessment of all aspects of the facility, including the quality of care at the facility.".

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

"(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).".

(g) DIRECTORS, DEPUTY DIRECTORS, ASSOCIATE DIRECTORS, AND STAFF OF FACILITIES.—

(1) DIRECTORS.—

(A) QUALIFICATIONS FOR APPOINTMENT, TERM, AND SUPERVISION.—Subsection (b) of section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended to read as follows:

"(b) DIRECTOR.—(1) The Director of a facility shall—

"(A) be a member of the Armed Forces serving on active duty in the grade of colonel or, in the case of the Navy, captain;

"(B) either—

"(i) have proven leadership and management skills, including at least one tour of duty as a commanding officer or executive officer of a military installation or similar facility; or

"(ii) have served as a director, deputy director, or commanding officer of a military hospital or military medical or dental treatment facility; and

"(C) possess certification as a retirement facilities director from an appropriate civilian certifying organization, or obtain such certification within the time otherwise applicable to civilian achievement of such certification unless the requirement for such certification is waived by the Secretary of Defense.

"(2) The Director of a facility shall serve at the pleasure of the Secretary.

"(3) The Director of a facility shall be under the direction of the Under Secretary of Defense for Personnel and Readiness. The Director of a facility shall also keep the Chief Executive Officer and the Chief Medical Officer apprised of matters relating to the facility.

"(4) The Secretary or the Under Secretary shall evaluate the performance of the Director of a facility not less frequently than once each year, in consultation with the Local Board for the facility and the residents of the facility.".

(B) ADDITIONAL DUTIES.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(3) The Director of a facility shall work with the Chief Executive Officer and the Chief Medical Officer to ensure that sufficient resources are available to manage the facility properly.".

(2) DEPUTY DIRECTORS.—Subsection (d) of such section is amended to read as follows:

"(d) DEPUTY DIRECTOR.—(1) The Deputy Director of a facility shall—

"(A) either—

"(i) be a civilian with not less than 5 years of experience as a continuing care retirement community professional; or

"(ii) be a member of the Armed Forces serving on active duty in a grade of or below lieutenant colonel or, in the case of the Navy, commander; and

"(B) have proven appropriate leadership and management skills.

"(2) The Deputy Director of a facility shall serve at the pleasure of the Secretary of Defense.

"(3) The Deputy Director of a facility shall be under the direction of the Director of the facility.".

(3) ASSOCIATE DIRECTORS.—

(A) QUALIFICATIONS FOR APPOINTMENT AND SUPERVISION.—Subsection (f) of such section is amended—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "and" at the end;

(II) by redesignating subparagraph (B) as subparagraph (C); and

(III) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) have served as Command Master Chief or Command Senior Enlisted Advisor at a major military command; and"; and

(ii) by adding at the end the following new paragraph:

"(3) The Associate Director of a facility shall be under the direction of the Director and Deputy Director of the facility.".

(B) ADDITIONAL DUTIES.—Subsection (g) of such section is amended to read as follows:

"(g) DUTIES OF ASSOCIATE DIRECTOR.—The Associate Director of a facility shall—

"(1) serve as ombudsman for the residents of the facility;

"(2) report to the Director of the facility on any issues the Associate Director determines to be important for ensuring proper medical care for the residents of the facility;

"(3) advise the Under Secretary of Defense for Personnel and Readiness and the Local Board for the facility on matters relating to the care of the residents of the facility; and

"(4) perform such other duties as the Director of the facility may specify.".

(h) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

"SEC. 1518. INSPECTION OF RETIREMENT HOME.

"(a) INSPECTORS GENERAL FOR THE RETIREMENT HOME.—(1) The Inspectors General of the military departments shall have the duty to inspect the Retirement Home. The duty to inspect shall alternate among the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force on such schedule as the Secretary of Defense shall direct.

"(2) On matters relating to the inspection of the Retirement Home the Inspectors General for the Retirement Home under paragraph (1) shall report directly to the Under Secretary of Defense for Personnel and Readiness.

"(3) The Inspectors General for the Retirement Home under paragraph (1) shall advise the Inspector General of the Department of Defense and the Director of each facility of the Retirement Home on matters relating to waste, fraud, abuse, and mismanagement of the Retirement Home.

"(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) Every two years, the current Inspector General for the Retirement Home under subsection (a) shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

"(2) The Inspector General shall be assisted in inspections under this subsection by the medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense. In making such designations, the Secretary shall designate such medical inspectors general on a rotating basis from among the various military departments.

"(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

"(4) The Chief Executive Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

"(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) Not later than 45 days after completing an inspection of a facility of the Retirement Home under subsection (b), the current Inspector General for the Retirement Home under subsection (a) shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Executive Officer, the Director of the facility, and the Local Board for the facility, and to Congress, a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate in light of the inspection.

"(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Executive Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

"(d) ADDITIONAL INSPECTIONS.—(1) Every two years, in a year in which the Inspector General does not perform an inspection under subsection (b), the Chief Executive Officer shall request the inspection of each facility of the Retirement Home by the Joint Commission with respect to matters of facilities that are within the purview of the Joint Commission.

"(2) In the event an inspection under paragraph (1) does not address all matters at the facilities of the Retirement Home, the Chief Executive Officer shall request the inspection of the facilities by one or more appropriate civilian accrediting organizations for any matters at such facilities that are not addressed by the inspection under paragraph (1), including independent living, assisted living, and pharmacy (if applicable).

"(3) The Chief Executive Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the Joint Commission or other civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

"(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the Joint Commission or other civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Executive Officer, and the Local Board for the facility a report containing—

"(A) the results of the inspection; and

"(B) a plan to address any recommendations and other matters set forth in the report.

"(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.".

(i) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

"(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.".

SA 2183. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

TITLE XXXIII—OTHER MATTERS

SEC. 3301. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

SA 2184. Mr. SUNUNU proposed an amendment to amendment SA 2135 submitted by Mr. DORGAN (for himself, Mr. CONRAD, and Mr. SALAZAR) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike page 2, line 2 and insert in lieu thereof: "for the capture or death or information leading to the capture or death of".

SA 2185. **Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle C of title VIII, add the following:

SEC. 847. CONTRACT GOALS FOR NATIVE HAWAIIAN-SERVING INSTITUTIONS AND ALASKA NATIVE-SERVING INSTITUTIONS.

Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(E) Native Hawaiian-serving institutions and Alaska Native-serving institutions (as defined in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d)).''; and

(B) in paragraph (2), by inserting after "Hispanic-serving institutions," the following: "Native Hawaiian-serving institutions and Alaska Native-serving institutions,"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting after "Hispanic-serving institutions," the following: "Native Hawaiian-serving institutions and Alaska Native-serving institutions,"; and

(B) in paragraph (3), by inserting after "Hispanic-serving institutions," the following: "to Native Hawaiian-serving institutions and Alaska Native-serving institutions,".

SA 2186. **Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

On page 106, strike line 13 and all that follows through page 114, line 4 and insert the following:

Subtitle G—Military Family Readiness and Servicemember Reintegration

SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION COUNCIL.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781 the following new section:

"SEC. 1781a. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION COUNCIL.

"(a) IN GENERAL.—There is in the Department of Defense the Department of Defense Military Family Readiness and Servicemember Reintegration Council (hereafter in this section referred to as the 'Council').

"(b) MEMBERS.—(1) The members of the Council shall be the following:

"(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council.

"(B) One representative of each of the Army, the Navy, the Marine Corps, and the Air Force, who shall be appointed by Secretary of Defense.

"(C) The Secretary of Veterans Affairs.

"(D) The Chief of the National Guard Bureau.

"(E) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations (including military family organizations of families of members of the regular components and of families of members of the reserve components), of whom not less than two shall be members of the family of an enlisted member of the armed forces.

"(2) The term on the Council of the members appointed under paragraph (1)(E) shall be three years.

"(c) MEETINGS.—The Council shall meet not less often than twice each year. Not more than one meeting of the Council each year shall be in the National Capital Region.

"(d) DUTIES.—The duties of the Council shall include the following:

"(1) To review and make recommendations to the Secretary of Defense on the policy and plans required under section 1781b of this title.

"(2) To monitor requirements for the support of military family readiness and the support of servicemember reintegration by the Department of Defense.

"(3) To evaluate and assess the effectiveness of the military family readiness and servicemember reintegration programs and activities of the Department of Defense.

"(4) To evaluate and coordinate the policies of the Department of Defense and the Department of Veterans Affairs to leverage and coordinate the resources of each department in providing military family readiness and servicemember reintegration programs and activities.

"(e) ANNUAL REPORTS.—(1) Not later than February 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness and servicemember reintegration.

"(2) Each report under this subsection shall include the following:

"(A) An assessment of the adequacy and effectiveness of the military family readiness and servicemember reintegration programs and activities of the Department of Defense during the preceding fiscal year in meeting the needs and requirements of military families.

"(B) Recommendations on actions to be taken to improve the capability of the military family readiness and servicemember reintegration programs and activities of the Department of Defense to meet the needs and requirements of reintegrating members of the Armed Forces and military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.

"(C) The effectiveness of the coordination of the military family readiness and servicemember reintegration programs and activities of the Department of Defense with the activities and programs of the Department of Veterans Affairs.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781 the following new item:

"Sec. 1781a. Department of Defense Military Family Readiness and Servicemember Reintegration Council.".

SEC. 582. DEPARTMENT OF DEFENSE POLICY AND PLANS FOR MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION PROGRAMS AND ACTIVITIES.

(a) POLICY AND PLANS REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, as amended by section 581 of this Act, is further amended by inserting after section 1781a the following new section:

"SEC. 1781b. DEPARTMENT OF DEFENSE POLICY AND PLANS FOR MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION PROGRAMS AND ACTIVITIES.

"(a) IN GENERAL.—The Secretary of Defense shall develop a policy and plans for the Department of Defense for the support of military family readiness and servicemember reintegration programs and activities.

"(b) PURPOSES.—The purposes of the policy and plans required under subsection (a) are as follows:

"(1) To ensure that the military family readiness programs and servicemember reintegration programs and activities of the Department of Defense are comprehensive, effective, and properly supported.

"(2) To ensure that such programs are coordinated and developed in consultation with the Secretary of Veterans Affairs.

"(3) To ensure that support is continuously available to military families in peacetime and in war, as well as during periods of force structure change and relocation of military units.

"(4) To ensure that the military family readiness and servicemember reintegration programs and activities of the Department of Defense are available to all military families, including military families of members of the regular components and military families of members of the reserve components.

"(5) To ensure that the goal of military family readiness and servicemember reintegration is an explicit element of applicable Department of Defense plans, programs, and budgeting activities, and that achievement of military family readiness and servicemember reintegration is expressed through Department-wide goals that are identifiable and measurable.

"(6) To ensure that the military family readiness and servicemember reintegration programs and activities of the Department of Defense undergo continuous evaluation in order to ensure that resources are allocated and expended for such programs and activities in the most effective possible manner throughout the Department.

"(c) ELEMENTS OF POLICY.—The policy required under subsection (a) shall include the following elements:

"(1) A definition for treating a program or activity of the Department of Defense as a military family readiness and servicemember reintegration program or activity.

"(2) Department of Defense-wide goals for military family support and servicemember reintegration, both for military families of members of the regular components and military families of members of the reserve components.

"(3) Requirements for joint programs and activities for military family support and servicemember reintegration.

"(4) Policies on access to military family support and servicemember reintegration programs and activities based on military family populations served and geographical location.

"(5) Policies that recognize the need for follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

"(6) Requirements for the provision of services to address the unique needs of members of the armed forces and their family members with respect to family readiness and servicemember reintegration, including the following:

"(A) Marriage counseling.

"(B) Services for children.

"(C) Suicide prevention.

"(D) Substance abuse awareness and treatment.

"(E) Mental health awareness and treatment.

"(F) Financial counseling.

"(G) Domestic violence awareness and prevention.

"(H) Employment assistance.

"(I) Development of strategies for living with a member of the armed forces who has post traumatic stress disorder or traumatic brain injury.

"(J) Such other services that may be appropriate to address the unique needs of members of the armed forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

"(7) Metrics to measure the performance and effectiveness of the military family readiness programs and activities of the Department of Defense.

"(8) Policies on coordination with the Secretary of Veterans Affairs and the Veterans Integrated Service Networks (VISN), the Chief of the National Guard Bureau, and the Adjutant Generals of the States and territories of the United States.

"(9) Policies on coordination of family readiness and servicemember reintegration programs and activities with State and local public and private entities to leverage services provided by the Department of Defense, the Department of Veterans Affairs, and other entities that provide family readiness or servicemember reintegration programs.

"(d) ELEMENTS OF PLANS.—(1) Each plan required under subsection (a) shall include the elements specified in paragraph (2) for the five-fiscal year period beginning with the fiscal year in which such plan is submitted under paragraph (3).

"(2) The elements in each plan required under subsection (a) shall include, for the period covered by such plan, the following:

"(A) An ongoing identification and assessment of the effectiveness of the military family readiness and servicemember reintegration programs and activities of the Department of Defense in meeting goals for such programs and activities, which assessment shall evaluate such programs and activities separately for each military department and for each regular component and each reserve component.

"(B) A description of the resources required to support the military family readiness and servicemember reintegration programs and activities of the Department of Defense, including the military personnel, civilian personnel, and volunteer personnel so required.

"(C) An ongoing identification in gaps in the military family readiness and servicemember reintegration programs and activities of the Department of Defense, and an ongoing identification of the resources required to address such gaps.

"(D) An evaluation of the policies developed in accordance with subsection (c)(5).

"(E) An assessment of the effectiveness of and recommendations to improve the coordination of the military family readiness and servicemember reintegration programs and activities of the Department of Defense with the services and programs of the Department of Veterans Affairs, as well as those of State and local governments.

"(F) Mechanisms to apply the metrics developed under subsection (c)(6).

"(G) A summary, by fiscal year, of the allocation of funds (including appropriated funds and nonappropriated funds) for major categories of military family readiness and servicemember reintegration programs and activities of the Department of Defense, set forth for each of the military departments and for the Office of the Secretary of Defense.

"(3) Not later than March 1, 2008, and each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the plans required under subsection (a) for the 5-fiscal year period beginning with the fiscal year beginning in the year in which such report is submitted. Each report shall include the plans covered by such report and an assessment of the discharge by the Department of Defense of the previous plans submitted under this subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title, as so amended, is further amended by inserting after the item relating to section 1781a the following new item:

"Sec. 1781b. Department of Defense policy and plans for military family readiness and servicemember reintegration programs and activities.".

(3) REPORT ON POLICY.—The Secretary of Defense shall submit to the congressional defense committees a report setting forth the policy developed under section 1781b of title 10, United States Code (as added by this subsection), not later than February 1, 2009.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing grants to eligible entities to create comprehensive soldier and family preparedness, reintegration, and outreach programs for members of the Armed Forces and their families to further the purposes described in section 1781b(b) of title 10, United States Code, as added by subsection (a).

(2) GRANTS.—The Secretary of Defense shall carry out the pilot program through the award of grants to eligible entities for the provision of assistance to members of the Armed Forces and their families as described in paragraph (1).

(3) ELIGIBLE ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

(A) An Adjutant General of a State or territory of the United States.

(B) A Federal Veterans Integrated Service Network (VISN) office.

(C) A State veterans affairs agency.

(D) A family support group for a regular component of the Armed Forces or for a reserve component of the Armed Forces, if such organization partners with an entity described in subparagraph (A) through (C).

(E) An organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code, if such organization partners with an entity described in subparagraph (A) through (C).

(F) A State or local nonprofit organization, if such organization partners with an entity described in subparagraph (A) through (C).

(4) USE OF GRANT FUNDS.—Recipients of grants under the pilot program shall develop programs for the provision of assistance and services to members of the Armed Forces and their family members that meet the purposes of section 1781b(b) of title 10, United States Code, as added by subsection (a), which may include the following:

(A) Marriage counseling.

(B) Services for children.

(C) Suicide prevention.

(D) Substance abuse awareness and treatment.

(E) Mental health awareness and treatment.

(F) Financial counseling.

(G) Domestic violence awareness and prevention.

(H) Employment assistance.

(I) Development of strategies for living with a servicemember with post traumatic stress disorder and traumatic brain injury.

(J) Such other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(K) Assisting members of the Armed Forces and their families find and receive benefits and services from local, State, and Federal programs and nonprofit programs for assistance with military family readiness and servicemember reintegration, including referral services.

(L) Development of strategies and programs that recognize the need for follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(M) Assisting members of the Armed Forces and their families receive services and assistance from the Department of Veterans Affairs, including referral services.

(5) OUTREACH.—A recipient of a grant under this subsection shall carry out a program of outreach to members of the Armed Forces and their families with respect to the services offered in accordance with paragraph (3) before, during, and after deployment of such members of the Armed Forces.

(6) SELECTION OF GRANT RECIPIENTS.—

(A) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary of Defense an application therefor in such form and in such manner as the Secretary considers appropriate.

(B) ELEMENTS.—An application submitted under subparagraph (A) shall include such elements as the Secretary considers appropriate.

(C) PRIORITY.—In selecting eligible entities to receive grants under the pilot program, the Secretary of Defense shall give priority to eligible entities that propose programs with a focus on personal outreach by trained staff (with preference given to veterans and, in particular, veterans of combat) conducted in person to members of the Armed Forces and their families.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 for the Secretary of Defense to carry out this subsection.

(c) SURVEYS OF MILITARY FAMILIES.—Section 1782(a) of title 10, United States Code, is amended—

(1) in the heading, by striking "AUTHORITY" and inserting "IN GENERAL"; and

(2) by striking "may conduct surveys" in the matter preceding paragraph (1) and inserting "shall, in fiscal year 2009 and not less often than once every three fiscal years thereafter, conduct surveys".

SA 2187. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2019 proposed by Mr. LEVIN (for himself and Mr. MCCAIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 34, strike line 8 and all that follows through page 51, line 24 and insert the following:

SEC. 1631. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in accordance with subsection (c), submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 1632.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense to care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(c) COORDINATION IN DEVELOPMENT.—

(1) SECRETARY OF THE ARMY.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(2) SECRETARY OF VETERANS AFFAIRS.—Each plan submitted under subsection (a) shall be developed jointly with the Secretary of Veterans Affairs for the elements described in paragraphs (3) through (10) and paragraph (13) of subsection (b).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted;

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government; and

(4) to the maximum extent practicable, consult, coordinate, and partner with the Department of Veterans Affairs in carrying out research on traumatic brain injury and post-traumatic stress disorder.

SEC. 1632. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

"(C) An assessment of post-traumatic stress disorder."; and

(B) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

"(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.".

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.".

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking "MENTAL HEALTH"; and

(2) in paragraph (2)(B), by striking "or" and inserting ", traumatic brain injury, or".

SEC. 1633. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

"(b) PARTNERSHIPS.—The Secretary of Defense shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs to carry out the responsibilities specified in subsection (c). The Secretary of Defense shall also authorize the Center to enter in such partnerships, agreements, or other arrangements as the Secretary considers appropriate with institutions of higher education and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

"(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

"(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

"(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

"(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

"(14) Such other responsibilities as the Secretary shall specify.".

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

"§1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder

"(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

"(b) PARTNERSHIPS.—The Secretary of Defense shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs to carry out the responsibilities specified in subsection (c). The Secretary shall also authorize the Center to enter in such partnerships, agreements, or other arrangements as the Secretary considers appropriate with institutions of higher education and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

"(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

"(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

"(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

"(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

"(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

"(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

"(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

"(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

"(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

"(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

"(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

"(13) Such other responsibilities as the Secretary shall specify.".

(c) JOINT DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS POST-TRAUMATIC STRESS DISORDER RESEARCH INITIATIVE.—Chapter 55 of such title is further amended by inserting after section 1105b, as added by subsection (b), the following new section:

"SEC. 1105c. JOINT DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS POST-TRAUMATIC STRESS DISORDER RESEARCH INITIATIVE.

"(a) The Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment and Rehabilitation of Post-Traumatic Stress Disorder and the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs (in this section referred to as the 'Centers') shall jointly carry out a program of research to be known as the 'Joint Department of Defense and Department of Veterans Affairs Post-Traumatic Stress Disorder Research Initiative' (in this section referred to as the 'Research Initiative').

"(b) The Research Initiative to be conducted by the Centers shall—

"(1) be jointly developed and coordinated by the Centers;

"(2) be complementary to the research otherwise being conducted by the respective Centers;

"(3) to the extent practicable, focus on areas of research that would benefit from the joint participation of both Centers;

"(4) research and promote the effective transition for members of the armed forces from receipt of care from the Department of Defense to receipt of care from the Department of Veterans Affairs;

"(5) consider, as appropriate, any special needs of women who are members of the armed forces or are veterans, members of the armed forces who live in rural areas, veterans who live in rural areas, Reserves, and veterans; and

"(6) promote cooperation, information sharing, and a reduction in duplication of efforts between the Department of Defense, the Department of Veterans Affairs, and other relevant Federal entities.

"(c) PARTNERSHIPS.—The Centers may enter into such partnerships, agreements, or other arrangements as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate with the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury, appropriate entities within the Department of Veterans Affairs, or other Federal entities to carry out the purpose of this section.".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

"1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.
"1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.
"1105c. Joint Department of Defense and Department of Veterans Affairs Post-Traumatic Stress Disorder Research Initiative.".

(e) REPORTS ON ESTABLISHMENT.—

(1) REPORT BY SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(A) describe in detail the activities and proposed activities of such Center; and

(B) assess the progress of such Center in discharging the responsibilities of such Center.

(2) JOINT REPORT BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the establishment of the Joint Department of Defense and Department of Veterans Affairs Post-Traumatic Stress Disorder Research Initiative required by section 1105c of title 10, United States Code (as added by subsection (c)). The report shall—

(A) describe in detail the activities and proposed activities of such Research Initiative; and

(B) assess the progress of such Research Initiative in discharging the responsibilities of such Research Initiative.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, $15,000,000, of which—

(1) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code;

(2) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code; and

(3) $5,000,000 shall be available for the Joint Department of Defense and Department of Veterans Affairs Post-Traumatic Stress Disorder Research Initiative required by section 1105c of title 10, United States Code.

SA 2188. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 214. ASSESSMENT OF ACQUISITION OF THE COMBAT SEARCH AND RESCUE REPLACEMENT VEHICLE.

(a) IN GENERAL.—No amounts authorized to be appropriated for the Department of Defense may be obligated or expended for a contract for the procurement of the Combat Search and Rescue Replacement Vehicle (CSAR-X) until the later of—

(1) 60 legislative days after the date of the approval of the Under Secretary of Defense for Acquisition, Technology, and Logistics; or

(2) the submittal by the Secretary of the Defense to the congressional defense committees of written notice in accordance with established procedures.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in addition to the limitation in subsection (a), no amounts authorized to be appropriated for the Department of Defense should be obligated or expended for a contract for the procurement of the Combat Search and Rescue Replacement Vehicle until the resolution by the Comptroller General of all pending bid protests with respect to the Combat Search and Rescue Replacement Vehicle.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, July 19, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on S. 1634, a bill to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to britni_rillera@energy.senate.gov.

For further information, please contact Allen Stayman at (202) 224–7865 or Britni Rillera at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON STATE, LOCAL AND PRIVATE SECTOR FOR PREPAREDNESS AND INTEGRATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, July 12, 2007, at 2 p.m., in order to conduct a hearing entitled "Private Sector Preparedness, Part II: protecting our critical infrastructure."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, July 12, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

This hearing will address issues relating to telephone number portability.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, July 12, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nominations of Clarence H. Albright, of South Carolina, to be Under Secretary of Energy; Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; James L. Caswell, of Idaho, to be Director of the Bureau of Land Management; and Brent T. Wahlquist of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 12, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Airport Airways Trust Fund: The Future of Aviation Financing."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the nomination of Dr. James W. Holsinger to be Medical Director and Surgeon General of the Public Health Service, Department of Health and Human Services during the session of the Senate on Thursday, July 12, 2007 at 10 a.m., room G50 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 12, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on transportation issues in Indian country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup session on Thursday, July 12, 2007, at 10 a.m. in Dirksen room 226.

Agenda

I. Bills

S.1145, Patent Reform Act of 2007, (Leahy, Hatch, Schumer, Cornyn, Whitehouse);

S.—, School Safety and Law Enforcement Improvements Act, (Chairman's mark);

S. 1060, Recidivism Reduction & Second Chance Act of 2007, (Biden, Specter, Brownback, Leahy, Kennedy, Schumer, Whitehouse, Durbin)

II. Nominations

William Lindsay Osteen, Jr. to be United States District Judge for the Middle District of North Carolina; Martin Karl Reidinger to be United States District Judge for the Western District of North Carolina; Timothy D. DeGiusti to be United States District Judge for the Western District of Oklahoma; Janis Lynn Sammartino to be United States District Judge for the Southern District of California.

III. Resolutions

S. Res. 248, Honoring the life and achievements of Dame Lois Browne Evans (Brown);

Res. 236, Supporting the goals and ideals of the National Anthem Project (Bayh, Craig, Kennedy, Cardin, Durbin).

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, July 12, 2007, at 9 a.m., in order to conduct a hearing entitled "Dirty Bomb Vulnerabilities: fake companies, fake licenses, real consequences."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 12, 2007 at 2:30 p.m., to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, July 12, 2007, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 488 and H.R. 1100, to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina; S. 617, to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; S. 824 and H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; S. 955, to establish the Abraham Lincoln National Heritage Area; S. 1148, to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission; S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; S. 1380, to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; and S. 1728, to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on July 12, 2007, at 10 a.m., to conduct a hearing entitled "A Global View: Examining Cross-Border Exchange Mergers."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that MAJ Pamela Powers, an Air Force fellow in Senator COLLINS' office, be granted the privilege of the floor for the duration of the consideration of H.R. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that Felix Hernandez, a State Department Pearson Fellow with my office, be granted the privilege of the Floor during debate on H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, that is currently before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110-4

Mr. BROWN. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on July 12, 2007, by the President of the United States:

International Convention for the Suppression of Nuclear Terrorism (Treaty Document No. 110-4).

I further ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the International Convention for the Suppression of Acts of Nuclear Terrorism (the "Convention"), adopted by the United Nations General Assembly on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005. As of July 3, 2007, 115 countries have signed the Convention and 23 have submitted their instruments of ratification or accession. The Convention entered into force on July 7, 2007. I also transmit for the information of the Senate a report of the Department of State with respect to the Convention.

The Convention imposes binding legal obligations upon States Parties either to submit for prosecution or to extradite any person within their jurisdiction who commits terrorist acts involving radioactive material or a nuclear device as set forth in Article 2 of the Convention, threatens or attempts to commit such an act, participates as an accomplice, organizes or directs others to commit such an offense, or in any other way contributes to the commission of such an offense by a group of persons acting with a common purpose, regardless of where the alleged act took place.

States Parties to the Convention will also be obligated to provide one another legal assistance in investigations or criminal or extradition proceedings brought in respect to the offenses set forth in Article 2, in conformity with any treaties or other arrangements that may exist between them or in accordance with their national law. The recommended legislation necessary to implement the Convention will be submitted to the Congress separately.

This Convention is important in the campaign against international terrorism. I recommend, therefore, that the Senate give early and favorable consideration to this Convention, subject to the understandings and reservation that are described in the accompanying State Department report.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 12, 2007.*

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-83, announces the appointment of the following individual to serve as a member of the National Council on the Arts: Senator SHELDON WHITEHOUSE of Rhode Island.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senator as a delegate of the Senate delegation to the British-American Interparliamentary Group conference during the 110th Congress: Senator BERNARD SANDERS of Vermont.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 2761, as amended, appoints the following Senators as delegates to the British-American Interparliamentary Group conference during the 110th Congress: Senator CHARLES E. GRASSLEY of Iowa, Senator RICHARD C. SHELBY of Alabama, and Senator JUDD GREGG of New Hampshire.

The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 106-554, appoints the Senator from Virginia (Mr. WEBB) to the Board of Directors of the Vietnam Education Foundation.

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105-275, further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 20, 2004), the appointment of the following Senator to serve as a member of the Senate National Security Working Group for the 110th Congress: Senator NORM COLEMAN of Minnesota.

ORDERS FOR FRIDAY, JULY 13, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Friday, July 13; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1585 and conduct debate on the Dorgan amendment, No. 2135, as amended, until 9:30 a.m.; that the Senate proceed to vote in relation to the amendment at 9:30 without further intervening action or debate; and that of the time available until then, Senators DORGAN and SUNUNU each control 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BROWN. If there is no further business today, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Friday, July 13, 2007, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 2007:

DEPARTMENT OF JUSTICE

THOMAS P. O'BRIEN, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS VICE DEBRA W. YANG, RESIGNED.

EDWARD MEACHAM YARBROUGH, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS VICE JAMES K. VINES, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

JONATHAN L. HUGGINS, 8049

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NELSON L. REYNOLDS, 6465

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

BRYAN M. BOYLES, 7840

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

MICHAEL S. AGABEGI, 3057

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

FREDDIE M. GOLDWIRE, 9686

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

VAL C. HAGANS, 4392
SAMUEL D. TRESSLER III, 8064
MICHAEL B. VITT, 1810

To be major

RUJING HAN, 1590

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

KENT S. THOMPSON, 4433
AIXA M. TORRESRAMIREZ, 1925

To be major

JAVIER SANTIAGO, 9859

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

THOMAS S. BUTLER, 7582
JENNIFER A. FIEDERER, 4025
WENDY S. KIERPIEC, 9216
ADAM W. SCHNICKER, 3632

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

STEPHEN T. SAUTER, 3267

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

TERRY D. BONNER, 7657

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MARK TRAWINSKI, 3185

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

FRANCISCO C. DOMINICCI, 5062

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOSEPH E. JONES, 2493

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

COLIN S. MCKENZIE, 0759

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LOZAY FOOTS, 8313
JOSEPH L. KARHAN, 0654

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LOUIS R. KUBALA, 8059
THOMAS K. SPEARS, 0296

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

WILLIAM A. MCNAUGHTON, 0631
MICHAEL B. VITT, 1810

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JAMES E. COLE, 3917

To be major

MEJAH S. SOONG, 9858
MICHAEL F. TRAVER, 8931

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DANIEL L. DUECKER, 9881

To be major

DOUGLAS L. WEEKS, 2711

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOSEPH A. BERNIERRODRIGUEZ, 4302
CHRISTOPHER A. BLOUNT, 8257
EDWARD T. BREECHER, 5771
CYNTHIA BRITO, 2353
JASON BULLOCK, 4649
BRADLEY N. BUMA, 5379
CHRISTINE L. CERAR, 5333
KAREN B. CHANDLER, 9045
PAUL COLTHIRST, 5735
LUKE K. DALZELL, 8818
CHAD V. DAWSON, 3612
KLAUS EASTMAN, 9321
DEREK HATHAWAY, 4414
MATTHEW T. HENEHAN, 7901
STEPHEN JENSEN, 8050
YOUNG S. KANG, 5858
CANDACE KANN, 5490
DENNIS J. KANTANEN, 5139
DAVID A. KELLER, 2460
JASON KENNON, 2542
PETER KIM, 8678
CHARLES C. LAMBERT, 3128
DAVID J. MALOLEY, 5624
SHELLY D. MCAVOY, 9922
BENJAMIN R. METHVIN, 5819
KENDALL R. MOWER, 4703
JUSTIN N. NAYLOR, 8965
JOHNATHAN NEWCOMB, 4037
WADE H. OWENS, 0852
MANUEL PELAEZ, 2209
MICHAEL PICCIONE, 9416
CLINT RAU, 4240
BEN B. ROSS, 4807
CONSTANCE SEDON, 6891
JOSEPH S. SEILER, 4860
KATHLEEN B. SEILER, 4779
THOMAS STARK, 0628
MICHAEL P. THOMPSON, 5206
PERCY TORKORNOO, 4133
STEPHEN TURELLA, 6795
LEIGH D. VONWALD, 4179
ARIEL WARTOFSKY, 3133
LEWIS WAYT, 9384
EDWARD M. WISE, JR., 4938

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BRUCE S. LAVIN, 5081

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHRISTOPHER R. DAVIS, 9628
ALAN J. FERGUSON, 9566

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERT D. CLERY, 4840
MARCIA T. COLEMAN, 7374
GARFIELD M. SICARD, 4078

HOUSE OF REPRESENTATIVES—*Thursday, July 12, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 12, 2007.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rabbi Ellen S. Wolintz-Fields, Congregation B'nai Israel, Toms River, New Jersey, offered the following prayer:

Ruler of the Universe, bless our leaders with an understanding and discerning mind, a listening ear, a compassionate heart, and insightful thoughts.

We thank You, O God, for enabling us to live in a free country, and we remember those who do not yet live in freedom. We pray that the leaders of our country help those who suffer in the hands of others and come to the assistance of those held in captivity. We thank You God for the confidence the constituents place in their elected leaders.

This week in many communities, we conclude the reading of the Book of Numbers, the end of the desert journey of the Israelites. We learn from their example that life is a journey. Let us make each day meaningful, different than the one before, helping others, and moving towards a life of peace and freedom.

We ask God's blessings upon the men and women who serve in the House of Representatives: may God bless you and guard you. May God show you favor and be gracious to you. May God show you kindness and grant you peace. And let us all say, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PALLONE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI ELLEN S. WOLINTZ-FIELDS

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey (Mr. SAXTON) is recognized for 1 minute.

There was no objection.

Mr. SAXTON. Thank you very much, Mr. Speaker.

Mr. Speaker, I am pleased to take this opportunity to acknowledge the occasion of Rabbi Ellen Wolintz-Fields serving as today's guest chaplain. After that opening prayer, I might say that it is easy to see why our community is so graciously and well served by the rabbi. Her 3-year-old daughter, Cameron Elizabeth, is also with us here today, and we want to welcome her here as well.

The opportunity for having visiting chaplain guests is very special as it allows religious leaders from different faiths to begin our day of legislative duty.

On August 1, Rabbi Wolintz-Fields will celebrate her first anniversary as rabbi of Congregation B'Nai Israel in Toms River, New Jersey. Since 1950, this synagogue has served as a place of worship and guidance for teachings of Conservative Judaism while offering multiple support and volunteer services for our community. Today, the rabbi has over 400 families in her congregation.

Throughout her time both studying and serving, the rabbi has received various awards and recognitions for her contributions to preserving the Jewish faith. She is a recipient of the Goldstein Prize for Jewish History and the Rosalyn Gooen Milians Education Award.

While she has numerous noteworthy achievements, the Rabbi is particularly proud of her family. She is married to Jonathan Fields and, in addition to Cameron Elizabeth, they have a 1½-year-old son, Coby Dov.

I appreciate the rabbi taking time from her busy schedule to visit Washington, DC in order to give the opening prayer in the people's House, and I am glad I had the occasion to assist her to do so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

RESPONSIBLE DEPLOYMENT FROM IRAQ ACT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, today we take another step in ending the war in Iraq as we consider the measure to withdraw our troops by next April.

Each day, support for President Bush's war crumbles as evidence mounts of the cost of this debacle: $10 billion a month, more lives lost, and thousands of hopes and dreams shattered.

We who opposed this war from the start for the reasons played out every day on the front pages of our newspapers understand that the redeployment of 200,000 American soldiers and contractors in Iraq will take some time to implement, but that is no excuse not to start now as rapidly and responsibly as possible to get our people out of the crossfire of this religious civil war. They have done all that they can, all that we should expect of them.

I call on the doubters in Congress to stop enabling the President; instead, to join us in supporting the strongest, most direct measure possible, not just to send the President a message, but to rein him in and bring our soldiers home from this nightmare.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE GLOBAL WAR ON TERRORISM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in the past weeks terrorists with possible al Qaeda ties have attempted car bombings in London. Following these failed attempts, terrorists struck the Glasgow, Scotland airport. This attack by two doctors in a flaming Jeep Cherokee, doctors who have been sworn to protect life, were arrested for attempting mass murder by incineration of innocent civilians.

In addition, terrorists held children captive in a mosque in Islamabad, Pakistan; and an al Qaeda homicide bomber in Yemen murdered seven Spanish tourists and two Yemeni guides while they were visiting a temple of the ancient Queen of Sheba.

Recent events such as this should alert Americans that the global war on terrorism is a worldwide threat and that Iraq and Afghanistan remain the central front of the battle as claimed by bin Laden's spokesman Zawahiri.

Instead of practicing party politics, Congress should rely on the leadership of our military leaders such as General David Petraeus. By stopping terrorists overseas, our troops are protecting America's families at home.

In conclusion, God bless our troops, and we will never forget September 11th.

REBUILDING A NEW VA HOSPITAL IN NEW ORLEANS

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute.)

Mr. JEFFERSON. Mr. Speaker, I rise to thank Chairman Bob Filner and members on his House Committee on Veterans' Affairs for holding a field hearing in New Orleans on this past Monday on the subject of rebuilding a new VA hospital in the greater New Orleans area.

The VA has narrowed its search for the location of a new VA hospital to a downtown New Orleans site and to a site in the adjoining Jefferson Parish. For reasons of taking advantage of the synergies of the relationship of Tulane and LSU medical schools to the new VA hospital and because of the savings and long-term operational costs that can be realized, I and several of the panelists recommended the New Orleans site as most beneficial to the care of our veterans.

Mr. Speaker, in the end it is important that we put our veterans first. When we have called on them to serve our country, they have not asked us to wait. They have responded to our Nation's call to duty at great risk to themselves and to their families. Nearly 2 years after Hurricane Katrina struck, we have already asked them to wait far too long. It is now time to build a world-class, state-of-the-art VA hospital in downtown New Orleans and to do so in the shortest possible time. We call on the Veterans Administration to do just that.

GLOBAL WAR ON TERROR

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today we will see another attempt by the liberal majority leadership to drive a stake between the American people and the brave men and women fighting in the global war on terror. Today's latest attempt is called a precipitous withdrawal. The American people would label it a cut and run. Our soldiers deserve the confidence of their leaders, not second-guessing arrogance by politicians half a world away.

The leadership thinks Iraq is lost, despite the fact that the new mission has shown signs of progress, including the fact that half of Baghdad has been secured, the Baghdad Security Plan. General Petraeus and Ambassador Crocker are going to provide us a progress report in September, but that is not fast enough for the liberal leadership. They expected the new strategy to win overnight. Don't they know that you don't find instant gratification in war?

One thing is certain: surrender and failure in securing Iraq hold catastrophic consequences for freedom, the U.S., and the Iraqi people. Surrender would send the wrong message. It will say the U.S. is weak, that roving death squads in the streets of Baghdad and ethnic cleansing are acceptable to us. It may be fashionable to want to pull out of Iraq, but it sends the wrong message.

WE OWE AN EXPLANATION TO THE AMERICAN PEOPLE

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. I can be and am disappointed in this bill we will vote on today, intended to reduce U.S. troops in Iraq. It aims to begin the reduction, but leaves an unspecified limited presence of troops in Iraq by a deadline of April 1, 2008, a level of troops and their missions to be determined by President Bush.

It does no harm, but how much good? One might say it is a step in the right direction even with such significant limitations, but I have concern. Congress is, as it should be, close to ending this tragic misadventure; however, ending this war is necessary but insufficient. How we end it and by what means is of even greater importance for our troops' safety and our own security. A Congress intent upon mandating such a new security policy through force of law owes a careful explanation to the country why and how it is to be done, including dealing with what would occur in the aftermath. We don't do that here.

I will vote for this bill for it does no harm, perhaps some good. But I will do so reluctantly, for it does little to define the how and why within a strategic approach of a date within a year that we can redeploy from Iraq and leave behind the possibility of an unfailed Iraqi state. We owe such an explanation since it is us by force of law that will end this tragic misadventure.

DEMOCRATS SETTING RECORDS

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Americans love to compete and to set records. In fact, people all over the world record their records in the Guinness Book of World Records. But there are some kinds of records called Darwin Awards for foolish behavior where people eliminate themselves by doing something unusual. One man took a pistol and decided to rob a gun store and got shot.

The Democrats are not using a pistol, but they have been setting some records. They have just set one this year, that is, the largest tax increase in the history of this country. It comes out to about $290-some-billion. But that means to the average household a $3,000 tax increase. What household can absorb a $3,000 tax increase in just 1 year alone?

Unfortunately, that is not the only record being set by the Democrats. They have doubled that record in terms of how much money they have spent, over $800 billion, which would come to $6,000 per family. American people would be better if we didn't set records like that.

NASA ASTRONAUT SUNITA WILLIAMS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, it is truly a pleasure to rise today to acknowledge the achievements of NASA astronaut Sunita Williams.

On Friday, June 22, Sunita returned to Earth after spending 195 days in space. She now holds the record for the longest duration space flight by a woman. Also, after completing four space walks lasting a total of 29 hours, 17 minutes, she is a record holder for the most hours outside a spacecraft by a woman.

I was at the emotional STS–117 crew return welcome a few weeks ago at Johnson Space Center and saw firsthand how Sunita's achievements serve as an inspiration to so many young people, particularly young ladies, interested in pursuing their dreams of space exploration. She has shown them that if they work hard and are dedicated, they too can one day reach the stars.

□ 1015

THE CAUSE OF CLEANING UP CONGRESS HAS GROUND TO A HALT

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, despite promises that are only 6 months old, the cause of cleaning up the Congress has ground to a halt.

We should kill pensions for Members of Congress convicted of a felony. And after passing a shadow bill in January, this action has completely stalled. No action in February, March, April, May or June.

Now the real surprise. Despite promises of spending reform, Congressional leaders blocked efforts to stop funding the construction of the bridges to nowhere. That's right. Democratic leaders in Congress now support building the bridges to nowhere, one structure, connecting to an island with just 50 people, the other to an island with only 22, at a cost to the U.S. taxpayer of over $1 billion. Only 6 months into a new Congress, and now Congressional leaders do not want to kill pensions for Congressional felons, but do want to build the bridges to nowhere.

SCHIP

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, in 1992, I was proud to spearhead one of the first State initiatives to enable working families to purchase private health insurance for their children; 5 years later Congress passed the State Children's Health Insurance Program, SCHIP, enabling every State to implement its own plan.

Today 6 million American children have health coverage thanks to SCHIP. We in Congress are building upon the extraordinary success of SCHIP to extend it to almost 9 million American children who are now uninsured. The goal of insuring all American children is within our reach.

Yet, instead of working with Congress to reach this goal, the President this week made it clear that health insurance for children is not important to him.

Does the President really believe that America's children do not deserve quality ongoing health care? Does the President really believe that emergency rooms are the best place for primary care for children?

It is clear to just about every American that health insurance is expensive, and for too many American families, it is simply too expensive.

Congress recognizes the urgency of the situation, and we move ahead, unlike the President, to take this opportunity to cover every American child.

DALITS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, earlier this week I hosted a screening of a documentary entitled, "India's Hidden Slavery," a film about contemporary slavery in India among the 250 million Dalits or untouchables.

The caste system has at the top the Brahmin or priestly class, the ruling class. That includes politicians. At the very bottom, not even considered a caste because they're too low, the Dalits. Today, in the world's largest democracy, an unknown hidden system exists with people without basic human rights.

In contrast to the economic progress in some sectors in Indian society, below the surface is a society still racked by caste, with millions suffering and held hostage to a social structure that reinforces segregation, poverty, injustice and slavery. Recently, village leaders just condemned to death a couple that married outside their caste.

While the government of India has taken some small steps to outlaw the caste system, in reality, it permeates every aspect of life there.

I commend India for its economic progress, but I urge government leaders to ensure that all people in India have basic human rights, and especially the 250 million Dalits.

THE IRAQ WAR

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Mr. Speaker, the war in Iraq is in its fifth year, but the Bush administration still refuses to develop a realistic, strategic plan for the Middle East and Iraq.

The Iraq War has destabilized the region, and the United States must reassert and protect its fundamental national security interests by actively taking the necessary steps to stabilize the Middle East.

Today Congress will debate a plan which stands in stark contrast to the delusional policies of the Bush administration which have sapped our military readiness, strengthened al Qaeda, wasted our resources and betrayed the trust of the American people.

There is a way forward, and we must be bold, courageous and strategic. Without leadership in the White House, we must continue to exercise leadership in the people's House. And I assure the American people that we will.

MISSING OR CAPTURED AMERICAN SOLDIERS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. You know, we shouldn't even be discussing surrender in Iraq today because 2 months ago today, three American soldiers were captured in Iraq. Tragically, the body of Private First Class Anzack was found a few days later in the river. DOD has changed the status of Specialist Jimenez and Private Fouty from unknown to missing/captured. Considering that the military found their IDs in an al Qaeda safe house, I'm sure they're being mistreated. And I hope and pray that they can stay alive until we can rescue them.

As a former prisoner of war for nearly 7 years in Vietnam, I know what these guys are going through. We must find them, and we must bring them home. Naysayers in Washington should not be talking about pulling the plug on our troops in Iraq when we have our own men missing in action who need to be rescued.

SCHIP

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, in our Energy and Commerce Committee, we're pushing ahead to grant health care coverage to millions of children, a program called SCHIP. Unfortunately, the President's proposal to reauthorize SCHIP is woefully inadequate. His funding level won't even cover the children currently enrolled in the program. Nationwide, 6 million children are covered by the SCHIP and another 9 million are uninsured. If there was ever a question of where our priorities are, it should be with strengthening and modernizing the SCHIP program.

I've just come from a meeting with our Governor, Eliot Spitzer. New York operates a separate stand-alone program under SCHIP, Child Health Plus. As of December 2006, nearly 400,000 children were enrolled and receiving comprehensive health coverage in the program. Our stand-alone SCHIP program has increased enrollment by over a quarter of a million children since the start of the program.

Nationwide, we have to remember that the SCHIP program is a critical part of our health care safety net, providing health coverage to more than 4 million low-income children who do not qualify for Medicaid. SCHIP has served New York and our country well, and I will continue to work to improve access for children's health care coverage.

ELIMINATING INFECTIONS FROM MEDICAL DEVICES

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, at least half of all cases of hospital-acquired infections are associated with medical devices. These medical devices include items ranging from tongue depressors to catheters and heart valves.

These preventable infections infect 2 million patients per year and end up costing 90,000 lives and over $50 billion annually. These are unacceptable costs for patients, taxpayers and Congress.

Up to this moment this morning, we already have over 1 million cases, you can see on this chart, 47,000 deaths and a cost of over $26 billion, and that's just as of today.

Yesterday we passed the Medical Device User Fee Act which included an amendment in there that I placed in that allows for the government, the GAO, to study these issues. They note that even after rigorous cleaning and sterilization, virus and bacteria still exist on reused medical devices.

Manufacturers, providers and facilities should take measures to reduce the rate of infections. I urge my colleagues to refocus our Nation's health care system on patient choice, patient safety and patient quality and join me in working on these things together where we can save lives and save money for our Nation.

STRATEGIC RESET

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, today I will vote for the Responsible Redeployment from Iraq Act. I agree with the 70 percent of Americans who want our troops out of Iraq. And I agree with the comprehensive report called "Strategic Reset" from the Center for American Progress, written by three authors, one of whom is Lawrence Korb, former Assistant Secretary of Defense.

They write, "The current Iraq strategy is exactly what al Qaeda wants, the United States distracted and pinned down by Iraq's internal conflicts, trapped in a quagmire that has become the perfect rallying cry and recruitment tool for al Qaeda. The United States has no good options, given the strategic and tactical mistakes made in Iraq since 2002, but simply staying the course with an indefinite military presence is not advancing U.S. interests."

Today we will vote to change the course to bring our troops home by April of 2008. I will proudly vote in favor of that bill.

WAR IS NOT WON BY EVACUATION

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker: "Many people think the best way to escape war is to dwell upon its horrors and to imprint them vividly upon the minds of the younger generation. They flaunt the grisly photographs before their eyes. They fill their ears with tales of carnage. They dwell on the ineptitude of generals and admirals. They denounce the crime and the folly of human strife."

These words of Winston Churchill in 1934 stressed upon the people of Great Britain that the cynics, who don't believe some things are worth fighting for, should not have their way. They ignore the victories and accomplishments and, instead, focus upon setbacks.

War is hard. It has always been hard. Congress will once again debate a timetable retreat for American troops to leave Iraq. The timid will want to turn their back on the enemy and leave a desperate people and a nation floundering; all this because war is hard.

Retreat tells the enemy that if they wait America out, we will bow out of the fight.

Mr. Speaker, Churchill also remarked, "war is not won by evacuation."

And that's just the way it is.

WORK-FAMILY POLICIES

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, a new report that just came out by the Government Accountability Office shows that the United States lags far behind other industrialized countries in providing policies that help families balance the competing demands of work and family responsibilities.

Critics argue that implementing such policies here could have a negative impact on the economy, but many countries with strong work-family policies are among the world's most competitive economies in the world and have unemployment rates that are the same or lower than the United States.

More and more businesses are finding that doing right by workers is good for the bottom line. Paid parental and sick leave, flexible work schedules and access to child care provide a boost to worker productivity, retention, and recruitment that outweigh the cost of implementing such policies.

U.S. workers, businesses, and the economy would benefit from stronger work-family policies.

"A copy of the GAO report is available on the JEC website at http://www.jec.senate.gov/Documents/Hearings/06.14.07%20Work-Life%20Balance/GAO%20-%20Kay%20Brown%20Testimony%20--%20FINAL.pdf."

THE GROWING ECONOMY

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, this week, news reports came out indicating our Federal budget deficit has continued to drop and our economy continues to grow due to tax relief policies passed by Congress in 2001 and 2003.

In spite of that good news, Democratic leadership in Congress is discounting advancements made possible by this tax relief by trying to slap U.S. taxpayers with a $400 billion tax increase that will slow our economy and its current progress.

Additionally, Democrats piled $6 billion in new spending onto January's omnibus budget bill to finish the 2007 appropriations process, passed a budget for 2008 that is $20 billion more than the President's budget request, and added billions in extra spending to the few appropriations bills the House has passed.

Raising taxes hurts American families, discourages innovation and hinders job creation. Let's work together in this Congress to make tax relief permanent and continue to grow our economy. Together, this Congress can foster further prosperity and build a better, brighter future for our country.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 2956, RESPONSIBLE REDEPLOYMENT FROM IRAQ ACT

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 533 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 533

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2956) to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes. All points of order against the bill and against its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) four hours of debate, with three hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 2956 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 533 provides for consideration of H.R. 2956, the Responsible Redeployment from Iraq Act, under a closed rule. The rule provides 4 hours of debate, with 3 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and 1 hour equally divided and controlled by the Committee on Foreign Affairs. The rule waives all points of order against the bill and its consideration except those arising under clause 9 or 10 under rule XX. The rule provides for one motion to recommit.

Mr. Speaker, let's be very clear about what we will be told today by the President. We will be told that adequate progress has been made in some areas of Iraq but more work needs to be done in others. What this really means, of course, is that once again security and political benchmarks have not been met, that vast areas in Baghdad that were supposed to be under control by now are not, that a drop in violence in some areas has been met with increases in violence elsewhere, that political compromises are not being made with sufficient speed by the Iraqi leadership, nor is there any available evidence that the situation is going to change, that the escalation will suddenly become more effective next week or next month. Instead, all signs indicate that in September when General Petraeus reports to Congress, he will deliver the exact same message that we are hearing today: to be patient.

But patience means nothing when deadlines are constantly moved. In January a leading Member of the minority said that we would be able to tell in a few months if the escalation was working. Now we hear it is still too early to tell. It has been 7 months. Which prediction are we supposed to believe?

As time has advanced, an absence in progress has not been met by an absence in tragedy. At the present rates, between now and September, another 200 Americans will be killed, 200 more families changed forever. And hundreds, if not thousands, more innocent Iraqis will have died as well.

We will hear today that to change our course in Iraq will signal defeat. But this willfully ignores the entire history of the Iraq War. After more than 4 years of relentless conflict, including recent months of historically high troop numbers, experts tell us that in Iraq al Qaeda is stronger than ever. A military official told ABC News yesterday al Qaeda's "operational capability appears to be undiminished."

The conclusion is clear: The American military is not being given a chance to bring peace to Iraq or to fight our enemies, not because our troops are not good enough but because the current mission is inherently flawed.

It is not weakness to admit a strategy is not working and to change it. It is the very opposite: a sign of strength. Our leaders corrected failing courses when they arose during the Civil War and during World War II. Why should this war be different?

What Democrats are calling for today is not a retreat. It is not a surrender. It is a statement that Congress will not wait for another ambiguous so-called progress report and will not give the administration another chance to move the goalposts. Instead, we will refuse to needlessly sacrifice our soldiers, weaken our military, undermine our national security, and bleed our country in ways that even the worst terrorists could ever dream of. And it is a statement to the Iraqi people that they will no longer have to live as dual victims: victims of violence and victims of a flawed military strategy that is at best failing to bring peace to the country and at worst perpetuating their suffering.

The bill will refocus our troops on fighting terrorists. By doing so, the disastrous strain being placed on our Armed Forces will be lifted without sacrificing security objectives, and their healing can begin.

Second, it will remove a strategy from the playing field that is certainly not working and throw open the door to new approaches which may actually succeed. For example, the legislation requires the President to report by January on how he is engaging U.S. allies and regional powers in the effort to bring stability to Iraq. Far from abandoning the Iraqis or lessening American security, we will finally make the rehabilitation of Iraq the international priority that it must become. The only thing we will be abandoning, in other words, Mr. Speaker, is this administration's mistakes.

And to my friends on both sides of the aisle, yesterday I received an advance copy of a report from the Defense Department's Inspector General that will be made public today. It detailed the work of some of the first companies to make armored vehicles and armored kits for our soldiers in Iraq. They were given sole-source, unbid contracts even though senior defense officials objected, favoring a competitive process instead.

I hope people heard what I said. Senior officials at DOD wanted competitive bidding for these machines, but they were overridden by the Under Secretary of Defense.

The results were sadly predictable. The companies failed to meet demand and sent critically important equipment late. Some of the armor that our soldiers were sent had cracks that had simply been painted over to try to fool them instead of fixing it. In certain instances two left doors were sent for the same vehicle. Troops already fighting a deadly foe had to use their precious time and energy to improvise and come up with ways to turn useless equipment into something that could protect them.

Our soldiers have been asked to endure terrible hardships, as well have their families, some of which, I am ashamed to say, have been the direct result of the practices of this administration, and they are enduring them to this day and at this very hour. For Congress to leave them there, to ask them to continue fighting to survive under the mounting weight of a flawed mission—that, Mr. Speaker, is the true definition of abandonment. And after 4 years, Democrats are tired of this Congress abandoning our troops to a fate they have never deserved.

I would ask everyone in this Chamber how they would justify this continued carnage to the families of our soldiers. With all we know now, how can we still say to the children of those killed or to the young men and women maimed for life, your loss was needed?

We cannot. What we must say to them is this: You have given enough. It is time to come home.

The American people know what must be done and the majority of this Congress knows what must be done. And all that remains is for those of us here who are still opposed to this bill to decide that they too have had enough and that they will join their countrymen in voting not with the President but with the troops, with the people of Iraq, and with the people of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we go again. It has actually been several weeks now since we have had a meaningless vote on the issue of Iraq, and so I suppose we are overdue for another one. This Democratic leadership, Mr. Speaker, as we all know very well, still bereft of any real ideas, has been forced once again to resort to demagoguery, bringing up a bill that they know, they know full well, will not be enacted into law. And knowing that their proposal cannot withstand any critical scrutiny, they have once again shut down the process and brought this to us under a completely closed rule, not allowing any of the very thoughtful proposed alternatives to be considered whatsoever.

Mr. Speaker, yesterday in the Rules Committee, I offered an amendment that would have allowed us to have the opportunity to substitute their policy with the very thoughtful and responsible recommendations that were included in this bipartisan Iraq Study Group package of recommendations proposed by Mr. Baker and Mr. Hamilton, a group of Democrats and Republicans, very respected, authorized by this Congress. And they refused to allow us to have any opportunity whatsoever to even debate, much less vote, on the issue of the Iraq Study Group recommendations.

Now, just yesterday morning in an interview on National Public Radio, our former colleague Mr. Hamilton, who, as I said, was the co-Chairman of the Iraq Study Group, had a very eloquent and thoughtful interview on the need for us to implement the Iraq Study Group recommendations. Unfortunately, the Democratic leadership, I guess fearful that responsible policy would prevail and that this institution might, in fact, pass the measure calling for implementation of the Iraq Study Group, prevented us from having the chance to debate or vote on the Iraq Study Group recommendations.

The last time we went through this charade, they at least had the luxury of making dire predictions of failure for the new strategy in Iraq led by General Petraeus, and the distinguished Chair of the Committee on Rules once again basically talked about failure and said that we haven't met any benchmarks. Even then, Mr. Speaker, the strategy was actually showing early signs of success. But this time, this time, the counterinsurgency offensive is well under way and making clear and irrefutable progress.

I will say once again, Mr. Speaker, that we are seeing clear and irrefutable progress taking place. As one major newspaper recently editorialized, "Demands for withdrawal are no longer demands to pull out of a deteriorating situation with little hope. They are now demands to end a new approach to this conflict that shows every sign of succeeding."

Mr. Speaker, U.S. forces, working side by side with Iraqi Army and police forces, have penetrated enemy strongholds in the belt surrounding Baghdad and are driving them out. They have cut off al Qaeda's supply lines and transport routes. They are destroying car bomb factories. Sectarian deaths have plummeted. Al Qaeda operatives are finding themselves increasingly isolated, their safe havens destroyed, and their ability to move freely between neighborhoods severely diminished.

Mr. Speaker, our efforts have been significantly bolstered by former Sunni insurgents who have joined the fight against al Qaeda. I am going to say that again. Former Sunni insurgents have now joined our effort in the fight against al Qaeda. Nowhere has this process been more critical than in the al-Anbar province.

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Last year, a leaked Marine intelligence report conceded this province as completely lost. That was the report that came out. Today, Mr. Speaker, al-Anbar is our best success story, and a template for U.S. Forces working together with both Sunni police and Shia army forces to combat al Qaeda.

General David Petraeus, the man who has received bipartisan praise and was confirmed unanimously by a vote of 82–0 in the United States Senate as he began his work, he said to the New York Post, "We are beginning to see a revolt of the middle against both extremes."

Now, Mr. Speaker, it is our commanders on the ground who have repeatedly pointed out that the tipping point didn't come until the tribal leaders sought a prolonged offensive by U.S. and Iraqi forces.

Now, let's think back to what life was like in Iraq under Saddam Hussein. After a quarter-century reign of terror by Saddam Hussein, Iraqis clearly would not immediately rise up against any force until that force has been driven into retreat. We had to demonstrate our strength and our commitment before we earned the trust of the tribal leaders and their support in the fight against al Qaeda. That is exactly what we're doing today in Baghdad and the surrounding areas.

The New York Times recently reported on the Anbar success and how we are currently applying it to the fight to secure Baghdad. According to a July 8 report, former insurgents in Sunni neighborhoods of Baghdad are now taking up arms against al Qaeda. Now, that is July 8th, a report that came out just 4 days ago. Now, it quotes Petraeus as saying, "Local security is helped incalculably by local support and local involvement."

Now, Mr. Speaker, this success is so critical because it gets to the heart, it gets to the very heart of our twin goals in Iraq. First, that Iraqis will be able to provide their own security, that we have an increased ISF, the Iraqi Security Forces, and that they are trained adequately; and second, that this security will provide the environment that makes a political solution possible.

The quicker that Iraqis achieve security and a peaceful, stable democracy, the quicker our troops will come home. And as we listen to the speeches that will come following mine about the quest for our troops to come home, make no bones about it, I share the goal and the vision that is put forth by our friends, Mr. MCGOVERN and Ms. SLAUGHTER, and others, who will argue to bring our troops home. We all want to make sure that that happens.

Our new strategy, Mr. Speaker, has clearly brought us closer to that goal. And if our fight against extremism was not urgent enough, the Associated Press report that came out just late yesterday afternoon that al Qaeda's global network is again on the rise and has regained much of the strength that it had in September of 2001 is an important thing for us to recognize.

Mr. Speaker, as the terror network rebuilds and regroups, it seems absolutely preposterous that we would abandon not only a key front in the global war on terror, but a place where we have al Qaeda on the defensive and where we are diminishing their capabilities, especially in light of that report that came out just last night about their renewed strength. Yet, the Democratic leadership inexplicably wants to pull the rug out from under our military commanders. Well, Mr. Speaker, perhaps not so inexplicable if we consider that their planned withdrawal would be complete just in time for the 2008 elections.

But let's pretend that there is no election looming on the horizon here. Regardless of this bill's impact on American electoral politics, what would be the effects on Iraq? Now, Mr. Speaker, even the New York Times editorial board, which apparently doesn't often read its own news reports and is calling for an immediate withdrawal, acknowledges the inevitable dire consequences of its recommended course of action. In the very editorial calling for surrender, it outlines the overwhelming refugee and humanitarian crisis that would immediately ensue, how the fight would spill out all across the region. And Mr. Speaker, in the most callous way, it acknowledges the terror that would be inflicted upon those Iraqis who worked with us because they believed our promises. How cold and cynical. How callous can we be to stand here and debate the notion of abandoning the Iraqi people, not only to genocide, but to the targeting of the very individuals who have bravely worked with us.

The Democratic leadership wants to wave a magic wand and make this war go away. I wouldn't mind a magic wand myself, and certainly the American people would appreciate a quick and tidy solution. But I'm afraid that this solution attempts to salvage nothing but party politics. The Iraqi people, Mr. Speaker, would not be quite so lucky.

Furthermore, NPR recently reported that the quick withdrawal time frame that the Democratic leadership dreamed up has no basis in reality. It would take a year or more to safely withdraw all U.S. troops from Iraq, and it would take significant combat forces to protect the withdrawal. We would have to fight our way out all the way to the Kuwaiti border. There simply is no magic wand in this war, Mr. Speaker.

Perhaps the greatest irony of this bill is that it calls for detailed reports for a strategy in Iraq. Mr. Speaker, we have a strategy, and while it was only fully operational less than 1 month ago, it is already succeeding. The Democratic leadership, in their absurdist logic, want our military to abandon their strategy, go home and write a report about what they would have wanted to accomplish if they had stayed. And if that weren't cruel enough, Mr. Speaker, they would have to watch terror and genocide unfold as they retreated. Now, I cannot fathom a more disastrous policy for our security or the Iraqis'.

Mr. Speaker, I urge my colleagues to reject this rule and the underlying bill itself.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I would like to insert into the RECORD an article from the Washington Post this morning entitled, "White House Isn't Backing Iraq Study Group Follow-Up," and points out that the House voted 355-69 last month to reestablish the study group, but the President is blocking it.

[From washingtonpost.com, July 12, 2007]

WHITE HOUSE ISN'T BACKING IRAQ STUDY GROUP FOLLOW-UP

(By Robin Wright)

Despite an overwhelming House vote last month to revive the Iraq Study Group, the White House has blocked reconvening the bipartisan panel to provide a second independent assessment of the military and political situation in Iraq, said several sources involved in the panel's December 2006 report.

Co-Chairman Lee H. Hamilton, several panel members and the U.S. Institute of Peace, which ran the study group, were willing to participate, according to Hamilton and the congressionally funded think tank. But the White House did not give the green light for co-chairman and former secretary of state James A. Baker III to participate, and Baker is unwilling to lead a second review without President Bush's approval, according to members of the original panel and sources close to Baker.

White House support is critical for any follow-up review. "It is not likely to happen unless the White House approves it," Hamilton, a Democratic former congressman from Indiana, said in an interview. "The group can't go ahead without its concurrence or acquiescence, as we need travel support and access to documents."

The White House does not want independent assessments to rival the upcoming Sept. 15 reports by Gen. David H. Petraeus and Ambassador Ryan C. Crocker, U.S. officials said.

The White House indicated that it sees no need for an immediate follow-up to the report, noting that it is implementing a strategy consistent with many of the panel's recommendations. "The next report due in September by General Petraeus must include an assessment of our objectives as they relate to Baker-Hamilton. September will be the appropriate time to determine how that strategy is progressing," said National Security Council spokesman Gordon Johndroe. "We look forward to remaining in contact with members of the group."

The House voted 355 to 69 last month to allocate $1 million for the U.S. Institute of Peace to reestablish the group of 10 prominent Republicans and Democrats, which included former Supreme Court justice Sandra Day O'Connor, former defense secretary William J. Perry and, until his appointment, Defense Secretary Robert M. Gates.

Congressional sponsors called the White House's reluctance a missed opportunity. "The ISG provides an opportunity to bring the country together. . . . If you had a serious illness, you would want a second opinion. We are at war. You want to have the best minds looking at a problem," said Rep. Frank R. Wolf (R–Va.), who proposed the ISG and co-sponsored the bill to reconvene it. "Having another independent, bipartisan assessment will take out the venom in the debate."

Rep. Christopher Shays (R–Conn.), another co-sponsor, warned that the White House's move would cost further support among Republicans.

"It's really shortsighted," he said. "It's going to further isolate the president. . . . You can't rely just on Petraeus and Crocker. They are good people, but they're still in the thick of battle and you need the view from the outside. The fact the White House doesn't want it indicates they are afraid of what the ISG might say."

The White House did not initially embrace the ISG report. But it has gradually adopted key recommendations, including the controversial proposal to pursue diplomatic talks with Iran and Syria, the countries that have most aided or abetted Iraq's insurgents and illegal militias. Last month, 23 Democrats and 34 Republicans co-sponsored a House bill to implement all the ISG recommendations as the way forward in Iraq.

But other groups are pursuing independent reviews of U.S. policy and Iraq's performance. The Iraqi Security Forces Independent Assessment Commission—made up of 14 former generals and defense officials—is examining Iraqi military capabilities. The panel, which is mandated by Congress, is chaired by retired Gen. James L. Jones. The group is currently in Iraq; its report is due in October.

The Government Accountability Office is doing a separate congressionally mandated study on the 18 benchmarks set for the Iraqi government to meet. And the U.S. Institute of Peace is reconvening many of the experts the ISG originally relied on to discuss Iraq's future.

Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in support of this rule and the underlying bill, H.R. 2956, the Responsible Redeployment from Iraq Act.

Mr. Speaker, I believe this House ought to voice its gratitude to the distinguished chairman of the Armed Services Committee, Mr. SKELTON, for bringing before this House a thoughtful, responsible bill that outlines what we must do next in Iraq.

The bill clearly notes that our uniformed men and women have carried out and completed their mission for which they were authorized by Congress. The search for weapons of mass destruction is over. There were none, not a single one. The regime that put Iraq in an impossible international position no longer exists. So it's time that we draw down our troops from Iraq and require this administration to clearly define what the troop requirements and costs will be for the next phase of U.S. involvement in Iraq, a far more limited mission to root out al Qaeda and protect our diplomatic personnel inside Iraq.

The bill also promotes the kind of active diplomacy with Iraq's neighbors necessary for achieving a more lasting climate of stability in Iraq and throughout the region. Much, much more, Mr. Speaker, must be done. I expect to see stronger legislation in September, but this bill puts us on the right path.

For 5 long, deadly years, this Congress has done nothing but rubber-stamp a tragically flawed policy. It is shameful. Whatever the cause the President and many Members of Congress thought they were pursuing in Iraq, it is lost. Political leaders inside Iraq appear incapable of putting national interest ahead of sectarian and personal agendas. Iraqi security forces operate more like sectarian militias. And despite their best efforts, the additional military forces we have poured into the Baghdad region have not been able to change the equation.

Over 3,600 of our troops have lost their lives to this battle. Thousands more have been wounded. It is wrong, Mr. Speaker, simply wrong to ask them to continue to sacrifice their lives and their limbs for this failed policy.

The war in Iraq is breaking the back of our military. It is causing severe damage to the Federal budget to the tune of $10 billion each month, and causing grave harm to the future fiscal health of our Nation. It continues to undermine our most important political, diplomatic, military and strategic alliances. It saps our ability to focus on global terrorism and to safeguard our own people. And it has contributed to the chaos inside Iraq.

Mr. Speaker, it is past time for change. And while President Bush keeps scorning deadlines and promising breakthroughs that never come, it is clear that he lacks the vision, the wisdom or the courage to chart a new course. It is frighteningly clear that the President plans, instead, to stay the course and dump this mess on the next President.

It is time for Congress to step up to the plate and change direction in Iraq. It is time for every Member of this House to work together to draw down our forces and bring our troops home to their families and their communities.

For too long Congress has been complicit, and the American people are frustrated, and they are angry. We don't need more studies or commissions. We don't need more excuses. We don't need more delay. Too many lives are being lost. What we need is for Members of Congress to make a choice, to stand up and be counted. Will you continue to rubber-stamp the current disastrous policies in Iraq or will you vote for change?

We must act now, Mr. Speaker. This is simply too important to wait any longer. Too many lives are on the line.

All of us, no matter how we originally voted on the war, share in the responsibility in what is happening in Iraq. All of us, by not voting to change course, are responsible for sending so many of our brave men and women into a civil war where far too many of them have been killed.

If the President of the United States will not respect the will of the American people and end this war, then Congress must.

[From the Los Angeles Times, July 11, 2007]

U.S. TROOP BUILDUP IN IRAQ FALLING SHORT

(By Julian E. Barnes and Ned Parker)

BAGHDAD.—In the Ubaidi neighborhood in the eastern part of this city, American soldiers hired a local Iraqi to clean the Porta-Potties at their combat outpost. Before the man could start, members of the local Shiite militia threatened to kill him.

Today, the Porta-Potties are roped off, and the U.S. soldiers, who could not promise to protect their sewage man, are forced to burn their waste.

As part of the Bush administration's troop "surge" strategy, the U.S. unit here had moved into an abandoned potato chip factory hoping to push out the militia, protect existing jobs and provide stability for economic growth. Instead, militia members stymied development projects, cut off the water supply and executed two young Iraqi women seen talking to U.S. soldiers, sending a powerful message about who really controls Ubaidi's streets.

In the next few days, the Bush administration is scheduled to release a preliminary assessment of its overall Iraq strategy. Officials may point to signs of progress scattered across the country: a reduction in death-squad killings in Baghdad, agreements with tribal leaders in Al Anbar province, offensives north and south of the capital.

President Bush defended his strategy Tuesday, demanding Congress give his administration more time and insisting that America can "win this fight in Iraq." To underscore his request, Bush sent top aides to lobby lawmakers on Capitol Hill.

But as the experience of the troops in Ubaidi indicates, U.S. forces so far have been unable to establish security, even for themselves. Iraqis continue to flee their homes, leaving mixed areas and seeking safety in religiously segregated neighborhoods. About 32,000 families fled in June alone, according to figures compiled by the United Nations and the Iraqi government that are due to be released next week.

U.S. forces have staged offensives to push insurgents out of some safe havens. But many of the insurgents have escaped to new areas of the country, launching attacks where the U.S. presence is lighter.

And there has been no sign of any of the crucial political progress the administration had hoped to see in Iraq.

U.S. commanders are painfully aware that they are running out of time to change those realities. Army Gen. David H. Petraeus, the top American commander in Iraq, has made several efforts to slow the clock in Washington. Each time, it has sped up.

The full complement of the "surge" arrived in Iraq last month, bringing the total to 28,500 additional troops. Military officers originally hoped to have until 2008 before they had to render a verdict on the strategy. Then the Washington timeframe shrank to September. Now, it is shrinking further, with Congress demanding answers even sooner.

Supporters of the troop buildup insist that small steps could grow into larger and more long-term successes if lawmakers are patient.

"Right now we are three weeks into this. It's not like flipping a light switch," said a military officer in Baghdad, expressing the frustration of many commanders. "Time has to be given for things to work."

Commanders point to Ramadi, the capital of Al Anbar province, as a showcase for the kind of results the military wants from the current strategy. Once a battlefield, the city is now largely peaceful, calm enough that in March, Iraqi Prime Minister Nouri Maliki was able to pay his first official visit.

But military officers stress that it took about nine months of sustained effort to make Ramadi a relatively pacified city. And with its volatile mix of Sunni and Shiite Muslims, Baghdad presents a far more complex challenge than all-Sunni Ramadi.

The interim progress report that Bush promised to release this week is likely to emphasize the success the military has had in killing Sunni militants in the "Baghdad belts," the cities and towns that dot the major rivers and highways leading to the capital. In recent weeks, the newly arrived U.S. forces have been focused on fighting members of Al Qaeda in Iraq, a militant Sunni group made up of Iraqis and foreign fighters.

Top generals say the strategy is crucial to securing Baghdad. Only by controlling the routes into the capital, and denying militants safe havens, can the U.S. and Iraqi militaries keep out the car bombs that stoke sectarian violence inside the capital.

But leading Iraqis are less sure of the strategy.

Mahmoud Othman, a Kurdish member of the Iraqi parliament, said the U.S. approach may be successful at weakening Al Qaeda in Iraq. But he said Americans would not be able to solve Iraq's sectarian conflict or stop clashes between armed groups in Baghdad neighborhoods.

"The surge has an important effect in fighting Al Qaeda," the independent politician said. "On the Sunni-Shiite conflict, it hasn't had any effect. . . . Extremist Shiites and Sunnis are fighting each other. The Americans can't stop this."

U.S. officials have made little, if any, progress with their persistent calls for Iraqi officials to take steps toward reconciliation between Shiites and Sunnis.

Key administration officials, most prominently Defense Secretary Robert M. Gates and Vice President Dick Cheney, have visited Iraq to push for passage of an oil-revenue sharing law, provincial elections and reform of rules barring members of the former ruling Baath Party from government jobs.

But the Iraqi government is bogged down by fighting among Shiite, Sunni and Kurdish parties. It is unclear whether the oil law, the one piece of benchmark legislation still given hopes for passage before September, will reach a vote any time soon.

The number of death-squad killings in the capital, one sign of sectarian divisions, is down from earlier this year. But the number remains roughly at the level seen after the 2006 bombing of Samarra's Golden Mosque, which served as a catalyst for the extreme sectarian violence.

In Baghdad, the number of bodies found dumped in the streets dropped to 540 last month from 830 in January. Some American officers say those numbers could rise again. And others say that the decline may simply represent the depressing reality that most Baghdad neighborhoods are now segregated, meaning there are fewer people left for death squads to kill.

Maj. Gen. Joseph Fil, Jr., the commander of U.S. forces in Baghdad, said that American troops at the end of June controlled about 42% of the city's neighborhoods, up from 19% in April.

But to many Iraqis, that is little comfort. "The Americans do not make me feel safe," said Amin Sadiq, a 30-year-old Shiite worker in the Ghadeer neighborhood of east Baghdad. "When you hear the speeches of the top U.S. military leaders, you think that everything is ideal and perfect and Iraq will be better. But when you see how the U.S. soldiers behave, I really feel I should not trust the leaders."

The American military has helped bring a tense truce in some areas, but has not re-integrated once-mixed neighborhoods.

The western Baghdad neighborhood of Ghazaliya, once a prosperous mixed middle-class area, was riven by sectarian violence in 2006. It is now divided between Shiites in the northern end and Sunnis in the south, with the U.S. military stuck in the middle, trying to keep the peace.

"Last year, things were bad. This year is worse than before," said a man in his 50s who identified himself as Qais Qaisi.

The presence of Iraqi and American security forces means that Sunnis cannot fight back against the Shiite militias, which have the tacit support of the Iraqi army unit in the area, Qaisi said. But he nevertheless voiced concern about a possible American pullout.

"If the multinational forces withdraw, there will be very bloody sectarian battles," he said.

Military officers routinely say that improving the economy is a prerequisite to improving security. And U.S. forces, by putting up barriers and controlling traffic, have been able to reopen some marketplaces that had been targeted by suicide bombers. Although that has allowed some neighborhood commerce, success with other projects has proved more elusive.

The Pentagon is working to reopen state-owned factories and has identified several dozen that can be renovated and restarted. But that work is slow, and many residents say they see few improvements in their neighborhoods.

Although U.S. forces have been able to overcome militia threats and start small neighborhood projects such as installing streetlights, they are not able to initiate larger undertakings.

"We aren't doing anything meaningful," said one mid-level noncommissioned officer. "Where are the real projects? We aren't offering these people enough safety, or money, or jobs."

Amid the political setbacks and continuing violence, however, there are signs of relative calm in some areas.

Earlier this year, the streets of Baghdad were desolate at sunset. Now, in places, there are signs of life.

In Yarmouk, a neighborhood in west Baghdad, 18-year-old Ahmed Shakir used to see bodies on the street every day. Snipers fired from hidden perches and gunmen clashed with U.S. and Iraqi soldiers. But last month, after weeks of U.S. patrols, his neighborhood started to feel safe—safe enough for Shakir to stay outside on the basketball court until 8:30 p.m.

"It is usually me and three of my friends, we always go play basketball," he said. "Now we have U.S. and Iraqi patrols roaming the streets every day. If they continued doing this, things will remain better. If not, then it will get worse for sure.

CENTER FOR AMERICAN PROGRESS

To: Members of the 110th Congress.
From: John Podesta, Lawrence Korb, and Brian Katulis.
Re: Iraq Study Group's Recommendations Overtaken by Events in Iraq.
Date: July 11, 2007.

Senators Ken Salazar (D–CO) and Lamar Alexander (R–TN) have introduced legislation that would adopt all of the recommendations of the Iraq Study Group. There are growing signs that the White House and Republican legislators, having previously rejected the ISG report late last year, will now seek to co-opt the ISG recommendations this summer and fail to provide a bipartisan veneer to their efforts to pretend they are shifting course in Iraq.

We acknowledge the important contributions made by the ISG and its co-chairmen James Baker and Lee Hamilton, but progressives need to point out that some of the ISG's recommendations are ambiguous and others have been overtaken by events. Congress needs to understand that the ISG's three main recommendations face five key issues that raise questions about the relevance of the ISG's recommendations today.

The ISG report had three main recommendations:

1. Place greater emphasis on political benchmarks for the Iraqi government to ensure disaffected groups (specifically the Sunnis) are brought into Iraq's political process.

2. Accelerate and increase the training of Iraqi security forces to allow them to take over from U.S. forces and transition U.S. forces from combat missions in 2008.

3. Initiate a region-wide diplomatic offensive to contain and resolve Iraq's conflicts.

The ISG recommendations now face five practical obstacles:

1. Conditioning U.S. troop withdrawal from Iraq on the outdated "We'll stand down when the Iraqis stand up" formula.

The main problem with the ISG report is that it conditions the eventual U.S. troop withdrawal on Iraq's splintered national leadership. The ISG report spells out a long list of preconditions for withdrawing U.S. troops, which actually gets the situation backwards—the United States needs to put Iraqis and the countries in the region on notice to motivate them to act more constructively in their own self-interest in order to contain and resolve Iraq's multiple internal conflicts.

The fundamental challenge with Iraq's security forces is not skills building and training. It is instead a problem of motivation and allegiance. The last six months in Iraq have reinforced the point that Iraqis will not take responsibility as long as U.S. forces remain in the country in such large numbers. Despite the latest escalation, the Iraqi government has not made any progress toward reconciliation.

The Bush strategy as well as the core ISG recommendations ignore a fundamental reality—that the situation in Iraq has little chance to improve until U.S. troops begin redeploying.

2. Placing too much focus on Iraq's central government, a dysfunctional and divided government that lacks the unified support of its own leaders.

The ISG recommendations place a strong emphasis on getting the Iraqi national government to meet several political benchmarks that are not only unachievable in the short term but irrelevant today because of changed conditions in Iraq. In fact, the Iraqi national government is increasingly trapped in bitter disputes along sectarian lines that have paralyzed the government.

Iraq's leaders fundamentally disagree on what Iraq is and should be. The benchmarks passed by Congress in May—the subject of a forthcoming report from the Bush administration—ignore the key reality that Iraq may suffer from unbridgeable divides.

Meeting these political benchmarks will likely have no effect on the major conflicts in Iraq and may well exacerbate the Kurd-Arab and intra-Shi'a conflicts emerging in Iraq's northern and southern regions. As such, these benchmarks provide false hope for resolving a series of conflicts that require a much deeper solution than the United States can provide unilaterally.

3. Paying insufficient attention to the 2005 Iraq Constitution and the will of the Iraqi people.

The ISG report outlines a course that would lead to the unraveling of Iraq's constitution. One of the ISG's main recommendations is that "the [United States] should support as much as possible central control by governmental authorities in Baghdad, particularly on the question of oil revenue." But this cuts against the grain of what Iraqis supported in their own constitution, passed by popular referendum in 2005. Iraq's constitution establishes a framework for a strongly decentralized federal system.

Not surprisingly, many Iraqi leaders objected to the recommendations of the ISG report. Iraqi President Jalal Talabani, a Kurd, rejected the ISG report. In addition to criticisms from Iraq's leaders, the ISG recommendations lack a broad-base of support among Iraqis, a strong majority of whom want U.S. forces to leave Iraq within a year.

According to a poll of the Iraqi public conducted in 2006, 71 percent of Iraqis wanted the Iraqi government to ask for U.S.-led forces to be withdrawn from Iraq within a year or less. Another 61 percent support attacks on U.S.-led forces. In short, many Iraqis are opposed to the ISG recommendations, and as a result the United States would face severe problems attempting to implement them.

4. Supporting the unconditional training of Iraq's security forces, which is deeply problematic.

The core of the ISG report is the recommendation that the United States accelerate and increase the training of Iraqi security forces. It proposes an American advisory effort of between 10,000 and 20,000, comparable to the U.S. advisory strength in Vietnam at its height. Increasing the capacity of the Iraqi security forces, however, won't rectify their three main problems:

The Iraqi security forces are far from reliable. The Pentagon estimates that at least one-third of the Iraqi Army is on leave at any one time; desertion and other problems bring the total to over half in some units. Of the 11,000 Iraqi soldiers assigned to the recent U.S.-led offensive in Baquba in June, only 1,500 showed up. Infiltration by sectarian militias into the Interior Ministry has been identified as a severe problem. Many Iraqi security forces have been implicated in sectarian violence, most notably the National Police and certain elements of the Iraqi Army. Allegations have emerged during the Baquba offensive that Sunni and Shiite soldiers cooperated with Sunni insurgents and Shiite militias, respectively. Some have even tried to kill American troops. Giving weapons and training to Iraq's security forces in the absence of a national political consensus in Iraq risks inflaming Iraq's conflicts. In fact, the violence has escalated at the same time as the number of trained Iraqi security forces has increased.

Iraq's government has used Iraqi security forces to promote their sectarian interests rather than the national interest. Most troubling is the manner in which the government of Prime Minister Nouri al-Maliki has used the Iraqi security forces. He has focused primarily on going after Sunni insurgents with Iraqi forces, leaving the impression that he is acting on behalf of Shi'a sectarian interests. Worse still, officials in the prime minister's office have often replaced officers that are perceived as competent and non-sectarian.

Force protection concerns for the United States. The ISG's training recommendation suffers from two more flaws: force protection and time. The number of troops dedicated to protecting American advisors from insurgents would drain resources needed to perform other missions crucial to U.S. interests such as counterterrorism. In addition, many experts observe that it takes years if not decades to train a professional, competent army. Past experiences of unpopular foreign military forces facing an insurgency while training local security forces do not inspire confidence in the success of future efforts. There is no reason to presume we will be able to do any better even if we had unlimited time in Iraq (which we don't).

5. Offering undeveloped ideas on a regional diplomatic offensive.

The ISG proposed creating a regional contact group to help solve Iraq's internal and external problems diplomatically. While it is important for the United States to undertake a diplomatic offensive as it begins a phased redeployment from Iraq, the ISG approach is too broad.

Rather than dealing with Iraq's multiple internal conflicts as discrete problems that require separate attention, the ISG approach could result in a "one-size-fits-all" diplomatic package. Progressives should recognize that each of Iraq's neighbors have differing interests in each ofIraq's conflicts, and then advocate that the United States tailor its diplomacy to each conflict in an attempt to deal individually with the myriad problems confronting Iraq.

CONCLUSION

Progressives should not allow the recommendations of the ISG report to be accepted without question. Nor should they allow the White House to legitimate its still-stay-the course policy by paying lip service to the ISG recommendations.

Rather, progressives should advocate a policy that allows us to strategically reset our military forces, our diplomatic personnel, and our intelligence operations by redeploying out troops in 12 months, partitioning our diplomatic effort to better deal with Iraq's multiple conflict, rethinking our approach to Iraq's government and its security forces, and redirecting our immense national power toward destroying those terrorists who attacked us on 9/11. The time is past for more half-way measures.

The United States needs to move toward a "Strategic Reset" of its policy in Iraq and the Middle East, one that recognizes the increasingly fragmented situation on the ground and build a more sustainable approach to advancing long-term U.S. interests in the region.

Mr. DREIER. Mr. Speaker, as I yield to my friend from Pennsylvania, let me just say, we do have a great chance to work together, that's why we were, in fact, proposing an alternative, that being a chance for us to work on the bipartisan Iraq Study Group recommendations.

With that, I'm happy to yield 4 minutes to my very good friend from Erie, Pennsylvania (Mr ENGLISH).

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

Mr. Speaker, today I rise in the strongest possible opposition to this rule.

In the panoply of public policy issues, there is no more important question than starting or ending an armed conflict. The decision we make today will determine whether men and women will live or die, not only on the battlefields of Iraq but also potentially in the cities of Europe and America.

The discussion that we conduct today should transcend crass political partnership and narrow ideology to reflect our deepest concern for the Nation and, indeed, for the community of nations.

The House of Representatives today should be prepared to engage in a free and fair debate regarding all of the potential options for the future conduct of combat operations and diplomatic initiatives in Iraq and the broader Middle East. We should be discussing the recommendations of the Baker-Hamilton Iraq Study Group. We should be examining some of the ideas laid out by Senator LUGAR. We should be considering the suggestion of Congresswoman HEATHER WILSON and I that we made to the President recently encouraging him to convene a high-level summit of Iraqi sectarian leaders. We should exclude no viable alternative, even that offered by my colleague from Ohio (Mr. KUCINICH).

The legislation we will consider later today does have the potential to serve as a starting point of determining a new course of action in Iraq, but it is badly flawed, and it needs substantial improvement, and unfortunately, that will not be possible. The rule the Democrats have laid before the House today demonstrates their motivations are, at core, political. And I remember when politics ended at the water's edge.

They do not offer us an open rule, allowing full and free debate. They don't even allow us a structured rule, permitting, at the very least, discussion of some of the major alternatives that I've outlined.

Mr. Speaker, we all know that certain parties want things from this debate today. They've already recorded their robo calls, purchased airtime for their attack ads. They've scheduled buses for their rent-a-mobs. And the last thing they really desire is a free, open and informed debate that might result in a unified policy regarding our Nation's future efforts in Iraq. They seek not to unite our Nation but to divide it.

The people who bring this rule to the floor today do not allow amendments because they're afraid. They're afraid that some of these amendments might prevail. They're afraid that, given viable alternatives, some Members of their own party will choose cooperation over confrontation.

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Mostly, they are afraid they might lose a major issue for their campaign to maintain their majority. Their fear may or may not be justified, but its very existence is a sad commentary on their faith in the Members of their own party, this body, and the American people.

I remind my colleagues that the only thing we have to fear is fear itself. Reject this cynical rule. Vote "no" on the previous question. Let's have a full and fair debate on this, the most critical issue of our generation.

Ms. SLAUGHTER. Mr. Speaker, give me 3 seconds to say that under the Republican administration, not a single Iraqi measure was brought up under an open rule.

And now I am pleased to yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. I thank the gentlewoman from New York for yielding me time and for her leadership on the Rules Committee.

Mr. Speaker, I rise in support of this rule and in support of the underlying bill. Today presents us with another opportunity to change direction in Iraq, a change that is desperately needed. I have opposed this war from the beginning. I have long supported ways to bring this war to a responsible close. I urge my colleagues to seize this opportunity now before we do further disservice to the brave men and women in Iraq.

The last time I rose in opposition to Iraq policy, I talked about George and Dee Heath from my hometown of Sacramento. All three of their sons served in Iraq. Recently, I learned that one of their sons, David, was hit in an RPG attack on his convoy. Thank goodness he was not wounded gravely, and he will be coming home to recover.

Mr. Speaker, today's vote is about our responsibility to the Heath sons and to the more than 150,000 other men and women in harm's way. They are doing what is being asked of them heroically and patriotically. It fills me with sorrow that more than 3,600 soldiers have paid the ultimate price for their heroism, including 385 from my home State of California.

Our responsibility to them as their elected leaders should be, it must be, to ensure that their mission is clear and achievable. Today, we have the opportunity to fulfill our responsibility as the President has not. Sadly, the President's disastrous leadership is ignoring his duty to the troops. We cannot sit idly by.

The Iraqi Government is not meeting any of its political, economic, or military benchmarks. The President's surge policy has had disastrous results. In fact, 600 troops have been killed and more than 3,000 have been wounded since he announced this policy.

Our troops are stranded on the front lines without clear guidance and without a clear mission. In light of such inept leadership by the President, the American people have lost their patience. Most Americans support removing troops by April. They want us to refocus on terrorism. Yet, still the President refuses to reconsider. It is clear from the President's blind stubbornness that Congress must show the President the way.

Our troops are at the breaking point. We are refereeing a civil war. The solution is a political one, not a military one. But in this late and crucial hour, you have to do more than talk about change. You have to vote for it. You have to fight for it. Chairman SKELTON's bill keeps the safety of our troops and our Nation's security at the forefront by changing course in Iraq. I urge all my colleagues to support this bill.

Mr. DREIER. Mr. Speaker, it is absolutely laughable to listen to the distinguished Chair of the Committee on Rules, after having berated us for the longest period of time, use us as a model for the procedure around which we are considering this legislation. This is a bill, not a resolution, which is what we brought up in the last Congress.

Mr. Speaker, I yield 3¼ minutes to the very distinguished gentleman, a former member of the Rules Committee, from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my former chairman of the Rules Committee, the gentleman from California, for yielding.

Mr. Speaker, I rise today to oppose this rule and condemn the underlying bill, hastily leaving Iraq without any clear exit strategy.

Mr. Speaker, the timing of this legislation should raise some serious questions for the American people. It comes at a critical point in the global war on terror, a point at which our efforts should be focused on defeating terrorism inflicted by Islamic jihadists, not usurping the power of our military commanders, as this bill clearly does.

Today's debate comes on the heels of an intelligence analysis stating al Qaeda has regrouped to a level not seen since 9/11 with a greater ability to strike inside the United States. It comes in the immediate aftermath of the Muslim extremist attacks in London and Glasgow. In sum, it comes at a time when our decisions must be based on strategic interests and not political grandstanding.

However, Mr. Speaker, this bill is not designed to help us fight terrorism to secure the United States' interests. In fact, its timing has nothing to do with national security at all.

Today, the Democratic leaderships want us to vote on a change of course before we have had the opportunity to fully analyze the President's interim report on our strategy in Iraq, and well ahead of the much anticipated September report to be delivered by General Petraeus and Ambassador Crocker.

So why are we debating this now? Curiously, it comes at a time when this Democratic Congress has an approval rating as low as 14 percent. That's right, Mr. Speaker, their approval is at an all-time low. Their base, the extremist left, is very angry. They are angry at the Democrats' Out of Iraq Caucus because they failed to deliver. Indeed, Cindy Sheehan, their poster child, has now announced her candidacy against Speaker PELOSI.

So what do the Democrats do? They take another shot at Old Faithful. When all else fails, when they can't get anything accomplished, when all they can deliver to the American public is the most closed Congress in history, they engage in another round of political theater engineered to do nothing but grab a few headlines and appease that liberal base.

Mr. Speaker, let's not waste the time of this body by debating vague bills with absolutely no chance of becoming law. Let's instead examine the upcoming September report from our top military commanders and then, yes, then make informed decisions on the best path forward.

My friend, the distinguished chairwoman of the Rules Committee, the gentlewoman from New York, stated in her opening remarks that if we wait until September, as I suggest, 200 more troops would be lost and the lives of 200 families would be changed forever.

Mr. Speaker, let me remind my colleagues that within a 20-minute period of time on September 11, 2001, 3,000 lives were lost, some of our brightest and best; and, indeed, the lives of 3,000 families were changed forever.

Mr. Speaker, I just want to urge my colleagues to oppose this rule and to oppose the irresponsible underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I vigorously opposed the war in Iraq before it began, and now, well into its fifth year, the need for a new policy has never been clearer. The toll of this war has been devastating: more than 3,600 of our most courageous men and women killed, tens of thousands seriously wounded; the toll on civilians much higher still. And while we struggle to fund domestic priorities in Vermont, in all our States across this Nation, health care, a crumbling infrastructure, transportation, the cost of education, we now spend $12 billion every single month on this war.

From last November's elections, to public opinion polls, to the comments I hear from Vermonters every single day, the voice of the American people is loud and it is clear: we must end this war. And since the President refuses, absolutely refuses, to act, Congress must. Since the President refuses, Congress must make it clear that the United States will not maintain permanent military bases in Iraq. Since the President refuses, Congress must denounce the use of torture. It must finally close Guantanamo Bay. And since the President refuses, Congress must bring our troops home and ensure they receive the care they deserve when they return.

Mr. Speaker, 7 months ago, under the leadership of the previous Congress, a bill like this never would have been allowed to come to the floor. Now, 7 months later, today, there is an emerging bipartisan consensus that the President must be forced to change his course.

By passing this bill today, Congress will demonstrate with the force of law what the American people well know: it is time to end the war in Iraq.

I cosponsored and voted in favor of legislation offered by my colleague Mr. MCGOVERN of Massachusetts that called for redeployment of our troops from Iraq within 6 months. I voted against additional funds for the war without a timeline. And I cosponsored legislation that would close Guantanamo Bay, outlaw torture, defend the right of habeas corpus, and prohibit the establishment of permanent military bases.

At the end of the day, Americans know that no action in the House of Representatives is not enough until all of our troops are returned home. This bill provides a starting point for progress towards realizing that goal. Until our troops are home, I will not stop, and Congress must not stop in its efforts to compel the President to end this war.

Mr. DREIER. Mr. Speaker, let me at this time yield 2 minutes to our friend from Bridgeport, Connecticut (Mr. SHAYS), who has made 17 trips to Iraq and unfortunately was denied an opportunity to have us consider and vote on a very thoughtful amendment that he proposed in the Rules Committee last night.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as I walked into this Chamber, Congressman MCGOVERN said we need to work together to bring our troops home. He is right. But the resolution we will be debating today does not allow us to consider bipartisan proposals. There were a number of amendments presented to the Rules Committee, and they rejected all of them.

The gentlewoman from New York, Ms. SLAUGHTER, can say, when Republicans were in control, they didn't do that, they didn't allow bipartisan amendments. That is about the most insignificant and meaningless statement she could make, because Democrats are now in charge, and they are in charge in part because of the war in Iraq and because they promised to be different and have open debate and allow us all to say what we needed to say and from that find consensus.

There are two things I agree on: we need to bring our troops home, and we need a deadline to do that. But this deadline begins in 120 days and concludes by April of next year, guaranteeing absolute failure, laying waste to all the investment we have talked about.

We need to bring our troops home, but not by the deadline that has been offered. It is the only deadline. So when I vote against what I think is a foolish deadline, the media is going to say exactly what my Democratic colleagues want them to say, that we voted against a deadline and that we are not sincere about bringing our troops home.

Give me a deadline I can support, and I will vote for it. Give me an opportunity to at least debate a deadline that I could support.

We are going to bring our troops home because we can't maintain this level of engagement in Iraq without extending troops from 15 months to 18 months. We are not going to allow that to happen. Our troops will be coming home, but not by April. They will be coming home in a more thoughtful way.

I urge defeat of this resolution. In particular, it did not allow for the Wolf amendment, which was the Iraq Study Group proposal. This is what we need to be voting on. We all say that we agree with it and support it. Well, why not bring it to the floor? What are we afraid of?

Ms. SLAUGHTER. Mr. Speaker, let me have about 2 seconds to say that we have allowed 4 hours of general debate. I think everybody will have an opportunity to discuss what they think of the deadline.

Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Florida (Ms. CASTOR).

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Ms. CASTOR. I thank the distinguished chair of the Rules Committee for yielding me this time.

Mr. Speaker, I rise as a cosponsor of the Responsible Redeployment from Iraq Act under this rule, and urge my colleagues to pass it today, because in this summer of 2007, in the fifth year of the Bush-Cheney war in Iraq, it is imperative that we chart a new direction for our national security and be more strategic in the defense of America.

As a member of the House Armed Services Committee, it is clear to me that the reckless White House policy and now the escalation of the war is undermining our country's readiness and ability to respond to other global threats to our national security. Indeed, in testimony before our committee, top commanders have testified that America runs a strategic risk by staying on the same course in Iraq.

The generals confirm that because our personnel and equipment are tied up in Iraq, our ability to handle future threats and contingencies is reduced. In my State of Florida, for example, the National Guard does not have all of the equipment it needs to train and deploy soldiers. They are only 28 percent equipped. In effect, President Bush's war in Iraq is impairing our country's ability to prepare for any other threat to our national security.

Florida also feels the pinch of multiple deployments because, time and again, our brave men and women are being asked to go back, to leave their families, leave their jobs, return to the field of battle after inadequate rest at home. Florida currently has the second highest number of troops out of the 50 States deployed in Iraq, over 23,000. And 172 Floridians have been killed and over 1,200 have been wounded since military operations began there over 4 years ago. Hardly a week goes by that my office is not contacted and informed of another sad but heroic death in this cause. In fact, last week, two more Tampa Bay area brave, heroic soldiers were killed by IEDs.

People ask me, why are our young American men and women refereeing the ongoing Shiite-Sunni civil war? American troops cannot resolve the Iraqi sectarian and religious conflict; only Iraqis can find the political resolution required to stabilize Iraq. America has now spent over $450 billion in Iraq. When will the Iraqi government take responsibility for the future of their country?

President Bush's war in Iraq has been very costly. Over $10 billion a month now, costly not just in terms of degradation of our Nation's readiness, the waste and fraud due to the lack of oversight, but President Bush is sacrificing the health care of our children and our seniors and investments in our towns and neighborhoods while continuing this war without end.

So after 4 years of war and over 3,500 American lives, and the Bush-Cheney failure to aggressively pursue a political solution, we demand a new direction and a comprehensive strategy for our great Nation.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentlewoman for yielding me this time.

Mr. Speaker, for 4 long years our country has endured a tragic war, a treacherous journey down a dark and winding path, with no clear routes, no clear destination and fatal hazards lurking around every blind corner.

Today I rise again with Chairman SKELTON and my colleagues to act to clear the road ahead, to bring its end into the light. I rise again to push, to prod, to urge my colleagues to help us end the President's failed policy; to help us change the mission to a mission based in reality; to help us end the ravages that our brave soldiers who have performed so heroically, remove them from the crossfire in which they are caught, to remove them from the snipers' bullets and the life-ending IEDs.

I rise with the hope that those who have stood with the President and have given his Iraq policy a chance to succeed and another chance to succeed and another chance to succeed, that they will today choose a responsible change in direction based in reality that will establish a comprehensive and clear strategy for our role in Iraq.

Congress has allowed the President to lead our troops down this path for too long. It is time to demand accountability, to demand an exit strategy that is clear, and to demand an end to the injury and death that our brave soldiers face every day as they courageously proceed down this undefined road on which the President has placed them and they have dutifully traveled.

The President's ambling course has led our troops through the deadliest 3 months of the war in April, May and June of this year. During those three deadly months, 329 American soldiers died in Iraq. The cost of continuing down this path is too great. We must act to bring direction and accountability to the United States' mission for the sake of our troops and the families that love and support them.

It brings me great sadness to report that, since the war began in the spring of 2003, 163 brave men and women from Ohio have been killed. And 25 of those precious lives have been lost since the surge. The President's escalation of this war means six more grieving families in Ohio since when I last spoke in favor of the redeployment bill in May of this year. How many more times will we come to this floor to demand responsibility and accountability from our President? How many more families will be devastated by the loss of a loved one? How many more times will we hear the administration continue to argue that we are, quote, "just about to make progress"?

Last November, the people of the 13th District of Ohio made their voices heard when they went to the polls. Their voices joined with the voices of people across this Nation. They voted for a change in direction, and today we act to give it to them.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to one of the most respected Members of this House on intelligence and defense matters, the gentlewoman from Albuquerque, New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I want to let my colleagues know that I will be asking for a recorded vote on the previous question on this rule.

We have a problem, a very serious problem that we must address before the House adjourns in August, and this resolution which we have done before does not deal with the real issues that this House must address because of the threat that we face.

If the previous question is defeated, I will offer an amendment to the Foreign Intelligence Surveillance Act that clarifies one very simple and critical thing, that the United States Government will no longer be required to get a warrant to listen to terrorists who are not in the United States.

The Director of National Intelligence has testified to us, as has the director of the CIA, that their hands are currently tied. They are being tied up, requiring warrants with probable cause, to listen to people who are terrorists who are not even in the United States because of the way the Foreign Intelligence Surveillance Act is written.

We cannot allow ourselves to be deaf and blind because of a law that is woefully outdated. All of us have heard what the Department of Homeland Security has said, the chatter is at levels we have not seen since the summer of 2001. And the Director of National Intelligence has testified we are missing significant portions of intelligence. We have to open our ears and open our eyes to keep this Nation safe. That is the critical issue we should be debating here today. And if we defeat the previous question, I will immediately offer that for the consideration of the House.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding, and I would point out to our colleagues that the action just described in my view is not necessary.

I rise in support of the rule, the underlying bill, and in strong support for ending our combat mission in Iraq and redirecting our efforts towards stability in the region, including Iraq, but also in trouble spots like Iran, Lebanon, Pakistan and Afghanistan.

Let me make three points.

First, based on firsthand experience from my fourth visit to Iraq just weeks ago, Baghdad is not safer. True, we have worked successfully with tribal leaders against al Qaeda in Anbar Province, but the major population center, Baghdad, the focus of our military surge, is not turning around. Progress will not be made by a continuation of our combat mission.

Second, the Skelton bill mirrors a companion bill in the other body which has impressive bipartisan support. I urge Republicans to support this measure, and know that some will do so.

The message our constituents want to hear is that 290 of us, a veto-proof bipartisan majority, insist on a responsible end to our combat mission in Iraq beginning now with passage of this bill.

Third, though I feel Homeland Security Secretary Chertoff's use of the words "gut feeling" was unwise, I share the view that our country could be attacked at any time. Al Qaeda has regrouped in Pakistan and expanded its reach throughout North Africa. Homegrown cells in England and elsewhere are increasing, and our assumption must be that they are here as well.

Low-tech, low-scale vehicle-borne attacks are, sadly, not hard to execute. At a minimum, those, and attacks on soft targets like our mass transit systems, may be in our near future.

DHS, FBI and our exceptionally talented local police departments are working overtime, though their ranks are depleted and their equipment and they are surged in Iraq. But 100 percent protection is impossible.

Mr. Speaker, this is where our attention must be, and our resources. Pass the Skelton bill.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 4 minutes to my friend from Holland, Michigan, the former chairman, now the ranking member of the Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Speaker, later on, my colleague from California will make a motion to defeat the previous question, as the gentlewoman from New Mexico (Mrs. WILSON) indicated. That will then enable us to address a very serious issue, the problem that, right now, we are blind and deaf to people who may want to attack the United States.

As Secretary Chertoff indicated earlier this week, all of the indications are that we still remain very, very vulnerable. The chatter, the signals, indicate more clearly that America is still at risk. And it is not only the chatter. All you really need to do is take a look at what al Qaeda says. They are clear on their intent to attack the United States again.

Take a look at what happened in the U.K. 2 weeks ago. Planned attacks in the heart of London, a planned attack at an airport indicate that al Qaeda and radical jihadists want to attack the U.K.; they want to attack in Europe, and they want to attack us in the United States.

One of the things that needs to be clear is that what has helped keep us safe is our intelligence community. And as our ability to gain information has changed and adapted over the last couple of years, it has become even more clear that FISA needs to be updated, and FISA needs to be updated now. It needs to be done before we go home in August because if we expect to stay safe, we need to make sure that our intelligence community has all of the tools at its disposal to identify risks, to identify potential terrorists and to identify individuals who want to do us harm.

FISA should not be used to protect international terrorists. It should not be used to protect radical jihadists. It should not be used as a screen to protect members of al Qaeda. Remember, FISA was designed in the 1970s, designed to handle a Cold War surveillance of countries like the Soviet Union. Back then and into the 1980s and early 1990s, our intelligence community only needed to be one step faster than the former Soviet Union. We didn't have to be that fast. And the risks and the threats were not as real or as immediate to our homeland as what they are today.

Today our intelligence community needs to be one, two, three steps faster than radical jihadists, radical jihadists who use technology and who use the Internet and who use the communications world of today to drive their message and to plan their attacks. We need to be able to penetrate into it and penetrate into it very effectively.

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Now is the time to modernize FISA. Now is the time to make sure that the intelligence community has the capability to identify the threats and the individuals who may want to attack the United States and make sure that they are in a position to identify these threats and get this information to our law enforcement individuals in the United States in a seamless way.

We've made progress in a number of areas in intelligence reform. There's still much work to do, but one of the areas that we have not done is update FISA.

Defeat the previous question and allow for the modernization of FISA now.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, today it was reported that al Qaeda is as strong now as it was prior to the 9/11 attacks. Meanwhile, our troops who have served with honor and distinction are mired in the middle of a religious civil war in Iraq. The men and women of Iowa's National Guard have faced multiple redeployments at great sacrifice to them and their families.

The American people continue to demand a new way forward in Iraq. Even Members of the President's own party are demanding change. We must immediately begin to chart a new course.

I'm a cosponsor of the Responsible Redeployment from Iraq Act because it provides for the safe withdrawal of combat troops by April 1, 2008. We must bring home our troops safely and responsibly. We must also redirect our efforts against terrorism.

This bill represents a step forward, and I urge its passage and the rule.

Mr. DREIER. Mr. Speaker, may I inquire of my very good friend from Rochester, New York, the distinguished Chair of the Committee on Rules, how many speakers she has remaining.

Ms. SLAUGHTER. Certainly, Mr. Speaker. I have two.

Mr. DREIER. With that, Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentlewoman from New York for yielding time.

Mr. Speaker, I rise to support the rule and also the underlying bill, the Responsible Redeployment from Iraq Act. We can't afford to spend $10 billion a month on this failed war and continue to see the loss of lives, 3,600 now. From my district alone, 14 individuals have not come home to see their families. 27,000 have come home injured from the war.

I want to tell you that in March I had the opportunity to visit some of our troops in Iraq, many from California representing southern California's San Gabriel Valley. Many of them told me they did not have appropriate equipment, that they were there for an insurmountable time, many on their second, third and fourth tour. One family member from the City of Azusa told me that he had not even seen his child. It had been already 14 months.

I would ask Members of Congress to remember who our constituents are. I have the adjoining district next to Congressman DREIER. In my district alone, 4-1 in a survey said, Republican and Democrat, we want the Congress to get us out of the war.

I ask for support of our bill and the rule.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, we were reassured that "progress" was being made in Iraq 500 deaths ago, 1,000 deaths ago, 2,000 deaths ago, and 3,000 deaths ago.

Like the boy who cried wolf, this President cries "progress." What progress?

With all this talk about benchmarks, I think it's time to get off the bench and bring our troops home now, with an immediate, responsible, and safe redeployment.

President Bush says as we approach five years of being in Iraq, he says "listen to the generals."

Well, we've listened to them, and his top general says if we followed his course, if we stay his course, we'll be in Iraq fighting for another five to ten years.

Real progress would begin by adopting today's very modest proposal and moving forward united so that our troops are not caught up in a final disastrous position in Iraq, and that we responsibly redeploy to protect our families, rather than generating one generation after another of jihadists.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have no more requests for time and ask if the gentleman has more requests.

Mr. DREIER. Mr. Speaker, I'm going to close the debate now, so I yield myself the balance of the time.

Mr. Speaker, let me just begin by talking about procedure. We continue to hear the distinguished Chair of the Committee on Rules talk regularly about an open amendment process, and I will say with absolute certainty, I had the privilege of chairing the Rules Committee for 8 years, and I will tell you that we have brought more rules to the floor of this House under a completely closed process during the first 7 months of this year than we did during any 7 months during the 8 years that I was privileged to serve as chairman of the Rules Committee. So much for a new and open process.

Now, let's look at what it is we're considering here, Mr. Speaker. Mr. Speaker, we know full well that this is a bill, unlike resolutions that may have been brought up under closed rules in the past, this is actually a bill, a bill that's scheduled to go to the President's desk. Everyone knows that this bill is not going to become law.

What we've found is gross politicization once again, a commitment made that every week we're going to have some kind of vote on Iraq.

We all know that the war in Iraq is very unpopular. We know that the President is a great punching bag on this for virtually everyone, but the fact of the matter is we are in the midst of a very important global war on terror, and as the President said in the past, you know, we all like to be loved, but I'd much rather be right than be loved.

The fact of the matter is, we want to bring this war to an end. The President stood right here in this chamber in January and said I wish that this war were over and that we had won, but we need to ensure victory. And, Mr. Speaker, unfortunately, we are not given the opportunity to consider any thoughtful, bipartisan alternative to this measure which calls for the withdrawal to begin within 120 days. I mean, how crazy is that when we're looking for a report to come in September and as we are looking at success that has begun even after only 1 month, 1 month of this plan having been put into place under the greatly heralded General David Petraeus?

Now, Mr. Speaker, as my friends from New Mexico and Michigan have said, I'm going to move to defeat the previous question. I'm going to move to defeat the previous question so that we can actually ensure that we have the tools to win this war on terror. We've had a number of anniversaries marked. We've spent a lot of time talking about them, but we fail to remember the success that we've had at preempting attacks on this country.

Just last month, we marked the first anniversary of the discovery of the proposed attack on the Sears Tower and the FBI headquarters in Miami.

Just last week, we marked the first anniversary of the proposed attack on the plan to blow up the Hudson River tunnel between New Jersey and Manhattan.

Just in May, we had a report of the plan, as you all know, to see some of these people go in and start killing our people at Fort Dix in New Jersey.

And then of course, just a few weeks ago, we had the plan to blow up JFK International Airport.

Well, Mr. Speaker, we've been able to discover those, but we know full well from those in our intelligence operations and the Department of Homeland Security that we are, as Mr. HOEKSTRA said, blind and deaf, and I believe that we need to make sure we defeat the previous question so that we'll be in a position to amend this proposal so that we can ensure that we have the tools necessary to win this war on terror.

So vote "no" on the previous question.

AMENDMENT TO H. RES. 583 OFFERED BY MR. DRIER OF CALIFORNIA

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2956) to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) four hours of debate, with three hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; (2) the amendment in the nature of a substitute printed in section 3 of this resolution, if offered by the gentleman from Michigan, Mr. Hoekstra, or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for two hours equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2956 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The amendment in the nature of a substitute to be offered by Mr. Hoekstra of Michigan, or his designee, referred to in section 1 is as follows:

Strike all after the enacting clause and insert the following:

Subsection (f) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended to read as follows—

"(f) 'Electronic surveillance' means—

"(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

"(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States."

COMPARISON OF 110TH TO 109TH TYPES OF AMENDMENT PROCESSES FOR BILL CONSIDERED BY THE HOUSE THROUGH JULY 12, 2005 (EXCLUDING MEASURES CONSIDERED BY SUSPENSION OR UC) CURRENT AS OF JULY 12, 2007

109th—Through July 12, 2005		110th—To date	
	Percent		Percent
Open: 12 (including approps)	27.3	6 (including approps)	9.4
Modified Open: 0	0	7	10.95
Structured: 21	47.7	25	39
Closed: 11	25	26	40.6
Total: 44	100	64	100
Open: 12 (including approps)	27.3	6 (including approps)	9.4
Restrictive: 32	72.7	58	90.6
Total: 44	100	64	100

*Prepared by the Committee on Rules Republican Staff.

Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, once again, we're always treated to the inventive memory of the former Chair of the Rules Committee.

Let me just state for the record that this time last when he was Chair, we had three open rules. At this time, we've had eight open rules.

I urge a "yes" vote on the previous question and also on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 533, if ordered; and approval of the Journal.

The vote was taken by electronic device, and there were—ayes 225, noes 197, not voting 9, as follows:

[Roll No. 620]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Berkley
Cubin
Davis, Jo Ann
Jindal
Jordan
Kucinich
Stark
Tancredo
Young (AK)

□ 1204

Mr. GRAVES changed his vote from "aye" to "no."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. JORDAN of Ohio. Mr. Speaker, I was absent from the House floor during today's rollcall vote on ordering the previous question on the rule, H. Res. 533, for H.R. 2956.

Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 196, not voting 14, as follows:

[Roll No. 621]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—14

Berkley
Cole (OK)
Cubin
Davis, Jo Ann
Jindal
Kucinich
Lewis (CA)
Musgrave
Pickering
Saxton
Stark
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain for this vote.

☐ 1210

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 178, answered "present" 1, not voting 12, as follows:

[Roll No. 622]

YEAS—240

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Arcuri
Baca
Bachmann
Baker
Baldwin
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boozman
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Gillmor
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kuhl (NY)
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Paul
Payne
Petri
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
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Smith (WA)
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Terry
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1217

So the Journal was approved.

The result of the vote was announced as above recorded.

RESPONSIBLE REDEPLOYMENT FROM IRAQ ACT

Mr. SKELTON. Mr. Speaker, pursuant to House Resolution 533, I call up the bill (H.R. 2956) to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Responsible Redeployment from Iraq Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243), enacted into law on October 16, 2002, authorized the President to use the Armed Forces as the President determined necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by the Government of Iraq at that time;

(2) the Government of Iraq which was in power at the time the Authorization for Use of Military Force Against Iraq Resolution of 2002 was enacted into law has been removed from power and its leader indicted, tried, convicted, and executed by the new freely-elected democratic Government of Iraq;

(3) the current Government of Iraq does not pose a threat to the United States or its interests; and

(4) after more than four years of valiant efforts by members of the Armed Forces and United States civilians, the Government of Iraq must now be responsible for Iraq's future course.

SEC. 3. REQUIREMENT TO REDUCE THE NUMBER OF ARMED FORCES IN IRAQ AND TRANSITION TO A LIMITED PRESENCE OF THE ARMED FORCES IN IRAQ.

(a) REQUIREMENT.—The Secretary of Defense shall commence the reduction of the number of Armed Forces in Iraq beginning not later than 120 days after the date of the enactment of this Act and shall complete the reduction and transition to a limited presence of the Armed Forces in Iraq by not later than April 1, 2008.

(b) REDUCTION AND TRANSITION TO BE CARRIED OUT IN A SAFE AND ORDERLY MANNER.—The reduction of the number of Armed Forces in Iraq and transition to a limited presence of the Armed Forces in Iraq required by subsection (a) shall be implemented in a safe and orderly manner, with maximum attention paid to protection of the Armed Forces that are being redeployed from Iraq.

(c) REDUCTION AND TRANSITION TO FURTHER COMPREHENSIVE STRATEGY.—The reduction of the number of Armed Forces in Iraq and transition to a limited presence of the Armed Forces in Iraq required by subsection (a) shall further be implemented as part of the comprehensive United States strategy for Iraq required by section 4 of this Act.

SEC. 4. COMPREHENSIVE UNITED STATES STRATEGY FOR IRAQ.

(a) STRATEGY REQUIRED.—Not later than January 1, 2008, the President shall transmit to the appropriate congressional committees a comprehensive United States strategy for Iraq.

(b) MATTERS TO BE INCLUDED.—The strategy required by subsection (a) shall include the following:

(1) A discussion of United States national security interests in Iraq and the broader Middle East region and the diplomatic, political, economic, and military components of a comprehensive strategy to maintain and advance such interests as the Armed Forces are redeployed from Iraq pursuant to section 3 of this Act.

(2) A justification of the minimum force levels required to protect United States national security interests in Iraq after April 1, 2008, including a description of the specific missions of the Armed Forces to be undertaken. The justification shall include—

(A) the projected number of Armed Forces necessary to carry out the missions;

(B) the projected annual cost of the missions; and

(C) the expected duration of the missions.

(3) As part of the justification required by paragraph (2), the President shall, at a minimum, address whether it is necessary for the Armed Forces to carry out the following missions:

(A) Protecting United States diplomatic facilities and United States citizens, including members of the Armed Forces who are engaged in carrying out other missions.

(B) Serving in roles consistent with customary diplomatic positions.

(C) Engaging in actions to disrupt and eliminate al-Qaeda and its affiliated organizations in Iraq.

(D) Training and equipping members of the Iraqi Security Forces.

(4) Specific plans for diplomatic initiatives to engage United States allies and others in the region to bring stability to Iraq.

(c) UPDATE OF STRATEGY.—Not later than July 1, 2008, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees an update of the strategy required by subsection (a), including a description of the number of Armed Forces deployed to Iraq and the missions for which such Armed Forces are so deployed.

(d) FORM.—The strategy required by subsection (a) and each update of the strategy required by subsection (c) shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 5. ARMED FORCES DEFINED.

In this Act, the term "Armed Forces" has the meaning given the term in section 101 of title 10, United States Code.

The SPEAKER pro tempore (Mr. CARDOZA). Pursuant to House Resolution 533, debate shall not exceed 4 hours, with 3 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and 1 hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Foreign Affairs.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 90 minutes, and the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I rise in support for the Responsible Redeployment from Iraq Act.

Mr. Speaker, out of all of this Iraq business, there's one star, and that star, as every American should know and appreciate, is the young American in uniform. That is the purpose of this legislation, and I take this opportunity to compliment those who serve our country wherever they may be, those in Iraq, Afghanistan and elsewhere in the world or here within our United States. I'm proud of them. And they are our stars.

Mr. Speaker, we have been engaged in Iraq since March of 2003. And in hearing discussion on the rule, it's obvious that some people wish to confuse the effort in Afghanistan with the effort in Iraq. They are separate and distinct.

The war in Afghanistan is something that we needed to do. The Taliban government gave sanctuary to the al Qaeda terrorists in that country of Afghanistan, and we did the right thing by going in there.

The war in Iraq is one of choice. There have been discussions and difficulty and debate over how we got there, but we are there. But people should know that the insurgency in Iraq and the subsequent sectarian violence between the Shiite and Sunni is a different and distinct war from that in Afghanistan.

You know, in history, we learn from the past. Strategic mistakes have been made, and we're supposed to learn from that. And we have to go to our revolution in 1776, when the British General Howell did not follow up his victories against George Washington's troops on Long Island. Consequently, George Washington's troops were able to encamp at Valley Forge and later attack successfully Trenton and New Jersey. That was a strategic mistake that allowed our revolution to be successful.

Lee's invasion of the north, the battles of Antietam and Gettysburg, were strategic mistakes of the Confederacy.

And, Mr. Speaker, sadly, we have seen not only strategic mistakes in Iraq, we have seen irretrievable strategic mistakes; no plan for the aftermath, the initial victory, the number of troops was not as General Shinseki recommended, far too few; the unguarded caches of weapons and ammunition, allowing the insurgency to have free access to them; the dismissal of the Iraqi Army, rather than giving them a pay check and a shovel, the closing of the Iraqi industries, the deBaathification, which put thousands of people out of work, including thousands of school teachers. These irretrievable mistakes made it very difficult for us to have any sort of positive success in that country.

We hear the call, well, wait until September. There'll be another report. Well, we have been in Iraq for four Septembers. There is the old song that those of us with a little gray in our hair remember as the September song. And one line from that song of yesteryear, "we haven't got time for the waiting game." That's where we are now. We don't have time for the waiting game.

The purpose of this is a matter of readiness. It's a matter of national security. It's a matter that we must face now, or else the strain and stretch on our ground forces, particularly the Army and, of course, the Marines, will be beyond repair for many, many years.

It's a matter of strategic importance that we redeploy from Iraq in a responsible manner, and that's what this bill does. And we are able to keep our forces strong.

We never know what's going to happen. The last 30 years, we've had 12 military contingencies in which our Armed Forces have been engaged, four of which have been major in size; none of them predictable. We don't know what the future holds. But for national security interests, we need to have a ready force, particularly our ground forces, which are being strained so very much now.

Further, it is important that we pass the security of Iraq over to the Iraqi government and to the security forces of that country. We cannot hold their hand forever. They must step up to the plate and take over their own security. It's important that that happen.

This bill, Mr. Speaker, initially sets forth a sense of Congress that the authorization for use of military force against Iraq was enacted into law in October of 2002, and that the government of Iraq that was in power at that time has been removed and it's leader tried, convicted and executed by a freely elected government of Iraq; and further, that the government of Iraq, the current government of Iraq does not pose a threat to the United States, and for more than 4 years, the efforts of our Armed Forces have been valiant in their work and in their combat in that country.

We need a responsible redeployment. This legislation gives it to us. It states that the Secretary of Defense shall commence the reduction of the number of armed forces in that country beginning not later than 120 days after the date of enactment. It also states that such redeployment shall be complete to a limited presence which is spelled out in the bill, not later than April 1, 2008.

The question before us, are we, as a country, any safer now than we were when we went into Iraq in March of 2003? What has it done for the security of our country?

We see the sectarian violence, on top of the insurgency, the insurgency being aided by foreign fighters, many of them al Qaeda, and consequently, we know that the end must be done by the Iraqi security forces. That's what we are trying to do in this legislation; responsible redeployment of the American forces, cause the Iraqi troops and forces to take over their own security, and restore the readiness to our ground forces here in the United States.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. HUNTER. Mr. Speaker, following my remarks and Mr. SKELTON's remarks, I understand we are going to yield to the Foreign Affairs Committee, and I would yield an additional 15 minutes of my time to the gentlewoman from Florida (Ms. ROS-LEHTINEN) and also I would yield 30 minutes of my time to the gentleman from Arizona (Mr. SHADEGG) and that he may be allowed to yield time in turn.

The SPEAKER pro tempore. Without objection, time may be so controlled.

There was no objection.

Mr. HUNTER. Thank you, Mr. Speaker.

First, I want to express my great respect for my colleague, the chairman of the Armed Services Committee, a partner on many, many legislative endeavors and a gentleman who really has the welfare of the troops of the United States in his heart when he speaks and when he legislates.

But, Mr. Speaker, let me say this about this piece of legislation which has been brought by the Democrat leadership before this House. This is an attempt once again to stampede a retreat from Iraq, and it is a gratuitous attempt to do this. There is no reason, only 3½ weeks after the surge of troops has been put in place, to now race for the borders, to demand that the President start to wind up this operation and start to leave, especially when General Petraeus will be making recommendations to us on September 15. There is no reason to do this. And I am reminded of when the surge was first announced and I was on the floor in a discussion with a good colleague from the Democrat side, the day after the surge had been announced when only a few people were even in country from this increase in forces, and she said, There has been a car bombing and that proves the surge doesn't work. And she was ready to immediately start a retreat from the country, and I take it a number of folks on that side of the aisle were willing to do that.

There is no reason to do this. We have an interim report which has just come out. The interim report says that in the 18 areas of interest in which progress has to be registered, there has been progress on eight of them, there has been unsatisfactory progress on eight of them, and on two of them it is too early to really make an evaluation. Well, that is the interim report. And on

September 15 we will get a further report.

And as I look at the important things, the things that to me are important in this report, one thing that is very important is the fact that when we needed to get the three additional brigades and that additional troop strength into Baghdad from the Iraqi Army, we got them there. Even though they didn't show up early on 1½ years ago, this time they showed up. Mr. Maliki was good on his commitment. They got there. So things that were important to me with respect to this report are being accomplished.

But the facts are we are only 27 days into this surge. And the Democrat resolution really spells out no plan whatsoever. It asks the President to come up with yet another plan, which is highly interesting since he has a plan and since General Petraeus has stated that he will recommend adjustments on September 15. So if there are adjustments to make to the plan, they should come after General Petraeus appears before us and gives us his recommended adjustments.

So what are we doing here? Well, what we are really doing is counting votes. This is basically an attempt by the Democrat leadership to get a hard vote count, see if any more people have slipped, if there are any more votes on their side of the aisle so that they will be able to tee this thing up and have another vote, hopefully, from their perspective, to forward their goal, which is to start a retreat from Iraq as soon as possible.

There is not a single recommendation in the resolution that is offered by my good friend. There is no recommendation for a new strategy. There is simply a series of questions asked of the administration, and those questions can all best be answered when General Petraeus comes before us.

So, Mr. Speaker, there are two messages that I see coming from Iraq; and we all see in this very complex, very difficult mission lots of messages. A message I saw the other day came from a senior Marine leader. Do you know what it said? It said, "We are crushing the enemy in Anbar." And then a few minutes later, I saw a message from the Democrat leadership that said, "We have to get out now." I have seen the Democrat leadership many times say, We are going to end this war. Mr. Speaker, they don't have the ability to end this war. No American has the ability to end this war. What they do have if they gain enough power is only the ability to leave this battlefield.

Let's not stampede for the border, Mr. Speaker. This is not a time to make a precipitous decision to start ordering the President on a policy that is going to be reported on on September 15. Let's keep our stability. Let's make sure that we don't pass this gratuitous piece of legislation, Mr. Speaker, which really is nothing more than a vote count for the Democrat leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this legislation and yield myself such time as I might consume.

Mr. Speaker, in Iraq today a misguided war is raging in our country's name. We in this Congress and the American people across the country are filled with admiration for the heroism and sacrifice of our soldiers on the battlefield. But we cannot fathom the mindless stubbornness of the administration fixated on illusory aids. It is pathologically preoccupied with pursuing that despite all the evidence of how destructive the situation has become.

Mr. Speaker, we have seen this movie before, quite literally, as any classic film buff knows: "The Bridge on the River Kwai," an Academy Award-winning tale based on real events in World War II. Alec Guinness plays a British colonel mesmerized and hypnotized by the goal of building a bridge that will last through the ages even though doing so will only strengthen the enemy. For a while Alec Guinness persuades his fellow prisoners of war that completing his weird project will leave a legacy of which they can be proud. But it soon becomes clear that the real goal is to build a monument to himself as he looks back on his few true achievements in life.

At one point this antihero tells his men, We can teach these barbarians a lesson in Western methods and efficiency that will put them to shame. Mr. Speaker, at this point the audience knows where the real shame lies.

The American people know that what happens by our hand in Iraq will be our legacy. We are no longer willing to tolerate keeping our sons and daughters in the midst of a sectarian civil war. The war in Iraq was launched by an administration using faulty intelligence and mesmerized by a dream of some sort of monument to democracy in the Middle East with Iraq at its center. It is past time to stop enabling the construction of this folly.

The legislation before us directs that the redeployment of U.S. forces in Iraq be carried out in a safe and orderly manner. It sets a time certain by which that should start, and it is clearly intended to bring about a major reduction in our troop presence by April of next year. And in the meantime, our legislation will compel the administration to come up with something which amazingly enough to date it hasn't had: a comprehensive strategy for Iraq addressing our national security interests not only there but in the entire region and the ways to maintain our interests even as this redeployment is carried out.

Mr. Speaker, today the administration issued its interim report on the troop escalation in Iraq. Though the White House chooses to focus on the benchmarks that have been met in what it calls a "satisfactory" way, the assessment, in fact, shows that Iraq has made unsatisfactory progress on half of the 18 political and military goals that Congress set for Iraq this spring.

The people of Iraq and our fighting forces there know the situation all too well. The index of progress that they face each day tells them much more than a 25-page report can ever say. With every car bomb that takes a civilian toll, every insurgent's bullet that finds its mark, every roadside explosive that maims or kills one of our own brave men and women in uniform, the sacrifices mount; and the result is anything but satisfactory.

This is why, Mr. Speaker, our measure deserves our full and unwavering support. We need to direct a misguided administration to face reality and to start the responsible redeployment of our forces from Iraq. By asking this Congress to extend our patience yet again, by pointlessly risking our troops, and by continuing to ignore the will of the American people to end this war, the administration is reaching for a bridge much too far.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this bill, which seeks to impose a strategy of defeat on our Armed Forces and our country. By binding our military and our foreign policy in a straitjacket, this legislation would accomplish what thousands of our enemies have sought: to force the United States to retreat from Iraq without a plan for victory.

Proponents of rapid withdrawal would like us to ignore the reality that Iraq is but one of the critical battlefields in an ongoing war against Islamic jihadists, against global terrorism, a war declared by the jihadists and which saw its beginnings in November 1979, when Iranian radicals stormed our embassy, took Americans hostages, and held them captive for 444 days.

From there Americans, Westerners, innocent human beings were targeted. Where and when were they targeted? In the bombings of the Marine barracks in the U.S. embassy in Beirut in 1983, in the bombings of the World Trade Center in 1993, in the bombings of the Khobar Towers in 1996, in the attacks of our embassies in Kenya and Tanzania in 1998, and in the attacks on the USS *Cole* in the year 2000.

Proponents of rapid withdrawal want us to look at the bombings in Iraq in a vacuum, disregarding the similarities to the suicide bombers that have killed scores of innocent Israelis, those who planned and carried out the bombings in London, in Madrid, in Bali that claimed so many innocent lives.

□ 1245

These may not be the exact individuals, nor the same groups, but they are part of a global terrorist network working toward the same end, to destroy and to attack us and our allies.

The Islamic jihadists will not stop their agenda of destruction simply because we quickly withdraw from Iraq. They will, perhaps, stop when they see our nations, our cities, our communities burning, just as the World Trade Center towers and the Pentagon burned on that terrible day of September 11, 2001.

They have clearly articulated their goals, listen to their words; al Qaeda's second in command, Al Zawahiri, made it clear in May of this year, and I quote him: "The empire of evil, the United States, is about to end and a new dawn is about to break over mankind, which will be liberated from the caesars of the White House and Europe and from the Zionists."

Those seeking to impose an immediate withdrawal deadline are so intent on rushing through this legislation that they appear to have failed to consider the consequences of a U.S. national security interest of what euphemistically is being called a "phased redeployment."

How is the strategy of quick withdrawal different from the strategy outlined by Al Zawahiri in a letter that he sent to al Qaeda operatives about driving the U.S. out of Iraq? How would we prevent the development of Iraq into a full base of operations for al Qaeda and other terrorist networks? We pretend to be armchair generals, seeking to undermine the strategies called for by our commanders on the field. But we should not.

Some label the current strategy of failure long before this full complement of units had been, in fact, deployed. But those doing the fighting in Iraq know that we have not failed, patriots such as the Parsons brothers from my congressional district.

Huber Parsons was serving his third deployment in Iraq, this time with the Army Stryker Brigade, when his vehicle was struck by a deep buried IED just a few months ago. His driver was killed, and Huber had to undergo a number of surgeries. I had the honor of visiting him often at Walter Reed. He is pictured here saluting his fallen brothers-in-arms at a memorial service in Fort Lewis, Washington. His twin, Bill, and his younger brother, Charlie, are both currently serving in Iraq, also with the Army Stryker Brigade. They, like my stepson, Doug, and my daughter-in-law, Lindsay, and so many others who are currently deployed in Iraq, are disheartened when they hear the references to failure and consider that the talks of this rapid withdrawal shows a lack of confidence in their ability to defeat the enemy.

Many patriots ask me why the Congress would endanger them and their fellow service men and women by having them engage the enemy with an immediately reduced force. Where, in a region of jihadists, are troops to be deployed to? What Middle Eastern government would want to host a retreating and defeated American Army? How does withdrawal to Kuwait or Qatar, as some have proposed, help us fight al Qaeda in Iraq? If al Qaeda strategies worked in Iraq and forced an American retreat, how can we not conclude that they will also pursue them in Kuwait and Qatar and beyond?

Mr. Speaker, George Orwell said that the quickest way of ending a war is to lose it. We should be discussing strategies for victory, not how to ensure our own defeat.

And let me close, Mr. Speaker, by reading the words of General Petraeus in an interview just a few days ago word for word. He said, "I can think of few commanders in history who wouldn't have wanted more troops, more time or more unity among their partners. However, if I could only have one at this point in Iraq, it would be more time. This is an exceedingly tough endeavor that faces countless challenges." General Petraeus continues, None of us, Iraqi or American, are anything but impatient and frustrated at where we are. But there are no shortcuts. Success in an endeavor like this is the result of steady, unremittent pressure over the long haul. It is a test of wills, demanding patience, determination and stamina from all involved.

General Petraeus, as we know, was unanimously confirmed by the United States Senate to be our commander in Iraq, yet somehow we have become better war commanders than General Petraeus.

I urge my colleagues to oppose this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I'm pleased to yield 2 minutes to the senior member of the Foreign Affairs Committee, Mr. WEXLER of Florida.

Mr. WEXLER. Thank you, Mr. LANTOS.

Mr. Speaker, President Bush stubbornly refuses to end the war in Iraq. It is up to Congress to step forward and mandate that our troops return home. Congress must deliver to the American people what they voted for in November. It is Congress that must end this disastrous war. At long last, this legislation delivers a responsible withdrawal of American troops.

The stark reality is that the President's escalation strategy has been an utter failure. Instead of a successful surge, the President's policy in Iraq has regressed, and the death toll of American troops and Iraqi civilians has mounted.

This President is unwilling to change course, despite overwhelming American opposition to the war, despite failing to meet political, economic and security benchmarks, and despite calls by Senate Republicans urging a change in course. The President is in denial, and it is time for Congress to deliver a reality check.

Our troops have sacrificed enough. Our military families have suffered enough. American taxpayers have spent enough. Congress must bring our troops home, and this bill does it.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentlelady from Florida for yielding.

Mr. Speaker, I voted against the surge. And for 2½ years, I have said that we need to keep the troop withdrawal issue on the table, but I have also said during that time that the date for withdrawal should be reserved for the commanders on the ground.

The bill before us was not introduced until yesterday, and in my opinion, it is vague, at best; generously laced again, in my opinion, with politics.

I excel at an understatement, Mr. Speaker, when I declare that this war has been mismanaged. It was appropriate to remove Saddam, an international terrorist, but there was never, in my opinion, a post-entry strategy; therefore, mismanagement.

The Iraq issue, Mr. Speaker, is neither as favorable as its proponents contend, nor as unfavorable as its opponents profess. The good news is the evil-driven terrorists have not attacked us again. And I am confident that many moderate Muslims do not embrace the useless killing and destruction of property that has occurred in Iraq, but their silent vocal opposition has been disappointing, at best. The Iraqi Government has been disappointing as well, and we need to insist upon more compliance it seems to me.

But given all the facts surrounding this matter, Mr. Speaker, I believe this Chamber is well-advised to wait until September. We're told that the general will be here in September to report what, if any, favorable or unfavorable results have occurred since the surge, and I believe that is our best policy today.

The cost has been enormous, as has been said, and we would be remiss if we tried to deny that. But I think the right vote is against this proposal today, and then let's revisit it subsequently when the general comes before us in September.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished member of the Foreign Affairs Committee, Ambassador DIANE WATSON of California.

Ms. WATSON. Thank you very much, Chairman LANTOS. And thank you, Chairman SKELTON, for crafting this resolution and giving us the opportunity to discuss the war. And I want to thank our Speaker, NANCY PELOSI, who has been steadfast in moving this Congress and this country towards an honorable exit from our occupation of Iraq.

We are now 6 months into President Bush's vaunted escalation of the war in Iraq, and we are not seeing progress. Recently, the Washington Post reported that U.S. military commanders are increasingly relying on Sunni militias to fight insurgent groups. Our military officers are giving these militias weapons and intelligence and setting them loose.

Mr. Speaker, just a few months ago, the President told us he needed to escalate the commitment of the United States soldiers to Iraq to disarm ethnic militia. Now, we are arming them? Just a few months ago, the President told us that ethnic militias were undermining the security and stability of Iraq. Now, they are the guarantors of the stability and security of Iraq?

When the President's strategy for victory involves arming the people who, just a few months ago, were our sworn enemies, it becomes difficult for any of us to explain to our constituents what our troops are still doing there in Iraq.

The troops have done their job, and in an honorable way, but they will not be successful if the President cannot decide what the mission really is. And I remember him several years ago saying "mission accomplished." I am sure we will hear from a number of people here that we need to give the escalation more time, that we need to wait until September. I'm not willing to do that, Mr. Speaker. I'm not willing to explain to the families of the soldiers who will die between now and September that it took an extra 3 months to figure out the President's plan, and there has been no strategy given to us for success.

Ms. ROS-LEHTINEN. Mr. Speaker, at this point, I'm pleased to yield 3 minutes to a member of our Foreign Affairs Committee, the gentleman from Texas, Judge POE.

Mr. POE. I want to thank the gentlelady for yielding time on this important issue.

Redeployment. Withdrawal. These words mean the same thing, "we quit." "Quitting" Iraq is not a plan. It's not even a strategy; it is a total handoff of responsibility to an unstable government with an ill-prepared military.

I don't dispute that we must do more to ready Iraqis to handle their own security. I do insist, however, that we cannot suddenly leave the Iraqis scrambling to defend their new brand of democracy amidst chaos. That is what this "leave at any cost" plan would do: leave our enemies and those of the Iraqi people unfettered and free to pursue their diabolical agenda in Iraq and throughout the world.

So I would like to ask those who want to quit exactly what they plan to do to fight the terrorist operatives in Iraq when our troops turn around and leave. What is the plan?

I would also like to know, who, besides the "New York Times", is saying that the fight is lost in Iraq? Reports indicate that our troops are making progress. Sectarian murders in Baghdad have declined in the last 6 months. More Iraqis are coming to American troops with information about the terrorists. And Iraqi citizens are organizing against al Qaeda at the local level. Good for them.

Mr. Speaker, General Patton sailed with his soldiers from Algiers to Italy in World War II, and he said to them, "No man is beaten until he thinks he is." This war is not over unless we quit. And when we quit, we are certainly defeated.

Here is what the defeatists say about the battle. They say that our troops were ill-prepared to go into battle, and there weren't enough of them; that they had inferior equipment; that they had improper uniforms for the extreme weather; U.S. intelligence was flawed; that we underestimated the resolve of the enemy; that Americans and our allies were killed by friendly fire. No, Mr. Speaker, this is not the war in Iraq, but this is the Battle of the Bulge in World War II, a battle that my father fought in. Those Americans, led by General Patton and others, did not run or quit because war is hard. You do not win wars by evacuating. And Americans won the Battle of the Bulge and broke the will of the enemy.

I ask this question: How does this plan to force the United States to withdraw from Iraq differ from al Qaeda's plan to force us to withdraw from Iraq? Why wouldn't al Qaeda celebrate if this bill is passed?

Mr. Speaker, General Patton went on to say to his troops, "The glory of American arms, the honor of our country, the future of the whole world rests in our individual hands. See to it that you are worthy of this great trust."

I do believe, Mr. Speaker, that the honor of our country is at stake again today, but that's not all. Our security, the security of Iraqis, and the future of democracy and liberty in the Middle East, all of these are in our hands.

Let us be worthy of this trust. And that's the way it is.

☐ 1300

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished Member from the State of Washington (Mr. SMITH) of the Foreign Affairs Committee.

Mr. SMITH of Washington. Mr. Speaker, in listening to this debate, I think the biggest problem is the proponents of the stay-the-course plan in Iraq continually and completely equate the battle in Iraq with the battle against al Qaeda and the terrorists who struck us. The two are not the same. In fact, we heard from Ms. ROS-LEHTINEN that Iraq is but one of the battlefields that we are fighting against al Qaeda. That is absolutely true. Yet we have 80 percent of our assets in Iraq. Meanwhile, report after report come out that al Qaeda is strengthening themselves in Afghanistan and Pakistan, where we don't have enough resources.

Our argument is not for retreat. Our argument is that there is a better way to fight al Qaeda and those who threaten us than to put all of our assets in Iraq while not paying enough attention to where al Qaeda is really strengthening itself. In Iraq, it is primarily a power struggle in which al Qaeda is a player. It is not primarily about al Qaeda's threat against the U.S. In Afghanistan, with the Taliban and al Qaeda, it is a very different story.

Our troops, our assets, the lives and the talents of the people of this country are tied down in Iraq fighting what is primarily a civil war instead of better fighting al Qaeda. In fact, our presence, in many ways, has strengthened al Qaeda. Syria would never be an ally of al Qaeda in any sort of real-world scenario, because al Qaeda wants to topple their regime. Yet to defeat us in Iraq, they have come up with an alliance of convenience.

There is a better way to fight al Qaeda. We are here today to change course in Iraq because it is a better way to protect this country. Timing isn't the issue. Six months ago, these facts were basically the same as they are today. In September, these facts will be basically the same as they are today. We cannot wait if we are going to have the best possible strategy for defeating al Qaeda, the group that threatens us most, instead of getting bogged down in the civil war and in the tribal differences that are present in Iraq. We want to win, not to quit. This is the better way to do it.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Indiana (Mr. PENCE), the distinguished ranking member of the Subcommittee on the Middle East and South Asia.

Mr. PENCE. I thank the distinguished gentlewoman and my good friend from Florida for yielding.

Mr. Speaker, we are come to this floor today, it seems to me, in an important moment in the life of two nations. We are come to this floor at a time when our colleagues in the other body are debating a Defense authorization bill and will be considering amendments about a new course in Iraq.

So I do not question the decision of the majority in this chamber to consider these same issues, particularly in light of the release of the initial benchmark assessment report by our military and diplomatic leadership in Iraq. It is a report, I must confess, Mr. Speaker, that is to me frustrating, as it is, I think, to Members on both sides of this aisle. Of 18 benchmarks included in the interim report to Congress, progress on eight of the benchmarks has been characterized as satisfactory, but progress on another eight are unsatisfactory, with it being too early to tell on another two.

Two months from now, the Crocker-Petraeus report that Congress has been promised will provide, we believe, a broader assessment. But, frankly, I am struggling, as a strong supporter of our effort in Iraq, with the failure of this Iraqi Government to step forward with progress toward enacting legislation on de-Ba'athification reform, hydrocarbon resources reform, and the scheduling of and planning of provincial elections.

Mr. Speaker, I want to be transparent about that frustration as much as I was when I met with Iraqi cabinet officials just a short 2 months ago. The Iraqi Government must do more. If there is any unintended benefit of this debate today, my hope is that some of this debate with that message would echo to those people.

But that being said, I will oppose this measure, Mr. Speaker, because I truly believe that defeat and an American failure in Iraq is not an option that we can consider.

With great respect to my colleagues who would endorse this proposal for a precipitous American withdrawal from Iraq by April 1 of next year, I truly believe that, before we make any decision adjusting our strategy on the ground, we ought to wait to hear from those Americans on the ground in Iraq who have been charged with implementing the strategy the President put into effect in January.

I want to reiterate, and I think I speak for many Republicans, Mr. Speaker, as the President said in January, our commitment to this Iraqi Government is not open-ended. But my commitment to an American and Iraqi success is deep and heartfelt. Whether this Iraqi Government can rise to that challenge or not, as the gentleman from Indiana in the other body said, we must find a way to forge agreement to achieve success in Iraq.

The good news of the assessment that has come before the Congress is that we have been achieving some progress as a result of the President's surge strategy on the ground. Between May and June, 26 high-level al Qaeda leaders have been killed or captured.

I know there are some, even the gentleman who just spoke, who questioned whether we are fighting al Qaeda in Iraq. Our soldiers don't question that. Eleven of those al Qaeda leaders killed or captured were emirs, local al Qaeda leaders; seven were facilitators who smuggled foreign weapons; and five were cell leaders who commanded terrorist units.

U.S. operations in the last 2 months, according to the reports released this week, have also uncovered an al Qaeda media network in a nondescript facility outside Samarra. U.S. forces also, I am happy to report, received 23,000 tips during this period of time, which is four to five times the number of tips we were receiving last year.

But, again, that goes against the backdrop of disappointing news. While the American soldier performs with courage and effectiveness, the Iraqi government still fails to demonstrate the urgency.

So as I struggle, I would just ask my colleagues on the other side of the aisle who share my concerns about the lack of progress in Iraq, as to this solution you bring to the floor, how will your plan for a unilateral withdrawal keep American soldiers safe?

We have 160,000 soldiers there now. The majority of this Congress would call for them to exit Iraq by April 1. Well, in effect it would take 3,000 large convoys, according to some press reports, to evacuate the country down the one road out through Basra and into Kuwait.

Also I would ask, how would this plan for unilateral withdrawal decrease the number of terrorist safe havens in that country? And since al Qaeda is clearly in Iraq, how would the plan for unilateral withdrawal succeed in fighting al Qaeda in Iraq?

Lastly, I say as the ranking member of the Middle East Subcommittee, how will a withdrawal, a precipitous, reckless, irresponsible withdrawal, make the Middle East safer and more stable?

I fear if we lose Iraq, we will lose Israel. We must come together as a Nation to find a way forward to succeed in Iraq.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL), a valued member of the Foreign Affairs Committee.

Mr. ENGEL. I thank the gentleman, my distinguished friend, the chairman, for yielding time to me.

Mr. Speaker, it's time to get our troops out of the middle of an Iraqi civil war. It's time to start bringing our troops home.

My friends on the other side of the aisle are essentially saying "stay the course." At what point, I would ask my friends, do we say that the administration's policies in Iraq have failed and it is time to change course? I think that time is now.

Even the Bush administration's interim assessment of whether the Iraqis are meeting basic benchmarks shows that they have failed to achieve any level of political and economic success. Here we are in the fifth year of the war, longer than World War II, more than half a trillion dollars and 3,600 American lives lost, and Iraqi politicians seem further apart than ever. Indeed, the evidence that our soldiers are involved in an Iraqi civil war is mounting and a solution seems even further from our grasp.

Young American service personnel cannot solve the problem of Iraq, because, ultimately, Iraq is not a military problem anymore; it is a political crisis. And if the Iraqis cannot solve their political problems, we cannot do it for them. Only Iraqi politicians can bring about a solution, and our military personnel should not be dying to hold together the collapsed Iraqi state.

Mr. Speaker, this war has turned into a great strategic fiasco, from the lack of planning to insufficient number of troops, to incompetent management of reconstruction projects, to the use of torture in military prisons. Our blunder in Iraq will affect our ability to succeed in the Middle East and elsewhere for years to come.

Therefore, I strongly support this bill, which requires that we begin redeploying American troops home within 120 days of enactment and ending by April 1, 2008.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished ranking member of the Subcommittee on the Western Hemisphere of our Foreign Affairs Committee.

Mr. BURTON of Indiana. I thank the gentlewoman for yielding.

You know, the things that are being said today, if George Washington had had television and radio and newspapers, would have been said about him. Several of his generals wanted him out because he wasn't winning battles and things were going wrong. Even in the Congress of the United States, Lee of Virginia led the charge to try to get rid of George Washington during the Revolutionary War.

Abraham Lincoln, McClellan, one of his chief generals, who wouldn't fight, ran against him for President, and Lincoln was going to be defeated if Sherman hadn't taken Atlanta.

War is not a popular thing. It's a horrible thing. Chairman LANTOS was a survivor of the camps during the Holocaust during World War II. I would like to ask you a question: What would have happened if we hadn't won that war? How many more Jewish people would have been killed in those camps? Millions more. Six million died, but many millions more probably would have died if Hitler had prevailed. But we had Winston Churchill, who was willing to go to the mat to make sure that they didn't win and that he was going to defeat Hitler.

If we pull out unilaterally like they're talking about right now, we leave those people over there who voted and held their fingers up, we leave those people to their fate with these people who are radicals, who are going to take over.

Iran has camps. Senator LIEBERMAN talked about that. They have training camps right there along the border. They are sending terrorists in to help augment the terrorists in Iraq. And if we unilaterally pull out, just like you're talking about, those people who voted for freedom and democracy, many, many, many of those will die, maybe even more than who have been dying in Darfur, and you have been talking about how important it is that we do something in Darfur.

□ 1315

A vacuum will be created, and Iran will fill it. They will not stop their nuclear development program, and we will be imperiled down the road from their nuclear development program because they'll have a real jumping-off point throughout the Middle East, not just in Iran but in Iraq and possibly Afghanistan, if many of you have your way.

I don't know why we're not waiting on General Petraeus' report. We just gave him authority and gave him the money to pursue this until he reports back in September. I don't understand why we're jumping the gun and trying to force withdrawal right now when General Petraeus, who talked to all of us, has not had a chance to succeed.

Mr. Speaker, 61 million people died in World War II, 6 million Jews; 61 million. In this nuclear age, if we pull in our horns and let Iran run wild over there, which they will, and they develop their nuclear program, how many millions could die in this country as well as around the world? I submit it probably would be more than 61 million.

In the United States, if we pull out like you're talking about, we'll probably have to go back in to stop them from developing that nuclear capability and stop them from training these people to go in and terrorize not only Iran and also Iraq and other places in the Middle East. That is a tinderbox over there and we have to make the right decision.

Every President who has been in a war has been criticized by Congress at one time or another. Every single President, unless it was a very short war where you were in for 5 or 6 days or a couple of months. This is no exception.

Have mistakes been made? You bet. Were mistakes made in World War II? Eight hundred guys drowned in a mock Normandy invasion off the coast of England. If we had television then and the newspapers we have today, we would never have invaded Normandy because they would have stopped it just like that because of criticism of those 800 guys drowning to death. They would have said it wouldn't have worked; it wasn't feasible.

This is a very, very important issue we are talking about. Our brave soldiers are doing their job over there. And they watch on television right now, and what are they hearing? Pull out, pull out, pull out. They are asking, What are we fighting for if the Congress is going to jerk us out right now? We have heard from a lot of them who say, hey, we're doing the job, and we're doing better right now.

I just think we ought to think very long and hard about what we're doing. It could effect a world war. We're in a world war against al Qaeda right now, but it could be a much more devastating war if we don't make the right decisions. I would like to say to my colleagues that I think it's extremely important that you think long and hard about what you're trying to do. Nobody likes war. Nobody likes war.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to our distinguished colleague from Texas, a member of the Foreign Affairs Committee, Mr. GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the chairman of the Foreign Affairs Committee for allowing me to speak.

Before I get into my prepared remarks, part of the resolution, if my colleagues would go to page 5 of the resolution, says as part of the justification required, the President shall, at a minimum, address whether it is necessary for the Armed Forces to carry out the following missions: protecting U.S. diplomatic facilities and U.S. citizens, including Armed Forces who are engaged in carrying out other missions; serving in roles consistent with customary diplomatic positions; but also, engaging in actions to disrupt and eliminate al Qaeda and its affiliated organizations in Iraq.

So while I sat here on the floor listened and heard, "we are bailing out of attacking al Qaeda," we are not doing that. This resolution says we will still be there. The President has to certify, though, that is what we are doing. We are not shoring up the Iraqi Government; we are fighting al Qaeda, who brought us September 11. So anybody who says we are leaving is just wrong.

Mr. Speaker, I rise in support of this resolution and this legislation, and thank Chairman SKELTON for his work on the bill. Like Chairman SKELTON, I want to thank our soldiers, sailors, airmen and Marines and their families who are serving our country.

I have stated before, we must let the Iraqi Government know our commitment is not open-ended. I have not supported efforts for immediate withdrawal, but this bill, just like our first supplemental sent to the President, which he vetoed, lets the Iraqi Government know that they need to make some tough choices to stabilize their country within the next several months.

It also gives our administration time to have a comprehensive strategy in Iraq, and allows the troops to remain to protect our diplomatic facilities and fight al Qaeda, and training and equipping the Iraqi security forces.

As this legislation states, we give the President the authority to use the Armed Forces to defend the national security of the United States against the continuing threat posed by the Iraqi government at that time. But we won that battle. The government was removed. The power and its leader indicted, tried and convicted, and executed by the newly elected, now-democratic government of Iraq.

This bill will bring our troops home by April 1 of next year—that will be more than 5 years since the war began. U.S. taxpayers have spent billions of dollars, and thousands of troops have given their lives to bring security and stability to Iraq.

While the current Iraqi government has been organizing and security forces have been training, our forces have been responsible for every facet of security in Iraq. Our troops defeated Saddam's Army, worked to control the country, policed Iraq's streets, protected the transitional and elected governments, and trained Iraq security forces.

Our military has given the Iraqi government, the Iraqi security forces, and the Iraqi people every opportunity to have a stable, democratic country. It is time to let the Iraqi people know that 5 years is long enough—they must take responsibility for the future of their country.

I urge my colleagues to join me in supporting this bill to bring our troops home in a safe, responsible timeframe.

Ms. ROS-LEHTINEN. Mr. Speaker, before I yield to the gentleman from South Carolina (Mr. INGLIS) who has traveled to Iraq several times, I yield myself a minute to answer some questions posed on the other side of the aisle.

What we have here is a nonspecific, nondetailed, nothing planned for victory. The bill on page 3, since the gentleman refers to the bill, let's look at it. It talks about a reduction, a transition, a limited presence, a limited presence, again, with maximum attention paid to the protection of our Armed Forces. What does that mean? So you want our troops to face the terrorists with even less protection?

It shall be further implemented as part of a comprehensive strategy. What do these phrases mean? What would General Petraeus do if this legislation were to become law, which it will not? This is not a plan. It says nothing. It is making a political statement.

I am pleased to yield 3½ minutes to the gentleman from South Carolina (Mr. INGLIS) who has been to Iraq and understands the situation well.

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, we have a huge challenge in Iraq. It is a challenge for Democrats. It is a challenge for Republicans. It is a challenge for the President and for the Congress. We need an

American solution to that challenge. The question before us today is whether this resolution is going to advance that solution or it is actually going to make it more difficult.

I am one of the 17 Republicans that wasn't convinced of the surge; but I am aware now that we are doing it. It is underway, and the plan is clear to have General Petraeus report in September.

I am not certain why it is that we should be debating today a resolution prior to that time because, between now and then, rather than having a succession of political kind of resolutions, we could be working toward an American consensus on this. I would submit, Mr. Speaker, that that consensus is not that far away. I think we can start with two very clear observations. First, our military has done exactly what we have asked them to do. And they have done it very well.

Second, we need to use the American concept of accountability. We need to impose accountability on the Iraqi regime and say to them, we have these benchmarks and here are some rewards for success and some consequences for failure.

And between now and September 30, if we work in a cooperative way, I think we can find a whole series of success check points that we can lay out for the regime in Baghdad. We can say to them, Republicans, Democrats, the President and Congress alike, can say to them, here are the things that we want you to accomplish, and we have the right to insist that you accomplish them because after all, we are spending $2 billion a week. But even more important than that, far more important than that, we have American lives at risk. So we have the right as their protectors. We want you to achieve these things. If you do, you get these rewards. If you fail, these are the consequences. We can lay out a whole series of those if we work together in a cooperative way. The President, the Congress, Republicans and Democrats, we can come up with that American solution and we can find a way forward in Iraq.

The question that I think the proponents of this resolution need to answer is, if you simply set the withdrawal date of April 1, what went with all of that accountability? What went with all of those success check points? The question really for the proponents is: How do you know by April 1, such a date in stone, that you will have succeeded? Why not work cooperatively between now and September, awaiting the report, to prepare a series of very carefully thought out success check points with consequences for failure and rewards for success? And think through the plan. As it is, I think there is not much of a plan; and, therefore, I will vote against the resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to a valued member of the Foreign Affairs Committee, my colleague from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I would like to thank Chairman LANTOS for the time and Chairman SKELTON for bringing this important resolution to the House floor.

Mr. Speaker, the American people have called for bold action to bring our troops home, and today we are debating a first step, setting a date certain to bring them home.

Over the next weeks, we will vote to prohibit permanent bases in Iraq. We will continue the drumbeat to fund the safe and complete withdrawal of our troops.

But, Mr. Speaker, despite calls—no, actually pleas—from the American people, some at the other end of Pennsylvania Avenue and many right here in the House are just fine with staying the course. In fact, they are once again changing the conversation. They are trying to focus on gut feelings about an upcoming terrorist attack. But the American people will not stand for changing the conversation, and they will not stand for staying the course, nor should we in this Congress.

The costs are just too high: $10 billion a month, and worst of all, the deadliest 3-month period since the escalation; 3,600 troops dead; at least 26,000 wounded; and tens of thousands of Iraqi refugees leaving Iraq every day. This is not only unacceptable; it is immoral.

Today, the Congress must take a bold step to bring our troops home. We must stand up today with the American people. We must say, enough is enough. End the occupation, bring our troops home.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. MCCAUL), a member of our Foreign Affairs Committee.

Mr. MCCAUL of Texas. Mr. Speaker, I thank the ranking member of the Foreign Affairs Committee for yielding me this time.

Here we are once again. I feel like we have done this before. Once again, I rise in opposition to the Democratic leadership's latest attempt to politicize the war, and I strongly urge my colleagues on both sides of the aisle to vote against defeat in Iraq.

Mr. Speaker, the debate in this Chamber over the future of Iraq and the best course of action has been passionate and divisive, and each Member of this House has their own opinion. Yet the one thing we should be united on is our end goal and result. That should be the same: A democratic and stable Iraq.

The Democratic majority has chosen to use this month of July, as they have attempted several times already this year, to hold a series of votes to withdrawal our troops and force a premature end to Iraq's pursuit of freedom and democracy.

We have to ask: What would happen if we withdrawal immediately? When we talk to the experts in the region, the leaders in these governments and key stakeholders in the region, they will tell you it will be a fireball in the Middle East. It will create a vacuum, a safe haven for al Qaeda. Iran will swoop in and take over. They, the key nations in the region, are quite frankly terrified of this action, and they tell us that privately.

I believe that we can cannot afford that course of action. The Democrats have chosen this course not because it is in the national interest of this country but rather because they believe it provides them with good talking points to use back home. I submit they are mistaken.

In my view, Americans are tired and frustrated with the partisan squabbling over the war which has done nothing to improve the situation in Iraq. Putting politics above our national interest while the men and women of our military are fighting overseas is simply unacceptable.

☐ 1330

In a time of war, politics should end at the water's edge.

There is another way forward. I and others have introduced the Iraq Study Group recommendations Implementation Act of 2007. This legislation is bipartisan. It is a comprehensive set of recommendations, a plan of action to succeed in Iraq, a plan which matches our military might with political solutions, with economic solutions and with a diplomatic surge which can bring peace and stability to the troubled nation. This bill has gained strength by those who recognize that moving forward in a unified way still exists in the Congress.

The Iraq Study Group report offers a consensus policy that the vast majority of Americans support. The sponsors of the Democrat withdrawal bill that we are debating here today, however, have decided that even though the surge only came into effect 3 weeks ago, that it's already failed and we need to question it and throw it out.

They further decided that we should declare defeat immediately and not wait for General Petraeus to come to Congress and give us his firsthand report. This rush to judgment, this rush to action on their part makes it clear that they have not reached an informed decision but, rather, a political one.

Throughout the course of our American history, we've answered the call for freedom, and we, Mr. Speaker, I submit are at our greatest when we are united as a Nation; at our worst when we are divided.

We should unite behind the ideals which helped achieve victory against the threats to our very way of life, such as the victories against the Third

Reich, such as the threats by the Soviet empire and the victory against the Soviet Union.

Today, the greatest threat is the threat of terrorism, and the conflict in Iraq poses one of the greatest challenges to the American experience. We must unite, or we will surely fail.

Mr. LANTOS. Mr. Speaker, I'm pleased to yield 2½ minutes to a distinguished colleague from Texas (Ms. JACKSON-LEE), a member of the Foreign Affairs Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the chairman of the Foreign Affairs Committee for allowing members of that committee to show their commitment through their legislative work in a hearing at the early stages of his leadership when we were allowed to present solutions. They were not Republican solutions or Democratic solutions. They were solutions for those of us who love America, and I just want to simply reinforce that. I thank Mr. SKELTON for his leadership.

I have legislation that declares a military success, and I rise today to make it clear that I believe that the fallen in battle are heroes, and those who still fight carry their banner, for 3,611 have died, and I don't know why we're not on this floor declaring a military victory, thanking our soldiers.

And my good friend from Texas says that he supports the Iraq Study Group. So do I and I have legislation. We all have legislation that responds to the Iraq Study Group. I might remind him that that report, bipartisan report, speaks articulately to redeployment, and so when we look at the costs of the war, $120 billion, Americans are asking, should one more drop of blood be shed? And my answer to that is, no. Should we engage? Yes. Should we involve in the surge of diplomacy? Absolutely.

We want to make sure that all of those nation states can work to help solve the divide, the civil war. But we must face the facts that this process that the President is continuing to repeat does not work. It is wracked with corruption and misdirection. There were no weapons of mass destruction.

As a member of the Homeland Security Committee, I have been disturbed this whole week as I listened to the Secretary of Homeland Security speak about his gut feeling of the possibility of a terrorist attack. I'm a member of that committee. I live every day with the idea that the question will be asked by Americans to the Homeland Security Committee and the Homeland Security Department, does the Secretary realize that we have fueled the fires of terrorism by training terrorists in this war.

And so when I speak of why we must end, it is to save lives. It is to reconcile Iraq, and it is to make America safer. I ask for support of the underlying legislation.

Mr. Speaker, I rise in strong support of H.R. 2956, the Responsible Redeployment From Iraq Act. I rise in strong support of this legislation because I am listening, and responding to the will of the American people. Last November 2006, Americans went to polls by the millions united in their resolve to vote for change. They voted for a new direction and a change in the Bush administration's disastrous policy in Iraq. The new Democratic majority heard them and responded by passing H.R. 1591, the Iraq Accountability Act. The President vetoed the bill, demanding instead a continuation of the ancien régime under which the Republican-led Congress gave him a blank check to mismanage the occupation and reconstruction of Iraq.

Those days are over. No matter how many veto threats the President issues, this Congress is not going to give him a blank check to escalate and continue the war ad infinitum. It is long past time for change in Iraq. It is time for the people and Government of Iraq to take primary responsibility for their own country. It is time for the President to recognize the reality on the ground in Iraq. The time when a surge in troops is useful and necessary is past. It is now time to redeploy our troops and launch a diplomatic surge for national and political reconciliation in Iraq. H.R. 2956 will help achieve this goal and that is why I support the measure.

Mr. Speaker, there is no more important issue facing the Congress, the President, and the American people than the war in Iraq. It is a subject which agitates the passions of all Americans, including Members of Congress. The Framers understood that while the military does the fighting, a nation goes to war. That is why the Framers lodged the power to declare war in the Congress, the branch of Government closest to the people. They knew that the decision to go to war was too important to be left to the whim of a single person, no matter how wise or well-informed he or she might be.

Four years ago, President Bush stood under a banner that proclaimed "Mission Accomplished." If the mission was to further place our troops in harm's way at the hands of insurgents and sectarian violence, then it is mission accomplished. After spending more than $450 billion sacrificing the lives of 3,611 of America's finest citizen-soldiers, what have we accomplished and where are we headed?

I cannot support the President's waging of a war that has no clear direction, does not meet the benchmarks that the President set, and has no visible target.

Four years after launching the invasion, conquest, and occupation of Iraq, the evidence is clear and irrefutable: The preemptive invasion of Iraq, while a spectacularly executed military operation, was a strategic blunder without parallel in the history of American foreign policy. This is what can happen when the Congress allows itself to be stampeded into authorizing a president to launch a preemptive war of choice.

It is time to change our strategy in Iraq. It is time to engage the key stakeholders in the Middle East and make real strides towards securing a just and lasting peace in Iraq and for the Iraqi people. And most important, bring our troops home so they can be reunited with their families, friends, and neighbors.

That is why, Mr. Speaker, I support H.R. 2956. The Responsible Redeployment From Iraq Act requires a responsible redeployment of U.S. troops beginning within 120 days of enactment and ending by April 1, 2008. The legislation requires the President to publicly justify the post-redeployment missions for the U.S. military in Iraq and the minimum number of troops necessary to carry out those missions.

Mr. Speaker, this legislation is consistent with the advice of military and foreign policy experts, ensures the safety of our men and women in uniform, addresses our commitment to fighting terrorism, and reflects the will of the American people.

Mr. Speaker, the need for a new direction in Iraq could not be clearer. In the face of mounting evidence that progress is not being made in Iraq, military leaders, defense experts, Republican and Democratic Members of Congress, and the American people are demanding change. Yet the President continues to urge continued support for a failed policy that is not making America safer or supporting our troops.

In a report released today by the White House, the administration concedes that violence continues in Iraq and that the Iraqi Government has failed to meet key benchmarks endorsed by the President in January and political reconciliation is nonexistent. By the Bush administration's own admission, there is unsatisfactory progress on all of the political reconciliation benchmarks announced by the President on January 10, 2007.

In fact, just this week, the National Security Network reported that since the President announced his "surge" policy 6 months ago, more than 25,000 troops have been sent to Iraq, approximately 600 have been killed and more than 3,000 have been wounded.

Mr. Speaker, President Bush and Vice President CHENEY have been given numerous chances and ample time by the American people and the Congress to straighten out the mess in Iraq. They have failed. It is little wonder that the criticism of the administration's failed policy in Iraq is mounting by the day. Respected military leaders, like LTG William Odom, have spoken forcefully. According to Lieutenant General Odom, "No effective new strategy can be devised for the United States until it begins withdrawing its forces from Iraq. Only that step will break the paralysis that now confronts us."

Key Republican Senators are joining the chorus of critics. In addition to Foreign Relations Committee Ranking Member Senator RICHARD LUGAR, some of the President's allies in Congress have spoken out. Senator PETE DOMENICI says, "There's no reason to wait . . . [I am] trying to tell [Bush] that he must change his ways because there is nothing positive happening." Senator ELIZABETH DOLE says, "It is my firm hope and belief that we can start bringing our troops home in 2008." Senator LAMAR ALEXANDER says, "The President needs a new strategy."

And just this week, in a USA Today/Gallup Poll, more than 70 percent of Americans favor removal of almost all U.S. troops from Iraq by April 2008, leaving a limited number for counterterrorism efforts.

MILITARY SUCCESS IN IRAQ ACT

Finally Mr. Speaker, I support this legislation because it is grounded in the fundamental principles I first announced in February of this year when I introduced H.R. 930, the Military Success in Iraq and Diplomatic Surge for National and Political Reconciliation in Iraq Act of 2007. I introduced this legislation, the Military Success in Iraq Act of 2007, MSIA or "Messiah," to offer an honorable deliverance from Iraq. Let me explain.

In October 2002, the Congress authorized the President to use military force against Iraq to achieve the following objectives:

(1) To disarm Iraq of any weapons of mass destruction that could threaten the security of the United States and international peace in the Persian Gulf region;

(2) To change the Iraqi regime so that Saddam Hussein and his Baathist party no longer posed a threat to the people of Iraq or its neighbors;

(3) To bring to justice any members of al Qaeda known or found to be in Iraq bearing responsibility for the attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11,2001;

(4) To ensure that the regime of Saddam Hussein would not provide weapons of mass destruction to international terrorists, including al Qaeda; and

(5) To enforce all relevant United Nations Security Council resolutions regarding Iraq.

Every one of these objectives has long been accomplished. Iraq does not possess weapons of mass destruction. Saddam Hussein has been deposed, captured, and dealt with by the Iraqi people. The American military has caught or killed virtually every member of al Qaeda in Iraq that was even remotely responsible for the 9–11 attack on our country. Last, all relevant U.N. resolutions relating to Iraq have been enforced. In other words, every objective for which the use of force in Iraq was authorized by the 2002 resolution has been achieved.

Mr. Speaker, since the objectives which led Congress to pass the 2002 Authorization to Use Military Force (AUMF) have been achieved, I believe the authorization to use that military force expires automatically. My legislation affirms this proposition. Additionally, I believe, and my legislation provides, that it is the Congress that is the ultimate arbiter as to whether the objectives set forth in a congressional AUMF have been achieved.

Mr. Speaker, where a Congressional authorization to use military force has expired, the President must obtain a new authorization to continue the use force. My legislation requires the President to do that as well. Finally, my bill requires that if the Congress does not vote to reauthorize the use of force in Iraq within 90 days after determining that the objectives set forth in the 2002 AUMF have been achieved, all American armed forces in Iraq must be redeployed out of Iraq. Thus, under my legislation, an up-or-down vote must be held by the House and Senate to continue waging war in Iraq.

I am not talking about "cutting and running," or surrendering to terrorists. And I certainly am not talking about staying in Iraq forever or the foreseeable future. The Armed Forces won the war they were sent to fight. Their civilian leadership has not succeeded in winning the peace. That is why the United States should surge diplomatically and politically.

Title II of my legislation, the "Diplomatic Surge for Political and National Reconciliation in Iraq Act," implements twelve of the most important recommendations of the Iraq Study Group. This approach is now gaining widespread support among many who had previously disparaged diplomacy in favor of military force.

All six of Iraq's neighbors—Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait—have an interest in a stabilized Iraq because as the Iraq Study Group report makes clear, none of these countries wants to live with an Iraq that, after our redeployment, becomes a failed state or a humanitarian catastrophe that could become a haven for terrorists or hemorrhages millions more refugees who will stream into neighboring countries.

Mr. Speaker, in addition to the enormous financial cost, the human cost to the men and women of the United States Armed Forces has also been high but they have willingly paid it. Operation Iraqi Freedom has exacerbated the Veterans Administration health care facility maintenance backlog; placed an undue strain on the delivery of medical treatment and rehabilitative services for current and new veterans; and exacted a heavy toll on the equipment, training and readiness requirements, and the families of the men and women of the United States Armed Forces.

Mr. Speaker, everyday when I walk into my office I am reminded of the courageous young men and women who have given their lives in service to our nation. Outside my office I have displayed a poster-board that displays the names and faces of those who made the ultimate sacrifice. The poster-board is nearly full. I do not want to start another board. Let me call the roll of honor of the remarkable sons and daughters of Houston, Texas who have made the ultimate sacrifice and gave the last full measure of devotion: Capt. Eric L. Allton, Petty Officer 1st Class Howard E. Babcock IV, Spec. Adolfo C. Carballo, Staff Sgt. Brian T. Craig, Staff Sgt. Terrence D. Dunn, Pfc. Analaura Esparza Gutierrez, 1st Lt. David M. Fraser, Lance Cpl. Phillip C. George, Spec. Clinton R. Gertson, Capt. Andrew R. Houghton, Master Sgt. Ivica Jerak, Spec. John P. Johnson, Pfc. Roy L. Jones III, Cpl. Brian M. Kennedy, Staff Sgt. Dexter S. Kimble,

Spec. Scott Q. Larson Jr., Staff Sgt. Hector Leija, Pfc. Jesus A. Leon-Perez, Sgt. Keelan L. Moss, Tech. Sgt. Walter M. Moss Jr., Staff Sgt. Kenneth I. Pugh, Staff Sgt. William D. Richardson, Staff Sgt. Timothy J. Roark, Sgt. Michael T. Robertson, Cpl. Benjamin S. Rosales, Staff Sgt. Alberto V. Sanchez, Pfc. Leroy Sandoval Jr., Pfc. Armando Soriano, Cpl. Tomas Sotelo Jr., Sgt. Danny R. Soto, Spec. Juan M. Torres, Lance Cpl. Thomas J. Zapp.

Mr. Speaker, the misguided, mismanaged, and costly debacle that is the Iraq War which was preemptively launched by President Bush in March 2003 despite the opposition of me and 125 of my colleagues in the House of Representatives has lasted longer than America's involvement in World War II, the greatest conflict in all of human history.

But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

My friends, I say with sadness that we have not enjoyed that same quality of leadership throughout the conduct of the Iraq War. The results, not surprisingly, have been disastrous. To date, the war in Iraq has claimed the lives of 3,611 brave servicemen and women. The last three months of the war have been among the deadliest (104 in April, 123 in May, 101 in June, and 32 in the first week of July). More than 26,690 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $450 billion to sustain this misadventure. To grasp the magnitude of this number, consider that American taxpayers are spending: $120,000,000,000 per year; $10,000,000,000 per month; $2,307,692,380 per week; $329,670,330 per day; $13,736,264 per hour; $228,938 per minute; $3,816 per second.

Mr. Speaker, last November the American people signaled clearly their loss of confidence in the President's leadership and their desire for a new direction in Iraq. The new Democratic majority has begun to deliver. And we will not rest, Mr. Speaker, until we are clearly on a glide path to the day when our troops come home.

And even then our work will not be done. We must still be about the business of repairing the damage to America's international reputation and prestige. But this Democratic majority, led by the Progressive Caucus and the Out of Iraq Caucus, has ushered in a new era of oversight, accountability, and transparency to defense and reconstruction contracting and procurement.

I urge all members to join me in supporting H.R. 2956. This is the best way to ensure accountability to our soldiers who have been sent into battle without proper training or equipment or a clear mission. It is the best way to keep faith with our veterans who are not getting the best medical care when they come home. Passing this legislation is essential to restoring our military that is being stretched to the limits by the Bush policy. Last, it is absolutely necessary to regain the confidence of the American people who demand a new direction in Iraq.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself as much time as I may consume because I'd like to comment on a point that was raised by my good friend from Indiana (Mr. BURTON) regarding the intentions of Iran.

The deputy interior minister for security affairs and the former deputy head of the Revolutionary Guards in Iran said on April 26 of this year, "Iran has long-range missiles that can make nowhere safe for America."

He also said, "Iran is able to fire tens of thousands of missiles per day at American targets on a daily basis and, with its long-range missiles, can threaten Israel which is acting as America's" proxy.

So it is clear to us, Mr. Speaker, that Iran seeks not just to wipe Israel off the map, as Ahmadinejad has said time and again, but to destroy the United States. So is the plan to immediately leave Iraq so that Iran can begin its takeover of the region? Is this in the national security interests of the United States? Is that going to make us safer?

I think that we should carefully consider what will happen were we to withdraw immediately as, it has been called for.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I'm pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. HINOJOSA), a member of the Foreign Affairs Committee.

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of the Responsible Redeployment from Iraq Act, H.R. 2956, and for the safe redeployment of our combat troops out of Iraq.

I thank our Chairman LANTOS of the Foreign Affairs Committee for yielding time to me and want to reiterate that for 4 years now our administration has sacrificed its many soldiers for an Iraqi Government that has failed to take responsibility for its own security. While many of these soldiers have made great sacrifices on our Nation's behalf, the President has failed to support them with a viable strategy to succeed in Iraq and then to end combat operations.

This bill would force the President to be accountable to this Congress and to the American people. Yes, the American people deserve to know how this war is conducted and how it will end.

This bill would force the Iraqi Government to realize that America's commitment to their nation is not openended and that they must be accountable to their people for security and stability.

This bill would allow our military to safely redeploy from combat in Iraq to better confront emerging security threats around the world.

This bill would end the drain upon our Nation's resources that could better be used on our priorities at home such as improving our homeland security, strengthening our economy, and for providing for our citizens.

I strongly support this important legislation and request the President heed the call of this Congress to support our troops by redeploying them out of Iraq.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman for her yielding and for her work on the issue and thank the majority party for their work. We're involved in a very serious discussion here.

I was in the Air Force in 1970, in Reese Air Force Base in Texas in pilot training, and the Shah of Iran's son was in the class right behind me. I didn't know much about the Shah of Iran, coming from Hobbs, New Mexico, but we began to watch and began to visualize as he left training, and those Iranians who were in the training class with me left and went back home to Iran, what their life was like flying jets in the Middle East. And then in 1979, the Shah was suddenly out of power, just like that. The ayatollah came to power and instituted a tremendous repressive regime that continues to this day.

Now, the question that our friends on the other side of the aisle fail to ask is what is their plan to see that our friends in the Middle East have stability because, in fact, they're balancing the terrorists in their own countries every day. They're balancing them using our force and our will and our promise to help.

So what do our friends in Saudi Arabia, Jordan, Kuwait, Qatar, UAE, what do they do? When I went to Israel earlier this year, Israel simply said they fall. If you leave Iraq, those nations fall.

Now, it's an uncomfortable truth, but somehow we're not going to talk about some uncomfortable truth these days. It's an uncomfortable truth that the entire Middle East is facing a problem of stability. If the entire Middle East faces a problem with stability, the entire world has a problem of stability because, if the Middle East exports about 25 to 30 percent of the world's oil, which it does, then the world oil market becomes destabilized, the world economy becomes destabilized, and in the end, the terrorists win because they have destabilized the world rather than defeat any of the forces in the world. That's been their long-term plan, to export instability, and they have been doing a very good job of it.

Now, the President after 9/11 said we're going to fight a war on terror that simply does three things: we're going to take away the training camps, we're going to choke off their funding, and we're going to take the fight to them. Now, you can agree or disagree that Iraq is a place of combat with the terrorists, but it looks like to me that the terrorists from all over the world are coming in there. Iran is providing terrorists and weapons, Syria, other nations; and so whether or not it appears that the war is there, our soldiers believe that they're actually fighting al Qaeda.

So the President's plan has definitely uprooted the training camps. We've begun to squeeze off the funding to the al Qaeda troops, to the terrorists worldwide, and we have taken the fight to them. But now then, when we retreat, when we come home, the question that has failed to be asked by our friends who have this resolution calling our troops home, it fails to ask what do we do for world stability at that point. It is a serious omission. It's not accidental.

I appreciate the gentlelady for yielding.

Mr. LANTOS. Mr. Speaker, I'm pleased to yield 2 minutes to a valued member of the Foreign Affairs Committee who serves with great distinction as vice chair of the Subcommittee on Terrorism, Non-Proliferation and Trade, Mr. DAVID SCOTT of Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, I stand 100 percent behind this bill for a responsible redeployment of our troops out of Iraq. Much has been said. There are several points I would like to make going forward.

First of all, this is responsible. This is not something that was just put together. This was put together with military advisers of the first order, generals on the ground who were consulted, and by two of the most distinguished individuals in this Chamber, our distinguished chairman of the Foreign Affairs Committee, Mr. TOM LANTOS, and our distinguished chairman of our Armed Services Committee, Mr. IKE SKELTON. Nobody can argue their credentials. Nobody can argue the credentials of the military advisers that put this together.

But most importantly, the people that no one has mentioned, the entity that no one has mentioned, the most important entity of all is the American people. This bill represents the will of the American people. Seventy percent of the American people support this action today.

Now, let me remind you of the words of Robert Jackson, one of our distinguished Supreme Court Justices in the steel seizure case of 1952, when a similar situation was in place, where we were at loggerheads then with the executive branch and the legislative branch, but at that point, the Supreme Court decided that Congress has the authority. And Jackson went on to say that when the executive branch denies, disrespects and disavows the authority of Congress, we enter into what is referred to as a zone of twilight, or a twilight zone.

□ 1345

That's where we are now, to get out of this twilight zone of destruction and mayhem, of instability in the Middle East. You talk about stability in the Middle East. We are more unstable in the Middle East now as a result of what we have done.

Get us out of this twilight zone. This bill is the way to do it, and I commend it and hope we pass it overwhelmingly.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Generals on the ground were consulted on this bill? Seventy percent of Americans support this bill, support immediate withdrawal of our troops?

This bill before us is nothing more than political hyperbole, partisan politics using our troops as cover, because the American people don't have this bill in front of them. We didn't have this bill before us until just a few hours ago.

Let me show you exactly what the Democratic leadership has scheduled for us to debate, and I use the term lightly. For an entire day, rather than do the hard work of our Congress that we need to do to have more serious discussions on Iraq, on this bill, on appropriations, it's six pages long, six pages long.

It was introduced yesterday, so I don't know what commanders on the field we consulted with. I would be interested in doing that, in finding that out. The first page is the title. The second page, it's a "sense of Congress," language, nonbinding. The third page says "reduce forces to limited presence." Who understands what that is? Certainly not the drafters of this bill. The fourth and the fifth page calls for a strategy.

Yet this Congress already has demanded a strategy from the President, and it is due in September, a report. That's what the Democrats say they have asked for. But yet they are not willing to wait for that report.

The last page is definitions. This is what we are debating today, Democratic politics using our troops as pawns. Commanders on the field who were consulted? Give me a break.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield 1½ minutes to a valued member of the Foreign Affairs Committee, my friend and colleague from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise today to support H.R. 2956, the Responsible Redeployment from Iraq Act.

Now, certainly this measure is part of an ongoing effort to try to bring comprehensive change. We do have a vested interest in the Middle East as we are engaged in this war on terror throughout the world.

Notwithstanding that fact, though, for 6 years, our administration has had a blank check in Iraq, and that war on terror, and unfortunately, I think, by any critical evaluation, at best it has been bungled. At worst, we have made a mess of things. The previous Congresses have left little to be desired in terms of real oversight.

With unlimited resources, we have complicated our relations with the Middle East, and it's unfortunate for our country. It seems for every step forward, we take a step back. This legislation, then again, is another effort to begin a new direction, which will protect our interests in the Middle East and begin to develop a plan to bring our troops home.

What is lacking in this legislation though is a requirement for the President to tell us how we are going to, in fact, stabilize the areas with all the diplomatic resources available to us and our allies throughout the world in this region. Nonetheless, under the current circumstances, this legislation, I believe, is the next logical step. Clearly, doing more of the same continues to risk precious lives of American men and women in uniform, not to mention our Treasury, with little responsiveness, unfortunately and cooperation from the Iraqi Government.

Hopefully, this legislation will allow the administration to engage and work with us for constructive change that the American people demands.

I ask for an "aye" vote.

Ms. ROS-LEHTINEN. Mr. Speaker, first of all I would like to thank you for keeping such careful order on the floor on such a controversial topic.

The SPEAKER pro tempore. The Chair thanks the gentlewoman.

Ms. ROS-LEHTINEN. I have the pleasure of yielding 3 minutes to the gentleman from Connecticut (Mr. SHAYS) who has been to Iraq several times, has wrestled with his conscience and understands the situation of jihadist terrorism worldwide.

Mr. SHAYS. I thank the gentlelady for yielding.

I deeply admire TOM LANTOS, my friend, whom I have known for so many years, and IKE SKELTON, the authors of this resolution.

Mr. Speaker, this is a debate about an issue we all have strong feelings about. I regret to say it's a debate that's under a closed rule that doesn't allow all aspects of this issue to come to the forefront, and I deeply regret that.

We asked for a new Secretary of Defense. We wanted Rumsfeld replaced, and he was replaced by Secretary Gates. We asked for a new general on the ground and a new strategy, and General Petraeus was chosen.

After all that he had already done, he was willing to step in. He received unanimous support in the Senate, unanimous support. He has asked one thing from us with this new strategy. He said, give me until September 15 to show what we can do with this surge.

What this resolution does is it bypasses that. It basically, in my judgment, pulls the rug out from under General Petraeus. I think we owe it to him, unless he were to come back and say, we need to change our strategy right now, but he hasn't done that.

In my 17 visits to Iraq, I have seen good months and bad months. Since December, I think it's pretty extraordinary that we have won back Anbar province, an all-Sunni province. The irony is, we had given it up, and it had become a mini Afghanistan with al Qaeda acting like the Taliban. The tribal leaders came to us and said, help us get rid of them.

If we were not there to do that, they would be stuck with an Afghanistan with a Taliban type leadership in all of the Sunni area in Anbar province. But, fortunately, we didn't pull the rug out from under them. We are there to help them.

I think there are at least two inconvenient truths that we are dealing with. One inconvenient truth is the one that Al Gore talks about, which I wish more of us paid attention to, and that's global warming. The other inconvenient truth is what the 9/11 Commission report says, we are confronting Islamist terrorists.

Islamist terrorists have made it very clear that this is ground zero. If we were to leave Iraq, Iraq, in my judgment, would be like Afghanistan, with no troops to prevent the insurgents to do just what the Taliban did. I just hope and pray that we find a way to work together, that we look at bringing the Iraq Study Group presentation before us, because we all say we can support it. Let's build on what we can agree.

I conclude by making this point. We ask the Shia, Sunnis and Kurds to work together and reach out to each other, but Democrats and Republicans are having a hard time reaching out and working together. Bring forward a bipartisan proposal and see how well it could do on the House floor.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 1 minute to my good friend and distinguished colleague from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of this bill to finally end this disastrous war. President Bush's war in Iraq has been the biggest foreign policy catastrophe in our Nation's history. We have been distracted from doing the job in Afghanistan, the Nation that harbored al Qaeda. Hundreds of billions of dollars have evaporated into the sands of Iraq while vital needs have gone unmet at home. Our international reputation has been battered and bruised. Our Army has been hollowed out.

The war has cut short the lives of more than 3,600 of our bravest citizens, injured tens of thousands more. Yet this President continues to insist that we remain in Iraq.

Today we must tell this President he is wrong. We must take a stand against this tragic war, begin the hard work of repairing our foreign policy. We must listen to the American people and vote to end this war.

Let us truly support our troops and vote to bring them home.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to Mr. PRICE of Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, this is a sad and disappointing day for this House and for America. Once again, the majority is placing politics over national security, politics over reasoned policy, politics and partisanship over citizens and sanity.

Clearly this bill was not written in response to what our generals think, whose interim report was released just hours ago. Instead, it was written in reaction to polls and to political pressure from MoveOn.org and others. This isn't a thoughtful piece of legislation to achieve success in Iraq or success for America.

The lack of definition for a limited presence included in the bill reveals that this is just another cynical attempt by the majority to politically pander. How terribly disappointing.

In effect, this legislation is a vote of no confidence in our military commanders, and it's a shot of encouragement to al Qaeda. It's pure political opportunism, and it's devoid of military strategy.

As Members of Congress, we have a greater responsibility than just to politics. We have a responsibility to do what is in the best interest of long-term American security. We must be thoughtful. We must be deliberate in our actions.

We have a capable leader, General David Petraeus, unanimously approved by the Senate, the expert in counterinsurgency strategy. He was given by this Congress, just a few weeks ago, until September, to make positive progress in Iraq and report.

But this majority isn't interested in what our military commanders are capable of, or the situation on the ground. Their only interest is politics, in raising the white flag and in coming home without any thought or definition as to when or where they are willing to defend our security.

But because the political climate is ripe, the majority wants to undercut our troops. It's upsetting, it's sad, and it's very disconcerting that politics would trump national security.

This bill signals to our enemies that it doesn't matter what the commanders say. It says that thoughtful military strategy takes a back seat to good politics.

This isn't an exit strategy, it's a political strategy. How terribly disappointing.

I respectfully ask my colleagues to vote "no" on this bill and to commit to positively working together on behalf of the American people and American security.

Mr. LANTOS. Mr. Speaker, before yielding to our last speaker, I want to express my disgust and outrage at this arrogance which we have just heard.

The previous speaker assumes that there is a monopoly of virtue and wisdom on one side. That is not the case.

We have listened to our colleagues on the other side with respect and attention, and that is exactly what we demand of every single Member on the Republican side. This was an appalling spectacle debasing what has thus far been a fine and noble debate.

Mr. Speaker, I am pleased to yield 2 minutes to the conscience of this House, my good friend from Georgia, Congressman JOHN LEWIS.

Mr. LEWIS of Georgia. I am going to thank my friend, my colleague, Chairman LANTOS, for yielding.

Mr. Speaker, I rise in support of this resolution. This resolution is not a panacea. It will not get us out of Iraq tomorrow, next week or next month, but it is a step that will bring an end to this madness.

Our President, the commander in chief, told us a few days ago, that the surge is just beginning when he deployed more troops 6 months ago. He asked Members of Congress to wait. He is telling the American people to be patient.

We cannot wait. We cannot be patient. The American people want an end to this war and end it now.

How many more of our young people must die before we realize enough is enough? One more day of involvement is too many. One more death is one too many. This war is not worthy of another drop of human blood.

It is leaving a stain on the moral fabric of this Nation and destroying our credibility in the community of nations. We will never find the answer to Iraq down the barrel of a gun or in the warhead of a missile.

Vote for this resolution and bring this war to an end and bring it to an end now.

☐ 1400

Mr. LANTOS. Mr. Speaker, I am pleased to yield the balance of our time to the distinguished chairman of the Armed Services Committee, Mr. SKELTON.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials in the RECORD on the bill, H.R. 2956.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentlelady from New Hampshire (Ms. SHEA-PORTER), a member of the Armed Services Committee.

Ms. SHEA-PORTER. Mr. Speaker, the National Counterterrorism Center recently issued a report entitled, "Al Qaeda Better Positioned to Strike the West." This report concludes that al Qaeda has reorganized, regrouped, and is stronger now than it has been in years.

Yesterday, in the Armed Services Committee, we heard testimony that al Qaeda has established itself in the mountains along the Afghanistan-Pakistan border and is operating with relative impunity. On Tuesday, Homeland Security Secretary Michael Chertoff says he has a gut feeling we will be attacked this summer.

For years, Democrats have been saying we need to focus our efforts on combating al Qaeda in Afghanistan and Pakistan, but the President took our brave soldiers and our resources to Iraq. Now it appears that the President's disastrous policy of ignoring the real threats and bogging our military down in Iraq has borne fruit. The area and the country is destabilized and more dangerous to their neighbors and to us. Thanks to the President's policy, our military is now overextended, our Nation is deep in debt, and our international reputation is stained.

This cannot be allowed to continue. We are America the beautiful. We are the greatest country on Earth. We are the beacon of light and hope. We need to withdraw from Iraq, place our soldiers in a place where they can respond to any terrorist threats, and protect our borders as we once again reclaim our moral reputation.

Mr. SHADEGG. Mr. Speaker, I claim the time that has been yielded to me, and I yield myself such time as I may consume.

Mr. Speaker, I have the greatest respect for the chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON). I honor him and respect him deeply. But this legislation is deeply and fatally flawed. It will damage America and American interests for two reasons:

First, it is a purely political document, hopelessly vague and meaningless. Let me explain why. The bill turns on two key terms. One, that the United States transition to a "limited presence" in Iraq within the next 120 days; and, two, that the President provide a justification of "the minimum force levels required to protect the United States' national security interests in Iraq."

While I am pleased that the authors recognize that we are in Iraq to protect our national security interests, again, the legislation is hopelessly vague and therefore meaningless. Neither of these two key terms, "limited presence" and "minimum force level required to protect U.S. national security interests" is defined. Oh, the bill has a definition section and other terms are defined, but "limited presence" and "minimum force level required to protect U.S. national security interests" aren't defined.

You might ask yourself, why would the authors of the measure leave two such critically important terms undefined? Well, the answer is easy: Because this bill is not about policy; this bill is about politics.

The chairman of the Armed Services Committee knows exactly why these terms are not defined, and indeed the Democratic leadership knows why these terms are not defined. They are not defined because they need ambiguity. Indeed, ambiguity in this legislation is essential to its passage. They know that they can't agree on what the meanings of these terms are. You see, if they defined "limited presence" as too many troops, then their most liberal, most antiwar Members would not vote for the legislation. They couldn't. And, if they defined limited presence too low, then their Blue Dog Members would not support the bill. Again, this bill is about beating up on the President and about scaring nervous Members of Congress.

Again, let's look at the other term, "minimum force levels required to protect U.S. national security interests." Why not define what that minimum is? Answer, again, if they define it too high, those who want out tonight and want our force levels at the lowest conceivable level couldn't vote for the bill. And if they define it too low, then those who recognize we face a threat from Iran and other regions' interests wouldn't vote for the bill. It is deeply flawed for those reasons.

And I would ask proponents of the bill what they would say if the President, as he could under the language of the bill, were to decide that "limited presence" means 154,000 troops, just 1,000 fewer than we have now? That would comply with the letter of the bill, but it wouldn't satisfy proponents of the bill.

And what if the President, as he can under the language of the bill, were to define the term "minimum force level required to protect U.S. national interests" not as 155,000 troops as we have today, but rather at 500,000 troops?

You see, they can't agree on those terms. I wonder how many of the Members realize that the critical terms in this bill aren't defined.

The bill is also flawed for a second reason, and that is that it reneges on the essential agreement Congress struck just 2 weeks ago. It is a little bit like Lucy pulling the football out from under Linus just before he kicks it. Here, don't rely on my opinion; rely instead on today's Washington Post. You see, today's Washington Post editorial makes the case for me. The Washington Post, not exactly a conservative journal, says, "It seems like just weeks ago, because it was, that Congress approved funding for the war in Iraq and instructed General David H. Petraeus to report back on the war's progress in September." Ladies and gentlemen, this isn't September.

The Post goes on to write, "Before Congress begins ordering withdrawals, it should at least give those generals the months they asked for to see whether their strategy can offer some hope." We owe it to those generals to give them, as The Washington Post says, the months they asked for, but, instead, we have given them 27 days.

I urge my colleagues to oppose this bill.

I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, my colleague, the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the chairman for this opportunity to speak. I rise in support of this legislation.

Much has been said these past years about the extent of the U.S. engagement in Iraq. The Iraqi people have made progress. Saddam is gone. They have had elections. We are told they have got over 300,000 Iraqi police and soldiers trained, equipped, and in the field. They are engaged in a civil war, and we cannot be involved in trying to referee that. As well as others in this body, I have been given assurances that they have that many troops.

I believe the war in Iraq has had a serious negative effect on the readiness of our brave men and women in uniform who are serving with honor and distinction. Their deployments and, oftentimes, redeployments without adequate time at home to rest and train is affecting our Nation's ability to meet future contingencies. As it stands today, listen up, as it stands today, we do not have, repeat, do not have a single combat-ready brigade ready to be deployed.

The United States cannot chart the destiny of the people of Iraq. The Iraqi Government must take responsibility for its own nation, and this legislation puts us on the path to see to that worthy and noble cause.

Mr. SKELTON. Mr. Speaker, at this time I yield 1 minute to my colleague, my friend, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I rise in support of this legislation.

The interim report released by the President today details exactly what I anticipated, a lack-of-progress report which demonstrates that the Iraqi Government has made the least progress on those key benchmarks that are vital to achieving stabilization.

The President at a press conference earlier today stressed the usual line of excuses that he has far too often utilized in the past, stating that we need to give General Petraeus time to show that the plus-up is effective and stress the importance of waiting until the September 15 progress report is released before drawing conclusions on the policy in Iraq. However, the President forgot to mention that General Petraeus said in an interview just last month that the chances of having a stable Iraqi Government in place by September are slim to none. Those are his words.

Frankly, our troops need our support, and that support must be their redeployment, which will end the continued bloodshed.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the chairman of the Strategic Forces Subcommittee of the Armed Services Committee, my friend, my colleague, the gentlelady from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I am very pleased to voice my very strong support for Chairman SKELTON's legislation. It represents an unequivocal belief that the United States cannot and should not be in the business of fighting Iraq's civil war.

For over 4 years, it has been clear to me that our troops successfully and bravely accomplished the mission authorized by the President in the fall of 2002.

Today's report that our troops have done their job but the Iraqi Government has not underscores the deep problems with the Bush administration's approach. We are no longer at war with Iraq's Government; instead, our forces are caught in the middle of an escalating sectarian conflict in Iraq, with no end in sight. Yet, the President continues to blindly stay the course, with disastrous and deadly consequences.

Chairman SKELTON's bill would make significant reductions in our troop presence by April of 2008. Democrats, along with our Republican colleagues who no longer trust the President's leadership, are doing all we can to change the President's full speed ahead mismanagement of the war in Iraq and divert the policy toward returning our troops home sooner and safer.

This more responsible presence, which limits U.S. presence to fighting terrorism and training Iraq forces, will be a first step in restoring stability in Iraq and the readiness of our military which has been badly damaged over the last 4 years.

I appreciate Chairman SKELTON's leadership on this matter, and I urge my colleagues to support this commonsense approach.

Mr. SHADEGG. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Arizona.

And while I have the utmost respect for the chairman, I disagree with him on this resolution and I do rise to oppose the resolution today.

I guess I don't like the rhetoric of defeat. And I think that if we look at the situation in Iraq and if we look at the global war on terror, we have to ask ourselves: If we accept defeat at the hands of the terrorists, then what type message are we going to send? And I don't think that we would like that. Because if we pull out now, it is going to say that the U.S. is weak in the war on terror. It is going to say that we accept roving death squads in the streets of Baghdad, that we accept ethnic cleansing and a region engulfed in all-out chaos. That is the message we send. Just as when we were children, our actions carry a message with them.

Our soldiers deserve the confidence of their leaders, and not second-guessing by politicians that are a half world away. I think that they need to know that we are with them.

I had a message from a Marine parent. And they said, You know, we have our men out there fighting every day. They are using all the tools available to them. They are in combat. They are in patrols. They are using technology to stabilize, to train Iraqi troops. Then at night they come home, they come back to that post, that forward operating base, and they hammer out e-mails and blogs to those of us here to help combat the rhetoric coming out of Washington, DC.

General Petraeus, Ambassador Crocker have a plan, the Baghdad Security Plan. We find out now much of Baghdad is more secure than it was. Most of the troops to carry out this plan just landed, just got there 2 weeks ago to start implementing the plan. I think that for us to second-guess is inappropriate. I think that it may be the fashionable thing to want to pull out.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey, a member of the Armed Services Committee, my friend and colleague, Mr. ANDREWS.

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding.

I support this legislation because it will make America safer. Our safety depends upon stability in Iraq.

Now, there are two ways to achieve stability in Iraq. The first is to prop up the present government and hope it succeeds.

□ 1415

That has failed. The best evidence of that failure is from Iraqi leaders themselves. Last weekend, a Shiite Member of Iraq's legislature said, in the absence of enough security forces, authorities should help residents arm themselves for their own protection. The Sunni president of Iraq said, people have a right to expect from the government and security agencies protection for their lives, land, honor and property, Mr. al-Hashemi said. But in the case of the inability of Iraqi security forces, the people have no choice but to take up their own defense.

This government has failed, and we are spending the precious blood of our sons and daughters to prop it up.

The second way to achieve stability in Iraq is to compel a political solution. This resolution will do that. It deserves our support.

Mr. SHADEGG. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I would start out with the title of this, the Responsible Redeployment from Iraq Act. Positively Orwellian to name a resolution the Redeployment From Iraq Act. I have gone back and revisited George Orwell, and I can tell you this says, the Cut and Run From Iraq Act. And however you want to cut it, that's part of it.

Then it says, be moved in a safe and orderly manner. And I'd like to know from the other side, was the helicopter lifting people off of the U.S. Embassy in Saigon, was that safe and orderly? Would that comply with your definition?

Another point, we have in this Congress constitutional responsibilities and authorities with regard to war. The first thing we can do in this Congress is declare war. The second thing we can do is to raise an army and a navy, and the third thing is to fund it, not to micromanage it. This is another piece of micromanagement. This is another piece of moving us down the path towards what history will record as a defeat on the floor of Congress, not a defeat in the field of battle.

Von Clausewitz said the object of war is to destroy the enemy's will and ability to conduct war. And we understand that if you don't have the will, it doesn't matter what your ability is. We're the only unchallenged super power in the world, and you're breaking down the will of the American people.

Sun Tzu said it more simply. "Supreme excellence in warfare lies in destruction of your enemy's will to resist an advance of perceptible hostilities." And yet the American people's will has been systematically undermined by the debate here on this floor, by the debate in the national news media. And I question, in the face of the opposition that we have to our will here in this country, if we ever can manage the effort to rise up and defend freedom with this kind of support that we lack.

And then, when Mr. PRICE of Georgia lays out that the Defeatocrats in Congress are invested in defeat, the former gentleman from California rose up and squealed. And being the leading number one pork-producing district in America, I can tell you, when you throw a rock into the pigpen, the ones that squeal are the ones you hit.

Mr. SKELTON. Mr. Speaker, at this time I yield 1 minute to my friend, my colleague, a gentleman who is a member of the Armed Services Committee, Mr. COURTNEY from Connecticut.

Mr. COURTNEY. Mr. Speaker, last week, during my work period at home, my district office in Norwich was visited by a young Army enlisted man who had in one hand his orders for his fourth deployment over the last 4 years. Over the last 4 years, he did two 1-year deployments in Iraq and one 7-month deployment in Afghanistan.

In his other hand he held a bag of medication, anti-anxiety medication, including Zoloft, because of the post-traumatic stress which we got actually diagnosed from a treating psychiatrist a few days later, which confirmed that his deployments have taken him to the breaking point. That is the dirty little secret about this surge policy, which is that we've broken the ground forces of this country.

This legislation crafted by Mr. SKELTON, whose number one focus as chairman of the Armed Services Committee is always about raising and maintaining an armed force that can protect our national interest, is desperately needed, primarily for the people who have borne the disproportionate share of this war, which is the people who serve in our uniform and their families.

It is easy for us to talk about commitment in this chamber. It's time to stand up for the real people who are sacrificing for that commitment.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend, my colleague, the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I understand this or any administration's defensive posture when it comes to criticism of policy. And I understand the members of his party feeling the need to defend it. This interim report, ordinarily, I would be one who would wait until September. But this interim report that shows an appalling lack of progress on the political front in Iraq leads me to this conclusion.

I was on active duty for 4 years during Vietnam, and I went down to Vietnam Wall the other night; 50-something thousand dead American names down there. We have now, 3,500-plus dead American names on the Iraq wall.

And what was true then, to me, is true now. And General Petraeus himself said it not long ago when he said, military action is necessary, but any student of history recognizes that no military solution to a problem like Iraq is there. Military action may be necessary, but it is not sufficient. There needs to be a political aspect.

The political aspect, as reported in this interim report, shows this: Of the 275 members of the Iraqi parliament, over one-third are presently boycotting meetings. Over one-third of the ministers are boycotting the meetings. Two years after the Iraqi elections, the government there is dysfunctional.

Now just listen to General Petraeus's words. We have to have a political aspect. And this present strategy, whether the surge works or not, is beside the point. These people are unwilling or unable to come together, after 2 years of a government, to work together to build any kind of civil society that we can support.

I think that it is now time, with this interim report and the lack of political progress there, to send a message. Nobody's talking about precipitous withdrawal. What we are talking about is this Congress engaging with this administration to support the troops and help them from this morass.

Mr. SHADEGG. Mr. Speaker, I'd like to inquire as to the time remaining on each side.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Arizona has 21 minutes remaining, and the gentleman from Missouri has 73 minutes remaining.

Mr. SHADEGG. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from California, the former attorney general of California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, since I consider the gentleman from Missouri such a stalwart Member of this House, and a friend, I rise not in anger but in sorrow as I oppose his amendment. I have profound disagreements with the specifics of this particular bill.

I came to Congress, returned to Congress after 9/11 precisely because of 9/11, because I thought we needed, as a country, to respond to the threat of Islamofascism in an effective way and that we needed to recognize that our war against Islamofascism was a multifronted war. And one of the fronts of that war is Iraq. You can argue whether it's the number one front or not, but it is important. And I think everyone would agree. And what we do there is important. And how we act there is important. And when we withdraw, even though we call it a redeployment, that is important. It is a message that goes beyond Iraq. It goes to all of those who would do us ill in this world.

And I can't understand, when we had General Petraeus look us in the eye just a couple of weeks ago and say to Members, I believe in my mission; I've told my men and my women that I believe in the mission; and if I didn't believe in it, I would tell you immediately because I'm not going to sacrifice men and women in vain. And he said, give me the time to do it. And we said, yes, sir, you have the time. And now we say, when he's over there with his men and women, we're not going to give you the time. We're going to second guess.

I don't understand how you prosecute a war. One Member got up and said, let's end this war by passing this resolution. You end a war usually in America by winning, by defeating the enemy.

We have this bill up now. We're going to have a bill up in another couple of weeks that's going to tell us we have to change the habeas corpus issue, we have to grant habeas corpus to unlawful enemy combatants, for the first time in the history of our Nation, putting us at a position that we never would have had in World War II. It would have crippled us during World War II.

And then we're going to hear, close down Guantanamo. Let's look at this bill as just a piece of the approach that the other side is taking.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to my colleague, my friend, the gentleman from Tennessee (Mr. LINCOLN DAVIS).

Mr. LINCOLN DAVIS of Tennessee. Mr. Speaker, I rise in support of this resolution. The responsible redeployment of our troops is a brave step toward a new direction for the war in Iraq. It will remove our troops from the most dangerous kill zones in Iraq and refocus our efforts toward defeating terrorism across the globe.

The decision to redeploy is one that I have not come to lightly. This bill gives the President the power to maintain a military presence in the region while, at the same time, imposing the accountability the American people demand that we enforce.

Four years into a difficult and prolonged engagement, I had hoped we would have seen better proposals for progress in quelling the violence. Throughout the course of our debate, whether on the air waves, Internet or in the halls of Congress, we've heard much of the supposed failures of our military goals. We hear often of continued strife and instability in the nation we sought to set free; of an Iraqi economy crippled by the trials of war; of parliamentary disputes, civil unrest and sectarian violence; and of a peace we all believe in that has yet to take place in Iraq.

But these stories, however true, are only a portion of our efforts. They are the darkest side of our endeavors meant to do good and sinfully omit the triumphs and victories of our sons and daughters who've done a great service.

For all that remains undone, our troops have accomplished a great deal. We brought free and open elections to a nation once shackled by a tyrannical regime. Iraq has experienced freedoms unimagined before, and Saddam Hussein was put to death for his crimes.

It is in this vein that we must continue our presence in Iraq and Afghanistan, the greater Middle East and around the world, for it is essential to our security.

As we prepare to redeploy our troops from Iraq, we must commit as well to remain ever vigilant in the face of terrorism. Whether they are threats to America and her allies, whether radicalism threatens the foundations of the natural freedoms we've sought so hard to prove, we must prepare ourselves to face those threats and bring their agents either to justice or a swift demise.

We must continue our hunt for Osama Bin Laden and the instruments of al Qaeda. While I am behind the efforts to redeploy, our military must be equipped and prepared to protect American civilians, property and interests at home and abroad.

As I prepared my case today on the merits of redeployment, I was reminded of a speech delivered by Congressman Abraham Lincoln on January 12, 1848, that railed against President James K. Polk of Tennessee for bringing our country to war with Mexico. Lincoln believed that Polk had stretched the facts to fit the case for war, just as many have expressed their belief here that our President stretched the truth about WMDs to make his case for war.

President Polk's war with Mexico yielded the borders that stand today. Our nations endured the battle of Vera Cruz, the battle of Mexico City, but the results of the Mexican-American war remain, and our two countries live as partners in peace. The results of the war yielded positive results. History has favorably judged James K. Polk, just as history will judge this President.

So as the President considers signing the order to redeploy, I hope he will. I implore him to consider the advice of Mr. Lincoln.

Mr. SHADEGG. Mr. Speaker, at this time I am pleased to yield 4 minutes to the distinguished chairman of the Republican Study Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding. I thank him for his outstanding leadership on this floor and within the Republican Study Committee.

Mr. Speaker, I'm very happy to come to the floor today and debate this resolution with my fellow members of the Republican Study Committee. But if press reports are to be believed, I am disturbed by the reason that we are here, and that is, is this a poll driven resolution?

We all know that our Democratic colleagues now have one of the lowest congressional approval ratings in almost 50 years. We know they don't want to spend time on this floor debating how little has been achieved in their tenure, and perhaps they want to spend even less time talking about what they have achieved; the single largest tax increase in American history, a secret earmarking plan gone awry, and a spendorama, spending millions and millions on peanut storage, NASA and dairy products, put into a bill to support our troops in harm's way.

□ 1430

Putting polls aside, why are we here? Make no mistake about it. What we are debating today is whether or not to declare defeat in Iraq, the battlefront in our war against radical Islam.

Everyone knows that fighting this battle in Iraq is costly, but losing this battle in Iraq is even costlier.

Mr. Speaker, sometimes life presents us with lousy options, but that is a reality with which we must deal. Iraq must be seen in the larger context of our war with radical Islam. The battle lines are drawn; and whether or not we like it, they are drawn in Iraq.

Don't take my word for it. Take the word of Osama bin Laden: "The epicenter of these wars is Baghdad. Success in Baghdad will be success for the

United States. Failure in Iraq is the failure of the United States. Their defeat in Iraq will mean defeat in all of their wars." And we have to soberly reflect upon the enemy that we are facing. Listen to the number two in al Qaeda, al Zawahiri: "Al Qaeda has the right to kill 4 million Americans, 2 million of them children."

Mr. Speaker, two of those children are my children. And I take this very, very seriously.

Al Qaeda has further vowed to expel the Americans from Iraq. They have vowed that they will "launch a jihad wave to the secular countries neighboring Iraq."

Again, this is the enemy we face and we face him foremost in Iraq. If we leave Iraq before subduing him, he will follow us here to our shores. And make no mistake about it. The consequences are immense. Read the National Intelligence Estimate. Read the report of the Iraq Study Group. Precipitous withdrawal declaring defeat will not end this war. Instead, it will make it worse. It will send it to neighboring countries. It may lead to genocide.

Now, I have listened to the debate of my colleagues carefully. Some still complain about the decision to go in. It's a moot point. Many want to complain about mistakes or incompetence of 3 years, 2 years, or perhaps 1 year ago that may or may not be accurate. Today they are irrelevant.

The question is what do we do now? We have a new commander. We have a new strategy. We have a report due in September. We have signs of hope. Let's give it a chance. There is too much at stake to declare defeat today.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland, my friend (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Missouri for yielding.

The question before us today is if failure in Iraq is not an option and staying the course is not working, what are our options? It is vital that we focus our attention this morning and this afternoon on that question, then formulate an integrated set of proposals that include the basic premise that a stable Iraq and a stable Middle East is in the vital interest of the United States and the international community, also taking into consideration here the military's assertion, through General Petraeus, that the war cannot be won with a military alone. An integrated set of proposals for an overall strategy then must include, which is in this bill before us today, diplomatic efforts, political efforts, economic efforts, social, humanitarian, cultural, and a military component. We must also garner the constructive engagement of all of Iraq's neighbors.

When Nixon went to China, the domino theory of Vietnam became irrelevant. When Nixon went to China, there was a Sino-Soviet split that advantaged the United States. If we go to Iran, al Qaeda in Iraq will be irrelevant. If we go to Iran, the idea of a spread of terrorism, of those problems in the Middle East will be eliminated.

The idea that this piece of legislation moves forward in the next step of the Iraq Study Group is, in my judgment, on the right mark. It is profound. And I thank the gentleman from Missouri for yielding and for bringing this legislation to the floor.

Mr. SHADEGG. Mr. Speaker, at this time I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I thank the gentleman from Arizona for yielding, and I want to thank the gentleman from Missouri for being an honorable gentleman during this tough time.

Mr. Speaker, I want to start with a couple of warnings. First, I would suggest anyone on the Republican side shaking hands with the majority might want to be careful because they have been licking their fingers and sticking them into the political wind.

Second, government opinion by polls may lead to short-term success at the ballot box, but in this case it could lead to a catastrophe on a global scale.

We in this House best serve the United States, Iraq, and the world community if we establish conditions in Iraq that allow for a somewhat orderly transition to autonomy for Iraqis. A quick withdrawal from Iraq would set off a fuse that would eventually blow up not only Iraq but quite possibly surrounding countries as well.

Iraq foreign minister on Monday warned against a quick withdrawal by the United States, saying, "The dangers could be a civil war dividing the country, regional wars, and the collapse of the state."

Today when we talk about the Holocaust or when we talk about Rwanda or when we talk about the Sudan, we ask how could good people stand by and let this happen. It is an important lesson to remember as we pull out our voting cards today. Remember, we are trying to help. If we pull out of Iraq, we guarantee that the Tigris and the Euphrates will run red with the blood of innocents. We guarantee a safe haven for the training camps of al Qaeda. We guarantee more free rein for the death squads of Moqtada al Sadr. We guarantee a civil war between Shiites and Sunnis. We guarantee even more or worse instability in the region, perhaps for decades.

No matter how we vote today, we are not going to stop the war. We may stop fighting, but we are not going to stop the war. As Indonesian jihadist leader Abu Bakar Bashir said, "All Muslims should fight to create an Islamic state. There are only two options for Muslims, to win or to die."

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my colleague and friend, the gentlewoman from California, member of the Armed Services Committee (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the chairman for yielding.

I rise today as a cosponsor of H.R. 2956, and although I support this resolution, I must express my sadness that it has come to this point.

This President was wrong when he claimed that Iraq had weapons of mass destruction. He has had over 4 years. He has asked for more time, for more troops, for more surges. And regardless of what our military experts and our troops on the ground say, this President continues to claim that we are winning the war in Iraq.

Mr. President, what reports are you reading? Whom are you listening to? Certainly not the reports that I have read or the military officials I have spoken to, who tell a very different story about what is happening in Iraq. To me it is with sadness that this Congress has to tell you that your war in Iraq is a failure and that we will not let you leave our brave men and women over there when you have no plan to allow them to succeed. We will not let them be targets any longer.

History will show, Mr. President, that your war was a failure. But today the Congress stood up to you and said enough is enough.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my colleague and friend from the leadership, the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank Mr. SKELTON for yielding me this time.

They buried Andre Craig, 24 years old, last week. He died in the service of his country. His family held a press conference prior to that and said, he was exhausted.

Mr. SKELTON has put forward a piece of legislation, not a resolution, a bill that address the men and women in the armed services, that addresses the problems that they face on a daily basis in Iraq.

There is a difficult choice today to be made. Our colleagues on the other side of the aisle are honorable people. They understand as well exactly what it is like to go to a funeral service, to look into the eyes of these families, many who have been deployed three and four times, who are stretched to the maximum. You know what they are experiencing. It is hard to reconcile, because we know you are honorable people, the indifference that seems to lie in the choice between the blind loyalty to the worst foreign policy endeavor in the history of the country and the men and women who are there paying for it every single day. You are right, emotions run deep.

How many more of these services will it take for us to face the truth and the facts? People have come to this floor and said, well, you know that the President is going to veto this. One thing we know for sure is where the President stands and what he has said he will do and how this will be passed on to another administration. But the thing here is what we will do, what you will do.

Find your voice. Speak on behalf of the troops. Follow IKE SKELTON.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my colleague, a member of the Armed Services Committee, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. I thank the chairman for this time.

Mr. Speaker, I rise today in strong support of H.R. 2956.

For more than 4 years, our men and women in uniform have faithfully, skillfully served in Iraq. This legislation makes clear that the Government of Iraq must now be responsible for Iraq's future.

Mr. Speaker, when Marine General "Jack" Sheehan, a former top NATO commander, declined to serve the White House as war czar for Afghanistan and Iraq, he stated his reasons for not accepting this position: "The very fundamental issue is they don't know where the hell they're going." That is what Marine Corps GEN Jack Sheehan said. General Sheehan's statement is why the Congress and the administration need to work together to develop an end point to the war strategy in Iraq. It is time for Congress to meet its constitutional responsibility by defining what victory in Iraq will look like.

Stay the course is not the answer. As Colin Powell said last week, "We have to face the reality of the situation that is on the ground and not what we would want it to be. It is not a civil war that can be put down or solved by the Armed Forces of the United States." Colin Powell, I quoted him. That is his statement.

We are now in the 5th year in Iraq, and 3,611 Americans have died in the war. Mr. Speaker, to this date I have sent over 6,400 letters to the families and extended families of our men and women in the military who have lost their lives in Afghanistan and Iraq, and every time I sign a letter, my heart aches.

Chairman SKELTON's plan provides a comprehensive strategy to maintain and advance the diplomatic, political, and economic components of United States national security interests in Iraq. It has taken this country in a direction that it needs to consider.

Mr. Speaker, I close by reminding this Congress what Rudyard Kipling said in his writings known as "Epitaphs of War," and we need to all be responsible for this, and this is my quote from him: "If any question why we died, tell them because our fathers lied."

□ 1445

Mr. SHADEGG. Mr. Speaker, at this time, I'm pleased to yield 2 minutes to the distinguished Member of the Republican Study Committee, the gentleman from South Carolina, Mr. GRESHAM BARRETT.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding. And I hope the chairman of the Armed Services Committee knows how much I respect him and truly love this man.

Mr. Speaker, I know of no other place than Washington, DC, where it's okay to look a man in the face, tell him we're going to give him the time, the resources and everything he needs to accomplish a mission, and then halfway through the process, say, oops, I'm sorry, time's up. We made a mistake. Mission over.

No one person I know or have known executing this war on radical Islam has more credibility than David Petraeus, a gentleman who was confirmed unanimously in the United States Senate, but instead of giving GEN David Petraeus, a man whose boots are on the ground, a fair opportunity and allowing him the time he needs to better implement the plan and report back, we once again see legislators trying to micromanage this war. The problem is, we've turned this into a political war, a war where politicians are pulling the strings, not the man we said could do it.

If anyone can pull this off, David Petraeus can. If any armed services in the world can be successful, the men and women of the United States Armed Forces can. But let them accomplish the mission. Let them continue to win. Let them bring us victory.

In recent weeks, we've witnessed in Great Britain how real the threat remains. Whether we're talking about Iraq, Pakistan, Afghanistan, the enemy is there, the enemy is real; and to ignore the threat that they pose to this Nation is unconscionable.

We owe it to our troops on the ground, to those who have served, to those who have died, and the American people to allow the plan General Petraeus developed to take effect.

Mr. Speaker, the stakes are too high. Keep this country safe. Keep this country strong. Do the courageous thing. Vote against this legislation.

Mr. SKELTON. I yield 1 minute to the chairwoman of the Subcommittee on Military Personnel of the Armed Services Committee, Mrs. DAVIS of California.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of H.R. 2956.

I just returned from Iraq. The trip was only a snapshot of what was happening on the ground, but I heard two messages: One, we need more time to train Iraqi troops and leadership; but two, progress is not evident. We are taking two steps back for every step forward. Our men and women are serving heroically, but it is clear our progress is limited, at best. So where do we go from here?

Mr. Speaker, we need a plan that moves beyond the surge to a time frame that says we will continue to support Iraqis in a limited capacity but that we will redeploy the bulk of our forces within a prescribed period of time.

We are all concerned about the impact our redeployment could have on our adversaries, and the region as a whole. However, the reality on the ground is that, whether it's in 6 months or 2 years, the size of our current force cannot be sustained. The true focus must be on how we disengage, how we and our allies work together to support our aims for a free and open society in Iraq.

Our choices are bad, awful and worse. But this legislation, I believe, will move us a step closer to a day when Iraq's leaders and politicians can take back control of their country and our men and women can return home to their families and a grateful Nation.

Mr. SHADEGG. Mr. Speaker, at this time, I am very pleased to yield 5½ minutes to the distinguished Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding, and for the effort he and others are making on the floor here today.

Mr. Speaker, I would like to refer to this editorial today from the Washington Post which says, "It seems like just weeks ago"—because it was that—"that Congress approved funding for the war in Iraq and instructed General David Petraeus to report back on the war's progress in September. Before Congress begins ordering withdrawals, they should at least give those generals the months they asked for to see whether their strategy can offer some help." Mr. Speaker, I think that, in a nutshell, sums up what we ought to be talking about today instead of what we are talking about today.

I've heard this resolution referred to as a "new way forward," but it doesn't provide a new way forward. It, frankly, serves no purpose in meeting the challenge that we face today with our totalitarian enemies.

I'm told that, yesterday, in the House Appropriations Committee, 45 minutes was spent debating whether cats should be declawed before they were allowed into public housing; 45 minutes to decide whether cats should be declawed in public housing, and by the way, that committee decided they should, and no minutes spent to talk about this bill. No hearing on an April 1 deadline. No outside testimony on a bill that was quickly put together to serve a purpose of, I believe, changing the subject of the failure of this Congress to get its other work done back to a subject that is obviously creating stress in America today, and that is, what do we do about the totalitarian enemies we face and their lack of appreciation for innocent human life?

Commanders in the field say that a responsible deployment from Iraq would take at least a year. Maybe that's why we didn't have a hearing on how long it would take to responsibly and safely leave Iraq. There was no testimony from the military about an April 1 deadline. In fact, I can't even find any evidence of any consultation with the military about an April 1 deadline.

And what does "limited presence" on page three of this, what does that mean? What does "limited presence" mean? I suppose it means whatever it needs to mean when you go home and explain why you voted for the bill, because it doesn't mean anything. Limited presence means nothing, and it's a key criteria of this approach.

The same people who say we went into Iraq without a well thought-out plan now want to leave without a plan at all. And that's what is wrong with what we're talking about today.

Let's go back to page three of the bill itself. The President is supposed to report back in January things like the projected number of armed forces necessary to carry out the missions. The projected annual cost of the missions. The projected duration of the missions, I guess to suggest that there really aren't going to be missions if you leave April 1 if you've been on the other side of this issue up to now, if a few weeks ago you were for giving the generals in the field up until September, and now you're for deciding what we're going to be doing in April without knowing what that September situation is about.

And it goes on, on page 3, to talk about whether it's necessary, I guess defining the missions, whether it's necessary to have Armed Forces to carry out the following missions; protecting United States diplomatic facilities and United States citizens, including members of the Armed Forces who are engaged in carrying out other missions. You can pretty much make this, I guess, whatever you want it to. Serving in rolls consistent with customary diplomatic positions. Engaging in actions to disrupt and eliminate al Qaeda and its affiliated organizations.

Now, we're going to decide, apparently the President should decide in January whether that continues to be an important thing, or whether training and equipping members of the Iraqi Armed Forces continues to be an important thing.

Where was the effort made to determine the impact on al Qaeda worldwide, or to determine the impact on Hezbollah or other agents of terror and how that would affect our security in the United States if we precipitously leave one more time, if we precipitously leave without a plan?

Only a few weeks ago, again, as others have verified all over the country in editorials today, I and others stood on this floor and said, our troops deserve a funding bill without strings and without congressional pork. Today, I'm here to say that they deserve a chance to carry out their mission without looking over their shoulder all the time to see what the Congress of the United States is about to do next.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlelady from Texas, EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Mr. Speaker, and thanks to Mr. SKELTON, the outstanding Congressman from Missouri.

I rise to support H.R. 2956. If we could stop this war today, it would please my constituents. And if we could do it without more violence, I would be picketing to do it.

All of us know, that have any common sense, that we cannot bring the troops home today, but we can develop a good strategy to make sure that they get the message in Iraq that we are coming home. We still have 150,336 troops over there. Are we going to stay until they all get killed?

We talk about how many have lost lives. I was a nurse in the Veterans' Administration for 15 years, and I saw the damaged lives of these veterans coming home from war. What are we doing for ourselves and the future? This is not a partisan issue, this is an issue that saves America.

Mr. Speaker, the most recent report from the Department of Defense, states there are 150,336 brave American troops in the middle of a violent civil war in Iraq.

Meanwhile, the President has repeatedly made it clear that nothing will discourage him from pursuing a war that has no end in sight.

Congress cannot and should not keep waiting for the President to change course.

We must change the course ourselves, 2008 must be a year of transition in Iraq. Iraq has to grow out of the shadow of the United States.

Iraq needs to take responsibility for its own decisions, learn from its own mistakes, and find its own solutions to its own problems.

Recently, the Iraq Study Group suggested that the time has since passed when one country alone could work alongside the Iraqi leadership to steer Iraq's future.

Rather, as the report says, "the United States should immediately launch a New Diplomatic Offensive to build an international consensus for stability in Iraq and the region."

This recommendation is perhaps the last-best hope for war weary Iraqis and Americans alike.

Mr. Speaker, our brave men and women are serving with great honor in Iraq. Their service has paved the way for a democratic society.

It is time for the Iraqi government to stand up, so our troops can begin to stand-down.

I urge my colleagues to support this legislation.

Mr. SKELTON. I yield 2 minutes to my colleague, my friend, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the distinguished chairman of the Armed Services Committee.

Mr. Speaker, two separate headlines on the front page of today's Washington Post tell the sad story of two of the Bush Administration's biggest national security failures. First, its disastrous Iraq policy, and second, its failure to complete the mission against al Qaeda and the Taliban along the Afghan/Pakistan border.

One headline reads, "CIA Said Instability Appeared Irreversible." The article describes how, on the same day last November, the Baker-Hamilton commission received two starkly different portrayals of what was happening in Iraq. One came from President Bush, who portrayed a rosy picture, and the other came from the man who President Bush put in charge of the CIA, General Hayden, who was responsible for providing a clear-eyed analysis based on cold facts. And what he reportedly told the commission was, and I quote, "Instability of the Iraqi Government was irreversible." Irreversible, he said.

These starkly different portrayals of the situation go to the core of our problems in Iraq because the President has been in a state of denial. Happy talk is no substitute for a reality-based policy. And indeed, the President's decisions based on wishful thinking have led to decisions that have weakened our national security.

Yesterday, the U.S. intelligence experts confirmed the gloomy assessment that General Hayden made last November, and today's report to Congress confirms that the Iraqi Government has failed to make sufficient progress in key areas of national reconciliation.

The other headline on the front page of the paper today on Washington Post reads, "U.S. warns of stronger al Qaeda and describes al Qaeda's growing presence and strength along the Afghan/Pakistan border and reveals the consequences of our failure to complete the job against al Qaeda in that area."

Mr. Speaker, we must insist that the Iraqis assume greater responsibility for their own future, and we redouble our efforts against those who did attack us on September 11, 2001. That's what this bill is about.

It's time to change direction. I urge my colleagues to adopt this bill.

Mr. SHADEGG. I note the gentleman cited the Washington Post. I wonder if he has read the editorial today which says that we should be giving our troops at least until September.

Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 5½ minutes remaining.

Mr. SHADEGG. I thank the Speaker.

I'm pleased to yield 2 minutes to a distinguished member of the Republican Study Committee, the gentleman from Georgia (Mr. GINGREY).

☐ 1500

Mr. GINGREY. Mr. Speaker, I want to take my 2 minutes to apologize to a few families from my district for having to listen, once again, to the Democratic leadership bringing forward a cut-and-run policy when these families have given their loved ones in this sacrifice.

I apologize to the Johnson family of Armuchee, Georgia, who sacrificed their son, Justin. I apologize to the Saylor family from Bremen, Georgia, who gave up their son, Paul. I apologize to the Clayton family of Marietta, who misses dearly their son, Captain Hayes Clayton. To Carey and Sally Brown, of Atlanta, I apologize to you for the loss of your son, Tyler. From my wife's hometown of Newnan, Georgia, I express my regret to Robert Stokely for the death of his son, Mike. Finally, I apologize to the widow of Jack Hensley from Marietta, a beheaded contract worker.

Mr. Speaker, what an appalling thing to do to these families, whose sons gave the last full measure of devotion defending liberty and fighting the terrorist Islamic extremists, to pull the rug out from under them and say: We are not going to give victory a chance. We are not even willing to wait until September. I think that it is appalling. I am ashamed of the Democratic leadership. I apologize to these families from my district who have given so much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to direct their remarks to the Chair and not to others in the second person.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE), a friend and colleague.

Ms. LEE. Mr. Speaker, first let me thank Chairman SKELTON for yielding, but also for his commitment to our Armed Forces, as the daughter, Mr. SKELTON, of a 25-year Army veteran who loves you dearly and thanks you for supporting our troops.

As a cofounder of the Out of Iraq Caucus, I rise in support of this bill. The President has dug us deep into a hole in Iraq. By setting a clear timeline for the redeployment of United States troops, we are standing with the American people to stop the digging. If we are to climb out of this deep hole, we are going to have to make sure that when our troops come home that they all come home. That means no permanent bases. It means ending our blind commitment to arming and training Iraqi security forces. It also means that come September, we must use the power of our purse, and we must begin to fully fund the safe redeployment of our young men and women and our contractors out of Iraq.

The civil war in Iraq is raging within the very security forces we are arming and training. Our weapons and expertise are being used for sectarian violence and for killing Americans and Iraqi civilians. This policy only further endangers our troops and fuels a civil war.

We must end the Bush administration's failed policy in Iraq. It has failed. We must reconsider this blind commitment to arming and training Iraqi security forces.

Let us support our troops, and I mean support our troops in a real way, by bringing them home. This is the will of the American people. That is the goal of the Out of Iraq Caucus. That is in the national security interests of our country.

Mr. Speaker, I want to thank the chairman, once again, for his leadership and for yielding.

Mr. SHADEGG. Mr. Speaker, at this time it is my privilege to yield the balance of our time to the gentleman from Michigan (Mr. HOEKSTRA), a member of the Republican Study Committee and the ranking member on the House Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. I thank my colleague from Arizona for yielding.

Mr. Speaker, as I listen to the debate today, I end up having a lot of more questions than I have answers. I have a question as to whether my colleagues on the other side of the aisle believe that the threat from radical jihadism is real or not. Have they read the latest Zawahiri statement, "Advice of One Concerned," where he goes on to say in the statement, a global system, whose center and heart is the United States and the European Union? As for the rest of the states of the world, they are the outlying states.

It goes on to say, the strategy of al Qaeda, the only way to confront them, the core states, according to al Qaeda's theory, is by taking the war from the outlying states to the central states, in which case the damage and consequences of this damage will all take place in the central states.

Have they not read the other documents that come from al Qaeda that talk about what their strategy is? Their number one goal and objective is to defeat the United States and the coalition in Iraq, then to move out into the region and destabilize the other countries in the region, eliminate the State of Israel, establish the caliphate, Southern Europe, Northern Africa, the Middle East, stretch down into Asia and then establish Sharia law.

Do my colleagues on the other side of the aisle believe that radical Islam is a threat to the security of the United States and our allies, or not? If they don't, perhaps pulling out of Iraq is a good strategy. If they do believe that radical jihadism is a threat to the United States, if they do believe that looking at the reports in London, in Europe that radical jihadists actually have attacked in those places and that they may be attacking in the United States or planning to attack in the United States, the question becomes, if you are not willing to fight the threat of radical jihadism in Iraq, where will you engage radical jihadism, in other parts of the Middle East? Should we deploy our troops to other parts of the Middle East? Maybe we should just write off the Middle East and deploy into Northern Africa or into Western Europe, or maybe what we should do is bring them all home and redeploy them here in the United States, because they will follow us home.

So the question is, if you do believe it is a threat, where and when will you confront the threat that we face? Others have pointed it out. I have taken a look and read this resolution. I encourage all of the American people to read this bill. What does it say? Very, very little. It says that we will commence reductions of our troops. Commence reductions.

Exactly how many do you want to commence reducing? 100? 5,000? 50,000? Then by April 1 there will be a plan for a limited presence. What is "limited presence"? There are some that would say that the number of troops we have today is a limited presence, because they may not be enough to get the job done. But the bill doesn't define where we go. This is no plan.

If this is the way forward, we are in big, big trouble, because it doesn't recognize the threat and it doesn't have a plan as to how we are going to move forward.

But there are other things that this Congress should be debating. As our minority whip said, we debated for 45 minutes as to whether cats should be declawed before moving into public housing.

The previous question that was defeated earlier today would have enabled us to deal with a real issue, and that is the modernization of FISA, our ability to listen to radical jihadists in other parts of the world as they are communicating their plans and intentions. Today, there is a massive loophole in FISA for radical jihadists who are outside of the United States to communicate, and our intelligence community is prohibited from listening to them. We provide them the full protection of American law, even though they are not United States citizens, even though they are outside of the United States, and even though they are radical jihadists. Let us fix this problem, and let's make sure that we fix it before we go home in August. We should have done it today.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 2 minutes to my dear friend and colleague from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank Chairman Ike Skelton for getting us to this point today, 1,581 days, 53 months, over 4 years since this President led this Nation to war in Iraq; 3,600 American soldiers killed, 27,000 American soldiers seriously injured, 60,000 to 100,000 Iraqis killed; $10 billion per month, $500 billion American dollars spent on this war.

A civil war is raging in Iraq; there is no credible government in Iraq; Iraq is totally destabilized and Iraq refugees are flooding into neighboring countries; there is no coalition of the willing supporting the U.S. in this war; and we are well on our way to destabilizing the entire Middle East.

President Bush and the chief architect of this war, Vice President DICK CHENEY, are in denial about the disastrous mess they have created. Some of us have known for quite some time this war must end. BARBARA LEE, LYNN WOOLSEY and I and several other Members of Congress created the Out of Iraq Caucus over 2 years ago. We organized this caucus, but we were dismissed as bleeding heart liberals.

It has taken too long to get to this point we are at today. This bill will at least demand a strategy to get us out of Iraq and a deadline will be set. This has been a long time in coming.

However, Mr. Speaker, the proof of the pudding is in the eating. President Bush will apply all kinds of pressure, threaten, mislead, spend us blind and continue to pursue this immoral war, unless we decide that we are not going to fund this war anymore.

In the words of the people on the street who are organized against this war, Mr. President, not another nickel, not another dime, not another soldier, not this time.

Vote for this bill. It is a good start. And remember, in the final analysis, we have got to defund this war.

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) controls 40 minutes.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I rise today in opposition to H.R. 2956. The battle in Iraq has left many of us frustrated, and rightly so. Progress is not as fast as most of us would like it to be.

Some in this House believe that we have lost the war and should withdraw immediately. Okay, so what happens then? We leave, then what? Does al Qaeda leave us alone? Can we disband the Department of Homeland Security? Can we announce that the threat from radical jihadism has ended?

These are the questions that aren't being discussed. Why? Because the answers are difficult. We need a long-term strategy that goes against the political pandering that is preventing us from achieving long-term national security.

As cochair of the House Antiterrorism Caucus, I have heard warnings that a withdrawal will only embolden al Qaeda and other radical Islamic jihad groups. They will carry out more suicide bombing attacks, behead more innocent Iraqi people, intimidate and suppress and ultimately recruit peace-loving Muslims around the world to their cause. And what happens to those Muslims who resist the radical jihadists? They will be killed.

This is not just my view. This is what the Islamists have been saying, and, more importantly, doing for the past few years. Muslims in the Middle East do not have freedom of religion and expression, as we do here. And while it is convenient to blame America for the problems in the Muslim world, we are afraid to place the blame on those who have caused those problems.

I believe passage of this bill will be a huge mistake in our long-term national strategy and security interests, and it must be defeated.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to my friend and colleague from Ohio (Mr. WILSON).

Mr. WILSON of Ohio. Mr. Speaker, this legislation provides a plan for responsible redeployment of our troops. This is the time to set a new course. Setting a date certainly gives the Iraqis the incentive to actually work to meet some benchmarks.

Our military men and women are among our most precious resources. They are performing admirably with courage in a situation that they never should have been asked to be in in the first place. They are doing their job. Now we must do ours. We must bring them home.

On a recent trip to Walter Reed to visit a seriously wounded marine from my district in Pomeroy, Ohio, I saw again the damage this war has done. Not just to this young man, but to his family also. They have all put their jobs and their lives on hold to care for him.

His courage and conviction are not in question. That marine would go back to Iraq tomorrow if we asked him to. We must not ask. How much more blood should be shed? How many more families must we shatter? Enough is enough.

☐ 1515

Mr. HUNTER. Mr. Speaker, I would like to yield at this time 5 minutes to the gentleman from New Jersey (Mr. SAXTON). The distinguished gentleman has been the chairman in the past of the Terrorism Subcommittee and is an expert on special operations.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise with great respect for the chairman of the Armed Services Committee and the author of this bill, but with strong opposition to H.R. 2956.

Mr. Speaker, the short title of this bill is the "Responsible Redeployment from Iraq Act." But, Mr. Speaker, this bill is not responsible. It is irresponsible. This bill is an irresponsible political act that will put our troops in danger and will result in catastrophic consequences for the United States, for the Iraqi people, for Israel, for the greater Middle Eastern region, and for the rest of the world.

As The Washington Post said in this morning's paper, this bill is being considered today for "reasons having more to do with American politics than with Iraqi reality."

We must oppose this bill for numerous reasons, but let me mention just three. First, this bill fails to highlight the consequences of reducing our force levels too early. Such consequences would have a devastating effect on Iraq, would embolden al Qaeda in Iran, and would have severe security impacts on Israel and throughout the Middle East.

Al Qaeda and its proxies are engaged in a jihad against the United States and against the West. Al Qaeda's second in command, al Zawahiri, reaffirmed in a July 4 speech an al Qaeda plan to use Iraq, Afghanistan and Somalia for jihadi planning and training against us.

Second, instead of putting forward legislation that offers an alternative to the plan being implemented by General Petraeus and Ambassador Crocker, this political ploy calls for a vague "troop reduction" to be a "limited presence" in a "safe and orderly manner" within 120 days; but it fails to define any of these terms.

Specifically, this bill does not define what "limited presence" means. Does it mean 50,000 troops or 100,000 troops or 137,000 troops? What is a limited presence? No one knows. This is not a serious bill; it is a political bill.

Third, the bill requires the President to address whether it is necessary for our Armed Forces to carry out missions such as, listen to this, protecting diplomatic facilities and U.S. citizens, whether it is necessary to carry out acts like acting to disrupt or eliminate al Qaeda, or if it is necessary to carry out acts including training and equipping members of Iraqi security forces. Let me ask my friends on the other side of the aisle, for goodness sake, what else would we do there?

It is illogical to ask whether these missions are necessary and only proves once again that this bill is a political tool and not an alternative plan.

There are also two other points that my colleagues should consider. First, the situation in Iraq is not conducive to a force reduction. As an example of why this is true, the British have indicated their intent to draw down and have pulled back to the Basra airport.

And as a result, Basra is now in the center of a power struggle between Shiite elements and tribal leaders over control of oil and political power. Local governance control has fractured along militia lines because of a British redeployment like the ones we are talking about in this bill.

Second, we need to remind ourselves of what happened in Beirut and Afghanistan when forces precipitously withdrew there. In October 1983, our Marine barracks in Beirut was bombed by Hezbollah with support from Iran. We withdrew our Marines in February 1984, and by that April, the remainder of the peacekeeping force had followed. That civil war continued until 1990 and Hezbollah emerged as a much stronger force, which to this day threatens the West. We should ask ourselves: Could the U.S. have prevented the rise of Hezbollah and the influence of Tehran had we not had a precipitous withdrawal like the one provided for in this bill?

Second, in the 1980s, the Afghan resistance built momentum by recruiting Muslim fighters to wage jihad against the Soviets. The Soviet withdrawal of 1989 was followed by a civil war and the collapse of the government. The Taliban rose in 1993 and gained control of Afghanistan.

In 1996, bin-Laden moved to Afghanistan where he forged an alliance between al-Qaeda and the Taliban. What followed were al-Qaeda attacks on the World Trade Center, Khobar Towers, the embassies in Kenya and Tanzania, the USS *Cole*, and then September 11th. My colleagues, ask yourself this: "Could the U.S. have prevented the rise of al-Qaeda by responding to these threats?"

I want to urge my colleagues to keep in mind that the world is watching how the United States handles this tough challenge in Iraq. If we concede defeat and retreat, we will send a strong message of weakness and inability to remain committed to our allies and to our enemies.

Tom Friedman noted in the New York Times this week that our withdrawal will mean "more ethnic, religious and tribal killings across Iraq," adding, "it will be one of the most morally ugly scenes you can imagine, no less than Darfur." The Post today also stated that a withdrawal will result in a "full-blown civil war, conflicts spreading beyond Iraq's borders, or genocide." Picture the Iraqis who have helped us, picture them watch as we prepare to leave and picture them clinging to our vehicles in fear of their very lives as we start down the road from Baghdad.

I believe this reckless abandonment of the mission in Iraq would send a clear message to the Iraqi people, our allies, and potential partners around the world that Americans are weak and cannot be trusted. In this world of transnational terrorism and proliferation we can not afford to stand alone.

It is critical that we give General Petraeus the months we gave him to implement his strategy, and I urge my colleagues to vote against this dangerous bill. In this case national security should trump national politics.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members to direct their remarks to the Chair, and not to others in the second person.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to an energetic new Member, the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, I rise in strong support of the Responsible Redeployment from Iraq Act.

On January 10, President Bush announced an increase of more than 20,000 troops in Iraq. Six months later, it is clear that the President's surge strategy has yielded no positive results, and Iraq continues to remain a battleground for sectarian violence and a hotbed for terrorist activity.

But in spite of the realities on the ground, the President seems intent on further digging in his heels on a failed policy that has placed targets on the backs of our troops as they attempt to referee a civil war. In the 6 months that I have served in Congress, the 17th Congressional District of Illinois has mourned the lives of six brave soldiers. In the absence of any visible progress, we can no longer stand by as more of our troops come home in body bags.

Mr. Speaker, President Bush started this war without a plan to win the peace. For the sake of our troops, our national security and our credibility around the world, this Congress must do what this President refuses to do in order to return stability to Iraq. I urge my colleagues to support this bill.

Mr. HUNTER. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, as I read this resolution, I can't help but think "there they go again."

With approval ratings of Congress near record lows, the majority leadership searches the polls for any issue they can use to political advantage. Unfortunately, their attempt to improve their standing comes at the expense of troops on the ground and our country's security.

Of course the American people are concerned about the course of events in Iraq. Of course they mourn each loss. Of course they want our troops to come home as soon as possible. Of course they do, because we all do.

But responsible leadership does not permit pandering to polls and understandable emotions without facing up to the real consequences of the vote. And by the way, putting the word "responsible" in the title of a bill does not make it so. It is an understandable, though I believe misguided, position to require an immediate withdrawal of forces from Iraq. This resolution, though, is an attempt to play politics with the issue and avoid responsibility for the consequences that come from its aftermath.

Requiring withdrawal on a congressionally mandated timetable abandons those who have worked with us, invites chaos and more death in Iraq and increases the risk to our security here at home. No one should be able to stick his or her head in the sand and ignore those consequences.

Mr. Speaker, I am concerned that what goes on in this Chamber with resolutions like this is encouraging to our adversaries and makes the job of our troops on the ground even harder than it needs to be. How can it possibly be responsible to declare failure when all of our troops have only been in Iraq for just about exactly 1 month today. This struggle and the broader war against radical Islamist terrorists will require the best of us, and that requires doing our constitutional duty. This resolution is far from the best we can do.

Mr. ANDREWS. Mr. Speaker, I yield to a very thoughtful colleague, the gentleman from North Carolina (Mr. PRICE), 2 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of H.R. 2956, which would compel a responsible exit of U.S. troops from Iraq.

I voted against giving the President the authority to go to war in Iraq. Two years ago, BRAD MILLER and I introduced legislation to terminate the authorization and to require of the President a comprehensive exit strategy. The President has responded to calls for change by stubbornly adhering to a failed strategy that has cost our Nation dearly in blood, treasure and moral authority. He has rejected Congress's constitutional role in determining policy, and he has ignored the will of the American people. This obstinate, irresponsible, destructive course must not continue.

Now, the President has put great stock in the recent surge in U.S. forces, but the surge seems mainly to have shifted the locus of the fighting. The intent was to create space for Iraq's political leaders to make the hard choices that will lead their country forward, but those hard choices are not being made. We can no longer leave our foreign policy at the mercy of sectarian and political forces we cannot control.

A mission of simply biding time, at great cost in blood and treasure, is not one that we can or should support. We must begin to bring our troops home.

Yet, as I and many others have repeatedly argued, it not only matters that we leave Iraq, but it also matters greatly how we leave. We cannot afford the same mistakes that the Bush administration made in entering Iraq, without a plan for protecting troops, for managing consequences or for giving the Iraqi people every possible chance to succeed.

Therefore, the bill before us would provide the discipline of a timeline to the Bush administration for beginning and completing the termination of combat operations and the redeployment of our troops. It would also compel the development of a comprehensive strategy for managing the redeployment and addressing the challenges that Iraq will continue to present after our troops are gone.

Mr. Speaker, the continued presence of 160,000 American troops in Iraq is not sustainable and does not serve our national interest. It is time not merely to urge but to require a change of course. This legislation does just that, and I urge its passage.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, today President Bush, as required by Congress, has reported on progress made by the Iraqi Government on political and military benchmarks. He reported that the Iraqis have not accomplished any of these goals.

It is time, in fact past time, for the Iraqis to take control of their own future. It is time for the Iraqis to move forward, resolve their internal conflicts and begin the process of national reconciliation.

More than 3,600 Americans have paid the ultimate sacrifice to bring freedom and democracy to Iraq. Our military has performed exceptionally; for that and for their sacrifices, our Nation will be internally grateful.

But without progress by the Iraqis themselves, there is little more that our military can do. And despite the stubbornness of our President to stay the course, it is time for us to bring our troops home.

I am proud to be with the majority in Congress and across America in supporting this responsible plan to redeploy our troops, set a new course in Iraq, and lead our Nation towards greater security here at home and across the world.

I rise in support of the Responsible Redeployment from Iraq Act and I stand in support of a change in strategy for U.S. involvement in Iraq: one that sets a timetable for prompt and safe withdrawal of our armed forces.

For many of us on the House Floor today this is not the first time we have voted for such a change, or demanded a new plan from the President.

In March, we voted to withdraw U.S. forces from Iraq, improve troop readiness, and demand accountability from the administration. The President vetoed our plan.

In May, Congress enacted specific political and military benchmarks for the Iraqi government. By tying the goals to funds for military action in Iraq, we made it clear that progress is a prerequisite for continued assistance by the United States.

Today, President Bush, as required by Congress, reported on progress made by the Iraqi government towards those benchmarks. He reported that the Iraqis have not accomplished any of these goals.

More than 3,600 Americans have paid the ultimate sacrifice to bring freedom and democracy to Iraq. Our military has performed exceptionally. They removed a government hostile to the United States and took responsibility for providing enough stability to enable the Iraqi people to establish their own free and independent government. For that and for their sacrifices, our Nation will be eternally grateful.

Yet, as the war enters its fifth year, sectarian violence and failure of political progress has put our troops in a more and more threatening and dangerous situation. This volatility and the President's surge strategy have increased U.S. and Iraqi casualties and injuries.

It is time —well past time—for the Iraqis to take control of their own future. It is time for the Iraqis to move forward to establish an effective system of government, to resolve their internal conflicts, and to begin the process of national reconciliation. Without these actions by the Iraqis themselves, there is little more our military can do. It is time—well past time—for us to bring them home.

On behalf of the American people, we are seeking to do just that. Today we will vote once again to end our military involvement on the frontlines in Iraq and bring our troops home despite the stubbornness of our President to stay the course.

It is my hope that that Republicans will join us in supporting this responsible plan to redeploy our troops and to press the President for a new course in Iraq. As Democrats, we will lead this country towards a more responsible—more strategic path—to end our military involvement in Iraq. In so doing, we remain committed to protect our nation, our people and our strategic interests at home and around the world.

Mr. HUNTER. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, I rise to oppose this bill because it is the wrong debate at the wrong place at the wrong time; and most importantly, it sends the wrong message.

It is the wrong debate because it serves no useful purpose. We know this bill will never become law. If it passes, it will be vetoed, and that veto will be sustained. We are wasting the time and trying the patience of the American people for no useful purpose.

It is the wrong place because it is what happens in Iraq, not here, that will determine the outcome of the current struggle. Our forces and those of the Iraqi Government are in a tough fight. We should reinforce them, not undercut them, and we should encourage the Iraqi Government, not abandon it.

It is the wrong time because it is too early to debate the outcome of the current effort in Iraq. I have great respect for the author of this bill, but it is General Petraeus's report and assessment that should guide our deliberations in this body. He has asked us to wait until September before he offers us an assessment of the progress and prospects of the current effort. Having given him a tough job, we owe it to him to adhere to the timeline he has requested.

It is the wrong message, most importantly, because it strengthens rather than weakens our enemies.

□ 1530

They know they cannot defeat our forces, but they can and they do believe they can outlast this Congress. This debate and this bill will only strengthen them in that belief.

By strengthening our enemies, we undercut the best efforts of our forces, the forces of Iraq and the Iraqi Government. The best way to undo the damage that this bill has already done is to defeat it, and I urge my colleagues to do so.

Mr. ANDREWS. Mr. Speaker, might I inquire how much time is left on our side?

The SPEAKER pro tempore. The gentleman from New Jersey has 49½ minutes remaining. The gentleman from California has 29 minutes remaining.

Mr. ANDREWS. Mr. Speaker, I'm pleased to yield 1 minute at this point to one of our very focused new Members, the gentleman from Connecticut, Mr. CHRIS MURPHY.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank the gentleman for yielding.

For all that we disagree on here today, we agree on one thing: We all want a stable, independent Iraq. What I can't understand is how anyone can still believe that our continued, open-ended military intervention there will lead to a stable nation. In fact, it's doing the opposite.

The Iraqi Parliament and ministries are in unprecedented disarray. The President's own report to Congress will say that we haven't met any of our political benchmarks there, and an estimated 13,000 Iraqis are dead since the escalation began.

The fact is, as someone much wiser than I said, the Iraqis today are paying wholesale rather than retail for their political decisions. So long as we are the military bodyguard for every major Iraqi political group, so long as we are subsidizing the political decisions of Iraqi political leaders, they will never make the difficult political concessions necessary to create a stable society there.

I support this bill, Mr. Speaker, because not another American soldier should die for a strategy that is unfathomably making Iraq less safe and less stable.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman who started the Iraq Study Group, the gentleman from Virginia, the very distinguished Mr. WOLF.

Mr. WOLF. Mr. Speaker, I rise against the resolution, and I rise in support of the Iraq Study Group.

Most Americans favor the recommendations of the Iraq Study

Group. In fact, most Members of this body also favor the Iraq Study Group, but all would favor its consideration. I have asked the Rules Committee on three different occasions to make the Iraq Study Group recommendations in order, and I have been denied.

Let me say that we ought not blindly follow the White House, nor we ought not blindly follow the Democratic leadership in Congress. The American people have a very low opinion of this institution, as Mr. THORNBERRY just said, because all they see us doing is attacking, dividing, and using political rhetoric.

The American people want us to come together. A majority of your side have said they support the Iraq Study Group. A majority of my side have said they support the Iraq Study Group. Lee Hamilton, Jim Baker, Leon Panetta, and Ed Meese have done an outstanding job. They have 41 experts of all political views that have come together.

This body ought to be voting and debating the Iraq Study Group and not a resolution that is preordained that it will be vetoed.

Let's come together. Let's bring it up for a vote, but to blindly follow the White House or to blindly follow the Democratic leadership that will not give this up, we will continue to have the lowest opinion poll this Congress has ever had. The American people deserve better. The men and women who are serving in Iraq and Afghanistan deserve better, and their families deserve better.

The 79 recommendations of the Iraq Study Group provide a comprehensive blueprint for dealing with the war in Iraq. Its conclusions were the result of consensus, and most people favor implementing the bipartisan panel's recommendations.

Members of the administration, albeit anonymously, have been quoted as saying the ISG is the way to go. Members of the military have looked favorably on the report. And so have both sides of the aisle here in Congress.

H.R. 2574, which would codify the recommendations of the report, and whose lead sponsor is a Democrat, has 58 cosponsors. 34 Republicans are on the bill; and there are 24 Democrats.

Look who served on the panel: Jim Baker, Lee Hamilton, Lawrence Eagleburger, Vernon Jordan, Ed Meese, Leon Panetta, Sandra Day O'Connor, Chuck Robb, Alan Simpson and Bill Perry. Secretary Gates served until being appointed Secretary of Defense.

The panel took nearly 9 months to come up with its 79 recommendations—which were all agreed to unanimously.

The ISG met with military officers, regional experts, academics, journalists and high-level government officials from America and abroad.

Congress should have opportunity to debate—and discuss—the merits of the Iraq Study group's recommendations.

It is not adequate to just blindly follow the whims of the White House or the Democrat Leadership in Congres. We need to be working together toward building a consensus on this issue rather trying to score political points.

The American people expect more. The men and women serving in uniform deserve more. So do their families.

They want to see us the Congress, the administration and the nation working together; not fighting each other.

Implementing the 79 recommendations of the Iraq Study Group is the one thing we can do that could have an impact.

I have tried three times now to get this Congress to adopt the recommendations of the ISG. Each time my efforts have been rebuffed by the Rules Committee. If we had acted back in January, we wouldn't be here today. I realize the war has created a bitter divide in our country. The ISG allows us to come together.

Mr. ANDREWS. Mr. Speaker, I yield 1 minute to my friend and colleague from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, the best way to stop a disastrous war would have been not to have started it, but the American people know that, it having been started, we did have a moral obligation to the Iraqi people to give them a reasonable chance to form a government. But after 4 years, after 3,600 lives, after $450 billion of American money sunk into the sands of Iraq, that moral obligation has been fulfilled in spades.

Now we have a moral obligation to our sons, a moral obligation to our daughters, a moral obligation to our husbands and wives. The moral obligation to Iraq has been completed. The moral obligation to our families now needs to be honored, and it could only be honored by passage of this resolution.

Now, people have said that we can't just leave; we need a way forward. There is only one way forward to security, to reduce the threats from the Mideast, and that is to break our addiction to oil from that region of the world.

Take one-half of the $80 billion and put it in energy efficiency, we'll give you security. Pass this resolution.

Mr. ANDREWS. Mr. Speaker, I'm pleased at this time to yield 1 minute to the chairwoman of the Small Business Committee, the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong support of H.R. 2956. We must support and protect our troops, and the best way to do that is to bring them home.

The American people want the troops out of harm's way. The White House has not met its own benchmarks, and with this resolution, the Iraqi leaders, for once, will know that we mean business.

Mr. Speaker, the pain and suffering felt because of this war is unconscionable. New York has lost over a 150 brave young souls; yet, for this President, there's no ending to this war.

There is a smarter way. Under H.R. 2956, our troops start to come home in 120 days. Over 70 percent of Americans want us out of Iraq. Democracy is about elected officials listening to the people. Democracy is what we are trying to teach Iraqis, how to run their own democracy. By voting to bring our troops home, we can show them.

The American people want this war to be over. Put your faith and trust in them. Choose democracy. Choose a way forward. Vote for this resolution.

Mr. ANDREWS. Mr. Speaker, I'm pleased at this time to yield 1 minute to a leader on our foreign policy issues, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, when the President announced in January that he intended to escalate the number of American troops in Iraq, he sought to betray the increase in American combat forces as a necessary precondition for Iraq's government to make the political compromises necessary to prevent Iraq's civil war from spiraling completely out of control. In that speech, the President pledged to hold the Iraqi leadership accountable and to demand progress in two main areas: political reconciliation and security.

Now, more than 6 months later, it's unfortunate but also undeniable that little sustainable progress has been made on either front. Even as we speak, the administration is downplaying the significance of an interim report on the effect of the surge in Iraq.

On the security front, the heroism and sacrifices of American forces has caused a drop in sectarian killings, leading to an overall drop in the number of Iraqi deaths, but the reduction of Iraqi casualties has come with a horrific increase in the loss of our own troops. More than 600 Americans have been killed since January.

Moreover, as American troops leave cities that are quieted with their own blood, there is every indication that Iraqi troops will not be able to sustain the calm. If the past is any indicator, insurgents and militias are merely waiting for us to exhaust ourselves and move on before returning, and Iraqi security forces will be powerless to stop them.

When President Bush announced in January that he intended to escalate the number of American troops in Iraq, he sought to portray the increase in American combat forces as a necessary precondition for Iraq's government to make the political compromises necessary to prevent Iraq's civil war from spiraling completely out of control.

In that speech, the President pledged to hold the Iraqi leadership accountable and to demand progress in two main areas: political reconciliation and security.

Now more than six months later it is unfortunate, but also undeniable that little sustainable progress has been made on either front. Even as we speak, the Administration is downplaying the significance of an interim report on the effect of the "surge" in Iraq.

On reconciliation, the Iraqi Government has failed to meet any of the political benchmarks endorsed by the President in January and which this Congress mandated earlier this spring. These political goals are the best indicator of the prospects for reconciliation in Iraq and, tragically, all signs indicate that political reconciliation has been non-existent.

The Iraqi Parliament has yet to begin consideration of the oil law or an associated revenue-sharing law. Given the disparate geographical distribution of Iraq's oil reserves, these laws are essential if Iraq is to have any hope of remaining a united country.

More alarming, is the lack of progress in healing the Sunni-Shiite rift. Of greatest importance, is the need to reverse some of the more draconian edicts of the postwar de-Baathification orders promulgated by former Coalition Provisional Authority chief Paul Bremer. These decrees removed any incentive for Sunnis to participate in creating a better future for Iraq. Other laws—to disarm militias and to grant amnesty—are still being formulated, and most observers believe that the prospect of disarming militias is so remote that it will not be possible in the foreseeable future.

On the security front, the heroism and sacrifice of American force have caused a decline in sectarian killings and suicide bombings, leading to an overall drop in the number of Iraqi civilian deaths. But the reduction of Iraqi casualties has come with a horrific increase in the loss of our own troops—more than 600 Americans have been killed since January.

Moreover, as American troops leave cities they have quieted with their own blood, there is every indication that Iraqi troops will not be able to sustain the calm. If the past is any indicator, insurgents and militias are merely waiting for us to exhaust ourselves and move on before returning—and Iraqi security forces will be powerless to stop them.

There has been one very positive development—in al Anbar province, Sunni tribal leaders have decided that al Qaeda's indiscriminate killing makes them a bigger problem than we are, and they have taken up arms against our common foe. This alliance of American forces and former insurgents is desirable and should be encouraged elsewhere. But, like most marriages of convenience, it is not sustainable and cannot form the bedrock of a secure Iraq or reconciliation among Iraqi sects.

For almost two years, I have been calling for a change in our mission in Iraq—from policing a civil war to training, containment and counter-terrorism. This necessitates a responsible redeployment of our combat forces from Iraq, and I believe that this bill does an excellent job of providing a framework for that redeployment, while still giving our armed forces the flexibility that they need to respond to contingencies.

Iraq's future must be decided by the Iraqi people and that solution must come from political reconciliation. Every day that we maintain our forces in the crossfire between warring sects is another opportunity for hatreds to harden and radicals to consolidate their grip on Iraq's ethnic and sectarian communities. We should change our mission now, and begin the withdrawal of our combat forces.

In planning for the inevitable withdrawal, we must recognize that a poorly executed departure could result in an escalation of civil war violence as Iraqi sects compete for power. As we draw down our forces, we must make every effort to prevent a magnification of this catastrophic violence. In particular, we must not compound the error of the lack of pre-invasion planning, with an equally tragic failure to adequately anticipate the post-occupation environment.

Mr. Speaker, it is long past time to begin to end the war in Iraq. I support this bill and urge its passage by the House today.

Mr. ANDREWS. Mr. Speaker, at this time I'm pleased to yield 1 minute to a former member of our Armed Services Committee, my friend and colleague from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, over the recess I had the opportunity to have several public hearings back home, and Iraq was one on everyone's mind. The overwhelming consensus was that we need a new strategy in Iraq, a view shared by national security experts and illustrated by continued violence in the region. Today, we can chart a new path so that we can finally bring our troops home.

Americans know the Bush strategy isn't working, and today's Iraq status report confirms the lack of progress. The Iraqi Government has failed to promote political reconciliation, and our military is paying the price. Our troops have done a superb job, but they were not sent to Iraq to referee a civil war.

Today's bill requires our military to start redeploying out of Iraq within 120 days, to be completed by April 1, 2008. We will not abandon Iraq, but we must implement a new strategy based on political, economic and diplomatic initiatives.

I want to thank Chairman SKELTON for his leadership on this measure, and I urge all my colleagues to support it.

Mr. ANDREWS. Mr. Speaker, at this time I'm pleased to yield 1 minute to a member of the Appropriations Committee, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from New Jersey.

I rise in support of this bill. I can't believe the argument in opposition to this bill, that we should continue to stay the course, because this is the policy that has led us in the wrong direction for four straight years. This has been the worst foreign policy fiasco in American history.

Now we're being told that we're there to fight al Qaeda. There were no al Qaeda in Iraq when we went into Iraq. Saddam had nothing to do with 9/11. Now there are about 5,000 there out of a population of 26 million.

We have trained hundreds of thousands of Iraqis. Many of them we've given them more training than we've given our own troops.

This policy is not worthy of the sacrifice of our troops and their military families. It's leading us down a dead-end street. It's time that it was changed.

Mr. Speaker, we are told that we need to train the Iraqis more. All we are doing is equipping and training them in order to kill each other in a civil war that I'm afraid is going to be inevitable.

Mr. HUNTER. Mr. Speaker, at this time I'd like to yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), a distinguished member of the Armed Services Committee.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman.

Mr. Speaker, just today, while debating this new Iraq withdrawal bill, reports continue to surface that al Qaeda is now restructuring its power.

Like several other recent actions on the part of Democrats recently, this bill communicates to jihadist enemies that we are weakening and confirms their belief that they have a critical advantage over free people in the world because their will is far stronger than ours and they need only to persevere to break our resolve.

Osama bin Laden himself has stated, "The whole world is watching this war and the two adversaries. It's either victory and glory, or misery and humiliation."

Mr. Speaker, if Democrats continue to insist that the war in Iraq has nothing to do with the war on terrorism, then I wish they would explain that to the terrorists because they still don't understand, and they are continuing to be fundamentally committed to the destruction of the Western world and to killing us wherever they find us.

Mr. Speaker, the premise behind this bill is that we can have peace tomorrow so long as we are willing to surrender today. Unfortunately, with jihadist terrorism, just the opposite is true. If we surrender to terrorism today, it will only bring greater horror and suffering to all of humanity tomorrow.

So vital questions arise to those who would continue to demand that we surrender Iraq to terrorists. Are they also willing to allow the citizens and families of this Nation to face jihad and what may become a nuclear jihad here at home? And what will we tell our children when that day comes?

Mr. Speaker, defeating radical jihad in Iraq and throughout the world will require the support, perseverance, patience, wisdom and prayers of the American people. But for the sake of those people and for our children, for our future generation and for people across the world who still hope for freedom, I pray that the Members of this body would heed that warning echoing down through history.

There is no substitute for victory.

Mr. ANDREWS. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

It's not too early. It's too late, too late because the President's party has enabled these disastrous policies. And listening to some on the other side of the aisle, there are people still disconnected from reality.

But each day their congressional support is slowly crumbling as evidence mounts of the costs of failure. It's not just 10 billions of dollars a month. It's more lives lost and thousands of hopes and dreams shattered.

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Even those of us who opposed this from the beginning understand that 300,000 American soldiers and contractors cannot leave overnight. But that's no excuse not to start now, as rapidly and as responsibly as possible, to get our people out of crossfire of what is now a religious civil war. Our soldiers have done all that they can do and can be expected of them.

I call on the doubters to join us in supporting the strongest most direct measure possible, not just to send the President a message, but rein him in and bring our soldiers home from this nightmare.

Mr. ANDREWS. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentlelady from Oregon (Ms. HOOLEY).

Ms. HOOLEY. I thank my colleague.

Mr. Speaker, today is not cause for celebration, nor is it a time for high rhetoric. Instead, today is a moment of conscience. Hundreds of billions of dollars have been spent, 3,600 of our best and brightest have been called upon to sacrifice in the unforgiving sands of Iraq.

When in a hole, it is best to stop digging. We must make plans to protect those we can best protect, to institute a rational response capability within the region. But first we must make immediate plans to disengage ourselves from Iraq.

I urge my colleagues to find consensus on this issue. We owe it to the brave men and women that have sacrificed and will continue to sacrifice until we find and implement resolution.

Once we have disengaged ourselves from the Iraqi civil war, maybe, with patience, dialogue and an open ear, we may find new relationships within the Middle East to help our partners secure the peace we have thus far found so elusive.

Let us renew our commitment to finding a solution for Middle East conflict. It is time we used our heads and hearts rather than fists and force.

I urge my colleagues to join me in voting once again for changing course in Iraq.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to our thoughtful friend and colleague from the State of Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, let me just very briefly outline exactly what we are after in this bill.

First of all, this is a responsible effort for redeployment so that we can refocus and fight the war on terror. The situation in Iraq is a civil war compounded by civil wars that have been going on ever since Abraham, Hagar, Sarah, Isaac, Ishmael, Esau, Mohammed and his son-in-law, which has broken into the Shi'as and the Sunnis; hundreds of thousands of years, folks.

None of the people from Iraq came to this country and asked, please come over and pump in $500 billion, 3,600 of the lives of your precious sons and daughters to make a democracy for us. That was a decision that was made counter to the authorization in the first place. It was a go against weapons of mass destruction.

It is responsible. It is focused. We need to do it, and I urge passage of this bill.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Speaker, I spent the Fourth of July recess traveling to Pakistan and to Iraq.

I came away with a couple of observations. First in Pakistan, our allies in the war on terror, the Pakistanis, have great concern about an early withdrawal from Iraq, because they saw first hand, after the defeat of the Soviet Union in Afghanistan, when America left that region, left Afghanistan to uncertainty and chaos, what happened was the rise of the Taliban, an extremist group, that then gave basis to al Qaeda to be able to plan and plot the 9/11 attacks on America.

So the Pakistanis are extremely concerned about an early withdrawal. Our allies around the world are concerned. The word of America is at risk. Our allies are watching what we do here in the United States Congress and what America does.

Second, traveling to Iraq, I came away with some positive reports, not only from our commanders, but listening to the Iraqi general, who is in charge of the national police. He said that the Shia, the Sunni and the Kurds have come together as Iraqis, standing up a national police force that's fighting to throw out the negative elements that are in Iraq today. They are standing shoulder-to-shoulder, the Shia, Sunni and Kurds. Our folks also told us that they need more time to train the police, the security of the Iraqis.

Talking to our soldiers was the most powerful information I came away with. One of the sergeants in our Special Forces told us something very significant. Right about now, he is saddling up, he is getting ready to go out on a dangerous mission in Iraq tonight to either kill al Qaeda to take down a production facility for IEDs. He said to me, he said to the group of us that was there, we cannot leave Iraq prematurely because chaos will ensue, and what we will find is that the terrorists will be in the streets of America.

So listening to that powerful statement from somebody who is putting his life on the line, every single night, that's powerful information. Those are powerful words.

We have to allow this surge, not just to last for 3 weeks, but to go for 3 months. Let it go. Let us vote down this resolution.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished chairman of the Education and Labor Committee, my friend from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of Chairman SKELTON's bill to bring American forces home from Iraq and to begin to end this tragic war, a war borne of lies, ignorance and arrogance. The cost of this war has been high to our country, to our economy but, most importantly, to our men and women in uniform, for they have taken all of the sacrifice for our President's decision to take this country to war in Iraq.

Our military responded honorably to the President's decision, but he failed to honor their sense of duty and their courage with a plan that was designed to succeed. His failed policy has cost their families, their communities, and most tragically, it has cost them their limbs and their lives.

The war in Iraq cannot be won, and it cannot be lost. It can only be brought to an end. The President continues to display both sheer arrogance and tragic ignorance as he refuses to change policy. Over and over again, it says the same thing, to stay the same course, to give them more time and that success is just around the corner.

The American people realize that staying the course in Iraq was not a plan, and it is not going to work. I have known, as many of my Democratic colleagues have, that staying the course is not acceptable. We honor our troops when we have the courage to bring them home and end this war.

Mr. ANDREWS. Mr. Speaker, I am pleased at this time to yield 1 minute to my friend and colleague, a Member of the Ways and Means committee from the State of Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, one of my colleagues suggested earlier that debating the war as we are today is breaking the will of the American people.

On the contrary, it's the people's will that is breaking down the wall of a tragically mistaken policy. It has become painfully obvious that the White

House is incapable of changing course in Iraq.

The Bush administration's talking points about the situation change from week to week, but the fundamental strategy remains the same. The President has determined our troops will remain in Iraq no matter what. The reality is that the government of Iraq is not meeting the benchmark.

Six months into the surge, there is no indication that the Iraqis are coming together to make the political decisions necessary to end the sectarian violence that's tearing the country apart. They are unlikely to do so as long as the U.S. military commitment remains open-ended.

We need to change course. Support this bill.

Mr. ANDREWS. Mr. Speaker, may I inquire as to how much time is left on our side?

The SPEAKER pro tempore. The gentleman from New Jersey has 38½ minutes remaining.

The gentleman from California has 23 minutes remaining.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to one of our thoughtful new Members from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. I thank the gentleman.

Mr. Speaker, I am rising today in support of the Responsible Redeployment from Iraq Act. The time has come to stop this senseless policy of using our brave men and women in uniform as cops policing a religious civil war, and it's time for our country to rededicate ourselves to winning the war on terror.

The data is in. The facts are irrefutable in and the conclusion clearly demonstrates that the President's continued resolve to engage in nation building in Iraq has made America weaker and has put our Nation in greater peril from terrorist attack. It is time that we stop asking our brave sons and daughters to give the ultimate sacrifice in support of the President's failed policies.

It is time for the President to listen to his own advisors and the American people. It is time for the President to admit mistakes he has made and for him to show leadership by changing direction. It is time for the President to honor our service men and women by rebuilding our military and by using our finest fighting force the world has ever known to bring Osama bin Laden to justice, to search out and destroy terrorists and to punish the nations that support terror.

Mr. ANDREWS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished Member of the Ways and Means committee, our friend from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, our men and women in the military have done everything that has been asked of them, and it's time for a new direction.

The reason we're here is because the Republican party never asked a question of the administration for all those years, not one question. They forfeited their oversight responsibilities.

Remember the briefings in the well of this House; we know where the weapons of mass destruction are; according to the Secretary of Defense, they are in south Baghdad; we were going to be welcomed as liberators; the insurgency, as the Vice President stated it, is in its last throws; and finally, mission accomplished? Now we hear: But just give us more time. Stay the course.

If we had asked some questions here along the way, and not been subservient to the White House, we wouldn't find ourselves where we are today, funeral upon funeral, 26,000 Americans wounded. Yet we are told by the White House, just give us more time for this policy to take root.

How much more time? Vote for this resolution.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to Mr. PEARCE, the gentleman from New Mexico.

Mr. PEARCE. I thank the gentleman from California for yielding.

Mr. Speaker, we are told today that it's time to refocus on the war on terror. Yet as I read this bill, and I would encourage each one of you to go online and read H.R. 2956, I see no refocus on the war on terror.

I see nothing in H.R. 2956 which describes the threat from radical jihad. I see no plan.

We are told that we need to communicate with the White House, that we need to send a bold message to the President. I am sorry, he's right down the street. It's the people who are causing terror, worldwide terror, that the communication needs to be sent to.

Now, I can't tell you exactly what our troops are feeling as we debate these measures.

I can tell you that I was in Vietnam flying missions in Vietnam at the time that Jane Fonda gave aid and comfort to our enemy, and a time that this Congress was withdrawing support from that war. And I can tell you what soldiers at that time felt. They felt dismay. They felt betrayal. They felt like we had been led down a path.

If this were really an attempt by our majority party to deal with the situation that they are concerned about, it should have an immediate withdrawal date. But it lacks that because it's a political tool rather than an attempt to refocus on the war on terror.

I can tell you that it does not ask key questions, key questions like, how will unilateral withdrawal prevent al Qaeda, Hezbollah and other terrorist operatives already in Iraq from establishing robust training facilities from which to plan and execute additional strikes against the United States?

It fails to answer the question that both Israel and Jordan have asked when they said that unilateral withdrawal, much like the Democrats' plan, would have a devastating consequence on their countries and the region as a whole.

What impact will our unilateral withdrawal from Iraq have on the safety of regional allies, such as Israel, Jordan, Saudi Arabia, Kuwait? Those questions go unasked and unaddressed in H.R. 2956, because this is not a plan to refocus the war on terror. This is a plan to withdraw and hope that we can retreat home without anyone following us.

It just won't happen that way. The terrorists will come with us as we retreat.

I urge defeat of H.R. 2956.

Mr. ANDREWS. Mr. Speaker, I yield 2 minutes to our friend and colleague, the hard-working new Member from Tennessee (Mr. COHEN).

☐ 1600

Mr. COHEN. Mr. Speaker, back in February when this Congress started the 110th, there was a proposal up here, a resolution that passed with mostly Democrat support, very few Republicans, to say we supported the troops but we opposed the surge or the escalation. Since that time, we have put 20,000 or 30,000 more troops into Iraq, and since that time we have had some of the deadliest months that we have incurred in this failed war in the Middle East.

As time has gone on, we have seen Senators VOINOVICH; LAMAR ALEXANDER from my home State; LUGAR; and others on the Republican side in the Senate come forth and say we need a change of direction. The handwriting has been on the wall in both cloakrooms. The handwriter got to the Democratic cloakroom a lot sooner than apparently the handwriter got to the Republican cloakroom. Either that, or the optometrist hasn't made it over to the other side. But the handwriting is on the wall, and in the interim there are American men and women dying needlessly. Over 3,600 have died; many, many, many, many more casualties, and the cost to this country will be great.

While I was home during the home workweek, I saw a lady who told me her son has been at Desert Storm. He was still in the military. He had been in Iraq once before. And she told me he told her, Mother, I am proud to fight for my country. I have done it twice. But there is no purpose over there, there is no reason to be over there. We need to come home. I have heard it over and over and over again from the mothers of the soldiers who come home with testimony to our failed foreign policy.

How many, how many, how many more must die? How many more limbs must be lost before the handwriting on the wall in the Republican cloakroom is read? I ask you to look in your own hearts. Think of the soldiers as your children, they are your constituents, and help redeploy them. We are not saying in this proposal that we come home entirely. We keep troops for certain causes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to direct their remarks to the Chair and not to others in the second person.

Mr. ANDREWS. Mr. Speaker, I yield to my friend and colleague, the gentleman from California, Mr. MIKE THOMPSON, 1 minute.

Mr. THOMPSON of California. Mr. Speaker and Members, our strategy in Iraq isn't working. It wasn't working 3 years ago, and it won't be working another year from now. This isn't about defeat; it is about reality.

Our troops have done a fantastic job. But to risk more lives, more wounded, and to spend more than the half trillion dollars we have already spent far exceeds any gain we can expect.

The best thing to do is to get our troops out, and get them out immediately, and to make the Iraqis take control of their country. But, today, I will vote for this bill which is a realistic shift in strategy that every Member should be able to support.

Our focus should be on protecting our home front, stabilizing Afghanistan, and stamping out terrorism across the globe. And we need to start looking ahead by developing a containment plan to keep Iraq's civil war from spilling over into other countries throughout the region. Mr. Speaker, that is the only way to achieve victory.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the distinguished gentlelady from Virginia (Mrs. DRAKE).

Mrs. DRAKE. A March 2007 Los Angeles Times editorial posed the question: "Do we really need a General Pelosi? Too many lives are at stake to allow Members of Congress to play the role of Eisenhower or Lincoln."

How unfortunate that less than a month after the fifth and final brigade of this surge effort has arrived in Iraq we sit here once again prepared to put bad politics in front of sound policy and undercut that mission, putting the lives of our troops, our coalition partners, and millions of Iraqis at risk.

Once again, the leadership of this institution wants to play general, so it chooses to circumvent the committee process to rush a hastily written piece of legislation to the House floor, one that has no chance of becoming law. And so the question that I and many Americans have is: Why?

You can find the answer in today's Washington Times. According to this body's majority leader, we are here because "if we don't do anything, these groups," meaning MoveOn and affiliates, "will feel like we haven't done anything."

So that's it. We are here to appease MoveOn.org. Where is the policy? Where is the plan? Are we to believe that this bill will bring an end to violence in Iraq? Are we to believe that our withdrawal will make our Nation or the world any safer? Thus, politics replaces policy. We are a Nation at war against Islamic terrorists who have no intention of giving up the fight. We must defend this Nation. We cannot afford to play politics. This legislation carries no plan for securing Iraq or the Middle East, only politics.

Mr. Speaker, we have authorized our military to execute this surge and to report to us in September on its status. Why should we cut the rug out from under them now? Our troops will not give up on us; let's not give up on them. I urge rejection of this resolution.

Mr. ANDREWS. Mr. Speaker, I would like to yield to one of the leaders of our 30-something younger members, the gentleman from Florida (Mr. MEEK), 3 minutes.

Mr. MEEK of Florida. Mr. Speaker, I would like to thank my good friend from the Garden State.

It is interesting, Mr. Speaker, and I will point to this L.A. Times editorial since now the L.A. Times is an authority on this issue. The newspaper said it reluctantly endorsed the U.S. troop surge when it began. But at the bottom it says: "We feel that the time has come now for us to leave Iraq." That is the L.A. Times.

I also want to point out another thing as we talk about this redeployment, a responsible redeployment, the act that is up before the House right now that we are considering. I just want to make sure the Members of the House know exactly what they are doing, because when they get back home in their districts and they start talking to the heroes and sheroes that have been deployed two to three times and talk to Americans about why they can't meet the needs that they have to meet here domestically, I want them to reflect on this:

I want them to look at the fact that you have $120 billion a year that we are spending in Iraq; per month, $10 billion; per week, $2.3 billion; per day, $329 million; per hour, $13 million since we have been here on the floor, Mr. Speaker; per minute, which I only have two, $228,000. And you have to look at per second, as I take a breath, $3,816.

Also, I want to point out to the Members here, Mr. Speaker, the last time we passed a measure on behalf of the men and women in harm's way and to send the message to the Iraqi Government, they can go on vacation and they don't meet and they don't do the things that we have put forth as benchmarks that they have to meet in a bipartisan way, then why should we reward bad behavior?

And I have this picture here, Mr. Speaker, of when the President called a lot of the Members of the minority here in this House down to the White House and they had a meeting and the President came out, mikes and everything, not one Democrat here, saying that we stand with the President, this is what the minority president said: "We stand with the President in not overriding his veto."

I want to know, Mr. Speaker, how many times the Members of the minority party are going to go down to the White House and stand on the schoolhouse door of allowing us to move in a new direction. The American people are way ahead of us on this issue.

I am so happy that Chairman SKELTON has brought this to the House floor. I am hoping that we have a bipartisan vote on it. I am encouraging every Member of the House, and I do mean every Member of the House, even my good friends on the other side of the aisle, to vote for a commonsense new direction. And I think that is very, very important as we look at this responsible redeployment act.

Once again, it takes courage to be a Member of the House. It takes also leadership to be a Member of the House. And some of us have to go see the wizard and pick up both of those values that we all hold and that we should hold. So I encourage you to cast an affirmative vote on the Responsible Redeployment from Iraq Act.

Mr. HUNTER. Mr. Speaker, I yield to Dr. GINGREY, the gentleman from Georgia, 3 minutes.

Mr. GINGREY. Mr. Speaker, I want to thank the ranking member for yielding. He would make a great Commander in Chief.

Mr. Speaker, I also want to salute my close friend and chairman of the Armed Services Committee, Chairman IKE SKELTON. I hold him in the highest regard and I admire him dearly, though I must oppose his bill and encourage my colleagues to do the same.

Mr. Speaker, let me be very clear. This bill does not seek to clarify our objectives or a path to victory. It does not offer an alternative to the current plan being implemented by General Petraeus and Ambassador Crocker.

Nowhere to be found are any new ideas or solutions or any talk of curbing violence or compelling political reconciliation. Why? Because there is no pressure on the Democrats to put forth any meaningful ideas. They know that this bill is dead on arrival. The President has vowed to veto it, and rightly so. This is a defeatist measure that serves only to placate the Democrats' liberal base.

Mr. Speaker, a few things about this plan immediately jump out to me. According to this legislation, a date certain withdrawal is to commence 120 days after the enactment of this bill. So why then does the bill wait another

2 months before asking the President to formulate a strategy? It is like asking a quarterback to throw Brother Ben passes until the offensive coordinator can come up with a game plan.

Essentially, this bill says that after our troops have packed their bags and have begun to come home, or maybe to deploy to Okinawa per the Murtha plan, then we will receive this master plan detailing how to provide for the security interests in Iraq.

As a physician, that is akin to calling a patient in for surgery before you have done the exam, yanking somebody's heart out before you have inspected the coronaries. In short, Mr. Speaker, it is a recipe for disaster.

Mr. Speaker, the last troop surge deployed just 3 weeks ago, hardly a significant time period for us to be here today judging the plan. However, I do believe Congress should engage in an ongoing, rational dialogue outlining the expectations of both our troops and the Iraqi Government and the security forces. Nobody is here suggesting that we shouldn't. And we will do it in September when we get the Petraeus report based on that report. But, Mr. Speaker, we cannot capitulate to extremist views and sinister plans, which is what this bill would do by sending a message to the terrorists that capitulation begins in 120 days.

I urge my colleagues, oppose this bill.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina, who is the chairman of the Budget Committee and also a senior member of the Armed Services Committee, a friend, my colleague, Mr. SPRATT.

Mr. SPRATT. Mr. Speaker, I rise in support of this resolution.

I will be frank to say that I think the time lines are too tight, the details are too sketchy; but I recognize this resolution for what it is. It is not a general order or master plan for the redeployment of our troops in Iraq. This is simply a way to frame the debate with the President over how we can most effectively reduce and redeploy the 170,000 troops now on duty in Iraq. We are, after all, in the 5th year of this war.

So far, 3,611 Americans have given their lives, 27,000 have been wounded in action. We have spent $450 billion through May, and continue spending now at a rate of $10 billion a month. Had we the foresight 3 years ago, 4 years ago to see these costs, the War Powers Resolution would not have secured 100 votes in this House.

Opponents of this resolution claim that we are encroaching on the powers of the President as the Commander in Chief. Those who think that should read the resolution and read it carefully.

First of all, it does not call for an immediate withdrawal. It allows 4 months for the reduction in forces to begin. Second, it does not call for withdrawal at all. It calls for a reduction of the number of troops deployed or transition to a limited mission. Third, it spells out the limited missions. These include force protection, diplomatic protection, pursuit of terrorists, training of Iraqi forces. The resolution, far from interfering, defers to the President, allows the Pentagon to decide just what is the minimum force level for the mission it specifies, provided it justifies its decision.

For the past 3 years, the President has assured us that we would stand down American troops as soon as Iraqi troops stood up. Well, that is essentially what this resolution does; 135 Iraqi battalions have been trained. Many may lack things like logistics to make them freestanding fighting units, but surely this is a capacity we can supply over the next 6 months or even longer through embedded advisers who will remain after April 2008.

This resolution sends the Iraqi troops the message that we are not in their country, Iraq, indefinitely, and that the day is fast approaching when they must take responsibility for the security of their own country.

☐ 1615

For the past 2 years the President has told us that benchmarks or milestones have been laid down for the Iraqi government to accomplish. This week we received a progress report on those metrics showing few measurable gains.

So here's our dilemma: Our presence in Iraq, with 170,000 troops, allows the Iraqi government an ability to operate, the freedom of action it would not otherwise enjoy absent our support. But the Iraqi government has exploited that security to avoid doing the very steps that are necessary to its becoming a true government of national reconciliation, which commands the allegiance of all Iraqis.

Yesterday the Deputy Director for Analysis in the Office of National Intelligence told us, "current political trends are moving the country in a negative direction." One way to make Iraqi leaders take the reins of their own government, establish their government, is to announce reduction of our forces in front-line combat troops and their transition to a limited mission and make it clear that our commitment to their country is not open-ended.

Three or 4 months ago, we were told by the administration it was going to undertake a new strategy, a new plan for securing Iraq called a surge, concentrated primarily in Baghdad. We now have the early results from that. We were told we would know in 3 or 4 months. Three or 4 months have passed, and we've only seen casualties increase. There have been some successes, sure, and we're thankful for them. And I hope it succeeds. But we need a new strategy. We do not have one, and this calls for a rethinking of everything. And for these reasons I will vote for this resolution, and I encourage my colleagues to do the same.

Mr. SKELTON. Mr. Speaker, I yield 3½ minutes to my colleague, my friend, the gentleman from Illinois who is the chairman of the Democratic Caucus, Mr. EMANUEL.

Mr. EMANUEL. Mr. Speaker, this morning the President noted with a report that we were at the starting line; 3,600 American lives, $485 billion spent, $10 billion a month, 5 years into the war. If that is the starting line, then I ask you, what is the cost to get to the finish line? If the President describes today that we are at the starting line, I ask you, what is the cost to get to the finish line after all those lives?

That would not be the words I would choose to tell the American families who've lost their loved ones. That would not be the words I would choose to tell the people who've put up close to a half a trillion dollars that we are at the starting line after 5 years, and our reputation sullied around the world.

Our American men and women in uniform have done brilliantly. Everything we have asked them to do, they have done. They have defeated an army. They have seized a nation, deposed a dictator, taken a castle. There is not one thing we've asked our men and women in uniform and their leadership to do. The only thing they've asked is that their civilian leadership do what they have done, and they were let down. They have won the war, and this administration has failed in the occupation.

Now, President Kennedy once said, "to govern is to choose; choices are between bad and worse." And my colleagues on the other side are not all wrong. They fear that if we leave precipitously, there could be real violence, worse than we're seeing; not totally wrong.

Those of us have said, after 4 or 5 years of more money, more troops, more time and more of the same, at a certain point, you have to understand that there are costs to that because today we see in the report that, in fact, al Qaeda is reconfiguring and stronger than ever. There are costs to staying, and there are costs to leaving.

So what are the choices we all have to make? They are choices between bad and worse. There are those who want to stay and fight the war in Iraq, and there are those of us who want to fight al Qaeda. This is a road to fighting al Qaeda.

There are those who want to police a civil war between Sunnis and Shia, and those of us who believe in fighting the war on terror. That is the choice. Neither is easy. There are consequences to both, but all of us recognize that.

But after 5 years, 3,600 American lives, $485 billion, you have to ask yourself, are we getting stronger, or are we diminishing our reputation and our power?

As our military's stretched, as we see al Qaeda reconfiguring and stronger than ever before, that is the choice before us. And I do agree; it's not a free choice. But staying blindly, without ever having asked a question, only more money, more time, more troops and more of the same with no other clear policy has consequences to America.

In that sense, as we measure the Iraqi progress, as the President noted today, there are also ways to measure our progress.

We were told the insurgency was in its last throes. Not happening. We were told, at another point, they were placing democracy is the Mideast. Not happening. We were told that we were going to find WMD, weapons of mass destruction. Not happening. At every point that this administration has put a benchmark down for itself, it is not happening.

There are consequences to moving just down this path that has been traveled. Too costly. It is time for a new direction for America and Iraq.

Mr. HUNTER. Mr. Speaker, I'd like to yield to Mr. MCKEON, the gentleman from California, for a unanimous consent request.

Mr. MCKEON. Mr. Speaker, I rise in strong opposition to this resolution.

Mr. Speaker, I rise today in opposition to the motion being considered. Yet again, I find myself standing in defense of our military leaders and our honorable men and women in uniform. Today's ill-conceived resolution is another example of partisan maneuvering by the Democrats. I think it is important to remind my colleagues exactly what is being sought by this resolution and the negative effect it will have. While our troops are fighting in Iraq, Democratic leadership is attempting to draw attention from any signs of progress and ignore the sound strategy that we laid out earlier this year. What happened to the promise of a New Way Forward in Iraq?

General Petraeus has honorably taken on this leadership role in this war with the support of Democrats in the other body, and yet, here today the Democrats seek to publicly undermine him. It is shameful. He was given a job to do—to execute the Baghdad Security Plan—and he is doing it alongside our troops. The plan is still underway and today's interim report indicates a reduction in violent attacks in Baghdad. We should be standing with him, with our plan, and allowing for its full implementation. Instead, however, we see today the real Democratic agenda in this resolution: the truth is the Democrats aren't interested in whether or not the security plan will work.

Mr. Speaker, I question whether this resolution would do more harm than good. A precipitous withdrawal of troops would seriously endanger our soldiers and would signal defeat to our enemies around the world.

Mr. Speaker this House speaks loudest when it speaks with purpose, and voting to remove troops before receiving the report in September, that we asked for, is contradictory and bad policy. This bill does not honor the sacrifice and dedication of our troops who have fought to implement the plan we approved.

We should never miss the opportunity in this House to act in the best interest of our foreign policy and our men and women in harm's way. We should—at every opportunity—reject undermining the faith and dedicated work of our brave men and women in uniform.

Mr. Speaker, I encourage my colleagues to join me in opposing this dangerous resolution. It is the duty of this House and of this Congress and of this Nation to give our men and women the support they need to see this conflict through. We have allocated a timeframe for our new General, and now we must allow our military leaders the opportunity to prevail.

Mr. HUNTER. Mr. Speaker, at this time I'd like to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I appreciate the opportunity to say a few words. There's a movie out called "Groundhog Day" in which the same thing happens over and over for a particularly long period of time.

We've had this debate once recently. We're having it again today, and I understand the leadership on the other side intends to have these conversations once a week for the next 4 weeks. I don't anticipate that much different information will be said.

I have the profoundest respect for the chairman of the committee and the man whose name is on this resolution, but I'm going to have to oppose it.

Much of what gets said here today, Mr. Speaker, is doublespeak. It's doublespeak to talk about the failure to get benchmark progress on the civilian scene, on the political scene in Iraq, and yet to strip $2 billion out of the State Department's funding request, part of the CR, to strip another $500 million out of the 2008 appropriations request, money that would go to do the nation-building part, the provincial reconstruction team part in Iraq, and then to call it a failure. That's doublespeak in a classic sense.

It's doublespeak, Mr. Speaker, to talk about how wonderful our troops are, and they are. They are magnificent, and even more magnificent are the families who support them and let them do what they do. And then to turn around and say that the implementation of this policy has failed, but somehow they've not failed as a result of that; I think that's doublespeak as well.

It's also doublespeak to say the current policy says we're going to have a report in 60 days from David Petraeus, the right man at the right spot to give us that report, and then vote on a resolution that says 120 days we're going to start getting out, when we'll have the better information in September, in 60 days. That's doublespeak. It's disingenuous, I believe, to do it that way.

The majority has the ability to get out of Iraq today. And all of the talk about failure, all of the talk about the lost lives, all of the talk about the costs, by extending this another 120 days, as they intend to do, leaves additional lives at risk. And somehow to me, that just seems to be at counter purposes of what the conversation is.

I encourage my colleagues to vote this resolution down.

Mr. SKELTON. May I inquire, Mr. Speaker, of the time remaining?

The SPEAKER pro tempore (Mr. POMEROY). The gentleman from Missouri has 23 minutes remaining. The gentleman from California has 14 minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today as a veteran who served in the 101st and 82nd Airborne Division in support of H.R. 2956, the Responsible Redeployment From Iraq Act.

This war is a failure, and it's time to bring back our troops. We can no longer stay the course.

Mr. Speaker, the President's policy has been a complete failure. We have lost too many lives. There are too many wounded who will never have normal lives.

We're proud of our troops and the service they have provided to our country. But our troops are now trapped in the middle of a civil war that we cannot end.

This is something that the Iraqi people must do for themselves. Our military presence in Iraq is not making our country safer. Instead, the war has taken the lives of 3,610 soldiers.

In my district alone, we have lost 13 brave men and women, and when I see their faces and their families that have to deal with these individuals that have lost their lives, we're proud of them, but they've lost their lives, and the families who continue to suffer.

CA–43'S FALLEN SOLDIERS IN IRAQ

RIALTO

Staff Sgt. Jorge A. Molina Bautista: Hometown: Rialto, California, U.S. Age: 37 years old. Died: May 23, 2004 in Operation Iraqi Freedom. Unit: Marines, 1st Light Armored Reconnaisance Battalion, 1st Marine Division, 1st Marine Expeditionary Force, Camp Pendleton, Calif. Incident: Killed by hostile fire in Anbar province.

Spec. Luis D. Santos: Hometown: Rialto, California, U.S. Age: 20 years old. Died: June 8, 2006 in Operation Iraqi Freedom. Unit: Army, 1st Battalion, 68th Armor Regiment, 3rd Heavy Brigade Combat Team, 4th Infantry Division, Fort Carson, Colo. Incident: Died of injuries sustained when a makeshift bomb exploded near his Humvee during combat operations in Buritz.

Spec. Victor A. Garcia: Hometown: Rialto, California, U.S. Age: 22 years old. Died: July 1, 2007 in Operation Iraqi Freedom. Unit: Army, 1st Battalion, 38th Infantry Regiment, 4th Brigade, 2nd Infantry Division (Stryker Brigade Combat Team), Fort Lewis, Wash. Incident: Killed by enemy small arms fire in Baghdad.

Pfc. William A. Farrar Jr.: Hometown: Redlands, California, U.S. Age: 20 years old.

Died: May 11, 2007 in Operation Iraqi Freedom. Unit: Army, 127th Military Police Company, 709th Military Police Battalion, 18th Military Police Brigade, Darmstadt, Germany. Incident: Killed when a makeshift bomb device detonated near his vehicle in Iskandariyah. Son of Rialto Police Captain Tony Farrar.

BLOOMINGTON

Cpl. Joseph A. Blanco: Hometown: Bloomington, California, U.S. Age: 25 years old. Died: April 11, 2006 in Operation Iraqi Freedom. Unit: Army, 7th Squadron, 10th Cavalry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, Tex. Incident: Died of injuries sustained when a makeshift bomb exploded near his Bradley fighting vehicle and he subsequently came under small arms fire during combat operations in Taji.

FONTANA

Lance Cpl. Fernando S. Tamayo: Hometown: Fontana, California, U.S. Age: 19 years old. Died: December 21, 2006 in Operation Iraqi Freedom. Unit: Marines, 3rd Battalion, 4th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, Twentynine Palms, Calif. Incident: Died while conducting combat operations in Anbar Province.

Sgt. Bryan A. Brewster: Hometown: Fontana, California, U.S. Age: 24 years old. Died: May 5, 2006 in Operation Enduring Freedom. Unit: Army, 3rd Battalion, 10th Aviation Regiment, 10th Mountain Division (Light Infantry), Fort Drum N.Y. Incident: Killed when his CH-47 Chinook helicopter crashed during combat operations east of Abad, Afghanistan.

SAN BERNARDINO

Cpl. Nicanor Alvarez: Hometown: San Bernardino, California, U.S. Age: 22 years old. Died: August 21, 2004 in Operation Iraqi Freedom. Unit: Marines, 1st Combat Engineer Battalion, 1st Marine Division, 1st Marine Expeditionary Force, Camp Pendleton, Calif. Incident: Killed by enemy action in Anbar province.

Pfc. Alex Oceguera: Hometown: San Bernardino, California, U.S. Age: 19 years old. Died: October 31, 2006 in Operation Enduring Freedom. Unit: Army, 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, 10th Mountain Division, Fort Drum, N.Y. Incident: Killed when a makeshift bomb detonated near his vehicle in Wygal Valley, Afghanistan.

Cpl. Sean R. Grilley: Hometown: San Bernardino, California, U.S. Age: 24 years old. Died: October 16, 2003 in Operation Iraqi Freedom. Unit: Army, 716th Military Police Battalion, 101st Airborne Division (Air Assault), Fort Campbell, Ky. Incident: Killed while negotiating with Iraqis congregating near a mosque after curfew in Karbala when the Iraqis opened fire.

Spec. Timothy D. Watkins: Hometown: San Bernardino, California, U.S. Age: 24 years old. Died: October 15, 2005 in Operation Iraqi Freedom. Unit: Army, 2nd Battalion, 69th Armor Regiment, 3rd Brigade, 3rd Infantry Division, Fort Benning, Ga. Incident: Killed when a makeshift bomb exploded near his Bradley fighting vehicle during combat operations in Ar Ramadi.

ONTARIO

Spec. Jose R. Perez: Hometown: Ontario, California, U.S. Age: 21 years old. Died: October 18, 2006 in Operation Iraqi Freedom. Unit: Army, 1st Battalion, 6th Infantry Regiment, 2nd Brigade Combat Team, 1st Armored Division, Baumholder, Germany. Incident: Killed by enemy small arms fire in Ramadi.

Sgt. 1st Class Rudy A. Salcido: Hometown: Ontario, California, U.S. Age: 31 years old. Died: November 9, 2006 in Operation Iraqi Freedom. Unit: Army National Guard, 1114th Transportation Company, Army National Guard, Bakersfield, Calif. Incident: Killed when an improvised explosive device detonated near his convoy vehicle in Baghdad.

As a veteran, I say that this war was wrong because you could not convince me why we were there in the first place. The President sent our troops away without proper training or equipment or proof of weapons of mass destruction.

The President believes that Iraq is making our country safer. This is not true. It has put more of us in greater risk. Our military is stretched too thin. We are at risk of not being prepared for any future emergency.

The Iraq war has cost billions of dollars, $650 billion, $10 billion a month. The money could be used to defend homeland security, for police officers, for highway patrol officers, for fire fighters, for sheriffs, for education, for health care and our seniors.

A change in course in Iraq is overdue. We must bring our troops home now. It's time for a new direction. We must support this resolution.

Mr. HUNTER. Mr. Speaker, I'd like to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), whose son has served a tour of duty in Iraq.

Mr. WILSON of South Carolina. Thank you, Congressman HUNTER. Thank you for your leadership on behalf of our troops. And I appreciate that your son, Duncan, Jr., has served in Iraq and Afghanistan.

Mr. Speaker, just today we received President Bush's report to Congress on progress in Iraq. I find it sad for American families that on the same day the House is considering legislation that sets arbitrary deadlines and timelines for retreat, the provisions of H.R. 2956 mandate a hasty troop withdrawal starting within 120 days.

Additionally, the bill states that this withdrawal would be conducted in a safe and orderly way. Logistically, it would be impossible to remove our troops safely from Iraq in this short time line. Such rapid retreat would embolden the enemy, leaving American forces subject to ambushes, rockets and IED attacks.

As a 31-year veteran of the Army National Guard, and as a father of four sons in the military, my oldest an Iraq veteran, I especially understand the threats to our troops. In my seven visits to Iraq and three to Afghanistan, I've been continually inspired by the competence of our military leaders and the dedicated troops.

In today's edition of the Washington Post, the lead editorial makes the case against arbitrary withdrawal. It states, "The generals who have devised a new strategy believe they are making faithful progress. Before Congress begins managing rotation schedules and ordering withdrawals, it should at least give those generals the months they ask for to see whether their strategy can offer some new hope."

Additionally, al Qaeda has stated that Iraq is the central front in the global war on terrorism. And I believe to withdraw our troops before their mission is complete would invite future attacks at home. The Washington Post editorial states, "Advocates of withdrawal would like to believe that Afghanistan is now a central front in the war on terror, but Iraq is not; believing that doesn't make sense."

In conclusion, God bless our troops. We will never forget September the 11th.

I urge defeat of H.R. 2956.

□ 1630

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to my friend and colleague, a veteran of the war in Iraq and member of the Armed Services Committee, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, for the sixth time, I rise calling for a change of direction in Iraq. For the sixth time, I call on the President to stop sending our brave men and women to referee a religious civil war. For the sixth time I call on this administration to focus our efforts in fighting the central front on the war on terror by killing Osama bin Laden and destroying al Qaeda in Afghanistan.

Mr. Speaker, last week countless folks back in Pennsylvania stopped me and asked, Aren't you frustrated by this President who refuses to listen to Congress and the American people?

I told them, I am frustrated that our President refuses to follow the advice of military experts and the will of the American people. I am frustrated because my fellow paratroopers are still fighting and dying in the 138-degree heat of a Baghdad summer. I told them that I will refuse to stop fighting for the best policy for our troops and our families back here at home.

Mr. Speaker, leaving our troops in the middle of a religious civil war isn't resolute. It's reckless. No question that change is slow, but take heart, America. Change is coming. Congress is not going to stop.

President Bush, the legislative branch of government is back and we are not going to go away. We will change the course in Iraq and fight for a smarter global war on terror.

Some Republicans have questioned the patriotism of my fellow Democrats. Even former soldiers here in the House floor. But those types of Republicans are the exception and not the rule. In my short time in Congress, I have learned that most of my colleagues across the aisle are good, decent, and patriotic Americans. Mr. Speaker, I know how much pressure my friends across the aisle are under from the President, from their party leaders to just stay the course.

But I ask you as a soldier, as a father, and as a colleague to acknowledge what the status quo entails. That means additional warnings, walking to our desks here in the Halls of Congress, holding our breath and hoping we don't get word of another fallen soldier.

Mr. Speaker, I implore my Republican colleagues who know in their heart that we need a change. I implore you to think about how many more of these calls you have to make, how many more calls to wives, to fathers, to mothers we all will be forced to make if we don't take action.

I have heard the other side say 4 more months. This President has had his 4 months. He has had his 4 years and 4 months. In 2004, the President said we are turning the corner. In 2005, the Vice President said the insurgency was in its last throes. In 2006, that was the year in transition. And now in 2007, the President says just be patient.

In the last month alone in Bucks County, we have buried four of our finest sons. Four names have been added to the memorial board outside my office. I, for one, don't want to add any more names.

My Republican colleagues, you have the power today to stop these tragic phone calls, to stop adding faces and names to our memorials. Let's change the direction in Iraq and get back to fighting a smarter war on terror together, not as Democrats and Republicans, but as Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their comments to the Chair, not to others in the second person.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to my colleague and friend, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I stand in strong support of this legislation, H.R. 2956.

I have to remind my colleagues that I am from Florida and it does matter who is the President, and we should never forget the 2000 election because it matters who is the President of the United States.

President Bush intentionally misled the American people by supplying false grounds for going to war, and I personally never supported the war in Iraq.

This war has cost over a half trillion dollars. This war is now costing over $12 billion per month.

I stand with the American people and I wholeheartedly support our troops; yet I cannot support a truly senseless war that has killed 3,600 Americans and left over 26,000 severely wounded.

The soldiers did not vote for this war, but when given a mission, they do the best they can to complete it. The military is doing the job they were sent to do. There was a flaw in the mission from the beginning, and the flaw lies with us.

I want to be clear. The President's checking account has been overdrawn. The Bush administration's manipulation of taxpayer dollars to fund this war is over, and 70 percent of the American people oppose this war. This war needs to come to an immediate end.

I urge my colleagues to vote "yes" on the bill. Let's redeploy our men and women.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate may not engage in personalities toward the President or Vice President.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to our distinguished leader, the gentleman from Maryland, my friend and colleague (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding.

We have no more serious matter to debate than war and peace. I thank the gentleman for his extraordinary leadership and for bringing this bill to the floor.

I must remark that how different I think the debate would be if not one of the facts were changed but one: that if it were Bill Clinton in the Presidency and all the other facts were the same, I ask my friends on the other side of the aisle what would their comments reflect.

I have said it before many times on this House floor and I will say it again today. Every Member of this great body who swears an oath to support and defend the Constitution against all enemies, foreign and domestic, is committed to fighting and defeating terrorism. We must not lose sight in this debate that terrorism is a real threat to our people and to our country. We do not lose sight of that on this side of the aisle. We are committed to defeating terrorists and protecting America. Any suggestion otherwise demeans our discourse and is beneath, frankly, the dignity of the Members of this institution and the American people.

After nearly 4½ years in Iraq, a war that has been, I think, superbly peopled by our men and women in uniform but they have been trying to pursue an incompetently planned policy, this is what our Nation has to show for its efforts:

More than 3,600 brave American servicemen and women have been killed in action. More than 26,000 others have been maimed and injured. The American taxpayer has spent $450 billion on this war, with a pending request by the administration for an additional $147 billion.

And yet the President's policy in Iraq is not succeeding. Just today the administration released the "assessment report" on Iraq demanded by this Democratic Congress. The bottom line is the Iraq Government has failed to meet a single one of the security, political, and economic milestones for success. Perhaps most jarring, the administration rates as "unsatisfactory" the number of Iraqi security units capable of operating independently. That is over 50 months later.

The report states: "There has been a slight reduction in units assessed as capable of independent operations since January, 2007." In other words, the administration says we are going backwards in terms of the capability of the Iraqi forces.

While the administration and congressional Republicans try to put a positive spin on the so-called "progress" in Iraq, other respected voices are not so optimistic. Yesterday, Thomas Fingar, the Deputy Director for Analysis at the National Intelligence Council, told the House Armed Services Committee that there have been "few appreciable gains" in Iraqi political progress. Even General David Petraeus, our top commander in Iraq, a gentleman that all of us respect as a military leader, told the New York Times that "while some measures of violence showed a downward trend, it was too early to suggest that there has been a lasting turnaround in the war." That is over 50 months later.

Mr. Speaker, last January in an address to the Nation, President Bush stated: "America will hold the Iraqi government to the benchmarks it has announced." We have not done so. We said we would do that, but we have not done so. Today the President shows no intention of changing course even as the Iraqis fail to meet those benchmarks.

Our fight against terrorism must and will be tough, but it also must be smart. And it is long past time that we recognize the following: The President's stay-the-course strategy is not working. The Iraqis must take responsibility for their own country. This war has severely diminished our military readiness and diverted our attention in the war on terror. If that were not the case, Osama bin Laden would still not be at large and al Qaeda would not be reported as being back at the strength that it had on September 11 of 2001.

After $450 billion and precious blood being spilled by American troops and others, we must change course by voting for this legislation, which calls for a responsible redeployment of American forces in Iraq and a comprehensive plan in U.S. policy in Iraq and the broader region.

Mr. Speaker, we must have a specific strategy for missions our remaining forces would undertake as well as plans to engage Iraq's neighboring states and to locate and eliminate al Qaeda and allied terrorist networks, which seek to destabilize and destroy the United

States and other democracies. Jonathan Alter at Newsweek just a week ago referred to this as a "pull and strike" strategy. Redeploy so that our forces are able to focus on the terrorists, not on the civil war in which they find themselves embroiled.

Mr. Speaker, the American people and an increasing number of our friends on the other side of the aisle have lost confidence in the President's Iraq strategy because we have yet to see demonstrable, sustainable progress in that effort. Our troops have done everything we have asked them.

I'll tell you that we are so proud of those of you who have served in the Armed Forces of the United States. I was so proud of PATRICK MURPHY's statement that he gave here today, so proud of all of those who have served not only in Iraq but in every theater of conflict to which Americans have responded.

But as Senator DOMENICI told the Baltimore Sun yesterday, one of the senior Members of the United States Senate and a leader in the Republican Party, he said this: "There is no reason to wait . . . I am trying to tell the President that he must change his ways because there is nothing positive happening."

☐ 1645

That is not a Democratic Member of the Senate speaking, that is a senior Republican leader saying there is no reason to wait.

This bill is on this floor this day because there is no reason to wait. Hopefully this body will overwhelmingly respond to the will and focus of the American people, which are pleading for a change in strategy, a new direction, a policy of success against terrorists, and ensuring the safety of our Nation and its people. Let's change our strategy and demand that the Iraqis step up and be responsible for their country.

Our presence there, General Casey observed, has been undermining their taking responsibility, not enhancing it. Let's be responsibly redeploying our troops. And let's focus our resources and efforts on disrupting and destroying the terrorist networks that threaten our national security. This legislation allows us to accomplish that mission.

I urge my colleagues, for this body, for their constituents, for this country, and for our troops, pass this legislation.

Mr. HUNTER. Mr. Speaker, I would like to yield 1 minute to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. You know, every Member of this House has great respect for the chairman of the Armed Services Committee from Missouri and the ranking member from California. And like the American people, most Members of this House are torn in different directions on this issue of our involvement in Iraq and what steps we should take. But this resolution says as a requirement that the Secretary of Defense shall commence the reduction of the number of Armed Forces in Iraq no later than 120 days after the enactment of this act.

General Petraeus was confirmed unanimously by the U.S. Senate, and in the supplemental, there was a requirement that, on September 15, General Petraeus would make a report to the Congress on the conditions in Iraq. And I believe that it is premature to come forth with this resolution today. But if it comes back at the end of September, after General Petraeus has made his report, the commanding general in Iraq with the responsibility, I think that all of us have the responsibility to read his report, to make an assessment which would be best for the American people.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I have, and I offer as part of the RECORD, Mr. Speaker, a letter I just received dated July 12 from Lee H. Hamilton from the Woodrow Wilson International Center of Scholars, who is the national president thereof. And I will read just part of it and not take any more time. But it says, "Dear Ike, thank you for sharing H.R. 2956 on responsible redeployment from Iraq. The legislation outlines the right change in mission for U.S. forces in Iraq, and redeployment within a responsible time frame. It effectively outlines the functions of the residual force that would remain in Iraq after redeployment, and makes an important contribution by focusing on the need for an accounting of U.S. interests in both Iraq and the wider region."

I offer this letter at this time.

WOODROW WILSON INTERNATIONAL
CENTER FOR SCHOLARS,
Washington, DC, July 12, 2007.

Congressman IKE SKELTON,
Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR IKE: Thank you for sharing HR 2956 on responsible redeployment from Iraq. The legislation outlines the right change in mission for U.S. forces in Iraq, and redeployment within a responsible timeframe. It effectively outlines the functions of the residual force that would remain in Iraq after redeployment, and makes an important contribution by focusing on the need for an accounting of U.S. interests in both Iraq and the wider region.

Beyond what is outlined in the bill, much needs to be done in Iraq. The training of Iraqi Security Forces must be intensified. An aggressive diplomatic offensive is urgently needed to press for national reconciliation in Iraq, and to advance stability in the region. And some measure of consensus needs to be reached in the country—and between the President and Congress—so that we can move forward with unity of effort.

The American people want a responsible transition for U.S. forces out of Iraq. This resolution provides that transition. It is not perfect, but it moves our national debate forward.

With best wishes,
Sincerely,
LEE H. HAMILTON.

At this time, Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from South Carolina who is our distinguished majority whip, Mr. CLYBURN.

Mr. CLYBURN. Let me thank our chairman for yielding me this time.

To date, we have spent almost half a trillion dollars on the Iraq war. Over 3,600 American lives have been lost, and more than 26,000 Americans have been wounded. When the President announced his escalation plan 6 months ago, Defense Secretary Robert Gates said it would only last a few months. Majority Leader BOEHNER said we would know whether or not the escalation succeeded or failed within 90 days. And Secretary Rice said we would not stay married to a plan that is not working.

Since the President announced this surge, we have lost nearly 600 American troops and spent more than $60 billion. In fact, the monthly cost in lives and resources has increased dramatically since the war began.

Today, the American people received an interim report from the President on his escalation plan. This was the verdict: None of the 18 benchmarks he outlined in January have been reached. In fact, it clearly illustrated how far the Iraqi Government is from political progress and national reconciliation.

A recently released national intelligence report concludes that al Qaeda has reconstituted its core network and may be a stronger terrorist organization than it was a year ago. In fact, it could be closer to pre-9/11 strength and reach.

Republicans have spoken out against this war, failed policies in Iraq yet, out of fear of being called names, are reluctant to vote against this resolution.

What have we come to when if people express their consciences, they are called names? It's beneath the dignity of the sacrifices of our men and women, and I ask my colleagues to vote for this resolution.

Mr. HUNTER. Mr. Speaker, it's been asked that we consider this debate in such a way that our sons and daughters are involved, and that's why the gentleman who just spoke, Mr. WILSON's son has done a tour in Iraq. The gentleman I am going to announce now, Mr. KLINE, has a son who has done a tour as a helicopter pilot in Iraq.

I yield 2 minutes to the gentleman from Minnesota.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, the proponents of this bill are fond of citing historical examples as they declare the futility of combat operations in Iraq. The CONGRESSIONAL RECORD is full of stories describing the failed British invasion of Gallipoli or the far more popular comparisons to the American experience in Vietnam.

Another more prescient historical comparison, however, was made by the British author George Orwell. Contemplating the defeatist rhetoric of the English intelligentsia during the German offensive against Britain in World War II, he remarked, "The quickest way of ending a war is to lose it. And if one finds the prospect of a long war intolerable, it is natural to disbelieve in the possibility of victory." Those in favor of the bill presented on the floor today, Mr. Speaker, do not believe in the possibility of victory, despite the protests of the soldiers and Marines returning from the battlefield saying otherwise.

By advocating a rapid withdrawal, they endorse the quickest way of ending the war, by losing it. It has been less than a month since the full force of troops requested by military commanders arrived in Iraq, but already some have declared the operation to be a failure. General Petraeus arrived in Baghdad in February with a new strategy designed to reinforce the Iraqi security forces confronting al Qaeda, terrorists and Iranian-supplied insurgents. Rather than giving him the opportunity to fully implement his surge strategy, opponents in Congress immediately sought to undermine his credibility and his ability to command.

Mr. Speaker, our troops serving in Iraq don't need 435 armchair generals dictating the tactical movements of troops, as this legislation would surely do. They have true commanders whose professional military skills have been honed by decades of military service. They need us to renew our commitment to them and their commanders. And more importantly, they need us to trust their commanders' decisions.

General Petraeus said in a letter to his troops, "Success will require discipline, fortitude and initiative, qualities that you have in abundance." The question before us today, Mr. Speaker, is, do we have those qualities?

Mr. PATRICK J. MURPHY of Pennsylvania. I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I rise in opposition to the bill.

We've lost over 3,600 of our brave service men and women; 1 million innocent Iraqis have perished in the war. We're now telling Iraqis, whose country the U.S. destroyed, whose reconstruction funds the U.S. mishandled, whose social networks have been shredded, stand on your own feet, while we try to steal their oil under the cover of occupation.

This bill will not end the war. This bill will not end the occupation. It doesn't take a vote to end this war. We must inform the administration that the $97 billion appropriated last month is the end of the financing for the war. Use the money that is in the pipeline through October 1st to bring the troops home. Compel the President to put together an international peacekeeping security force which would move in as our troops leave.

We could have our troops home by October 1. The question is whether we're ready to take a stand to do that, or whether or not we're going to vote on resolutions that give the American people the appearance that we want to end the war, without actually addressing the central issue that will end the war: Stop the funding.

Mr. HUNTER. Mr. Speaker, I would like to follow our other two speakers who have sons who have served in Iraq with another gentleman, Mr. AKIN, the gentleman from Missouri, whose son Perry has served a tour in Iraq in the United States Marine Corps.

I yield 3 minutes to the gentleman.

Mr. AKIN. Mr. Speaker, I believe that the reason that Americans send us here to Congress is to have us to solve problems. And I don't think any of us mind, and I certainly don't mind, the accusation by Democrats to say that the war and the situation in Iraq is incompetently planned, or that we should change course, or that we should have bold, new initiatives. In fact, I think that's what we should be discussing. But unfortunately, what we have here today is not a matter of solving problems but rather of playing politics. Because the bill in front of us is not a bold plan. It doesn't have any segment of a plan at all. It just simply says, we're going to pull a bunch of troops out at a particular time. It doesn't say how many; it just says we are going to pull some troops out. You know, the people who fought World War II would have liked very much to have ended the war more rapidly if they could just put something on a wish list and say, we're going to bring some troops home. But you can't do that until you win a war. And what we have before us is not a bold plan, and it's not a constructive suggestion to say, hey, you've incompetently managed the war, so here's a better way. There's no better way. It offers nothing other than just a bunch of wishes.

Now, if we want to send this to whoever it is that wants to grant wishes, that might be useful, but it's absolutely useless in terms of solving problems. And that's why we should be here.

I have to take the Democrats to task. You forgot, you guys are in the majority. The people elected you to solve problems. This doesn't solve a problem, it just simply says we want to bring some troops home. It doesn't say how or what we're going to do or what the strategy is. It says, oh, we've already done this one thing for a month, and now we just want to turn around and bring the troops home.

I think one thing that we can understand and one thing that we need to do is to stand away from this problem a little bit and put it in the broadest terms, and that is the terms as Americans.

There is one thing that has joined us together that we just celebrated, and that's the Fourth of July. And the Fourth of July we signed a Declaration of Independence, and the heart of that document, the heart of what America believes in is the fact that it says we hold these truths to be self-evident, that all men are created equal and endowed by their creator with certain inalienable rights; among these is life, liberty and the pursuit of happiness. And we stand tall on the Fourth of July when we remember that set of principles.

So the job of government is to protect those rights. And who is it that our sons and daughters are now fighting? They're people who believe that we blow up innocent people to make a political statement. They're people who believe that we use terror to compel people so that they don't have freedom and that people cannot pursue happiness and women cannot be educated. And so, is it so odd that we find ourselves fighting against people who believe the diametric opposite of everything America has ever stood for?

I taught those principles to my little kids when they were children. And they started the "Marine Club." Here is a picture of them at a flag ceremony in their rag-tag uniforms bought from their Army surplus store, a bunch of little kids. Now what has happened is they have implemented those ideas. Well, what has happened is this little kid here is now Special Forces Air Force Academy, just graduated last month. And this other one, my son, has graduated from the little Marine club to the big Marine club. Here is a cache of weapons found in Fallujah. There is my son. And the reason that they are there and the reason that he risked his life numerous times is because he does believe there is a God that gives rights to all people, and that governments should protect life, liberty and the pursuit of happiness. And when we, as Americans, forget that, then we start to lose our sense of direction in what we're doing.

Until there is a specific proposal, then there is nothing being offered at all. There is not leadership. And this is merely politics.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my colleague, my friend, the gentlelady from Ohio (Mrs. JONES).

□ 1700

Mrs. JONES of Ohio. Thank you, Mr. Chairman.

Mr. Speaker, there is a statement that says: "To believe that God will do everything while you do nothing is not faith but superstition." We have an opportunity to do something, not to wait for God to do it.

But let me start where I was. On May 21, I buried my dad, a veteran of the

Korean War. He died at age 87. As I stood before that flag-draped coffin, I thought about all the mothers and fathers, aunts and uncles, children, nieces and nephews who have buried their loved ones as a result of this Iraqi war—3,600. I don't want to go to another funeral, I have been to five. Not another deployment, I have been to three. Not another memorial, I have been to six.

I want our soldiers to come home as soon as possible. We have an opportunity to do a deployment that makes sense, that fits within all that we can do as Members of Congress. Members of Congress, step up to the plate. Don't be afraid. Vote in favor of this redeployment.

Mr. HUNTER. How much time do we have left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from California has 5½ minutes remaining. The gentleman from Missouri has 9½ minutes remaining.

Mr. HUNTER. Mr. Speaker, I would like to yield myself 4½ minutes.

Mr. Speaker, I ask my colleagues to vote against this bill. I have great respect for my friend, the chairman of the Armed Services Committee. We work on many bills together, many pieces of legislation, and 99 percent of the time we find common cause in supporting the men and women who wear the uniform of the United States.

This bill is not one of them. I think that this bill, Mr. Speaker, is a call to retreat by the Democratic leadership of the House, which can only hurt this country.

Now, Mr. Speaker, I have been here before. I have listened to my colleagues on the Democrat side declare that the operation that we were undertaking in El Salvador to provide a little shield around that fragile government back in the 1980s was going to be "America's next Vietnam." Yet we persevered. We kept that shield in place. We stood up a democratic government. Today, the free government of El Salvador supplies troops who stand side by side with Americans in Iraq.

I was here when Ronald Reagan stood up against the Soviet Union when they were putting SS–20 missiles around our allies, Germany and France, in Europe. Many people on the other side of the aisle said he was going in the wrong direction. He was going to start World War III. We were going to have a nuclear war because of the fact that the President was standing up to the Soviet Union. Yes, he did that, moving Pershing II and ground-launched cruise missiles to offset the Soviet missiles. At one point, they picked up the telephone and said, Can we talk? Ultimately we brought down the Berlin Wall. We freed, with American perseverance, hundreds of millions of people.

Now, we all agree that if Iraq works, it is to the benefit of the United States. When I say that "if Iraq works," I mean if we have a nation which has a modicum of freedom for its people, a nation which will not be a state sponsor of terrorism, a nation which will be a friend to the United States, then we win. That is in our interest. That is what we are trying to build in Iraq.

We all agree that it is rough and tough and difficult. Mr. Speaker, it is dangerous. We all know that. That is why I had the last three speakers being fathers of Americans who have served in Iraq in the Marine Corps and in the United States Army. So we know it is difficult.

But, you know, every time I hear good news coming out, every time I hear that, I saw the message from one of our senior Marine commanders who said, We are crushing al Qaeda in Anbar province, then I pick up a statement by one of the Democrat leaders saying, We have lost. We have lost the war. I put this piece of legislation in that same category.

Twenty-seven days, less than 4 weeks after we put the surge in full force, we are already being called to leave. Now, we were just criticized, the President was criticized, for saying, This is the starting line. Well, I think we should criticize the Democrats for saying, This is the finish line. I have heard so many Democrat leaders say, We are going to stop the war. That has been said over and over.

Mr. Speaker, there is no Democrat leader here or anywhere who can stop the war. The only thing we can do is leave this battlefield. We can't stop this war any more than the people of Great Britain stopped the war when they just had this incident last week in Scotland. We can't stop this war any more than the victims in the Kobar Towers stopped the war. We can't stop this war any more than the marines in the Beirut barrack had the power to stop the war. We can't stop this war any more than the sailors of the USS *Cole* had any ability to stop the war. This war has been forced on us. The only way we should end it, the only way we can end it, is to win.

Now we have the surge going on. It has been going on for 27 days. The leader in whom we all vest great confidence, General Petraeus, is to speak to us about the policies, about the tactics, about the strategies, and he will suggest adjustments on September 15. The idea that only 4 weeks after we have fully funded and we have fully deployed this surge we are somehow going to sound the retreat is a real disservice to this mission.

Mr. Speaker, what I would ask of all of our Members, Democrat and Republican, is vote against this call to retreat. If we stop fighting the terrorists, we will start losing this war against the terrorists.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), my friend, my colleague, the Honorable Speaker of the House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Missouri for yielding, and I want to express the appreciation of so many in this Congress and this country to him for his tremendous leadership. For 30 years, he has been a great champion for our men and women in uniform; for the quality of their lives and their families as they serve our country; for their readiness as they prepare to go to war; for their well-being as they fight for our country; for his appreciation of the sacrifice that they and their families are willing to make.

Thank you, Mr. SKELTON, for being such a great leader, and thank you for giving us this opportunity today to speak on behalf of the American people, to take a step to end the war in Iraq and to have a vision of a strategic plan for stability in the Middle East.

Your bill is excellent and your timing, Mr. SKELTON, is perfect, because today the Bush administration released a progress report on the Iraq benchmarks required by the supplemental appropriations bill passed in May. The report makes clear that not even the White House can conclude that there has been significant progress on the Warner resolution benchmarks.

This is hardly surprising, given what is publicly available each day in the media: truck bombs killing scores of people in the markets; the supposedly secure Green Zone is rocked by a 30-inute mortar and rocket barrage; despite 30,000 additional American troops to increase security, Iraqi leaders are urging their people to arm themselves for their own protection; legislation to make the Iraqi political process more inclusive is stalled in the Iraqi legislature; and the cost of the war in precious lives and wounded American heroes continues to rise. Since the surge began, we have lost nearly 600 American troops.

The benchmarks that are being reported on today were endorsed by President Bush and the Government of Iraq to measure political reconciliation and the promotion of security in Iraq. In the 5th year of the war, the President's strategy has failed to meet those key benchmarks.

President Bush continues to urge patience, but what is needed and what the American people are demanding is a new direction. Remaining bogged down in a sectarian civil war in Iraq continues an unacceptable strain on our military and serves as an effective recruiting tool for al Qaeda. Reports about the resilience of al Qaeda in Iraq are alarming, but assessments that the global al Qaeda network is reconstituting its capabilities describes a far greater threat.

The war is not making our military stronger to protect our interests, the American people safer or the Middle East more secure. It prevents a refocusing of our efforts on the real war on terrorism in places like Afghanistan, and it hinders the development of a new direction strategy for greater stability in the Middle East.

As General Batiste has said, "Iraq is distracting America from what should be the focus of main effort. It is in America's best interests to rethink our national strategy, deliberately disengage from Iraq, refit and rearm our military, get serious about homeland security, and prepare to win the next phase of the struggle against worldwide Islamic extremism."

The American people see the danger of clinging to an untenable situation in Iraq. That is why by large margins they favor a redeployment of our troops. Passage of Chairman SKELTON's bipartisan bill will reflect the will of the American people and reaffirm the judgment of the House that the redeployment of our troops is a central element and an effective way forward in Iraq.

We will repeat that judgment legislatively as often as necessary, hopefully with an increasing level of support from our Republican colleagues, until pressure from the American people causes the President to change his mind and his policies.

To those who urge that we wait until September, I say that it has been 4½ years and half a trillion dollars, at least. We have already waited too long. The troops in their third and fourth tours in Iraq, those who have been so grievously wounded and the families of those who have died, deserve far better than that.

After more than 3,600 lives have been lost to a flawed strategy, we have a responsibility to create a new direction. After spending $329 million every day, $329 million every day on the war in Iraq, on a war that is not making our country safer, we have an obligation to change course. After 5 years of a failed policy in Iraq, we have a duty, not just to voice our opposition, but to vote to end the war.

Chairman SKELTON's bipartisan bill offers a step we can take today toward bringing the troops home, to creating a strategic vision for stability in the Middle East and for beginning to rearm our military.

Let us pass this bill and those that will follow in the coming weeks and provide the new direction on Iraq that the American people demand and that is so urgently needed. I urge a "yes" vote on the Skelton bill.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to our final speaker, the gentleman from Ohio (Mr. BOEHNER), the Republican leader.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague from California for yielding and thank all of the Members for what has really been a very serious debate about our efforts in Iraq.

When we think about what we went through this past spring, the fight over funding our troops that went on for about 112 days here in the House, I had thought that we had come to some resolution. Forty-eight days ago we sent to the President of the United States a bill passed by this House, passed by the Senate and signed into law that would fund our troops through the end of September.

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That same bill, we asked General Petraeus to report back to the Congress on July 15 his interim report and asked him to give a more complete report by September 15 of this year. And here we are some 48 days later saying, we give up.

One can only imagine why this bill is on the floor today. If Members were serious about this bill, we would have seen it come through committee, come through the Rules Committee. No, no, this bill showed up Tuesday night about 9 o'clock out of thin air that we were going to have this debate this week. One can only look at what is happening on the floor of the House and describe it as a partisan political stunt, because that is exactly what it is.

This House voted to support our troops, to fund our troops, and to fund our effort in Afghanistan and in Iraq. And here we are, once again, back here posing for holy pictures, as our good friend from Wisconsin would say.

This bill that we have before us makes our troops pawns in a partisan political battle. I don't think that is what anyone wants. I think this bill on the floor today undermines General Petraeus and undermines the mission that he has to help make Iraq and America safe.

So what we have here is not leadership; it is negligence. My colleague, the majority leader, my friend from Maryland, and the Speaker of the House both say we want to fight the terrorists; we want to fight them where they are. Well, who is our biggest enemy in Iraq today? Who is the biggest fight that we have in Iraq today? It is al Qaeda. Al Qaeda is losing, and that is why we see the bigger bombs going off and the bigger demonstrations and the bigger casualties, because they are losing and trying to influence public opinion here in the United States.

But what surprises me about what we are doing here today is the willful ignoring of the consequences of failure in Iraq. If we fail in Iraq, we know what happens, we make America less safe. We know that we will provide a safe haven for al Qaeda to operate around the world out of their new safe haven that they will have in Iraq. We will destabilize the Middle East, we will endanger Israel. We will embolden the Iranians even more than they have already been emboldened, and we will allow al Qaeda to be stronger and to be able to recruit more people to kill Americans and our allies around the world. These are serious consequences for the American people and our allies around the world, and we can't shrink from our responsibility here.

General Petraeus is making progress. Not as much progress as we would all like for him to make, but he is making progress on the ground, as he reported in the report that came out today. The Iraqi government has made some progress. Not nearly enough, but to just pull the rug out from under General Petraeus, to pull the rug out from under our troops that are in Iraq fighting for our freedom and fighting for the freedom of the Iraqi people at this moment is absolutely the most negligent action that I have seen this House take yet on this issue.

Why can't we sit back and allow General Petraeus's plan to have a chance to succeed? Why can't we wait until September 15, as we had all agreed, for his final report to come forward and to assess the progress that is being made and what, if any, new direction ought to be taken?

I believe, and I think the American people believe, that we ought to allow the generals on the ground in Iraq to make those suggestions to us and not sit back and let politicians here in Washington make decisions about our future and about our safety.

But while we are sitting here debating this meaningless bill that we have before us, we could be acting on serious legislation to help make America safer. There is a giant loophole in the terrorist surveillance program that means that activity between terrorists overseas cannot be acted upon and cannot be listened to by this government. There is information that would help make America safe, that would bring more terrorists to justice; information that is being left on the table because of partisan political games in this House. Why don't we bring the FISA modernization bill to this floor? Why don't we give the NSA the terrorist surveillance program and other agencies the ability to track these terrorist activities and these terrorist phone calls and information movement that we know today that we can't touch and we can't use?

We all know through reports over the last couple of days that al Qaeda has increased in its strength. We also know from news reports over the last couple of days that there has been increasing chatter among terrorists around the world. And yet here we are debating a meaningless bill that undermines our troops, ignoring the fact that there is information that could help keep America safer that we can't touch because this House will not act. I think that is negligent, and I think it is irresponsible.

I would urge my colleagues to let's let General Petraeus and the troops have a chance to succeed. Let's help them in their mission to help make Iraq safer and to make America safer, and the way we do that is to take this bill that we have before us and defeat it.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

I just heard the minority leader say that we are willfully ignoring the consequences of Iraq. That is what I'm talking about, the willful consequences of Iraq when I spoke a few moments ago about the stretch and the strain and the difficulty of gluing our Army and Marines back together again.

This is serious business. We have a readiness crisis due to our extended operations in Iraq. Readiness in the Army's combat units has fallen to a dangerous level. Half of the Army's active brigades are in combat, and the remaining units are preparing for deployment. Units preparing for combat do not have all of their assigned personnel or equipment when preparing for combat. Combat units are experiencing equipment shortfalls; and let me mention that we have lost over 2,000 trucks and Humvees, over 100 tanks and armored vehicles, and over 100 aircraft. Combat units' readiness is being sustained at the expense of nondeployed units through the use of emergency war stocks.

I am worried. My heart breaks because no one seems to be listening on the other side, and no one who is opposed to this legislation mentioned in this debate anything about the stretch and the strain on our ground forces of the United States. That concerns me. That is the willful ignoring of consequences of Iraq. Something must be done.

Lee Hamilton, the co-chairman of the Iraq Study Group, spoke in a letter to me, which I read a few moments ago, endorsing this legislation as a responsible bill: We must do something, and it must be done today. This is serious business.

Let me salute the eloquence of my friend from California, Mr. HUNTER. He asked us to wait until September. We have had four Septembers already in Iraq. And you know what? It reminds me, and maybe some of those who have a little gray in their hair, Mr. Speaker, will recall a song that was popular decades ago, and that line in that song, the September song, that says, we haven't got time for the waiting game. We don't have time for the waiting game.

This is the right time, the right measure, the right issue. It is right for our ground forces. It is right for those in uniform. It is right for their families. It is right for our country. We have been engaged in Iraq since March of 2003. We have threats yet unforeseen.

If we continue to strain our ground forces as they are, we will not be ready for them. Hopefully they never come, but as sure as God made little green apples, those threats will be there. That's the purpose of this. The readiness of our forces and the capability of what they need to do for us in the days ahead, that is our job under the Constitution, to raise and maintain. That's what we are doing.

So with that, Mr. Speaker, I say that we need to pass this legislation. We need to do so to pass the responsibility back to the Iraqis, to keep our forces in a higher state of readiness, and to make sure that the future is all the more safer for those of us here in our country.

Ms. BORDALLO. Mr. Speaker, I rise today in support of this renewed debate on the war in Iraq. Iraq is today's signature issue, and it is one of the most divisive and complex ones before this Congress. The choices we make regarding Iraq will establish a legacy for the United States that will define our policy toward the Middle East region for a generation or longer. For that reason, it is my hope that we, as an institution and, indeed, as a country can agree upon a policy that will best protect our national interests and those of our allies and supports those servicemembers and civiians—and their families—who so bravely serve our country today in Iraq and elsewhere around the world.

If enacted, H.R. 2956, the Responsible Redeployment from Iraq Act, the legislation before us today, would significantly change the direction of current operations in Iraq. Notably, this legislation would require the Secretary of Defense to commence the reduction of the number of United States Armed Forces personnel deployed in Iraq—beginning as early as 120 days after enactment of this bill—to a more limited presence by April 1, 2008. Also notable, this legislation would require the President to submit to Congress a new comprehensive strategy that would guide future operations in Iraq and that would include specific plans for diplomatic initiatives to engage United States allies and others in the region to bring stability to Iraq.

This strategy, according to H.R. 2956, would be written to reflect an honest assessment of the United States' national security interests in Iraq and the broader Middle East region. The document would be written to include the diplomatic, political, economic, and military components of a comprehensive strategy to maintain and advance such interests as the Armed Forces are redeployed from Iraq. This bill takes into account the importance of protecting United States diplomatic personnel and combating terrorism in Iraq in any redeployment strategy. The strategy would also include a justification of the minimum force levels required to protect United States national security interests in Iraq after April 1, 2008, based upon a description of the specific missions of the Armed Forces to be undertaken. Of those missions, the strategy would require an assessment of the extent to which military personnel would fulfill roles traditionally performed by diplomatic personnel.

H.R. 2956 will generate Significant debate. Withdrawal timelines and a date have been discussed during recent debate on this issue. Consensus on this aspect of this bill will remain hard to reach. But this bill helps advances our national discussion with respect to the war in Iraq by calling for a new comprehensive strategy. Such a comprehensive strategy is long overdue.

I introduced H.R. 744, the Iraq Policy Revitalization and Congressional Oversight Enhancement Act on January 31, 2007. H.R. 744 would help enhance congressional oversight of Operation Iraqi Freedom by requiring the President to transmit periodically to Congress a consolidated, comprehensive report that would detail the terms of completion for Operation Iraqi Freedom. The bill would also require the President to seek to enter into a multilateral agreement—based on that plan—to help provide for the completion of Operation Iraqi Freedom. I am encouraged that the legislation before us today would require a similar plan be drafted by the President and communicated to Congress. Our soldiers and diplomats need a comprehensive, actionable plan that defines what it is that they need to accomplish in order to successfully complete their missions.

It is true the Government of Iraq must increasingly shoulder the burden of, and better fulfill its obligation to, govern from moderate positions, with uniformity, and with regard to the rule of law. But recent history tells us that we cannot rely on the Government of Iraq to govern in that manner. As H.R. 744 notes, the inability or unwillingness of the Government of Iraq to govern in moderate terms contributes to violence against United States servicemembers and Coalition forces, creates barriers to national reconciliation in Iraq, and impedes the expeditious completion of Operation Iraqi Freedom and the return of our servicemembers to their peacetime duty stations. The outcome of policies that are overly dependent upon a reportedly broken, corrupt, and sectarian government delivering on complicated policies, against great odds, and during a compressed period of time is uncertain. This fact underscores the importance of and the need for a new comprehensive strategy.

I believe that continued, honest and open exchange of views on the substance of what our country and our allies must achieve in Iraq in order to complete Operation Iraqi Freedom is needed. Finding an achievable, expeditious, and honorable way to complete Operation Iraqi Freedom should be a primary goal for all of us. We owe this to those who have sacrificed so much for this mission. But the situation in Iraq will not yield a solution easily. Nevertheless, we must endeavor to find one. In doing so we will be helping shape in the best way possible the legacy future generations of Americans will inherit and the one we will have to defend to history. The United States assumed a moral obligation to bring a minimum of order to Iraq when we, in a preemptive manner, attacked that county four years ago. History will judge us harshly if we act to abandon this obligation. The consideration of H.R. 2956 allows us an opportunity to formulate a national strategy that more effectively addresses the realities of Iraq.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H.R. 2956, the "Responsible Redeployment from Iraq Act."

This legislation would accomplish what the majority of the American people have said over and over that they support—the redeployment of American troops from Iraq. H.R. 2956 would require this redeployment to begin within 120 days, with completion to a limited presence by April 1, 2008.

The evidence continues to mount that the surge is not working. More than 3,500 troops have lost their lives and more than 26,000 have been wounded since this war began. The costs are too great to continue this failed policy.

The progress report that was presented to Congress today states that the Iraqi government has made limited progress in meeting political, economic, or security benchmarks and in some instances has made virtually no progress at all. The President said that when the Iraqis stand up, our troops will stand down. More than four years later, we are still waiting.

Increasingly, Republican senators are coming forward to announce that they support a change in policy in Iraq. I am glad that they are finally accepting what many of us have been saying for months. Yet the President continues to dig in by promoting his failed policy against the will of the American people and despite dwindling support within his own party.

This bill establishes a new direction for our forces in Iraq. I urge my colleagues to listen to their constituents and support this legislation.

Mr. KENNEDY. Mr. Speaker, I rise in support of this legislation calling for the safe and responsible redeployment of U.S. troops from Iraq. Make no mistake about it: The administration's incompetence in planning and executing the post-war occupation has brought us to this point. It is now Congress's responsibility to stand up for the majority of American voices who seek an end to this war. This bill provides for a redeployment of our troops not only so that they will be safe, but also so they will be focused on securing our Nation, not caught in the crossfire of a sectarian civil war in Iraq. We must provide for our men and women in uniform and their families.

Some assert with no basis that the war in Iraq has made us safer when, in fact, the opposite is true. I am deeply troubled by today's report from the National Counterterrorism Center which states that al-Qaeda is stronger now than at any point since 9/11. Terrorist cells capitalized on our preoccupations in Iraq to reestablish a presence in the Middle East and beyond. For years, the Administration has stubbornly insisted that Iraq is the central front of the War on Terrorism, but today's report clearly indicates just how damaging this war has been to our national security.

The President's progress report on Iraq issued today shows unsatisfactory improvement of security benchmarks. The report predicts a rise in insurgent violence in the coming months and an increased effort to disrupt life for Iraqis. In addition, there appears to be no improvement in eliminating the sectarian influences that have infiltrated Iraqi security forces. This is not acceptable. The administration has not delivered on its promises in Iraq and now we must move forward to establish a new direction. It simply is not fair to ask our soldiers and marines to continue to police someone else's civil war. It is especially irresponsible when considering the mountains of evidence from our own intelligence agencies pronouncing that this conflict cannot be solved by our military might alone. We must refocus our attention on the true threats to our Nation and our citizens.

Americans owe a debt of gratitude to our troops and their families for the sacrifices they have made during this difficult time. Servicemembers have had to endure difficult assignments and failed civilian leadership; but they have done so with honor and dignity. We must not forget the families who had to go without their loved ones for months at a time; the missed birthdays, baseball games, long nights away.

Mr. Speaker, the time for talking has ended; we must act, without delay, to redeploy our brave troops out of Iraq.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in opposition to this legislation.

The American people are not happy with the conflict in Iraq; I am not pleased either. Every day, my constituents tell me their concerns with Iraq, and I can understand their desire to put this behind us.

The reality is, however, that we cannot snap our fingers and make things all better; it's not simply going to go away.

My friends on the other side of the aisle have argued for years that we rushed headlong into Iraq without seriously considering the long-term consequences. Yet with this legislation they are repeating the very same mistake, only in reverse.

Staying the course is not a viable option, but neither is the fallacy of the orderly, phased withdrawal proposed by this legislation. You cannot gradually blow up a dam; once we begin to leave, chaos will immediately ensue. So I ask my colleagues, what do you propose to do after you order our troops away? What's your plan? Where's your responsible and workable strategy and vision?

Unfortunately, such a scenario may prove inevitable. But my colleagues hold forth this legislation as a plan: it's not. It's political pabulum. It might give politicians cover, but it exposes our servicemen to danger even greater than they already face. Ethnic, tribal, and religious killings will increase by an order of magnitude. The current refugee situation, already a disaster for Iraq's neighbors, will be dwarfed by the exodus to come. Our own men and women in uniform will be standing in front of a tsunami of violence.

What is required is a thoughtful, deliberative plan to make the best of an undeniably bad situation. Such a plan is embodied in the recommendations of the Iraq Study Group—the product of a concerted, bipartisan and sincere effort on the part of some of our brightest citizens.

I have long advocated we seriously follow—or at least debate—the recommendations of the Iraq Study Group. Foreign policy and diplomatic issues are usually complicated, nuanced and multi-leveled; the situation in Iraq is no different. Yet all we have been given to consider are all-or-nothing propositions.

I would welcome a bona fide discussion regarding how to move forward in Iraq and in the Middle East generally—that is what we owe the American people. What we have today is nothing but four hours cooing to the other side's base. This is not leadership. No amendments were made in order. There was no reaching out to Republicans like myself who felt the surge was a mistake and are looking for another direction. What we have is a framed "take it or leave it," "my way or the highway" approach. That approach got us where we are—a healthy dialogue with options is needed to appropriately disengage.

Two months remain until General Petraeus will be summoned before Congress. He will give us—as we have charged him to do—an honest assessment on where this "surge" has lead our troops and the Iraqi people. I hope at that time, whether his testimony reveals success or failure, this body will have the wherewithal to have a serious, open debate on what options we have left.

Mr. CASTLE. Mr. Speaker, I rise in opposition to the legislation before us today mandating a hard deadline for the Secretary of Defense to significantly reduce our troop presence in Iraq.

Over the last several months, similar attempts on the part of the Democratic leadership to require an arbitrary date for troop withdrawal have gone nowhere, wasting precious time debating legislation that would be vetoed by the President. While I believe strongly that we must change course in Iraq and bring our men and women home, it would be a mistake for Congress to think it could disregard the complexity of this conflict by simply picking a random date for withdrawal. Forcing such an important decision without considering the advice of military and foreign policy leaders, could lead to the loss of many more lives and open the door for sectarian chaos to spread across the entire Middle East.

For this reason, I have been a leading supporter of the Iraq Study Group, also known as the Baker-Hamilton Commission, which in December 2006 outlined a comprehensive approach for bringing a responsible conclusion to the conflict in Iraq. In fact, in early 2007, I went to the floor of the U.S. House of Representatives and called on the Bush Administration to change course in Iraq and implement the Study Group's recommendations for a new, robust diplomatic offensive in the Middle East. Since then, Secretary of State Rice has taken several encouraging steps to open the lines of communication with key nations like Iran and Syria, and I am hopeful that my efforts, and those of my colleagues, have prompted the White House to improve its diplomatic efforts in the region.

This September, Gen. David Petraeus and Ambassador Ryan Crocker will submit a very important report regarding the conflict in Iraq. While I am hopeful that this report will show progress, I also feel strongly that we must begin developing a responsible postsurge strategy. Therefore, on June 5, 2007, I joined over forty other Members of Congress—Republicans and Democrats—in introducing the Iraq Study Group Recommendations Implementation Act. The Study Group recommendations, which would bolster diplomacy, improve political and economic reconstruction, and handoff the combat mission to the Iraqis, represent the first truly bipartisan proposal for ending this conflict and bringing Americans home.

Clearly, there is no easy solution in Iraq. Still, it is extremely discouraging that the Democratic leadership continues to hold votes on "symbolic" withdrawal timelines, while refusing to consider the bipartisan Iraq Study Group proposal—legislation that as of today has been cosponsored by 25 Democrats and 33 Republicans in the House.

Mr. Speaker, the bipartisan Baker-Hamilton Commission serves as a model for how we must work together in a responsible fashion to stabilize Iraq and get our brave soldiers off the streets. Rather than wasting time debating arbitrary timelines that disregard the complexity of the situation, it is critical that we come together now in support of a responsible exit strategy. I am encouraged that thirteen additional Members of Congress have signed-on to the Iraq Study Group Implementation Act since we introduced it over a month ago and I am hopeful that Members from across the political spectrum will join me in uniting behind this crucial effort.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 2956 which, while a well-intended attempt to reduce our nation's seemingly unlimited military commitment in Iraq, is in so many respects deeply flawed.

I have been one of the strongest opponents of military action against Iraq. I voted against the initial authorization in 2002 and I have voted against every supplemental appropriations bill to fund the war. I even voted against the initial "Iraq regime change" legislation back in 1998. I believe our troops should be brought back to the United States without delay. Unfortunately, one of the reasons I oppose this legislation is that it masquerades as a troop withdrawal measure but in reality may well end up increasing U.S. commitments in the Middle East

Mr. Speaker, this is precisely the debate we should have had four years ago, before Congress voted to abrogate its Constitutional obligation to declare war and transfer that authority to the president. Some in this body were rather glib in declaring the constitution antiquated while voting to cede the ability to initiate hostilities to the President. Now we see the result of ignoring the Constitution, and we are bringing even more mayhem to the process with this legislation.

To those who believe this act would somehow end the war, I simply point to the title for Section 3 of the bill, which states, "Requirement to reduce the number of armed forces in Iraq and transition to a limited presence of the Armed Forces in Iraq." However the number of troops are limited, this legislation nevertheless will permit an ongoing American military presence in Iraq with our soldiers continuing to be engaged in hostilities.

I also wish to draw attention to Section 4(b)(1), which mandates the President to submit a "Strategy for Iraq" by the beginning of next year. This "strategy" is to include:

> A discussion of United States national security interests in Iraq and the broader Middle East region and the diplomatic, political, economic, and military components of a comprehensive strategy to maintain and advance such interests as the Armed Forces are redeployed from Iraq pursuant to section 3 of this Act.

In other words, far from extricating ourselves from the debacle in Iraq, this bill would set in motion a policy that could lead to a wider regional commitment, both financially and militarily. Such a policy would be disastrous for both our overextended national security forces and beleaguered taxpayers. This could, in fact, amount to an authorization for a region-wide "surge."

Congress' job is to change the policy on Iraq, not to tell the military leaders how many troops they should have. I have attempted to do this with H.R. 2605, a bill to sunset after a six month period the authorization for military activity in Iraq. During this period a new plan for Iraq could be discussed and agreed. Plan first, authorization next, execution afterward. That is what we should be doing in Iraq.

In summary, Mr. Speaker, this legislation brings us no closer to ending the war in Iraq. It brings us no closer to bringing our troops home. It says nothing about withdrawal, only about redeployment. It says nothing about reducing U.S. presence in the Middle East, and may actually lead to an expanded U.S. presence in the region. We have no guarantee the new strategy demanded by this legislation would not actually expand our military activities to Iran and Syria and beyond. I urge my colleagues to reject this legislation and put forth an effective strategy to end the war in Iraq and to bring our troops home.

Mrs. JONES of Ohio. Mr. Speaker, today the administration released its "Assessment Report" on Iraq. While attempting to tout "progress," it is plain to see that this is more of the same rhetoric that has become so commonplace in this administration. The sad truth is that since President Bush launched this war, more than 3,600 American service men and women have been killed in Iraq, more than 26,000 have been injured, and the American taxpayer has spent nearly half a trillion dollars on this war.

The report highlights that the Iraqi government has not met a single one of the 18 security, political, and economic milestones that the Congress laid out as measurements for success. It also substantiates the fact that of the 18 benchmarks Congress laid out, Iraqis are making progress on only eight. The report also shows us that Iraqi security forces are not providing even-handed enforcement of the law and that Militia presence is still a prevalent force within the security services of a number of ministries.

It is for this reason that I am in support of the Responsible Redeployment from Iraq Act. In addition to requiring the redeployment of American forces this legislation requires the development of a comprehensive strategy for U.S. policy in Iraq and limits missions any remaining forces in Iraq may undertake to duties such as counter-terrorism, and protecting American personnel at the embassy in Iraq.

It has been said that faith without action is merely superstition. We now have the opportunity to change course in this war. My father was a World War II veteran. He died a few months ago at the age of 87. As I looked at the flag draped across his coffin, I thought about the many mothers, fathers and families that had to bury their loved ones, many of them barely adults, and see that flag draped across their caskets.

I, along with the American people, have no more patience with regards to this war in Iraq. I've been to three deployments, five funerals and countless memorial services; I don't want to go to any more. I want to be able to go to one last homecoming celebration when we can bring an end to this war.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this legislation.

As a veteran of the U.S. Army myself, I strongly support our troops, our veterans and their families. Our troops have done everything they have been asked to do and done it exceptionally well. I am tremendously proud of all the troops from North Carolina and across America who have done their duty so admirably. They are our heroes, and we salute them. But as the Representative for Fort Bragg and Pope Air Force Base, I am very concerned about the state of readiness of America's armed forces.

I have traveled to Iraq twice, and after I returned last year, I said the Administration must change this failed policy. Specifically, I said that we need more focus on the threat of international terrorists. The National Counterterrorism Center has released a report today entitled: "Al-Qaida Better Positioned To Strike the West" that concludes Osama Bin Laden's network has been reconstructed while America's military is bogged down in the civil war in Iraq, with no end in sight.

H.R. 2956, written by Chairman IKE SKELTON of the Armed Services Committee, one of the most respected Members of this body and an expert on military policy, is a good first step for this needed new direction. It requires the Iraqi leaders to begin to provide for the security of their own country by redeploying American combat troops from the sectarian civil war and reconstituting our readiness and transitioning American forces to the mission of effective counterterrorism anywhere in the world where radical jihadists threaten America and our interests. Let me be clear that H.R. 2956 maintains the flexibility of the Commander in Chief to direct the operations of the armed forces. It simply calls for a change in policy and public accountability for a comprehensive U.S. strategy for Iraq.

North Carolina's senior Senator stated it well this week when she said, "It is my firm hope and belief that we can start bringing our troops home in 2008." This bill begins to do just that. I urge my colleagues to join me in voting for it.

Mr. CONYERS. Mr. Speaker, I rise today in support of "H.R. 2956, The Responsible Redeployment from Iraq Act," and had I been on the floor today, I would have voted "yes."

Unfortunately, I was unable to attend due to the fact that I was given the high honor of receiving the NAACP Spingarn Award. However, this is an extremely important piece of legislation. One of our greatest responsibilities is the protection of our soldiers. The Democrats are determined to end this war and bring our young men and women back home. H.R. 2956 will now provide such a policy that will allow us to meet our national security interests in Iraq and the broader Middle East region by maintaining a minimal force. The Administration has provided a failed policy and it is time for a new direction. We understand that this transition must be well thought out and handled responsibly; with a view toward an enduring national security interest in the region.

This legislation, acknowledges that our military has accomplished the mission they were given in the original 2002 authorization to use force and that Iraq must now take leadership for its own future. For years Democrats have advocated for the responsible redeployment of American forces from Iraq. The relocation and redistribution of our soldiers is long overdue and enough American lives have been sacrificed for a failed policy. Democrats have argued that the Iraqis must take primary accountability for their country and their security. American presence in Iraq must be re-focused away from playing referee in a civil war. We must focus and limit our efforts to military missions such as counter-terrorism, training Iraqi security forces and protecting American personnel at the embassy.

The bill requires American forces to begin redeploying within 120 days and to complete the transition to a limited presence by April 1, 2008. The bill also requires a comprehensive strategy by January 1, 2008 for U.S. policy in Iraq, including a discussion of American national security interests in Iraq and the broader region, the specific missions remaining forces would undertake, and minimum force levels required to accomplish them. Finally, it requires the President to submit updates on the use of and need for any forces remaining in Iraq every 90 days starting on July 1, 2008. The President has been given ample time to bring our soldiers home. It is now time for us to act on their behalf.

I am committed to the homecoming of our brave men and women who have so valiantly completed their mission. So, I am honored to support this legislation.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 2956, Responsible Redeployment from Iraq Act of 2007.

For months, I, along with many of my colleagues in this chamber, have been calling on the President to forge a new direction with the war in Iraq. Our pleas have fallen on deaf ears.

Despite failing to meet his own benchmarks of progress, despite new reports of the unsustainable cost of this war, despite the tremendous dissatisfaction and disenchantment of the American people and members of his own party—the President recently made public statements to the effect that he is unwilling to change the course and try a new strategy.

The American people are dissatisfied with the deteriorating situation in Iraq. They are tired of finger-pointing and political gamesmanship. They want some answers, and they quite rightly expect and deserve one. As their elected representatives and leaders, I believe it is our responsibility in Congress to work together to move this country forward to an honest solution.

It is clear that American troops have accomplished their military mission. Yet we have now tasked them with forging political compromise as well, leaving them in the middle of a burgeoning civil war in Iraq. It is widely recognized that the sectarian strife taking place in Iraq right now cannot be solved through military means alone, and the President's refusal to entertain any new strategies has put our troops in an untenable position. I cannot continue in good conscience to ask our brave troops to risk their lives because I don't believe their sacrifice is being met with an equal commitment from the Iraqi people. The tough but necessary political compromises are not being made.

While the Iraqis are moving toward a transparent and effective government, what is missing is the necessary political accommodation to move the country towards reconciliation. Unfortunately, Iraqis by themselves appear incapable of achieving political progress. Instead, years later, they continue to lean on the United States and our military for stability, teetering on the brink of full-blown civil war without the will to make the political compromises necessary to peace.

Be assured that I am the last person in this chamber that wants to take irresponsible actions that would take the country into complete chaos. But American military power is not the solution to the war. More troops, more time, more money—these are not the answers. Congress needs to understand, as the American people do, that we must begin planning for a responsible withdrawal and redeployment of U.S. troops from Iraq. H.R. 2956 provides for a safe and orderly reduction of troops in Iraq and a transition to a limited presence of American troops in country for force protection, training of Iraqi Security Forces, and counterterrorism missions. I urge my colleagues to support this measure.

We must send a clear message to the Iraqi government that the patience of the American people is not endless, and that they must take control of their future. Passage of H.R. 2956 will help send that message.

I believe strongly that we must not wait any longer to send this message. The time to act is now, to force the hand of this Administration and the Iraqi government. Waiting any longer will simply lead to more fatalities for U.S. soldiers, Iraqi military, and civilians.

Finally, I would like to offer my heartfelt thanks and undying admiration for our men and women in uniform for their service to our country. May God bless them and their families during this difficult time. May God provide his special blessings and care for those who fell in the line of duty. And may God continue to bless these United States of America.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill because I strongly support a responsible redeployment of our troops from Iraq.

It should not have been necessary for us to consider this bill today. Back in March, I voted for, and Congress passed, legislation that would have begun a draw-down of combat troops in favor of a disengagement strategy in Iraq. Regrettably, however, the president vetoed that legislation and then moved in exactly the opposite direction by escalating the number of troops committed to Iraq.

So, while a war can't be effectively led by committee, by failing to exercise responsible leadership, the president continues to make it necessary for Congress to assert itself. And thus the House is acting again today—and whatever the outcome, we will act again and again until we find the necessary support to change course in Iraq.

The war in Iraq has cost this Nation the blood of its soldiers, the treasure of its citizens, and the good will of our allies around the world. The average number of attacks, Iraqi civilian deaths, and coalition deaths are all at their highest levels since the invasion. Over 3,600 American soldiers have died in Iraq, and we are spending over $10 billion every month to continue this failed policy.

As a member of the Armed Services Committee, I must point out that the time is rapidly approaching when we will not be able to sustain the numbers of troops now deployed in Iraq without calling back our National Guard and Reserve for second or third tours or extending the tours of current active duty troops beyond the already extended 15 months.

And our increasing military and financial commitment to Iraq limits our options for addressing other critical national security concerns even as a new intelligence report indicates that al Qaeda is operationally stronger than a year ago. The most disturbing news is that al Qaeda has regrouped to an extent not seen since 2001.

Proponents of the President's escalation—the so-called "surge"—say we haven't given it a chance to succeed. But it has been under way since January, with the Iraqi government fully aware of the steps toward reconciliation it needs to take to enable U.S. forces to stay—and still, those steps aren't being taken. Today's interim report from the Pentagon tries to make a bad situation look better, listing "satisfactory" progress on a number of benchmarks required by the Congress several months ago. But in reality, as the report states, "the security situation in Iraq remains complex and extremely challenging," the "economic picture is uneven" and political reconciliation is lagging.

I had hoped that by holding the president and the Iraqi government accountable for achieving these benchmarks, we would gain the leverage necessary to pressure the Iraqi government to forge the political solution we all know is required. But it appears that the Iraqi government is either unable or unwilling to bring its feuding factions together to achieve these goals.

The Pentagon's report blames those of us pushing for redeployment for the lack of progress toward political reconciliation, saying it has been hampered by "increasing concern among Iraqi political leaders that the United States may not have a long term-commitment to Iraq."

But if the Iraqis won't make progress when we're there—and then threaten that they can't make progress if we leave—under what conditions will we see progress? The president has asked Congress to wait to act for the next progress report due in September. But what are we waiting for? He has dressed up his new approaches in many different ways since this war started over four years ago, and yet little has changed.

What we need—and what many Democrats and Republicans alike are calling for—is a responsible redeployment from Iraq. That is what the bipartisan Iraq Study Group ultimately called for, and that is the main reason I introduced legislation to implement its recommendations. I continue to hold out hope that we can forge a bipartisan consensus in favor of adopting the ISG as a foundation for a phased withdrawal strategy. I believe in this approach because responsible redeployment would allow Iraqis to take control of their own security by reducing U.S. combat forces while limiting the U.S. military to missions such as counter-terrorism, protecting U.S. Embassy personnel, and training Iraqi security forces. This bill will also allow necessary flexibility for our military forces to continue strikes against al Qaeda in Iraq.

This legislation calls for the beginning of redeployment and a troop draw-down within the next four months. It takes a different approach from H.R. 2237, the bill introduced by Representative JIM MCGOVERN (D–MA) that I opposed two months ago, in that it would not prohibit funding for our troops already in Iraq, and it requires the president to submit a comprehensive strategy providing specific plans for diplomatic initiatives and justifying the number of U.S. troops who would remain and explaining their missions.

I do question whether we can extricate all combat troops by April 2008, as it calls for—it could take as long as six months to move over one hundred thousand soldiers and their gear and to do this safely. This is one military exercise that we have to take seriously and spend time and resources to plan—because it could mean life or death for our men and women in uniform. But I believe we should set a target date now and begin this planning. This bill would force a change in strategy and mandate the start of a phased withdrawal and redeployment, and that is why I will vote for it.

Mr. BISHOP of New York. Mr. Speaker, I rise today in strong support of the Responsible Redeployment from Iraq Act. Delivering the solemn promise we made to set a new direction in Iraq, this legislation provides us with the opportunity to reaffirm our support for the responsible redeployment of our troops and a refocusing of our efforts on the real threat that is facing America—fighting al-Qaeda in Afghanistan, tracking down Osama bin Laden, and preventing another terrorist attack against America.

Along with a great many of my colleagues, I spoke out against the President's surge strategy when it was announced in January. We argued then, as we reiterate today, that Iraq is engaged in a civil war and thus political, not military, solutions are needed to address the problems facing the region. Yet, the President continues to operate under the assumption that somehow, some way, there is a military path to success. In other words, his strategy continues to be "stay the course" writ large.

It has now been seven months since the President announced his surge strategy, with the stated goal of providing stability in Iraq so that the political reforms that are needed to secure the region can take place. Since then, more than 25,000 additional troops have deployed to Iraq, of whom 600 have been killed and more than 3,000 have been wounded. All of this while the Iraqi government has failed to meet any of the benchmarks endorsed by the President in January, violence rates are at an all time high, and a recent government report estimates that al Qaeda is the strongest it has been since the aftermath of the September 11, 2001, terrorist attacks.

Simply put, it is long past time for our involvement in this tragic episode to come to an end. The Iraqi people are the only ones that can bring a peaceful conclusion to this war.

It is unfair to ask our troops and their families to continue to sacrifice while Iraqi leaders have done so little to achieve the political and security goals asked of them. Therefore, it is imperative that we begin the gradual redeployment of troops as soon as possible to protect their lives and ensure the safety of America.

Mr. Speaker, I want to reiterate my opposition to this war. I believe the decision to invade Iraq is the single most devastating and misguided foreign policy decision our Nation has ever made. I will vote for the Responsible Redeployment from Iraq Act because I believe it is time to bring our troops home and end our involvement in this civil war.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in strong support of The Responsible Redeployment from Iraq Act, and I thank Chairman SKELTON for his leadership and his dedication to the readiness of our troops and the continuing excellence of the United States armed forces.

The President continues to ask this Congress and the American people to "stay the course" in Iraq. Well, Mr. President, today the American people and the Congress say, "No more!!"

Instead, I add my voice once again to the growing number of retired military generals, the Iraq Study Group, and untold thousands of rank-and-file on the front lines who are calling for a new direction in Iraq.

The success of our military depends on a sound strategy. Yet, instead of fighting terrorists in the mountains of Afghanistan, our armed forces are overextended after four years of refereeing a civil war in the sands of Iraq.

The President's escalation of this war,—his so-called "surge"—is not working. That much is clear. Since the escalation of this war 6 months ago, more than 25,000 troops have been sent to Iraq, 600 more U.S. soldiers have died and more than 3,000 troops have been wounded. Countless thousands of Iraqis are dead, and today the violence in Iraq is at an all-time high!

Our troops have performed heroically in Iraq, but the Iraqi government has failed to meet any of the benchmarks endorsed by the President in January. Political reconciliation within Iraq is non-existent. A change of course is long overdue.

The time has come for the United States to responsibly re-deploy our troops from Iraq and to refocus our efforts on protecting Americans from terrorism. The time has come for Iraqis to take primary responsibility for their country and their security.

Mr. Speaker, this bill will do exactly that.

Let me be clear on one additional point. Democrats support the troops. As a Member of the Appropriations Committee, I have consistently voted to fund our troops and provide our soldiers in the line of fire with the resources they need.

I do this because our brave service men and women are not risking their lives each and every day for one political party or the other. They are risking their lives for America.

Our Nation owes our troops a strategy that is worthy of their sacrifice. But "stay the course" is not that strategy. It is a slogan that continues to fail them.

No, Mr. Speaker, if we really want to support our troops, it is now time to get them out of Iraq and re-deploy them to other areas where they can fight the terrorists who have attacked, and who continue to threaten our Nation.

Ms. DEGETTE. Mr. Speaker, I rise in strong support of H.R. 2956, the "Responsible Redeployment from Iraq Act."

This legislation mandates that we begin withdrawing our troops from Iraq within 120 days of enactment. This redeployment would have to be completed by April 2008. This is a commonsense measure to bring an end to our military involvement in Iraq. Frankly it is mindboggling that American troops are still fighting there in the first place.

For over 4 years we have worked to establish a secure, safe, and peaceful democracy in Iraq. Our military has done a valiant job in doing everything we asked of it. We have lost over 3,600 soldiers and more than 26,000 have been wounded in this effort. We have spent about $450 billion. Unfortunately, death and destruction still reign in Iraq.

President George W. Bush's plan is not working and the evidence of failure is mounting. President Bush announced his troop "surge" 6 months ago. During that time about 600 troops have been killed, 3,000 have been wounded, and $60 billion has been spent. The recently released White House interim report shows there to have been unsatisfactory progress by the Iraqi government in meeting many of the benchmarks laid out by President Bush back in January.

With respect to President Bush's political benchmarks, the Iraqi government has made unsatisfactory progress on all of them. What this Iraqi civil war requires is an Iraqi political compromise, but the available evidence suggests that no one within the government is willing to make the sacrifices needed to make that happen. Why should American soldiers continue to sacrifice under such circumstances? Not one more drop of American blood should be shed in pursuit of President Bush's failed Iraq policy.

The American people agree. Recent polling shows that over 60 percent of the American people now believe sending troops to Iraq was a mistake and 71 percent support withdrawing our forces by April 2008, just as H.R. 2956 would require.

Despite the views of the American public and the clear evidence on the ground that our continued military presence in Iraq is not the solution, President Bush stubbornly refuses to change course and bring our troops home. Congress has the power and obligation to do what is right and force a new policy. Passing H.R. 2956 is the first step on that road, and I encourage all of my colleagues to vote in favor of this reasoned legislation.

Mr. ORTIZ. Mr. Speaker, I rise in support of this bill to begin a responsible redeployment of our forces now in Iraq. The defense of our homeland is paramount and we are vulnerable for an attack. The war in Iraq has damaged the readiness of our military. Our ability to defend our Nation is at stake.

Today's report on benchmarks is further evidence that this Administration can only see the situation in Iraq through rose-colored glasses. It's time for serious policy makers—for American patriots—to find a way out of Iraq so we can focus on defending our Nation against al Qaeda, as well as other threats to national security.

This administration has no plan to defend the United States, and they did great damage to the defense of this country with the "catch and release" operation they had on our southern border. "Catch and release" sent all non-Mexicans who came in illegally to the interior of the Nation with a paper compelling them to return for deportation.

By virtue of "catch and release" we face the prospect of possibly hundreds of cells already in country awaiting an attack order.

What happens if al Qaeda attacks a nuclear facility? Do we have a plan for that? Who moves into defensive and containment posture? Do we even have the troops presently in country to provide that defense and containment?

What happens if there is an attack on a military base? There will be military officials nearby, but how will they respond?

What happens if there is a bio-chemical attack in an American city? Who responds—and how will our citizens be protected?

A shoulder launched weapon from a building top in New York, Washington DC, or another major American city would be devastating . . . and show our lack of preparation 6 years after 9/11 when many of us ran from these buildings, not sure we would ever see them again.

Today's report about the resurgence of al Qaeda is no surprise for us. Ever since Congress was deliberately misled by the President into authorizing the Iraq war in 2002, the war in Iraq sucked precious resources away from our focus on al Qaeda. When we invaded Iraq in 2003, the Iraq al Qaeda presence was in a single village in Kurdistan along the Iranian border. Today, it is impossible to estimate the number of al Qaeda fighters we have drawn to Iraq through our invasion.

We inadvertently aided al Qaeda through our invasion of Iraq by giving al Qaeda a recruitment opportunity for radical Muslims throughout the Middle East; giving al Qaeda the means to perfect urban warfare; tying down our military in Iraq, giving al Qaeda space to grow and operate, and most urgently, deeply damaging the readiness of the U.S. military and making the U.S. less safe for ourselves and our children.

At least one branch of this government must begin the painfil process of finding an ending to our involvement in a civil war we facilitated.

Many colleagues here seem to believe our withdrawal will leave behing an even bloodier civil war. I agree; but that will be the case whenever we leave there . . . be it today, tomorrow, next year, or a decade from now. The only difference we can make in that regard is how many American souls will die on the Iraqi battlefield between now and the day our forces withdraw.

Others have pinned all hope on the fledgling Iraqi government seated on March 16, 2005 . . . a government that has been unable to elect a Speaker for their Parliament and rarely produces a quorum. We have lost 1,282 American soldiers during the same time.

Bear in mind, al Qaeda is not the only threat we face in the future . . . North Korea, the militarization of South America . . . and many other threats are a reality for this nation in the decade to come. We must be prepared for all of them.

Mr. Speaker, I urge the adoption of this bill.

Mr. MARKEY. Mr. Speaker, I rise in strong support of this resolution.

It is long past time that the disaster in Iraq is brought to an end.

The President's failed policy in Iraq has been repudiated by the bipartisan Iraq Study Group, his inability to extricate the United States from a quagmire in the desert has been rejected by the voters, and we must change course. The President has proven himself to be either blind to the reality on the ground in Iraq or simply uncaring of what that reality means for the stability of the Middle East and the security of the United States of America.

The President took this country to war on false premises. There were no weapons of mass destruction, there was no imminent threat, there were no operational ties to al-Qaeda. And the administration knew, because we had U.N. weapons inspectors on the ground in Iraq for months before the invasion, that the so-called "intelligence" pointing to an active and dangerous Iraqi WMD program was simply wrong. Over and over again, Hans Blix and his teams of inspectors would launch surprise visits on sites that the CIA had pointed them to, and over and over again the U.S. intelligence would be proved incorrect.

We have been fighting in Iraq longer than we fought in the Second World War. Within a few months, we will have spent more money in Iraq than we did in the more than 10 years we were in Vietnam. And while a very small segment of our citizenry is being asked to make the ultimate sacrifice for this adventure by sending their loved ones to war, the Bush administration has given billions of dollars in tax breaks to the richest Americans. If this war were truly a national struggle, underpinned by the faith and support of the public, the sacrifices would be shared by all instead of borne by the few.

Since President Bush infamously declared "Mission Accomplished" over 4 years ago, the situation has only gotten worse and worse. The administration never had a plan to win the peace, and still does not, and as a result the peace cannot be won. Our brave men and women in uniform are caught in the midst of a multifaceted civil war which can only be brought to an end with political reconciliation, not military engagement.

Unfortunately, the President stubbornly refuses to understand the nature of the conflict into which he has dragged us. He refuses to change course, but more of the same cannot any longer be an option. We must extricate ourselves from a sectarian civil war which is bleeding our military every single day. This bill will begin the responsible redeployment of US forces out of Iraq within 120 days, and complete that deployment by April 1, 2008. On that date, we will have been in Iraq for more than 5 years.

Mr. Speaker, I commend Chairman SKELTON for bringing this resolution before us and I urge its adoption.

Mr. LEVIN. Mr. Speaker, I rise in support of the rule and urge my colleagues to support the bill.

It has become painfully obvious that the White House is incapable of changing course in Iraq. The Bush administration's talking points about the situation in Iraq change from week to week, but the fundamental strategy remains the same. The President is determined that our troops will remain in Iraq no matter what.

The latest White House talking points are aimed at getting the American people to believe that the surge in Iraq just began a couple weeks ago, instead of 6 months ago. In fact, the President announced the surge back on January 10, and the troop escalation began in early February.

The White House is emphasizing today that it finds that Iraq is making "satisfactory" progress in some areas, such as the cooperation between U.S. forces and tribal sheiks in Anbar province as well as the formation of a Constitutional Review Committee, although the constitutional review itself is not complete. The reality is that the Iraqi Government has not approved a law to share Iraq's oil wealth. It has not enacted legislation to reform the De-Ba'athification laws. It has not disarmed the militias. It has not made progress on ensuring that Iraqi Security Forces are providing even-handed enforcement of the law. It has not made progress toward increasing the number of Iraqi Security Forces units capable of operating independently. It has not made satisfactory progress toward establishing a date for provincial elections.

In the past 6 months, nearly 600 of our troops have died. More than 13,000 Iraqis have died. The level of violence in Iraq has not decreased. The violence and attacks have simply shifted away from places where our forces are concentrated.

Six months into the surge, there is no indication that the Iraqis are coming together to make the political decisions necessary to end the sectarian violence that is tearing their country apart. Time has shown that whatever small chance there is of the Iraqi factions coming together, it will not happen as long as the U.S. military commitment in Iraq remains open-ended. We need to change course. The bill before the House does just that. It requires the Department of Defense to begin a phased and orderly redeployment of our combat troops from Iraq starting in 120 days of enactment, with the troop reduction to be complete by April 1, 2008. No other way has worked to convince the Iraqis that they need to step up and reach a political settlement to end the sectarian violence.

Mr. FARR. Mr. Speaker, I commend my good friend and colleague, Armed Services Chairman IKE SKELTON, for authoring H.R. 2956, the "Responsible Redeployment from Iraq Act." the Democratic Congress has drawn a line in the sand with this bill. It requires accountability from the Administration that the American people demand and deserve: Stop the open-ended commitment in Iraq; stop the surge; and, stop sending our brave men and women in uniform to fight a "winnable" war. We have given this Administration enough time, enough U.S. blood, and too much hard-earned American dollars.

Let's call this war what it is—a civil war.

The solution for Iraq is not military. The solution for Iraq is political and diplomatic. We must once again engage our allies and Iraq's neighbors to renew a quest for a peaceful solution in Iraq. I urge my colleagues to support

H.R. 2956. Support our valiant troops by voting to bring them home. Now.

Mr. MITCHELL. Mr. Speaker, in January, Iraqi Prime Minister Nouri al-Maliki publicly committed to meeting a set of benchmarks, including quelling sectarian violence, disarming sectarian militias and developing a plan to share oil revenues equitably among all Iraqis.

In May, Congress, in a bipartisan way, made clear that the Iraqi government should be held accountable for meeting those benchmarks and required the President to report on the Iraqi Government's progress in meeting those goals.

That report, which was released today, demonstrates the President's surge is failing and that the Iraqi Government is failing to meet the benchmarks it agreed to meet 7 months ago.

The Iraqi Government has not moved toward national reconciliation. This morning, we learned that Director of Central Intelligence General Michael Hayden, an accomplished four-star general, told the bipartisan Iraq Study Group 8 months ago that Iraq's leaders are "unable to govern."

Now, the inability of the Iraqi Government to govern seems irreversible. If there is no functioning government in Iraq, how do we expect to fix the problems in that country militarily?

We continue to see the serious consequences that result from that inability to govern. Sectarian violence has not been quelled; it continues to escalate. Sectarian militias have not been disarmed; they continue to wreak havoc. There has been no progress on a plan to share oil revenues equitably among all Iraqis.

The situation is rapidly deteriorating and American troops are caught in the crossfire.

Continued U.S. involvement in Iraq must be contingent on the Iraqi Government keeping its word. Benchmarks without accountability are not benchmarks at all. They are blank checks. And I refuse to allow the Iraqi Government, or any government, to have a blank check on American lives.

The time has come to redeploy American troops from Iraq and reduce the U.S. military role in Iraq. We must do so in a responsible way that will help us better meet our strategic objectives and renew our fight against global terrorism.

I am convinced that this course, combined with stepping up our diplomatic efforts, provide the best opportunity to achieve our strategic objectives, reduce sectarian violence and force Iraq's leaders to get serious about Iraqi reconciliation and stabilization efforts.

As their failure to meet the benchmarks clearly illustrates, Iraq's leaders are unwilling and incapable of moving toward national reconciliation. If the United States allows the Iraqi government to have an open-ended timetable to meet these benchmarks, and demands no accountability, our troops may literally be in harm's way forever. We cannot continue to allow the safety of our troops to be placed in the hands of Iraqi leaders who have failed to keep their word or are incapable of meeting their obligations.

Make no mistake: The deteriorating situation in Iraq is not a result of military failure. Our nation's armed forces crushed Saddam Hussein's regime in one of the most complete and impressive military victories in the history of our country.

The disaster in Iraq is a result of the Bush Administration's failure to plan and failure to listen. It is a result of misplaced trust in the Maliki government. It is a result of mismanagement and incompetence.

Even worse, the administration's failed policy in Iraq has limited the success of our mission in Afghanistan, and hindered our ability to destroy al Qaeda's international operations. As a result, U.S. intelligence analysts say al Qaeda is the strongest it has ever been since the September 11, 2001, attacks. We must renew our commitment to leading the fight against global terrorism and destroying al Qaeda.

Our Nation is at a critical crossroad in Iraq, and Congress has a difficult choice to make. But one thing is clear: Staying the course is not an option. We can ill afford to continue down the same course of failure that has undermined our mission in Iraq, and undermined our ability to protect our Nation from terrorist threats.

Mr. HOLT. Mr. Speaker, I rise in support of this bill. If enacted, this act would compel the President to begin redeploying our troops from Iraq not later than 120 days after it becomes law. It creates the appropriate framework and mechanisms for ensuring an orderly withdrawal of our forces, and it puts the responsibility for Iraq's security where it belongs—on the Iraqis.

But once again, the President has declared—long before this bill was brought to the House floor—that he would veto it or any other measure that attempted to correct his failed policy in Iraq. He has become intransigent and disconnected from the reality on the ground in Iraq, and indifferent to the will of the American people.

The President's much-vaunted "surge" has been underway for 6 months now, and the results are obvious: Iraq is no less violent and chaotic than before the "surge" began. Indeed, American casualties—both killed and wounded—have been on the rise for nearly a year, long before the surge started. By pouring more troops into Iraq, the President has simply given the insurgents more targets to shoot at.

Perhaps, even worse, he is ruining our ability to work with other countries to foster peace in the Middle East, and he is fanning the flames of a conflagration that is now likely to engulf other countries around Iraq.

The President's refusal to change course in Iraq is an enormous injustice to the brave Americans he has put in harm's way. Our troops accomplished the goal of removing Saddam Hussein from power more than 4 years ago. They accomplished the mission that they were given—and then were given another mission for which they were not provided the proper equipment and resources: being forced to act as referees in Iraq's growing civil war. Our troops deserve better.

Moreover, the President and his advisors have continued their well-established pattern of moving the goal post on his Iraq policy. Every year, the Congress has been told that Iraq's security forces would be ready to assume responsibility for their country's security in 12 to 18 months. And every time we reached that 12 to 18 month benchmark, the Administration would reset the goal post another 12 to 18 months down the road. The American people have had enough of this bait-and-switch game. Iraqis must accept responsibility for their country's future.

Indeed, the President's troop increase has played into the hands of Iraq's current government, which continues to claim that the additional American forces are needed to quell the violence—without mentioning that it is Prime Minister Maliki's own policies that are helping to fuel that violence. Prime Minister Maliki's refusal to purge his security forces of militias and sectarian death squads is a prime reason why Sunni insurgents continue their attacks against Iraq's security forces. Prime Minister Maliki's refusal to compromise on the distribution of power and oil revenue among Iraqis is why the insurgency has only gained in intensity over the past year. How long will we continue to provide military and financial support to his corrupt and ineffectual government? How much longer should our brave fighting men and women serve as referees in the middle of a spreading civil war?

If passed, this bill would compel Iraq's leaders to face the fact that we will not continue to indefinitely provide for their country's security with the lives of America's military men and women, and that they must take the necessary political steps needed to end the violence. It is for all of these reasons that I urge my colleagues on both sides of the aisle to support this bill.

Mr. STARK. Mr. Speaker, I rise in support of ending the War in Iraq.

Last November, the American people demanded a new direction for Iraq. Today, the new Democratic Congress is taking a concrete step toward bringing our troops home.

The Responsible Redeployment from Iraq Act sends a loud and clear message to President Bush. It requires the President to begin withdrawing American forces in the next 120 days and to complete the transition to a limited presence by April 1, 2008.

This legislation is an important and historic step forward, but it does not go far enough. I support the immediate withdrawal of all American troops.

Not next year. Not next month. Today.

I oppose additional funding for the war because the situation in Iraq isn't getting better, it's getting worse. Since Bush announced his intent to escalate the war and deploy an additional 20,000 American troops, 600 have been killed and more than 3,000 have been wounded.

And for what? The administration just acknowledged in a congressionally mandated report that since the "surge," there has been little to no progress on a host of political, security and economic benchmarks proposed by the President himself.

In total, the war has taken the lives of more than 3,600 American service men and women and injured more than 26,000. Countless innocent Iraqis have been killed or maimed.

This loss of life is obscene and must stop.

I urge my colleagues to join me in supporting H.R. 2956 and commit to withholding additional money for Iraq when Congress debates the next war funding bill in September.

Mrs. CHRISTENSEN. Mr. Speaker just a little over a week ago I traveled to Fort Bragg in North Carolina to see yet another 100 men and women of the Virgin Islands National Guard off to Iraq.

Among those who left on Sunday and are now deployed, there are several who are doing their second tour as well as a father and his daughter.

It was not easy, but I put my best face forward while there because I knew that it was much harder—extremely difficult—for their families.

Mr. Speaker, the only reason I could smile and be upbeat in my message to them is because I knew Democrats would be here today, passing this measure to set a time limit for our troops to be deployed in Iraq and to begin their return home.

And so Mr. Speaker, I rise to support this resolution as the first step to ending U.S. involvement in the civil war that Iraq has become. And I will be here in full support on the efforts that will follow to close Guantanamo and to ensure that the White House responds in a timely and appropriate manner to what they are being directed to do in H.R. 2956 today.

And I hope we will insist that he does so long before January 2008.

Mr. Speaker, I want to take this opportunity to once again applaud your leadership and that of Chairman IKE SKELTON.

Because of H.R. 2956, "The Responsible Redeployment from Iraq Act", and the measures that will follow, I am confident we will see a day, in the not too distant future, when no other American or son or daughter of our allies will die for a war we cannot justify.

Ms. KILPATRICK. Mr. Speaker, the Greek historian Herodotus is often called the "father of history." In his work, The Histories, he attempted to chronicle the origin and outcome of the Greco-Persian War so that future generations could learn from experience. Unfortunately, for the men and women in Iraq and their families and for the American people, President Bush refuses to use what we have learned to revise our strategy for Iraq, redeploy our troops, and refocus on the priorities and protection of America's families.

The President continues to insist that America's involvement in the war in Iraq is an integral part of the war on terrorism. The Iraq Study Group, among other objective observers, repeatedly refuted this statement. Perhaps worse than this statement is that, despite the President's claims, the evidence indicates that progress is not being made in Iraq:

America's families unjustly continue to bear the burden of war; they have paid the price with the loss of 3,600 lives and with injuries to 26,000 service men and women. The order of nature has been violated—fathers and mothers are burying their sons and daughters. How many more of our loved ones will pay the ultimate sacrifice for the freedom of others?

America's families have paid more than $450 billion in taxes that have been use to fund failure instead of our future. We build stronger families and a stronger America when we provide our citizens with access to quality education, affordable housing and healthcare, well-paying jobs, and financial security. How much more will we spend before we realize that the very foundation of our future has crumbled beneath our feet?

The Iraqi Government has failed to meet critical benchmarks endorsed by the President in January. The President has said, "when they stand up, we'll stand down." The Iraqis have not amended their Constitution, passed an equitable oil sharing law, reformed laws to provide government jobs to former members of the Ba'ath Party, or held provincial elections. When are the Iraqis going to stand up?

Seventy percent of Americans support withdrawing almost all U.S. troops from Iraq by April 2008; half do not believe that the increase in U.S. forces since January of this year has made a difference. In addition, several Republicans have joined Democrats in calling for a new direction in Iraq. However, the President continues to wage a war with complete disregard for the concerns of the American people and the counsel of military leaders. When will the President connect the dots and see that the picture he has drawn is not a pretty one?

The Iraq Study Group stated that the use of the military in Iraq has passed; it is time for diplomacy to take place. Regrettably, diplomacy has not been seriously considered by the President, and internecine warfare and outright civil war has filled the vacuum of this viable option in Iraq. Also, the refugee problem in Iraq has worsened the situation in the Middle East; to date, the United States has taken in less than 200 refugees from Iraq after promising to take in thousands. Why haven't we taken in more refugees or fully allowed diplomacy to bear fruit?

These are among the many reasons why I support H.R. 2956, the Responsible Redeployment from Iraq Act. I have opposed this war from the beginning and have been engaged in a continuing fight to change course. While our troops have performed heroically, violence remains high, and we must remove them from harm's way; we must require Iraqis to take responsibility for their own fate, and we must refocus on investing in America's families. This legislation—which is consistent with the advice of military and foreign policy experts, ensures the safety of our men and women in uniform, addresses our commitment to fighting terrorism, and reflects the will of the American people—allows us to do just that. This bill:

Acknowledges that our military has accomplished the mission they were given in the original 2002 authorization to use force and that Iraq is now responsible for its own future.

Requires American forces to begin redeploying within 120 days and to complete the transition to a limited presence by April 1, 2008.

Reiterates that the redeployment must be done in a safe and orderly way, with maximum attention paid to the protection of American forces.

Requires a comprehensive strategy by January 1, 2008, for U.S. policy in Iraq, including a discussion of American national security interests in Iraq and the broader region, the specific missions remaining forces would undertake, and minimum force levels required to accomplish them.

Names specific missions that the President must consider, but it does not require or authorize those missions.

Requires the President to submit updates on the use of and need for any forces remaining in Iraq every 90 days starting on July 1, 2008.

Dag Hammarskjold, a Swedish statesman and United Nations official, once said, "There is a point at which everything becomes simple and there is no longer any question of choice, because all you have staked will be lost if you look back. This is life's point of no return." Certainly, the President and administration have reached that point. For them, the decision to stay the course is simple because it is too difficult to admit failure. However, as the representative for 670,000 of God's best in Michigan's 13th Congressional District, I am willing to make the hard choices. I believe the majority of my colleagues are, too.

The President can no longer afford to let his pride get in the way of making the right decision. Our troops, our families, our international reputation, and our future are at stake.

In the Bible, we read in Chronicles 7:14 that "If my people, which are called by my name, shall humble themselves . . . and turn from their wicked ways; then will I hear from heaven, and . . . will heal their land." The international community—the billions of us who inhabit our home of planet earth—are children of God. We must learn to walk in the light and in love. It is out of my love of God, my love of the Constitution, my love of this country, and my love of my constituents, that I ask my colleagues to join me in support of the Responsible Redeployment from Iraq Act.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today we take a firm stand against the President's tragic war policy in Iraq. Today we vote on H.R. 2956—the Responsible Redeployment from Iraq Act.

This legislation is another appeal to a tone-deaf administration that our current path in Iraq is failing. The American people have had enough. They have had enough of the needless bloodshed; they've had enough of the misleading explanations; they've had enough of the broken promises; they've had enough of the lack of vision from this President.

The President's policy is based on false pretenses, for which there are now only imperfect options. After losing more than 3,500 of our servicemembers, and spending close to half a trillion dollars, it is time to bring our troops home. I salute the courage and professionalism of our soldiers who have served our country in Iraq. They overthrew an authoritarian regime and captured a dictator. Now it is time for our commander-in-chief to bring them home. The ongoing instability in Iraq is a political problem that requires a political solution.

To continue to ask our service men and women to make the ultimate sacrifice for this misguided policy is simply immoral. I urge my colleagues to join me in supporting this legislation because we must bring our troops home.

Mr. CARDOZA. Mr. Speaker, I rise in support of the Responsible Redeployment from Iraq Act.

It is long past time for a change of direction in Iraq. For far too long, this institution merely acted as a rubber stamp and never asked the hard questions necessary of the Administration.

That begins to change today. The passage of this bill will require the Administration to confront the consequences of their bad choices and, more importantly, set us on a responsible path for ending our involvement in Iraq.

This legislation would begin the responsible redeployment of U.S. troops within 120 days and complete redeployment by April 1, 2008. In addition, troops could remain in Iraq for the limited purposes of fighting terrorism or to train Iraqi forces.

This bill is a measured response to the quagmire we find ourselves in. As has been clear for some time, Iraq is currently engulfed in a vicious civil war. This strife between Sunnis and Shiites goes back 1400 years and the American people never signed up for refereeing a civil war.

Moreover, this bill expressly allows for our troops to remain in the region for the purposes of fighting terrorism or to train Iraqi forces.

Our enemy in this conflict is Al Qaeda. They are the ones who attacked us on 9/11, they are the ones who declared war on the United States, and they are the ones we were told were in Iraq. This bill allows our troops to do whatever is necessary to root out Al Qaeda and ensure they will not be able to use Iraqi territory as a safe haven.

Moreover, by augmenting our ability to train Iraqi police forces, this bill places the onus for Iraqi security squarely where it belongs—on the Iraqis themselves. This Administration has only given lip-service to the importance of training Iraqi soldiers and has allowed the bulk of the security responsibility to rest on the shoulders of our brave American men and women.

This is not only unfair, it is counterproductive. We keep hearing—"we'll stand down when the Iraqis stand up." This bill, by beginning the belated shift of responsibility from the American military to the Iraqis, will finally force the Iraqis to stand up.

As many have said, the problem of Iraq will not be solved militarily. No less than our military commander in Iraq—General Petraeus—has said that Iraq will not be solved with military means. Only by engaging the full weight of our diplomacy we will be able to force the political compromises necessary that will bring some measure of stability to Iraq. This bill, by redeploying our troops and thus signaling our recognition of the importance of diplomacy, will finally put the Iraqis on a path towards peace.

The time is now. The American people are clamoring for a change in our Iraq policy and, despite the recalcitrance of the Administration, a change in policy will come. After close to 5 years, billions of dollars spent, thousands of our soldiers dead, maimed, or wounded—we simply must chart a new course.

As always, this Congress stands ready to work the President to find a bipartisan solution to Iraq. However, veto threats and refusals to deal with the reality on the ground are no longer tolerable. We must all negotiate an end to this conflict in good faith with a clear and honest recognition of the challenges we face. For my part, I stand ready to work with my colleagues to engage in such a constructive dialogue.

Mr. Speaker, let's end this. Let's bring our soldiers home and thank them for a job well done. Let's pass the Responsible Redeployment Act.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 2956, and I appreciate the fact that we are again addressing this important issue today. I want to start by recognizing the ongoing sacrifices and tremendous bravery of the men and women of our armed forces. Their dedication inspires us all and we owe them a debt of gratitude.

Very simply put, it is time to bring our troops home. The effort they are making has not been met by the Iraqi government, and there is no reason to believe that the situation is going to improve there in the foreseeable future. The various reports we have received just this week underscore this point. As I have said for some time, we are beyond the point of being able to impact events in a meaningful way militarily. The political decisions that the Iraqis need to make will not be made as long as our soldiers are there, and I seriously doubt they will be made when we are gone. All we are doing is letting an untenable situation drag on, with our soldiers caught in the crossfire. We are spending over $329 million every day in Iraq. That is a staggering sum of money. We can redirect that money to better fighting the war on terror and also addressing important domestic initiatives.

Mr. Speaker, I did not vote to authorize this war, I did not vote for the troop surge and I have voted for a time line to bring our troops home. The vast majority of the American people see that the President's dream for Iraq is not going to happen. They want him to wake up and face reality. This bill provides a plan on how to do that. I support the approach in this bill, and I urge my colleagues to join me in voting for it.

Ms. McCOLLUM of Minnesota. Mr. Speaker, once again the new majority in the U.S. House of Representatives is calling on President Bush to change direction in Iraq and take the steps necessary to bring America's servicemen and women home from an Iraqi civil war we should not be fighting. The Responsible Redeployment from Iraq Act, H.R. 2956, is legislation that directs the President to commence redeploying U.S. troops with April 1, 2008, as a target date for completion of the transition. I strongly support H.R. 2956 and would like to commend the efforts of Chairman SKELTON and his staff for the leadership to bring this bill before the House.

It is clear that the majority of Members of this House, the overwhelming majority of Americans, and most of the world recognize that the on-going war in Iraq has been a disaster for the U.S., for the people of Iraq, and for security and stability in the entire Middle East. It is time for an exit strategy that allows U.S. troops to come home while transferring responsibility to Iraqi political leaders and their security forces to ensure the future of their country.

After 52 months—more than 4 years—of American troops in Iraq there can be no doubt about the commitment and sacrifice these brave men and women have offered our Nation. While their comrades continue to fight in Iraq, some 2,600 Minnesota National Guardsmen and women are now returning home after 15 months of service. They are heroes who have done the job they have been asked to do by their commanders. Our Nation is proud of these Minnesota troops and we are also proud of their families who sacrificed as well.

Unfortunately, while U.S. troops fight for Iraq's future there is a tremendous failure on the part of Iraq's political leadership to make the sacrifices necessary to create a political environment that could lead to stability and security. Sectarian tensions are too often promoted by political leaders which directly or indirectly lead to violence and killings of innocent civilians, far too frequently in the most brutal fashion. If political leadership and institution building on the part of the Iraqis are the essential components that will create an environment in which easing of sectarian tensions and stability can take hold, then the Bush administration has failed completely.

In Iraq, car bombings, suicide bombers, roadside bombs, sectarian executions, kidnappings and assassinations are all daily events that I regret to say are now normal for those of us who read any American newspaper. From the safety of thousands of miles away this is a tragedy for the Iraqi people and for those coalition forces trying to achieve their mission. For many of us it is also a tragedy because the war was manufactured by an American President who now appears to be completely out of touch with the dimension of the disaster he has created. Rather than rationally disengaging from the escalating violence inside Iraq, President Bush has escalated the U.S. presence with a "surge" strategy that in turn has cost more American lives.

Adding 30,000 U.S. troops since the beginning of 2007 has done nothing to change the fact that it is Iraqis who need to take control of their own country and confront the. forces, including terrorists, militias, sectarian police, soldiers and politicians, that continue to eviscerate, day-by-day, their own nation. If President Bush added 100,000 more U.S. troops I am unconvinced that any change in the current situation would take place. Only a political solution can unify Iraqis in a manner that will allow them to focus their energy and resources on building a nation and ending the bloodshed.

The President's refusal to understand that Iraq is now damaging America—our military, our standing in the world, and the lost opportunities at home—is alarming. The fact is the Bush administration's actions in Iraq have resulted in far more harm, cost and pain to the U.S. than Saddam's regime ever could have inflicted on our Nation. Yet, the President's defenders in Congress and in the media continue to urge a "stay the course" strategy while invoking the name of Gen. David Petraeus as if he can singlehandedly erase four years of mistakes and ineptitude. General Petraeus is an excellent soldier and a talented leader, but he is not a miracle worker.

The time has come to for a rational, strategic plan to bring our troops home from Iraq and H.R. 2956 provides sound direction. The U.S. has interests in Iraq and the region which we must defend using our diplomatic, economic and military resources. We need to engage to a much greater extent with neighboring countries and the global powers to affect change inside Iraq. All this can be done while the 160,000 U.S. troops in Iraq are being withdrawn.

While I will vote for H.R. 2956 and I expect it to pass this House) I am also under no illusion that my Republican colleagues will vote against putting in place a strategy to bring our troops home. I have no doubt that President Bush would veto this legislation if it were to pass the Senate and be sent to the White House. Like the situation in Iraq, change cannot occur with regard to our policy in Iraq unless a political solution can be achieved in Congress with a veto proof majority of Members of the House and Senate. The American people must use their voice and put the pressure on House and Senate Republicans to support commonsense, responsible legislation, like H.R. 2956, which will put America's interests ahead of the President's hopelessly uncompromising commitment to a war without end in Iraq.

Finally, I want to commend Speaker Pelosi for her tireless leadership and commitment to ending the war in Iraq while always working to advance America's interests. The Speaker knows our Nation's security is paramount and the policies of the current Administration have put America at risk. Her continued leadership will ultimately result in Americans coming home safer and sooner from Iraq.

Mr. AL GREEN of Texas. Mr. Speaker, I urge my colleagues to support H.R. 2956, the Responsible Redeployment from Iraq Act. This legislation requires a responsible redeployment of U.S. troops beginning within 120 days of enactment and ending by April 1, 2008. Additionally, this bill requires the President to publicly justify the post-redeployment missions for the U.S. military in Iraq and the minimum number of troops necessary to carry out those missions.

Madam Speaker, we have sacrificed the lives of more than 3,609 soldiers and 26,695 wounded Americans, many with injuries from which they will never recover. We have a moral obligation to start the process of bringing our troops home, on our watch. A troop reduction will set our country in the right direction.

After more than 4 years of fighting, $442 billion spent, and thousands of American and Iraqi lives lost in this war, the war in Iraq has evolved into a conundrum of massive proportions. American money, in the amount of almost $330 million per day, is being spent on the war. Distinguished colleagues, this adds up to more than $10 billion per month.

I believe history will regard the decision to go to war in Iraq as a tragic mistake, especially when we realize the cost of this war. The House of Representatives has authorized $39.8 billion for the Department of Homeland Security for fiscal year 2008. The United States government will approximately spend that same amount in Iraq within a span of only 120 days.

The Administration's decision to increase the number of troops in Iraq has added to the already tremendous strain on our military personnel and their families. Both President Bush and General David H. Petraeus, commander of U.S. forces in Iraq, have repeatedly said that there is no military solution to Iraq and that the sectarian strife and the insurgency can be resolved only by the Iraqi government. Simultaneously, the personal lives of our troops have been devastated by unexpected early deployments or unexpected delays in their homecomings. Consequently, we have a moral obligation to get our troops out of Iraq with the same determination that got them into Iraq in the first place.

While our Administration's attention has been on Iraq, 6 years after the Bush administration declared war on al Qaeda, the terrorist network is gaining strength and has established a safe haven in remote tribal areas of western Pakistan for training and planning attacks. The most recent National Intelligence Estimate (NIE) concludes that al Qaeda is growing stronger. The report states that al Qaeda may now be a stronger terrorist organization now than it was just a year ago, and may be back to its pre-9/11 strength and reach. Meanwhile, as Osama bin Laden operates freely along the Afghanistan-Pakistan border, the Administration wants to keep our troops in an open-ended Iraqi civil war. The same administration report concludes that the terrorist group has significantly rebuilt itself despite concerted U.S. attempts to smash the network. Interestingly, while the Administration has escalated our involvement in Iraq, al Qaeda has gained more training, more money, and enhanced their communications.

In addition, according to the Bush Administration's own assessment, the Iraqi government achieved only eight of 18 political and security benchmarks, a mixed rating on two and an unsatisfactory rating on eight benchmarks in a White House report prepared for Congress. The Administration has borne witness to the fact that we cannot continue to support the Iraqi government while the Iraqi government fails to achieve even moderate success. Therefore, it is time for them to determine their own destiny. We can continue to extend the hand of friendship, but we have to handover the country to them. Iraqis must take control of their streets, their towns, and their country so we can bring our troops home.

Mr. Speaker, it is now time to require the President and the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence and begin to bring our troops home. I urge my colleagues to support H.R. 2956, the Responsible Redeployment from Iraq Act.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in March 2003 the United States set out, with the overwhelming support of the American people, to remove Saddam Husein from power and establish a stable democracy in Iraq that would no longer threaten our nation or its neighbors. Coalition forces led by the finest military in the world, quickly accomplished the first goal. Unfortunately the conflict did not end at that point.

Future generations of military scholars will use this administration's conduct of military, diplomatic and reconstruction efforts in Iraq between June 2003 and November 2006 as a case study in how not to fight a war. The American people are justifiably disillusioned with almost every aspect of the conduct of our operations in Iraq for the past four years. The near sole exception to this disappointment is the pride which all Americans share in the dedication, professionalism and sacrifices of our men and women in uniform.

Time does not permit a full catalogue of errors, nor would a demonstration of 20–20 hindsight provide a positive contribution to this discussion. It is sufficient to recognize that by March 2006 forward thinking members of Congress recognized the need for a change of direction and asked the United States Institute of Peace to form an Iraq Study Group, ISG, to conduct a forward-looking, independent assessment of the current and prospective situation on the ground in Iraq, its impact on the surrounding region, and consequences for U.S. interests.

On December 6th 2006, the Iraq Study Group presented a report to Congress containing 79 specific recommendations in support of three broad equally important strategies designed to reinforce each other:

A change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly.

Prompt action by the Iraqi government to achieve milestones—particularly on national reconciliation; and

New and enhanced diplomatic and political efforts in Iraq and the region. Significantly, the ISG specifically rejected proposals for a precipitous withdrawal of U.S. combat forces or a major sustained increase in troop levels.

Unfortunately; the ISG report recommendations, which I immediately endorsed, was equally immediately rejected by both advocates of withdrawal and proponents of continued engagement. President Bush announced plans to "surge" 21,500 combat troops to Iraq and Democrats in Congress announced plans to cut off funding for the troops in the field unless the President agreed to an almost immediate withdrawal. I opposed both of these policies when they were announced, oppose them now and will continue to oppose them in the future.

President Bush and the Democrats in Congress both need to step back from their respective ideologically driven positions and focus on developing bipartisan legislation, based on recommendations of the Iraq Study Group, that will refocus U.S. operation in Iraq on helping the Iraqi people reconcile with each other and achieve a level of internal security that will make our continued presence unnecessary. We must shift the emphasis of U.S. military efforts from conducting combat operations to training the Iraqi security forces. We must demand that Iraqi government leaders set aside their sectarian differences and cooperate in governing their country for the greater good of all its citizens. Finally, we must work with governments in the region to eliminate the external threats to Iraqi security, particularly the foreign terrorists infiltrating from Syria and Iran.

Both President Bush and the Democrat leadership have paid lip service to the recommendations of the Iraq Study Group while steadfastly avoiding or actively opposing any effort to actually implement them. In early January 2007 President Bush took a single line in the ISG report regarding possible support for a SHORT TERM redeployment of U.S. combat forces to stabilize Baghdad and used it to justify a long term escalation of troop levels by over 20,000 soldiers. I immediately joined with several of my colleagues in sending a letter to the President expressing our opposition to this policy and shortly thereafter voted in favor of a Congressional resolution disapproving the surge. At almost the same time, the democrats in Congress seized upon another line in the ISG report acknowledging the United States should not make an open-ended commitment to keep large numbers of American troops deployed in Iraq and used it to justify a series of resolutions to cut off funding for the troops in the field. I have voted against each and every one of these efforts.

Neither President Bush nor the Democrats in Congress has ever made any serious effort to implement the ISG recommendations. In fact, the Democrat leadership in the House has consistently used a series of parliamentary maneuvers to prevent the subject from even being discussed. On June 6, 2007, I joined 45 of my colleagues as an original cosponsor of H.R. 2574, legislation to implement the recommendations of the Iraq Study Group. This legislation would establish as United States policy:

A new diplomatic offensive in the region that includes the creation of the Iraq International Support Group;

Giving the highest priority to training, equipping and advising the Iraqi military and security forces;

Assessing the full budgetary and personnel impact of the war in Iraq on the U.S. military;

Accelerating and increasing oil production and accountability including equitable distribution of oil revenues in Iraq;

Implementing and oversight of economic reconstruction programs in Iraq with the creation of a new Senior Advisor for Economic Reconstruction;

Ensuring that the President includes the cost of the war in his annual budget request; and

Setting conditions that could lead to redeployment of U.S. combat brigades not needed for force protection as early as the first quarter of 2008 if diplomatic, infrastructure and security benchmarks are met.

Last night I joined with Congressman WOLF to ask the Rules Committee to make in order an amendment that would substitute the proposals in The Iraq Study Group Recommendations Implementation Act for the fatally flawed language in H.R. 2956. On the directions of the Democrat leadership the Rules committee refused to even allow discussion of these proposals by voting 9–4 along party lines to not allow our amendment.

In the absence of cooperation between President Bush and the democrat leadership in Congress, our enemies have been emboldened and our allies have become discouraged. Sectarian violence continues to plague the Iraqi people. Iranian special operations forces are openly training insurgent forces, Turkey has massed nearly 140,000 troops on Iraq's northern border and Syria continues to serve as a conduit for both illicit arms and foreign fighters. Meanwhile the democratically elected Iraqi government, in which our leaders took such pride just 18 months ago, has degenerated into a state of near paralysis. President Maliki becomes increasingly more marginalized with each passing day. The various ministries are riddled with corruption, incompetence and tribal rivalries. Finally, the Iraqi parliament has become so terrified of retribution they refuse to enact, or even vote on, any legislative proposal that cannot command the support of 100 percent of all sectarian leaders. This is a recipe not for progress but for disaster.

Under these circumstances, the democrat leaders in Congress bring us a partisan political statement masquerading as a not very substantive legislative proposal. I for one refuse to participate in their tawdry charade and will therefore vote NO on this legislation.

Mr. WYNN. Mr. Speaker, I rise in support of this resolution. Our continued engagement in Iraq is obscene and pointless. We went into Iraq to thwart the development of weapons of mass destruction, then to effect regime change of a ruthless dictator, then to promote the establishment of a democratic government, then to our currently sad assessment that we cannot leave because it will result in a catastrophe—and now we find ourselves serving as policemen in the middle of a civil war.

The Administration can no longer deny, after 3,611 American soldiers dead, over a thousand American contractors dead and over twelve thousand wounded, an estimated 50 thousand or more Iraqis dead, and 12,014 Americans severely injured and countless American families disrupted, that to continue down this path is both irresponsible and tragic.

We cannot resolve the Iraqi civil war. We cannot prop up a government that refuses to lead, and despite Vice President CHENEY's fondest wishes, we will not be able to control Iraqi oil. It's past time to bring our troops home.

What about the aftermath of our leaving? The Shiite and Sunni in turn will have to look at each other and ask, now that the United States is gone what do we do? They can either continue killing each other or work for peace. The United States must disengage militarily, but we cannot abandon the Iraqi people. After our departure, the United States must work to assist Iraqis and the Muslim countries in the region to develop a peace process. I am confident the Iraqi people want peace, and neighboring countries don't want the sectarian conflict to spread across the region. Currently, we are an impediment to peace.

The United States should continue to provide humanitarian support and aid for reconstruction for schools and hospitals, with increased Congressional oversight. We must also support an Iraqi peace process, brokered by the parties in the region or respected 3rd party religious leaders or the U.N. However, the United States does not have the credibility to broker such a process. It is time for the United States to get out of the way and become part of the solution instead of part of the problem.

It is time for United States to bring American troops home from Iraq.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to recognize the steadfast friendship between the United States and Israel and to express support for Israeli soldiers held captive by terrorist organizations.

July 12, 2007 marks the one year anniversary of Hezbollah's infiltration into northern Israel, and it is a stinging reminder of Hezbollah's attack that sparked the bloody conflict between Israel and Hezbollah in southern Lebanon.

For the past year, three Israeli soldiers have been away from their families, held captive by terrorist organizations. Ehud Goldwasser and Eldad Regev were kidnapped by Hezbollah in the attack on July 12, 2006, and Gilad Shalit was abducted by Hamas on June 25, 2006 near the Gaza Strip.

Gilad Shalit is the youngest of the three men at the age of 20. He began his service in July of 2005, and volunteered to work in a combat unit. Shalit loves math and sports. Ehud Goldwasser, 31, is always willing to lend a helping hand. Passionate about photography, sailing, and the environment, Goldwasser is recently married and looks forward to starting a family. Eldad Regev, 26, is a law student at Bar Ilan University. Regev enjoys soccer, music, and reading. The families and friends of these talented young men look forward to their safe return.

Since its independence in 1948, Israel has continuously struggled to protect its citizens and ensure the safety of its men and women in uniform. As a Member of Congress, I recognize the bond between the United States and Israel and support the Israeli people on this solemn anniversary.

Mr. TIAHRT. Mr. Speaker, I rise today in opposition to H.R. 2956, the so-called "Responsible Redeployment from Iraq Act." This legislation is short-sighted, dangerous, and will not bring our Nation closer to success or Iraq closer to security. The only likely result would be to appease the anti-war activists and damage the national security of the United States.

Throughout this country, Americans are growing weary with this war. No one likes war, and every loss pains us. Unfortunately the arguments from the anti-war activists are becoming persuasive. These activists have been able to shape the debate on the war by focusing on the number of U.S. military casualties and the level of violence in Iraq. I do not trivialize these issues. Every soldier's death is a horrendous tragedy for our Nation and a family. In the 4th District of Kansas we have lost 11 young men in the Global War on Terror, and we must never forget their sacrifice.

However, focusing solely on these grave issues does not address the most basic question facing our Nation in Iraq. The fundamental question of Iraq is, "what are the consequences of success and failure?" Unfortunately, the consequences of losing this war are rarely discussed, and I fear this legislation will likely be passed by this House. The Democrats are fond of saying that we have "lost" in Iraq. While I do not agree with this assessment, I think they need to answer who we lost to. If we lost, who won? Can the Democrats answer this question, and if they do, can the American people live with the answer? The reality is that this ill-advised approach will have dire consequences on Iraq and the United States.

With the premature withdrawal of American Forces from Iraq this legislation accomplishes the first step in al Qaeda's four-prong plan in Iraq. Starting with forcing the U.S. military out of Iraq and ending with the use of Iraq and the wider Middle East to launch additional attacks on Western governments and the U.S. homeland, al Qaeda has a clear plan for global terrorism. Unfortunately, the Democrats only provide the American people with a clear plan for defeat.

Throughout the Iraq War, the President and his military commanders have continually altered both strategy and tactics to meet the changing threats posed by our enemy. The latest strategy, called a "New Way Forward," was outlined by the President at the beginning of this year. This strategy included an additional 21,500 American troops in order to achieve a six-part strategy, which involves letting the Iraqis lead, isolating extremists, and create space for political progress.

This new strategy acknowledges that the Iraqis must ultimately take responsibility for the security and stability of Iraq while understanding that the Coalition Forces have an integral role in helping to provide security for the country in order to allow the Iraqi government and military to succeed. Since January, steps have been taken to fully implement the New Way Forward plan, and only in the last month have all additional forces finally been put into place.

There is still much work to do, but coalition forces are seeing some early signs of progress from this approach. Sectarian murders in Baghdad are now down from January, and because U.S. and Iraqi forces are living among the people they secure, many Iraqis are now coming forward with information on where the terrorists are hiding. Progress is being made at the local level, including more tribal sheiks joining the fight against al Qaeda, citizens forming neighborhood watch groups, young Sunnis signing up for the army and police, and more Shia rejecting militias.

Although progress is being made, it is certainly not moving at the speed I, nor the American people, want. However, the reality is that the "New Way Forward" strategy has only recently entered full implementation. It has not had a chance for success or failure. To change course at this time will only resolve us to defeat, while not providing us an opportunity to succeed. We must give the "New Way Forward" a chance, and not just resign America and its military to failure and Iraq to civil war and a potential genocide.

The Democrats may not understand the dangers of a withdrawal approach, but the Iraqis do. Hoshyar Zebari, the Iraqi foreign minister, recently said of the dangers of a premature U.S. military withdrawal, "The dangers vary from civil war to dividing the country or maybe to regional wars. In our estimation the danger is huge. Until the Iraqi forces and institutions complete their readiness, there is a responsibility on the U.S. and other countries to stand by the Iraqi government and the Iraqi people to help build up their capabilities."

Mr. Speaker, this is a delicate and dangerous issue. It is essential that we have all the available facts before making decisions on how to move forward towards success. This is why I am looking forward to the September report from General David Petraeus, the U.S. Commander in Iraq, and U.S. Ambassador to Iraq, Ryan Crocker. The progress report will provide essential information on the current situation so Congress and the President can make an informed decision on the next steps in Iraq.

The Democrat plan has real consequences: the likely collapse of the Iraqi state and the creation of terrorist havens. It will embolden the terrorists and endanger the security of our homeland. Now is not the time for knee-jerk reactions. Now is the time for thoughtful consideration, examination of the options and consequences, and creating solutions that will make America more secure, not less. Although patience is not the word Americans want to hear, the consequences are too high to make uninformed decisions prior to reviewing the September progress report. For if we bring the troops home prematurely, we also risk bringing the war home.

Therefore, I ask my colleagues to join with me in opposition to this legislation.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 533, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. WILSON OF NEW MEXICO

Mrs. WILSON of New Mexico. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. WILSON of New Mexico. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Wilson of New Mexico moves to recommit the bill, H.R. 2956, to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SEC. 1. ELECTRONIC SURVEILLANCE.

Section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)) is amended to read as follows:

"(f) 'Electronic surveillance' means—

"(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

"(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States.".

□ 1730

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. SKELTON. Mr. Speaker, I have just received the motion just a few moments ago, and I reserve a point of order against the motion now pending.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to the rule, the gentlewoman from New Mexico is recognized for 5 minutes in support of her motion.

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker.

POINT OF ORDER

Mr. SKELTON. Mr. Speaker, let me make the official point of order, if I may.

Mrs. WILSON of New Mexico. Parliamentary inquiry, Mr. Speaker. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized. He has the right to insist upon the point of order.

Mr. SKELTON. I do insist on it as of this moment, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mrs. WILSON of New Mexico. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. For what purpose does the gentlewoman from New Mexico rise?

Mrs. WILSON of New Mexico. Mr. Speaker, was I not recognized to explain my motion to recommit?

The SPEAKER pro tempore. The gentleman raised a point of order, and he had a right to insist upon the point of order, which he so put to the Chair.

Mrs. WILSON of New Mexico. May I speak on the point of order, Mr. Speaker?

The SPEAKER pro tempore. At the appropriate time.

The gentleman from Missouri.

POINT OF ORDER

Mr. SKELTON. Mr. Speaker, I raise the point of order that the motion to recommit that was just handed to me moments ago, a motion to recommit with instructions, relates to electronic surveillance and is not germane to the bill in front of us, which deals with Iraq, and I claim the point of order that it is not germane and should be stricken.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Mrs. WILSON of New Mexico. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentlewoman from New Mexico is recognized.

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker.

This motion to recommit would do one very simple and vital thing that is critical to the security of this country, more critical than the underlying resolution itself, and I am begging you and pleading with you to take up this issue.

The motion to recommit would do a very simple thing. It would say that the United States can listen to phone conversations of terrorists overseas without a warrant. Why does that matter? It matters because intelligence is the first line of defense in the war on terror, and we are now knowingly operating with our fingers in our ears and our hands over our eyes.

Recent testimony in front of this Congress by Director McConnell——

Mr. SKELTON. Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will suspend.

The gentleman from Missouri.

Mr. SKELTON. The gentlelady is not addressing the point of order. She's giving a closing argument. I urge the Chair to rule that she must confine her remarks to the point of order that I have raised.

The SPEAKER pro tempore. The gentleman is correct.

The Chair reminds the gentlewoman that debate on the point of order must address the point of order and only the point of order.

The gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker.

I am addressing the point of order and why it is germane, and I think that that's important for this House to understand, and I will continue with my explanation.

The SPEAKER pro tempore. The gentlewoman may continue provided the remarks are confined to the point of order.

Mrs. WILSON of New Mexico. My remarks will be confined to the importance of the point of order and its germaneness.

Director of National Intelligence McConnell recently said in testimony to this House that we are actually missing a significant portion of what we should be getting. That is true not only in Iraq and Afghanistan but for the war on terror in its whole.

This is critical to the security of this country.

Mr. SKELTON. Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will suspend.

For what purpose does the gentleman from Missouri rise?

Mr. SKELTON. I urge the Speaker to have the lady confine her remarks to the point of order that is pending before the House.

Mrs. WILSON of New Mexico. Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from New Mexico is once again reminded that the remarks on the point of order must be confined to the point of order.

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker. That is what I am attempting to do.

The question in the point of order has to do with germaneness and the relevance of my motion to recommit to the underlying bill with respect to the Iraq resolution. That is what I'm trying to explain to the House. If my colleague from Missouri would give me a little latitude, I will continue to explain.

Mr. SKELTON. Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is right. The gentlewoman's remarks are not confined to the point of order at issue before this House.

The gentlewoman may address the point of order.

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker.

We have a responsibility in this House to do things that matter, the things that are in our lap and our responsibility. There is something squarely in the lap of this House, and it is our responsibility to deal with the national security matters at hand.

We all remember where we were on the morning of 9/11 and what we were doing, who we were with.

Mr. SKELTON. Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will suspend.

For what purpose does the gentleman from Missouri rise?

Mr. SKELTON. I, again, urge the Chair to request the gentlelady to address the point of order, that this is not germane to the bill regarding Iraq that is before us.

The SPEAKER pro tempore. The gentleman's point is taken.

The gentlewoman is once again advised that the remarks on the point of order must confine themselves closely to the point of order. If not, the Chair will recognize other Members to speak on a point of order. If no others seek recognition, the Chair will rule.

Does the gentlewoman from New Mexico wish to proceed?

Mrs. WILSON of New Mexico. Thank you, Mr. Speaker. I would wish to proceed.

The SPEAKER pro tempore. The gentlewoman is recognized.

Mrs. WILSON of New Mexico. The question of germaneness is very important here. The reality is that this underlying bill deals with an issue of national security vital to this country, and the most important vital issue that this body must deal with today is to make sure we have the ability to listen to our enemies. That is the first line of defense in the war on terror, and that is what we are willfully ignoring.

I would urge my colleagues to vote for the motion to recommit, and if this point of order is sustained, I would ask my colleagues to vote to challenge the ruling of the Chair.

Mr. SKELTON. Mr. Speaker, I respectfully request a ruling on my point of order on the motion to recommit.

The SPEAKER pro tempore. Does any Member wish to speak on the point of order? If no other Member wishes to address the point of order, the Chair is prepared to rule.

The gentleman makes a point of order that the instructions contained in the motion to recommit offered by the gentlewoman from New Mexico are not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a "subject different from that under consideration shall be admitted under color of amendment."

One of the central tenets of the germaneness rule is that an amendment should be within the jurisdiction of the committees whose jurisdiction is reflected in the bill.

The bill, H.R. 2956, was referred to the Committees on Armed Services and Foreign Affairs.

The instructions in the motion to recommit offered by the gentlewoman from New Mexico address the Foreign Intelligence Surveillance Act of 1978, a law within the jurisdictions of the Committee on the Judiciary and the Permanent Select Committee on Intelligence.

Because they address a matter outside the jurisdictions broached by the bill, the instructions in the motion to recommit are not germane.

The point of order is sustained. The motion is not in order.

Mrs. WILSON of New Mexico. Mr. Speaker, I move to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. WILSON of New Mexico. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to lay the appeal on the table will be followed by a 5-minute vote on the question of passage, if arising without further debate or proceedings in recommittal.

The vote was taken by electronic device, and there were—yeas 224, nays 197, not voting 10, as follows:

[Roll No. 623]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono

Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney

McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff

Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom

Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa

Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes

Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns

Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Berkley
Conyers
Cubin
Davis (IL)

Davis, Jo Ann
Jindal
Lowey
Paul

Tancredo
Young (AK)

☐ 1803

Messrs. TURNER, TOM DAVIS of Virginia, SHUSTER, Mrs. MYRICK, and Mr. TERRY changed their vote from "yea" to "nay."

Ms. ZOE LOFGREN of California, and Messrs. ISRAEL, DINGELL, RUSH, and GORDON of Tennessee changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 201, not voting 8, as follows:

[Roll No. 624]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson

Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan

Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa

Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney

McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)

Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)

Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick

Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Berkley
Conyers
Cubin
Davis, Jo Ann
Jindal
Paul
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1813

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore (Mr. WEINER) laid before the House the following resignation as a member of the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

Speaker NANCY PELOSI,
Office of the Speaker,
Washington, DC.

DEAR MADAM SPEAKER: I am writing to officially announce my resignation on this date, Thursday, July 12, 2007, from the House Committee on the Budget, where it has been a true honor to serve.

If there are any questions, please do not hesitate to call me.

Thank you.

Sincerely,

BETTY SUTTON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON THE JUDICIARY

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 540) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 540

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON THE JUDICIARY.—Ms. Sutton (to rank immediately after Mr. Johnson of Georgia).

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1815

PROVIDING FOR CONSIDERATION OF H.R. 1851, SECTION 8 VOUCHER REFORM ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 534 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 534

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1851 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my colleague, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only, and I yield myself such time as I may consume.

GENERAL LEAVE

Ms. CASTOR. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 534.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 534 provides for consideration of H.R. 1851, the Section 8 Voucher Reform Act of 2007, under a structured rule. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

The rule makes in order the Financial Services substitute as an original bill for the purpose of amendment.

The rule also makes in order six amendments printed in the Rules Committee report. Each amendment is debatable for 10 minutes.

Mr. Speaker, many American families are facing a critical housing crunch. The cost of an apartment or home is rising out of sight. But there is good news from a majority of this Congress that keeps fighting for a new direction for America. The reform provided today through H.R. 1851, under this rule, which has bipartisan support, will help families in need of affordable housing.

I would like to thank Housing and Community Development Subcommittee Chair MAXINE WATERS, and Financial Services Chair BARNEY FRANK for their leadership in housing and commitment to our Nation's families.

Our actions today are needed because, over the past few years, the Bush administration has caused great frustration when it comes to housing. The White House eliminated housing opportunities for approximately 150,000 families under a major section 8 funding formula change.

The White House refused to release about $1.4 billion in unused voucher funds for affordable housing. So, Mr. Speaker, instead of homes for many families in need, thousands of families have been placed on waiting lists.

In my hometown of Tampa, Florida, during a 1-week open enrollment session, more than 10,000 seniors, families and veterans indicated a need for housing. But, instead of receiving housing, they were placed on a waiting list. The waiting list takes up to 4 years, and is so long that the Tampa Housing Authority is unable to help others that need it.

Even with this reform bill, Mr. Speaker, the final fair market value rents are in need of adjustment. It's ridiculous and completely unreasonable for HUD to believe that a 3-bedroom apartment in the Tampa-St. Petersburg-Clearwater area is available for just over $1,000. The truth is, those affordable homes and apartments are few and far between, and this must be fixed.

Nevertheless, H.R. 1851 takes positive steps to ensure that more families are able to find a clean, safe, stable and affordable place to live. Through the major reforms contained in the bill, we are going to increase the number of families that can receive housing over the next 5 years.

We will simplify the rules and procedures used to establish rents for section 8 and provide housing. We're going to reduce the bureaucracy and red tape for our public housing authorities so they can concentrate on assisting the elderly, the physically challenged and other struggling families.

We're going to provide incentives for families to become more self-sufficient by obtaining employment, increasing their incomes, pursuing higher education and planning for retirement. These families will also be able to use section 8 vouchers for a down payment on the American dream of home ownership. We will continue to fight to keep families safe and protected in an affordable, clean and safe home.

So, Mr. Speaker, I'm proud to support this bill. And the Congress should be eager to pass this reform.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank my friend, the distinguished gentlewoman from Florida (Ms. CASTOR) for the time, and I yield myself such time as I may consume.

Today, the Housing Choice Voucher Program, more commonly known as section 8, helps provide housing assistance to around 2 million low-income families and individuals each year. The program began in 1974, primarily as a project-based rental assistance program. By the next decade, it had become evident that the project-based model was too costly and concentrated families in high poverty areas, thereby making it harder to break the cycle of poverty.

In 1983, Congress stopped providing project-based section 8 contracts and created vouchers as a replacement. The voucher program allows families with a voucher to find and lease a unit in the private sector, instead of being limited to certain section 8 housing complexes. Recipients pay a portion of their rent, based on their income, while the voucher covers the remaining portion of the rent.

In 1998, the program consumed 42 percent of HUD's annual budget. By 2005, it had grown to over 62 percent of HUD's budget. If the growth in the program is not addressed and reformed, we could face a situation where deserving low-income families would be unable to receive any assistance.

The underlying bill makes a number of improvements to the section 8 program to reform and simplify regulations of local public housing agencies, while preserving essential tenant protection. H.R. 1851 aims to simplify rent calculation and inspection requirements for section 8 vouchers, project-based assistance and public housing, and to promote self sufficiency on the part of assisted families through work incentives and home ownership opportunities.

This bill can make good changes to the section 8 voucher program. The funding allocation formula included in the bill codifies the formula change made in the continuing resolution, February 2007. It uses the public housing agencies' vouchers costs and utilization rates from the last 12 months, instead of the 2004 numbers for a quarter of that year.

Under current law, HUD is required to recapture the amount in excess of each public housing agency's reserve limits, funds that are left over after the renewal of vouchers. If the PHA does not use all the money that the government has authorized, then the government reallocates those funds to another PHA the following year.

The community that I'm honored to represent has lost millions of dollars to other public housing agencies under the change in law made by this Congress. The current funding formula neglects the coverage costs of litigation issues or weather damage, of living facilities which were financed by the excess funds.

The manager's amendment, Mr. Speaker, which will be debated later today, will allow public housing agencies to retain, to keep 12.5 percent of their reserve funds during the first year of the formula change. After the transition, PHAs will remain with 5 percent of their reserve funds in a given year. The manager's amendment aims to somewhat compensate for losses faced by public housing agencies such as those in my community.

I commend the Financial Services Committee, its chairman and ranking member, and all of its members, for working in a bipartisan manner to make improvements to the section 8 program. I look forward to the committee's continued efforts to improve the program, and to addressing the concerns I have mentioned with the funding formula.

Mr. Speaker, unlike the bipartisan nature with which and under which the Financial Services Committee has worked this bill, the majority in the Rules Committee failed to live up to that same standard. There were 23 amendments submitted to the Rules Committee for consideration. The majority on the Rules Committee made only six amendments in order. Yes, half of them, a whopping three, were Republican amendments, but there were 12 Republican amendments that had been submitted.

During consideration of this rule, the minority made attempts to make several other Republican amendments in order, but the majority blocked each amendment by party line vote. That's quite a contrast to how the Financial Services Committee has worked.

My colleague on the Rules Committee from Texas, Mr. SESSIONS, also offered an amendment to the rule that would have made this an open rule, Mr. Speaker. The majority on the Rules Committee blocked our efforts for an open rule. This is contrary to how the majority promised to run the House of Representatives, and it is most unfortunate.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I'd like to yield 5 minutes to the distinguished chair of the Financial Services Committee, Mr. FRANK.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman. I thank my colleague from Florida for the generous words about the procedure. There were some differences between us on the parties on this, but in general, this represents a consensus.

And, Mr. Speaker, I want to give credit where credit is due. This is a result of a process that was begun by our former colleague from Ohio, Mr. NEY.

☐ 1830

He convened when he was Chair of the Housing Subcommittee a set of roundtable discussions with participation from HUD, from tenant groups, from landlord groups that participate, and from others. And much of what is in this bill came out of the sessions that he and his then ranking member, the gentlewoman from California (Ms. WATERS), now the Chair of the subcommittee, did.

So as is always the case in a parliamentary body, we will, as is appropriate, focus to some extent on some differences. And there are several amendments that will present sharp differences, but people ought to keep in mind that it is in the context of a great deal of agreement.

In addition to the agreements already there, I have had conversations with several of the Republican Members, the gentleman from California (Mr. GARY G. MILLER); the gentleman from California (Mr. CAMPBELL); the ranking member of the subcommittee, the gentlewoman from Illinois (Mrs. BIGGERT). We have some agreements about what we should be doing, how this should be interpreted, what we should be doing going further, and I look forward in the general debate to colloquies with all of them so that I think we can further solidify the agreements that we have going forward.

Now, as to the substance of the bill, the section 8 program is a very important one. Many of us believe that the problem has been not with the section 8 program but that it stood alone, that it was not accompanied by programs that would build housing. And in other pieces of legislation that have come out of the Financial Services Committee, some of which have come to the floor, some of which are about to come to the floor, we are going to try to add a supply side, if I may borrow the phrase, to the demand side.

We have a program here which increases the demand for housing by putting money in the hands of people who otherwise would not be able to afford decent housing. But if all you do is that and you don't also help build housing, you can have an adverse impact on price. So we hope to be able to balance it, but that is not the fault of this program.

What this bill does is to make it more flexible. It has much in there that HUD agrees with; although, again, I don't claim that everybody agrees with everything. An indication of the extent to which this simply improves the program, I will include in the RECORD several letters on this subject. One letter comes from those who are the landlords, who rent.

And, by the way, we are not automatically doing them a favor. In a tight rental market, as we have in many parts of this country, it is a good thing for the public purpose that landlords are willing to participate. Many of these landlords, they don't have to be in the section 8 program, so we try to reach out to them. And here is a letter endorsing the bill from the Association of Homes and Services for the Aging, the Institute of Real Estate Management, the National Affordable Housing Management Association, the National Apartment Association, the National Association of Home Builders, the National Leased Housing Association, and the National Multi Housing Council.

We also have strong support from those in the public sector at the local level who administer this: the National Association of Housing and Redevelopment Officials and the Council of Large Public Housing Agencies. And then we have also a letter from a large coalition of advocacy groups, of religious groups that are in the business of building the housing. There is a very broad degree of support for this bill.

I understand there are a couple of points of difference, and I realize, too, there are some points of difference that couldn't have been presented. I would have liked them to be. But I think that the three amendments that are in order on the Republican side do present some of the most important differences.

I should note, by the way, that while three amendments reflect the disagreement that many in the minority have with the bill, two of the other amendments are really bipartisan. The manager's amendment is an amendment in which the gentleman from Illinois and the gentlewoman from California collaborated.

So the manager's amendment, one of the six amendments, it is designated as the Waters amendment, but it is very bipartisan. And the second one that is bipartisan is an amendment that deals with situations that threaten the ability of people to stay in affordable housing in the district my colleague from Massachusetts (Mr. MARKEY) and our colleague from the committee from Ohio (Ms. PRYCE).

So we have two amendments which are completely bipartisan. We have those three. And then the one that the gentlewoman from New York will offer on domestic violence, which I don't think is terribly controversial.

So I understand that we haven't resolved all the differences. I do think that, and let me put it this way, of all the housing bills that have come to the floor from this committee, this is the least controversial. I don't want anyone to get bored. When we come back in early September, we can fight again. But I do think on this one, while there will be some disagreements, what we reflect is a basic consensus on how to improve an important social program that, as I said, began under Republican leadership in the last Congress and we have largely continued the process.

I thank the gentlewoman for yielding.

JULY 12, 2007.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: We are writing to lend our strong support for H.R. 1851, the Section 8 Voucher Reform Act of 2007 (SEVRA), which is scheduled to be debated in the House today. We represent a diverse array of constituencies—ranging from housing providers to tenants to apartment owners to membership organizations to religious leaders—who all agree that this is a very strong piece of legislation.

Simply put, SEVRA is a good government bill. It stabilizes the voucher program with a permanent funding policy, while simplifying the rules about how to calculate tenant rents and streamlining the housing inspection process. As a result, the voucher program will run more efficiently, tenants will be rewarded when they increase their work effort, and there will be less unnecessary paperwork for all parties involved—housing authorities, tenants, and property owners.

The voucher program is our nation's leading source of housing assistance for low-income people. It serves nearly two million families with children, elderly people, and people with disabilities. Making sure that it operates as effectively as possible is in their interest as well as in our national interest.

We give this bill our strong endorsement so it can continue through the legislative process and be enacted this year.

Sincerely,

AARP, American Association of Homes and Services for the Aging (AAHSA), American Network of Community Options and Resources, Association of Jewish Family & Children's Agencies (AJFCA), The Arc of the United States, Center on Budget and Policy Priorities (CBPP), Coalition on Human Needs (CRN), Consortium for Citizens with Disabilities Housing Task Force, Corporation for Supportive Housing (CSH), Easter Seals.

Enterprise Community Partners, Housing Assistance Council (HAC), Institute of Real Estate Management, Jewish Council for Public Affairs, Lawyers Committee for Civil Rights Under Law, Local Initiatives Support Corporation (LISC), Lutheran Services in America, National Advocacy Center of the Sisters of the Good Shepherd, National Affordable Housing Management Association (NAHMA).

National AIDS Housing Coalition, National Alliance of HUD Tenants, National Alliance on Mental Illness (NAMI), National Alliance to End Homelessness, National Apartment Association, National Association of Home Builders, National Association of Housing Co-ops, National Association of Realtors, National Association of State Mental Health Program Directors, National Coalition for Asian Pacific American Community Development.

National Council of State Housing Agencies (NCSHA), National Housing Conference, National Housing Trust, National Law Center on Homelessness & Poverty, National Leased Housing Association, National Low Income Housing Coalition, National Multi Housing Council, National People's Action (NPA), National Training and Information Center (NTIC), NETWORK, a National Catholic Social Justice Lobby.

Poverty & Race Research Action Council (PRRAC), Presbyterian Church (USA) Washington Office, Public Housing Authorities Directors Association (PHADA), Public Justice Center, The United Methodist Church—General Board of Church and Society, Travelers Aid International, United Cerebral Palsy, United Jewish Communities (UJC).

NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
Washington, DC, July 12, 2007.
Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. MAXINE WATERS,
Chairwoman, Subcommittee on Housing and Community Opportunity, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.

Hon. JUDY BIGGERT,
Ranking Member, Subcommittee on Housing and Community Opportunity, House Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the board and members of the National Association of Housing and Redevelopment Officials (NAHRO), I am writing in regard to your consideration of H.R. 1851, the Section 8 Voucher Reform Act of 2007 (SEVRA). As passed by the House Financial Services Committee and improved by the proposed Managers' Amendment, NAHRO supports the passage of H.R. 1851.

NAHRO applauds the co-sponsors of H.R. 1851 and the Financial Services Committee as a whole for bringing this important and necessary piece of legislation to the floor for consideration by the full House of Representatives. We also applaud the bipartisan spirit with which this bill has been developed over many months of informed and responsible debate. The provisions now embedded in SEVRA, as passed by the Committee and improved by the Managers' Amendment, will enhance and strengthen the quality and administration of the Section 8 voucher program in responsible and tangible ways.

Most importantly, SEVRA stabilizes the Section 8 voucher program, the administration of which, starting in 2004 under HUD's PIH Notice 2004–7, has been negatively impacted by virtue of a funding distribution formula that has taken appropriated dollars and dispersed them across diverse housing markets without regard to the number of families leased or current voucher costs in each community. The budget-based/block grant-oriented voucher distribution formula in place from FY 2004–FY 2006 has funded some communities over their authorized voucher level, while dramatically underfunding others. As a direct result of this voucher funding formula, at least 150,000 authorized vouchers have been lost nationwide to low-income households who could have otherwise leased or purchased housing under the program. The funding formula in H.R. 1851, which builds on the prior calendar year funding formula enacted in the FY 2007 Continuing Resolution (PL. 110–5), further corrects this situation and, more significantly, will over time help restore nationwide leasing levels to their historic high pre-FY 2004 thresholds.

There are several additional items included in H.R. 1851 that represent important and positive steps forward in the administration of the Section 8 voucher program. These include:

HAP Funding Policies: In order to adjust to the change in funding formula as noted above, SEVRA contains provisions that create an important transitional mechanism. The bill's transitional mechanism would allow public housing agencies, for a period of time and subject to certain limits, to retain and use their unobligated fund balances. This is particularly important in light of HUD's delayed implementation of agencies' FY 2007 funding amounts.

Administrative Fees: We support the restoration of the post-QHWRA administrative fee structure and rates with improved inflation factors, special fees, fees for each issued voucher, and equitable fees under the Project-Based Voucher (PBV) assistance program for agency-owned units.

Annual Leasing: NAHRO supports the provision in SEVRA that will enable agencies to serve additional families with available funds, while still maintaining the voucher program's overall connection to authorized vouchers.

Housing Quality Inspections of Dwelling Units: NAHRO supports the provision in SEVRA that will allow housing agencies, at their discretion, to complete annual inspections of all their voucher assisted units every two years. This provision will reaffirm the discretionary authority of a local housing agency to perform annual inspections on a geographic basis rather than tying inspections to each household's lease anniversary. We also support the provision allowing housing agencies, at their discretion, to approve a dwelling unit in lieu of its own Housing Quality Standards (HQS) inspection when a comparable inspection is performed by other governmental entities. Finally, we support allowing housing agencies, at their discretion, to enable eligible voucher households to move into a unit and tender an initial subsidy payment, so long as an HQS inspection does not reveal that health or safety violations are present and repairs are made within 30 days.

In sum, H.R. 1851 improves important elements of both the Section 8 voucher and public housing programs. We again congratulate you on the steps you have taken thus far and look forward to continuing to work with you and your Senate colleagues to develop and pass a pragmatic and necessary piece of legislation that encourages the highest and best use of precious federal funds to help meet the well-documented need for decent, safe and affordable housing in our communities.

Sincerely,

SAUL N. RAMIREZ, Jr.

COUNCIL OF LARGE PUBLIC HOUSING AGENCIES,
Washington, DC, July 12, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. MAXINE WATERS,
Chairwoman, Subcommittee on Housing and Community Opportunity, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.
Hon. JUDY BIGGERT, Ranking Member,
Subcommittee on Housing and Community Opportunity, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MEMBERS OF CONGRESS: On behalf of the Council of Large Public Housing Authorities (CLPHA), I am writing in support of H.R. 1851, the Section 8 Voucher Reform Act of 2007 (SEVRA).

SEVRA makes significant changes to the Section 8 Housing Choice Voucher program and marks a significant step forward in simplifying the administration and funding of the program. Under your leadership, Congress has taken the initiative to reform this much needed program which provides housing assistance to two million of the lowest-income families. In addition to other changes important to CLPHA, SEVRA improves the current voucher funding formula, provides for rent simplification and flexibility, clarifies program eligibility, simplifies inspection requirements, and authorizes a funding reserve.

SEVRA is also critically important to CLPHA members and other public housing authorities across the nation for the expansion and far-reaching changes to the Housing Innovation Program (HIP), renamed from Moving to Work. We appreciate Congress making this program more broadly available to the many housing authorities interested in participating in the program.

While SEVRA is not perfect, the underlying bill is sound and we are pleased to offer our support. Again, we thank you for undertaking this initiative, and we look forward to working with you as the legislation continues to evolve and as it moves forward in the legislative process.

Sincerely,

SUNIA ZATERMAN,
Executive Director.

JULY 12, 2007.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FRANK: We are writing to encourage your support of H.R. 1851 when it goes to the floor. The "Section 8 Voucher Reform Act of 2007" provides important changes to a program that has served as the cornerstone of federal affordable housing policy for more than 30 years.

The undersigned groups worked with the Financial Services Committee to ensure that the legislation addresses issues fundamental to the continued success of the program, including a viable funding formula and important changes to streamline program operations.

H.R. 1851 also addresses several issues that are of particular interest to our organizations:

Provides that the U.S. Department of Housing and Urban Development (HUD) will be required to translate both its own official vital documents as well as selected non-HUD property documents into any language the Department identifies as necessary, and provide a HUD-funded and HUD-administered 800 number for oral interpretation needs.

Amends the inspection timeframes for apartments that will be accepting voucher holders by eliminating unnecessary delays and duplication, thereby encouraging increased apartment owner participation.

Provides important changes to the project-based voucher program to ensure its flexibility as a tool for preserving or expanding the supply of apartments affordable to low-income families in many communities, particularly those with a tight housing market.

We are not able to support the Hensarling amendment as we have not had sufficient time to review the impact of such work requirements on all affected parties and request that it be withdrawn.

H.R. 1851 is expected to be on the House floor for a vote today, July 12. We urge your support of this important housing measure.

Sincerely,

American Association of Homes and Services for the Aging.
Institute of Real Estate Management.
National Affordable Housing Management Association.
National Apartment Association.
National Association of Home Builders.
National Leased Housing Association.
National Multi Housing Council.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to the rule. It is not because of the final product, but the way in which the rule actually came about.

I have worked closely with the chairman of the Financial Services Committee, and I know that he is a fair individual, and actually in committee he supported several of my amendments and gave us the opportunity to have that vote be held.

It is no secret that we have an immigration crisis facing us in America. It is also no secret that Americans are angry. Like most Members, my office was flooded when the President and the Senate attempted to ram another amnesty immigration program down our throats.

According to a recent Rasmussen poll, 56 percent of Americans surveyed support an "enforcement only" approach to immigration reform and 44 percent of Americans opposed the Senate's amnesty plan.

Yesterday my colleagues and I offered several amendments that would bring accountability to the section 8 housing program under HUD. Not surprisingly, the majority broke their promise of openness in the House and yet again did not allow them to be considered by Members today.

Americans work hard for their money and Americans are also very generous. We are not afraid to help fellow Americans. A roof over your head is one of the most basic human needs, and we are not afraid to spend tax dollars to help those that cannot provide for themselves. But what Americans refuse to do is give up their hard-earned tax dollars to people who sneak into our country illegally. The funds included in this bill must, let me repeat that, must only go to those who are here legally working in this country and paying taxes.

However, the amendment my friend Mr. PRICE and I introduced would have ensured just that: Those receiving funds, taxpayer funds under section 8 are here in this country legally. Our amendment would have brought commonsense accountability to a program that clearly runs short of that right now. Yet the majority won't even allow Members to consider that amendment on the floor. What are they so afraid of?

It is not even a full year into the majority's new regime, and I am already tired, and so are my constituents, of broken promises. I know Americans are also. If other Members are tired, then they should join us in voting against this rule that blocks these commonsense amendments like those of my colleagues.

Ms. CASTOR. Mr. Speaker, at this time I yield 2 minutes to the gentlewoman from Ohio, Mrs. TUBBS JONES.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentlewoman for yielding time. I would like to thank the subcommittee Chair, MAXINE WATERS, for all her leadership and work on this; the Chair, Mr. FRANK; and my old colleague from Ohio, Bob Ney for the work.

I rise in support of H.R. 1851. In my district the problems with section 8 housing have bubbled to the surface, particularly in many of the inter-ring suburbs such as Bedford, Bedford Heights, Euclid, Cleveland Heights, and Shaker Heights. They have seen an increase in section 8 housing and are beginning to see a clash in culture between owners and renters, between those who have long time been owners and those who are new at renting property.

It is very important that when we start to look at some of the urban centers, some of the older housing, we start looking at the inter-ring suburbs with older housing, and even the newer suburban municipalities, that we have an opportunity to reform how we have section 8 housing and how it is used. The reform provisions in this bill will not only open access to low-income Americans to rent and even buy, it will provide incentives so that the program can truly serve its purpose of empowering people to become self-sufficient.

Certainly, as we have gone through this whole year or past 2 or 3 years where we have had predatory lenders preying upon our communities, we want to be able to give those new homeowners an opportunity to understand what homeownership means, to understand what kind of situation they could put themselves in without the necessary education. But as important to owning a home is the ability to have a decent job, to be well trained, to take care of your family, et cetera. And through the proposals that are set forth in this program, I believe we will have an opportunity to see that come to fruition.

This bill also includes a number of provisions designed to create other incentives.

I am so proud to have an opportunity to stand on the floor of the House saying that section 8 is going to be more than it has been in the past, that it will reach its true fruition.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from Florida for his leadership on this issue and so many others.

I rise opposed to this rule for process and policy reasons.

As you know, Mr. Speaker, the new majority promised us and they promised the American people a fair and open process. But again, the majority has failed to live up to its promises, and now that it is out from under the spotlight of election-year promises, we see that they are few and far between.

Before last year's election, Speaker PELOSI said, "Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule."

And, Mr. Speaker, I agree. So what's changed? Is it political expediency or is it a broken promise?

In December following last year's election, the distinguished majority leader, Mr. HOYER, told the media that "We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House."

Mr. Speaker, where is the commitment to that promise, with only six of 23 amendments made in order? What has changed, Mr. Speaker? Is it political expediency or is it a broken promise?

Mr. Speaker, the Rules chairman, Ms. SLAUGHTER, has said, "If we want to foster democracy in this body, we should take the time and the thoughtfulness to debate all major legislation under an open rule, not just appropriations bills . . . an open process should be the norm, not the exception."

Mr. Speaker, what's changed? Is it political expediency or is it a broken promise?

Rules Committee member Mr. MCGOVERN has said, "I would say to my colleagues on the other side of the aisle, if you want to show some bipartisanship, if you want to promote a process that has some integrity, then this should be an open rule. All Members should have an opportunity to come here and offer amendments to this bill to improve the quality of the deliberations on this House floor. They should be able to come and offer amendments to clean up this place."

Well, Mr. Speaker, what's changed? Is it political expediency or is it a broken promise?

Democratic Caucus Chair RAHM EMANUEL has said, "Let's have an up-and-down vote. Don't be scared. Do not hide behind some little rule. Come on out here. Put it out on the table and let's have a vote . . . So don't hide behind the rule. If this is what you want to do, let's have an up-and-down vote. You can put your votes right up there . . . and then the American people can see what it is all about."

So what has changed, Mr. Speaker? Is it political expediency or is it a broken promise?

Mr. Speaker, I am also very curious as to what has happened with the distinguished chairman and my friend on the Financial Services Committee. In the past, not only has he been a vocal advocate for open rules to the legislation that he has brought to the floor, but the new majority has spared him no effort to applaud him for doing so. In fact, Chairman FRANK was such a firm believer in allowing debate, allowing consideration of amendments, that Representative WELCH of Vermont felt so moved to say, "All of us applaud the work of Chairman FRANK for recommending an open rule to this bill . . . "

But, Mr. Speaker, that was on a previous bill. So I would ask what's changed. What is the chairman afraid of? Because it certainly appears that he has lost his passion for an open and a fair process.

In a letter dated July 9, 2007, to the Chair of the House Committee on Rules, Ms. SLAUGHTER, Chairman FRANK urged that the Rules Committee "provide a structured amendment process." So what's changed, Mr. Speaker? What's changed?

☐ 1845

The Rules Committee Web site lists 23 amendments submitted for consideration, yet only six were made in order. So what's so scary about the other 17? What's so scary?

Mr. Speaker, I submitted three amendments not made in order by this draconian and restrictive rule. My first amendment would have applied pay-as-you-go spending rules to this bill that CBO has said will have a net cost of $2.4 billion over the next 5 years. Remember Democrats' promise to use PAYGO rules for everything; instead, they're picking and choosing when to do so. At home we call that breaking a rule and breaking a promise.

The second amendment, Mr. Speaker, is clearly a substantive one. It would have prevented, as the gentlelady from Florida said, prevented illegal immigrants from receiving assistance under the section 8 program by providing all adults to provide secure identification before receiving assistance. It's the kind of commonsense amendment that the Financial Services Committee has applied before. It has also been accepted by the full House on other legislation.

The third amendment would have helped clarify a new requirement for public housing authorities. This bill provides that the public housing authorities have to report rental payments as alternative data to the credit bureaus. Rental payment information is clearly different than other forms of commerce and may need to be treated differently in order to ensure accuracy of credit reporting.

These were three thoughtful and substantive amendments which deserved the consideration of all 435 Members of the House, but they were denied that opportunity, Mr. Speaker, by this restrictive and draconian rule.

Mr. Speaker, back home in my district, rules aren't rules if you only follow them when you want to. Democrats promised to use a fair and open process for everything. Instead, they're picking and choosing. And when you pick and choose to do so, it's called breaking a rule and breaking a promise.

So I urge the new majority to rededicate itself to its campaign promises of a fair and open process. We should allow this Chamber to work its will on all legislation. An open process shouldn't just be something that's just talked about solely on the campaign trail. What amendment was so scary that it ought not be included in this discussion?

I urge my colleagues to vote "no" on the rule so that we may have a complete, open and fair debate. The American people deserve and expect no less.

Ms. CASTOR. Mr. Speaker, the Democrats are going to keep their promise to the American people by fighting for affordable housing.

Mr. Speaker, at this time, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentlelady for yielding and just say this is an incredibly important bill. It will expand the number of units of affordable housing and expand the number of vouchers to over 100,000. That's extremely important to the American people.

And in response to the gentleman, if he cared so much about his amendment, he should have offered it during the committee. Chairman FRANK and Subcommittee Chairwoman WATERS held hearings and thoroughly discussed every amendment. The committee met for 2 complete days and thoroughly discussed every amendment. If the gentleman wanted and cared about his amendment, he should have put it forward before the committee.

The rule is very fair. Out of the six amendments that had have been accepted, three are Republican, one is bipartisan, and the other is a bipartisan manager's amendment. So the gentleman is not looking at what is the real issue. The real issue is providing affordable housing that is desperately needed in our country. Many families are facing the increased cost of living, and there is a lack of affordable housing. I object strenuously to the facts in the statement by my good friend on the other side of the aisle.

Madam Speaker, I rise in support of H.R. 1853, the Section 8 Voucher Reform Act of 2007 (SEVRA). This bill comes before the House at a critical time.

Right now too many Americans face the double onslaught of stagnant wages and ever increasing costs of living, including a critical lack of affordable housing. That is why it is so important to send a strong message to our constituents that we support stable, safe and affordable communities.

Affordable housing is a critical component of this, and Section 8 housing vouchers provide vital rental assistance for low-income families, seniors, and the disabled. I am pleased to report that this legislation comes to the floor with the strong bipartisan support of the Financial Services Committee which passed this bill in May by a vote of 52–9.

This bill makes a number of changes to the Section 8 voucher, project-based and public housing programs. Specifically this bill:

Makes the Voucher Funding Formula More Efficient. The bill reforms the formula used to allocate Section 8 voucher funds to housing agencies to increase the number of families receiving vouchers.

Creates 100,000 New Vouchers. We authorize 20,000 new incremental vouchers a year over each of the next 5 years.

The Bill Promotes Homeownership. By allowing families to use housing vouchers as a down-payment on a first-time home purchase.

Encourages economic self-sufficiency for low income voucher and public housing families. H.R. 1851 includes a number of provisions designed to create incentives for families to obtain employment, increase earned income, pursue higher education, and save for retirement. No longer will our voucher formula discourage and penalize a voucher holder from seeking and obtaining employment.

Protects Tenants. The bill preserves the rights of voucher families to move to other areas, it addresses excessive voucher rent burdens, provides for more accurate fair market rent calculations to protect voucher holders in units that are in need of repair.

Stronger families and communities are a key part of the Democrats' New Direction for America. This bill strongly aids this goal.

I urge my colleagues to support this important legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the gentleman from Georgia did offer this amendment in committee, and it was rejected. What he wanted was to be able to present it before the full House. And he was pointing out that the promise that had been made by the majority was that there would be more openness during the consideration of legislation such as this. And that's what the gentleman from Georgia was trying to point out.

At this time, Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished leader on this issue and many others, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, today I rise in reluctant opposition to this rule governing the consideration of H.R. 1851.

I had hoped that the committee would see the wisdom in providing an important open rule on this important legislation; and in the absence of an open rule, that it would at least make in order those amendments that Members took the time and effort to draft. Unfortunately, of the 23 amendments filed with the Rules Committee, only six were made in order. While I'm pleased that the majority of those amendments are Republican amendments, the other Republican and Democratic amendments deserved to be debated and given a full and fair hearing.

Section 8 vouchers are tenant-based as well as project-based subsidies that low-income families use in the private market to lower their rental cost to 30 percent of their incomes. The program has grown to replace public housing as the primary tool for subsidizing the housing costs of low-income families.

Through this program, HUD provides portable subsidies to individuals, tenant-based, who are seeking rental housing from qualified and approved owners, and provide subsidies to private property owners who set aside some or all of their units for low-income families. This is project-based.

The section 8 program began in 1974 primarily as a project-based rental assistance program. However, in the mid-1980s project-based assistance came under criticism for being too costly and for concentrating poor families in high-poverty areas. Consequently, in 1983, Congress stopped providing new project-based section 8 contracts and created vouchers as a new form of assistance.

Mr. Speaker, this bill reflects a bipartisan effort led by Chairman FRANK, Chairwoman WATERS and Republican members of the committee. In fact, this bill enjoyed substantial Republican support in the Financial Services Committee. I am an original cosponsor, along with Mr. SHAYS.

During committee deliberation, we were given the opportunity to debate and consider a variety of issues pertaining to this bill. Members on our side of the aisle had hoped to be given the same opportunity to debate important issues on the House floor. For example, the amendment filed by my colleagues, Mr. PRICE, Ms. GINNY BROWN-WAITE, Mrs. CAPITO and Mr. CAMPBELL, requiring proper documentation when seeking section 8 Federal assistance was not made in order. This is an important amendment, and I would have hoped we would have the opportunity to debate that issue fully.

There were other amendments filed my by colleagues, Congressmen CHABOT, KING and WICKER, that I think deserve to be considered by the full House. These Members do not serve on the Financial Services Committee and should have been given the chance to offer amendments crucial to their constituents and districts.

Republicans support many aspects of H.R. 1851, but we all deserve the right to participate in the amendment process, whether as members of the committee of jurisdiction or as a Member of the U.S. House of Representatives. Only through an open rule is that possible. For this reason, as a supporter of this legislation, I rise in reluctant opposition to the rule.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first let me thank the gentlelady for yielding, and also for your leadership, and for bringing together today a very fair rule.

I rise in strong support of this rule and in strong support of this bill, the Section 8 Voucher Reform Act of 2007. And I want to commend, first of all, our committee chairman, Mr. FRANK, and our subcommittee chairwoman, Congresswoman WATERS, for their leadership and for their hard work in crafting this bill.

As a former member of the Financial Services Committee, actually a member of Congresswoman WATERS' Subcommittee on Housing, I had the opportunity to work with my colleagues on earlier versions of this bill, and this end product contains many important updated provisions. For example, this bill permits families to use housing vouchers as a down payment on a first-time home purchase. The goal of home ownership is necessary to help stabilize family units, promote gainful employment, and restore pride and dignity to many low-income families. It is the primary path to wealth accumulation in America for ordinary folks who don't have stock accounts and who can't play in the stock market and on Wall Street. It's the way to achieve the American Dream for most folks in America. And so home ownership is extremely important, and this bill offers that opportunity.

It also offers a number of changes that protect and benefit tenants. Examples include the portability provisions that preserve voucher families' ability to move to other areas as they determine. They deserve that right and should be able to do that. It provides for more accurate and fair market rent calculation. And it also protects voucher holders in units that are in need of repairs.

Section 8 housing vouchers provide the security of affordable housing to many low-income families, the elderly, people with disabilities, and others who need this type of rental assistance. This leads to stronger families and safer communities, and it does prevent homelessness.

There is a housing crisis in America. This bill is a major step forward in addressing it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding.

Mr. Speaker, I rise to provide some perspective on the effect H.R. 1851 will have on discretionary spending and on the appropriations process. If we're not careful, we will be opening the door to a huge new spending at uncontrollable rates.

The section 8 voucher program has proved widely successful and popular. But there is also wide consensus that we must provide reform to the program, which I agree with. We all want the program to be effective, provide assistance to those truly in need and be fiscally responsible for American taxpayers.

First, I want to point out, there are positive reforms in H.R. 1851. The bill increases the number of PHAs allowed to participate in the Moving to Work Program. This program, renamed in the bill as the Housing Innovation Program, gives PHAs flexibility to design and test methods that achieve efficiency, reduce costs and promote self-sufficiency.

The bill also enhances HUD's Family Self-Sufficiency Act program which works to give low-income families the skills and experience needed to become economically independent.

I do, however, have major concerns with the provisions in H.R. 1851 that abandons the budget-based funding methodology. Going back to the flawed unit-based methodology like this bill proposes is a recipe for budgetary disaster.

A unit-based system lacks incentives for PHAs to maximize assistance to needy families within a fixed budget. A unit-based formula system that includes costs incurred as well as units put under lease simply tells PHAs to lease at whatever cost they want, even if it is more than the market rate and the market price for the same unit. We already know what that can mean. We have experience with a unit-based approach and have seen what it means.

In fiscal years 2003 and 2004, the Appropriations Committee shifted to a unit-based funding to spur leasing, and the result was skyrocketing per unit cost and total funding requirements that increased by 40 percent, from $9 billion to $13 billion, in 2 years. In 2005, a budget-based system was re-instituted.

We, as appropriators, can simply not afford to see a similar increase in the future. Today, in total, the section 8 program has grown to consume 60 percent of HUD's budget. Going back to a unit-based program will only increase that percentage. Simply put, as the Housing Voucher Program takes up more of HUD's budget, there will be less we will have for other housing programs.

As the former chairman of the Appropriations Subcommittee for HUD, and as the current chairman will attest, the growing Housing Voucher Program is forcing Congress to choose between section 8 vouchers and other important HUD priorities. That includes programs that support first-time ownership, home ownership, homeless facilities, and care and housing for the elderly and the disabled.

And then there is this Community Development Block Grant, which I believe virtually every Member supports because they hear from their mayor, the city council and from the county administrators on how the program makes their community better. If we're not careful, these programs will face deep cuts in future years just to accommodate the section 8 increases.

Mr. Speaker, this bill is a work in progress. It has been improved in committee, and I believe amendments before us today can improve it further. I am hopeful that as the bill works its way through into the legislative process, we can improve it even more.

Ms. CASTOR. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank all the distinguished colleagues who have participated in this debate. Obviously this is a very, very important piece of legislation that is being brought forth today.

We have concerns with regard to the process, not in the creation of the legislation itself but in the way in which it has been brought forth to the floor and the rule that brings the legislation to the floor and establishes the terms of debate for the legislation.

I think it has been a good debate. I think we've been able to express certainly our concern with the process, as well as in the case of most Members that I have certainly heard on this debate, the evident awareness of the importance of the underlying legislation and the issue dealt with by the underlying legislation.

Having said that, Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I'm very pleased to thank, on behalf of the folks I represent back home in Florida and all Americans, express my thanks to Chairwoman MAXINE WATERS and to Chairman BARNEY FRANK for standing up and fighting for America's families and affordable housing.

I urge my colleagues to continue the American tradition of promoting the American Dream and turning that dream into a reality for decent, safe, clean and affordable housing, particularly for the elderly, the disabled, veterans in our community, domestic violence victims and all families.

□ 1900

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1851 and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SECTION 8 VOUCHER REFORM ACT OF 2007

The SPEAKER pro tempore (Ms. CASTOR). Pursuant to House Resolution 534 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1851.

□ 1902

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937, with Mr. WEINER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from California (Ms. WATERS) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I yield to myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1851, the Section 8 Voucher Reform Act of 2007. As you know, I introduced H.R. 1851 on March 29, 2007. I want to thank each of my colleagues, both on the Committee on Financial Services and in the House, who have joined with me to see that this important legislation passes the House. I especially want to thank Chairman BARNEY FRANK for his leadership, Ranking Member JUDY BIGGERT, and CHRISTOPHER SHAYS for their original cosponsorship and support of H.R. 1851.

It has been less than 2 months since the Committee on Financial Services considered major reforms to the section 8 program. The Section 8 Voucher Reform Act of 2007, which passed the Committee on Financial Services by a vote of 52–9, is truly the culmination of work that began in the 109th Congress.

There are many Members of Congress who have expressed major concerns to me about the future stability of the section 8 voucher program, given the recent changes in the funding formula and its impact on tenants. This bill addresses many of those problems and will return much needed stability to the section 8 program and the 2 million low-income families who rely upon it.

We heard from the U.S. Department of Housing and Urban Development, public housing agencies, national housing interest groups and advocates, and other housing experts about the importance of reforming the section 8 program. While there is consensus that the section 8 program needed to be reformed, HUD disagrees on how to reform the program.

National housing organizations like the National Low Income Housing Coalition and the Center on Budget and Policy Priorities which represent those directly affected by the change in the funding formula agree that basing the funding for a program as important as the voucher program on data that is 3 years old is just simply bad policy.

In 2004, Congress changed how we paid public housing authorities for vouchers under lease. Instead of paying the actual cost of the voucher, the decision was made to pay for what the voucher cost during a 3-month period in the previous year. This had disastrous consequences for PHAs. Many saw a cut in their funding.

While section 8 recipients had to bear the brunt of this policy change as waiting lists closed, many low-income families who had been waiting for affordable housing for years suddenly found housing denied to them. Because of cost concerns, some families were denied their right to move to areas that may have been a bit more expensive but had better job and educational opportunities. Some families saw an increase in rent as many PHAs scrambled to cut costs.

As families struggled under this formula, so did some of our Nation's largest PHAs. The snapshot funding system had consistently and has consistently underpaid some PHAs to the benefit of others. Because of the funding instability, these PHAs had no reason to house more families. As a result, housing authorities are sitting on $1.4 billion in unspent voucher funds. This nonuse of our voucher dollars is unacceptable because we have lost 150,000 vouchers as a direct result of the funding formula.

Clearly, this formula must be changed for the good of public housing agencies and the families they serve. HUD is just wrong in this issue. I flatly reject their just-released statement of policy on the bill. H.R. 1851 updates the voucher formula by basing funding for vouchers on the previous year's leasing and cost data.

The use of more accurate data will ensure that we stop overpaying and underpaying PHAs for vouchers, but instead come as close as we can to paying the actual cost of the voucher. This will enable HUD to better control costs than the section 8 voucher program. This funding approach was recently embraced by both Houses of Congress in H.J. Res. 20.

Vouchers are a scarce resource, but are even scarcer since the funding formula changed in 2004. Only one out of four families who are eligible for housing assistance, including vouchers, actually receive it. H.R. 1851 provides PHAs with several resources for increasing the number of families they serve.

First, the bill provides for the recapture and redistribution of most unspent voucher funds for housing agencies that have chosen not to use these dollars to PHAs that are capable and willing to spend them. This reallocation system will provide PHAs with an incentive to house more families.

Second, the bill provides tools for PHAs to pay for increased costs or emergencies without having to cut assistance to families or to request new funding from the HUD or the Congress. The bill allows PHAs to retain up to a 1-month reserve in the formula's first year. For those PHAs that need additional funds, the bill allows them to borrow up to 2 percent of their budget authority, to be repaid within the first 3 months of the following year.

Third, the bill provides an authorization of appropriation for 20,000 new incremental vouchers per year for 5 years. Congress has not authorized new vouchers since 2002.

During this period, we all know that the need for voucher assistance has grown, not declined. We are not meeting the need for housing vouchers for very low-income persons in this country, working families, the disabled and elderly. Additional vouchers are needed to make sure that the voucher program continues to keep up with the ever-expanding need for affordable housing in this Nation.

Fourth, the bill provides incentives for PHAs to increase families served by tying administrative funding to the number of families housed.

Fifth, the bill restores housing choice, an important feature of the voucher program which has been lost because of cost concerns. H.R. 1851 would eliminate the complex billing process between PHAs using portable vouchers.

Mr. Chairman, this is a bill that will restore stability and predictability to the Nation's largest Federal housing program by fixing the broken funding formula. H.R. 1851 provides for the needs of the families, public housing agencies and landlords who participate in this program.

The funding formula, however, is not the only aspect of the section 8 program in need of reform. Today, housing agencies and program recipients must deal with the complicated set of rules for the determination of rent, recertification of income and inspection of housing units. H.R. 1851 simplifies those requirements, while maintaining current affordable standards.

H.R. 1851 also includes tools to encourage voucher families to move to economic self-sufficiency. Families should not have to pay more in rent because they want to work to provide for their families. By disregarding a portion of earned income, H.R. 1851 would protect families from any resultant increases in rent.

Families also shouldn't be penalized for pursuing educational opportunities. Currently, many families in the voucher and public housing programs can find themselves excluded from work and economic opportunities because of a lack of credit history or low credit scores. The bill would allow the Department to work with the Nation's credit bureaus to allow for the reporting of the rental payment history of voucher and public housing recipients.

In addition, the bill will increase homeownership opportunities for voucher families by allowing them to use a section 8 voucher to make a down payment on their first home. Importantly, the bill provides for a change to the funding structure for family self-sufficiency coordinated to ensure that families have the tools to take advantage of these opportunities.

Without going into all of what is taken care of and what is reformed, I have tried to share the major reforms that we have created for our families who will be receiving assistance through the section 8 program.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like first to thank all of my colleagues and their staffs from both sides of the aisle for working to craft a bipartisan section 8 reform bill that we are considering today. In particular I would like to thank Chairman FRANK and Subcommittee Chairwoman WATERS for their hard work, committee Ranking Member BACHUS for his support, and the gentleman from Connecticut, Mr. SHAYS, who joined me as an original cosponsor of this bill.

Mr. Chairman, this is a bipartisan bill that passed out of our committee by a vote of 52–9. It is similar to the section 8 reform bill that then Chairman Oxley moved through the Financial Services Committee during the last Congress. It was a bipartisan bill then too, passing out of the committee by a voice vote.

The section 8, or Housing Choice Voucher Program, is the major Federal program helping the elderly, the disabled and the very low-income families find affordable housing in the private market. Today's housing vouchers are the primary tool of assistance provided under section 8.

Many of my colleagues served in this body when housing vouchers were first proposed and implemented under a Republican administration, that of President Reagan. The Section 8 Voucher Program was designed to move people away from large concentrated housing projects, like our Cabrini-Green or Robert Taylor Homes in Chicago. It allows individuals to make decisions about where they want to live, instead of forcing them to live in large public housing projects filled with crime, poverty and despair.

For the colleagues on my side of the aisle, I should admit, quite frankly, that this bill is better than I expected it to be. We have been able to get several key issues addressed in this bill that were not addressed in last year's Republican legislation.

I want to thank Chairman WATERS, who coauthored with me a manager's amendment that the committee accepted during our markup that includes a number of provisions to increase the flexibility of project-based section 8 vouchers. It amended section 8 of the law regarding the use of vouchers to purchase manufactured homes, voucher reserves, portability, performance assessment, disabled vouchers and rent levels.

In addition, I am pleased that included in this bill is language that is identical to the Family Self-Sufficiency Act, or FSS, a bill that I introduced as a stand-alone measure. This bill enhances HUD's FSS program by providing housing authorities with consistent coordinator funding. Housing authorities can then help more individuals move from public assistance to being self-sufficient homeowners.

Perhaps most important for Members on my side of the aisle is that this bill includes a significant expansion of Moving to Work, or the MTW program. Members on both sides of the aisle have public housing authorities in their district that seek to become Moving to Work housing authorities.

In my district, DuPage Housing Authority would like this status. However, to date, Congress has only authorized 32 housing authorities to be MTWs. During the committee markup, we increased the authorization to a total of 80, which is a remarkable achievement. In addition, the Moving to Work provisions in this bill require HUD to craft standards that will govern eligibility requirements from being considered and/or designated as a Moving to Work authority. This bill includes important tenant protections that make the MTW Program better than it is today.

Finally, I am also pleased that we included a provision that will measure the success of the program. Congress created the Moving to Work program in 1996, but it does not require HUD to establish standards and evaluate agencies' performance.

☐ 1915

Now granted, the administration does not support this bill, nor did it support the Oxley bill last year or in the previous Congress.

Why? Well, because in their view, it does not reform the program enough. They believe it moves the program from one that is currently budget based to a unit-based system that Mr. KNOLLENBERG spoke about earlier. But I think that point is subject to interpretation. And politics is the art of the possible; and absent this bill, no reform is possible.

This bill does not include everything that I wanted either. The section 8 funding formula my colleagues will recall was changed in the CR earlier this year. I have on several occasions offered amendments in committee to address this formula change, and we did include in the manager's amendment a provision that will provide PHAs a cushion in the transition year so they are not penalized for CR formula change.

I believe there is more work to be done. There are 1,200 PHAs. Half of those across the country do not suffer from unjustified and significant funding cuts as a result of the new section 8 funding formula included in the CR.

Chairman FRANK has agreed to engage in a colloquy with me about this, and I look forward to doing that in a few moments. I hope we will continue to work together as we continue to address the continued shortcomings of this formula.

This is a good bill and one deserving of our support, and I urge my colleagues on both sides of the aisle to vote for it.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield Chairman FRANK such time as he may consume.

Mr. FRANK of Massachusetts. I thank the gentlewoman, not so much for yielding but for the really extraordinary work she has done on this, the gentlewoman from California, and I want to say how much I admire the two tracks she has worked on. On the one track, she has been one of the leaders on our side in the House on the issue of Iraq and ending our involvement in the war in Iraq where I am a strong follower of her.

Simultaneously, she has engaged in some very careful and thoughtful legislative work, and I think that is the mark of a complete legislator, to be able to do the ideologically based advocacy but also work in a bipartisan way, continuing work which began when she was the ranking member and in a seamless way to go forward.

I spoke during the rule where I expressed my strong support for the legislation. I have rarely seen legislation so broadly supported by the landlords, by the local housing authorities that administer it and by the beneficiaries. There is a three-way operation here, and all of them consider this bill to be an improvement.

As the gentlewoman from Illinois said, it does not improve everything as much as everybody would like; nothing ever does. But she is correct, this is an improvement. I would ask my friend from California to yield to her so we can talk about it, but she has already done some of the things that she talked about. For instance, in the manager's amendment, we will increase the reserves available to housing authorities to avoid any damage that would come in the transition on the new funding formula. I know the gentlewoman has some other concerns, and I hope if the gentlewoman from California will yield to her, I can respond to them.

Ms. WATERS. I yield to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentlewoman, and I would like to engage in a colloquy with Chairman FRANK at this time.

Chairman FRANK, as you may recall, the section 8 funding formula was changed through provisions in the continuing resolution. I did not support these changes because they did cut about 1,500 public housing authority slots in three counties in my congressional district. And as Chairman FRANK can verify, I have on several occasions offered amendments to change this.

I am pleased that the manager's amendment includes a provision which addresses this problem. While I am pleased that we can take productive steps towards addressing the shortcomings, I believe we can do more as we move on, and it is my understanding that members of the Appropriations Committee have included a similar provision in the fiscal year 2008 Transportation, Housing and Urban Development (HUD) Appropriations bill. Would the chairman consider supporting this?

Mr. FRANK of Massachusetts. The gentlewoman has stated this correctly. I know this is going to be in the appropriations bill. We expect it. I haven't seen the appropriations bill yet. I have great confidence in the subcommittee chairman, but I certainly agree with her in principle. And unless there is some very unusual wording which we could change, yes, I would be subject to saying, yes, that is exactly what we intend.

Mrs. BIGGERT. I thank the gentleman.

Again regarding the rebenchmarking, both the current formula and the one in this bill would base a PHA's annual funding level on a "snapshot" of the PHA's use of funds from the previous 12 months. However, I continue to be concerned that his annual benchmarking is unworkable when coupled with the congressional budget cycle. For this reason, I hope we can continue to work together as we move forward to address the continued shortcomings of this formula. PHAs have always stated and continue to argue that their main concern is to have predictability and certainty in funding so they can plan both voucher utilization and staffing. I know they would appreciate more predictability. If the snapshot and the rebenchmarking were done every other year, would the chairman continue to explore with me the benefits of a biennial versus annual rebenchmarking?

Mr. FRANK of Massachusetts. The answer is, again, yes. This is a very important subject which the gentlewoman from Illinois has identified. I promise we will work together. If we decide this needs to be a legislative change, I can promise the gentlelady that the committee will entertain the appropriate legislation and do that.

Mrs. BIGGERT. Again, I thank the gentleman.

In addition, I would like to ask the chairman to consider other measures to assist PHAs in the transition period and in the subsequent years. For example, I would like the chairman to consider a so-called hold-harmless provision attached to the new section 8 formula. The provision would provide PHAs with an assurance that they would not lose more than a certain percentage of funds in any given year due to the utilization rates in the previous years. The reasons for this are many, but at the heart of the matter is the simple fact that the so-called excess in funds that many PHAs were caught with when the new formula was dropped into the CR were not in fact excess at all but the result of deliberate choices, court-ordered requirements or special set-aside categories of vouchers. The PHAs should not be losing all of these vouchers in the first year. The percentage could range from perhaps 10 to 25 percent. And again, PHAs deserve stability and predictability in funding. Would the chairman work with me to craft a hold-harmless provision to include in this bill or the appropriations bill?

Mr. FRANK of Massachusetts. The answer here is definitely yes. I think a hold-harmless provision is appropriate.

The purpose of the change, as the gentlewoman knows, in our mind was to prevent a kind of downward ratcheting in the overall usage. But consistent with that, we don't want to penalize particular authorities.

We have already done some work, for instance, with the Dade County authority to take into account the fact that their shortfall came because of a hurricane, so they were not penalized by that. But the hold-harmless provision is a perfectly reasonable one, and I agree with the gentlewoman. I promise to work with the gentlewoman to do whatever we need to do legislatively to accomplish it.

Mrs. BIGGERT. Again, I thank the chairman; and thank the gentlewoman for the time.

Ms. WATERS. Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. GARY G. MILLER), a member of the Committee on Financial Services.

Mr. GARY G. MILLER of California. Mr. Chairman, I rise in support of H.R. 1851, the Section 8 Voucher Reform Act.

This is something we have been working on for years, and I am pleased we have it to this point today. I commend Chairman FRANK. BARNEY, you have been great to work with on these issues. When we express concerns, he is always willing to look at policy rather than politics. We have arrived at a bill we can all look at and say, there are things we might change, but overall, we all agree it is a good bill.

I would like to commend Ranking Member BACHUS for all of his help and assistance. Chairman WATERS, it has been fun working with you on this issue, as well as Ranking Member BIGGERT.

Working together in a bipartisan manner, we have produced a bill that will help the section 8 program better serve families and communities across the country.

Over the years, Congress has grappled with the skyrocketing cost of the section 8 program, which is growing so rapidly that HUD's other programs are suffering as a result.

It is not feasible for the Federal Government to continue increasing funds for a program without enacting meaningful reforms.

In the 109th Congress, I introduced legislation to improve the delivery of housing assistance to families in need by providing flexibility to local public housing authorities, PHAs, and holding them accountable for results.

The goal of my legislation was to ensure that PHAs would serve as many families as possible within their budget. While the bill before us today does not go as far as my proposal in injecting flexibility to PHAs in their administration of the entire section 8 program, H.R. 1851 does make a number of improvements to the section 8 program to reform the simplified regulations for local housing agencies.

I appreciate Chairman FRANK's willingness to work with me to allow for PHA innovation on a scale he is more comfortable with. While the bill before us does not apply flexibility to the entire program, I am pleased it at least allows a permanency and expansion of the Moving To Work program, renamed in this bill as the Housing Innovation Program, HIP.

The Moving to Work Program has allowed a small group of PHAs to create locally based housing programs outside of HUD's one-size-fits-all regulations. The program has enabled PHAs to create jobs for residents, add affordable housing stock and help families build savings.

Currently, over 24 of the more than 3,000 PHAs nationwide are participating in the Moving to Work program. H.R. 1851 provides access to more agencies nationwide seeking MTW status.

Through the new HIP program, we will be able to take away "best practices" to apply to the entire section 8 program in the future. I am confident that the innovation that will be produced through the flexibility provided in the HIP will demonstrate ways to truly reform section 8 so we can serve more families efficiently and help move them to self-sufficiency.

The manager's amendment, which will be debated later this evening, includes language I crafted to provide PHAs with the flexibility to establish rent structures as they see best to address the needs of their communities.

The language gives PHAs the flexibility to select from a menu of tenant rent policies, including flat rent, rents based on income ranges, rents based on percentage of income, or other innovative rent policies.

HUD and many PHAs agree that the current Federal approach to tenant rent contribution is a regressive system that penalizes residents by charging higher rents for those who gain employment and income.

If a section 8 recipient's salary increases, so does their rent. This creates a disincentive for work. Our goal should be to provide a helping hand to those who need it but also ensure that they are on a path to self-sufficiency. Rather than providing incentives for work, the current section 8 program provides incentives for people to lie about their income or to reject opportunities to increase their income since they would be forced to pay more rent. I don't think this is a message we should be sending in this program. We should be instilling responsibility and desire to achieve in our housing assistance policy, not encouraging dishonesty and creating disincentives for success.

I am pleased the chairman has worked with me on language to allow PHAs the option of setting rents in innovative ways to help families achieve self-sufficiency.

The reality is that we face a situation of growing waiting lists for section 8 vouchers without the resources to serve everyone. The answer is not to merely throw more money into an existing regressive system in a department where there are other pressing needs that need to be met. We need to move current section 8 recipients to self-sufficiency by allowing PHAs to be innovative with the money they do have, to be efficient and help as many people in need move through the program as possible.

While this bill does not go as far as I think we need it to go in terms of allowing flexibility, I believe it is a step in the right direction and will make needed improvements to the section 8 program. I look forward to the debate on the amendments tonight as I believe we can continue to improve the legislation as we move forward.

I would like to enter into a colloquy with the chairman, the gentleman from Massachusetts (Mr. FRANK).

There seems to be a misunderstanding on the part of HUD. Mr. FRANK, this bill includes a revision and expansion of the Moving to Work Program, MTW, renamed the Housing Innovation Program, HIP. Under the program authority of HIP, the Secretary may designate up to 60 public housing agencies to fully participate in the program, and an additional 20 public housing agencies may participate in the program under what is called the HIP-Lite provisions.

Under the current MTW program, authorization has been granted for 32 public housing authorities to participate in the program. However, HUD narrowly defined the legislative authority under which they could solicit new applications. HUD decided that once PHAs leave the program, no new agencies can be selected to fill their vacancy. The result is, out of 32 authorized, only 24 agencies are currently in the program.

I would like to confirm that the intent of this bill is to allow HUD to solicit new applications in order to maintain the program at its fully authorized level and to give PHAs the opportunity to fill any vacancies.

I would like to confirm that you agree that the secretary of HUD should promptly solicit new applications from PHAs interested in participating in the HIP program whenever the number of agencies is less than the total authorized level, and that would be 60 under this bill; is that correct, sir?

□ 1930

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from California is absolutely correct. The alternative interpretation would make no sense.

Of course, HUD should have and does have the authority to select replacements. What we set was a maximum number of participating agencies, and if an agency withdraws, then a new agency should be replaced.

If I may, I should note that the chairman of the subcommittee, who is such a devoted supporter of fairness, has raised some questions about the Moving to Work program, or whatever the new name is, and I have spoken with her. And I think what would be appropriate, and I think we would all agree, when we return from the summer recess to have a hearing on how the Moving to Work program is, in fact, operating, and I think that would be an appropriate thing to do.

But certainly under this law and under the agreements we reached, we set a number of housing authorities that are eligible to participate, and there shouldn't be any question, if an authority drops out, then HUD has the obligation, not just the permission, but the obligation to replace it.

Mr. GARY G. MILLER of California. I thank you.

So HUD understands, if it does drop to 50, it should be moved up promptly to 60, and I look forward to the hearing.

Ms. WATERS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. ANDREWS) 2 minutes.

Mr. ANDREWS. Mr. Chairman, I'd like to thank the chairwoman, my friend from California, for yielding.

The chairwoman and I came to this Congress on the very same day in 1990, and I'm extremely proud of the work she's done on this bill and gratified to support it.

I especially want to thank her for including language that I think will help underdogs, and the chairwoman has been a friend of the underdog for a very long time, and in her work in Sacramento she achieved her visions where tenants who were being mistreated by landlords, where the property was not being properly kept up and was not habitable, would be given the option of withholding rent in order to force repairs on the property. She's taken that provision and extended that principle in this bill in a way for which I salute her.

The bill contains provisions that say in situations where a public housing authority chooses, when notified of serious code violations by a tenant, it may take actions to withhold part of the section 8 voucher payment that would otherwise go to the landlord. And the purpose of this would be to empower the public housing authority under certain circumstances to deduct that amount of money and pay for the repairs.

What does this mean? It means a powerless person who doesn't have a political action committee or a lobbyist or a lot of political power but who needs their sink fixed or a broken window repaired or a heater repaired for the first time is going to have sufficient leverage to do so.

I think this will have three very important effects. First, it will be fair and right for these tenants. Second, it will be fair for landlords. If the tenant is the cause of the problem or if a landlord is acting responsibly, this poses no burden on a landlord. And third, it will help responsible local officials prevent blight and degradation of certain neighborhoods so that each person can live in an environment that's proper and good for their family.

So I want to thank the chairwoman for her characteristic advocacy on behalf of the underdog, for taking this idea, and I would urge support of the bill.

Mrs. BIGGERT. Mr. Chairman, I'd like to yield 4 minutes to the gentleman from Georgia (Mr. PRICE), a member of the committee.

Mr. PRICE of Georgia. Mr. Chairman, I want to thank my good friend from Illinois for yielding, and I want to thank also the Chair of the committee and Chair of the subcommittee for the work that they have done on this, and the ranking member.

I rise to express a few sincere and serious concerns with section 9 of the bill. This is the section that allows the public housing authorities, or the PHAs, to report the rental payments of its tenants to credit reporting agencies.

Reporting alternative data, like rental payments, to the credit reporting agencies may indeed be a very good thing. The hope obviously is that increased alternative data will help improve the credit reports for consumers and, in the long run, provide them with better and less expensive access to credit. In this increasingly credit-drive society, that's truly an important thing.

However, I've got four specific concerns with the way that the language in section 9 of this bill is written.

First is the format that this data will take. The language of the underlying bill requires the PHAs and credit reporting agencies to establish a system and format for reporting the new data. This is obviously new territory for PHAs, and they haven't done it before and aren't financial institutions and have no history of providing reporting data in the proper format.

Second concern is that this section may be incorrectly read to constitute a new requirement on the credit reporting agencies, and I would submit that this would be a drastic and significant change to our current system. Currently, credit reporting agencies must consider the timeliness of the data supplied to them. They must verify that it is accurate data, ensure that there hasn't been any case of identity fraud so that false data is not included in an unsuspecting consumer's credit file. Rental payment, clearly that information is different than other forms of commerce, and it may need to be treated differently.

A third concern is that the section, as it reads, would apply to "families receiving tenant-based housing choice vouchers." Credit files historically are unique to individuals. Credit reporting agencies have no way to adjust their credit files for an entire family. So I wonder again sincerely what the real consequences of this ambiguity and potentially harmful aspect are to spreading potential financial responsibility to some without regard to accountability.

My fourth concern may be the most important, and that is, that the underlying legislation requires that the PHA, or the public housing agency, gain the permission of the family in writing before submitting the data to credit reporting agencies. This provision potentially would turn our credit reporting system on its head. It's a 100-year-old system based on the voluntary reporting of data to credit reporting agencies. If consumers are able to turn on or off when the data is reported, then it, in its essence, undermines completely the accuracy of the credit reports.

Both those who furnish the data to the credit reporting agencies and those who use that data to offer credit to consumers rely on the accuracy of these reports so that they can appropriately and responsibly price the cost of credit to a specific consumer. If someone can decide not to submit certain data to a credit reporting agency, then the accuracy of that data will be greatly compromised.

I sincerely believe that a few minor changes to the underlying legislation would indeed perfect the language in a way that would allow for new alternative data to help consumers and also to have that new data submitted in a way that does not undermine a credit reporting system that truly has become the envy of the world.

It's my hope that we can work on these concerns as this legislation moves forward, and once again, I want to thank the gentlewoman from Illinois for her time and thank the Chair of the committee and subcommittee for their work on this issue.

Ms. WATERS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PASCRELL) 2 minutes.

Mr. PASCRELL. Mr. Chairman, I'm honored to rise in support of H.R. 1851. I commend Chairman FRANK and Chairwoman WATERS for bringing this worthy legislation to the floor today.

This bipartisan bill will increase efficiency in our section 8 housing voucher program and expand rental assistance opportunities, authorizing 20,000 new section 8 vouchers in each of the next 5 years, with a total of 100,000 new vouchers.

Section 8 rental assistance is a critical and widely used program, with approximately 2 million vouchers being distributed by more than 2,500 local public housing authorities.

I would like to draw attention to one specific provision of this legislation which will have widespread benefits, if we did nothing else today, and I think is the most meaningful thing we're doing today, by the way, if I may express my opinion, will have widespread benefits for housing authorities throughout this Nation, including those in my district.

In 2004, a new formula was instituted to fund public housing authorities that administer the section 8 program. The formula was based on a snapshot of PHA activity for May, June, and July of 2004. As a result, whatever a housing authority's needs were during that short period, they have been stuck with that number ever since. It is simply irrational to fund a program today based on what its needs were 3 years ago.

Some housing authorities were continually overfunded, some were underfunded. This provision left some housing authorities scrambling for funds and others with extra funding they couldn't access.

The bill we are considering today fixes this inefficient and outdated formula, requiring HUD to use data from the most recent 12 months to determine section 8 voucher funding. It's going to help a lot of people, a lot of people. Now funding will be guaranteed for all vouchers in use.

Even this administration has admitted that this flawed formula should be revised. I applaud the Financial Services Committee for including a fix in this legislation.

I urge my colleagues to vote in favor of H.R. 1851.

Mrs. BIGGERT. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CAMPBELL), another member of the Financial Services Committee, to engage in a colloquy with Chairman FRANK.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentlewoman for yielding.

I just wanted to bring to the chairman's attention a situation with HUD financing that kind of makes no sense to me, and a specific situation which I'm aware of involves the Villa Nueva Apartments, which are in San Ysidro in the San Diego area of California, where the owner of this multi-family, affordable housing project wants to sell it. The buyer wants to keep it as an affordable housing project. He's committed to keep the rents unchanged, but yet since it is HUD financed, under current, I guess, rulings or something that HUD is making, that 100 percent of the proceeds of this project would actually not be available to the seller. I don't know why someone who owns something would want to sell it if they couldn't have any of the proceeds. So, as a result, the seller may not sell this project. They may hold on to it for a couple of years, and then the restrictions will expire and then they could sell it for something else.

So it seems to me that HUD's procedures on this are actually standing in the way of affordable housing companies acquiring and continuing affordable housing multi-unit projects.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman from California.

I appreciate the gentleman from California making this very important point because it gives us a chance to highlight an important issue that this committee will be acting on.

I should just note that later today we will be considering an amendment on behalf of the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from Ohio (Ms. PRYCE) in similar circumstances, and we will be directing HUD to allow these to go forward.

The gentleman just learned of this, I know, and brought it to our attention, and I would begin by saying to him, if necessary, I would be supportive of doing the same in his case. I hope it won't be necessary.

Here's the situation that may people may not understand. Forty years ago and more, or about 40 years ago, we began, not us, with the exception of Mr. DINGELL, began a program of affordable housing where the Federal Government lent people money at either no interest or very low interest in return for it being affordable, but for some reason they put what they called an expiration date of 40 years.

Now, we stand to lose a lot of housing that is good housing currently affordable. We are looking for ways to let that be transferred to others who would keep that it way. I think HUD is being overly technical in some of these interpretations. It would clearly be in everybody's interest, for no budgetary cost we can preserve these units.

By the way, if the units are lost, what then happens is, under certain laws, the current tenants are entitled to enhanced vouchers. So we would then be paying more in enhanced vouchers to a new landlord. That doesn't make sense.

I just want to make this commitment to the gentleman. I hope after today's bill, which I hope it passes and the amendments for Mr. MARKEY and Ms. PRYCE are passed, that we can then sit with HUD on a bipartisan basis and try and find a way for them to do this administratively. If they tell us that they need a small fix, if there's some legislative problem, we could do that on suspension immediately. Even the Senate would do that one quickly.

I would say this. I hope that we will, today, get HUD's attention so that we can sit with them and work this out. I would rather have it done in policy. If necessary, we'll do a little fix.

And I would also say before the end of this year, and this is high on the agenda of the gentlewoman from California and myself, because this situation occurs all over the country in everybody's district or in most districts, if necessary, we will pass a bill that will give HUD all the authority necessary to prevent this loss of affordable housing for no good reason.

So I admire the gentleman for bringing it to our attention. I think, frankly, if we pass this bill and pass the Markey Pryce amendment, we'll probably get a better response out of HUD, and if necessary, we will legislate it.

Mr. CAMPBELL of California. Thank you.

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Ms. WATERS. I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. I want to thank my colleague for yielding. I rise also to support the Section 8 Voucher Reform Act of 2007.

I want to thank my good friend from California, Chairman MAXINE WATERS, for sponsoring this vital legislation.

I also want to thank our chair, Chairman FRANK, for his leadership and guidance in this committee.

Mr. Chairman, in 2004, when the administration decided to change the funding formula for section 8 vouchers, drastic cuts were made to the number of vouchers available. These cuts hurt needy families throughout the Nation and throughout my district. We are talking about seniors, low-income families, disabled, the poor, the disadvantaged.

In my district alone, section 8 housing vouchers, public housing units, provide affordable housing for more than 32,000 people. Can you imagine, 32,000 people right now, children and others, that would not have a home, not have a place to rent, that would be homeless if it hadn't been for section 8? This bill reverses the cut and adds an additional 20,000 vouchers so that families are not forced to choose between paying for food, their medication or rent.

We are talking about people that can't afford housing, even right now, with the inflation and the cost that is going on right now. We have got to make sure that they have a home, they have stability, and they have a roof over their head, especially for our children.

I appreciate my colleague on the other side, GARY MILLER, supporting this legislation as well. We worked on some of the amendments. I appreciate that very much.

It also contains key provisions that strengthen section 8 programs, including protection for individuals with limited English proficiency and the expansion to Moving To Work programs. I urge my colleagues to support this most vulnerable program that helps us, and especially as it pertains to helping the poor, the disadvantaged.

I ask my colleagues to support this legislation.

Mrs. BIGGERT. Mr. Chairman, might I inquire of the time remaining on either side of the aisle?

The CHAIRMAN. The gentlewoman from Illinois has 10½ minutes.

The gentlewoman from California has 9 minutes.

Mrs. BIGGERT. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman and Members, I am so very proud of the work of this committee.

I am so very, very pleased and honored to have the opportunity to work with BARNEY FRANK. Not only is he a committed public policy maker, he is smart, and he is creative. And he is helping us to understand how to use this wonderful opportunity that has been afforded to us to do good for the people of this country.

I am so pleased about this particular bill, because I am so keenly aware of the housing crisis that we have in this country.

As we stand here this evening, there are people who are sleeping under bridges; living with them are families, children. Some of them are veterans. I come from a time and place where people did not have decent housing. I know, too, that not only has this occurred for many years in this country, where people have been living in substandard housing, even today we have people without running water. We have people without proper health facilities of any kind in their homes.

We have families that are crowded into one and two rooms. We have people whose roofs were leaking this evening. But because of this government and our ability to help government understand what it can do to help the least fortunate, we are able to pass this kind of legislation.

I want to thank my friends on the opposite side of the aisle, again, Mrs. BIGGERT, for the cooperation that I have enjoyed working with her.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentlewoman.

Mr. Chairman, again, I want to emphasize, this is a process that began when the Republicans were in power, when Mr. Ney was the chairman.

The gentlewoman from California was the ranking minority member and has continued in her chairmanship. The gentlewoman from Illinois is the ranking member. This is an example of how you can make something better and deliver better, with one exception, there is no additional money in this bill.

I hope that we will succeed in authorizing 20,000 new vouchers. That's an issue we will debate, although it is subject to appropriation, as to whether or not it gets done. I think our appropriator friends would like to do it.

But most of what this does is to improve the delivery. We talk about it a lot. It isn't always done. And in that context, we often thank the staff.

This is a case where the staff of the Financial Services Committee and subcommittee on both sides, we already did a great deal of work; this is a more technical bill than many that have come forward.

This is a less than ideological breakthrough. We hope to have some of those. We have had in the past. It's more a systemic examination of a very large program with improvements of a technical and specific sort in many aspects of it. It took a good deal of hard work, and it took a good deal of mutual cooperation.

As I said, there were some differences, and we will debate those differences, but it should be made clear that those differences come within a context of a broad agreement on making the program better.

There is a lot of talk about waste and fraud and abuse. Waste and fraud and abuse are more generally decried around here than diminished. This is a bill that will make it much less likely that money will be wasted, much less likely that there will be an abuse of the public purse. As I said, let me say in closing, it is to the credit of the gentlewoman from California, the gentlewoman from Illinois, and the people who have worked with them.

Every stakeholder is a supporter of this bill, the landlords, the tenants, the advocacy groups, the housing authorities that administer it. It is rare that you get this degree of agreement. It's a process that began with civil conversation. I am pleased to see, at least on this night, it's going to end with a civil conversation, and the product will be significant improvements in one of the most important social programs in the Federal Government.

Mrs. BIGGERT. Mr. Chairman, I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentlelady from Illinois for yielding me the time.

Mr. Chairman, this is a historic occasion, a historic time. I want to express my appreciation to the chairman of the full committee, Mr. FRANK, and the chairwoman of the subcommittee, Congresswoman WATERS, and the ranking members, for what I hope will ultimately be an enormous step forward for the homeless and the underserved.

I also want to acknowledge my colleague and friend, Congressman AL GREEN, who has worked so hard to ensure that cities who have the background of Houston, Texas, are also accounted for. Those are cities that have for years had thousands of individuals on the waiting list.

I think the number 25,000 in Houston has literally become a number of the decade, because there has been a waiting list of 25,000 for as long as I can remember, having served on the Houston City Council.

I am very pleased to acknowledge that we are going to reorder the formula so that cities can borrow against moneys that are already in their account, so that the cities that have an excessive number of individuals on the waiting list can still be able to utilize those dollars.

I want to pay special attention to the resources that will be utilized for the disabled and special resources that are going to be utilized for innovative programs dealing with, for example, the housing innovation program, which has previously been Moving to Work.

One of the issues that I hope that we will look forward to is giving incentives to cities to help them reduce the waiting list. Now, you can change the formula, and I had an amendment that would provide at least a pilot study to construct, if you will, an incentive to make sure that cities took advantage of this new structure and worked hard to reduce the waiting list.

It is one thing to have the laws in place. It is another thing to have housing authorities sit by and just watch, rather than working very hard to bring down their list.

I am very grateful that we now have an understanding that there is less and less affordable housing being built in America. These individuals that use section 8 vouchers are working people, people who are paying their taxes, who cannot find housing in high-priced markets. This section 8 voucher program will allow these individuals to purchase homes. They are creative, unique and forward thinking, because they are individuals who have put their stake down in these particular areas.

I am also hoping, as I close, and I am hoping that we will continue to work on this issue, is to ensure individuals will not be put out because of combat pay for soldiers who are coming back.

I ask my colleagues to support this legislation.

Mr. Chairman, I rise in strong support of H.R. 1851, the "Section 8 Voucher Reform Act of 2007." I support this bipartisan measure for three important reasons. First, H.R. 1851 reforms Section 8 vouchers to make their allocation more efficient and targets them based on need. Second, the legislation also increases access for rural families, and expands the number of families receiving housing vouchers. Third, the bill permits families to use housing vouchers as a down payment on a first-time home purchase, and includes other provisions to encourage family self-sufficiency including incentives for families to obtain employment, increase earned income, pursue higher education, and save for retirement.

I wish to express my special thanks to the Chair of the Financial Services Committee, Mr. FRANK, for his leadership and commitment to affordable housing for low and moderate income families. Let me also thank the gentlewoman from California, Ms. WATERS, the Chair of the Subcommittee on Housing and Community Opportunity for her yeoman work in bringing this important and much needed legislation to the House floor today.

Mr. Chairman, a strong America requires strong families and communities. Affordable housing is critical to maintaining strong families and communities. Section 8 housing vouchers provide vital rental assistance for low-income families, seniors, and the disabled to help them afford housing. The Section 8 housing voucher program contributes to the strengthening of our nation. Let me discuss briefly for our colleagues some of the more beneficial provisions in the legislation.

The legislation eliminates inefficiencies that have resulted in $1.4 billion in unused funds and provides incentives for agencies to use funds to assist more families. Thus, the voucher Funding Formula is made more efficient and will lead to an increase in the number of families receiving vouchers. And that is good because the number of housing vouchers issued has declined more than 150,000 since 2004. The bill authorizes 20,000 incremental vouchers in each of the next five years, for a total of 100,000 new vouchers.

Mr. Chairman, I also support this legislation because it protects tenant rights, promotes home ownership, and encourages economic self-sufficiency for low income voucher and public housing families. The legislation also protects housing agencies adversely affected by formula changes, by allowing them to use voucher reserves in the transition to maintain the number of families being assisted.

Homeownership is promoted because, for the first time, families will be permitted to use housing vouchers as a down-payment on a first-time home purchase, and to use vouchers for purchase of a manufactured home on leased land. Economic self-sufficiency for low income voucher and public housing families is encouraged because H.R. 1851 includes several incentives for families to obtain employment, increase earned income, pursue higher education, and save for retirement. The bill also increases voucher opportunities for lower-income working families in rural areas.

Finally, the bill contains several tenant protections, including provisions to preserve voucher families' ability to move to other areas, to address excessive voucher rent burdens, to provide for more accurate fair market rent calculations, and to protect voucher holders in units that are in need of repair.

Mr. Chairman, for millions of our fellow citizens, finding safe and affordable housing is still a constant and often futile struggle. Today, about 1.4 million households nationwide participate in the voucher program; but not all qualified applicants are guaranteed housing. The demand for housing assistance consistently exceeds the limited resources available from the Department of Housing and Urban Development and local government agencies. Long waiting lists have, unfortunately, become very common.

In my hometown of Houston, the largest city in Texas, and the fourth largest in the United States, there is a multi-year backlog of applications for individuals seeking government assistance. It is not unusual for individuals and families to be placed on the waiting list for more than three years.

I believe it imperative that something be done to reduce this backlog. That is why I offered an amendment to the bill that would establish a pilot program to aid in the reduction of Section 8 waiting list.

Mr. Chairman, I also offered an amendment providing that funds received by a section 8 family from a family member serving in the Armed Forces in a hostile combat theater be excluded from the computation of income for eligibility purposes.

The military is one of Americans most precious resources and one whose efforts ought to never be taken for granted. Daily, these men and women in uniform risk their lives to ensure the national security and safety of our country. One way to express our gratitude to them is to offer relief to their family members.

Eligibility for housing vouchers is typically based on the family size and the total annual gross income, which ought to not exceed 50 percent of the median income for the area in which they choose to live. HUD's Housing Voucher (HCV) handbook lists both special pay (except pay received by a service member who is exposed to hostile fire) and the Base Housing Allowance (BAH) as income for purposes of determining a family's income eligibility. Excluding monies received by section 8 tenants from family members serving in combat zones when evaluating income eligibility for Section 8 housing would provide a little piece of mind to the families of these soldiers serving overseas.

The final amendment I offered sought to provide economic opportunities to Section 8 tenants by requiring the Secretary of the Housing and Urban Development carry out programs whereby public housing agencies develop curriculums and policies designed to increase employment and contracting opportunities for recipients of tenant-based rental assistance under the United States Housing Act of 1937. These economic opportunities can be in the form of maintenance, inspection, and management of rental properties for which rental assistance is provided.

Families living with Section 8 vouchers can achieve self-sufficiency through active participation in education and employment. Self-sufficiency eliminates the need to be dependent on public assistance and increase one's self esteem and sense of accomplishment. My amendment was intended to help section 8 become more economically independent.

But taken as a whole, Mr. Chairman, H.R. 1851 is a very good bill and represents a significant step forward in the direction of an enlightened policy of affordable housing. Accordingly, I strongly support H.R. 1851, the "Section 8 Voucher Reform Act of 2007." I urge my colleagues to join in voting for this much need legislation.

Mrs. BIGGERT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, we have been working on housing issues for several years. I think we do have a very good job in this House coming to an agreement. Moving to the Senate, for some reason, things just don't happen as they should on that side of the Capitol.

But we have got tremendous housing shortages in this country that we have to deal with. We have to work on HOPE VI program to be more innovative to allow the private sector to get involved. We need to be able to take and move people through the system for public housing section 8 vouchers.

But the area we are really hurting in in this country is the move-up marketplace for people coming out of section 8, coming out of public housing and to be able to move into a house that's affordable. We all have problems in many of our districts where our children go away to college; we know people who, when their kids come back, they can't afford to live in the communities in which they were raised. We know many people who may be a school teacher, a police officer, a fireman, who drive 2 hours back and forth to work because they can't afford to live within the community in which they work. That should be a focus of Congress.

We not only have to deal with the HOPE VI program, we have to deal with the public housing program, the section 8. We have to look at streamlining the system where builders and developers in this country can bring affordable housing on line and make it available for people who are moving out of government assistance into homes of their home.

The Moving To Work program, I think, is going to work very well. It allows people to retain some earnings, to build up the savings to be able to afford to move into a home for the first time. We have a lot of nonprofits in this country that provide down-payment assistance, programs who help people that can afford a payment but don't have the cash on hand within which to be able to put down and pay the closing costs to move into a home.

We have got to look at the overall industry and say, how can we be innovative? How can we be creative? And how can we help people to help themselves? Now, I am a conservative. I don't believe in government programs going on forever. But I think people come to a point in their life where they need a helping hand.

We need to look at ways to help them go on their open to become self-sufficient. That's what I hope we do in Congress, not only look at reforming the government programs we have here today to make them more innovative, make them work for people. In L.A. County, there is a 10-year wait for people to go on vouchers or public housing. That has to change.

People wait for 10 years who are just as needy or more needy sometimes than people who are receiving assistance. But we have no way of moving those people out of government programs into their own homes.

That's what we need to look at, streamlining, removing the red tape, fast tracking, have some nexus between the cost that's assessed against the project and the actual cost of that project.

I want to commend BARNEY FRANK. Over the years, he and I have worked on more legislation on housing I think than any two Members from the Republican and Democrat side together that try to create programs that work for people. Tonight's bill might not be everything they want. I know it's not everything that MAXINE WATERS and BARNEY FRANK wants, but it was an agreement between the two of us in a bipartisan fashion, Republicans and Democrats, to come and fashion a bill that would work.

I think this bill has some innovation. It makes some changes, and I think it moves us in a better direction. Are we where we should be completely? No, but we are moving in a good direction.

I look forward to cooperation from both sides.

Ms. WATERS. Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I might consume.

In closing, I would again like to thank the subcommittee chairwoman, Ms. WATERS, Chairman FRANK and Mr. SHAYS for introducing and working on this bill. I urge my colleagues to support the bill, which received a 52-9 vote coming out of our committee.

The bill we will vote on today is a good bill. It is the result of bipartisan cooperation. It contains many provisions more than in last year's bill that help families dependent upon public assistance become families that are independent and self-sufficient tax-paying productive members of society.

It's my sincere hope that we can further improve the bill, especially the sections involving the funding formula. I thank the chairman for agreeing to work with me on this.

I truly hope that we can move this bill beyond the House during this Congress and that the Senate and the administration will work with us to reform this important program.

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America's families and American children deserve a 21st-century section 8 program.

Mr. Chairman, I urge my colleagues to support this bill, and I yield back the balance of my time.

Ms. WATERS. Mr. Chairman, I would like to take this moment to thank someone who is not here in the Congress with us at this time.

When we first started this legislation in the previous Congress, it was with Mr. Bob Ney who served as chair of the subcommittee; I was the ranking member; and we put this bill out on the floor where it passed this House, and he deserves credit for all the work that was done.

I would also like to thank some of the other members who we have not heard from this evening in general debate and hopefully we will hear from a little later on. Mr. GREEN from Texas who insisted that we expand the vouchers to make them available to the needy families who certainly have been standing in line waiting on section 8 vouchers.

I would like to thank Mr. DAVID SCOTT for being one of the most adamant and fierce defenders of the work that we have done and who has taken on the work of trying to educate some of our Members from the other side of the aisle, not only about the need, but how not to penalize the victims and people who are looking for housing opportunities who would not be able to get them but for section 8 and the work that we are doing.

With that, I would like to close by thanking the chairman who is so committed to helping those who need us most. He is certainly the kind of leader that we can depend on to make sure that everything possible is done, to utilize the time that we have been given in this committee to work for people who oftentimes have been dropped off of America's agenda. Again, he provides strong leadership. He is generous with sharing opportunities with everybody that serves on that committee. And it is because of that kind of leadership and, again, the cooperation from my friends on the opposite side of the aisle, Mrs. BIGGERT, Mr. MILLER, Mr. SHAYS, and others that we come to this floor tonight with a good strong bill that is going to help so very many people in this country, and it is the kind of public policy that makes us all feel very good about being elected officials.

Mrs. CHRISTENSEN. Madam Chairman, I rise today in support of H.R. 1851, to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937. I commend the Honorable MAXINE WATERS for her leadership on this issue of pressing socioeconomic concern.

In 1937, we had a Nation still suffering from the Great Depression. In fact, in 1937, the economy fell into a recession which caused high unemployment and left many wondering how they would put a roof over their family's heads at night. In response to this problem, the United States Housing Act was enacted, which helped hard-working American families to stay off of the streets.

This bill also helped to push the United States policy of spending on infrastructure to help the economy, as promoted by the principles of Keynesian economics. In today's economy we are seeing a new problem emerge—the growing income gap.

According to a January 27, 2007, CNN report entitled, "Mind the gap: Income Inequality, State by State," Americans whose annual income places them in the top 5 percent of the income bracket "saw their incomes rise as much as 132 percent between 1980 and 2003. The bottom 20 percent of families, meanwhile, saw their incomes rise by no more than 24 percent." With such inequality today's housing crisis becomes obvious—the "haves" are purchasing more real-estate and thus driving housing costs to levels far above the budget of "have-nots".

Just as the Federal Government took the lead and helped struggling American families in 1937, we must step in and make sure their efforts are applicable to today's specific housing crisis by amending Section 8 of the United States Housing Act 1937 to address the problems of 2007.

In my district of the Virgin Islands I see multimillion dollar estates constructed in areas of previously low to moderate income. Often times this works to drive up property values and drive out those who can no longer afford to live in the area. It has driven up housing costs and even rental prices. This bill will help address this issue by adding 100,000 new Section 8 vouchers, and by expanding their use for home purchase as well as rent. It will allow a public housing agency to authorize a family in crisis to occupy housing immediately so they are not left on the streets while a slow moving bureaucratic agency "evaluates" them. H.R. 1851 also includes provisions to address existing inadequacies in the programs that have created long waiting lists and a program that has more applicants than available housing.

By passing H.R. 1851, Congress will take a much needed step towards improving a much needed program. I urge my colleagues to support this bill and help make a good program stronger and better.

Mr. ENGEL. Madam Chairman, I rise today in support of H.R. 1851, the Section 8 Voucher Reform Act of 2007. This bill will expand Section 8 Vouchers to improve system efficiency, encourage self-sufficiency, and increase the number of families who can participate. There are currently 20,370 vouchers in use in New York's 17th district which I proudly represent, and 2 million families using vouchers nationwide. These Section 8 Vouchers allow low-income families to choose the housing option that best fits their needs, and encourages permanent economic stability.

According to the National Association of Housing and Redevelopment Officials, there is funding for 150,000 vouchers that are not in use under the current Section 8 Voucher formula. By reforming Section 8 Vouchers, we put funding and vouchers in the hands of people who need them the most.

Madam Chairman, in New York we highly value Section 8 Vouchers housing. The vouchers provide much-needed assistance to families and individuals wishing to become more economically self-sufficient, but who lack the means to do so on their own. Simplifying and expanding Section 8 Vouchers will help alleviate a monumental housing crisis in the state of New York and throughout the country. H.R. 1851 relieves pressure on struggling communities and families and will bring economic security and self-sufficiency within their reach. H.R. 1851 reforms Section 8 Vouchers in a comprehensive and logical way, and I encourage my colleagues to support this important legislation.

Ms. SCHAKOWSKY. Madam Chairman, today's passage of H.R. 1851, the Section 8 Voucher Act (SERVA) will improve greatly the housing voucher system—which is already successful and has been described by the Administration as one of the federal government's most effective programs.

Safe and affordable housing is one of my priorities and should be a national priority. Section 8 vouchers are a great tool for getting families into decent homes. Studies have shown that Section 8 vouchers reduce homelessness, overcrowding, and frequent moves from apartment to apartment. Affordable housing is critical to strong families and communities, and vouchers have allowed families to move to lower-poverty neighborhoods with better schools and less exposure to crime.

H.R. 1851 will only increase the success of Section 8 vouchers, which currently provides housing assistance to more than 2 million families, by making the program more efficient and more effective. From 2004 to 2006, voucher funds were allocated using a series of ineffectual formulas that gave some agencies less funding than they needed to cover the costs of their vouchers—forcing them to cut back for needy families—while other agencies were given more funds than they could use. This resulted in $1.4 billion of unused funds and, more importantly, 150,000 more low-income families without vouchers. SERVA would base funding on the actual cost of each agency's vouchers in the previous year. This will allow housing agencies, apartment owners, and families with vouchers to be confident that the program will be funded on a regular basis. Moreover, SERVA will establish incentives encouraging agencies to serve as many families as their funding permits, rather than accumulating large balances of unspent funds.

In addition to establishing such a stable, efficient and equitable voucher funding policy, SERVA will additionally remove barriers to voucher "portability", as well as streamline the rules for determining tenants' rent payment. It will authorize 100,000 new vouchers over five years' time, and include provisions to encourage economic self-sufficiency. It will also allow families to use housing vouchers as a down payment on a first-time home purchase, gives a limited number of Public Housing Agencies some flexibility to experiment with development and rent policies, and makes it easier for housing agencies to attach vouchers to housing units. These reforms will provide vital rental assistance for seniors and the disabled as well as low-income families, as well as provide a welcome opportunity for low-income families to achieve the American Dream of home ownership.

By reforming an already highly successful program, we can improve the quality of life for many American families, elderly, and disabled citizen all over the country by offering them more and better choices of communities to live in.

Mr. HINOJOSA. Madam Chairman, I rise in strong support of H.R. 1851, the Section 8 Voucher Reform Act of 2007.

I want to take this opportunity to commend my good friend Congresswoman MAXINE WATERS, chairwoman of the Housing Subcommittee, for introducing this bill, navigating it through the House Committee on Financial Services and bringing this important and necessary piece of legislation to the floor today for consideration by the full House of Representatives.

I have the utmost respect for Chairwoman WATERS—for all that she has done and is doing to improve the housing conditions for Americans, especially the moderate- to low-income, minorities, the disabled and the elderly. She has helped me considerably in my efforts to improve housing conditions in rural America.

Mr. Chairman, while some form of Section 8 rental assistance has been in place since the mid-1970s, the modern program was shaped largely by the 1998 public housing reform act. Nearly 10 years later, the Section 8 Housing Choice Voucher program came under new scrutiny, with Public Housing Authority industry leaders, low-income housing advocates, and some Members of Congress calling for reforms.

Chairwoman WATERS heeded that call and has brought to the floor today a bill that will help not only the poorest of the poor with housing vouchers but also provide the public housing authorities in my district and across the nation with the tools they need to better serve our constituents. The bill includes significant improvements to the voucher program, which provides rental assistance to about 1.8 million families, the majority of whom are extremely poor.

Applaud the provision in the bill that permits public housing authorities to let families use housing vouchers as a down payment on a first-time home purchase, and the section authorizing 20,000 sorely needed incremental vouchers in each of the next 5 years, for a total of 100,000 new vouchers.

For these reasons and more, I encourage my colleagues to vote in favor of H.R. 1851, the "Section 8 Voucher Reform Act of 2007."

Mr. CONYERS. Madam Chairman, I regret that I will be unable to vote "yes" tonight for passage of H.R. 1851. I was scheduled to be in Detroit in order to receive the NAACP's most prestigious award, the "Spingarn award." I applaud the vision, courage and compassion of Representative MAXINE WATERS for introducing the "Section 8 Voucher Reform Act of 2007, H.R. 1851." I strongly support the legislation, because it expands Section 8 vouchers for working families in America who are in desperate need of affordable housing by creating 20,000 incremental Section 8 vouchers in each of the next 5 years for a total of 100,000 new vouchers.

In a nation where affordable housing is scarce, and family homeless shelters continue to be built across the nation, passage of H.R. 1851 is a vitally important step in having the Federal Government take the lead in expanding affordable housing for deserving families and children in America. There are approximately 16,000 individuals and families who are currently on the Detroit Public Housing Waiting List. H.R. 1851 will help reduce the affordable housing crisis in Detroit, by increasing the availability of housing units through the expansion of Section 8 housing. It clearly does not make sense, nor is it fair, to have apartments available for rent in Detroit, but not enough citizens to move into them, only because there have not been a sufficient supply of Section 8 vouchers in the past.

H.R. 1851 also changes rent calculation, recertification, and inspection rules for the voucher, public housing, and project based Section 8 programs, to reduce costs and compliance burdens for public housing agencies, landlords, and families. These changes are made while maintaining rules that target scarce resources to those families most in need and while maintaining rent calculation rules that ensure rents are affordable. This will mean that Section 8 apartments will now become more affordable due to changes in rent calculation formulas mandated in H.R. 1851.

H.R. 1851 also permits public housing agencies across this country to allow families in need of affordable housing to use a Section 8 housing voucher as a down payment on a first time home purchase. Passage of this legislation means scores of working families in Detroit, many who have saved and sacrificed the entire lives to buy a home, will be now able to do so.

The "Section 8 Voucher Reform Act of 2007, H.R. 1851." Is a critically important piece of legislation because it reforms HUD Section 8 guidelines to ensure that the approximately $1.4 billion in unused Section 8 funds will now be spent. This legislation mandates reforms in the Section 8 program that will eliminate inefficiencies, streamline paper work, and provide more incentives for public housing agencies to assist more families who qualify for Section 8 housing.

Having an additional $1.4 billion dollars to be used for Section 8 housing vouchers means that there will be a substantial increase in families in Detroit who will live in safe and decent affordable housing. There are too many working families in Detroit, and across this nation, who are living in homeless shelters, expensive inner city hotels, and staying with friends and relatives until they can locate housing. This is a moral outrage. All Americans deserve safe, decent, and affordable permanent housing.

Under the leadership of Representative MAXINE WATERS, passage of H.R. 1851 shows how we as Democrats have always had a historical commitment to expanding affordable housing to working families, and will continue to do so.

If we are to be a truly compassionate and moral nation, all individuals and families, regardless of income, race, or employment status must have as a fundamental human and civil right safe, decent, and affordable housing. Passage of H.R. 1851 is a critically important piece of legislation that will move America closer to this goal. Now, 100,000 additional Americans will have the opportunity to either become home owners, or move into an apartment, something that we can all agree on should be one of the highest priorities of this Nation.

Ms. MCCOLLUM of Minnesota. Madam Chairman, I rise today in strong support of H.R. 1851, the Section 8 Voucher Reform Act, and applaud Chairwoman MAXINE WATERS and Chairman BARNEY FRANK for their work on this important issue.

Housing, like food and health care, is a basic need, and it should be accessible to all Americans. Unfortunately, too many families find themselves without a stable and secure place to live because they cannot afford the high cost of housing in our country.

The Section 8 voucher program plays a critical role in preventing homelessness by expanding access to affordable housing. It is our nation's largest federal housing program, serving more than 2 million low-income families around our country. However, currently, the demand for Section 8 vouchers far exceeds the availability of vouchers. In my District in Minnesota, there are more than 5,000 households on the waitlist for Section 8, and the average wait time is anywhere from 5 to 7 years.

The Section 8 Voucher Reform Act expands and improves this important program and will ensure more families have access to safe, affordable housing. H.R. 1851 authorizes an additional 100,000 vouchers over the next 5 years. It also updates the formula used to allocate Section 8 voucher funds to housing agencies and simplifies the rent structure to eliminate current inefficiencies, allowing agencies to serve more families.

This legislation encourages self-sufficiency and rewards work by providing incentives, such as reducing rent disincentives for increases in earned income and offering income exemptions for adult full time student dependents. H.R. 1851 also promotes homeownership by allowing families to use a housing voucher as a down payment toward the purchase of their first home. Homeownership is the greatest source of wealth for many Americans. It strengthens our families and our communities.

Madam Speaker, every family deserves clean, stable, and affordable housing. I am proud to rise today in support of this important legislation.

Ms. WATERS. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Ms. BALDWIN). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Section 8 Voucher Reform Act of 2007".

SEC. 2. INSPECTION OF DWELLING UNITS.

(a) IN GENERAL.—Section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) INITIAL INSPECTION.—

"(i) IN GENERAL.—For each dwelling unit for which a housing assistance payment contract is established under this subsection, the public housing agency (or other entity pursuant to paragraph (11)) shall inspect the unit before any assistance payment is made to determine whether the dwelling unit meets the housing quality standards under subparagraph (B), except as provided in clause (ii) or (iii) of this subparagraph.

"(ii) CORRECTION OF NON-LIFE THREATENING CONDITIONS.—In the case of any dwelling unit that is determined, pursuant to an inspection under clause (i), not to meet the housing quality standards under subparagraph (B), assistance payments may be made for the unit notwithstanding subparagraph (C) if failure to meet such standards is a result only of non-life threatening conditions. A public housing agency making assistance payments pursuant to this clause for a dwelling unit shall, 30 days after the beginning of the period for which such payments are made, suspend any assistance payments for the unit if any deficiency resulting in noncompliance with the housing quality standards has not been corrected by such time, and may not resume such payments until each such deficiency has been corrected.

"(iii) PROJECTS RECEIVING CERTAIN FEDERAL HOUSING SUBSIDIES.—In the case of any property that within the previous 12 months has been determined to meet housing quality and safety standards under any Federal housing program inspection standard, including the program under section 42 of the Internal Revenue Code of 1986 or under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act of 1990, a public housing agency may authorize occupancy before the inspection under clause (i) has been completed, and may make assistance payments retroactive to the beginning of the lease term after the unit has been determined pursuant to an inspection under clause (i) to meet the housing quality standards under subparagraph (B).";

(2) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) BIENNIAL INSPECTIONS.—

"(i) REQUIREMENT.—Each public housing agency providing assistance under this subsection (or other entity, as provided in paragraph (11)) shall, for each assisted dwelling unit, make biennial inspections during the term of the housing assistance payments contract for the unit to determine whether the unit is maintained in accordance with the requirements under subparagraph (A). The agency (or other entity) shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 5(h).

"(ii) SUFFICIENT INSPECTION.—An inspection of a property shall be sufficient to comply with the inspection requirement under clause (i) if—

"(I) the inspection was conducted pursuant to requirements under a Federal, State, or local housing assistance program (including the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.)); and

"(II) pursuant to such inspection, the property was determined to meet the standards or requirements regarding housing quality or safety applicable to units assisted under such program, and, if a non-Federal standard was used, the public housing agency has certified to the Secretary that such standards or requirements provide the same protection to occupants of dwelling units meeting such standards or requirements as, or greater protection than, the housing quality standards under subparagraph (B)."; and

(3) by adding at the end the following new subparagraph:

"(F) ENFORCEMENT OF HOUSING QUALITY STANDARDS.—

"(i) DETERMINATION OF NONCOMPLIANCE.—A dwelling unit that is covered by a housing assistance payments contract under this subsection shall be considered, for purposes of this subparagraph, to be in noncompliance with the housing quality standards under subparagraph (B) if—

"(I) the public housing agency or an inspector authorized by the State or unit of local government determines upon inspection of the unit that the unit fails to comply with such standards;

"(II) the agency or inspector notifies the owner of the unit in writing of such failure to comply; and

"(III) the failure to comply is not corrected within 90 days after receipt of such notice.

"(ii) WITHHOLDING AND RELEASE OF ASSISTANCE AMOUNTS.—The public housing agency shall withhold all of the assistance amounts under this subsection with respect to a dwelling unit that is in noncompliance with housing quality standards under subparagraph (B). Subject to clause (iii), the agency shall promptly release any withheld amounts to the owner of the dwelling unit upon completion of repairs that remedy such noncompliance.

"(iii) USE OF WITHHELD ASSISTANCE TO PAY FOR REPAIRS.—The public housing agency may use such amounts withheld to make repairs to the dwelling unit or to contract to have repairs made (or to contract with an inspector referred to in clause (i)(I) to make or contract for such repairs), and shall subtract the cost of such repairs from any amounts released to the owner of the unit upon remedying such noncompliance.

"(iv) PROTECTION OF TENANTS.—An owner of a dwelling unit may not terminate the tenancy of any tenant or refuse to renew a lease for such unit because of the withholding of assistance pursuant to this subparagraph.

"(v) TERMINATION OF LEASE OR ASSISTANCE PAYMENTS CONTRACT.—If assistance amounts under this section for a dwelling unit are withheld pursuant to clause (ii) and the owner does not correct the noncompliance before the expiration of the lease for the dwelling unit and such lease is not renewed, the Secretary shall recapture any such amounts from the public housing agency.

"(vi) APPLICABILITY.—This subparagraph shall apply to any dwelling unit for which a housing assistance payments contract is entered into or renewed after the date of the effectiveness of the regulations implementing this subparagraph.".

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall issue any regulations necessary to carry out the amendment made by subsection (a)(3) not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act. Such regulations shall take effect not later than the expiration of the 90-day period beginning upon such issuance. This subsection shall take effect upon enactment of this Act.

SEC. 3. RENT REFORM AND INCOME REVIEWS.

(a) RENT FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "LOW-INCOME OCCUPANCY REQUIREMENT AND RENTAL PAYMENTS.—" after "(1)"; and

(B) by adding at the end the following new paragraphs:

"(6) REVIEWS OF FAMILY INCOME.—

"(A) FREQUENCY.—Reviews of family income for purposes of this section shall be made—

"(i) in the case of all families, upon the initial provision of housing assistance for the family;

"(ii) annually thereafter, except as provided in subparagraph (B)(i);

"(iii) upon the request of the family, at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in a decrease of $1,500 (or such lower amount as the public housing agency may, at the option of the agency or owner, establish) or more in annual adjusted income; and

"(iv) at any time the income or deductions (under subsection (b)(5)) of the family change by an amount that is estimated to result in an increase of $1,500 or more in annual adjusted income, except that any increase in the earned income of a family shall not be considered for purposes of this clause (except that earned income may be considered if the increase corresponds to previous decreases under clause (iii)), except that a public housing agency or owner may elect not to conduct such review in the last three months of a certification period.

"(B) FIXED-INCOME FAMILIES.—

"(i) SELF CERTIFICATION AND 3-YEAR REVIEW.—In the case of any family described in clause (ii), after the initial review of the family's income pursuant to subparagraph (A)(i), the public housing agency or owner shall not be required to conduct a review of the family's income pursuant to subparagraph (A)(ii) for any year for which such family certifies, in accordance with such requirements as the Secretary shall establish, that the income of the family meets the requirements of clause (ii) of this subparagraph, except that the public housing agency or owner shall conduct a review of each such family's income not less than once every 3 years.

"(ii) ELIGIBLE FAMILIES.—A family described in this clause is a family who has an income, as of the most recent review pursuant to subparagraph (A) or clause (i) of this subparagraph, of which 90 percent or more consists of fixed income, as such term is defined in clause (iii).

"(iii) FIXED INCOME.—For purposes of this subparagraph, the term 'fixed income' includes income from—

"(I) the supplemental security income program under title XVI of the Social Security Act, including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and

payments pursuant to an agreement entered into under section 212(b) of Public Law 93-66;

"(II) Social Security payments;

"(III) Federal, State, local and private pension plans; and

"(IV) other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts.

"(C) IN GENERAL.—Reviews of family income for purposes of this section shall be subject to the provisions of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988.

"(7) CALCULATION OF INCOME.—

"(A) USE OF PRIOR YEAR'S INCOME.—Except as otherwise provided in this paragraph, in determining the income of a family for a year, a public housing agency or owner may use the income of the family as determined by the agency or owner for the preceding year, taking into consideration any redetermination of income during such prior year pursuant to clause (iii) or (iv) of paragraph (6)(A).

"(B) EARNED INCOME.—For purposes of this section, the earned income of a family for a year shall be the amount of earned income by the family in the prior year minus an amount equal to 10 percent of the lesser of such prior year's earned income or $10,000, except that the income of a family for purposes of section 16 (relating to eligibility for assisted housing and income mix) shall be determined without regard to any reduction under this subparagraph.

"(C) INFLATIONARY ADJUSTMENT FOR FIXED INCOME FAMILIES.—If, for any year, a public housing agency or owner determines the income for any family described in paragraph (6)(B)(ii), or the amount of fixed income of any other family, based on the prior year's income or fixed income, respectively, pursuant to subparagraph (A), such prior year's income or fixed income, respectively, shall be adjusted by applying an inflationary factor as the Secretary shall, by regulation, establish.

"(D) OTHER INCOME.—If, for any year, a public housing agency or owner determines the income for any family based on the prior year's income, with respect to prior year calculations of types of income not subject to subparagraph (B), a public housing agency or owner may make other adjustments as it considers appropriate to reflect current income.

"(E) SAFE HARBOR.—A public housing agency or owner may, to the extent such information is available to the public housing agency or owner, determine the family's income for purposes of this section based on timely income determinations made for purposes of other means-tested Federal public assistance programs (including the program for block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act, a program for medicaid assistance under a State plan approved under title XIX of the Social Security Act, and the food stamp program as defined in section 3(h) of the Food Stamp Act of 1977). The Secretary shall, in consultation with other appropriate Federal agencies, develop procedures to enable public housing agencies and owners to have access to such income determinations made by other Federal programs.

"(F) PHA AND OWNER COMPLIANCE.—A public housing agency or owner may not be considered to fail to comply with this paragraph or paragraph (6) due solely to any de minimus errors made by the agency or owner in calculating family incomes.";

(2) by striking subsections (d) and (e); and

(3) by redesignating subsection (f) as subsection (d).

(b) INCOME.—Section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

"(4) INCOME.—The term 'income' means, with respect to a family, income received from all sources by each member of the household who is 18 years of age or older or is the head of household or spouse of the head of the household, plus unearned income by or on behalf of each dependent who is less than 18 years of age, as determined in accordance with criteria prescribed by the Secretary, in consultation with the Secretary of Agriculture, subject to the following requirements:

"(A) INCLUDED AMOUNTS.—Such term includes recurring gifts and receipts, actual income from assets, and profit or loss from a business.

"(B) EXCLUDED AMOUNTS.—Such term does not include—

"(i) any imputed return on assets; and

"(ii) any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act (42 U.S.C. 1382b(a)(7)).

"(C) EARNED INCOME OF STUDENTS.—Such term does not include earned income of any dependent earned during any period that such dependent is attending school on a full-time basis or any grant-in-aid or scholarship amounts related to such attendance used for the cost of tuition or books.

"(D) EDUCATIONAL SAVINGS ACCOUNTS.—Income shall be determined without regard to any amounts in or from, or any benefits from, any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code.

"(E) OTHER EXCLUSIONS.—Such term shall not include other exclusions from income as are established by the Secretary or any amount required by Federal law to be excluded from consideration as income. The Secretary may not require a public housing agency or owner to maintain records of any amounts excluded from income pursuant to this subparagraph."; and

(2) by striking paragraph (5) and inserting the following new paragraph:

"(5) ADJUSTED INCOME.—The term 'adjusted income' means, with respect to a family, the amount (as determined by the public housing agency or owner) of the income of the members of the family residing in a dwelling unit or the persons on a lease, after any deductions from income as follows:

"(A) ELDERLY AND DISABLED FAMILIES.—$725 in the case of any family that is an elderly family or a disabled family.

"(B) DEPENDENTS.—In the case of any family that includes a member or members who—

"(i) are less than 18 years of age or attending school or vocational training on a full-time basis; or

"(ii) is a person with disabilities who is 18 years of age or older and resides in the household,

$500 for each such member.

"(C) HEALTH AND MEDICAL EXPENSES.—The amount, if any, by which 10 percent of annual family income is exceeded by the sum of—

"(i) in the case of any elderly or disabled family, any unreimbursed health and medical care expenses; and

"(ii) any unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family to be employed.

"(D) PERMISSIVE DEDUCTIONS.—Such additional deductions as a public housing agency may, at its discretion, establish, except that the Secretary shall establish procedures to ensure that such deductions do not increase Federal expenditures.

The Secretary shall annually adjust the amounts of the exclusions under subparagraphs (A) and (B), as such amounts may have been previously adjusted, by applying an inflationary factor as the Secretary shall, by regulation, establish. If the dollar amount of any such exclusion determined for any year by applying such inflationary factor is not a multiple of $25, the Secretary shall round such amount to the next lowest multiple of $25.".

(c) HOUSING CHOICE VOUCHER PROGRAM.—Paragraph (5) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(5)) is amended—

(1) in the paragraph heading, by striking "ANNUAL REVIEW" and inserting "REVIEWS";

(2) in subparagraph (A)—

(A) by striking "the provisions of" and inserting "paragraphs (6) and (7) of section 3(a) and to"; and

(B) by striking "and shall be conducted upon the initial provision of housing assistance for the family and thereafter not less than annually"; and

(3) in subparagraph (B), by striking the second sentence.

(d) ENHANCED VOUCHER PROGRAM.—Section 8(t)(1)(D) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(D)) is amended by striking "income" each place such term appears and inserting "annual adjusted income".

(e) PROJECT-BASED HOUSING.—Paragraph (3) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(3)) is amended by striking the last sentence.

(f) IMPACT ON PUBLIC HOUSING REVENUES.—

(1) INTERACTION WITH ASSET MANAGEMENT RULE.—If the Secretary of Housing and Urban Development determines that the application of the amendments made by this section results in a reduction in the rental income of a public housing agency that is not de minimus during the period that the operating formula income is frozen at a level that does not fully reflect the changes made by such amendments, the Secretary shall make appropriate adjustments in the formula income of the agency.

(2) HUD REPORTS ON PUBLIC HOUSING REVENUE IMPACT.—For each of fiscal years 2008 and 2009, the Secretary of Housing and Urban Development shall submit a report to Congress identifying and calculating the impact of changes made by the amendments made by this section on the revenues and costs of operating public housing units.

(g) EFFECTIVE DATE AND TRANSITION.—The amendments made by this section shall apply with respect to fiscal year 2008 and fiscal years thereafter.

SEC. 4. ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS AND INCOME.

(a) ASSETS.—Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n) is amended by inserting after subsection (d) the following new subsection:

"(e) ELIGIBILITY FOR ASSISTANCE BASED ON ASSETS.—

"(1) LIMITATION ON ASSETS.—Subject to paragraph (3) and notwithstanding any other provision of this Act, a dwelling unit assisted under this Act may not be rented and assistance under this Act may not be provided, either initially or at each recertification of family income, to any family—

"(A) whose net family assets exceed $100,000, as such amount is adjusted annually by applying an inflationary factor as the Secretary considers appropriate; or

"(B) who has a present ownership interest in, and a legal right to reside in, real property that is suitable for occupancy as a residence, except that the prohibition under this subparagraph shall not apply to—

"(i) any property for which the family is receiving assistance under this Act;

"(ii) any person that is a victim of domestic violence; or "(iii) any family that is making a good faith effort to sell such property.

"(2) NET FAMILY ASSETS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'net family assets' means, for all members of the household, the net cash value of all assets after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment. Such term does not include interests in Indian trust land, equity accounts in homeownership programs of the Department of Housing and Urban Development, or Family Self Sufficiency accounts.

"(B) EXCLUSIONS.—Such term does not include—

"(i) the value of personal property, except for items of personal property of significant value, as the public housing agency may determine;

"(ii) the value of any retirement account;

"(iii) any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a member of the family and arising out of law, that resulted in a member of the family being disabled (under the meaning given such term in section 1614 of the Social Security Act (42 U.S.C. 1382c)); and

"(iv) the value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code.

"(C) TRUST FUNDS.—In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund shall not be considered an asset of a family if the fund continues to be held in trust. Any income distributed from the trust fund shall be considered income for purposes of section 3(b) and any calculations of annual family income, except in the case of medical expenses for a minor.

"(D) SELF-CERTIFICATION.—A public housing agency or owner may determine the net assets of a family, for purposes of this section, based on the amounts reported by the family at the time the agency or owner reviews the family's income.

"(3) COMPLIANCE FOR PUBLIC HOUSING DWELLING UNITS.—When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the limitation under paragraph (1).

"(4) AUTHORITY TO DELAY EVICTIONS.—In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the limitation under paragraph (1), the public housing agency or project owner may delay eviction or termination of the family based on such noncompliance for a period of not more than 6 months.".

(b) INCOME.—The United States Housing Act of 1937 is amended—

(1) in section 3(a)(1) (42 U.S.C. 1437a(a)(1)), by striking the first sentence and inserting the following: "Dwelling units assisted under this Act may be rented, and assistance under this Act may be provided, whether initially or at time of recertification, only to families who are low-income families at the time such initial or continued assistance, respectively, is provided, except that families residing in dwelling units as of the date of the enactment of the Section 8 Voucher Reform Act of 2007 that, under agreements in effect on such date of enactment, may have incomes up to 95 percent of local area median income shall continue to be eligible for assistance at recertification as long as they continue to comply with such income restrictions. When recertifying family income with respect to families residing in public housing dwelling units, a public housing agency may, in the discretion of the agency and only pursuant to a policy that is set forth in the public housing agency plan under section 5A for the agency, choose not to enforce the prohibition under the preceding sentence. When recertifying family income with respect to families residing in dwelling units for which project-based assistance is provided, a project owner may, in the owner's discretion and only pursuant to a policy adopted by such owner, choose not to enforce such prohibition. In the case of a family residing in a dwelling unit assisted under this Act who does not comply with the prohibition under the first sentence of this paragraph, the public housing agency or project owner may delay eviction or termination of the family based on such noncompliance for a period of not more than 6 months.";

(2) in section 8(o)(4) (42 U.S.C. 1437f(o)(4)), by striking the matter preceding subparagraph (A) and inserting the following:

"(4) ELIGIBLE FAMILIES.—Assistance under this subsection may be provided, whether initially or at each recertification, only pursuant to subsection (t) to a family eligible for assistance under such subsection or to a family who at the time of such initial or continued assistance, respectively, is a low-income family that is—"; and

(3) in section 8(c)(4) (42 U.S.C. 1437f(c)(4)), by striking "at the time it initially occupied such dwelling unit" and inserting "according to the restrictions under section 3(a)(1)".

SEC. 5. TARGETING ASSISTANCE TO LOW-INCOME WORKING FAMILIES.

(a) VOUCHERS.—Section 16(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437n(b)(1)) is amended—

(1) by inserting after "do not exceed" the following: "the higher of (A) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (B)"; and

(2) by inserting before the period at the end the following: "; and except that clause (A) of this sentence shall not apply in the case of families residing in Puerto Rico or any other territory or possession of the United States".

(b) PUBLIC HOUSING.—Section 16(a)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437n(a)(2)(A)) is amended—

(1) by inserting after "do not exceed" the following: "the higher of (i) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (ii)"; and

(2) by inserting before the period at the end the following: "; and except that clause (i) of this sentence shall not apply in the case of families residing in Puerto Rico or any other territory or possession of the United States".

(c) PROJECT-BASED SECTION 8 ASSISTANCE.—Section 16(c)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437n(c)(3)) is amended—

(1) by inserting after "do not exceed" the following: "the higher of (A) the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, or (B)"; and

(2) by inserting before the period at the end the following: "; and except that clause (A) of this sentence shall not apply in the case of families residing in Puerto Rico or any other territory or possession of the United States".

SEC. 6. VOUCHER RENEWAL FUNDING.

(a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by striking subsection (dd) and inserting the following new subsection:

"(dd) TENANT-BASED VOUCHERS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 2008 through 2012, such sums as may be necessary for tenant-based assistance under subsection (o) for the following purposes:

"(A) To renew all expiring annual contributions contracts for tenant-based rental assistance.

"(B) To provide tenant-based rental assistance for—

"(i) relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134);

"(ii) conversion of section 23 projects to assistance under this section;

"(iii) the family unification program under subsection (x) of this section;

"(iv) relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency;

"(v) enhanced vouchers authorized under subsection (t) of this section;

"(vi) vouchers in connection with the HOPE VI program under section 24;

"(vii) demolition or disposition of public housing units pursuant to section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p);

"(viii) mandatory and voluntary conversions of public housing to vouchers, pursuant to sections 33 and 22 of the United States Housing Act of 1937, respectively (42 U.S.C. 1437z–5, 1437t);

"(ix) vouchers necessary to comply with a consent decree or court order;

"(x) vouchers to replace dwelling units that cease to receive project-based assistance under subsection (b), (c), (d), (e), or (v) of this section;

"(xi) tenant protection assistance, including replacement and relocation assistance; and

"(xii) emergency voucher assistance for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

Subject only to the availability of sufficient amounts provided in appropriation Acts, the Secretary shall provide tenant-based rental assistance to replace all dwelling units that cease to be available as assisted housing as a result of clause (i), (ii), (v), (vi), (vii), (viii), or (x).

"(2) ALLOCATION OF RENEWAL FUNDING AMONG PUBLIC HOUSING AGENCIES.—

"(A) From amounts appropriated for each year pursuant to paragraph (1)(A), the Secretary shall provide renewal funding for each public housing agency—

"(i) based on leasing and cost data from the preceding calendar year, as adjusted by an annual adjustment factor to be established by the Secretary, which shall be established using the smallest geographical areas for which data on changes in rental costs are annually available;

"(ii) by making any adjustments necessary to provide for the first-time renewal of vouchers funded under paragraph (1)(B);

"(iii) by making any adjustments necessary for full year funding of vouchers ported in the prior calendar year under subsection (r)(2); and

"(iv) by making such other adjustments as the Secretary considers appropriate, including adjustments necessary to address changes in voucher utilization rates and voucher costs related to natural and other major disasters.

"(B) LEASING AND COST DATA.—For purposes of subparagraph (A)(i), leasing and cost data shall be calculated annually by using the average for the preceding calendar year. Such leasing and cost data shall be adjusted to include vouchers that were set aside under a commitment to provide project-based assistance under *subsection (o)(13) and to exclude amounts funded through advances under paragraph (3). Such leasing and cost data shall not include funds not appropriated for tenant-based assistance under section 8(o), unless the agency's funding was prorated in the prior year and the agency used other funds to maintain vouchers in use.*

"(C) OVERLEASING.—For the purpose of determining allocations under subsection (A)(i), the leasing rate calculated for the prior calendar year may exceed an agency's authorized voucher level, except that such calculation in 2009 shall not include amounts resulting from a leasing rate in excess of 103 percent of an agency's authorized vouchers in 2008 which results from the use of accumulated amounts, as referred to in paragraph (4)(A).

"(D) MOVING TO WORK; HOUSING INNOVATION PROGRAM.—Notwithstanding subparagraphs (A) and (B), each public housing agency participating at any time in the moving to work demonstration under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437f note) or in the housing innovation program under section 36 of this Act shall be funded pursuant to its agreement under such program and shall be subject to any pro rata adjustment made under subparagraph (E)(i).

"(E) PRO RATA ALLOCATION.—

"(i) INSUFFICIENT FUNDS.—To the extent that amounts made available for a fiscal year are not sufficient to provide each public housing agency with the full allocation for the agency determined pursuant to subparagraphs (A) and (D), the Secretary shall reduce such allocation for each agency on a pro rata basis, except that renewal funding of enhanced vouchers under section 8(t) shall not be subject to such proration.

"(ii) EXCESS FUNDS.—To the extent that amounts made available for a fiscal year exceed the amount necessary to provide each housing agency with the full allocation for the agency determined pursuant to subparagraphs (A) and (D), such excess amounts shall be used for the purposes specified in subparagraphs (B) and (C) of paragraph (4).

"(F) PROMPT FUNDING ALLOCATION.—The Secretary shall allocate all funds under this subsection for each year before the latter of (i) February 15, or (ii) the expiration of the 45-day period beginning upon the enactment of the appropriations Act funding such renewals.

"(3) ADVANCES.—

"(A) AUTHORITY.—During the last 3 months of each calendar year, the Secretary shall provide amounts to any public housing agency, at the request of the agency, in an amount up to two percent of the allocation for the agency for such calendar year, subject to subparagraph (C).

"(B) USE.—Amounts advanced under subparagraph (A) may be used to pay for additional voucher costs, including costs related to temporary overleasing.

"(C) USE OF PRIOR YEAR AMOUNTS.—During the last 3 months of a calendar year, if amounts previously provided to a public housing agency for tenant-based assistance for such year or for previous years remain unobligated and available to the agency—

"(i) the agency shall exhaust such amounts to cover any additional voucher costs under subparagraph (B) before amounts advanced under subparagraph (A) may be so used; and

"(ii) the amount that may be advanced under subparagraph (A) to the agency shall be reduced by an amount equal to the total of such previously provided and unobligated amounts.

"(D) REPAYMENT.—Amounts advanced under subparagraph (A) in a calendar year shall be repaid to the Secretary in the subsequent calendar year by reducing the amounts made available for such agency for such subsequent calendar year pursuant to allocation under paragraph (2) by an amount equal to the amount so advanced to the agency.

"(4) RECAPTURE.—

"(A) IN GENERAL.—The Secretary shall recapture, from amounts provided under the annual contributions contract for a public housing agency for a calendar year, all accumulated amounts allocated under paragraph (2) and from previous years that are unused by the agency at the end of each calendar year except—

"(i) with respect to the recapture under this subparagraph at the end of 2007, an amount equal to one twelfth the amount allocated to the public housing agency for such year pursuant to paragraph (2)(A); and

"(ii) with respect to the recapture under this subparagraph at the end of each of 2008, 2009, 2010, and 2011, an amount equal to 5 percent of such amount allocated to the agency for such year. Notwithstanding any other provision of law, each public housing agency may retain all amounts not authorized to be recaptured under this subparagraph, and may use such amounts for all authorized purposes.

"(B) REALLOCATION.—Not later than May 1 of each calendar year, the Secretary shall—

"(i) calculate the aggregate unused amounts for the preceding year recaptured pursuant to subparagraph (A);

"(ii) set aside and make available such amounts as the Secretary considers appropriate to reimburse public housing agencies for increased costs related to portability and family self-sufficiency activities during such year; and

"(iii) reallocate all remaining amounts among public housing agencies, with priority given based on the extent to which an agency has utilized the amount allocated under paragraph (2) for the agency to serve eligible families.

"(C) USE.—Amounts reallocated to a public housing agency pursuant to subparagraph (B)(iii) may be used only to increase voucher leasing rates as provided under paragraph (2)(C).".

(b) ABSORPTION OF VOUCHERS FROM OTHER AGENCIES.—Section 8(r)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(r)(2)) is amended by adding after the period at the end the following: "The agency shall absorb the family into its program for voucher assistance under this section and shall have priority to receive additional funding from the Secretary for the housing assistance provided for such family from amounts made available pursuant to subsection (dd)(4)(B)."

(c) VOUCHERS FOR PERSONS WITH DISABILITIES.—The Secretary of Housing and Urban Development shall develop and issue, to public housing agencies that received voucher assistance under section 8(o) for non-elderly disabled families pursuant to appropriations Acts for fiscal years 1997 through 2002, guidance to ensure that, to the maximum extent practicable, such vouchers continue to be provided upon turnover to qualified non-elderly disabled families.

SEC. 7. ADMINISTRATIVE FEES.

(a) IN GENERAL.—Section 8(q) of the United States Housing Act of 1937 (42 U.S.C. 1437f(q)) is amended—

(1) in paragraph (1), by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

"(B) CALCULATION.—The fee under this subsection shall—

"(i) be payable to each public housing agency for each month for which a dwelling unit is covered by an assistance contract;

"(ii) until superseded through subsequent rulemaking, be based on the per-unit fee payable to the agency in fiscal year 2003, updated for each subsequent year as specified in subsection (iv);

"(iii) include an amount for the cost of issuing voucher to new participants;

"(iv) be updated each year using an index of changes in wage data or other objectively measurable data that reflect the costs of administering the program for such assistance, as determined by the Secretary; and

"(v) include an amount for the cost of family self-sufficiency coordinators, as provided in section 23(h)(1).

"(C) PUBLICATION.—The Secretary shall cause to be published in the Federal Register the fee rate for each geographic area."; and

(2) in paragraph (4), by striking "1999" and inserting "2007".

(b) ADMINISTRATIVE FEES FOR FAMILY SELF-SUFFICIENCY PROGRAM COSTS.—Subsection (h) of section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) SECTION 8 FEES.—

"(A) IN GENERAL.—The Secretary shall establish a fee under section 8(q) for the costs incurred in administering the self-sufficiency program under this section to assist families receiving voucher assistance through section 8(o).

"(B) ELIGIBILITY FOR FEE.—The fee shall provide funding for family self-sufficiency coordinators as follows:

"(i) BASE FEE.—A public housing agency serving 25 or more participants in the family self-sufficiency program under this section shall receive a fee equal to the costs of employing one full-time family self-sufficiency coordinator. An agency serving fewer than 25 such participants shall receive a prorated fee.

"(ii) ADDITIONAL FEE.—An agency that meets minimum performance standards shall receive an additional fee sufficient to cover the costs of employing a second family self-sufficiency coordinator if the agency has 75 or more participating families, and a third such coordinator if it has 125 or more participating families.

"(iii) PREVIOUSLY FUNDED AGENCIES.—An agency that received funding from the Department of Housing and Urban Development for more than three such coordinators in any of fiscal years 1998 through 2007 shall receive funding for the highest number of coordinators funded in a single fiscal year during that period, provided they meet applicable size and performance standards.

"(iv) INITIAL YEAR.—For the first year in which a public housing agency exercises its right to develop an family self-sufficiency program for its residents, it shall be entitled to funding to cover the costs of up to one family self-sufficiency coordinator, based on the size specified in its action plan for such program.

"(v) STATE AND REGIONAL AGENCIES.—For purposes of calculating the family self-sufficiency portion of the administrative fee under this subparagraph, each administratively distinct part of a State or regional public housing agency shall be treated as a separate agency.

"(vi) DETERMINATION OF NUMBER OF COORDINATORS.—In determining whether a public housing agency meets a specific threshold for funding pursuant to this paragraph, the number of participants being served by the agency in its family self-sufficiency program shall be considered to be the average number of families enrolled in such agency's program during the course of the most recent fiscal year for which the Department of Housing and Urban Development has data.

"(C) PRORATION.—If insufficient funds are available in any fiscal year to fund all of the coordinators authorized under this section, the first priority shall be given to funding one coordinator at each agency with an existing family self-sufficiency program. The remaining funds shall be prorated based on the number of remaining coordinators to which each agency is entitled under this subparagraph.

"(D) RECAPTURE.—Any fees allocated under this subparagraph by the Secretary in a fiscal year that have not been spent by the end of the subsequent fiscal year shall be recaptured by the Secretary and shall be available for providing additional fees pursuant to subparagraph (B)(ii).

"(E) PERFORMANCE STANDARDS.—Within six months after the date of the enactment of this paragraph, the Secretary shall publish a proposed rule specifying the performance standards applicable to funding under clauses (ii) and (iii) of subparagraph (B). Such standards shall include requirements applicable to the leveraging of in-kind services and other resources to support the goals of the family self-sufficiency program.

"(F) DATA COLLECTION.—Public housing agencies receiving funding under this paragraph shall collect and report to the Secretary, in such manner as the Secretary shall require, information on the performance of their family self-sufficiency programs.

"(G) EVALUATION.—The Secretary shall conduct a formal and scientific evaluation of the effectiveness of well-run family self-sufficiency programs, using random assignment of participants to the extent practicable. Not later than the expiration of the 4-year period beginning upon the enactment of this paragraph, the Secretary shall submit an interim evaluation report to the Congress. Not later than the expiration of the 8-year period beginning upon such enactment, the Secretary shall submit a final evaluation report to the Congress. There is authorized to be appropriated $10,000,000 to carry out the evaluation under this subparagraph.

"(H) INCENTIVES FOR INNOVATION AND HIGH PERFORMANCE.—The Secretary may reserve up to 10 percent of the amounts made available for administrative fees under this paragraph to provide support to or reward family self-sufficiency programs that are particularly innovative or highly successful in achieving the goals of the program.".

(c) REPEAL.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (42 U.S.C. 1437f note; Public Law 104–204; 110 Stat. 2893) is hereby repealed.

SEC. 8. HOMEOWNERSHIP.

(a) SECTION 8 HOMEOWNERSHIP DOWNPAYMENT PROGRAM.—Section 8(y)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)(7)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) IN GENERAL.—Subject to the provisions of this paragraph, in the case of a family on whose behalf rental assistance under section 8(o) has been provided for a period of not less than 12 months prior to the date of receipt of downpayment assistance under this paragraph, a public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the agency, provide a downpayment assistance grant in accordance with subparagraph (B).

"(B) GRANT REQUIREMENTS.—A downpayment assistance grant under this paragraph—

"(i) shall be used by the family only as a contribution toward the downpayment and reasonable and customary closing costs required in connection with the purchase of a home;

"(ii) shall be in the form of a single one-time grant; and

"(iii) may not exceed $10,000.

"(C) NO EFFECT ON OBTAINING OUTSIDE SOURCES FOR DOWNPAYMENT ASSISTANCE.—This Act may not be construed to prohibit a public housing agency from providing downpayment assistance to families from sources other than a grant provided under this Act, or as determined by the public housing agency.".

(b) USE OF VOUCHERS FOR MANUFACTURED HOUSING.—Section 8(o)(12) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(12) is amended—

(1) in subparagraph (A), by striking the period at the end of the first sentence and all that follows through "of" in the second sentence and inserting "and rents"; and

(2) in subparagraph (B)—

(A) in clause (i), by striking "the rent" and all that follows and inserting the following: "rent shall mean the sum of the monthly payments made by a family assisted under this paragraph to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes, the monthly amount allowed for tenant-paid utilities, and the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges.";

(B) by striking clause (ii); and

(C) in clause (iii)—

(i) by inserting after the period at the end the following: "If the amount of the monthly assistance payment for a family exceeds the monthly rent charged for the real property on which the manufactured home is located, including monthly management and maintenance charges, a public housing agency may pay the remainder to the family, lender or utility company, or may choose to make a single payment to the family for the entire monthly assistance amount."; and

(ii) by redesignating such clause as clause (ii).

SEC. 9. PHA REPORTING OF RENT PAYMENTS TO CREDIT REPORTING AGENCIES.

(a) IN GENERAL.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(e) PHA REPORTING OF RENT PAYMENTS TO CREDIT REPORTING AGENCIES.—

"(1) AUTHORITY.—To the extent that a family receiving tenant-based housing choice vouchers under section 8 by a public housing agency agrees in writing to reporting under this subsection, the public housing agency may submit to consumer reporting agencies described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a) information regarding the past rent payment history of the family with respect to the dwelling unit for which such assistance is provided.

"(2) FORMAT.—The Secretary, after consultation with consumer reporting agencies referred in paragraph (1), shall establish a system and format to be used by public housing agencies for reporting of information under such paragraph that provides such information in a format and manner that is similar to other credit information submitted to such consumer reporting agencies and is usable by such agencies.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 10. PERFORMANCE ASSESSMENTS.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

"(21) PERFORMANCE ASSESSMENTS.—

"(A) ESTABLISHMENT.—The Secretary shall, by regulation, establish standards and procedures for assessing the performance of public housing agencies in carrying out the programs for tenant-based rental assistance under this subsection and for homeownership assistance under subsection (y).

"(B) CONTENTS.—The standards and procedures under this paragraph shall provide for assessment of the performance of public housing agencies in the following areas:

"(i) Quality of dwelling units obtained using such assistance.

"(ii) Extent of utilization of assistance amounts provided to the agency and of authorized vouchers.

"(iii) Timeliness and accuracy of reporting by the agency to the Secretary.

"(iv) Effectiveness in carrying out policies to achieve deconcentration of poverty.

"(v) Reasonableness of rent burdens, consistent with public housing agency responsibilities under section 8(o)(1)(E)(iii).

"(vi) Accurate rent calculations and subsidy payments.

"(vii) Effectiveness in carrying out family self-sufficiency activities.

"(viii) Timeliness of actions related to landlord participation.

"(ix) Such other areas as the Secretary considers appropriate.

"(C) PERIODIC ASSESSMENT.—Using the standards and procedures established under this paragraph, the Secretary shall conduct an assessment of the performance of each public housing agency carrying out a program referred to in subparagraph (A) and shall submit a report to the Congress regarding the results of each such assessment.".

SEC. 11. PHA PROJECT-BASED ASSISTANCE.

Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) PERCENTAGE LIMITATION.—

"(i) IN GENERAL.—Subject to clause (ii), not more than 25 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

"(ii) EXCEPTION.—An agency may attach up to an additional 5 percent of the funding available for tenant-based assistance under this section to structures pursuant to this paragraph for dwelling units that house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).";

(2) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) INCOME MIXING REQUIREMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), not more than the greater of 25 dwelling units or 25 percent of the dwelling units in any project may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph. For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

"(ii) EXCEPTIONS.—

"(I) CERTAIN HOUSING.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties, or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services. For purposes of the preceding sentence, the term 'single family properties' means buildings with no more than four dwelling units.

"(II) CERTAIN AREAS.—With respect to areas in which fewer than 75 percent of families issued vouchers become participants in the program, the public housing agency has established the payment standard at 110 percent of the fair market rent for all census tracts in the area for the previous six months, and the public housing agency grants an automatic extension of 90 days (or longer) to families with vouchers who are attempting to find housing, clause (i) shall be applied by substituting '50 percent' for '25 percent'.";

(3) in the first sentence of subparagraph (F), by striking "10 years" and inserting "15 years";

(4) in subparagraph (G)—

(A) by inserting after the period at the end of the first sentence the following: "Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract."; and

(B) by adding at the end the following: "A public housing agency may agree to enter into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.";

(5) in subparagraph (H), by inserting before the period at the end of the first sentence the following: ", except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)";

(6) in subparagraph (I)(i), by inserting before the semicolon the following: ", except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit";

(7) in subparagraph (J)—

(A) by striking the fifth and sixth sentences and inserting the following: "A public housing agency may establish and utilize procedures for maintaining site-based waiting lists under which applicants may apply directly at, or otherwise designate to the public housing agency, the project or projects in which they seek to reside, except that all applicants on the waiting list of an agency for assistance under this subsection shall be permitted to place their names on such separate list. All such procedures shall comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list, or a family on a site-based waiting list that complies with the requirements of this subparagraph. A public housing agency shall fully disclose to each applicant each option in the selection of a project in which to reside that is available to the applicant."; and

(B) by inserting after the third sentence the following new sentence: "Any family who resides in a dwelling unit proposed to be assisted under this paragraph, or in a unit to be replaced by a proposed unit to be assisted under this paragraph shall be given an absolute preference for selection for placement in the proposed unit, if the family is otherwise eligible for assistance under this subsection."; and

(8) by adding at the end the following new subparagraphs:

"(L) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

"(i) dwelling units in cooperative housing;

"(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

"(M) REVIEWS.—

"(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this subparagraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

"(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.

"(N) LEASES AND TENANCY.—Assistance provided under this paragraph shall be subject to the provisions of paragraph (7), except that subparagraph (A) of such paragraph shall not apply.".

SEC. 12. RENT BURDENS.

(a) REVIEWS.—Section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended by striking subparagraph (E) and inserting the following new subparagraph:

"(E) REVIEWS.—

"(i) RENT BURDENS.—The Secretary shall monitor rent burdens and submit a report to the Congress annually on the percentage of families assisted under this subsection, occupying dwelling units of any size, that pay more than 30 percent of their adjusted incomes for rent and such percentage that pay more than 40 percent of their adjusted incomes for rent. Using information regularly reported by public housing agencies, the Secretary shall provide public housing agencies, on an annual basis, a report with the information described in the first sentence of this clause, and may require a public housing agency to modify a payment standard that results in a significant percentage of families assisted under this subsection, occupying dwelling units of any size, paying more than 30 percent of their adjusted incomes for rent.

"(ii) CONCENTRATION OF POVERTY.—The Secretary shall submit a report to the Congress annually on the degree to which families assisted under this subsection in each metropolitan area are clustered in lower rent, higher poverty areas and how, and the extent to which, greater geographic distribution of such assisted families could be achieved, including by increasing payment standards for particular communities within such metropolitan areas.

"(iii) PUBLIC HOUSING AGENCY RESPONSIBILITIES.—Each public housing agency shall make publicly available the information on rent burdens provided by the Secretary pursuant to clause (i), and, for agencies located in metropolitan areas, the information on concentration provided by the Secretary pursuant to clause (ii). If the percentage of families paying more than 30 percent or 40 percent of income exceeds the national average for either of such categories, as reported pursuant to clause (i), the public housing agency shall adjust the payment standard to eliminate excessive rent burdens within a reasonable time period or explain its reasons for not making such adjustment. The Secretary may not deny the request of a public housing agency to set a payment standard up to 120 percent of the fair market rent to remedy rent burdens in excess of the national average or undue concentration of families assisted under this subsection in lower rent, higher poverty sections of a metropolitan area except on the basis that an agency has not demonstrated that its request meets these criteria. If a request of a public housing agency has not been denied or approved with 45 days after the request is made, the request shall be considered to have been approved.".

(b) PUBLIC HOUSING AGENCY PLAN.—Section 5A(d)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)(4)) is amended by inserting before the period at the end the following: ", including the report with respect to the agency furnished by the Secretary pursuant to section 8(o)(1)(E) concerning rent burdens and, if applicable, geographic concentration of voucher holders, any changes in rent or other policies the public housing agency is making to address excessive rent burdens or concentration, and if the public housing agency is not adjusting its payment standard, its reasons for not doing so".

(c) RENT BURDENS FOR PERSONS WITH DISABILITIES.—Subparagraph (D) of section 8(o)(1) is amended by inserting before the period at the end the following: ", except that a public housing agency may establish a payment standard of not more than 120 percent of the fair market rent where necessary as a reasonable accommodation for a person with a disability, without approval of the Secretary. A public housing agency may seek approval of the Secretary to use a payment standard greater than 120 percent of the fair market rent as a reasonable accommodation for a person with a disability".

SEC. 13. ESTABLISHMENT OF FAIR MARKET RENT.

(a) IN GENERAL.—Paragraph (1) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(1)) is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) by striking the seventh, eighth, and ninth sentences; and

(3) by adding at the end the following:

"(B)(i) The Secretary shall endeavor to define market areas for purposes of this paragraph in a manner that results in fair market rentals that are adequate to cover typical rental costs of units suitable for occupancy by persons assisted under this section in as wide a range of communities as is feasible, including communities with low poverty rates.

"(ii) The Secretary at a minimum shall define a separate market area for each—

"(I) metropolitan city, as such term is defined in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)), with more than 40,000 rental dwelling units; and

"(II) urban county or portion of an urban county, as such term is defined in such section 102(a), located outside the boundaries of any metropolitan city specified in subclause (I).

"(iii) The Secretary shall, at the request of one or more public housing agencies, establish a separate market area for part or all of the area under the jurisdiction of such agencies, if—

"(I) the requested market area contains at least 20,000 rental dwelling units;

"(II) the areas contained in the requested market area are geographically contiguous and share similar housing market characteristics;

"(III) adequate data are available to establish a reliable fair market rental for the requested market area, and for the remainder of the market area in which it is currently located; and

"(IV) establishing the requested market area would raise or lower the fair market rental by 10 percent or more at the time the requested market area is established.

For purposes of subclause (III), data for an area shall be considered adequate if they are sufficient to establish from time to time a reliable benchmark fair market rental based primarily on data from that area, whether or not those data need to be supplemented with data from a larger area for purposes of annual updates.

"(iv) The Secretary shall not reduce the fair market rental in a market area as a result of a change in the percentile of the distribution of market rents used to establish the fair market rental.".

(b) PAYMENT STANDARD.—Subparagraph (B) of section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)(B)) is amended by inserting before the period at the end the following: ", except that no public housing agency *shall be required as a result of a reduction in the fair market rental to reduce the payment standard applied to a family continuing to reside in a unit for which the family was receiving assistance under this section at the time the fair market rental was reduced”.*

SEC. 14. SCREENING OF APPLICANTS.

Subparagraph (B) of section 8(o)(6) of the United States Housing Act of 1937 (1437f(o)(6)(B)) is amended by inserting after the period at the end of the second sentence the following: “A public housing agency's elective screening shall be limited to criteria that are directly related to an applicant's ability to fulfill the obligations of an assisted lease and shall consider mitigating circumstances related to such applicant. Any applicant or participant determined to be ineligible for admission or continued participation to the program shall be notified of the basis for such determination and provided, within a reasonable time after the determination, an opportunity for an informal hearing on such determination at which mitigating circumstances, including remedial conduct subsequent to the notice, shall be considered.”.

SEC. 15. ENHANCED VOUCHERS.

Subparagraph (B) of section 8(t)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(B)) is amended by inserting after “eligibility event for the project,” the following: “regardless of unit and family size standards normally used by the administering agency (except that tenants may be required to move to units of appropriate size if available on the premises),”.

SEC. 16. HOUSING INNOVATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

“SEC. 36. HOUSING INNOVATION PROGRAM.

“(a) PURPOSE.—The purpose of the program under this section is to provide public housing agencies and the Secretary the flexibility to design and evaluate innovative approaches to providing housing assistance that—

“(1) increase housing opportunities for low-income families, including preventing homelessness, rehabilitate or replace housing at risk of physical deterioration or obsolescence, and develop additional affordable housing;

“(2) leverage other Federal, State, and local funding sources, including the low-income housing tax credit program, to expand and preserve affordable housing opportunities, including public housing;

“(3) provide financial incentives and other support mechanisms to families to obtain employment and increase earned income;

“(4) test alternative rent-setting policies to determine whether rent determinations can be simplified and administrative cost savings can be realized while protecting extremely low- and very low-income families from increased rent burdens;

“(5) are subject to rigorous evaluation to test the effectiveness of such innovative approaches; and

“(6) are developed with the support of the local community and with the substantial participation of affected residents.

“(b) PROGRAM AUTHORITY.—

“(1) SCOPE.—The Secretary shall carry out a housing innovation program under this section under which the Secretary may designate not more than 60 public housing agencies to participate, at any one time, in the housing innovation program, in accordance with subsections (c) and (d), except that, in addition to such 60 agencies, the Secretary may designate an additional 20 agencies to participate in the program under the terms of subsection (h).

“(2) DURATION.—The Secretary may carry out the housing innovation program under this section only during the 10-year period beginning on the date of the enactment of the Section 8 Voucher Reform Act of 2007.

“(c) PARTICIPATION OF EXISTING MTW AGENCIES.—

“(1) EXISTING MTW AGENCIES.—Subject to the requirements of paragraph (2), all existing MTW agencies shall be designated to participate in the program.

“(2) CONDITIONS OF PARTICIPATION.—The Secretary shall approve and transfer into the housing innovation program under this section each existing MTW agency that the Secretary determines is not in default under such agreement and which the Secretary also determines is meeting the goals and objectives of its moving to work plan. Each such agency shall, within two years after the date of the enactment of the Section 8 Voucher Reform Act of 2007, make changes to its policies that were implemented before such date of enactment in order to comply with the requirements of this section.

“(d) ADDITIONAL AGENCIES.—

“(1) PROPOSALS; SELECTION PROCESS.—In addition to agencies participating in the program pursuant to subsection (c), the Secretary shall, within 18 months after such date of enactment, select public housing agencies to participate in the program pursuant to a competitive process that meets the following requirements:

“(A) Any public housing agency may be selected to participate in the program, except that not more than 5 agencies that are near-troubled under the public housing assessment system and/or section 8 management assessment program may be selected, and except that any agency for which the Secretary has hired an alternative management entity for such agency or has taken possession of all or any part of such agency's public housing program shall not be eligible for participation. Any near-troubled public housing agency participating in the program shall remain subject to the requirements of this Act governing tenant rent contributions, eligibility, and continued participation, and may not adopt policies described in subsection (e)(4) (relating to rents and requirements for continued occupation and participation).

“(B) The process provides, to the extent possible based on eligible agencies submitting applications and taking into account existing MTW agencies participating pursuant to subsection (c), for representation among agencies selected of agencies having various characteristics, including both large and small agencies, agencies serving urban, suburban, and rural areas, and agencies in various geographical regions throughout the United States, and which may include the selection of agencies that only administer the voucher program under section 8(o).

“(C) Any agency submitting a proposal under this paragraph shall have provided notice to residents and the local community, not later than 30 days before the first of the two public meetings required under subparagraph (D).

“(D) The agency submitting a proposal shall hold two public meetings to receive comments on the agency's proposed application, on the implications of changes under the proposal, and the possible impact on residents.

“(E) The process includes criteria for selection, as follows:

“(i) The extent to which the proposal generally identifies existing rules and regulations that impede achievement of the goals and objectives of the proposal and an explanation of why participation in the program is necessary to achieve such goals and objectives.

“(ii) The extent of commitment and funding for carrying out the proposal by local government agencies and nonprofit organizations, including the provision of additional funding and other services, and the extent of support for the proposal by residents, resident advisory boards, and members of the local community.

“(iii) The extent to which the agency has a successful history of implementing strategies similar to those set forth in the agency's proposal.

“(iv) Whether the proposal pursues a priority strategy as specified in paragraph (2). In the case of any proposal utilizing a such a priority strategy, the proposal shall be evaluated based upon—

“(I) the extent to which the proposal is likely to achieve the objectives of developing additional housing dwelling units affordable to extremely low-, very low-, and low-income families, and preserving, rehabilitating, or modernizing existing public housing dwelling units; or

“(II) the extent to which the proposal is likely to achieve the purposes of moving families toward economic self-sufficiency and increasing employment rates and wages of families without imposing a significant rent burden on the lowest income families, as well as such of the additional purposes as may be identified in the proposal, which may include expanding housing choices utilizing coordinators for the family self-sufficiency program under section 23, making more effective use of program funds, and improving program management.

“(v) Such other factors as the Secretary may provide, in consultation with participating agencies, program stakeholders, and any entity conducting evaluations pursuant to subsection (f).

“(2) PRIORITY STRATEGIES.—For purposes of paragraph (1)(E)(iv), the following are priority strategies:

“(A) DEVELOPMENT, REHABILITATION, AND FINANCING.—A strategy of development of additional affordable housing dwelling units and/or a strategy for preservation and physical rehabilitation and modernization of existing public housing dwelling units. Such strategies may include innovative financing proposals, leveraging of non-public housing funds (including the low-income housing tax credit program), and combining of funds for assistance under sections 8 and 9. Each such proposal shall include detailed information about the strategies expected to be employed, an explanation of why participation in the program is necessary to employ such strategies, and numerical goals regarding the number of dwelling units to be developed, preserved, or rehabilitated.

“(B) RENT REFORMS.—A strategy to implement rent reforms, which shall be designed to help families increase their earned income through rent and other work incentives, and may also test the effectiveness of achieving administrative cost savings without increased rent burdens for extremely low- and very low-income families.

“(3) CONTRACT AMENDMENT.—After selecting agencies under this subsection, the Secretary shall promptly amend the applicable annual contributions contracts of such agencies to provide that—

“(A) subject to subparagraph (B), such agencies may implement any policies and activities that are not inconsistent with this section without specifying such policies and activities in such amendment and without negotiating or entering into any other agreements with the Secretary specifying such policies and activities; and

“(B) the activities to be implemented by an agency under the program in a given year shall be described in and subject to the requirements of the annual plan under subsection (e)(8). Upon the enactment of this section, any agency which has participated in the Moving to Work demonstration may, at its option, be subject to the provisions of this paragraph in lieu of any other agreement required by the Secretary for participation in the program.

"(4) MAINTAINING PARTICIPATION RATE.—If, at any time after the initial selection period under paragraph (1), the number of public housing agencies participating in the program under this section is fewer than 40, the Secretary shall promptly solicit applications from and select public housing agencies to participate in the program under the terms and conditions for application and selection provided in this section to increase the number of agencies participating in the program to 40.

"(e) PROGRAM REQUIREMENTS.—

"(1) PROGRAM FUNDS.—

"(A) IN GENERAL.—To carry out a housing innovation program under this section, the participating agency may use amounts provided to the agency from the Operating Fund under section 9(e), amounts provided to the agency from the Capital Fund under section 9(d), and amounts provided to the agency for voucher assistance under section 8(o). Such program funds may be used for any activities that are authorized by sections 8(o) or 9, or for other activities that are not inconsistent with this section, which shall include, without limitation—

"(i) providing capital and operating assistance, and financing for housing previously developed or operated pursuant to a contract between the Secretary and such agency;

"(ii) the acquisition, new construction, rehabilitation, financing, and provision of capital or operating assistance for low-income housing (including housing other than public housing) and related facilities, which may be for terms exceeding the term of the program under this section in order to secure other financing for such housing;

"(iii) costs of site acquisition and improvement, providing utility services, demolition, planning, and administration of activities under this paragraph;

"(iv) housing counseling for low-income families in connection with rental or homeownership assistance provided under the program;

"(v) safety, security, law enforcement, and anticrime activities appropriate to protect and support families assisted under the program;

"(vi) tenant-based rental assistance, which may include the project-basing of such assistance; and

"(vii) appropriate and reasonable financial assistance that is required to preserve low-income housing otherwise assisted under programs administered by the Secretary or under State or local low-income housing programs.

"(B) COMBINING FUNDS.—Notwithstanding any other provision of law, a participating agency may combine and use program funds for any activities authorized under this section, except that a participating agency may use funds provided for assistance under section 8(o) for activities other than those authorized under section 8(o) only if (i) in the calendar year prior to its participation in the program, the agency utilized not less than 95 percent of such funds allocated for that calendar year for such authorized activities or 95 percent of its authorized vouchers, including vouchers ported in to the agency and vouchers ported out; or (ii) after approval to participate in the program, the agency achieves such utilization for a 12-month period. This subparagraph shall not apply to participating agencies approved by the Secretary to combine funds from sections 8 and 9 of the Act prior to enactment of this section.

"(2) USE OF PROGRAM FUNDS.—In carrying out the housing innovation program under this section, each participating agency shall continue to assist—

"(A) not less than substantially the same number of eligible low-income families under the program as it assisted in the base year for the agency; and

"(B) a comparable mix of families by family size, subject to adjustment to reflect changes in the agency's waiting list, except that the Secretary may approve exceptions to such requirements for up to 3 years based on modernization or redevelopment activities proposed in an annual plan submitted and approved in accordance with paragraph (8).

Determinations with respect to the number of families served shall be adjusted based on any allocation of additional vouchers under section 8(o) and to reflect any change in the percentage of program funds that a participating agency receives compared to the base year.

"(3) RETAINED PROVISIONS.—Notwithstanding any other provision of this section, families receiving assistance under this section shall retain the same rights of judicial review of agency action as they would otherwise have had if the agency were not participating in the program, and each participating agency shall comply with the following provisions of this Act:

"(A) Subsections (a)(2)(A) and (b)(1) of section 16 (relating to targeting for new admissions in the public housing and voucher programs).

"(B) Section 2(b) (relating to tenant representatives on the public housing agency board of directors).

"(C) Section 3(b)(2) (relating to definitions for the terms 'low-income families' and 'very low-income families').

"(D) Section 5(A)(e) (relating to the formation of and consultation with a resident advisory board).

"(E) Sections 6(f)(1) and 8(o)(8)(B) (relating to compliance of units assisted with housing quality standards or other codes).

"(F) Sections 6(c)(3), 6(c)(4)(i), and 8(o)(6)(B) (relating to rights of public housing applicants and existing procedural rights for applicants under section 8(o)).

"(G) Section 6(k) (relating to grievance procedures for public housing tenants) and comparable procedural rights for families assisted under section 8(o).

"(H) Section 6(l) (relating to public housing lease requirements), except that for units assisted both with program funds and low-income housing tax credits, the initial lease term may be less than 12 months if required to conform lease terms with such tax credit requirements.

"(I) Section 7 (relating to designation of housing for elderly and disabled households), except that a participating agency may make such designations(at initial designation or upon renewal) for a term of up to 5 years if the agency includes in its annual plan under paragraph (8) an analysis of the impact of such designations on affected households and such designation is subject to the program evaluation. Any participating agency with a designated housing plan that was approved under the moving to work demonstration may continue to operate under the terms of such plan for a term of 5 years (with an option to renew on the same terms for an additional 5 years) if it includes in its annual plan an analysis of the impact of such designations on affected households and is subject to evaluation under subsection (f).

"(J) Subparagraphs (C) through (E) of section 8(o)(7) (relating to lease requirements and eviction protections for families assisted with tenant-based assistance).

"(K) Subject to paragraph (1)(B) of this subsection, section 8(o)(13)(B) (relating to a percentage limitation on project-based assistance), except that for purposes of this subparagraph such section shall be applied by substituting '50 percent' for '20 percent'.

"(L) Section 8(o)(13)(E) (relating to resident choice for tenants of units with project-based vouchers), except with respect to—

"(i) in the case of agencies participating in the moving to work demonstration, any housing assistance payment contract entered into within 2 years after the enactment of this section;

"(ii) project-based vouchers that replace public housing units;

"(iii) not more than 10 percent of the vouchers available to the participating agency upon entering the housing innovation program under this section; and

"(iv) any project-based voucher program that is subject to evaluation under subsection (f).

"(M) Section 8(r) (relating to portability of voucher assistance), except that a participating agency may receive funding for portability obligations under section 8(dd) in the same manner as other public housing agencies.

"(N) Subsections (a) and (b) of section 12 (relating to payment of prevailing wages).

"(O) Section 18 (relating to demolition and disposition of public housing).

"(4) RENTS AND REQUIREMENTS FOR CONTINUED OCCUPANCY OR PARTICIPATION.—

"(A) BEFORE POLICY CHANGE.—Before adopting any policy pursuant to participation in the housing innovation program under this section that would make a material change to the requirements of this Act regarding tenant rents or contributions, or conditions of continued occupancy or participation, a participating agency shall complete each of the following actions:

"(i) The agency shall conduct an impact analysis of the proposed policy on families the agency is assisting under the program under this section and on applicants on the waiting list, including analysis of the incidence and severity of rent burdens greater than 30 percent of adjusted income on households of various sizes and types and in various income tiers, that would result, if any, without application of the hardship provisions. The analysis with respect to applicants on the waiting list may be limited to demographic data provided by the applicable consolidated plan, information provided by the Secretary, and other generally available information. The proposed policy, including provisions for addressing hardship cases and transition provisions that mitigate the impact of any rent increases or changes in the conditions of continued occupancy or participation, and data from this analysis shall be made available for public inspection for at least 60 days in advance of the public meeting described in clause (ii).

"(ii) The agency shall hold a public meeting regarding the proposed change, including the hardship provisions, which may be combined with a public meeting on the draft annual plan under paragraph (8) or the annual report under paragraph (9).

"(iii) The board of directors or other similar governing body of the agency shall approve the change in public session.

"(iv) The agency shall obtain approval from the Secretary of the annual plan or plan amendment. The Secretary may approve a plan or amendment containing a material change to the requirements of this Act regarding tenant rents or contributions, or conditions of continued occupancy or participation, only if the agency agrees that such policy may be included as part of the national evaluation.

"(B) AFTER POLICY CHANGE.—After adopting a policy described in subparagraph (A), a program agency shall complete each of the following actions:

"(i) The agency shall provide adequate notice to residents, which shall include a description of the changes in the public housing lease or participation agreement that may be required and of the hardship or transition protections offered.

"(ii) In the case of any additional requirements for continued occupancy or participation, the agency shall execute a lease addendum or participation agreement specifying the requirements applicable to both the resident and the agency. A resident may bring a civil action to enforce commitments of the agency made through the lease addendum or participation agreement.

"(iii) The agency shall reassess rent, subsidy level, and policies on program participation no less often than every two years, which shall include preparing a revised impact analysis, and make available to the public the results of such reassessment and impact analysis. The requirement under this clause may be met by sufficiently detailed interim reports, if any, by the national evaluating entity.

"(iv) The agency shall include in the annual report under paragraph (8) information sufficient to describe any hardship requests, including the number and types of requests made, granted, and denied, the use of transition rules, and adverse impacts resulting from changes in rent or continued occupancy policies, including actions taken by the agency to mitigate such impacts and impacts on families no longer assisted under the program.

"(C) APPLICABILITY TO EXISTING MTW AGENCIES.—An existing MTW agency that, before the date of the enactment of this section, implemented material changes to the requirements of this Act regarding tenant rents or contributions, or conditions of continued occupancy or participation, as part of the moving to work demonstration shall not be subject to subparagraph (A) with regard to such previously implemented changes, but shall comply with the requirements of subparagraph (B)(ii) and provide the evaluation and impact analysis required by subparagraph (B)(iii) by the end of the second agency fiscal year ending after such date of enactment.

"(5) PROHIBITION AGAINST DECREASE IN PROGRAM FUNDS.—The amount of program funds a participating agency receives shall not be diminished by its participation in the housing innovation program under this section.

"(6) SUBMISSION OF INFORMATION.—As part of the annual report required under subsection (g)(2), each participating agency shall submit information annually to the Secretary regarding families assisted under the program of the agency and comply with any other data submissions required by the Secretary for purposes of evaluation of the program under this section.

"(7) PUBLIC AND RESIDENT PARTICIPATION.—Each participating agency shall provide opportunities for resident and public participation in the annual plan under paragraph (8), as follows:

"(A) NOTICE TO RESIDENTS.—

"(i) NOTICE.—Each year, the agency shall provide notice to the low-income families it serves under the programs authorized by this section as to the impact of proposed policy changes and program initiatives and of the schedule of resident advisory board and public meetings for the annual plan.

"(ii) MEETING.—The agency shall hold at least one meeting with the resident advisory board (including representatives of recipients of assistance under section 8) to review the annual plan for each year.

"(B) PUBLIC MEETING.—With respect to each annual plan, the agency shall hold at least one annual public meeting to obtain comments on the plan, which may be combined with a meeting to review the annual report. In the case of any agency that administers, in the aggregate, more than 15,000 public housing units and vouchers, the agency shall hold additional meetings in locations that promote attendance by residents and other stakeholders.

"(C) PUBLIC AVAILABILITY.—Before adoption of any annual plan, and not less than 30 days before the public meeting required under subparagraph (A)(ii) with respect to the plan, the agency shall make the proposed annual plan available for public inspection. The annual plan shall be made available for public inspection not less than 30 days before approval by the board of directors (or other similar governing body) of the agency and shall remain publicly available.

"(D) BOARD APPROVAL.—Before submitting an annual plan or annual report to the Secretary, the plan or report, as applicable, shall be approved in a public meeting by the board of directors or other governing body of the agency.

"(8) ANNUAL PLAN.—

"(A) REQUIREMENT.—For each year that a participating agency participates in the housing innovation program under this section, the agency shall submit to the Secretary, in lieu of all other planning requirements, an annual plan under this paragraph.

"(B) CONTENTS.—Each annual plan shall include the following information:

"(i) A list and description of all program initiatives and generally applicable policy changes, including references to affected provisions of law or the implementing regulations affected.

"(ii) A description and comparison of changes under the housing innovation program of the agency from the plan for such program for the preceding year.

"(iii) A description of property redevelopment or portfolio repositioning strategies and proposed changes in policies or uses of funds required to implement such strategies.

"(iv) Documentation of public and resident participation sufficient to comply with the requirements under paragraphs (4) and (7), including a copy of any recommendations submitted in writing by the resident advisory board of the agency and members of the public, a summary of comments, and a description of the manner in which the recommendations were addressed.

"(v) Certifications by the agency that—

"(I) the annual plan will be carried out in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, and the rules, standards, and policies in the approved plan;

"(II) the agency will affirmatively further fair housing; and

"(III) the agency has complied and will continue to comply with its obligations under the national evaluation.

"(vi) A description of the agency's local asset management strategy for public housing properties, which shall be in lieu of any other asset management, project based management or accounting, or other system of allocating resources and costs to participating agency assets or cost centers that the Secretary may otherwise impose under this Act.

"(C) CHANGES.—If the agency proposes to make material changes in policies or initiatives in the plan during the year covered by the plan, the agency shall consult with the resident advisory board for the agency established pursuant to section 5A(e) and the public regarding such changes before their adoption.

"(D) APPROVAL PROCESS.—

"(i) TIMING.—The Secretary shall review and approve or disapprove each annual plan submitted to the Secretary within 45 days after such submission.

"(ii) STANDARDS FOR DISAPPROVAL.—The Secretary may disapprove a plan only if—

"(I) the Secretary reasonably determines, based on information contained in the annual plan or annual report, that the agency is not in compliance with the requirements of this section;

"(II) the annual plan or most recent annual report is not consistent with other reliable information available to the Secretary; or

"(III) the annual plan or annual report or the agency's activities under the program are not otherwise in accordance with applicable law.

"(iii) FAILURE TO DISAPPROVE.—If a submitted plan is not disapproved within 45 days after submission, the plan shall be considered to be approved for purposes of this section. The preceding sentence shall not preclude judicial review regarding such compliance pursuant to chapter 7 of title 5, United States Code, or an action regarding such compliance under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983).

"(f) EVALUATION OF PERFORMANCE.—

"(1) IN GENERAL.—Not later than the expiration of the one-year period that begins upon selection under subsection (d) of at least half of the number of agencies able to participate in the program under this section, the Secretary shall conduct detailed evaluations of all public housing agencies participating in the program under this section—

"(A) to determine the level of success of each public housing agency in achieving the purposes of the program under subsection (a); and

"(B) to identify program models that can be replicated by other agencies to achieve such success.

"(2) REPORTS.—

"(A) IN GENERAL.—The Secretary shall submit three reports to the Congress, as provided in subparagraph (B), evaluating the programs of all public housing agencies participating in the program under this section and all agencies participating in the moving to work demonstration. Each such report shall include findings and recommendations for any appropriate legislative action.

"(B) TIMING.—The reports under this paragraph shall include—

"(i) an initial report, which shall be submitted before the expiration of the 3-year period beginning on the date of the enactment of the Section 8 Voucher Reform Act of 2007;

"(ii) an interim report, which shall be submitted before the expiration of the 5-year period beginning on such date of enactment; and

"(iii) a final report, which shall be submitted before the expiration of the 10-year period beginning on such date of enactment.

"(3) EVALUATING ENTITY.—The Secretary may contract out the responsibilities under this paragraphs (1) and (2) to an independent entity that is qualified to perform such responsibilities.

"(4) PERFORMANCE MEASURES.—The Secretary or the evaluating entity, as applicable, shall establish performance measures, which may include—

"(A) a baseline performance level against which program activities may be evaluated; and

"(B) performance measures for—

"(i) increasing housing opportunities for extremely low-, very low-, and low-income families, replacing or rehabilitating housing at risk of physical deterioration or obsolescence, and developing additional affordable housing;

"(ii) leveraging other Federal, State, and local funding sources, including the low-income housing tax credit program, to expand and preserve affordable housing opportunities, including public housing;

"(iii) moving families to self-sufficiency and increasing employment rates and wages of families without imposing a significant rent burden on the families having the lowest incomes;

"(iv) reducing administrative costs; and

"(v) any other performance measures that the Secretary or evaluating entity, as applicable, may establish.

"(g) RECORDKEEPING, REPORTS, AND AUDITS.—

"(1) RECORDKEEPING.—Each public housing agency participating in the program under this section shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under the program, to ensure compliance with the requirements of this section, and to measure performance.

"(2) REPORTS.—In lieu of all other reporting requirements, each such agency participating in

the program shall submit to the Secretary an annual report in a form and at a time specified by the Secretary. Each annual report shall include the following information:

“(A) A description, including an annual consolidated financial report, of the sources and uses of funds of the agency under the program, which shall account separately for funds made available under section 8 and subsections (d) and (e) of section 9, and shall compare the agency's actions under the program with its annual plan for the year.

“(B) An annual audit that complies with the requirements of Circular A–133 of the Office of Management and Budget, including the OMB Compliance Supplement.

“(C) A description of each hardship exception requested and granted or denied, and of the use of any transition rules.

“(D) Documentation of public and resident participation sufficient to comply with the requirements under paragraph (7).

“(E) A comparison of income and the sizes and types of families assisted by the agency under the program compared to those assisted by the agency in the base year.

“(F) Every two years, an evaluation of rent policies, subsidy level policies, and policies on program participation.

“(G) A description of any ongoing local evaluations and the results of any local evaluations completed during the year.

“(3) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

“(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

“(5) REPORTS REGARDING EVALUATIONS.—The Secretary shall require each public housing agency participating in the program under this section to submit to the Secretary, as part of the agency's annual report under paragraph (2), such information as the Secretary considers appropriate to permit the Secretary to evaluate (pursuant to subsection (f)) the performance and success of the agency in achieving the purposes of the demonstration.

“(h) ADDITIONAL PROGRAM AGENCIES.—In participating in the program under the terms of this subsection, the public housing agencies designated for such participation shall be subject to the requirements of this section, and the additional following requirements:

“(1) APPLICABILITY OF CERTAIN EXISTING PROVISIONS.—Such agencies shall be subject to the provisions of—

“(A) subsections (a) and (b) of section 3; and

“(B) section 8(o), except for paragraph (11) and except that such agencies shall not be required to comply with any provision of such section 8(o) that pursuant to subsection (e)(3) of this section does not apply to agencies that are subject to such section (e)(3).

“(2) NO TIME LIMITS.—Such agencies may not impose time limits on the term of housing assistance received by families under the program.

“(3) NO EMPLOYMENT CONDITIONS.—Such agencies may not condition the receipt of housing assistance by families under the program on the employment status of one of more family members.

“(4) ONE-FOR-ONE REPLACEMENT.—

“(A) CONDITIONS ON DEMOLITION.—Such agencies may not demolish or dispose of any dwelling unit of public housing operated or administered by such agency (including any uninhabitable unit and any unit previously approved for demolition) except pursuant to a plan for replacement of such units in accordance with, and approved by the Secretary of Housing and Urban Development pursuant to, subparagraph (B).

“(B) PLAN REQUIREMENTS.—The Secretary may not approve a plan that provides for demolition or disposition of any dwelling unit of public housing referred to in subparagraph (A) unless—

“(i) such plan provides for outreach to public housing agency residents in accordance with paragraph (5);

“(ii) not later than 60 days before the date of the approval of such plan, such agency has convened and conducted a public hearing regarding the demolition or disposition proposed in the plan;

“(iii) such plan provides that for each such dwelling unit demolished or disposed of, such public housing agency will provide an additional dwelling unit through—

“(I) the acquisition or development of additional public housing dwelling units; or

“(II) the acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units;

“(iv) such plan provides for a right, and implementation of such right, to occupancy of additional dwelling units provided in accordance with clause (iii), for households who, as of the time that dwelling units demolished or disposed of were vacated to provide for such demolition or disposition, were occupying such dwelling units;

“(v) such plan provides that the proposed demolition or disposition and relocation will be carried out in a manner that affirmatively furthers fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968; and

“(vi) to the extent that such plan provides for the provision of replacement or additional dwelling units, or redevelopment, in phases over time, such plan provides that the ratio of dwelling units described in subclauses (I) and (II) of clause (iii) that are provided in any such single phase to the total number of dwelling units provided in such phase is not less than the ratio of the aggregate number of such dwelling units provided under the plan to the total number of dwelling units provided under the plan.

“(C) INAPPLICABLE PROVISIONS.—Subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers used to comply with the requirements of subparagraph (B)(iii) of this paragraph.

“(D) MONITORING.—The Secretary of Housing and Urban Development shall provide for the appropriate field offices of the Department to monitor and supervise enforcement of this paragraph and plans approved under this paragraph and to consult, regarding such monitoring and enforcement, with resident councils of, and residents of public housing operated or administered by, the agency.

“(5) COMPREHENSIVE OUTREACH PLAN.—No program funds of such agencies may be use to demolish, dispose of, or eliminate any public housing dwelling units except in accordance with a comprehensive outreach plan for such activities, developed by the agency in conjunction with the residents of the public housing agency, as follows:

“(A) The plan shall be developed by the agency and a resident task force, which may include members of the Resident Council, but may not be limited to such members, and which shall represent all segments of the population of residents of the agency, including single parent-headed households, the elderly, young employed and unemployed adults, teenage youth, and disabled persons.

“(B) The votes and agreements regarding the plan shall involve not less than 25 and not more than 35 persons.

“(C) The plan shall provide for and describe outreach efforts to inform residents of the program under this subsection, including a door-to-door information program, monthly newsletters to each resident household, monthly meetings dedicated solely to every aspect of the proposed development, including redevelopment factors, which shall include the one-for-one replacement requirement under paragraph (5), resident rights to return, the requirements of the program under this subsection, new resident support and community services to be provided, opportunities for participation in architectural design, and employment opportunities for residents, which shall reserve at least 70 percent of the jobs in demolition activities and 50 percent of the jobs in construction activities related to the redevelopment project, including job training, apprenticeships, union membership assistance.

“(D) The plan shall provide for regularly scheduled monthly meeting updates and a system for filing complaints about any aspect of the redevelopment process.

“(i) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) EXISTING MTW AGENCY.—The term ‘existing MTW agency’ means a public housing agency that as of the date of the enactment of the Section 8 Voucher Reform Act of 2007 has an existing agreement with the Secretary pursuant to the moving to work demonstration.

“(2) BASE YEAR.—The term ‘base year’ means, with respect to a participating agency, the agency fiscal year most recently completed prior to selection and approval for participation in the housing innovation program under this section.

“(3) MOVING TO WORK DEMONSTRATION.—The term ‘moving to work demonstration’ means the moving to work demonstration program under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437f note).

“(4) PARTICIPATING AGENCIES.—The term ‘participating agencies’ means public housing agencies designated and approved for participation, and participating, in the housing innovation program under this section.

“(5) PROGRAM FUNDS.—The term ‘program funds’ means, with respect to a participating agency, any amounts that the agency is authorized, pursuant to subsection (e)(1), to use to carry out the housing innovation program under this section of the agency.

“(6) RESIDENTS.—The term ‘residents’ means, with respect to a public housing agency, tenants of public housing of the agency and participants in the voucher or other housing assistance programs of the agency funded under section 8(o), or tenants of other units owned by the agency and assisted under this section.

“(j) AUTHORIZATION OF APPROPRIATIONS FOR RESIDENT TECHNICAL ASSISTANCE.—There is authorized to be appropriated for each of fiscal years 2008 through 2012 $10,000,000, for providing capacity building and technical assistance to enhance the capabilities of low-income families assisted under the program under this section to participate in the process for establishment of annual plans under this section for participating agencies.

“(k) AUTHORIZATION OF APPROPRIATIONS FOR EVALUATIONS.—There is authorized to be appropriated $15,000,000 to the Department of Housing and Urban Development for the purpose of

conducting the evaluations required under subsection (f)(1).''.

(b) GAO REPORT.—Not later than 48 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the extent to which the public housing agencies participating in the housing innovation program under section 36 of the United States Housing Act of 1937 are meeting the goals and purposes of such program, as identified in subsection (a) of such section 36.

SEC. 17. DEMONSTRATION PROGRAM WAIVER AUTHORITY.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into such agreements as may be necessary with the Social Security Administration and the Secretary of Health and Human Services to allow for the participation, in any demonstration program described in subsection (c), by the Department of Housing and Urban Development and the use under such program of housing choice vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

(b) WAIVER OF INCOME REQUIREMENTS.—The Secretary of Housing and Urban Development may, to extent necessary to allow rental assistance under section 8(o) of the United States Housing Act of 1937 to be provided on behalf of persons described in subsection (c) who participate in a demonstration program described in such subsection, and to allow such persons to be placed on a waiting list for such assistance, partially or wholly disregard increases in earned income for the purpose of rent calculations under section 3 for such persons.

(c) DEMONSTRATION PROGRAMS.—A demonstration program described in this subsection is a demonstration program of a State that provides for persons with significant disabilities to be employed and continue to receive benefits under programs of the Department of Health and Human Services and the Social Security Administration, including the program of supplemental security income benefits under title XVI of the Social Security Act, disability insurance benefits under title II of such Act, and the State program for medical assistance (Medicaid) under title XIX of such Act.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated the amount necessary for each of fiscal years 2008 through 2012 to provide public housing agencies with incremental tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) sufficient to assist 20,000 incremental dwelling units in each such fiscal year.

SEC. 19. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act, shall take effect on January 1, 2008.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–227. Each amendment may be offered only in the order printed in the report; by a member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. WATERS

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–227.

Ms. WATERS. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. WATERS:

Page 4, line 16, strike "biennial inspections" and insert "inspections not less often than biennially".

Page 6, strike lines 5 and 6 and insert the following:

(3) by redesignating subparagraph (E) as subparagraph (G);

(4) by inserting after subparagraph (D) the following new subparagraphs:

"(E) INTERIM INSPECTIONS.—Upon notification to the public housing agency, by a family on whose behalf tenant-based rental assistance is provided under this subsection or by a government official, that the dwelling unit for which such assistance is provided does not comply with the housing quality standards under subparagraph (B), the agency shall inspect the dwelling unit—

"(i) in the case of any condition that is life-threatening, within 24 hours after receipt of such notice; and

"(ii) in the case of any condition that is not life-threatening, within 15 days after receipt of such notice.".

Page 7, strike lines 1 through 3 and insert the following:

"(III) the failure to comply is not corrected—

"(aa) in the case of any such failure that is a result of life-threatening conditions, within 24 hours after receipt of such notice; and

"(bb) in the case of any such failure that is a result of non-life threatening conditions, within 30 days after receipt of such notice or such other reasonable period as the public housing agency may establish.".

Page 7, line 4, strike "AND RELEASE".

Page 7, strike "Subject" in line 10 and all that follows through line 14, and insert the following: "Upon completion of repairs by the public housing agency or the owner sufficient so that the dwelling unit complies with such housing quality standards, the agency shall recommence payments under the housing assistance payments contract to the owner of the dwelling unit.".

Page 7, strike "(or to" in line 19 and all that follows through line 24, and insert the following: ", except that a contract to make repairs may not be entered into with the inspector for the dwelling unit referred to in clause (i)(I).".

Page 8, line 6, after the period insert the following: "During the period that assistance is withheld pursuant to this subparagraph, the tenant may terminate the tenancy by notifying the owner.".

Page 8, strike "before" in line 12 and all that follows through line 16, and insert the following: "within 60 days after the effective date of the determination of noncompliance under clause (i), or such other reasonable period as the public housing agency may establish, and the agency does not use its authority under clause (iii), the agency shall terminate the housing assistance payments contract for the dwelling unit. The agency shall provide the family residing in such a dwelling unit a period of 90 days, beginning upon termination of the contract, to lease a new residence to assist with the tenant-based rental assistance made available under this section for the family. If the family is unable to lease such a new residence during such period, the public housing agency shall extend the period during which the family may lease a new residence to be assisted with such assistance or provide such family a preference for occupancy in a dwelling unit of public housing owned or operated by the agency that first becomes available for occupancy after the expiration of such period. The agency shall provide reasonable assistance to the family in finding a new residence, including use of two months of any assistance amounts withheld pursuant to clause (ii) for costs associated with relocation of the family to a new residence.".

Page 8, after line 16, insert the following:

"(vi) LIMITATION OF LIABILITY OF PUBLIC HOUSING AGENCIES.—A public housing agency that uses its authority under clause (iii) shall not, if the agency accomplishes the work through a contractor that is licensed, bonded, and insured in amounts and with coverage as required by the Secretary, be liable for any injury or damages that may result to persons or to any property owned by the tenant or owner.

"(vii) TENANT-CAUSED DAMAGES.—If a public housing agency determines that any damage to a dwelling unit that results in a failure of the dwelling unit to comply with housing quality standards under subparagraph (B), other than any damage resulting from ordinary use, was caused by the tenant, any member of the tenant's household, or any guest or other person under the tenant's control, the agency may, in the discretion of the agency, waive the applicability of this subparagraph, except that this clause shall not exonerate a tenant from any liability otherwise existing under applicable law for damages to the premises caused by such tenant.".

Page 8, line 17, strike "(vi)" and insert "(viii)".

Page 9, line 13, strike "and".

Page 9, after line 13, insert the following:

(B) in paragraph (1)—

(i) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(ii) by striking "paragraph (3)" and inserting "paragraph (4)";

(C) in paragraph (2)(A)(i), by striking "paragraph (3)" and inserting "paragraph (4)";

(D) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(E) by inserting after paragraph (2) the following new paragraph:

"(3) PHA AUTHORITY TO ESTABLISH ALTERNATIVE RENTS.—

"(A) RENT FLEXIBILITY FOR PUBLIC HOUSING AND VOUCHER PROGRAM.—Subject to the requirements under subparagraph (B), a public housing agency may establish for public housing and for families on whose behalf assistance is provided under the program for tenant-based voucher assistance under section 8(o)—

"(i) a tenant rent structure in which—

"(I) the public housing agency establishes, based on the rental value of the unit, as determined by the public housing agency—

"(aa) a ceiling rent for each dwelling unit that it owns and operates; and

"(bb) a ceiling on the amount of the tenant contribution toward rent required of a family provided tenant-based assistance; and

"(II) such ceiling rent and tenant contribution are adjusted periodically on the basis of an inflation index or a recalculation of the rental value of the unit (which may be recalculated by unit or by building);

"(ii) an income-tiered tenant rent structure in which the amount of rent a family shall pay is set and distributed on the basis of broad tiers of income and such tiers and rents are adjusted on the basis of an annual cost index except that families entering public housing shall not be offered a rent lower than the rent corresponding to their income tier; or

"(iii) a tenant rent structure in which the amount of rent a family shall pay is based on a percentage of family income, except that lower percentages may apply only with respect to earned income; such a rent structure may provide for an amount of rent based on a calculation of earned income that provides for disregard of a higher percentage or higher dollar amount, or both, than provided for in paragraph (8)(B).

"(B) LIMITATION.—Notwithstanding the authority provided under subparagraph (A), the amount paid for rent (including the amount allowed for tenant-paid utilities) by any family for a dwelling unit in public housing or for rental of a dwelling unit for which tenant-based voucher assistance under section 8(o) is provided may not exceed the amount determined under subsection (a)(1) of this section or section 8(o), respectively. The Secretary shall issue regulations and establish procedures to ensure compliance with this subparagraph.

"(C) ELDERLY FAMILIES AND DISABLED FAMILIES.—Notwithstanding any other provision of this Act, this paragraph shall not apply to elderly families and disabled families."; and

Page 9, line 14, strike "(B)" and insert "(F)".

Page 9, line 16, strike "(6)" and insert "(7)".

Page 12, line 19, strike "(7)" and insert "(8)".

Page 13, line 3, strike "(6)(A)" and insert "(7)(A)".

Page 13, line 18, strike "(6)(B)(ii)" and insert "(7)(B)(ii)".

Page 15, line 6, strike "(6)" and insert "(7)".

Page 19, line 13, strike "(6) and (7)" and insert "(7) and (8)".

Page 30, after line 11, insert the following:

"(xi) relocation and replacement of public housing units that are demolished or disposed of pursuant to eminent domain, pursuant to a homeownership program, or in connection with a mixed finance development method under section 35 or otherwise;"

Page 30, line 12, strike "(xi)" and insert "(xii)".

Page 30, line 15, strike "(xii)" and insert "(xiii)".

Page 30, line 24, strike "or (x)" and insert "(x), or (xi)".

Page 31, line 16, before the semicolon insert "and of any incremental vouchers funded in previous years".

Page 36, line 14, strike "one twelfth" and insert "12.5 percent of".

Page 39, lines 6 and 7, strike "until superseded through subsequent rulemaking,".

Page 57, after line 18, insert the following:

"(N) ADMINISTRATIVE FEE.—The administrative fee applicable to the administration of assistance under this paragraph shall be determined in the same manner as administrative fees applicable to other assistance administered under other provisions of this subsection.".

Page 57, line 19, strike "(N)" and insert "(O)".

Page 68, line 6, after "any agency" insert "that is a troubled agency under either such assessment program or"

Page 92, strike "Not" in line 5 and all that follows through "the" in line 9 and insert "The".

Strike line 24 on page 97 and all that follows through line 4 on page 98, and insert the following:

"(B) section 8(o), except for paragraph (11) and except as the requirements of section 8(o) are modified by subsection (e)(3) of this section.".

Page 100, line 2, before the semicolon insert the following: ", except that no household may be prevented from occupying a replacement dwelling unit provided pursuant to clause (iii) except to the extent specifically provided by any other provision of Federal law (including subtitle F of title V of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 13661 et seq.; relating to safety and security in public and assisted housing, subtitle D of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13611 et seq.; relating to preferences for elderly and disabled residents), and section 16(f) of this Act (42 U.S.C. 1437n(f)); relating to ineligibility of persons convicted of methamphetamine offenses)".

Page 101, line 22, strike ", dispose of, or eliminate" and insert "or dispose of".

Page 102, strike lines 12 through 14 and insert the following:

"(b) The votes and agreements regarding the plan shall involve—

"(i) in the case of any public housing agency that administers 250 or fewer public housing dwelling units, not less than 10 percent of affected residents; and

"(ii) in the case of any public housing agency that administers more than 250 public housing dwelling units, not less than 25 affected residents".

Page 103, strike lines 4 through 6 and insert the following: "make available at least 30 percent of the total hours worked at all such employment, and shall also make available at least 25 percent of unskilled jobs in demolition activities and 25 percent of unskilled jobs in construction activities related to the redevelopment".

Page 107, after line 2, insert the following new section:

SEC. 18. ACCESS TO HUD PROGRAMS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY.

(a) HUD RESPONSIBILITIES.—To allow the Department of Housing and Urban Development to better serve persons with limited proficiency in the English language by providing technical assistance to recipients of Federal funds, the Secretary of Housing and Urban Development shall take the following actions:

(1) TASK FORCE.—Within 90 days after the enactment of this Act, convene a task force comprised of appropriate industry groups, recipients of funds from the Department of Housing and Urban Development (in this section referred to as the "Department"), community-based organizations that serve individuals with limited English proficiency, civil rights groups, and stakeholders, which shall identify a list of vital documents, including Department and certain property and other documents, to be competently translated to improve access to federally conducted and federally assisted programs and activities for individuals with limited English proficiency. The task force shall meet not less frequently than twice per year.

(2) TRANSLATIONS.—Within 6 months after identification of documents pursuant to paragraph (1), produce translations of the documents identified in all necessary languages and make such translations available as part of the library of forms available on the website of the Department and as part of the clearinghouse developed pursuant to paragraph (4).

(3) PLAN.—Develop and carry out a plan that includes providing resources of the Department to assist recipients of Federal funds to improve access to programs and activities for individuals with limited English proficiency, which plan shall include the elements described in paragraph (4).

(4) HOUSING INFORMATION RESOURCE CENTER.—Develop and maintain a housing information resource center to facilitate the provision of language services by providers of housing services to individuals with limited English proficiency. Information provided by such center shall be made available in printed form and through the Internet. The resources provided by the center shall include the following:

(A) TRANSLATION OF WRITTEN MATERIALS.—The center may provide, directly or through contract, vital documents from competent translation services for providers of housing services.

(B) TOLL-FREE CUSTOMER SERVICE TELEPHONE NUMBER.—The center shall provide a 24-hour toll-free interpretation service telephone line, by which recipients of funds of the Department and individuals with limited English proficiency may—

(i) obtain information about federally conducted or federally assisted housing programs of the Department;

(ii) obtain assistance with applying for or accessing such housing programs and understanding Federal notices written in English; and

(iii) communicate with housing providers. and learn how to access additional language services.

The toll-free telephone service provided pursuant to this subparagraph shall supplement resources in the community identified by the plan developed pursuant to paragraph (3).

(C) DOCUMENT CLEARINGHOUSE.—The center shall collect and evaluate for accuracy or develop, and make available, templates and documents that are necessary for consumers, relevant industry representatives, and other stakeholders of the Department, to access, make educated decisions, and communicate effectively about their housing, including—

(i) administrative and property documents;

(ii) legally binding documents;

(iii) consumer education and outreach materials;

(iv) documents regarding rights and responsibilities of any party; and

(v) remedies available to consumers.

(D) STUDY OF LANGUAGE ASSISTANCE PROGRAMS.—The center shall conduct a study that evaluates best-practices models for all programs of the Department that promote language assistance and strategies to improve language services for individuals with limited English proficiency. Not later than 18 months after the date of the enactment of this Act, the center shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, which shall provide recommendations for implementation, specific to programs of the Department, and information and templates that could be made available to all recipients of grants from the Department.

(E) CULTURAL AND LINGUISTIC COMPETENCE MATERIALS.—The center shall provide information relating to culturally and linguistically competent housing services for populations with limited English proficiency.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

(c) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, and annually thereafter, the Secretary of Housing and Urban Development shall submit a report regarding its compliance with the requirements under subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

The Acting CHAIRMAN. Pursuant to House Resolution 534, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MS. WATERS

Ms. WATERS. Madam Chairman, I ask unanimous consent that the amendment be modified by the form I have placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Ms. WATERS:

The amendment is modified as follows:

In the matter proposed to be inserted by the eighth amendment instruction of the amendment (which begins "Page 8, strike 'before' in line 12"), strike "The agency shall provide the family" and all that follows through "relocation of the family to a new residence.".

Strike the matter proposed to be inserted by the amendment at page 8 of the bill, after line 16, and insert the following:

"(vi) RELOCATION.—If the public housing agency terminates the housing assistance payments contract for a dwelling unit, the lease for any family residing in that unit shall terminate and the family may remain in the unit subject to a new lease as an unassisted family. The agency shall provide the family residing in such a dwelling unit a period of 90 days, beginning upon termination of the contract, to lease a new residence to assist with the tenant-based rental assistance made available under this section for the family. If the family is unable to lease such a new residence during such period, the public housing agency shall extend the period during which the family may lease a new residence to be assisted with such assistance or provide such family a preference for occupancy in a dwelling unit of public housing owned or operated by the agency that first becomes available for occupancy after the expiration of such period. The agency shall provide reasonable assistance to the family in finding a new residence, including use of two months of any assistance amounts withheld pursuant to clause (ii) for costs associated with relocation of the family to a new residence.

"(vii) LIMITATION OF LIABILITY OF PUBLIC HOUSING AGENCIES.—A public housing agency that uses its authority under clause (iii) shall not, if the agency accomplishes the work through a contractor that is licensed, bonded, and insured in amounts and with coverage as required by the Secretary, be liable for any injury or damages that may result to persons or to any property owned by the tenant or owner.

"(viii) TENANT-CAUSED DAMAGES.—If a public housing agency determines that any damage to a dwelling unit that results in a failure of the dwelling unit to comply with housing quality standards under subparagraph (B), other than any damage resulting from ordinary use, was caused by the tenant, any member of the tenant's household, or any guest or other person under the tenant's control, the agency may, in the discretion of the agency, waive the applicability of this subparagraph, except that this clause shall not exonerate a tenant from any liability otherwise existing under applicable law for damages to the premises caused by such tenant.".

Strike the matter proposed to be inserted by the amendment at page 8 of the bill, line 17, and insert "(ix)".

Ms. WATERS (during the reading). Madam Chairman, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentlewoman from California.

Ms. WATERS. Thank you very much, Madam Chairman.

I would like to thank the distinguished chairman of the Committee on Financial Services, Mr. BARNEY FRANK, and Ranking Member JUDY BIGGERT for their strong support of the manager's amendment to H.R. 1851.

The purpose of the amendment is to reform and improve the Section 8 Voucher Reform Act of 2007, regarding inspections, flexibility in rent-setting, transitional funding for the Nation's Public Housing Agencies, administrative fee calculations, limited English proficiency requirements, and the Housing Innovation Program. It also makes technical corrections to the bill.

The amendment provides more flexibility to make inspections by requiring them less frequently than every 2 years. This change will allow PHAs in areas with a deteriorating housing stock to conduct additional inspections in order to make sure families are housed in safe and decent units. In addition, the amendment fills the need for inspections that can be conducted at the request of the tenant within a specific amount of time.

My amendment solves a real catch-22 that often arises in the section 8 program. Many section 8 landlords are not large real estate concerns, but mom-and-pop operations that are not getting rich. Where units operated by a landlord fail inspection, right now there is a real danger that the landlord will choose to leave the program rather than make the repairs. This benefits nobody. And there is the catch-22. The landlord wants to stay in the program; the tenant certainly wants to stay in the unit if it can be repaired; but current law makes this positive resolution difficult to achieve.

PHAs will have the option to make repairs on the landlord's behalf. If the PHA or the landlord choose not to make the repair, the amendment protects tenants who will have to move to a new unit through no fault of their own. In the event a PHA chooses not to make a repair and the landlord still declines to repair the unit, the amendment provides important tenant protections.

There is rent flexibility. Sometimes the rigid section 8 rent structure just doesn't work. In order to find a rent mechanism that works, the amendment gives PHAs flexibility in setting rents. While the calculations may be different, the amendment preserves affordability standards that limit the amount of rent a tenant pays to 30 percent of his or her income. The 30 percent threshold is sacred, because we all know that if the rent exceeds this amount, tenants lose the ability to make ends meet.

When we move to a new funding formula, PHAs will need sufficient reserves to allow them to make the change smoothly and with little disruption for tenants. H.R. 1851 provides a 1-month reserve for the first year of the formula. But to ensure that PHAs are able to serve additional families in the formula's first year, the amendment moderately increases this reserve from the 1-month level to the 1½-month level. This ensures PHAs will have adequate funds to transition.

The amendment corrects the disparity between the calculation of the administrative fees for project-based units owned by PHAs and other units in the PHA's inventory. Units owned by PHAs would receive the same fee as other units receiving project-based assistance in the PHA's inventory, providing an incentive for PHAs to create housing opportunities by project-basing its own units.

The amendment also addresses HUD's problematic implementation of Limitation of English Proficiency requirements. The manager's amendment seeks to remedy this problem. The amendment calls for HUD to convene a task force of interested parties and stakeholders who will determine the documents that need to be translated, and to make these translations available in various languages within 6 months. HUD is also required to maintain a housing information resource center, including a 24-hour toll-free number and a document clearinghouse.

We also include Housing Innovation Program, that is HIP program, formerly known as Moving to Work, and this amendment makes several corrections to the Housing Innovation Program formerly called Moving to Work. These changes clarify that troubled agencies are not eligible to participate in the program, clarifies resident participation requirements, specifies job opportunities to be made for residents, and ensures that following demolition or replacement of public housing units, that families cannot be screened out of public housing unless they are otherwise ineligible under Federal law.

I ask support for the manager's amendment.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. I would like to thank Chairwoman WATERS for her manager's amendment and, in particular, the 12.5 percent for the transition in the public housing.

Madam Chair, I yield to my colleague, Mr. MILLER of California, for the balance of the time.

Mr. GARY G. MILLER of California. I want to thank you for including my language on reform in the manager's amendment. This I believe goes a long way to create innovation in helping people gain self-sufficiency.

The main reason I want to speak today is because many on my side have a real problem with the requirement that language be translated into a language that anybody who might come to a HUD assistance program might require to speak, and your bill goes a long way.

I have consistently supported every effort to repeal President Clinton's executive order which requires any recipient of Federal funds to provide translations into any language an individual requesting service may speak; but recently, HUD has issued a requirement that says that any housing authority or PHA must provide this translation to individuals who come before them.

This is the Federal Government creating a mandate and requiring the private sector to pay the bill. And what you are doing I wholeheartedly support. You are saying that if the Federal Government wants to require a mandate, then they should pay the bill. It has been estimated that one of these translations can cost a section 8 individual or group or housing authority up to $10,000 for each language they want to translate the documents into, and what you are doing is absolutely correct. If we are not going to change the law, then let's not have an unfunded mandate placed on the private sector that the private sector has to pay for when HUD and the Federal Government wants to mandate it. And what you are saying is: HUD, if you want to mandate it, you pick up the bill. And I think that is very important that we do this, and I want to stand up saying I wholeheartedly support it.

I do not support the mandate, period, that Clinton imposed, but we are stuck with it. It is an executive order. And what you are saying is the private sector should not be suffering the burden of an unfunded mandate if the Federal Government wants to mandate it.

So I want to clarify for my side that what we are doing here is saying we are relieving an unfunded mandate on the private sector and placing the burden on the Federal Government, who should be responsible. And if we want to change the law, let's change the law. But until we change the law, the private sector should not suffer the burden of financing something the Federal Government is imposing on them.

I wholeheartedly support the manager's amendment, and I thank you for working with me on rent reform and other things.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman has given a very clear statement of what is in here. This bill does not create the bilingual mandate; it puts it where it should be.

The other thing I would say is this, and I understand there are some who oppose it on principle. But from the court's standpoint, having HUD do the translation of all these documents means that they don't have to be done individually. So it also is cheaper for HUD to do. It is not just that it is more appropriate for the Federal Government to do it, but it is cheaper, because there will be some basic HUD documents so this will avoid the unnecessary duplication of translations. And I thank the gentleman for that very clear way he stated it.

Mr. GARY G. MILLER of California. Reclaiming my time, I think you are right. It is cheaper for us to pay for shipping than it is for them to pay for translations. Let's do it one time, ship the documents, and we deal with the problem, unless we want to change the law.

Mr. FRANK of Massachusetts. The gentleman and I are of a similar generation. It is my understanding from some of my younger staffers that they don't ship documents these days; they have other ways of getting them there. I couldn't send one, myself, and my friend couldn't receive it. But, fortunately, it wouldn't be up to us.

Mr. GARY G. MILLER of California. Reclaiming my time, we dinosaurs have to speak in the language we are accustomed to.

And with that, this dinosaur yields back the balance of his time.

The Acting CHAIRMAN. The gentlewoman from California has 30 seconds remaining.

Ms. WATERS. Madam Chairman, I ask for support for the manager's amendment to H.R. 1851 and passage of the bill. Again, I want to thank each of my colleagues who worked on this important amendment for their strong support.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-227.

Ms. VELÁZQUEZ. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. VELÁZQUEZ:

Page 80, line 5, after "8(o)(7)" insert "and section 8(o)(20)".

Page 81, after line 10, insert the following:

"(N) Sections 8(ee) and 6(u) (relating to records, certification and confidentiality regarding domestic violence).".

Page 81, line 11, strike "(N)" and insert "(O)".

Page 81, line 13, strike "(O)" and insert "(P)".

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The Acting CHAIRMAN. Pursuant to House Resolution 534, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, let me first commend Chairman FRANK and Chairwoman WATERS for their leadership in moving this necessary reform forward. They led the Financial Services Committee through a healthy but complicated series of issues and produced a bill that truly improves the section 8 program.

Section 8 is the Nation's largest low-income housing program. It currently enables more than 2 million low-income families to fulfill the basic needs of shelter. We should strive to help more people find safe and decent housing. That is why this bill includes 100,000 new vouchers over the next 5 years. It is critical that we support this bipartisan work that transitions people out of poverty.

Keeping people safe is at the heart of my amendment, which may seem minor, but provides important eviction and privacy protection for victims of domestic violence who live in section 8 housing. Let us not allow domestic violence victims to fall through the cracks.

It does this by ensuring that residents are not evicted simply because they are victims of domestic violence. While it is hard to believe, under current law, if a resident is visited by a former spouse, a stalker or domestic abuser, and he breaks down the door, the very noise and property damage caused by the dispute could be grounds for her to be evicted. Being abused should not be cause for terminating a lease. My amendment changes that by protecting section 8 tenants from wrongful eviction.

It is fundamentally wrong to evict a resident because they have been victimized. The individuals and their families deserve our respect and understanding. This provision ensures that domestic violence victims have a safe home for them and their families.

Second, my amendment protects the record of domestic violence victims. If certain identifying characteristics are made public, even to a prospective landlord, abusers could use the information to locate their victims. This goes beyond just name and Social Security number. The key is making sure that their information is protected so that victims move forward without the fear of being found. Their safety must be first and foremost. Let's give section 8 tenants basic protections to ensure they can find and keep a safe home away from violence.

Madam Chairwoman, I support the improvements to the section 8 program that H.R. 1851 makes and want to thank Chairman FRANK and Chairwoman WATERS again for their diligence on this bill. I think it is important that we remember that finding a home entails feeling safe, not just securing shelter.

In 2005, we fought in unison to protect domestic violence victims through VAWA; 415 Members of the 109th Congress supported these provisions back then. Today I am asking you to close a potential loophole for section 8 housing residents who are victims of domestic violence. I urge a "yes" vote on my amendment and the underlying bill.

Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Thank you, Madam Chair.

The Violence Against Women Act reauthorized and signed into law by President Bush in 2005 ensured that victims of domestic violence would not be evicted from public or section 8 housing for screaming for help, for calling the police or simply for being the victim of a crime. However, one provision of H.R. 1851 inadvertently removes these protections from certain public housing authorities, leaving victims in these housing authorities with inconsistent or no protection.

I think that the Housing Innovation Program provisions in SEVRA exempt high-performing public housing authorities from certain Federal regulations, giving them a measure of regulatory reform. Unfortunately, some of the VAWA protections were among those that would no longer apply to these high-performing housing authorities. This would create confusion for public housing authorities and leave victims vulnerable to eviction after an assault.

I support the amendment, and appreciate this being added to the bill.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I thank the gentlelady for supporting my amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

Mr. FRANK of Massachusetts. Madam Chair, I ask unanimous consent that I be substituted for the gentlewoman from California as the manager for the remainder of the bill.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–227.

Mr. GARY G. MILLER of California. Madam Chair, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GARY G. MILLER of California:

Page 28, after line 11, insert the following new section:

SEC. 6. TIME LIMITATION ON ASSISTANCE.

Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(g) TIME LIMITATION ON SECTION 8 ASSISTANCE.—

"(1) IN GENERAL.—Except as provided in this subsection and notwithstanding any other provision of this Act, assistance under section 8 may not be provided on behalf of any family that includes a member who has previously been provided such assistance for 84 months (whether or not consecutive) or longer.

"(2) EXCEPTION FOR ELDERLY AND DISABLED FAMILIES.—In determining the number of months for which an individual has been provided assistance under section 8, for purposes of paragraph (1), a public housing agency shall disregard any month during which such individual was a member of a disabled or elderly family so assisted.

"(3) AUTHORITY FOR HARDSHIP EXEMPTIONS.—A public housing agency may exempt a family from the application of paragraph (1) by reason of hardship, subject to the following requirements:

"(A) The agency shall define the reasons for, and terms under which, a hardship exemption may be granted, which may include mental illness and disability that is not sufficient to qualify the individual for benefits under the program of supplemental security income benefits under title XVI of the Social Security Act.

"(B) The agency shall establish a plan to provide appropriate case management planning and services for the families for which such an exemption is granted.

"(4) LIMITATION ON EXEMPTIONS.—Subject to paragraph (5), the average monthly number of families with respect to which an exemption is made under paragraph (3) by a public housing agency shall not exceed 20 percent of the average monthly number of families on behalf of whom assistance is provided under section 8 during the fiscal year or the immediately preceding fiscal year (but not both), as the agency may elect.

"(5) REQUEST FOR ADDITIONAL EXEMPTIONS.—Upon the request of a public housing agency, the Secretary may increase the number of families with respect to which an exemption may be made under paragraph (3) by the agency above the limitation provided in paragraph (4).

"(6) APPLICABILITY.—In determining the number of months for which an individual has been provided assistance under section 8, for purposes of paragraph (1), a public housing agency shall disregard any month that commenced before the date of the enactment of the Section 8 Voucher Reform Act of 2007.".

The Acting CHAIRMAN. Pursuant to House Resolution 534, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Madam Chair, I rise today to offer an amendment with my colleague from Ohio (Mr. CHABOT) to limit the amount of time a section 8 recipient may receive housing assistance.

I believe this amendment offers a reasonable approach to a very difficult issue. The intent of this amendment is not to be harsh or uncaring. If you read the amendment, you will see that we provide exemptions for the elderly, for the disabled and for hardship.

This amendment is an attempt to inject fairness into this program, where we are faced with the fiscal reality that we do not have the resources to provide unlimited housing assistance to all those who want to participate in the program.

This amendment will help those who have been waiting a long time for their turn for the helping hand.

When we started working on section 8 reform legislation a couple of years ago, I asked my staff to review all the casework inquiries we had received from constituents about the section 8 program. This review revealed that section 8 recipients weren't contacting me to help them with problems with their housing or HUD regulations; the constituents who had contacted my office were complaining about the fact that they had been on the section 8 waiting list for years and were just as in need as those who are receiving assistance currently.

According to HUD, the average length of time families spend on the waiting list for subsidized housing in the United States is more than 2 years. In cities like Los Angeles, the waiting list is approaching 10 years.

How can we justify a situation where one person is given unlimited Federal housing assistance, while another who might have greater need is on the waiting list and unable to participate in the program for almost 10 years?

The answer is not to allow this program to continue to grow out of control by providing more vouchers. Rather, we must reform the program so that participants can transition into self-sufficiency within a reasonable period of time.

The answer is to institute a reasonable time limit for assistance, which would give more families the ability to benefit from our Nation's temporary helping hand.

The amendment I offer today is based on the successful reform we made to the welfare program in 1996. Under the amendment, the maximum amount of time during which a family may receive section 8 assistance is 7 years. Time limits would not apply to elderly or disabled families.

In addition, there is a hardship exemption for families who need extra time due to circumstances beyond their control.

While some might argue that we should increase the number of section 8 vouchers that are available so we can serve all those who are on the waiting list, the practical reality is that we cannot already sustain the growth in the current section 8 program. Our aim should be not to expand the program more but instead reform it to allow it to provide assistance to more people.

Even with the section 8 program growing out of control, it is not helping all the people that it could. This amendment is one way to ensure that our Federal limited resources may be used to help all those who need help.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chair, I rise to claim the time in opposition. And unlike my distinguished friend, the gentlewoman from Illinois, I'm really in opposition.

The Acting CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I yield myself 3 minutes.

First, Madam Chair, in the interest of conciliation that has marked this debate, I would say to my friend from California, I would be willing to accept this amendment that puts a time limit on people being able to stay in section 8 if we could work out a time limit on their being poor. I think it is entirely accurate that when you're no longer poor, you should no longer be able to live in section 8. But what if we can't?

I can understand people who think that there are adults who have not been very responsible in their life choices, but some of the adults come with children. The gentleman exempts the disabled and the elderly, but his amendment does not exempt families with small children. So you have a parent with children.

Mr. GARY G. MILLER of California. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. GARY G. MILLER of California. The intent of this amendment is to allow for hardship cases like that. A single mother who has young children would be a hardship.

Mr. FRANK of Massachusetts. Would the gentleman point that out to me in the amendment?

Mr. GARY G. MILLER of California. We tried to allow the Housing Authority——

Mr. FRANK of Massachusetts. No. They have a certain number. They can make certain exemptions up to 20 percent.

Mr. GARY G. MILLER of California. On page 2, hardship exemption, number 3. It allows the housing authority to create exemptions for families in a hardship. And that would be one of the exemptions.

Mr. FRANK of Massachusetts. Yes, not exceeding more than 20 percent of the families. It doesn't single out children. Well, maybe there will be 30 or 40 percent, because in my experience, it may differ, you say make an exception for a hardship. That's not the exception for people in section 8; it's the rule. There aren't a lot of rich people living in section 8 or middle income people.

The fact is that under the gentleman's amendment, if adopted, there will be single parents with children of 7 or 8 or 10 years old, several of them, and at the end of 5 years, they'll have to move. Those kids didn't do anything to anybody.

And you know what we've learned from education and from homelessness, 7 years, the gentleman tells me. He does give them 7 years. It's very biblical. But they'll still have to move after 7 years.

Churning poor people isn't useful. Making people move isn't useful. We've adopted some rules here. The gentleman knows we agreed with him that we should not charge them for more rent if they're making more money. We don't want to have a disincentive. We've done other things to improve it.

But here's a fundamental point. People in section 8 housing are there because they meet strict income criteria. Under the gentleman's amendment, someone who continues to be poor, who continues to meet the income criteria, who has lived up to every rule, who has small children, who has tried diligently to get a better job, but in many parts of this country, by the way, we're talking about working people. There are many people who can work full-time at twice the minimum wage and not be able to afford rental housing in his district or in parts of my district or in other districts, the gentlewoman from California's district. And they'd be evicted. They'd be evicted from housing that they were eligible for, for no reason other than the clock.

I reserve the balance of my time.

Mr. GARY G. MILLER of California. I yield the balance of time to the gentleman from Ohio (Mr. CHABOT).

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 2½ minutes.

Mr. CHABOT. I thank the gentleman for yielding.

I would just note that I don't think we are doing those kids living in section 8 housing any favors by encouraging a life or a lifestyle of living in section 8 housing. I think we're doing them a great disservice.

And I want to thank the gentleman from California for his efforts to bring more accountability and responsibility to the section 8 program, a program that, let's face it, is in need of fundamental reform.

Madam Chair, this is a very straightforward and commonsense amendment, and again, I want to commend the gentleman for offering it. It would simply place a time limit, one that I believe is generous, on able-bodied individuals currently receiving housing assistance through the section 8 program.

Under current law, there are no time limits. Those on section 8 can remain on section 8 for as long as they qualify.

Is that fair to the taxpayers? No. Is it fair to the section 8 recipients who become trapped in a life of dependency or to their children? I don't think so. Is it fair that the current lack of time limits prevent those on the waiting list, who may have fallen on hard times and are genuinely looking for a temporary helping hand, from receiving help? I don't think so.

Madam Chair, I would submit that the current lack of time limits isn't fair to anyone.

We've seen the positive effects that time limits and work requirements can have on social programs. We need look no further back in history than the 1996 Temporary Assistance For Needy Families, or the welfare reform law, that reformed the old welfare system, a system that had trapped so many into a life of dependency and poverty. And the old welfare system bears a remarkable resemblance to the section 8 program. And I think that's just unacceptable.

We can do better in this country than section 8 housing and condemning both adults and children to the conditions that they have to live in, in my community in Cincinnati or communities all over the country. Section 8 housing is not the type of lifestyle that I think we want to condemn those people living in them or their children to.

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And I don't think the taxpayers ought to be required to pay for this subsidized housing forever in some cases.

Mr. GARY G. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. CHABOT. I would be happy to yield to the gentleman from California.

Mr. GARY G. MILLER of California. I think, Mr. FRANK, you know my heart, and you and I have worked on a lot of stuff. I think Mr. CHABOT and I would be willing to accept a 50-percent exemption for single mothers with multiple children who have a hardship, who are unable to move in the sector. So we are willing to cooperate. We are not trying to throw mothers with children out of the home.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. FRANK of Massachusetts. Madam Chairman, I would say to my friend from California, work on that in a future amendment and we will look at it.

But I want to address the gentleman from Ohio. He says he wants to help these people and save them. Boy, would they be in trouble if somebody came to hurt them. He is going to help them by evicting them when they remain economically eligible. And he says it is encouraging dependence.

In fact, in many parts of this country, you can be making two and three times the minimum wage and not be able to afford decent rental housing, and that is who gets the section 8.

And then he says that section 8 housing is so terrible that we have to keep people from having to live there. But does the gentleman think that there are people who say, "You know what? I can live in a nice place or I can live in a lousy place. I think I'll choose a lousy place until the gentleman from Ohio comes along and rescues me from it"?

People live in the best place available to them, and throwing them out of the place they now live in when they have done nothing wrong because you don't think it is good enough for them when there is no alternative that is as good is hardly helping them.

The section 8 program is one that serves many people who work. It is a sliding scale of subsidy, and to say that it encourages dependency totally misunderstands the program. Many of these people are people who are working and they work at low-wage jobs in areas with high rent. How are you encouraging dependency by telling them and their children that after 7 years they go out? What kind of an incentive is that?

So, Madam Chairman, this amendment takes people who have already been in some economic difficulty and makes their lives harder. I hope that it is rejected.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARY G. MILLER of California. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–227.

Mr. MARKEY. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MARKEY:

Page 64, line 20, before "Subparagraph" insert "(a) TREATMENT OF UNIT AND FAMILY SIZE.—".

Page 65, after line 2, insert the following:

(b) ELIGIBILITY OF CERTAIN PROJECTS.—Notwithstanding any other provision of law—

(1) the property known as The Heritage Apartments (FHA No. 023-44804), in Malden, Massachusetts, shall be considered eligible low-income housing for purposes of the eligibility of residents of the property for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), pursuant to paragraph (2)(A) of section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A));

(2) such residents shall receive enhanced rental housing vouchers upon the prepayment of the mortgage loan for the property under section 236 of the National Housing Act (12 U.S.C. 1715z–1); and

(3) the Secretary shall approve such prepayment and subsequent transfer of the property without any further condition, except that the property shall be restricted for occupancy, until the original maturity date of the prepaid mortgage loan, only by families with incomes not exceeding 80 percent of the adjusted median income for the area in which the property is located, as published by the Secretary.

Amounts for the enhanced vouchers pursuant to this subsection shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

Page 107, after line 2, insert the following new section:

SEC. 18. TRANSFER OF CERTAIN RENTAL ASSISTANCE CONTRACTS.

(a) TRANSFER.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall, at the request of the owner, transfer or authorize the transfer, of the contracts, restrictions, and debt described in subsection (b)—

(1) on the housing that is owned or managed by Community Properties of Ohio Management Services LLC or an affiliate of Ohio Capital Corporation for Housing and located in Franklin County, Ohio, to other properties located in Franklin County, Ohio; and

(2) on the housing that is owned or managed by The Model Group, Inc., and located in Hamilton County, Ohio, to other properties located in Hamilton County, Ohio.

(b) CONTRACTS, RESTRICTIONS, AND DEBT COVERED.—The contracts, restrictions, and debt described in this subsection are as follows:

(1) All or a portion of a project-based rental assistance housing assistance payments contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) Existing Federal use restrictions, including without limitation use agreements, regulatory agreements, and accommodation agreements.

(3) Any subordinate debt held by the Secretary or assigned and any mortgages securing such debt, all related loan and security documentation and obligations, and reserve and escrow balances.

(c) RETENTION OF SAME NUMBER OF UNITS AND AMOUNT OF ASSISTANCE.—Any transfer pursuant to subsection (a) shall result in—

(1) a total number of dwelling units (including units retained by the owners and units transferred) covered by assistance described in subsection (b)(1) after the transfer remaining the same as such number assisted before the transfer, with such increases or decreases in unit sizes as may be contained in a plan approved by a local planning or development commission or department; and

(2) no reduction in the total amount of the housing assistance payments under contracts described in subsection (b)(1).

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 534, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Madam Chairman, I rise with an amendment that I am making in conjunction with the gentlewoman from Ohio (Ms. PRYCE). Our language seeks to make some technical corrections to ensure that affordable housing is preserved in three housing developments, two located in Ohio and one in Massachusetts.

The low-income tenants of the Heritage Apartments in Malden, Massachusetts, are facing possible displacement once an outstanding HUD mortgage is fully paid in a few years. The development is also in need of major renovations and upgrades that simply cannot be delayed. Unfortunately, HUD is failing to ensure that the development remains affordable and livable by placing burdensome regulations and restrictions on prepayment of the outstanding mortgage and subsequent transfer to a new owner who is willing to finance the renovations. My amendment would allow income-eligible residents to qualify for enhanced housing vouchers following the prepayment of the HUD mortgage and the property transfer and directs HUD to approve such actions.

I will defer to the gentlewoman from Ohio (Ms. PRYCE) to explain the portion of our amendment which deals with maintaining affordability in housing developments located in her congressional district in Ohio.

The Congressional Budget Office has determined that adoption of this language would result in $1 million in net savings to current mandatory spending over the next 5 years because HUD is currently paying mortgage interest reduction payments for the development which would be nullified upon adoption of the Markey-Pryce amendment.

The amendment is supported by the chairman of the committee and the ranking member. It is also supported by the Institute of Real Estate Management, National Apartment Association, and the National Association of Home Builders. And I urge adoption of the amendment.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, I thank my friend and colleague for yielding.

And I want to say, as I said to the gentleman from California (Mr. CAMPBELL), people are saying why are you making this exception. We are making this exception because we think this ought to be the rule. And we are dealing with this now because we have time problems in this area and in the area of the gentlewoman from Ohio. But it is our intention to pass legislation before the end of the year, I think on a bipartisan basis, that will make this a rule for the whole country. So this is not singling out any one area except for the fact that we face time restraints, as the gentleman from California did and the gentleman from Ohio did.

So I want to thank my friend for bringing this forward. And I want to make it clear this is the first step of what we believe will be a general policy of preserving affordable housing.

Mr. MARKEY. Madam Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Madam Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. Madam Chairman, the gentlewoman from Ohio is unable to get here in the length of time needed, so I would just say that we support the amendment.

Ms. PRYCE of Ohio. Madam Speaker, I rise today in support of the Markey/Pryce amendment to H.R. 1851.

This amendment includes important language, which I authored, to permit the transfer of project-based Section 8 rent assistance from concentrated, blight-ridden areas in Columbus and Cincinnati, Ohio to less precarious, rehabilitated living conditions. The affected neighborhoods all have high poverty rates, a high number of assisted housing units, high crime rates, and dilapidated buildings.

This transfer would have no additional cost to the Federal Government. The language preserves the exact same number of assisted units and the same dollar amount of Federal assistance.

The benefits to the community and to the tenants are immeasurable. Though struggling, each of these neighborhoods has seen an increasing amount of public and private scrutiny and investment. Low income and other residents alike would share in the benefits of a safer, more stable, and more thriving neighborhood. This proposal would allow the community to find more productive and beneficial uses for the properties.

This proposal has widespread support from both communities. Tenants, community advocates, government officials, and private developers alike—all support the neighborhoods' improvement.

Madam Speaker, I would not be here today if for the past 6 years in Columbus the community had not explored other possible solutions with the Department of Housing and Urban Development, tenants, advocates, the City of Columbus, the Ohio State University officials, contractors, and other key stakeholders, but statutory restrictions constantly impeded progress.

We find ourselves here, not as a first resort, but as a last.

I would like to thank Chairman FRANK and Ranking Member BACHUS for their support, and my colleague from Massachusetts for working with me to enact this important fix into law.

I thank my colleagues for consideration of this amendment and urge your support.

Mr. BIGGERT. Madam Chairman, I yield back the balance of my time.

Mr. MARKEY. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CHABOT

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–227.

Mr. CHABOT. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. CHABOT:
> Page 107, strike lines 3 through 9.

The Acting CHAIRMAN. Pursuant to House Resolution 534, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Madam Chairman, I yield myself such time as I may consume.

This is one of three amendments that I am offering this evening, two of the three with a couple of my colleagues, one Mr. MILLER from California and Mr. HENSARLING from Texas, that would encourage fundamental reforms in the section 8 program.

When we committed ourselves to welfare reform, it was the understanding that the program should no longer be a taxpayer-funded handout but should instead offer people a way out of poverty, helping them obtain job and education skills that are needed to become ultimately self-sufficient. Ending welfare's cycle of dependency has cut the welfare rolls in half, promoted individual responsibility, and saved billions of tax dollars in the process. Sadly, current housing programs closely resemble the failed welfare policies of the past. Like the old welfare programs, the section 8 housing program, unfortunately, discourages work and allows people to stay, in fact, encourages them to stay on the program, oftentimes indefinitely. It is also too often mismanaged by local governments or local housing authorities.

Unfortunately, this bill does not address those issues but instead expands the program to 100,000 new section 8 vouchers at the cost of approximately 2.4 billion taxpayer dollars over the next 5 years. That is 100,000, approximately, more recipients that get a chunk of the rent that is ultimately going to be picked up by their fellow taxpayers and ultimately, in my view, doesn't do the people that become dependent upon this good in the long term. That is 100,000 more recipients who don't have to work to stay in the program, and that is 100,000 recipients that are being supported by the American taxpayers for as long as they like since section 8 now imposes no time limits on the beneficiaries.

I represent most of the city of Cincinnati and its western suburbs and a few townships in Butler County, Ohio. Too many neighborhoods in my district have had to witness crime, despair, and hopelessness that are inherent in a government program that asks virtually nothing of its recipients, that encourages dependency rather than responsibility and waste, unfortunately, rather than work. Whether it is the funding provided by the Federal Government or mismanagement of the program by local governments and agencies, section 8 has failed those who use it and those who pay for it: the American taxpayers.

My amendment is straightforward. It would simply stop throwing good money after bad and seeks to prevent more Americans from falling victim to a life of dependency on the government. My amendment would simply prohibit the dollars this bill authorizes from being spent on the 100,000 new vouchers that this legislation would create.

It is also important to point out that the dependency that section 8 has created is so great that there are long waiting lists to get vouchers. Why? Because many of those who gain access to the program ultimately don't leave. They don't really have an incentive to. The average stay is about 7 years.

Madam Chairman, if we simply put time limits and meaningful work requirements in the program, as the amendments that I have offered with Mr. MILLER and Mr. HENSARLING would do, there wouldn't be a need to create more vouchers because people would be moving through the system, moving toward independence and a better life, and that nondependence on the government is what every American should want.

Madam Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Madam Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. Madam Chairman, allow me to first thank the chairperson of the Financial Services Committee, Chairperson Frank. He has done an outstanding job with his leadership. I also thank the Honorable MAXINE WATERS, the subcommittee chairperson, for her sound stewardship; and, of course, Ranking Member BACHUS for his bipartisanship because it helped to synthesize this piece of legislation. And I also thank the cosponsorship of Congresswoman BIGGERT. She has been cogent with her cosponsorship.

Madam Chairman, let me simply say that this is bipartisan legislation that we are talking about and the striking of the 100,000 vouchers over 5 years will put an end to what started as bipartisan legislation in the committee. This was passed overwhelmingly in the committee, and it was supported by the ranking member of the committee.

This is not, as was indicated, a handout. It is really a hand up for the disabled. It is a hand up for the elderly. And it also benefits low-income to extremely low-income persons, many of whom are working and still not in a position to afford affordable housing. Many of them need the kind of help that this bill is providing.

The truth is, and you shall know the truth, and it will set you free. So at this moment, I am going to take the ax of truth, slam it into the tree of circumstance, and let the chips fall wherever they may. The truth is one in seven households in this country spends more than 50 percent of their income on housing. Three-quarters of a million people are homeless on any given night in this country. Congress has not provided new section 8 vouchers since 2002. The truth is we can pay for one of these vouchers with 2 seconds of what we spend on the war in Iraq. We can pay for all of these vouchers with what we spend on 2½ days in Iraq. The truth is the need exists for these vouchers. The truth is it is time for Congress to act and to authorize these new section 8 vouchers.

Madam Chairman, at this time I would like to yield 1 minute to my outstanding colleague Congressman CHRIS MURPHY.

Mr. MURPHY of Connecticut. Madam Chairman, I thank my friend for his great work on this issue.

I think it is important to address the concept presented by our friends on the other side of the aisle that the folks who are the recipients of these vouchers are victims. Well, they might be victims, but they are victims of an economy which says to far too many people out in this world that if you play by the rules, if you do everything we ask of you, if you go out and get a job, a full-time regular job, that you are still going to be living in poverty, that you are still going to need a little help to be able to survive in this world.

□ 2045

In a high-cost-of-living State and a high-cost-of-housing State like Connecticut, 5,000 vouchers does not do it for the working poor there. We have people in our neck of the woods that are paying 60, 70, 80 percent of their income, hard-earned income on rent.

We are a part of the world that desperately needs more section 8 housing vouchers to help the working poor, the people who are doing everything this society asks them to do. But because we live in an economy where wages are stagnant and the cost of living continues to rise, a program like this is a very valuable and needed helping hand.

Mr. AL GREEN of Texas. Madam Chair, may I inquire as to how much time is remaining?

The Acting CHAIRMAN. The gentleman from Texas has 1½ minutes remaining; the gentleman from Ohio also has 1½ minutes remaining.

Mr. AL GREEN of Texas. Madam Chairman, I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Madam Chair, I believe I would retain the right to speak last and continue to reserve.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Madam Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. The gentleman is a member of the committee defending the committee's product. I believe he has the right to close; is that correct?

The Acting CHAIRMAN. The gentleman is correct. The gentleman from Texas has the right to close.

Mr. CHABOT. That being the case, Madam Chair, I give myself such time as I have remaining.

The Acting CHAIRMAN. The gentleman is recognized for 1½ minutes.

Mr. CHABOT. Madam Chair, I would just like to reiterate the fact that I don't think we're doing either the children or the people that have become dependent on section 8 housing any favors by allowing, number one, the area that we covered in the last amendment, people to remain on section 8 housing indefinitely. I think that the time limit that's been proposed in the previous amendment is certainly a step in the right direction. The amendment that we have following this goes to a work requirement, which I think is also very reasonable in a program such as this.

I think encouraging people to remain dependent upon the government in the conditions that oftentimes we see in section 8 housing is doing no favor for those families, and that's why I think this is an appropriate amendment, and I urge my colleagues to support it.

Madam Chair, I yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 1½ minutes.

Mr. AL GREEN of Texas. Madam Chair, it is beyond my comprehension to conclude that because people are working and in need of housing assistance, they should be evicted from the very assistance they are paying for because they don't make enough money to move to a better home.

I'm doing this not only for the people of my district, but I'm also doing this for the people in my colleague's district as well, because he has a deficit of 13,177 rental units for persons who are in need of this type of affordable housing.

This is not housing for those who don't need it and who are not qualified. The elderly need it. The persons who are with low-income and very low-income need it, and those who are disabled. And for edification purposes, when we talk about persons with extremely low income, we are talking about persons who make at or below 30 percent of the area median income. And many of these persons are using 50 percent of what they earn on housing.

So, Madam Chair, I am appreciative of what the gentleman has offered, but I'm going to ask persons to please vote against this amendment and vote for the disabled, vote for the elderly, vote so that persons with low income and extremely low income can have affordable housing.

Madam Chair, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–227.

Mr. HENSARLING. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HENSARLING:

Page 107, after line 9, insert the following new section:

SEC. 19. WORK REQUIREMENT FOR THOSE RECEIVING ASSISTANCE FOR 7 YEARS OR MORE.

Section 16 of the United States Housing Act of 1937 (42 U.S.C. 1437n), as amended by the preceding provisions of this Act, is further amendment by adding at the end the following new subsection:

"(g) WORK REQUIREMENT FOR ASSISTED FAMILIES RECEIVING SECTION 8 ASSISTANCE FOR 7 YEARS OR MORE.—

"(1) IN GENERAL.—Except as provided in this subsection and notwithstanding any other provision of this Act, assistance under section 8 may not be provided on behalf of any family who has previously been provided such assistance for 84 consecutive months or more, unless each member of the family who is 18 years of age or older performs not fewer than 20 hours of approved work activities (as such term is defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d))).

"(2) EXEMPTION.—The Secretary of Housing and Urban Development shall provide an exemption from the applicability of paragraph (1) for any individual family member who—

"(A) is 62 years of age or older;

"(B) is a blind or disabled individual, as defined under section 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c), and who is unable to comply with this section, or is a primary caretaker of such individual;

"(C) is engaged in a work activity (as such term is defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d)), as in effect on and after July 1, 1997));

"(D) meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency administering rental assistance described in subsection (a) is located, including a State-administered welfare-to-work program;

"(E) is in a family receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the public housing agency administering such rental assistance is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such program; or

"(F) is a single custodial parent caring for a child who has not attained 6 years of age, and the individual proves that the individual has a demonstrated inability (as determined by the State) to obtain needed child care, for one or more of the following reasons:

"(i) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site.

"(ii) Unavailability or unsuitability of informal child care by a relative or under other arrangements.

"(iii) Unavailability of appropriate and affordable formal child care arrangements.

"(3) ADMINISTRATION.—A public housing agency providing rental assistance described in paragraph (1) may administer the work activities requirement under this subsection directly, through a resident organization, or through a contractor having experience in administering work activities programs within the service area of the public housing agency. The Secretary may establish qualifications for such organizations and contractors.

"(4) PROSPECTIVE APPLICABILITY.—In determining the number of months for which an assisted family has been provided assistance under section 8, for purposes of paragraph (1), a public housing agency shall disregard any month that commenced before the date of the enactment of the Section 8 Voucher Reform Act of 2007.".

Page 39, line 18, strike "and".

Page 39, after line 18, insert the following:

"(v) include an amount for the costs of administering the work activities requirement under section 16(g); and".

Page 39, line 19, strike "(v)" and insert "(vi)".

The Acting CHAIRMAN. Pursuant to House Resolution 534, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Madam Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment with my good friend, the gentleman from Ohio (Mr. CHABOT), who just offered the previous amendment, and I certainly associate myself with his efforts on the previous amendment.

This amendment represents what many of us consider to be a very, very important principle, and that fundamental important principle is if you're an able-bodied adult under the age of 62 receiving means-tested Federal assistance, you ought to be on the road to self-sufficiency. That's what this amendment is all about, and that's what the principle is. This, we believe, will further encourage people to make the transition from dependency upon section 8 rental assistance to self-sufficiency. Not only is that important to them, it's important to the taxpayer who we're asking to pick up the tab. And this is, I believe, over a $2 billion bill.

Now, specifically, our amendment would require people receiving section 8 rental assistance for 7 consecutive years to perform a certain amount of work-related activities, which includes work, looking for work, job training, education and a host of other activities that are reflected in the TANF statute, which we mirror. There are a number of exemptions. It exempts those under age 18, over the age of 62, blind, disabled, those already working, already exempt under TANF, single parents of children under six who are unable to find appropriate child care.

Over 10 years ago, the Nation embarked on a bold new experiment with TANF, and we said that Federal assistance should be temporary and based on work and self-sufficiency and responsibility and personal dignity. That is a principle. Now many naysayers then said that it was mean. They said it was unworkable. Some even implied it was racist. Well, they were wrong then, and they are wrong now. Under TANF, the number of families receiving cash welfare steadily declined from a peak of 5.1 million families in March of 1994 to 1.9 million families. Child poverty has fallen dramatically. The employment of young single mothers has doubled, and the employment of mothers who have never been married is up by more than 50 percent.

Now, the lessons are clear. But we didn't finish the job 10 years ago, and we should finish it. Again, this is a vote on a very simple principle. If you're an able-bodied adult receiving means-tested Federal assistance, should you be on the road to self-sufficiency? I believe the answer is yes.

Madam Chair, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Georgia. We have just heard the gentleman from Texas lay out a scenario that is ripe full of holes. This amendment is drastic. It is costly. It is inefficient. It affects all families and individuals currently using a voucher or living in section 8 project-based housing. It's impossible to administer. Even HUD and the administration itself has not even requested it. It imposes a new unfunded mandate on private sector landlords owning Federally assisted housing, forcing them to assume the role of a welfare agency.

The gentleman talks about a boom on the taxpayers. This imposes a significant cost to taxpayers by raising the costs incurred by public housing.

And I have in my hands a letter from just about every housing and real estate and housing association in this country saying, in effect, that we are not able to support the Hensarling amendment.

Most exemplary of the ridiculousness of this amendment is that he asks for 20 hours of work, but doesn't say how, doesn't say when. Twenty hours when? Twenty hours a week? Twenty hours a month? Twenty hours a year? There is no way to administer it.

But Madam Chair, what is so hurtful to me about this amendment; yes, it is mean-spirited. But not only is it mean-spirited, my friend, it is, indeed, bigoted. It is, yes, a bigoted amendment. Let me tell you why. It reflects a very stereotypical negative view of certain economic racial groups of poor people, poor families, because it singles them out for an ill-defined work requirement that does not apply to other families and individuals receiving Federal assistance.

This amendment needs to be dealt with for what it really is, and quite honestly, it is an insult to the Congress of the United States. And I submit it is even beneath the dignity of the Congress of the United States to even entertain this amendment.

Madam Chair, I yield 1½ minutes to the gentleman from Missouri (Mr. CLEAVER), and I reserve the balance of my time to close.

Mr. CLEAVER. Madam Chair, I would ask to enter into a colloquy with the gentleman from Texas regarding his amendment on this bill. As probably the only person who lived in section 8, I may not be opposed to it; I would just like to get some questions, if I might.

If the gentleman would please help me on this. Are you proposing to amend section 8 or TANF?

Mr. HENSARLING. Section 8, if the gentleman will yield.

Mr. CLEAVER. Thank you. Because all of the information that your staff sent out contains information about TANF, and you just spoke quite extensively about TANF.

Mr. HENSARLING. Will the gentleman yield for an explanation?

Mr. CLEAVER. I can't yield because I don't have enough time. But most everything you've said was TANF.

The other two questions that I will ask very quickly is, if a person lives in public housing or section 8, does it mean that they're on welfare?

Mr. HENSARLING. I'm sorry. Would the gentleman repeat the question?

Mr. CLEAVER. If you are living in public housing or section 8, does it also mean that you are on welfare? And if so, which law will HUD enforce, the TANF regulation or the amended section 8 regulation which you propose?

Mr. HENSARLING. If the gentleman will yield?

Mr. SCOTT of Georgia. I will yield to the gentleman to respond.

Mr. HENSARLING. I thank the gentleman from Georgia.

This particular amendment mirrors the TANF statute, and so there may be confusion there.

The Acting CHAIRMAN. The gentleman from Missouri's time has expired.

Mr. CLEAVER. Madam Chair, my questions weren't answered, but thank you.

Mr. SCOTT of Georgia. May I inquire as to the balance of my time?

The Acting CHAIRMAN. The gentleman from Georgia controls 1 minute.

Mr. SCOTT of Georgia. I reserve the right to close, if the gentleman from Texas has more to offer.

Mr. HENSARLING. Madam Chair, may I inquire how much time is left on my side?

The Acting CHAIRMAN. The gentleman controls 2 additional minutes.

Mr. HENSARLING. In that case, Madam Chair, I would like to yield 1½ minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding. And I thank the gentleman from Texas for his efforts to bring more accountability to the section 8 program. It's much needed and long overdue.

As welfare reform has shown us, the section 8 program should not become a way of life. It should be a helping hand, a way out of poverty. Ending the welfare cycle of dependency that has trapped so many has cut the welfare rolls in half, promoted individual responsibility and saved billions of tax dollars in the process.

One of the primary engines that continues to drive the civic welfare reform is the requirement that those in the program must work, and that's all that this amendment does. To be clear, the Hensarling-Chabot amendment would simply require all able-bodied individuals who have received section 8 for more than 7 consecutive years to work. I don't see anything at all mean-spirited about that. I certainly don't see anything bigoted about that to say that if somebody is receiving tax dollars, they ought to be required to work, to do something in consideration for the tax dollars that are being paid to help that person live while they need that assistance.

So the amendment, again, as the gentleman indicates, exempts those that are under 18 years of age, that are over 62 or blind or disabled, and those already exempt under TANF, and single parents of children under 6. The amendment benefits the taxpayer and those in the section 8 program.

I would urge my colleagues to vote for this amendment. It requires work, and I think that's a good thing.

The Acting CHAIRMAN. The gentleman from Texas still controls a half minute.

Mr. HENSARLING. I yield myself the balance of the time.

Again, I thank the gentleman from Ohio for coming down to support this important amendment.

I continue to fail to see what is mean-spirited about asking people, after 7 years, who get means-tested assistance, to be on the road to self-sufficiency, something good for them, something good for the taxpayer.

I must admit, I really regret, Madam Chairman, that the gentleman from Georgia chose to characterize this as "bigoted." Perhaps I could have taken his words down. I sense when you run out of anything else to say, you characterize someone else's motivations and you use the term "bigoted." And that, I regret.

☐ 2100

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The gentleman from Georgia is recognized for 1 minute.

Mr. SCOTT of Georgia. Let me explain, if I may, Madam Chair, in closing. This is very personal to me. I've grown up in this country. I understand messages and I understand this message. This is a message that is targeted to a group of people, no matter how small they may be, who believe that certain people are categorized as wanting a handout, or that they are lazy, or that they don't want to work. So then the cry comes, before we can give them any help, make them work. Make them get a job.

Madam Chairman, that is what this is about. In my humble opinion, 20 hours of work, not even defined, whether it is a day, whether it is a month, whether it is a week, no requirements in it, is an unfunded mandate.

On top of that, Madam Chairman, there are already included in this bill a number of provisions to encourage work, to encourage self-sufficiency, including reduced work disincentives.

So in closing, may I say, Madam Chairman, please vote against the gentleman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. GARY G. MILLER of California.

Amendment No. 5 by Mr. CHABOT of Ohio.

Amendment No. 6 by Mr. HENSARLING of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARY G. MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 267, not voting 18, as follows:

[Roll No. 625]

AYES—151

Aderholt
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—267

Abercrombie
Ackerman
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Berkley
Conyers
Cubin
Culberson
Davis, Jo Ann
Faleomavaega
Hastert
Higgins
Jindal
McCrery
Miller, George
Paul
Radanovich
Shimkus
Slaughter
Stearns
Tancredo
Young (AK)

□ 2127

Messrs. WATT of North Carolina, MEEK of Florida, CAMP of Michigan, ENGLISH of Pennsylvania, ROGERS of Michigan, HOYER, KUHL of New York and Mrs. MILLER of Michigan changed their vote from "aye" to "no."

Mrs. BONO changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. CHABOT

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 277, not voting 15, as follows:

[Roll No. 626]

AYES—144

Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Sullivan
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—277

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings

Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Berkley
Burton (IN)
Conyers
Cubin
Davis, Jo Ann
Faleomavaega
Hastert
Jindal
McCrery
Paul
Radanovich
Slaughter
Stearns
Tancredo
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2135

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 222, not voting 17, as follows:

[Roll No. 627]

AYES—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—17

Berkley
Conyers
Cubin
Davis, Jo Ann
Faleomavaega
Hastert
Jindal
McCrery
Paul
Pryce (OH)
Radanovich
Rohrabacher
Slaughter
Stearns
Tancredo
Wu
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised they have 2 minutes remaining to record their votes.

□ 2142

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Chairman, on rollcall Nos. 625, 626, and 627 I was unavoidably detained. Had I been present, I would have voted "aye."

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Ms. BALDWIN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937, pursuant to House Resolution 534, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPITO. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capito moves to recommit the bill H.R. 1851 to the Committee on Financial Services with instructions that the Committee report the same back forthwith with the following amendment:

Page 107, after line 9, insert the following new section:

SEC. 19. ACCEPTABLE IDENTIFICATION REQUIREMENT.

(a) IN GENERAL.—Rental housing assistance under section 8(o) of the United States Housing Act of 1937 may not be provided on behalf of any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, valid personal identification in one of the following forms:

(1) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

(A) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

(B) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note).

(2) PASSPORT.—A passport issued by the United States or a foreign government.

(3) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall, by regulation, require that each public housing agency or other entity administering rental housing assistance described in subsection (a) take such actions as the Secretary considers necessary to ensure compliance with the requirements of subsection (a).

The SPEAKER pro tempore. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Mr. Speaker, the intent of this motion to recommit is clear.

Upon adoption of this motion to recommit, we will go right to the adoption of the bill in its entirety to include the important language that ensures illegal immigrants are not benefitting from rental assistance provided by the section 8 program that is funded by the dollars of hard-working Americans.

The section 8 program has provided much needed rental assistance to low-income families who spend a high percentage of their income on housing costs since its creation in the 1970s. Today, there are approximately 2 million vouchers administered by the more than 2,500 public housing authorities in this country. The success of this program is now dominating HUD's budget, but we are looking for clear reform to ensure the viability of this program.

This motion to recommit helps strengthen the section 8 program by ensuring that illegal immigrants cannot receive assistance from this program. This measure will simply require all occupants of a housing unit, supported by section 8, to establish proof of their legal residency through the use of secure forms of identification.

There are four options here: driver's license or REAL ID card; a foreign or U.S. passport; a citizens and immigration services photo ID card; or a Social Security card in conjunction with the State or Federal photo ID. Without this addition to this bill, illegal immigrants could utilize current loopholes to secure section 8 housing benefits.

We absolutely cannot reward this illegal behavior with incentives for illegal immigrants to remain in the country in blatant violation of the law. By providing housing, we are simply encouraging the continuation of their illegal presence in our Nation. This is a form of back-door amnesty.

There have been many stories across the country highlighting examples of benefits being granted to illegal immigrants. I believe, in 2006, in Denver, Colorado alone, there were an estimated 20,000 illegal immigrants holding FHA ensured loans. Each of these cases provides further incentives for illegal immigrants to remain in our Nation violating the law.

Our Nation's immigration system is clearly broken. We must take this opportunity to strengthen a successful Federal program to ensure this benefit is only provided to legal residents.

The American people work too hard for their tax dollars to have them spent on illegal immigrants. I urge a "yes" vote on this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, this bill has two parts.

One part is to reiterate what is already the law. It is already the law that only people who are in the country legally may benefit from this. The second part is how to enforce it, and what it does is to continue an unfortunate tendency that goes counter to everything we have tried to do about privacy, of making the Social Security card a universal identifier, and there are real dangers in that.

Members who have been concerned with privacy know that an unreasonable and unrestricted use of the Social Security card is a problem. Indeed, we have talked about legislation, bipartisan, to restrict the requirement that you give your Social Security number. But here is what this bill says. It does not change the law. It's already illegal for people who are not here legally to get these benefits.

The gentleman mentioned 26,000 FHA loans in Colorado, zero section 8s. I haven't heard the evidence. I would be glad to listen to it. I will invite people, if there is evidence that this is a problem with section 8, let's listen to it. But here's what you impose on the housing authorities. There is now a requirement that people show that they are here legally. But now in this legislation, if it's adopted, would narrow that.

So here is what you would have to take to get someone who wanted to get into section 8:

They could show you their passport. The number of really poor people carrying passports is less than you might imagine. Although, I don't know what they might imagine, so I take that back.

Or a USCIS photo identification card. Well, if you are a citizen born in the United States, you don't have one.

Or a driver's license. You may not have a driver's license.

So if you are an 82 year-old who doesn't travel a lot to foreign countries and you are an American citizen, what are you going to show them? Your Social Security card. What this does is put more legal emphasis behind that.

I would say to Members, Members can vote as they wish. But the next time people complain to you about privacy problems and about Social Security numbers floating around being misused, if you voted for this, say, yes, I helped, because that's what this does.

The only thing this adds to American law is a requirement that most people trying to get section 8s will have to show their Social Security card, because a lot of them won't have driver's licenses, and they won't have passports. If they are American citizens, they won't have that card. The most common form of identification required will be the Social Security card.

I have been working, the people in the Energy and Commerce Committee, the people in the Ways and Means Committee, we have all been working to restrict the idea that the Social Security card is an ID card. I thought that was fairly generally accepted, that we don't want the Social Security card to be the ID card.

What's the Federal Government saying here? Because, yes, you can say, well, who wants to steal the identification of a poor person? You know, being up against a section 8, no big deal. But once the Federal Government, the minority has been consistently arguing, once we have stated the Social Security card is the most universally accepted, the Social Security card is considered to be the best form of identification, then what's the argument against every business in America doing it? How do you stop this from becoming that universal identifier?

Members can cover themselves by voting for something that's already in the law. It's time to cover yourself anyway; it's kind of late.

But understand what Members will be doing. They will be furthering the practice of using the Social Security card as an identifier. They will be weakening our efforts to undercut.

Members may be unhappy to understand the implications of what they are doing. But I do not think it is wise for this House to continue a pattern of saying that the Social Security card will not just be a means of checking for Social Security but will become the universal identifier, that people will have to show it. Because if we, the Federal Government, say you have to show it, then how do you tell the hotel that they can't say it? How do you tell anybody else that they can't require the production of Social Security cards?

The logical consequence of this will be a serious impediment to our efforts to protect privacy and to deal with identity theft. The unrestricted use of the Social Security card is a serious problem there, and this makes it worse.

The SPEAKER pro tempore. The gentleman's time has expired.

Without objection, the previous question is ordered on motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. CAPITO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 233, noes 186, not voting 12, as follows:

[Roll No. 628]

AYES—233

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hall (TX)
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller.
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (FL)

NOES—186

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Berkley
Conyers
Cubin
Davis, Jo Ann
Hastert
Jindal
McCrery
Paul
Radanovich
Slaughter
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that less than 2 minutes remain in the vote.

☐ 2212

Mr. UDALL of Colorado, Mr. WILSON of Ohio, Mr. LINCOLN DAVIS of Tennessee, Mr. HOLDEN, and Mr. MOORE of Kansas changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report H.R. 1851 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 107, after line 9, insert the following new section:

SEC. 19. ACCEPTABLE IDENTIFICATION REQUIREMENT.

(a) IN GENERAL.—Rental housing assistance under section 8(o) of the United States Housing Act of 1937 may not be provided on behalf of any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, valid personal identification in one of the following forms:

(1) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

(A) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

(B) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note).

(2) PASSPORT.—A passport issued by the United States or a foreign government.

(3) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall, by regulation, require that each public housing agency or other entity administering rental housing assistance described in subsection (a) take such actions as the Secretary considers necessary to ensure compliance with the requirements of subsection (a).

Mr. FRANK of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 83, not voting 15, as follows:

[Roll No. 629]

YEAS—333

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—83

Akin
Barrett (SC)
Bartlett (MD)
Blackburn
Blunt
Boehner
Bono
Brady (TX)
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Culberson
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Linder
Mack
Manzullo
McHenry
McKeon
Mica
Miller (FL)
Murphy, Patrick
Musgrave
Neugebauer
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Rohrabacher
Royce
Ryan (WI)
Sali
Schwartz
Sensenbrenner
Sessions
Shadegg
Stearns
Sullivan
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—15

Berkley
Conyers
Cubin
Davis, Jo Ann
Hastert
Hooley
Jindal
McCrery
Paul
Radanovich
Sánchez, Linda T.
Shuster
Slaughter
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining to vote on passage of the bill.

☐ 2221

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1851, SECTION 8 VOUCHER REFORM ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1851, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank my friend.

I first would announce, notwithstanding the requests of almost every Member in the House and over their vigorous objection, we're not going to be meeting tomorrow. You know that.

But we will come back on Monday, and the House will meet at 12:30 for morning hour business, 2 p.m. for legislative business, with votes rolled until 6:30 p.m.

On Tuesday, the House will meet at 9 a.m. for morning hour business and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m.

In addition to several bills under suspension of the rules, a list of those bills will be, as is the practice, announced by the close of business tomorrow, we expect to complete consideration of the fiscal year 2008 Energy and Water Development appropriations bill and the fiscal year 2008 Labor, HHS and Education appropriations bill. Again, to the great disappointment of the Members, there will be no votes on Friday.

Mr. BLUNT. Well, I sensed the sadness on those Friday opportunities to work in the district, and I'm glad we're working those out for our Members.

On the schedule next week, I'm wondering if we should anticipate any votes next week on Iraq. We voted today on an Iraq withdrawal bill that was introduced just 2 days ago. That bill wasn't noticed on last week's schedule. It didn't go through committee. It didn't have a hearing; didn't go into the Rules Committee until 1:30 on Wednesday, and I'm wondering if we're going to see anything like that on an Iraq bill next week.

I yield to my friend.

Mr. HOYER. I thank my friend for yielding. And I want to tell the gentleman it's possible that there will be a vote on some facet of our policy in Iraq next week. I don't know when that would be, and I don't want to say that it will be, but it is possible.

Mr. BLUNT. I thank my friend for that. Though that possibility is one that I'm surprised wasn't in the potential work for next week, though I hear that it's not in the scheduled work for next week, I'm wondering if we would see an Iraq bill next week or in the following week, will those bills go through committee, or will we just, once again, see those bills created and brought to the floor like the bill this week?

I would yield to my friend on that.

Mr. HOYER. I thank my friend for yielding. There may well be bills that we have already considered in committee and/or portions of bills that were considered in committee broken out of those bills and brought to the floor. That is a practice which, as you know, was not unheard of in previous Congresses, and that is possible.

Mr. BLUNT. Using my time here, I would suggest that in the previous Congress, while we did have some votes on Iraq, we did not have votes that didn't have hearings; we didn't have votes that didn't seek information.

At 10:30 at night, I don't want to belabor this in the debate that we've already had today, but I do think that information on these kinds of issues would be helpful if we could gain that through the normal process.

And while we may have talked about Iraq in the normal process, certainly, many of the questions that this bill generated never had a chance to be asked. And just from my own perspective as a Member of Congress, I would think that there's a better way to approach this critically important issue than that.

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would yield.

Mr. HOYER. I thank the gentleman for his observation.

Of course, the bill that was on the floor was, while not exactly alike, very, very close to legislation we have considered at least twice on this floor, one of which we sent to the President. The President vetoed that legislation.

But with all due respect to my friend, I do not believe either the subject matter or the process that was set forth in that bill was unique and had not been contemplated by, frankly, every Member of the House. It was not the same bill. I understand that. But it was very much like it.

And my answer to your previous question was, there may be similar pieces of legislation which have been considered, either by committees or by the House, that may be brought up next week or the week after.

Mr. BLUNT. Well, I don't remember the bills on the House floor exactly the same way that the leader does, on the House floor in the past. I think there was quite a bit of new material there. And maybe, again, I also think, while we're on this topic, that the result of that vote was also very similar to votes we've had on this topic, and wouldn't anticipate that changing in the next weeks. But if that's the way we're going to spend our time, that is the way we're going to spend some of our time.

I have a couple of questions on conferences that I don't have any information on and I believe my friend may. Last time we talked on the floor, which was almost 2 weeks ago now, you thought we would be going to conference on the 9/11 recommendations bill and the lobbying reform bill in the near future, and I see that the Rules Committee is meeting on Monday concerning the 9/11 bill, and I'm wondering if you have any more information about combining that with something else or why there would be a Rules Committee meeting on that.

I would yield to my friend for any information on that process of going to conference.

Mr. HOYER. I think it is likely that we will go to conference on the 9/11 bill next week. They may link that up with another piece of legislation. But it is likely that we will go to conference next week.

Mr. BLUNT. Are there any other conferences anticipated?

Mr. HOYER. We're obviously hopeful that we can move the lobbying and disclosure conference. The Senate has not agreed to go to conference at this point in time. We're hopeful that they will, so that is a possibility. There may be other conferences, but I don't think so for next week. I don't have any specific information on a conference. The WRDA bill is, I think, pretty close to being ready, but I don't have any specific information on that bill.

Mr. BLUNT. I thank the gentleman.

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I would.

Mr. HOYER. Thank you. I understand the gentleman's concern about Iraq, but I want to say, first of all, that all of us understand on this floor that there is no issue which has the attention more than Iraq of the American people, number one.

Number two, the American people feel it is a critically important issue. Not only does it have their attention, but they think it's critically important.

And my friend will remember, I think, returning here, I received a call Saturday afternoon that we were going to have a session on Sunday. Many of our Members were overseas. But the issue was perceived as so important by the majority leader that he reconvened us, with the Speaker's participation, as you recall, on the following Sunday afternoon.

□ 2230

We voted on a bill that many felt was a very important bill that hadn't gone through a committee late that Sunday evening.

Many people in this country and on this side of the aisle and I think on your side of the aisle feel that Iraq is a critical issue. So I say with all respect, we do intend to continue to address this issue, and we hope the votes do change. If they don't change, they don't change. There is nothing we can do about that. But we can continue to focus on an issue we think is critically important.

Mr. BLUNT. Mr. Speaker, I thank my friend for his comments on that. I do recall that extraordinary session and dissatisfaction created with some of our Members and maybe with the country, and the country does look at what we do and how we do it and when we do it. They look at what we do over and over again, and it is up to the country to evaluate the purpose served by that. And if they evaluate it to the detriment of the majority, the majority sometimes pays the price for that.

And our troops in the field, not to debate this bill again, also I think, have some reason to anticipate that there should be a point when they are given direction and given an opportunity to follow up on that direction.

The last question I have is on energy. We have heard reports that the majority would hope to move an energy bill the week of July 23, and I have also heard that that bill could be moved in two parts, one dealing with the part of the bill marked up without the Ways and Means portion and then the Ways and Means portion. And I am wondering, as we anticipate that debate, if the leader could give us a sense of whether what we are hearing about that is the likely way that that energy bill will proceed.

I yield to the gentleman.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding. Clearly that is one option that, as the gentleman indicates he has heard, is being discussed. No decision is being made on that yet. However, it is our intention and hope that we will have the energy bill on the floor from the 11 committees that have been considering energy legislation on the floor prior to the August break. The week of the 23rd is, I think, a target week, but we have not made that decision at this point in time. But we do hope that we will have the energy bill on the floor prior to the August break.

Mr. BLUNT. I thank my friend for that. That is helpful information, and we will proceed with next week's work next week.

HOUR OF MEETING ON TOMORROW AND ADJOURNMENT FROM FRIDAY, JULY 13, 2007 TO MONDAY, JULY 16, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, July 16, 2007, for morning-hour debate.

The SPEAKER pro tempore (Mr. ELLISON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 2004(b), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Trustees of the Harry S Truman Scholarship Foundation:

Mr. SKELTON, Missouri; and
Mr. HULSHOF, Missouri.

INITIAL BENCHMARK ASSESSMENT REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–45)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and Committee on Armed Services and ordered to be printed:

To the Congress of the United States:

Consistent with section 1314 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) (the "Act"), attached is the report that assesses the status of each of the 18 Iraqi benchmarks contained in the Act and declares whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

This report has been prepared in consultation with the Secretaries of State and Defense; Commander, Multi-National Forces—Iraq; the United States Ambassador to Iraq; and the Commander of United States Central Command.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 12, 2007.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FREE THE ISRAELI SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I rise today with great solemnity to mark the 1-year anniversary of the killing of three Israeli soldiers and the kidnapping of two others, Eldad Regev and Udi Goldwasser. On July 12, 2006, Hezbollah terrorists crossed into Israel and attacked two IDF armored jeeps as they were patrolling Israel's northern border.

Eldad is 26, born in Kiryat Motzkin. I met Eldad's brother, Benny, in Israel last summer, just weeks after his brother's kidnapping. He begged us to spread the message back to the United States that we must do everything possible to bring the missing soldiers home. Eldad's family and friends pray every day for Eldad's safety and his swift return. They wrote of him:

"One of the qualities that makes Eldad so special is the kindness of his heart, never hesitating to donate and offer aid to anyone in need. He always likes to stay informed and is constantly involved in everything that is happening around him."

Udi is 31 from Nahariya. I met Udi's mother just a few months ago when she visited Members of Congress on Capitol Hill. She came to raise awareness about the plight of her son and others who were kidnapped. Udi had just married Karnit when he was captured, and his wife had to spend their 1-year anniversary alone, wondering where her husband was and what condition he was in. His family and friends wrote:

"He's a loving, caring person, always ready to offer a helping hand in any situation. He is a man of principles and values, knowledgeable in many varied subjects."

Unfortunately, Eldad and Udi are not alone among Israel's missing soldiers. Three weeks before their capture, Hamas kidnapped IDF soldier Gilad

Shalit. The Shalit family has also met with many communities across the United States, urging people to remember their son and speak out on his behalf.

I rise tonight to make sure that the plight of these soldiers is not forgotten. I rise to honor the sacrifices of these soldiers and their families who wait every day for news of their circumstances.

Here in my hand I have a copy of their dogtags. The United Jewish Communities around the country delivered a copy of the dogtags to every Member of Congress to help raise awareness that it has been 1 year since the families have heard from their loved ones. It has been 1 whole year since they have seen their husband, son, and brother. These families have heard not one word from the captors about whether they are alive or okay.

I join the families of these soldiers and all freedom-loving Americans in calling for the immediate and unconditional release of Eldad, Udi, and Gilad. America stands with Israel in its refusal to let these soldiers be forgotten. Let their dogtags on the floor of the United States House of Representatives serve as a symbol of unwavering vigilance and support. American families and Israeli families are united in the hope that these families should suffer no longer.

Mr. WAXMAN. Mr. Speaker, one year ago today, Hezbollah militants executed a brazen cross-border attack on an Israeli patrol that killed three and kidnapped Israeli reservists Ehud Goldwasser and Eldad Regev. Weeks before, on June 25, Hamas terrorists infiltrated Israel from Gaza, killing two and abducting Corporal Gilad Shalit.

Earlier this year, I had the opportunity to travel to the region with Speaker NANCY PELOSI. With each Arab leader our delegation pressed the plight of these soldiers. The Speaker personally handed their dog tags to Syrian President Assad and urged him to act on a humanitarian basis to achieve their swift and unconditional return.

Sadly, these three brave soldiers join a longer list of MIAs that includes Zachary Baumel, Yehuda Katz, Zvi Feldman, taken hostage in 1982, and Ron Arad, an Israeli military pilot taken captive in 1986. As long as they are missing, their families, the people of Israel, and supporters of Israel around the world hold a constant vigil praying for their return. I want to recognize the dedicated work of the United Jewish Communities, the Jewish Council for Public Affairs, and a multitude of synagogues, camps and schools around the country for their efforts to make sure these soldiers are not forgotten.

"Leave no soldier behind," is the mantra of many armies. In a nation as small as Israel, where military service is mandatory, the commitment to rescue POWs and MIAs is a national imperative. It is our responsibility as a fellow democracy and steadfast ally to do all we can to help win their freedom.

Mr. ACKERMAN. Mr. Speaker, I rise to call the House's attention to a very sad anniversary. One year ago today, Hezbollah terrorists crossed into Israel to attack Israeli troops patrolling the Israeli side of the border with Lebanon. They killed three Israeli soldiers, wounded two others and kidnaped Ehud Goldwasser and Eldad Regev. Only a few days earlier, on June 25, 2006, Hamas terrorists likewise crossed into Israel and attacked an IDF position, killing two soldiers, wounding a third and kidnapping Gildad Shalit.

Both of these vicious terrorist organizations, which constantly proclaim their adherence to religion and morality, have denied these three Israeli soldiers contact with the Red Cross or Red Crescent, or direct contact with their families. Despite the recent release of an audio tape, it is not in fact known if these three men are currently alive, if they are injured or if they are well. Not content merely to hold these men as hostages, Hamas and Hezbollah insist on torturing their families with the agony of not knowing about the true condition of their loved ones.

This is true measure of the faith and morality of these terrorists. In the name of religion they inflict agony. In the name of the sacred they perpetrate barbarism. In the name of their faith they degrade other human beings.

Thus they show the true content of their beliefs. Thus they show the world what their vainglorious proclamations amount to: cynical cruelty and cold calculation.

These terrorist groups have sought to transform Gilad, Ehud and Eldad into something they are not: bargaining chips or pawns, a kind of political chattel. Things that can be swapped for favors or sacrificed on a whim. These three men are not things. They are human beings. They have names and they have families. They have rights as captured soldiers and they have rights as human beings.

The House has expressed itself clearly on this matter on March 13th, when it passed H. Res. 107, the bipartisan resolution I introduced demanding the release of these three captives and condemning both the terrorists and their Syrian and Iranian sponsors for their criminal and indecent behavior.

We can not compel Hamas and Hezbollah to release Gilad, Ehud and Eldad any more than we can force them to understand the difference between right and wrong. You can not disgrace someone incapable of shame. But we can stand by our ally, the State of Israel. We can express our sympathy and our concern for the captives and for their families.

We can let the perpetrators of this barbarism know that we have not forgotten what they have done, and what they are continuing to do. We can bear witness. And we can add our voices to all those saying "Enough. Enough. Let these men go home."

Mr. LANTOS. Mr. Speaker, I call for the unconditional release of Israeli soldiers still held hostage by terrorists. Exactly one year ago today, Hezbollah terrorists entered territory that unambiguously belongs to Israel under international law, launching an assault into Israel's north that killed three soldiers on patrol, wounded two, and took two others hostage.

The two hostages, Ehud "Udi" Goldwasser and Eldad Regev, were injured in the attack, and yet Hezbollah refuses to allow representatives of the International Committee of the Red Cross to visit them, a flagrant breach of international law and practice. They have also refused to give the hostages' families any indication that their loved ones are alive. This is particularly worrisome, because reports have surfaced suggesting Goldwasser and Regev could have been critically injured in the attack in which they were taken captive.

Only seventeen days earlier, fundamentalist thugs launched a similar raid out of the Gaza Strip to take hostage another young Israeli soldier on patrol in Israel's south, Corporal Gilad Shalit. He has now been held hostage in Gaza for more than a year. Just two weeks ago a recording of him pleading for help was released on a Hamas website. In this recording, Shalit says that his health is deteriorating and he is in pressing need of long-term hospitalization. It should come as no surprise that his terrorist captors have failed to allow him adequate medical treatment.

Mr. Speaker, Hezbollah and Hamas are clearly to blame for the outbreak of violence in the Middle East last summer. They committed acts of war by kidnapping Israeli soldiers who were conducting regular patrol missions on their own side of the border.

And while last summer's war has receded somewhat into the past, the initial causes for the violence have not yet been addressed. Chief among these is the fact that these three Israeli hostages remain in captivity and that Hezbollah and Hamas remain committed to Israel's violent destruction. United Nations Security Council Resolution 1701, which imposed a ceasefire on Israel's Lebanon front, emphasized, and I quote, "the need to address the causes that have given rise to the current crisis, including the unconditional release of the abducted Israeli soldiers." Unfortunately, that condition remains totally unfulfilled.

Mr. Speaker, this House has not been silent on the plight of these victims of terrorism. Shortly after Udi Goldwasser's young wife visited Congress at the start of this year and pleaded for our help, we swiftly passed H. Res. 107, which was sponsored by my good friend Congressman GARY ACKERMAN, the distinguished chairman of the Foreign Affairs Subcommittee on the Middle East and South Asia. This bill called for the unconditional release of the three kidnapped soldiers and condemned the culpable terrorist groups for their despicable actions. The Senate passed a similar bill, which was introduced by Senator HILLARY CLINTON.

Speaker PELOSI has played a particularly admirable role in the global effort to free these three men. When she met with Syrian President Assad in Damascus just this past April, she presented him with a replica of the three hostages' "dog tags" as a means of urging him to secure their release from these terrorist groups that Damascus has long hosted and supported. She also made crystal-clear to President Assad that under no circumstances could bilateral relations with the United States improve until Damascus showed its willingness to cease sponsoring terror.

To commemorate the one year anniversary of the kidnapping of Goldwasser and Regev by Hezbollah, the United Jewish Communities recently organized a campaign to send copies of these dog tags to every member of Congress. I commend them for their admirable and thoughtful activism drawing attention to the ongoing plight of the three captives.

Mr. Speaker, Israel is a steadfast ally of the United States, and it is on the frontline of the war against terrorism. Israeli soldiers face such threats every day, much like our own inspiring and steadfast soldiers who are currently serving in harm's way in places like Afghanistan and Iraq. It is incumbent upon us to give our ally in this fight our steadfast support in the face of such terrorist predations.

Mr. Speaker, many of us have been active in efforts over the years to convince our friends in the EU to designate Hezbollah as a terrorist group. A very few EU states do so on a national basis, but the EU collectively continues to view Hezbollah strictly as a political party. This is an absurd anomaly, and I urge our EU friends and allies to reconsider this policy on this sad one-year anniversary. I know of no other "political party" in the world that kidnaps and holds hostages—a fairly remarkable innovation in democratic politics. (In contrast to its policy regarding Hezbollah, the EU does designate Hamas as a terrorist group. I am pleased by that, but the distinction between Hamas killers and Hezbollah killers is frankly lost on me.)

Mr. Speaker, I have the following message for the terrorists who are holding the three Israeli soldiers: Release these innocent hostages, and do so without delay. Should you not, the civilized world—and certainly this body—will not remain silent.

Mr. HOYER. Mr. Speaker, I rise today to call for the immediate and unconditional release of Ehud Goldwasser and Eldad Regev, Israeli soldiers who, as of today, have now been held captive by Hezbollah terrorists for a full year.

On July 12, 2006, a month-long military conflict between Israel and Hezbollah was instigated when the armored humvee Ehud and Eldad were riding in was bombarded by Hezbollah rockets.

Ehud and Eldad were captured during the course of this unprovoked attack and have been held hostage ever since.

In February of this year, I had the pleasure of welcoming Ehud Goldwasser's energetic wife, Karnit, to the U.S. Capitol. She told me how trying it has been to live without the "the love of her life" and how her once bright hopes of raising a family with Ehud are now in peril due to the cowardly and illegal acts of a terrorist organization whose only goal is the destruction of her homeland. It is my hope that when I meet with Karnit again in August, Ehud will once again be by her side.

Terrorist acts like the kidnapping of Ehud and Eldad are not military actions between warring nations. They are despicable crimes that tear families apart and shroud entire communities in grief and suffering. As the leader of the free and democratic world, the United States has a responsibility to condemn such attacks whenever and wherever they occur, and to help advance peaceful solutions to ongoing crises whenever they can be reached.

To that end, I stand by Karnit Goldwasser, I stand by Israel, and I stand by like-minded activists throughout the world in calling for the immediate and unconditional release of Ehud Goldwasser and Eldad Regev—courageous individuals who answered Israel's call to serve and who have sacrificed greatly in fighting for the democratic principles for which our two countries stand.

Mr. GARRETT of New Jersey. Mr. Speaker, it's been almost one year now and many have forgotten about the three Israeli soldiers kidnapped by Hamas and Hezbollah: Ehud Goldwasser, Eldad Regev, and Gilal Shalit. But today thousands who will not forget this injustice rallied in front of the United Nations calling for these three captives to be returned to their families and for the Security Council Resolutions to be honored by all parties—not just Israel.

Hezbollah seems to have forgotten that last year's hostilities ended only after there were promises regarding the return of the Israeli men. This just goes to reinforce the fact that terrorist organizations cannot be negotiated with.

Though Security Council Resolution 1701 called for Hezbollah to disarm and return the soldiers, they remain in Lebanon and not even international organizations such as the Red Cross have been able to see them and be assured of their fair treatment. Israel has demonstrated its commitment to the Resolution by ceasing hostilities and pulling back its soldiers, but yet again they are dealing with opponents who show disrespect to all and whose word cannot be trusted.

We stand together with Israel to call again for the unconditional release of these three men. We pray for their safe return and for peace between Israel and its neighbors. They will not be forgotten by their families, by their nation, or by the American people and this Congress.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to call for the immediate and unconditional release of Eldad Regev and Ehud Goldwasser, Israeli soldiers held captive by Hezbollah for the past year. On July 12, 2006, Hezbollah terrorists crossed into Israel and attacked two Israel Defense Forces (IDF) armored jeeps as they were patrolling Israel's northern border. One year ago today, those terrorists killed 3 Israeli soldiers and kidnapped Eldad and Ehud, as mentioned above.

We mourn the passing of the 3 Israeli soldiers who were killed a year ago, and to honor their legacies, we must continue in our work to secure the release of Eldad Regev and Ehud Goldwasser. As their families pray for their swift return, the United States must continue to forge ahead in our efforts to bring about their release.

Mr. Speaker, Hezbollah has tried to make Eldad and Ehud into bargaining chips. But they are not political chess pieces, things that can be swapped for political gain. They are human beings with names, lives, and families who miss them. They have families who wait every day for news of their circumstances, who have waited every day for a year now without receiving word that Eldad and Ehud are safe.

Unfortunately, Eldad and Ehud are not alone among Israel's missing soldiers. Three weeks before their capture, Hamas kidnapped IDF soldier, Gilad Shalit. The Shalit family has met with many communities across the United States, urging people to remember their son and speak out on his behalf.

To honor those who died a year ago, and the soldiers held captive, we must let the perpetrators of these terrible acts know that we have not forgotten what they have done. In March we passed H. Res. 107, calling for the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah, and now we continue to express our deepest sympathies to the families of the missing soldiers, and we must pledge to continue the fight to bring them home.

I join with those across Israel and the United States to call for the immediate and unconditional release of Eldad, Ehud and Gilad. As the leader of the democratic world, America stands with Israel in its refusal to let these soldiers be forgotten.

Mr. WEXLER. Mr. Speaker, I rise in recognition of the 1-year anniversary of the kidnapping of Eldad Regev and Ehud Goldwasser, two soldiers in the Israeli Defense Force who were kidnapped by Hezbollah operatives on the border with Lebanon on July 12, 2006. Their kidnapping came only a few weeks after the abduction of Gilad Shalit, an IDF officer seized by Hamas militants on June 25, 2006, during a horrific attack near Kibbutz Kerem Shalom, on the border of the Gaza Strip.

These three brave young men are among eight Israeli soldiers kidnapped or missing in action over the last 25 years. Staff Sergeants Zachary Baumel, Zvi Feldman, and Yehuda Katz have been missing since June 11, 1982, after a battle at Sultan Yakoub in Lebanon. Major Ron Arad was captured on October 16, 1986, when his aircraft was shot down inside Lebanon. Israeli solider Guy Hever disappeared on August 17, 1997, from an army base in the southern Golan Heights.

Since my first day in the United States Congress, I have made advocating for the safe return of all Israeli soldiers a priority. During an official trip to Israel last July, I met with Benny Regev, brother of Eldad Regev, to express my deepest sympathy and concern and assure him of America's commitment to securing his brother's release. Today, I urge my colleagues to join me in renewing our commitment to secure the release of all Israeli prisoners of war and to hold those individuals, organizations, and governments involved in these abductions accountable for their violation of international law. In marking the anniversary of the kidnapping of these brave soldiers, we should also acknowledge the sacrifice of their families and of the Israeli people as they continue to defend their borders in the ongoing struggle for regional stability and peace.

As Israel's strongest ally and friend, the United States must continue to support Israel's right to self defense, and advocate for the safe return of all of Israeli soldiers missing in action and being held as prisoners of war.

Mr. BERMAN. Mr. Speaker, today marks the one year anniversary of the kidnapping of Israeli soldiers Eldad Regev and Udi Goldwasser by Hezbollah, in a brazen and unprovoked cross-border attack that also resulted in the deaths of three other members of the Israel Defense Forces.

Only weeks earlier, Hamas abducted another Israeli soldier, Gilad Shalit, and killed two others in an attack carried out on Israeli territory adjacent to the Gaza Strip.

These three brave soldiers—kidnapped by terrorists while conducting routine duties inside Israel—have endured over a year of captivity.

They have endured a year without proper medical care.

They have endured a year without their loved ones.

I rise today to let the Shalit, Goldwasser and Regev families know that we stand with them in this very difficult time, and that we are all praying for the safe and timely release of their courageous sons.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with great concern to recognize the one year anniversary of the capture of three Israeli soldiers. Over one year ago, Hezbollah terrorists infiltrated into Israeli territory and attacked two IDF armored jeeps patrolling the border with Lebanon, killing three soldiers and kidnapping two: Eldad Regev, 26, of Kiryat Motzkin and Ehud (Udi) Goldwasser, 31, of Nahariya. Weeks earlier, on June 25, Gilad Shalit, 20, of Hila, was abducted by Hamas in the Gaza strip.

As an original cosponsor of House Resolution 107, a resolution which calls for the immediate and unconditional release of these Israeli soldiers held captive by Hamas and Hezbollah, I was extremely pleased that it passed the House unanimously on March 3th of March. This critical piece of legislation demanded that Hamas release Israeli soldier Gilad Shalit, and required Hezbollah accept the mandate of United Nations Security Council Resolution 1701 to release Israeli soldiers Ehud Goldwasser and Eldad Regev.

My efforts to assist in the release of these soldiers began in July 2006 when I wrote to American Red Cross' Interim President Jack McGuire urging the American Red Cross to apply pressure to the International Committee of the Red Cross (ICRC) to assess the well-being of these three Israeli soldiers. In that letter, I admonished Hezbollah and Hamas for continuously failing to accede to basic standards of humanitarian conduct and denying competent medical personnel and representatives of the International Committee of the Red Cross access to the Israeli captives.

Hezbollah's and Hamas' blatant disregard for international law and the malicious uncertainty they have unleashed on the captured soldiers' families is simply heartless. This obvious disrespect for humanitarian law warrants an international response. Having met with Karnit Goldwasser, the wife of kidnapped Israeli soldier Ehud Goldwasser, I am even more committed to advocate for the plights of these brave soldiers.

I will continue to intensely oppose terrorist activities that compromise human life to advance a drastic agenda. These illegitimate actions only solidify the United States' commitment to support Israel as the only true democracy in the Middle East and achieving peace in the region.

Over the past few years, we have watched violence in Israel and the Palestinian territories spiral out of control. Clearly it is time for the United States to become more actively engaged in the region. While we continue to consume ourselves with our own war against terrorism, we cannot forget that Israel has been waging its own war against terrorism, as well as its own fight for democracy, for more than 55 years. Today, I stand with my colleagues in sending a message to the people of Israel: The support Israel enjoys from the United States is stronger today than it has ever been.

I will continue to lend my vigorous support and unwavering commitment to the welfare and survival of the State of Israel as a Jewish and democratic state with secure borders.

We cannot remain silent on this grave issue: we owe it to these brave soldiers, their families, and to ourselves. Silence would only tell the rest of the world that these actions have become acceptable. I urge my colleagues to continue to unequivocally condemn these acts and pray for the return of these brave soldiers and peace in the region.

Mr. KLEIN of Florida. Mr. Speaker, I yield back the balance of my time.

DR. BERNARD SIEGAN: RECLAIMING A REPUTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I rise to correct the record concerning a great economist and friend, the late Dr. Bernard Siegan, a distinguished professor of law at the University of San Diego. In 1988 Dr. Siegan was nominated by President Ronald Reagan to the U.S. Court of Appeals. He promptly came under personal attack, most notably from Professor Lawrence Tribe of Harvard University.

Tribe wrote a public letter on May 28, 1987, to Senator Joseph Biden belittling Dr. Siegan as being outside the mainstream of American jurisprudence. Tribe further asserted that Dr. Siegan "reveals himself to be not a judicial conservative but an ideologue of the right, one who would deploy the Constitution in service of a conservative economic philosophy."

In a widely quoted section of his letter, Professor Tribe assailed Dr. Siegan's support of the Brown v. Board of Education ruling as "a component of the right to travel, a right long secured by the Federal courts," which was, of course, Dr. Siegan's reason for supporting Brown v. Board of Education.

At the time Professor Tribe claimed that this legal view was "tortured" and part of "Mr. Siegan's radical revisionism." At the conclusion of the letter, Professor Tribe wrote, "The notion that it is a black child's freedom to 'travel' onto the school grounds that segregation laws infringed is so bizarre and strained . . . as to bring into question both Mr. Siegan's competence as a constitutional lawyer and his sincerity as a scholar." This type of assault was typical of the attacks which preceded the defeat of Dr. Siegan's nomination. That was back in 1987. And much has changed since then.

By the time that Dr. Siegan died in March of 2006, he had many books and speeches and articles that made him one of the most prolific and respected legal and constitutional scholars on the political right. He is today credited with being a father of the recurrent rejuvenation of property rights theory in law.

In response to Dr. Siegan's defense of his views regarding Brown v. Board of Education, Tribe replied in a letter to Dr. Siegan's wife, and this was September 6, 1991: "I have reconsidered my description of your analysis of Brown v. Board of Education in footnote 10 on page 1379 of the second edition of American Constitutional Law. I agree with your general approach that Brown can be justified by arguing from the 'liberty' component of the 14th amendment . . . "

Now, that was a letter sent to Siegan years later by Dr. Tribe and when Dr. Tribe and Dr. Siegan were corresponding. These letters were found by his wife, Shelley. Tribe in that same letter writes: "Although I do not reach the same conclusions you do, the issues you raise are important enough to be worthy of scholarly discussion. I am now in the process of drafting a rather substantial supplement to my treatise summarizing recent developments in constitutional law. In my discussion of the equal protection clause, I will include a citation to your book that I am sure will please you more than the citation did in the last book."

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Unfortunately for the public reputation of Dr. Siegan, Professor Tribe never did complete the supplement to his treatise, and Dr. Siegan, of course, passed away after that exchange of letters.

Mrs. Siegan wrote to Professor Tribe after discovering these letters and asked Dr. Tribe for information on the planned, but not completed, supplement. She also asked the following question: "In the 19 years since you penned your letter to JOE BIDEN, I wonder if you have reconsidered your comment regarding Bernie's competence as a constitutional lawyer and a serious scholar?" Tribe replied to Mrs. Siegan on September 21, 2006. "Please permit me," he wrote, "to apologize to you here for the unnecessarily ad hominem character of what I wrote to Senator BIDEN in May of 1987. To help correct the record, if only posthumously, I am sending a copy of this letter to Senator BIDEN. Despite the differences in our perspectives," he said, "I came to think of Bernie, just as you write that he thought of me, as a colleague in the profession we both truly love and consider to be one of the noblest."

I would submit the rest of this statement for the RECORD and note that Lawrence Tribe has set the Record straight, and now the Record is straight on the great person and great scholar that Dr. Bernard Siegan was.

I am sorry to have caused him, or you, any distress, and am grateful for the opportunity your letter afforded me to set the record straight as best I could at this late date.

Mr. Speaker, the correspondence between Professors Bernard Siegan and Lawrence Tribe and the subsequent correspondence between Shelly Siegan and Professor Tribe tell us much about the ugly period of personal attack this country experienced during the judicial nomination hearings of the 1980s.

A review of the above cited letters makes it clear that Professor Bernard Siegan was a distinguished and respected scholar and champion of personal liberty and private property. Contrary to assertions made during his nomination hearings in 1987, Professor Bernard Siegan would have made an excellent addition to the Ninth District Circuit Court of Appeals. And now the record is set straight.

U.S. TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the United States has just announced the second highest monthly trade deficit for this year, $60 billion. That is just in the month of May. Our Nation continues to import more goods and services than we export at alarming rates, with a record $192 billion more coming into this country in the earlier part of this year than going out.

This particular chart shows the top category of concern, imported petroleum, which has continued to rise, including in this Presidential administration, despite President Bush's statement at the beginning of his administration that we have a serious problem. America is addicted to oil, which is being imported from some of the most unstable parts of the world. He said that, and yet he continued to allow the import of more petroleum.

Americans are watching as our government does nothing to curb these growing trade deficits, with their accompanying job losses, deteriorating labor conditions and community washouts that U.S. trade policy leaves in its wake.

A bill I have sponsored, H.R. 169, the Balancing Trade Act of 2007, requires the President, if over 3 consecutive calendar years the United States has a trade deficit with another country that totals over $10 billion, to take the necessary steps to create a trading relationship that would eliminate or substantially reduce that trade deficit by entering into better agreements with that country. In other words, if the United States runs a substantial deficit with any one country, the President must report back to Congress on his plans for correcting that imbalance. This is a very constructive first step to correct the path of U.S. trade policy which is yielding this red ink.

Our bill calls attention to those countries who are taking advantage of our willingness to import goods from them while they block our access to their markets. Our two largest deficits in 2006, for example, were first with China. This is a country we have amassed a $232.5 billion deficit. That is an enormous amount, comprising about a quarter of what we have amassed with all countries in the world. And the deficit with China has just grown at alarming proportions.

The next largest deficit is with Japan. That has been a lingering deficit that has been growing over the years. It now totals about one-third of what we accumulate with China; it's about $88.4 billion. And every billion in deficit equals a loss of between 10,000 and 20,000 jobs in this country. That is a displacement in production in this country, putting it someplace else.

Now, these deficits have persisted for years, which makes them particularly troublesome. This chart illustrates our deficit with China pre and post what is called "normal trade relations" with China. We had a very bad deficit already back in the late 1990s, but with the adoption of permanent trade relations with China, that deficit has more than doubled.

If we had taken steps to correct this deficit at the beginning of the downward turn rather than turning our backs on it and allowing more red ink with China, our country would be stronger today. It would not have the kind of annual budget deficits that we're having. And we would be more economically secure here at home and, frankly, politically secure in the world. Instead, we continue to sacrifice our jobs to the lowest bidders in closed markets that do not follow rules of free trade. Free trade can be productive and it can be profitable, but only if it is free trade among free people.

Trading with closed economies that manipulate currency, that choose not to enforce what scant labor standards they might have, and otherwise levy very restrictive non-tariff barriers against our products harm our economy. America, wake up. We can no longer ignore the games that our competition is playing with us. We must trade for America; not for secret, non-transparent governments to prosper off our unwillingness to hold them to democratic standards or, at the very least, the rules of truly free trade among free people.

I urge my colleagues to join me in requiring the President to address this issue by cosponsoring our bill, H.R. 169. We must take action to reduce the trade deficit and restore our economic independence, competitiveness and begin creating jobs across our country again.

DEMOCRATS' BROKEN PROMISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. I would like to say to my colleagues who may be in their offices that were going to join me in a special order tonight that we're not going to be able to do it because of the late hour. So I'm going to take a 5-minute special order to talk about some of the issues we were going to discuss.

Today, we discussed at length the war in Iraq. And that's probably the most important issue facing America today, and I'm glad we had that very thorough debate.

But one of the things that's very, very important that we're not focusing enough attention on is transparency in government and the amount of money that we're spending and the taxes that are going to be raised.

When this new Speaker and the majority came into power, they said this was going to be the most transparent House in the history of the country, in all respects. And just 2 weeks ago, the majority wanted to start talking about a Slush fund rather than debating each one of the earmarks that should have been debated on this floor. And they were going to take that Slush fund money and go to the conference committee and behind closed doors decide how that money was going to be spent. The American people don't want that. The American people want to hear these issues debated, the amount of money being debated for special projects, so they know where their tax dollars are going and what the purpose is.

Not all earmarks are bad. Some of them are very, very good and very necessary, but they ought to be debated one by one on this floor so the American people know where their money is going.

I would like to also say that the budget that was passed by the opposition is going to necessitate at least a $217 billion tax increase, and in all probability it will be more like $392 billion, which would be the largest tax increase in the history of this country. And that, at a time when we need to address some of the more pressing issues, like how we deal with the Social Security trust fund.

The Social Security trust fund will go into deficit in 10 years. And at that point, we're going to see the American people starting to look at Social Security as a program that's going to be in the past, no longer something that we can rely on in the future.

The young people in this country are going to have a terrible time planning for their retirement because there won't be any money in the Social Security trust fund in the future for these young people unless we start addressing the problem right now, and we're not doing it.

As I said, the projected tax collections for Social Security and the spending for Social Security are going to be exceeded in 10 years. And after that, adjusting for inflation, the annual deficits for Social Security will reach $68 billion in the year 2020, $267 billion in 2030, and $331 billion in 2035.

Many of us won't be around to see that, but our kids and our grandkids will, and they will be saying, why didn't we address the issue of the deficits and Social Security when we had a chance?

We can do that still today, but we're not focusing attention on that. And the people who are relying on Social Security and the Social Security trust fund ought to know that we're not addressing the problem. And the solvency of that fund, not for us, but for the future generations, is not going to be there, which means that we will have to either raise taxes or cut benefits. This is going to happen unless we address that issue.

So I would just like to say to my colleagues tonight, we are concentrating on the major issues, the war in Iraq, and a lot of other issues that are very important, but we must not neglect the budget. We must not neglect transparency and bringing these issues to the floor for debate, and we must not neglect addressing the issue of Social Security reform, because if we don't do it, our kids and our grandkids aren't going to have a retirement program to rely on.

SPENDING AND ACCOUNTABILITY

In order for the government to be held accountable to the taxpayers that fund it, the American people deserve truth in budgeting and have a right to know how federal dollars are spent.

Two weeks ago, House conservatives—on behalf of taxpayers—led the charge to demand transparency in the Federal spending process.

In stark contrast to the views they espoused during the 2006 campaign cycle Appropriations Committee Chairman OBEY and the Democrat leadership proposed to leave lump sums of money without a specified purpose in the appropriations bills considered by the House, and later authorizing those funds for earmarks in closed door Conference Committee. In other words, the very people who promised America: "We will bring transparency and openness to the budget process and to the use of earmarks, and we will give the American people the leadership they deserve." (PELOSI Press Release 12/11/2006)

Instead they proposed to create a secret slush fund for earmarks—to be funded by the largest tax increase in American history. Make no mistake about it; the budget passed by House Democrats includes what will likely become the largest tax increase in history. Though they try to claim otherwise, the truth is in black and white in the language of their own bill; and the truth is that it will raise taxes by at least $217 billion and in all likelihood $392 billion.

Conservatives were successful in stopping the slush fund and bringing transparency to earmarks; bringing them into the light of day where they can be debated and voted on by Members of this House.

Not all earmarks are bad things, but not all earmarks are a Federal priority. But we should respect the American people enough to stand up and debate this issue. The simple argument that, "it's a good project" should never be enough to justify spending taxpayer dollars on it in lieu of a more pressing national priority, or returning the money to American families.

Achieving transparency is only half the battle, as conservatives we now need to push accountability; because without enforcing accountability, transparency doesn't mean much. Accountability in Federal spending can be achieved through an open and honest debate about America's priorities.

Tonight, I want to talk about a priority—a crisis that my Democrat colleagues are ignoring in their rush to raise your taxes and spend more money on entitlement programs; namely the impending bankruptcy of Social Security.

SOCIAL SECURITY SURPLUS SPENDING

A safe, secure, and stable retirement is part of the American dream. Yet time and again, Washington has proven itself incapable of managing Americans' hard earned Social Security dollars. There is no longer a debate about whether Social Security faces a problem or whether it needs to fixed.

There is something fundamentally wrong when more young Americans believe in the existence of UFOs than believe that their Social Security benefits will be there for them when they retire. Why do young Americans feel this way? Because they can see the obvious—that Washington has been spending taxpayer dollars that have already been promised to help make their retirement more sustainable.

Taxpayers have the right to receive back each and every dollar—and more—that they entrust to the government for their retirement. Social Security money collected from Americans for Social Security should not be used for anything other than Social Security. Ensuring a stable retirement is not a Republican or Democrat obligation, it is an American obligation.

Despite passing the largest tax increase in American history, the Democrat majority failed to stop raiding the Social Security surplus. In fact, they fail to address entitlements at all. In contrast budget offered by Congressman PAUL RYAN protected the surplus.

Since 1984, the Federal Government has collected more money in Social Security taxes than it pays out in benefits. Instead of using this money to shore up the program's solvency, the government squandered these tax payer dollars on other programs, and earmarks.

Each year that Congress fails to protect the Social Security cash flow surplus, and squanders its money on other programs, it jeopardizes the stability of this vital government program and hastens its date of insolvency.

By controlling and prioritizing government spending, the FY 2008 Republican budget creates surplus of $99 billion in 2012, stopping the raid on Social Security in 2012—and did it without raising taxes. This gives the taxpayers the accountability that they deserve.

Social Security owes $6.8 trillion more in benefits than it will receive in taxes. That number includes $2.0 trillion, in net present value terms, to repay the bonds in Social Security's trust fund.

Today's Social Security is not sustainable and will implode. Social Security spending will exceed projected tax collections in 2017. These deficits will quickly balloon to alarming proportions. After adjusting for inflation, annual deficits will reach $67.8 billion in 2020, $266.5 billion in 2030, and $330.9 billion in 2035.

The year when Social Security begins to spend more than it takes in, 2017, is extremely important. From that point on, Social Security will require large and growing amounts of general revenue money in order to pay all of its promised benefits. Even though this money will technically come from cashing in the special issue bonds in the trust fund, the money to repay them will come from other tax collections or borrowing. The billions that go to Social Security each year will make it harder to find money for other government programs or require large and growing tax increases.

A second important year is 2009. Starting in just 2 years, the annual Social Security surpluses that Congress has been borrowing and spending on other programs will begin to shrink. From that point on, Congress will have to find other sources to replace the money that it borrows from Social Security or shrink spending. By 2017, Congress will have about $100 billion less to spend annually.

Compared to these two dates, 2041—the year that the Social Security trust fund runs out of its special issue bonds—has little importance. Even though the end of those bonds will require a 25 percent benefit reduction, Congress would have been paying over $300 billion a year, in 2007 dollars, to repay those bonds for about 7 years by the time the trust fund runs out. Congress will have to do this through some combination of other spending cuts, new taxes, or additional borrowing. These are the same choices Congress would face without the trust fund.

Bad news for younger workers. Unfortunately, younger workers have a great deal to worry about. Even though their parents' and grandparents' benefits are safe, theirs are not. Any worker born after 1974 will reach full retirement age after the trust fund is exhausted. Unless Congress acts, younger workers can look forward to paying full Social Security taxes throughout their careers but only receiving 75 percent or less of the benefits that have been promised to them. In addition, they will have to repay the Social Security trust fund, an expense that will total almost $6 trillion by the time the trust fund is exhausted in 2041.

Democrat's delay is deadly for Social Security. Each year, there is one less year of surplus and one more year of deficit. Once those deficits begin in 2017, the Trustees Report shows that they will never end. Each year, with the disappearance of another year of surplus, reforming Social Security gets more expensive.

HONORING RISING CITY VOLUNTEER FIREFIGHTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, on the Fourth of July, during a celebration to mark the opening of a new volunteer fire station in Rising City, Nebraska, I was introduced to two extraordinary volunteer firefighters, Mr. Rich Topil and Mr. Don Fish.

Rising City, like so many rural communities in Nebraska, relies on the good efforts of volunteer firefighters to meet their needs for fire protection as well as life-saving services. These volunteers act out of a sense of dedication and duty to the communities that they serve.

On Independence Day, the citizens of Rising City recognized Mr. Topil and Mr. Fish for having served as volunteer firefighters for an unbelievable total of 117 combined years. It was only fitting that these two men were honored by the people to whom they have given so much.

Mr. Speaker, Independence Day is when we traditionally celebrate the best of America; family, community and country. And Mr. Topil and Mr. Fish and the citizens of Rising City, Nebraska, remind us all that these values remain very strong and very vibrant.

NEW ORLEANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, since Hurricane Katrina, the great New Orleans area has been in disarray. While there have been innumerable promises to ensure the region's recovery, a comprehensive response here in Washington to the tragedy back home has not been forthcoming. The citizens of my great city are appreciative of the efforts that have been made. However, much more needs to be done at a vastly more urgent pace.

It has now been 23 months since Hurricane Katrina hit and the faulty levees built by the Army Corps of Engineers collapsed and flooded our homes and businesses. The levees have still not been built back to acceptable standards.

It has been 23 months since nearly half of our residents have had no place in which to return. It has been 23 months, and investors cannot properly use tax credits to bring back rental properties.

It has been 23 months, and most small businesses are still at a standstill, still not back in place.

It has been 23 months, and less than half of our doctors, health care providers and hospitals are back home. Katrina evacuees and survivors have been studied, reported upon and promised to. They now want and deserve real solutions. One way where we could make a significant impact on the growth, repair and the redevelopment of our region is through some tax reforms in areas related to our recovery.

Even before Katrina, the greater New Orleans area was considered one of a high health care service shortage. Since Katrina, the program is exacerbated. Of the 669,000 residents of the greater New Orleans area, 125,000 have no form of health insurance. The area lacks an adequate availability of health care providers to deal with delivery of health services. Furthermore, post-Katrina, the area lost 89 percent of its psychiatrists and mental health providers. Amando Lo of the Physicians Resource Group states that, "The city's medical center is hanging on by a thread."

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One possible start towards a remedy of this problem has been offered by the greater New Orleans Health Service Corps. The mission of this program is to sustain and increase access to health care services in the greater New Orleans area by reducing the shortage of critical health care professionals through targeted recruitment and retention strategies. "The program offers a variety of incentives," says Gayla Strahan, the program's coordinator.

One specifically is school loan repayment. However, whereas similar programs under the Public Health Service Act are tax exempt, these are not. Changing this oversight has the potential to greatly effect the decision to come to the region. Drs. Mordaci Potash and Micheala King, recipients of the grant program in the New Orleans area, both say that receiving the grants have been incredibly helpful. However, the taxes to be paid on these grants are a huge burden. Indeed, the taxes they say that are required to be paid are so burdensome they totally undermine the incentive value of the grants altogether, and to such an extent that they are thinking of actually turning down the award and practicing elsewhere. Therefore, one way we can ameliorate the health care problems in our city and the retention and recovery of our health care professionals is to make these grants nontaxable.

Housing is still a dire need in the New Orleans area. There is still an overall shortage of housing since Katrina. Furthermore, most housing that is available is unaffordable to the working class families and the working poor. Greg Rigamer, CEO of GCR & Associates, a group that studies demographics in the area and the economic conditions relating to it, stated that rents have risen 40 percent and the average home selling price has jumped 25 percent.

Earlier this year, Milton Bailey, president of the Louisiana Housing Finance Authority, spoke before the Ways and Means Committee primarily about extending the placed in service date for low-income housing tax credit projects. However, there is so much more that could and needs to be done in this area. Bailey warns if the wording in the tax code relating to credit carryover in the Internal Revenue Code of 1986 does not get corrected, the phrasing will stymie the deployment of Go Zone per capita tax credits.

A solution to that would be to rewrite or delete that section, section 1400(c)(1)(c) in the Internal Revenue Code. A failure to do this will jeopardize the entire tax credit program, and the entire credit ceiling in any year reduces the credit ceiling, which would greatly hurt the region.

Finally, the current Louisiana Road Home program gives a financial incentive for residents to return to New Orleans. The grants received are to be used to buy or repair homes lost in the storm. However, there is even doubt as to whether these grants are taxable.

Earlier this year, I introduced H.R. 1445, the Tax Free Road Home Act of 2007. This would amend the Internal Revenue Code to exclude from gross income payments to individual taxpayers from the Louisiana Road Home Program for rebuilding or renewing a personal residence. As with the Health Service Corps, we need to have these grants to be tax exempt. Our people have already been through enough, primarily because of the negligence of the Federal Government in designing and constructing our levee system. Requiring them now to pay taxes on recovery moneys is an additional burden they should not have to bear. It is time to get our tax policies right for the Gulf region if we truly want our people to return, our area to recover, and the promises we made to be met.

TIME TO END THE MISTAKEN WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of New York. Mr. Speaker, a recent CRS report shows that the United States is now spending $10 billion a month fighting the war in Iraq. That is over $2.5 billion a week. And what does the American taxpayer get for this $10 billion a month? An army, nearly broken by repeated deployments; a National Guard that is unwilling and unable to respond to natural disasters or terrorist attacks at home because many of our men and women are in Iraq and most of their equipment is; an escalation in Iraq that has resulted in more death and little reduction in violence; an Iraqi government that is unable to govern; Iraqi Security Forces that refuse to fully stand up.

The war in Iraq costs every man, woman and child in New York's Nineteenth District $3,077. For over $3,000 a person, the people of my district have gotten a war that was a strategic mistake and has made them less safe.

Today, the House of Representatives considered another bill for a responsible withdrawal from the war in Iraq.

The Responsible Redeployment From Iraq Act requires U.S. troops to redeploy from Iraq by April 1, 2008. After 4 years of repeated failure and little accountability, the new Congress is working to repair the damage done to our military and change the direction of this country.

When the President came to Congress to ask for additional funding for the war in Iraq, I established a guiding principle for determining my vote. Any legislation I voted for would have to contain a responsible specific timeline to redeploy U.S. troops out of Iraq. Furthermore, the bill would have to contain benchmarks that would hold the Iraqi government accountable.

Following this principle, I voted four times in 5 months to provide nearly $100 billion for extra military spending in Iraq and Afghanistan, including extra money to improve our fight against al Qaeda in Afghanistan. These bills also required the Iraqi parliament to meet specific benchmarks to reduce violence and limit sectarian violence. Further, they required the President to follow troop readiness standards established by our own Pentagon. Unfortunately, the President ignored the will of the American people and vetoed the first bill that Congress sent him.

The President blindly insists that America continue down the same path in Iraq. The President's path has left our troops in the middle of Iraq's civil war, weakened U.S. national security, and is devastating our military's ability to fight.

The President refuses to listen to his own State Department's report showing that the Taliban is reemerging as a dominant force in Afghanistan, dramatized by the most recent disheartening sight of young girls being machine-gunned as they left their school, a tactic that is used to try to intimidate parents into not sending their girls to school.

Our men and women in uniform in both Iraq and Afghanistan have performed bravely and worked to achieve every mission their leadership has given them. Our troops have performed heroically in Iraq. But the administration concedes that violence remains high; that the Iraqi government has failed to meet the benchmarks endorsed by the President in January; that political reconciliation is nonexistent.

Finally, after years of silence, even President Bush's allies have realized that the current path in Iraq cannot be sustained. Senator DOMENICI says, "There is no reason to wait. I am trying to tell the President that he must change his ways because there is nothing positive happening." And Senator LAMAR ALEXANDER said, "The President needs a new strategy."

It is time our troops had leadership worthy of their service, leadership that will give them achievable missions that improve the security of the American people.

That is why I supported the Responsible Redeployment From Iraq Act that requires that the President publicly justify the number of troops he needs to carry out post-redeployment missions such as protecting embassy staff, force protection, and fighting international terrorist organizations in Iraq. It is time the American people saw a change in our course.

In the time it has taken me to give this speech, we have spent another roughly $1 million in Iraq. $1 million for every 5 minutes we spend in Iraq, for a war that has made us less safe and has weakened our military.

It is time to change our course in Iraq and refocus on the threats in Afghanistan, where the 9/11 attacks were planned and the al Qaeda and the Taliban continue to plot. It is time we end our mistaken war in Iraq.

DISCUSSING THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Ms. SUTTON) is recognized for half the time until midnight as the designee of the majority leader.

Ms. SUTTON. Mr. Speaker, as the hour grows late here this evening, I and some of my fellow freshmen colleagues have gathered here on the floor to talk about the issue that is overarching everything we do in this country today, the war in Iraq.

When we were elected in November, many of us came here on a mandate for change, a mandate for a change of direction in the way the country was heading and a mandate for change in direction in Iraq. So, tonight we are here to talk about the important events of this day, the action that this House took to pass a very important bill, the Responsible Redeployment From Iraq Act, and also to talk about the report that was recently released from the White House on Iraq and the benchmarks that, sadly, are not being met.

With that, I would like to actually turn this discussion over to some of my fellow colleagues. We will begin with a statement and some commentary from the gentleman from New Hampshire, the distinguished gentleman from New Hampshire, Mr. PAUL HODES.

Mr. HODES. Mr. Speaker, I thank my colleague.

I am happy to be here tonight with my colleagues to speak about the issue that predominates in the minds of the people of this country, certainly in the minds of my constituents.

We are in a disastrous and unnecessary war in Iraq. I have received literally thousands of letters, phone calls and e-mails from the constituents of the Second District of New Hampshire, the people I represent, the people who sent me to Congress, telling me one thing loud and clear: They want us out of this miserable war. They want our troops out of the impossible trap of being caught in multiple sectarian conflicts.

I have only been in office for 6 months, yet I have received thousands and thousands of communications from the people I represent. It is past time to change course.

Now, when we do change course, and it is inevitable that we will change course, we must do it responsibly and with a view towards ensuring that our core values and our vital national security interests are protected. We are not talking about precipitous withdrawals. Today, when we passed the Responsible Redeployment From Iraq Act, we made sure that we set a stage for a responsible course for redeployment of our troops, not a precipitous withdrawal.

Day after day, poll after poll, letter after letter, plea after plea, the American people, and certainly the people of New Hampshire, are demanding we bring this war to a responsible end. As we sit here today, we unfortunately are witness to a stunning lack of leadership, a failure of leadership, a failure to face the reality from the Bush administration.

The President's sad and sorry statement today was counterpoint to the mistakes that have been made in the past. In the absence of leadership from the White House, Congress has the duty to pick up the ball. We have the duty to exercise the moral leadership, the courage and the boldness that the American people know will be necessary to forge a responsible and comprehensive strategy to protect our security interests and lead this country back to a place where our military is strong, where our troops are fighting the right fight against al Qaeda, and where the American people's trust is restored in their leadership.

So I am glad to be here tonight, and I yield back to you, Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, I thank the distinguished gentleman for his eloquent words about this very, very tragic subject.

At this point I yield to the gentlewoman from New Hampshire for her comments.

Ms. SHEA-PORTER. Mr. Speaker, it has been 4 years and we are now in our fifth year of war, and once again the Nation stops to assess where are we? And probably the best indicator of where we are was the front page of the Washington Post today.

☐ 2315

The first article, "CIA Said Instability Seemed Irreversible." That is the instability in Iraq.

Second article, "White House Gives Iraq Mixed Marks in Report." Unfortunately, Iraq did not meet any of the benchmarks set by the Bush administration and the Congress.

Third article, "U.S. Warns of Stronger al Qaeda." What we are talking about there is the resurgence of al Qaeda in Pakistan and in Afghanistan where it is no longer safe for girls to go to school once again, and where the drug crop is stronger than ever and where we have made no gains at all. Why haven't we made any gains after 4 years? Because we have been dragged into Iraq, into a war without end, by a President who did not understand the region, who is indifferent to the problems, the cultural differences and the problems they are experiencing, and who has not listened to the world. He has not listened to America, and has not listened to his generals and advisors on this.

Now they are asking us for more time. As a member of the Armed Services Committee, there is nothing that upsets me more than hearing somebody stand and ask for more time after 4 long years; more time for the surge, I heard today, that the surge hasn't had time to work. My question to the gentleman was: Which surge are we talking about? I lose track because we have had so many surges. Which surge are we talking about?

Then they say that the President needs more time. Then I hear General Petraeus needs more time. Always we need more time.

How about this. We have a democracy, a young democracy, the President says, in Iraq, and more than half of the people in that parliament signed a petition asking the United States to leave. Now we said we would leave if another nation like Iraq asked us to leave. And yet we hear absolute silence from the President. He will not leave despite of the fact that the government he had elected there has asked us to leave.

It costs us $10 billion a month. When I speak to my constituents, they are all asking, why don't we have money have money for this? We need money for health care. We have a problem with infrastructure. And we just don't have the money for this; this program is being cut back. And my answer over and over is what everybody else is having to tell the good people in this country who need our resources, this is what we have to tell them, you can't have two wars, tax cuts for the top 1 percent, the greatest deficits in history, and still provide for the American people.

We have a decision to make. We have an opportunity finally to provide a responsible road map out of Iraq; and yet we have a President and an administration that is indifferent to this road map.

It is now our responsibility to respond to the American people, to respond to the world and try once again to get the President's attention and once again to ask to please end the craziness here after the thousands of deaths of American soldiers, the injuries which we will be paying for, and should pay for. It is our obligation to honor our commitments to our soldiers, but we will be paying for this for so many years. And we also have an obligation to the Iraqis. We don't even know how many have died because we don't really count them.

What we do know about Iraq is that that culture has been decimated, that those who can leave have left. The countries surrounding Iraq have a large number of refugees, and people living inside Iraq are afraid to go out on their streets.

When I was in Iraq in March, I had an opportunity to speak to Sunni and Shiite women. It was very clear to me that they were unable to resolve their differences. They were so full of mistrust and hatred for each other that they were in the midst of a civil war. Yet we stay there and we continue to put our soldiers in the middle of a civil war, and we continue to be deaf to the cries of the rest of the world.

So we are standing here tonight asking once again for the President to listen to the American people, to listen to reason, to listen to the military leaders who never talk about a military victory any more. They simply talk about stabilizing Iraq, and the question has to be stabilizing Iraq; wasn't Iraq stable 4 years ago? Is this the result we get after 4 years of war?

I thank our soldiers for their incredible commitment to this country. I have had an opportunity to see some of them leave. I have nothing but the deepest respect for them. I know that the Army is suffering under the strain of a 4-year war. The soldiers and their families are suffering under the strain. I know that they have asked us to speak up for them because they are unable to.

So we stand here once again tonight for the people, for the soldiers, and ask the President to please start a responsible road map out of Iraq.

Ms. SUTTON. I thank the gentlewoman for her comments. Your points are well taken. After 4½ years of this tragic war, more than 3,600 brave American troops killed, more than 26,000 injured, and nearly half a trillion dollars spent, we continue down the path that the President insists on taking us.

In his defiance, he has indicated he will continue to ignore reality, as well as the facts contained in the administration's own analysis of the war that was released today.

As you point out, in January, the President sent thousands of additional troops to Iraq and promised to hold the Iraqi government accountable for meeting those benchmarks for success. Today that report makes it clear that we need a change in course.

Unity in Iraq, we know here on this floor, must be determined by the people of Iraq, and our brave troops are caught in the crossfire of a sectarian civil war without a military mission, and the President has no plan to bring them home.

Instead of rejecting calls for change and demeaning those who seek it, the President should listen to the military experts, to Congress and the American people who in their will and wisdom want to responsibly redeploy the troops home.

With that, I would like to yield to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank my friend and colleague from the Rules Committee.

Mr. Speaker, I, like so many Americans, have tried to be patient with this administration in extricating us from the difficulties we are in in Iraq. Like so many other Americans, I want to believe that our country is doing the right thing and we are taking the correct steps and doing everything that needs to be done to bring our troops home. But it is very difficult when we see and experience what we have experienced.

You know, first they told us that there were weapons of mass destruction. None were found. Yet the American people continued to be patient.

Then they told us we were in Iraq to remove a tyrant. We removed Saddam Hussein; our soldiers fought valiantly and well. Yet we are still there at the present time despite the fact that Saddam Hussein has been removed from power and has been executed.

Then they told us we were there to fight terrorism, and we have been fighting terrorism, and we continue to fight terrorism, and yet our troops remain there.

Now they tell us we are there to make our families safer. Well, I for one don't feel that my family is any safer today than they were when we went into Iraq. In fact, I think that my family is far less safe.

This administration tells us that we are there to fight terrorism, that we are there to fight al Qaeda, and yet we hear that al Qaeda is now stronger than it has been since before 9/11. So, again, I ask the question: Why are we in Iraq? Why are we sacrificing American lives? Twenty-six thousand have been injured; 3,600 Americans have been killed. Nearly a half trillion dollars has been spent, and yet still we are in Iraq and still we are no safer than we were before 9/11.

People ask me: What are we doing? How are we making our country safer? What are you doing to bring the troops home? And it is very difficult to answer because it is sort of like trying to hit a moving target. Every time that a benchmark is set, every time a question is asked, this administration moves the target. They tell us we are in Iraq on a surge that will tell us in 60 to 90 days where we will be. Then today we hear from this administration we only now can begin the surge because only now are we fully up to speed. Yet we see our Armed Forces at the weakest point they have been in many years.

Our National Guard is not where it should be, here State side; rather, our National Guard is overseas. They are not in a position to help should we need them here. Should we have another disaster like Hurricane Katrina, our National Guard is not here. Rather, they are serving overseas. These are the things that this administration has failed the American people on.

The violence in Iraq continues. The Iraq government has failed to meet the key benchmarks endorsed by the President in January, and political reconciliation is nonexistent.

And yet we as a Nation have not engaged the neighbors of Iraq. We have not gone forward and tried to bring a settlement to this. We have not engaged Iran. We have not engaged Syria. We have just continued to send troops to Iraq. Something has to be done.

Today we took the first step to do that. I was proud to be one of the representatives who voted for the Responsible Redeployment from Iraq Act, as were 223 of my other colleagues here. It is an important step that we have taken. It is an important step for this Congress.

You know, I can't help but think, I have two teenaged children. What are we going to tell our children about why we were in Iraq? When our grandchildren read the history books and say to us, "Members of Congress, what did you do to stop this war," what are we going to tell them? Well, today we took one step in telling them that we began the process. We are beginning the process to bring this war to an end and to bring our troops home. It is necessary. It is important. It is our responsibility as Members of Congress.

Ms. SUTTON. I thank the gentleman for his poignant remarks. Your point is well taken when you talk about the benchmarks and the target moving. How many more times will we hear this administration argue that we are just about to make progress? And yet here we are, 4½ years later.

I would like to yield to the distinguished gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Thank you, I want to salute you for organizing this Special Order tonight on the very day where this new Congress rose to its constitutional duty and stood up for the American people who made a watershed historic change last November in terms of expecting us as Members of Congress to lead the way to a new direction in Iraq. The vote again today followed a succession which all of us here as new Members have been part of. I think it is fitting that we are here to discuss that change as the people who really made a difference in terms of changing control of this body.

The vote today was, as members of the Armed Services Committee and Ms. SHEA-PORTER knows this, was all about what has happened to the military readiness of this country.

Chairman SKELTON is a passionate believer that this war has almost destroyed the ground forces of this country, the Army and the Marines. This was driven home to me during the July 4 recess. A young man, Army-enlist soldier, came to our district office. In one hand, he had his orders for redeployment, his fourth redeployment to Iraq. He had been to Iraq for two 1-year stints, and an additional stint of 7 months in Afghanistan. So over 4 years, 2 year and 7 months, he has been in a combat zone and barely been home for any rest time.

In his other hand, he had a bag filled with prescription medicine for anti-anxiety conditions. Zoloft was one of his prescriptions, which is a very serious medication for that type of condition. Yet we have a situation where he is being sent for the fourth time back into a combat zone. Luckily, our office was able to arrange for him to be seen by a psychiatrist, and a report was prepared which showed that he had full-blown post-traumatic stress, and we are making arrangements with the Army to ensure that he is not sent back into that situation.

But that is the dirty little secret about this surge policy, that we are forcing people who are not physically fit because they are not getting adequate rest time at home and, in many cases, who are mentally ill and being sent back into combat zone because of the taxing of our Armed Forces. It has reached the point where they have no other choice but to try and send people who again are well outside any normal guidelines in terms of rest, training and equipment which the Army has set up.

This bill today which we voted on and passed by an ever-increasing margin with each succeeding vote here, is an attempt to say as a Nation and as a Congress, which has the constitutional duty to raise the Armed Forces, that we have a duty to change course in Iraq to ensure that we have Armed Forces that are capable of addressing the real national security interests of this country.

☐ 2330

Certainly being in the middle of a civil war in Iraq is not consistent with the national security interests of this country.

As Congresswoman SHEA-PORTER pointed out today, the front page of the Washington Post has pointed out that al Qaeda now has reached the level of strength that it had before the events of 9/11, that there are training camps in Pakistan that have been allowed to flourish because our eye was taken off the ball with the invasion of Iraq when we should have finished the job in Afghanistan back in 2002 and 2003.

We are now in a situation, as Mr. ARCURI just said, we are, in fact, as exposed and as vulnerable as this country was at the time of September 11 because of the outrageous, misguided policies of this administration.

This bill, which we voted on today, which sets out a very measured, responsible policy that will change course in Iraq, I think answers all the questions of the doubters and the cynics that we don't have an answer for what happens after a change of course that occurs in Iraq. This is not about Vietnam revisited where people are going to be evacuated in helicopters.

This bill lays out a responsible plan for real change in Iraq that addresses the need to approach this problem on a regional basis in the Middle East and reintroduces a diplomatic measure that has been sorely lacking in terms of this administration's policy over the last four-and-a-half years.

So, again, I think as new Members who are part of the new majority that have helped revive life in this branch of the government, which was a near rubber stamp over the last 4 years, it is important that I think we are here tonight to reemphasize what took place here in this chamber and to restate our mission to keep faith with the voters that took place last fall and make sure that we have a real change in policy in Iraq.

I'd like to yield now to Congressman ELLISON from the State of Minnesota who's again part of this new majority here in Congress.

Mr. ELLISON. Well, Mr. Speaker, I'm always happy to join my colleagues, the difference-makers, who heard the call of the American people and came to Congress to really make the case for a safer America, a stronger America; an America that is not mired down in the quagmire which is Iraq; an America that says, look, we are ready to defend American interest around the world, but that does not include being mired down in a war we never should have been in in the first place.

I'm proud to have voted for this safe redeployment act today, but I just want to point out something that's so very important; and that is, that while dollars and cents clearly are important in this debate, no one can calculate the loss of a loved one. Since this surge began, 600 families have received the most devastating news that any family can ever receive, 600 spouses, 600 sets of parents, 600 sets of children, 600 communities lost a loved one because of this surge that was wrong-headed from the very beginning.

We can't calculate the costs of this war in dollars really. It must be calculated in terms of the lives of our fellow Americans that have gone forward in this horrible conflict. We have to calculate this war in terms of the injuries and the casualties that have been faced, in terms of the young people who have lost limbs, who have lost their strong sense of mental health, their ability to discern reality, their ability to have a calm frame of mind because, for so many of these young people, the helicopter sounds don't stop even after they come home. For so many young people, the explosions, a car backing up, any sort of sound sends them back to that war zone they used to be in. And it's a horrible tragedy, it's a human tragedy, and no amount of calculation of dollars and cents will ever truly capture what we have lost as a Nation.

So, Mr. Speaker, as we stand here, the difference-makers, today we want to state to the American people that we are here to keep the faith with the American people. We will never forget all of our fellow Americans, our brothers and sisters who have gone forward in this conflict, who have lost lives, who have lost limbs, who have lost their health and their families, who have received an injury that is so impossible to ever heal from. But we know the resilience and the strength of the American people, and we know that they expect us to put their best interests first forward always, and that means a safe, responsible redeployment out of this conflict.

So, Mr. Speaker, just as I say that the losses in this war cannot simply be calculated in dollars and cents but in terms of real human lives, it is also true that they be calculated in dollars and cents as well.

And before I yield back, Mr. Speaker, I just want to point out this very important graph that I have right to my right, and this shows very clearly the costs of this war. It wasn't the $8 billion that we thought it was.

Now, we know it's 10 billion per month, but just look here. Per year we're talking about a number with so many zeros behind it I think that my young children will be very hard pressed to be able to pronounce this number. This is a huge number. What is this, this number is about 120 T, trillion? Billion. I think I need an arithmetic lesson, and I'm a fellow that's had a little bit of schooling.

But as I look at this big number, it will be a challenge for any fifth grader, Mr. Speaker. It's a whopper of a number and it can't even begin to calculate the true losses of our country in this war.

Mr. ARCURI. Just a point that I'd like to make on something that you said earlier, if you could comment on that.

We talk about money costs, but think of the amount of money that this Congress has had to appropriate for veterans benefits as a result of the staggering injuries, the staggering effects that this war has had on our veterans and on our military personnel, and I just think that that's something that I don't think that this administration thought about when they planned out Iraq. They didn't think about the number of wounded because, while our medical teams get better and better, we save many more lives, but obviously many, many more people receive injuries that they will suffer from the rest of their lives. And it's our duty and our responsibility as a Nation to take care of those individuals, and the emotional costs to their family and obviously financial cost to this country of taking care of them is great.

And I just wanted to add that because that's something else that I don't think anyone thought about before we went into Iraq.

Mr. ELLISON. No doubt, Mr. Speaker. That's an excellent point. What does it mean to care for a 20-year-old quadriplegic for the course of his or her life?

This chart speaks for itself, but I just want to go to the bottom line if I may, Mr. Speaker. We're looking at $3,816 per second.

Ms. SUTTON. I thank the gentleman from Minnesota (Mr. ELLISON), and the points raised are worth talking about. He's absolutely right when we talk about the loss of life, the irretrievable loss of life as being the real cost, the real measure of our loss.

Not too long ago during this surge, the escalation of this war, within this past 6 months, I had the very sad experience of I'm sure that many of you have had of going back to my district to go to visitation, to calling hours, for a fallen soldier. And on this occasion, I walked in and I was taken aback because family members, they thank you. They thank you for coming to pay your respects to this one who was willing to give it all for his country.

And as I walked in and I walked over to the casket where this brave soldier lay and there he was, this young man, and I kneeled down and I looked and I looked long and I looked hard because I wanted to remember and I wanted to feel all that I could so that when I came back here to cast the votes that we must cast and to make the decisions that we must make about the lives that are in our hands, to answer the questions about what we're willing to ask them to do and what we're willing to protect them from, I wanted that to be a part of who I am and the decisions I make.

So I carried that with me, and I carried it with me for the vote today, but I can't help but also share a very disappointing moment that happened later that day when I returned home, to hear the news and our President talking about how much he enjoyed riding his bike and how we should all ride our bikes because it's a healthy thing to do. Well, maybe so, but it struck me that this President, to my knowledge, doesn't go to many of those calling hours, and perhaps it would be different and perhaps the decisionmaking would be different because you're right, my colleague from Minnesota, the lives lost are irretrievable.

With that, I'd like to yield to the gentleman from New Hampshire (Mr. HODES), who has joined us again.

Mr. HODES. Thank you. It's very moving, as we stand here, to think about the real impact, the effects of this misbegotten war on the people of this country. The war is a cancer on the body politic that it is our job to deal with. It's unfortunate.

We were sent to Congress, those of us who are here, largely to serve as catalysts for change. The legislation we passed today is that beginning, and I recall standing here where I'm now standing in the well of the House of Representatives a few weeks ago to welcome to this chamber men and women who had recently served their country, who were coming from Walter Reed, who had come from other military hospitals where, as my friend from New York Mr. ARCURI points out, the costs of dealing with the traumatic injuries that have been inflicted on more than 25,000 people in this war have not even begun to be calculated on the chart next to me. They run into so much money that the mind cannot grapple with it.

These brave men and women came to the floor. They came on crutches. They came in wheelchairs. And each one is a story of bravery and of sadness for me because I saw people whose lives were shattered, people without one leg, people without two legs, people without two legs and a arm, people without two legs and an arm, with traumatic brain injuries, and veterans in addition to the active duty wounded warriors who came here to meet Members of Congress and talk to us about the difficulties they were having in their lives, veterans for whom the Veterans Administration was not responsive, and we have dealt as a new Democratic majority with those issues as well.

I tried to think of what I could say. There was one soldier who sat in the front row with a young lady, it was his wife or his fiancé, who wanted to talk to us about what was really happening in Iraq. And he started by saying, I have three things to tell you. He said, number one, they're not telling you the real story about what's going on there. Number two, and he stopped because he'd forgotten number two. He couldn't get to it.

☐ 2245

He had traumatic brain injury. I ask myself, what will it take for the President of this great country of ours, for those predominantly on the other side of the aisle who support a surge which has weakened our security, strengthened al Qaeda, weakened our military, continued the destruction of our reputation in the world; what will it take for this President to face the reality of what his policies have created, to come before the American people with courage and dignity and say, "We have made some terrible mistakes, and it's time to correct them. We will change course, because I know it's the right thing to do. I know we must do it. We honor the service of all those who have served in this conflict. But now we will go and we will fight al Qaeda where we need to in Afghanistan and Pakistan. We will deal and set our strategy in the Middle East so that we can effectively deal with the threat of Iran, the threat posed by Syria, the threat posed by Hezbollah in Lebanon, the threats posed by Hamas and Fattah in the Israeli-Palestinian conflict. We will, once again, reassert our leadership in the world with the moral courage, with the principles and the values and the dignity that the American people expect. We will face up to our past mistakes, but we will lead into the future with a comprehensive strategy to protect American security"?

I am waiting. The American people are waiting. Congress is waiting.

Enough name calling. We are all in this together. This is not a Republican or a Democratic issue. The comprehensive strategy that we have adopted today is an American issue that will move us forward. The real honor that this President and those who oppose a new direction can do to those brave men and women who came to this floor shattered is to acknowledge the past mistakes and move forward to strengthen America and protect us all.

Ms. SUTTON. It reminds me of a committee hearing yesterday, and we heard some discussion from one of the witnesses about courage. It was used in the context, you have to have the courage to go forward. Sometimes it takes courage to go forward.

I know that Mr. ARCURI and I together looked at each other, and thought sometimes it takes the courage that you spoke of, Mr. HODES, to admit when things aren't going right and changing direction. That is the kind of direction that we need in this country from our President, that we need for our troops from our President.

Mr. COURTNEY. One day last week, this past week, in Hartford, Connecticut, General Eric Shinseki came and spoke the to World Affairs Council in Hartford. He, speaking of courage, was the chief of the Army at the outset of the Iraq war, was asked the question by the Armed Services Committee, how many forces it would take to secure Iraq after the invasion. He said, hundreds of thousands of troops.

As we all know, what happened to him was that because the neoconservatives to dominated the administration at the time didn't want to hear that type of reality; instead, they were wedded to this view, that you could win the war on the cheap.

He was bounced out of the Army, after an incredibly distinguished career, decorated combat veteran in Vietnam, one of the people who did an incredible amount of work to bring our Armed Forces back after the debacle of Vietnam.

He spoke to the World Affairs Council on Monday and talked about what happened in the wake of Vietnam in terms of our Armed Forces, that the disillusionment and, you know, just the negative fallout that occurred in terms of people enlisting in the Army, departing well before their planned careers were going to actually come to fruition, caused great damage to the Armed Forces that took decades to recover, and that we as a Nation had finally gotten to a point where we had not just people at the top level but also at the middle levels of the Army who had really gotten a strong, competent force back into place. His concern is that this war in Iraq is going to result in the same damage as an institution to the Army and the Marine Corps.

We are seeing it in terms of people departing the service, the mid-level officer corps. We again saw another example where the Army failed to hit its recruiting goals last month.

This bill today that we voted on was all about trying to repair the damage that has been done to the military readiness of this country, and General Shinseki, who I think will go down in history as a prophet in this country, as hopefully somebody who still has service to give to this Nation, maybe in a new administration some time or in some other role, is reminding us that we are at grave risk.

Again, the quality people, I know we saw it in Iraq when we went and visited, just wonderful, wonderful people serving in uniform in Iraq, helpful, smart, independent minded. But right now they are trapped in a policy by the administration that is basically telling them that their service is just being used in a way that shows no respect for their own wonderful qualities.

It is one of the main, most important reasons that this bill today that we voted on has got to get passed and signed into law. We have got to keep chipping away with vote after vote over the next few weeks or so to make sure that the gathering numbers we are picking up on these measures are going to get us to the point where real change is going to happen.

Ms. SUTTON. I would just ask the gentlewoman from New Hampshire to add to that, because I know that you hear a great deal in your role as a member of the Armed Services Committee. That is a point that is important for people to know about one of the consequences of this continuing path that we are going down in Iraq.

Ms. SHEA-PORTER. It's very important. I sit on the Armed Services Committee and the Subcommittees on Personnel and Readiness. So I hear every day what the President's impact has had on personnel and on readiness. I would like to address both of them.

Supporting the troops is a lot more than putting a yellow ribbon on a car. The "Support the Troops" sound coming out of the White House rings hollow to my ears after 6 months on the Armed Services Committee. I will give you an example. Here we have the most wonderful troops in the world, committed volunteers who signed up out of love and patriotism for their country. It came time for a pay raise, and the President only wanted 3 percent.

The House of Representatives, bipartisan, said they wanted 3.5 percent pay raise. So, how much is 3.5 percent versus the President's percent? Well for an E-4, it would be $200 a year. I know, from sitting on the Personnel Subcommittee, what a strain this is on their families and the cost of having a loved one gone and having to get day care and having to get extra help and not having the same support system that they have when they have their spouse or family member with them.

Yet the President said 3 percent was sufficient. He was angry enough, when the House voted for a 3.5 percent pay raise, that he listed it as one of the reasons that he would consider vetoing the bill. If you can't give an E-4, who is serving his or her country, $200 a year, then all the talk you want about supporting the troops is hollow, and it really ranks sour for the rest of us.

You look at readiness, and you realize the Army has been so impacted by this, that I actually voted to grow the size of the Army. I also voted for the largest, we all did, the largest military budget in history.

As a direct result of the President's misguided policy, he has left us in such a weakened state around the world, that we have to grow the size of the Army. We have to put more incentives in there, and we have to put the largest budget in there.

You know, we do have enemies in this world. We know that. We have a lot of enemies. They weren't in Iraq, but we do have enemies.

Peter Pace, a general, was asked if he were comfortable with the ability of the United States to respond to an emerging threat around the world. He paused for a moment, and he said, no, I'm not comfortable. That should frighten all of us.

If the general doesn't feel that we could respond to an emerging threat because all of our resources and all of our treasure and all of our people are planted inside of Iraq, we have a real problem. This is why we had to have that vote today, and this is why we need to get out of this war.

You know, I have been very disturbed by the way it has been treated like a political issue. It's not.

The freshman class that came here to make the change have been going to Iraq at great personal risk to themselves to have a look and to be sure that they are right about their position against this war. One by one we have come back, as you know, and said, no, we were right about this. What we saw was horrific. We saw a very sad, destroyed country. We saw a country at war with itself in Iraq, and we saw our troops stuck in the middle of the civil war.

Fortunately, there are some Republicans who are now breaking away from the President's grip and speaking the truth about this war. I just wanted to read a couple of them. I will leave their names out, because who they are is not important, except to say that they are Senators.

Here's one, "We need to be fighting terrorists, not civil wars . . . Iraq's peace is one they must win on their own. We cannot win it for them. Our might should be focused on stopping terrorists who are plotting to bring harm to the United States."

Here is another Republican Senator, "A policy of responsible military disengagement with a corresponding increase [in] nonmilitary support is the best way to advance our Nation's interests."

Another one, "There's nothing to wait for. Almost everybody that has any knowledge of the reports . . . would indicate they are not going to show any degree of a big change that we needed. So we are just wasting time."

If we are going to fight terrorism, first of all, we need to protect our own homeland.

You know, if you know there is a burglar in the neighborhood, first thing you do is lock your own door. We didn't do that. If you look at the little money we have invested in Homeland Security, you will know that we are no safer than we were before 9/11, that we took the money and we went to Iraq.

Now why did we go to Iraq? I guess that's the question that hangs in everybody's mind. There were no Iraqis on the plane that day. There was no evidence that Iraq was ready to attack us. We were misled, misguided, got into this war. What's happened to us? Are we safer here? No, of course not.

Are we in more danger there? Yes. Have we destabilized the region? Yes. Do we have to worry about growth of al Qaeda? Yes.

However, the good news is, yesterday at a hearing on global security, there was a Member of the CIA and a couple of others who spoke, and they said that we do not have to fear Iran's sway over Iraq.

Let's remember, Iran and Iraq were bitter enemies who fought an 8-year war. They are not natural allies. They are only allies right now because of us. Once we leave, it's my fervent hope and belief that it will calm down.

Ms. SUTTON. I would like to turn to the gentleman from New York, because I know he has something important to add.

Mr. ARCURI. Let me say thank you, again, to my friend from Ohio for organizing this.

Let me just say, I hear throughout this debate, victory, victory, victory. The other side constantly talks about victory. But to my way of thinking, victory is long past.

What victory means at this time would be bringing as many of our troops home alive and safe as we possibly can. That's what victory means. That's what we should be trying to achieve, and that's what today was all about. I think that really is the most important thing that I think we achieved today.

Ms. SUTTON. It really is. Today was the day we passed the Responsible Redeployment From Iraq Act. It is about achieving that victory. We ask that the President join us in trying to take this into a different direction, a better direction for the country, for our troops.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. HOYER) for today after 3:00 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. HALL of New York, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, July 19.

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

ADJOURNMENT

Ms. SUTTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, July 13, 2007, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2435. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Removal of Quarantined Area in Illinois [Docket No. APHIS-2006-0105] received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2436. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Cold Treatment Regulations [Docket No. APHIS-2006-0050] received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2437. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Pesticide Tolerance [EPA-HQ-OPP-2005-0149; FRL-8137-8] received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2438. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Cymoxanil; Pesticide Tolerance [EPA-HQ-OPP-2006-0331; FRL-8130-5] received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2439. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chlorpropham, Linuron, Pebulate, Asulam, and Thiophanate-methyl; Tolerance Actions [EPA-HQ-OPP-2006-0483.; FRL-8131-6] received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2440. A letter from the Acting Deputy Administrator, Agency for International Development, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Agency for International Development, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2441. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Case Number 04-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2442. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7703] received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2443. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-

Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2444. A letter from the Director, Regulations Poilcy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Human Cells, Tissues, and Cellular and Tissue-Based Products; Donor Screening and Testing, and Related Labeling [Docket No. 1997N-0484T] received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2445. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicaid Program; Citizenship Documentation Requirements [CMS-2557-F] (RIN: 0938-AO51) received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2446. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [EPA-R09-OAR-2006-0729; FRL-8439-2] received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2447. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Criteria for the Safe and Environmentally Protective Use of Granular Mine Tailings known as "Chat" [EPA-HQ-RCRA-2006-0097; FRL-8326-1] (RIN: 2050-AG27) received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2448. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, and West Virginia; Control of Emissions from Existing Other Solid Waste Incinerator Units [EPA-R03-OAR-2007-0354; [FRL-8338-7]] received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2449. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA201-5201; FRL-8336-1] received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2450. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-07 informing of an intent to sign Research, Development, Test and Evaluation (RDT&E) Projects Memorandum of Understanding between the United States and the Republic of Korea, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

2451. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2452. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, relating to enhancements and upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 06-70 of 27 September 2006 (Transmittal No. 0A-07); to the Committee on Foreign Affairs.

2453. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Navy's proposed lease of defense articles to the Government of France (Transmittal No. 01-07); to the Committee on Foreign Affairs.

2454. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-27, concerning the Department of the Army's proposed Letter(s)of Offer and Acceptance to Brazil for defense articles and services; to the Committee on Foreign Affairs.

2455. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for the export of defense services, including technical data, and defense services to the Republic of Korea (Transmittal No. DDTC 044-07); to the Committee on Foreign Affairs.

2456. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad with the Government of Germany (Transmittal No. DDTC 018-07); to the Committee on Foreign Affairs.

2457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the Republic of Korea (Transmittal No. DDTC 054-07); to the Committee on Foreign Affairs.

2458. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment with the Government of Japan (Transmittal No. DDTC 040-07); to the Committee on Foreign Affairs.

2459. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment with the Government of Japan (Transmittal No. DDTC 011-07); to the Committee on Foreign Affairs.

2460. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment with the Government of Norway (Transmittal No. DDTC 021-07); to the Committee on Foreign Affairs.

2461. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles to the Government of Colombia (Transmittal No. DDTC 038-07); to the Committee on Foreign Affairs.

2462. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 056-07); to the Committee on Foreign Affairs.

2463. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Pakistan (Transmittal No. DDTC 025-07); to the Committee on Foreign Affairs.

2464. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Arab Emirates (Transmittal No. DDTC 017-07); to the Committee on Foreign Affairs.

2465. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of major defense equipment and defense articles to the Commonwealth of Australia (Transmittal No. DDTC 041-07); to the Committee on Foreign Affairs.

2466. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for the export of technical data, defense services, and defense articles with the Government of Israel (Transmittal No. DDTC 015-07); to the Committee on Foreign Affairs.

2467. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, re-certification of the proposed manufacturing license agreement for the manufacture of defense articles with the Government of Japan (Transmittal No. DDTC 028-07); to the Committee on Foreign Affairs.

2468. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed amendment to a license for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 027-07); to the Committee on Foreign Affairs.

2469. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for defense services to the Commonwealth of Australia (Transmittal No. DDTC 023-07); to the Committee on Foreign Affairs.

2470. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Norway (Transmittal No. RSAT-10-06); to the Committee on Foreign Affairs.

2471. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Jordan (Transmittal No. RSAT-02-07); to the Committee on Foreign Affairs.

2472. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy a determination made pursuant to Section 1306 of the National Defense Authorization Act for FY 2003, Pub. L. 107-314; to the Committee on Foreign Affairs.

2473. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-70, "Safe and Stable Homes for Children and Youth Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2474. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XA57) received June 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2475. A letter from the Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule — Changes in the Insular Possessions Watch, Watch Movement and Jewelry Programs 2006 [Docket No. 0612243019-7062-02] (RIN: 0625-AA72) received July 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2476. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicaid Program; Prescription Drugs [CMS-2238-FC] (RIN: 0938-AO20) received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2477. A letter from the Board Members, Railroad Retirement Board, transmitting the 2007 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

2478. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARROW (for himself and Mr. GRAVES):

H.R. 3009. A bill to enhance transparency of trading in over-the-counter derivatives in natural gas; to the Committee on Agriculture.

By Mr. JOHNSON of Georgia (for himself, Mr. BARROW, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. CUMMINGS, Mr. GONZALEZ, Mr. COHEN, and Mr. ELLISON):

H.R. 3010. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. TOWNS (for himself, Mr. HALL of Texas, and Mr. WHITFIELD):

H.R. 3011. A bill to amend title XVIII of the Social Security Act to ensure adequate payment amounts for drugs and biologicals under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. GILLMOR, Ms. PRYCE of Ohio, Mr. GARY G. MILLER of California, and Mr. LATOURETTE):

H.R. 3012. A bill to amend the Truth in Lending Act to provide for the establishment of fair mortgage practices, generally, and for subprime mortgages in particular, to provide for a national system for licensing or registering residential mortgage loan originators, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. FORBES, Mr. CONYERS, Mr. DANIEL E. LUNGREN of California, Mr. SMITH of Texas, Mr. DAVIS of Alabama, Mr. COBLE, Mr. FEENEY, and Mr. ROSKAM):

H.R. 3013. A bill to provide appropriate protection to attorney-client privileged communications and attorney work product; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Mr. ABERCROMBIE, Mr. BACA, Mr. BECERRA, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CARDOZA, Ms. CARSON, Ms. CASTOR, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. COSTA, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. KILDEE, Ms. KILPATRICK, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Mr. ORTIZ, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. RUSH, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. FATTAH, Mr. FORTUÑO, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HONDA, Mr. HOYER, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SIRES, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WATT, and Mr. WYNN):

H.R. 3014. A bill to improve the health of minority individuals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself and Ms. VELÁZQUEZ):

H.R. 3015. A bill to delay the applicability to webcasters of rates and terms determined by the Copyright Royalty Judges for certain statutory licenses under title 17, United States Code; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself, Mr. LEWIS of Kentucky, Mr. ABERCROMBIE, Mr. SHAYS, Mr. SAM JOHNSON of Texas, Mr. RAMSTAD, Ms. GRANGER, Mr. SENSENBRENNER, Mrs. MCCARTHY of New York, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. CROWLEY, Ms. ZOE LOFGREN of California, Mr. POMEROY, Mr. THOMPSON of California, Mr. BECERRA, and Mr. CARTER):

H.R. 3016. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 3017. A bill to authorize additional appropriations for the Federal Bureau of Investigation to enhance its ability to more effectively stop mortgage fraud, and for other purposes; to the Committee on the Judiciary.

By Mrs. BIGGERT:

H.R. 3018. A bill to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mrs. BIGGERT:

H.R. 3019. A bill to establish an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to make grants to entities for providing such counseling, to launch a national housing counseling advertising campaign, and for other purposes; to the Committee on Financial Services.

By Mr. CHABOT (for himself, Ms. VELÁZQUEZ, Mr. CUELLAR, Ms. CLARKE, and Mr. LIPINSKI):

H.R. 3020. A bill to amend the Small Business Act to improve the Microloan program, and for other purposes; to the Committee on Small Business.

By Mr. CHANDLER (for himself, Mr. GEORGE MILLER of California, and Mr. KILDEE):

H.R. 3021. A bill to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. COSTA (for himself and Mr. NUNES):

H.R. 3022. A bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. STARK, Mr. WAXMAN, Mr. CHANDLER, and Mr. HINCHEY):

H.R. 3023. A bill to require the manufacturers, packers, and distributors of prescription drugs and medical devices to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DEGETTE (for herself, Mr. SALAZAR, Mrs. CAPPS, and Mr. TIM MURPHY of Pennsylvania):

H.R. 3024. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. COHEN, Mr. DAVIS of Illinois, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KENNEDY, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. ORTIZ, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. STARK, Mr. WEINER, and Mr. WYNN):

H.R. 3025. A bill to amend title XVIII of the Social Security Act to provide comprehensive improvements to the Medicare Prescription Drug Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE:

H.R. 3026. A bill to authorize the Military Spouse Legacy Association, Inc., to establish a commemorative work on Federal land in the District of Columbia and its environs to honor all those who have put their country first as military spouses throughout our Nation's history; to the Committee on Natural Resources.

By Mr. ELLISON:

H.R. 3027. A bill to amend title 18, United States Code, to require the electronic recording of custodial interrogations in Federal criminal cases; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself, Mr. PAYNE, and Mr. SMITH of New Jersey):

H.R. 3028. A bill to end the use of child soldiers in hostilities around the world, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GRIJALVA (for himself, Mr. CAMPBELL of California, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. FARR, Mr. FORTENBERRY, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mrs. MCCARTHY of New York, Mr. SERRANO, Ms. DELAURO, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. NADLER, Mr. UDALL of Colorado, Mr. RANGEL, Mr. HINCHEY, and Mr. DAVIS of Illinois):

H.R. 3029. A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 3030. A bill to amend the Richard B. Russell National School Lunch Act to improve the summer food service program for children; to the Committee on Education and Labor.

By Mr. INSLEE (for himself, Mr. WEINER, Ms. SCHAKOWSKY, and Mr. GRIJALVA):

H.R. 3031. A bill to promote the construction of green buildings in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Education and Labor, Oversight and Government Reform, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 3032. A bill to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; to the Committee on House Administration.

By Mrs. MALONEY of New York (for herself and Mr. TOWNS):

H.R. 3033. A bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; to the Committee on Oversight and Government Reform.

By Mr. MOORE of Kansas (for himself, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, and Mr. TIAHRT):

H.R. 3034. A bill to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post Office"; to the Committee on Oversight and Government Reform.

By Mr. PAYNE (for himself, Mr. PORTER, and Mr. BILIRAKIS):

H.R. 3035. A bill to award a Congressional Gold Medal to Jerry Lewis in recognition of his outstanding service to the Nation; to the Committee on Financial Services.

By Mr. SARBANES:

H.R. 3036. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; to the Committee on Education and Labor.

By Ms. SCHWARTZ:

H.R. 3037. A bill to ensure that all Federal agencies consider the environmentally preferable features and practices of a vendor in purchases of meeting and conference services; to the Committee on Oversight and Government Reform.

By Mr. SESSIONS:

H.R. 3038. A bill to amend section 1848 of the Social Security Act to establish standards for growth in Medicare expenditures for physicians' services based on categories of services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself, Mr. LINDER, Mr. BARTLETT of Maryland, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. BRADY of Texas, Mr. PEARCE, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. GINGREY, Mr. PITTS, Mr. MARCHANT, Mr. AKIN, Mr. HERGER, Mr. PRICE of Georgia, Mr. WILSON of South Carolina, Mr. SHADEGG, and Mr. MCCARTHY of California):

H.R. 3039. A bill to amend the Internal Revenue Code of 1986 to increase the time that taxpayers may use to make a tax-free exchange of like kind property; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 3040. A bill to amend title 38, United States Code, to provide additional educational assistance under the Montgomery GI Bill to veterans pursuing a degree in science, technology, engineering, or math; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. RUSH):

H.R. 3041. A bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. RAMSTAD, Mr. MCNULTY, Mr. MARSHALL, Mr. HOLDEN, and Mr. FARR):

H.R. 3042. A bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to eliminate coinsurance for screening mammography and colorectal cancer screening tests in order to promote the early detection of cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. BAIRD, Mr. CASTLE, Mr. UPTON, Mr. WESTMORELAND, Mr. GINGREY, and Mr. MILLER of North Carolina):

H. Con. Res. 182. Concurrent resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. MCCOTTER, and Mr. ACKERMAN):

H. Con. Res. 183. Concurrent resolution calling on the Government of the Republic of Azerbaijan to immediately release Farhad Aliyev and Rafiq Aliyev from detention during trial, to assure that their right to a fair and open trial before an independent and impartial tribunal will be carried out, and to comply with all its international human rights agreements and commitments respecting the rule of law, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SALI:

H. Con. Res. 184. Concurrent resolution expressing the sense of the Congress opposing removal of dams on the Columbia and Snake Rivers for fishery restoration purposes, supporting the renewable energy that the dams produce, and agreeing that their removal does not make sound environmental nor fiscal sense; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL:

H. Res. 540. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. TERRY (for himself, Mr. CONAWAY, Mr. LoBIONDO, Mr. SAXTON, Mr. ROGERS of Michigan, Mr. CUMMINGS, Mr. COLE of Oklahoma, Mr. HALL of Texas, Mr. ORTIZ, Mrs. BOYDA of Kansas, Mr. LAMBORN, Ms. FALLIN, Mr. KUHL of New York, Mr. CALVERT, Mr. WESTMORELAND, Mr. ADERHOLT, Mr. BOUSTANY, Mr. WILSON of South Carolina, and Mr. CANNON):

H. Res. 541. A resolution recognizing the Marines of Company M (or "Mike Company") of the 3rd Battalion, 7th Regiment, 1st Marine Division on the occasion of their 25th Annual Reunion; to the Committee on Armed Services.

By Ms. GINNY BROWN-WAITE of Florida:

H. Res. 542. A resolution expressing the unconditional support of the House of Representatives for the members of the National Guard; to the Committee on Armed Services.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H. Res. 543. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a semipostal stamp to support medical research relating to Alzheimer's disease; to the Committee on Oversight and Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mrs. BOYDA of Kansas):

H. Res. 544. A resolution expressing the sympathy and pledging the support of the House of Representatives and the people of the United States for the victims of the devastating thunderstorms that caused severe flooding in 20 counties in eastern Kansas beginning on June 26, 2007; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. TAUSCHER, Mr. YOUNG of Alaska, Mr. SULLIVAN, and Mr. LOEBSACK.

H.R. 39: Mr. RANGEL.

H.R. 44: Ms. CLARKE.

H.R. 89: Mr. FRANK of Massachusetts.

H.R. 278: Mr. BAIRD.

H.R. 368: Mr. CARNEY, Mr. LAMPSON, Mr. ADERHOLT, Mr. KLEIN of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 380: Mr. WELCH of Vermont.

H.R. 398: Mr. GRIJALVA, Mr. BRADY of Pennsylvania, and Mr. DAVIS of Illinois.

H.R. 406: Mr. LARSON of Connecticut and Mr. NEAL of Massachusetts.

H.R. 473: Mr. MICA.

H.R. 601: Mr. ALLEN.

H.R. 621: Mr. SCOTT of Georgia, Mr. CALVERT, Mr. ALTMIRE, Mr. KENNEDY, and Mr. TIBERI.

H.R. 643: Ms. KAPTUR, Mr. PICKERING, and Mr. HOLDEN.

H.R. 654: Mr. ISRAEL.

H.R. 695: Mr. ALTMIRE, Mr. JACKSON of Illinois, and Ms. SOLIS.

H.R. 719: Ms. HERSETH SANDLIN, Mr. DONNELLY, and Mrs. MYRICK.

H.R. 728: Mr. ROTHMAN.

H.R. 743: Mr. LUCAS, Mr. SAM JOHNSON of Texas, and Mr. COLE of Oklahoma.

H.R. 756: Mr. DAVIS of Illinois.

H.R. 758: Mr. COURTNEY.

H.R. 782: Mr. COBLE.

H.R. 814: Ms. HARMAN.

H.R. 819: Mr. RUSH.

H.R. 864: Mr. ALLEN.

H.R. 881: Mr. ACKERMAN.

H.R. 940: Mrs. MYRICK.

H.R. 962: Mr. COHEN.

H.R. 1000: Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Ms. WATERS, Mr. CLYBURN, Ms. MOORE of Wisconsin, and Ms. WATSON.

H.R. 1022: Ms. CLARKE.

H.R. 1042: Mr. SHAYS.

H.R. 1064: Mr. MCNULTY.

H.R. 1073: Mr. ACKERMAN.

H.R. 1103: Ms. WATERS.

H.R. 1108: Mr. BARROW.

H.R. 1110: Mr. MITCHELL, Mr. GOODLATTE, Mrs. EMERSON, Mr. COSTELLO, Mr. SHERMAN, Mr. TIM MURPHY of Pennsylvania, Mr. SPRATT, Mr. LYNCH, Mr. COHEN, Mr. CRAMER, Mr. DAVID DAVIS of Tennessee, Ms. HERSETH SANDLIN, Mr. MILLER of North Carolina, Ms. SOLIS, Mr. PERLMUTTER, and Mr. NEAL of Massachusetts.

H.R. 1113: Mr. SIRES, Mr. WAMP, Mr. SCHIFF, Mrs. EMERSON, Mr. BERRY, and Ms. SOLIS.

H.R. 1125: Ms. HOOLEY, Ms. HARMAN, Mr. HILL, and Mr. INGLIS of South Carolina.

H.R. 1190: Mr. BARROW, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. DAVIS of Illinois, and Mrs. JONES of Ohio.

H.R. 1194: Mr. CAMPBELL of California, Mr. JOHNSON of Georgia, Mr. WEXLER, and Mrs. MCCARTHY of New York.

H.R. 1232: Mr. HINOJOSA.

H.R. 1236: Mr. WELCH of Vermont, Mr. PERLMUTTER, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1245: Mr. RUSH and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1275: Mr. MCDERMOTT.

H.R. 1282: Mr. CHANDLER.

H.R. 1302: Mr. MATHESON, Mr. MCNERNEY, and Mrs. TAUSCHER.

H.R. 1304: Mr. BROWN of South Carolina.

H.R. 1310: Mr. BLUMENAUER, Mr. WAXMAN, and Mr. DAVIS of Illinois.

H.R. 1354: Ms. ZOE LOFGREN of California.

H.R. 1363: Mr. GENE GREEN of Texas, Mr. FERGUSON, Ms. ESHOO, Mr. SARBANES, Mr. FATTAH, Mr. MCNULTY, Mr. BRADY of Pennsylvania, and Mr. SCHIFF.

H.R. 1376: Mr. LEWIS of Georgia, Mr. ELLISON, and Mr. STARK.

H.R. 1390: Mr. SOUDER.

H.R. 1416: Mr. LEVIN.

H.R. 1419: Mr. HOEKSTRA, Mr. DUNCAN, Mr. EHLERS, Mr. DONNELLY, Mr. PENCE, and Mr. DAVIS of Alabama.

H.R. 1439: Mr. CLAY.

H.R. 1459: Mrs. MILLER of Michigan, Mr. UPTON, Mr. MILLER of North Carolina, and Mr. HAYES.

H.R. 1464: Mr. CUMMINGS.

H.R. 1474: Mr. HASTINGS of Florida and Mr. CLAY.

H.R. 1475: Mr. INSLEE.

H.R. 1479: Mr. ACKERMAN.

H.R. 1537: Mr. BRADY of Texas and Mr. MOLLOHAN.

H.R. 1542: Mr. MCNULTY and Mr. CLAY.

H.R. 1567: Mr. GALLEGLY and Mr. TOM DAVIS of Virginia.

H.R. 1584: Mrs. MCMORRIS RODGERS, Mr. FEENEY, and Mr. MARSHALL.

H.R. 1610: Mr. ROTHMAN, Mr. BARRETT of South Carolina, Mr. BLUNT, Mr. LEWIS of Kentucky, Mr. GRAVES, Mr. CAPUANO, Mr. BONNER, Mr. SAM JOHNSON of Texas, Mr. LoBIONDO, Mr. BURTON of Indiana, Mr. PAYNE, and Mrs. CAPITO.

H.R. 1621: Ms. MOORE of Wisconsin.

H.R. 1647: Mr. FRANK of Massachusetts, Mr. SCHIFF, Mr. JEFFERSON, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. STUPAK, Mr. SPRATT, Mr. BOUCHER, and Mrs. CUBIN.

H.R. 1657: Mr. ABERCROMBIE and Mr. WU.

H.R. 1663: Mrs. BOYDA of Kansas.

H.R. 1665: Mr. LYNCH, Mr. GRIJALVA, Mr. ROTHMAN, and Mr. CLAY.

H.R. 1671: Mr. SESTAK.

H.R. 1673: Mr. WATT.

H.R. 1687: Mr. ALTMIRE.

H.R. 1709: Mr. WAXMAN, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Ms. ESHOO, and Mr. PALLONE.

H.R. 1713: Ms. WASSERMAN SCHULTZ.

H.R. 1727: Mr. BERMAN, Mrs. CAPPS, and Ms. HARMAN.

H.R. 1728: Mrs. CHRISTENSEN.

H.R. 1755: Mr. FRANK of Massachusetts.

H.R. 1767: Mr. SESSIONS.

H.R. 1776: Mr. JONES of North Carolina.

H.R. 1783: Ms. GIFFORDS, Mr. LATOURETTE, and Mrs. TAUSCHER.

H.R. 1790: Mr. HINCHEY.

H.R. 1818: Mr. COHEN and Mr. GUTIERREZ.

H.R. 1845: Mr. WALBERG, Mr. SPRATT, and Ms. HERSETH SANDLIN.

H.R. 1878: Mr. AL GREEN of Texas, Mr. BOUCHER, and Ms. LEE.

H.R. 1888: Mr. BRADY of Pennsylvania.

H.R. 1895: Ms. CLARKE.

H.R. 1911: Mr. DAVIS of Illinois.

H.R. 1926: Mr. HOLDEN and Mr. BROWN of South Carolina.

H.R. 1932: Mr. ELLISON.

H.R. 1957: Mr. ROTHMAN.

H.R. 1968: Mr. HINOJOSA, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. BRADY of Pennsylvania, and Mr. DAVIS of Illinois.

H.R. 1992: Ms. SLAUGHTER.

H.R. 2005: Mr. HINOJOSA and Mr. JONES of North Carolina.

H.R. 2012: Mr. LEWIS of Kentucky.

H.R. 2035: Mr. LEWIS of Kentucky.

H.R. 2045: Mrs. MUSGRAVE and Mr. PRICE of North Carolina.

H.R. 2060: Mr. PLATTS, Mr. RODRIGUEZ, Ms. BEAN, Ms. WATSON, and Mr. GENE GREEN of Texas.

H.R. 2095: Ms. HOOLEY and Mr. WU.

H.R. 2110: Mr. BARTLETT of Maryland.

H.R. 2122: Mr. MOORE of Kansas, Ms. CORRINE BROWN of Florida, Ms. HERSETH SANDLIN, Mrs. MCCARTHY of New York, Mr. WU, and Ms. SOLIS.

H.R. 2125: Mr. GARRETT of New Jersey and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2129: Mr. LANTOS, Mr. FATTAH, Mr. HONDA, and Ms. LORETTA SANCHEZ of California.

H.R. 2138: Mr. MEEKS of New York, Ms. HARMAN, Mr. BOSWELL, Mr. MICHAUD, and Mr. FRANKS of Arizona.

H.R. 2159: Mr. OBERSTAR.

H.R. 2165: Ms. CORRINE BROWN of Florida.

H.R. 2183: Mr. SAM JOHNSON of Texas.

H.R. 2205: Mr. BRADY of Texas.

H.R. 2210: Mr. GRIJALVA.

H.R. 2211: Mr. UDALL of Colorado, Mr. CARNAHAN, and Mr. CAPUANO.

H.R. 2221: Mr. DAVIS of Illinois.

H.R. 2274: Ms. ROS-LEHTINEN.

H.R. 2280: Mr. PITTS, Mr. NUNES, Mr. HINOJOSA, and Mr. CARNEY.

H.R. 2287: Mr. BARTLETT of Maryland.

H.R. 2295: Mr. BAKER, Mr. FEENEY, and Mr. ROGERS of Alabama.

H.R. 2303: Mr. HENSARLING.

H.R. 2315: Mr. JORDAN, Mr. WELCH of Vermont, and Mr. BARTLETT of Maryland.

H.R. 2327: Ms. HARMAN and Mr. CASTLE.

H.R. 2342: Ms. HARMAN.

H.R. 2343: Mr. SOUDER.

H.R. 2347: Mr. TIM MURPHY of Pennsylvania, Mr. RANGEL, and Mr. GERLACH.

H.R. 2370: Mr. MORAN of Virginia, Mr. FORBES, Mr. BILIRAKIS, Mr. EHLERS, and Mr. DAVIS of Illinois.

H.R. 2373: Mr. MEEK of Florida.

H.R. 2380: Mr. RYAN of Wisconsin, Mr. CARDOZA, Mr. DAVID DAVIS of Tennessee, Mr. PICKERING, and Mr. SAM JOHNSON of Texas.

H.R. 2443: Mr. WALZ of Minnesota, Mr. DEFAZIO, Mr. YOUNG of Alaska, and Mr. PERLMUTTER.

H.R. 2449: Mr. GORDON.

H.R. 2468: Ms. BORDALLO, Mr. NADLER, and Mr. MCGOVERN.

H.R. 2526: Mr. SIRES.

H.R. 2548: Mrs. NAPOLITANO, Mr. BERMAN, and Ms. WATSON.

H.R. 2550: Mr. ADERHOLT, Mr. PAUL, Mr. CAMP of Michigan, and Mr. BARTLETT of Maryland.

H.R. 2564: Mr. INGLIS of South Carolina.

H.R. 2567: Mr. TERRY and Mr. SHAYS.

H.R. 2581: Mr. ELLISON.

H.R. 2587: Mr. TANNER, Mr. COOPER, Mr. LINCOLN DAVIS of Tennessee, Mr. DUNCAN, Mr. DAVID DAVIS of Tennessee, and Mr. GORDON.

H.R. 2593: Mr. GONZALEZ.

H.R. 2604: Mr. JEFFERSON, Mr. WEXLER, Mr. PAYNE, Mr. DELAHUNT, and Mr. JACKSON of Illinois.

H.R. 2617: Mr. BRADY of Texas.

H.R. 2629: Mr. WALDEN of Oregon and Mr. HASTINGS of Washington.

H.R. 2659: Mr. CARNEY.

H.R. 2666: Ms. CLARKE and Ms. LEE.

H.R. 2674: Mr. LEVIN.

H.R. 2723: Mr. BRALEY of Iowa, Mr. MATHESON, and Mr. CAPUANO.

H.R. 2740: Mr. DAVIS of Illinois, and Mr. SPRATT.

H.R. 2746: Mr. WAXMAN, and Mr. FATTAH.

H.R. 2761: Mr. DONNELLY.

H.R. 2762: Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, Mr. ELLISON, Mr. MOORE of Kansas, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. ALLEN, and Mr. NUNES.

H.R. 2774: Mr. ROHRABACHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, and Mr. BARTLETT of Maryland.

H.R. 2818: Mr. RAMSTAD.

H.R. 2828: Ms. KILPATRICK, Mr. BOYD of Florida, Mr. TOM DAVIS of Virginia, Mr. THOMPSON of Mississippi, Mr. WAMP, Ms. WATSON, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. SMITH of New Jersey, Mr. FRANK of Massachusetts, Mrs. EMERSON, Mr. ACKERMAN, Mr. KIRK, Mr. WEXLER, Mr. LAHOOD, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, and Mr. BISHOP of Georgia.

H.R. 2831: Mr. YARMUTH, Mr. SESTAK, Mr. SERRANO, Mr. ELLISON, Mr. BUTTERFIELD, Mr. BERMAN, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, Mr. BOSWELL, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. MORAN of Virginia, Mr. COHEN, Ms. SOLIS, Mr. JACKSON of Illinois, Ms. GIFFORDS, Mr. GONZALEZ, Mr. HODES, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. DOGGETT, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Ms. MATSUI, Mr. PATRICK MURPHY of Pennsylvania, Mr. CUMMINGS, Mr. SCHIFF, Mr. SARBANES, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. LARSON of Connecticut, Mr. MILLER of North Carolina, Mr. GENE GREEN of Texas, Mrs. DAVIS of California, Mr. SIRES, Mr. JOHNSON of Georgia, Mr. POMEROY, Mr. TIERNEY, Mr. WILSON of Ohio, Mr. WATT, and Mr. LEVIN.

H.R. 2847: Ms. LEE, Mr. WYNN, Mr. ELLISON, and Mr. INSLEE.

H.R. 2850: Mr. GORDON.

H.R. 2860: Mr. CHANDLER, Mr. WALZ of Minnesota, and Mr. GOODE.

H.R. 2862: Mr. REGULA.

H.R. 2878: Mr. PICKERING.

H.R. 2894: Mr. BARTLETT of Maryland, Mr. SARBANES, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. SHUSTER, Mrs. EMERSON, Mr. HINCHEY, Mr. BISHOP of Utah, Mr. HOYER, and Ms. KILPATRICK.

H.R. 2910: Mr. BOOZMAN, Mr. SOUDER, and Mr. SPRATT.

H.R. 2922: Mr. BUTTERFIELD, Mr. PAYNE, Mr. HINOJOSA, Mr. MCNULTY, Mr. WAXMAN, and Mr. ABERCROMBIE.

H.R. 2926: Mr. CARNAHAN.

H.R. 2934: Mr. BAIRD, Mr. DEFAZIO, Mr. MILLER of Florida, Mr. UDALL of Colorado, Mr. GRAVES, and Mr. BARTLETT of Maryland.

H.R. 2941: Mr. LINCOLN DAVIS of Tennessee.

H.R. 2942: Mr. GERLACH, Ms. SLAUGHTER, Mr. HAYES, and Ms. LORETTA SANCHEZ of California.

H.R. 2952: Mr. STUPAK.

H.R. 2954: Mr. BOOZMAN, Mr. BUYER, and Mr. GOODLATTE.

H.R. 2956: Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. LANTOS, Mr. OBEY, Ms. SLAUGHTER, Mr. GEORGE MILLER of California, Mr. EMANUEL, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. VAN HOLLEN, Mr. BECERRA, Ms. DELAURO, Mr. PALLONE, Ms. CASTOR, Mrs. GILLIBRAND, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. JONES of North Carolina, Mrs. BOYDA of Kansas, Mr. HODES, Mr. BRALEY of Iowa, Ms. HIRONO, Mr. LARSEN of Washington, Mr. WALZ of Minnesota, Mr. PATRICK MURPHY of Pennsylvania, Mr. COHEN, Mr. HARE, Mr. PERLMUTTER, Ms. LORETTA SANCHEZ of California, Ms. SHEA-PORTER, Mr. CUMMINGS, Mr. LOEBSACK, Ms. CLARKE, Mr. KAGEN, Ms. GIFFORDS, Mr. MAHONEY of Florida, Mr. WELCH of Vermont, Ms. HARMAN, Mr. COURTNEY, Mr. MEEK of Florida, Mrs. DAVIS of California, and Ms. JACKSON-LEE of Texas.

H.R. 2963: Mr. BACA.

H.J. Res. 28: Mr. HONDA, Mr. HINCHEY, Mr. HASTINGS of Florida, Ms. WATSON, Mr. JEFFERSON, Mr. GUTIERREZ, and Mr. PAYNE.

H. Con. Res. 10: Mr. FILNER.

H. Con. Res. 28: Mr. MCNERNEY.

H. Con. Res. 40: Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 111: Mr. KUHL of New York, Mr. PAYNE, Mr. MOORE of Kansas, Mr. ABERCROMBIE, and Mr. MCHUGH.

H. Con. Res. 122: Mr. MOORE of Kansas.

H. Con. Res. 136: Mr. WELLER.

H. Con. Res. 139: Mr. GONZALEZ.

H. Con. Res. 157: Mr. CALVERT, and Ms. LORETTA SANCHEZ of California.

H. Con. Res. 176: Ms. WATSON and Mr. WOLF.

H. Con. Res. 181: Mr. DAVIS of Illinois.

H. Res. 49: Mr. KILDEE.

H. Res. 95: Mrs. NAPOLITANO.

H. Res. 111: Mr. ISRAEL, Mr. HOLDEN, Mr. SAM JOHNSON of Texas, and Mr. SAXTON.

H. Res. 121: Mr. WEXLER.

H. Res. 143: Mr. CLAY.

H. Res. 146: Mr. ROTHMAN.

H. Res. 235: Mr. CROWLEY, Mr. COHEN, Mr. CUELLAR, Ms. MATSUI, Mr. CHABOT, and Mr. NADLER.

H. Res. 245: Mr. WEXLER and Mr. MCNERNEY.

H. Res. 333: Mr. FARR and Mr. FILNER.

H. Res. 378: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 417: Mr. NADLER.

H. Res. 433: Mr. SHAYS and Mr. ENGEL.

H. Res. 443: Mr. BROWN of South Carolina and Mr. SERRANO.

H. Res. 444: Ms. FALLIN.

H. Res. 536: Mr. HOYER, Ms. JACKSON-LEE of Texas, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. SARBANES, and Mr. DAVIS of Illinois.

H. Res. 539: Mrs. DRAKE, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Mr. HOLDEN, Mr. WELCH of Vermont, and Ms. WATSON.

EXTENSIONS OF REMARKS

THE INTRODUCTION OF A RESOLUTION TO ESTABLISH NATIONAL 9-1-1 EDUCATION MONTH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Ms. ESHOO. Madam Speaker, I'm proud to introduce a resolution to establish a National 9–1–1 Education Month.

Forty years ago President Johnson's Commission on Law Enforcement and Justice recommended that a single, nationwide telephone number be established for reporting emergencies—9–1–1. Since then, 9–1–1 has been used by millions of people across the country to quickly and efficiently contact their local fire and police departments, as well as report emergencies in their communities. Over 200 million emergency calls are made each year through 6,000 9–1–1 public safety answering points serving more than 3,000 counties.

As the connection between the eyes and ears of the public and the emergency response system in the U.S., 9–1–1 answering points are often the first to know of emergencies caused by natural disasters to national security threats, making 9–1–1 a vital homeland security asset.

Educating people of all ages and backgrounds about 9–1–1 is crucial to the effectiveness of our emergency response system. It is especially important for vulnerable populations . . . children, the deaf and hard of hearing, and those with limited English skills . . . to understand and feel comfortable with using 9–1–1.

A National 9–1–1 Education Month will encourage the development of public awareness events, advertising to the public, targeted outreach to schools, and training activities for parents and teachers. The deaf and hard of hearing are increasingly using text, video and instant messaging to access 9–1–1 operators. With such an effective and comprehensive emergency network, everyone deserves to learn how to access it.

As co-chairs of the E9–1–1 Caucus, Mr. SHIMKUS and I understand the importance of the 9–1–1 emergency network to the public safety and security of our country and this resolution will help to ensure that all Americans can access these critical services in an emergency. I urge my colleagues to join me in supporting a National 9–1–1 Education Month.

HONORING THOMAS JEFFERSON HIGH SCHOOL MEN'S VARSITY CREW TEAM

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Thomas Jefferson High School for Science and Technology Men's Varsity Eight Crew team, who represented the United States in the Princess Elizabeth Challenge Cup at the Henley Royal Regatta in England on July 4, 2007.

I had the honor of meeting these tremendous students on May 12, 2007, after they won the Virginia Scholastic Championship, the first of their many victories during their outstanding season. The Thomas Jefferson Colonials' Varsity Eight earned an invitation to the Princess Elizabeth Challenge Cup after finishing a flawless season with a gold medal at the Scholastic Rowing Association of America National Championships in Camden, New Jersey. The TJ Crew Team also added the prestigious Stotesbury Cup Regatta in Philadelphia to their list of victories after finishing first among 850 boats from 177 schools in the world's largest high school rowing event.

Thomas Jefferson High School for Science and Technology was established in 1985 as a Virginia Governor's School for Math, Science and Technology. Thomas Jefferson leads the Nation in SAT scores, National Merit Semifinalists, and advance placement credits earned. This highly selective program serves over 1,800 students from Fairfax and surrounding counties in Northern Virginia. No student is selected on the basis of athletic ability, and no one on the dynastical crew had even rowed before coming to TJ. Despite the State's longest school day and most demanding science and mathematics program, the TJ varsity men's crew practice diligently every afternoon at Sandy Run Regional Park on the Occoquan River.

Even with all their athletic success, the team's eight seniors have a truly impressive academic record with five National Merit Finalists, two Eagle Scouts, and one INTEL Science Fair Semi-Finalist. For their exemplary academic and athletic achievements, I would like to extend my most heartfelt congratulations to Ben Ranard, Dan Muir, Tom DellaFera, Lee Rumpf, Ty Otto, Marcos Carzolio, Christian Klein, Will Zeng, Raja Goel and Colin Haas. These young men are led by the varsity coach Jim Granger and assistant coach Andrew Fiebig.

After concluding a remarkable season in the U.S., the TJ Crew team ventured into international waters this summer to compete for the Princess Elizabeth Challenge Cup at the annual Henley Royal Regatta in Oxfordshire, England. In a championship dominated by British schools, TJ aimed to become America's first public high school to win the international title in over 38 years. The TJ Crew team got off to a strong start in the first round and continued to gain momentum as they upset England's Winchester College to break through to the "elite" eight. Despite their best efforts, TJ's bid for the Princess Elizabeth Cup fell short after a heart-rending defeat to Brentwood College School, the Canadian national champions.

Madam Speaker, it is my pleasure to honor Thomas Jefferson High School Men's Varsity Eight Crew for their remarkable success this season.

RECOGNIZING DELLA E. MOSES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. GRAVES. Madam Speaker, I proudly ask you to join me in recognizing Della E. Moses of Elmo, Missouri. Della celebrated her 99th birthday on July 10, 2007 and it is my privilege to offer her my warmest regards on achieving this important milestone. Della is a fine citizen of Missouri and the Elmo community. It is an honor to represent Della in the United States Congress, and I wish her all the best on this birthday and many more in the future.

HONORING AMERICA'S SECOND HARVEST

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate America's Second Harvest of Kentucky's Heartland Food Bank, located in Elizabethtown, Kentucky, for recently celebrating 25 years of charitable service to central and southern central Kentucky.

America's Second Harvest began as a small operation in the basement of Elizabethtown's Christ Episcopal Church in 1982. Founding members struggled at first to raise enough money just to reserve a post office box. Support quickly grew as the community began to understand the mission of the organization.

Over the last 25 years, America's Second Harvest has received and distributed approximately 100 million pounds of donated food and groceries to 170 charity organizations in 35 Kentucky counties.

The food bank now occupies a large warehouse in Elizabethtown, with plans under consideration to extend the facility by another 10,000 square feet. America's Second Harvest

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

representatives are also working to expand the BackPack program, an initiative that offers bags of food to schoolchildren who are likely to go hungry on weekends.

I applaud America's Second Harvest, particularly founders Dot Hansen and Rita Jenkins, for their vision, determination, and continued cooperative efforts to assist those in need.

It is my great privilege to recognize America's Second Harvest today, before the entire U.S. House of Representatives, on the occasion of their 25th anniversary. Their unique dedication to combat hunger in Kentucky communities makes them an outstanding organization worthy of our collective appreciation and respect.

IN REMEMBRANCE OF ROBERT SHAWN JOSLIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. KUCINICH. Madam Speaker, I ask that my colleagues join me in remembering Robert Shawn Joslin, a young man whom I knew well as a volunteer on my political campaigns. I am deeply saddened to learn of his untimely death at the age of 26. Last Saturday, Shawn was murdered at the McDonald's restaurant where he worked.

Shawn was a 2000 Lakewood High School graduate. He played the tuba in the Lakewood High School marching band. He loved sports, especially the Cleveland Cavaliers basketball and the Cleveland Indians baseball teams. He ushered at Indians games at Jacobs Field and got his 2 nieces, Ashley and Alexianna, interested in baseball.

For the last 4 years, he worked at McDonald's. For 2 years he worked at the restaurant in Westlake and for the last 2 years, he worked at the Lakewood McDonald's, closer to his home. He was up for a promotion before he was killed there.

Since his high school years, Shawn was active in civic affairs. He was a tireless campaigner on behalf of myself and other candidates for public office in the Cleveland area. Shawn was always friendly and quick to greet people he knew from the campaigns or from his other activities in sports, music, school, or work. He had a positive attitude and an infectious smile. He had many friends and family members who loved him deeply.

Madam Speaker and colleagues, please join me and Shawn's parents, family members, and many friends in mourning the loss of this positive young man.

IRELAND POWER SHARING RESOLUTION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. GARRETT of New Jersey. Madam Speaker, today, the House recognizes the historic achievement of a power-sharing government in Northern Ireland. After decades of violence, Protestants and Catholics have come together to form a government that fairly represents both sides.

With Ian Paisley as first minister and Martin McGuiness as deputy first minister, this government will be one which both sides can respect and entrust to work toward peaceful resolution of differences.

The joint government and a police force that is admired by both sides will bring an end to the years of "troubles." Nearly 10 years ago when the Good Friday accord was signed it was still doubtful whether the two sides could come to a lasting agreement. Though there were setbacks along the way, the parties were committed to peace and at each opportunity for failure thy chose to lay aside their weapons and negotiate.

The people of Northern Ireland will have a bright future if they maintain the present course. Surely, there will be disagreements but there is now a legislative process to work out such differences.

The peace process in Northern Ireland is now a shining example of how peoples in conflict can put aside long-standing grievances and learn to live in peace. Today, we properly honor and offer our support to those who are working to establish a peaceful and unified government.

INTRODUCTION OF THE NATIVE AMERICAN ECONOMIC DEVELOPMENT AND INFRASTRUCTURE FOR HOUSING ACT OF 2007

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. PEARCE. Madam Speaker, I rise today to introduce the "Native American Economic Development and Infrastructure for Housing Act of 2007." I am joined in this effort by my colleagues, Chairman BARNEY FRANK, Representatives DALE KILDEE, DAN BOREN, and RICK RENZI who I want to thank for their support.

This legislation will help Native Americans build stronger and better communities all across America. The demonstration project embodied in this bill will help Native Americans build not only improved neighborhoods, but the economic infrastructure to support those communities in some of the most rural and impoverished areas in America.

Currently, communities that receive direct funding from the Community Development Block Grant program may borrow or issue bonded debt for up to five times their annual CDBG allocation. This is known as the Section 108 loan guarantee program and encourages economic development, housing rehabilitation, public facilities and large-scale physical development projects.

Title VI of the Native American Housing Assistance and Self-Determination Act, NAHASDA, is similar to the Section 108 statute and allows tribes to borrow or issue bonded debt for up to five times their annual NAHASDA allocation for housing purposes only. The Title VI program has been underutilized in part because the eligible projects are strictly limited to activities that do not generate sufficient income to pay back these loans.

We all know that economic development and infrastructure needs are acute in Indian Country. This legislation gives tribes the same access to vital economic and infrastructure resources that non-tribal communities currently use.

Under this program, an applicant would have to demonstrate to the Secretary that 70 percent of the benefit of the proposed project would go to "low-income Indian families on Indian reservations and other Indian areas." This is similar to the CDBG program, which requires that 70 percent of a project's benefit be for low- and moderate-income families, and ensures that proposed projects meet the need of the communities we all seek to support.

I urge my colleagues to join us in sponsoring this legislation so that we can support the efforts of local tribal communities as they work to improve their infrastructure and economies and to increase opportunities for Native American families.

IN REMEMBRANCE OF ROBERT E. SWEENEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Congressman Robert E. Sweeney, whose tenacious pursuit of peace, justice and equality reached not only Cleveland and Northeast Ohio, but around the world.

As a Member of Congress, Robert supported the Voting Rights Act and fought to eliminate the social problems that plagued our country. As a county commissioner, he was instrumental in creating Cuyahoga County's public defender office, and helped to develop Playhouse Square into one of the largest entertainment districts in the Nation.

As a litigator, Robert fiercely defended the public health and safety, and ensured that all people were treated equally. He was one of the first lawyers in the Nation to uncover the asbestos problem. He also became an outspoken advocate for peace in Northern Ireland, and was responsible for pushing the issue into the national spotlight.

Madam Speaker and colleagues, please join me in remembering Congressman Robert E. Sweeney for his career in public service. Robert was a dear friend whose humor and personality touched thousands of lives. May his dedication to creating a more vibrant Northeast Ohio and a more peaceful world serve as an example to us all.

COMMENDING DAN FETTE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. BURGESS. Madam Speaker, I rise today to commend Mr. Dan Fette of Denton, Texas on starting Dan Fette Builders, Inc.

Mr. Fette graduated from Texas A&M with a BS in Building Construction and a MS in Construction Management. He worked in the construction industry for many years before starting his own company. He set out with the goal to build a few really great houses. He wanted to be able to focus all of his attention on one house so the customer would be exceptionally pleased.

Mr. Fette is currently the chairman of the Green Building Program of the Home Builders Association (HBA) of Greater Dallas and will soon become the president of the HBA Denton Division. The goal of the HBA's Green Building Program is to bring more energy efficient and environmentally friendly homes to the Metroplex. This local effort is being supported by the Green Building Initiative (GBI) and the National Association of Home Builders (NAHB), which will provide area builders with resources and technical support. Additionally, the Green Building Program will maintain a database of "green builders" and "green built" homes in the area for potential homebuyers.

In addition, Mr. Fette is a member of Green Built North Texas, a voluntary partnership of local home builders, industry supporters, and sponsors committed to creating awareness and interest in the construction of higher-performance, lower-impact residential homes in North Central Texas. Members of Green Built North Texas work to meet the highest standards in relation to site management, waste recycling, water efficiency, indoor air quality, energy efficiency, materials, and homeowner education.

In an age when energy conservation is at a critical point, I am honored to represent a man who is using his talents and skills in construction, to better our community. I extend my sincere congratulations to Mr. Dan Fette for starting his own company, Dan Fette Builders, Inc. I wish him success in the future.

IN RECOGNITION OF TOM AND PEGGY RICE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the Tom and Peggy Rice for being awarded the WFTW Humanitarian Award for 2007.

Radio station WFTW News Talk 1260, one of the oldest AM news and talk radio stations in Northwest Florida, has chosen Tom and Peggy Rice in recognition for their extraordinary contributions to countless local fund raising efforts.

Tom and Peggy own the Magnolia Grill, a restaurant in Fort Walton Beach, Florida. Located in a historic home built in 1910, the Magnolia Grill is revered as a local gem for its true southern charm, delicious cuisine, and local historic memorabilia.

Over the past several years, Tom and Peggy have worked tirelessly to help raise funds for numerous non-profit organizations throughout the community. On Saturday mornings, they host pancake breakfast fund raisers and donate all the food, beverages, supplies, and labor for the event.

The Humanitarian Award, an antique street corner clock, sits proudly on display in the lobby of the Magnolia Grill for restaurant patrons to see. On the face of the clock, is a plaque acknowledging Tom and Peggy for their involvement within the community.

As remarkable philanthropists, the Rice's generosity and commitment to service have helped to create a better life for the citizens of Northwest Florida and have made an impression that will last a lifetime.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Tom and Peggy Rice for their exemplary community service and wish them both continued success and happiness.

IN MEMORY OF RICH HERZOG

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. REICHERT. Madam Speaker, I rise today as the former Sheriff of King Country, Washington, to pay tribute to one of my King County Sheriff's Office Deputies, Richard Herzog, who was senselessly killed in the line of duty five years ago this month in the City of Newcastle.

As a Sheriff's Deputy, Rich had an unwavering dedication to the community he served. He made the ultimate sacrifice on June 22, 2002, when his firearm was taken from him. He was shot while protecting the citizens around him. America lost a true hero that day and it is an honor to recognize him here today.

Until a few years ago, I was one of the 870,000 sworn law enforcement officers in this country. I am familiar with the struggles that law enforcement officers face each day—even after facing the most threatening circumstances and risking their lives, officers return to duty at the beginning of their next shift to protect the citizens of their city, county, state and this country.

Deputy Herzog was kind and caring. He served his country not only as a law enforcement officer, but he was also a twenty-year veteran of the United States Army Special Forces.

Deputy Herzog was recently honored by the City of Newcastle at a dedication ceremony unveiling a new memorial in his honor.

The incredible loss of Rich to his wife, SunCha, and daughters, Sonja and Erika—their sacrifice—their husband and father—is still experienced every day and for the rest of their lives.

Madam Speaker, may we never forget the sacrifice the service of Deputy Rich Herzog and all of our fallen officers.

IN TRIBUTE TO ELIAS AND DOROTHY TYLER

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to Dorothy Tyler and her late husband Elias. Twenty years ago this July, they incorporated their organization, the Tyler Youth Group, Inc., which has provided years of programming and support to the children of Aliquippa, Pennsylvania. Their exemplary record of service to their community makes them deserving of high praise.

At the time the Tyler Youth Group, Inc. was founded in 1983, it consisted of a drill team, majorettes, pom pom girls and a drum corps. The Tylers saw the group as a way to serve an unmet need of area youths: The need for after-school programming that would provide kids with productive activities that would help them grow and develop. With a bus they purchased themselves, they took their group to activities and competitions across the region.

Time passed and as both the group and its participants grew, the Tylers added new programming and facilities to meet the needs of the children. They began offering educational and career-oriented activities, and in 1989 they took a rundown, dilapidated building and turned it into a community center for Aliquippa youths and their families. Today, the Aliquippa Tyler Community Youth Center provides a range of activities and services conducive to the healthy growth and development of the area's children.

I am honored to have the opportunity to recognize the Tylers for their tremendous record of service to their community. Their commitment to helping develop healthy, productive young citizens serves as an example to us all.

CELEBRATING THE LIFE OF G. GARY LETSON

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. HONDA. Madam Speaker, I rise today to honor the life of G. Gary Letson, who recently passed away in his Los Altos home on July 4, 2007. Gary dedicated his life to education and believed strongly in the power of teaching. His commitment to enriching science and math programs in our local schools has greatly raised the standard of education and inspired numerous students in our community.

G. Gary Letson was born on December 27, 1936 in San Diego, California to Neil Elizabeth Buck and Allen George Letson. He attended Hoover High School and then San Diego State University where he was a member of the Sigma Pi organization. As soon as he graduated, Gary began his teaching career and continued to serve his students and his community for the rest of his life.

Gary first taught high school science in the Grossmont School District in the San Diego area. He subsequently was named a Fulbright

Scholar from 1964 to 1965 and traveled to Taegu University in South Korea, where he instructed biology teachers on more effective teaching methods. In 1967, he returned to the United States and settled in Santa Clara County, where he taught in numerous high schools over the next three decades.

During his 30 year tenure at the Fremont Union High School District, Gary taught mathematics and science at Sunnyvale High School, where he mentored me through my first formative teaching experience. Gary provided me with the firm foundation not only to teach the subject math, but to teach the whole child. That meant challenging the school administration on many occasions. I know today while we deal with policy his counsel still echoes in my mind saying, "Remember the whole child."

Gary went on to teach at Fremont High School and Monta Vista High School. His passion for his science and math was contagious as he motivated countless students with his innovative teaching methods and enthusiastic pedagogy. Gary treated all his students with the utmost respect and believed strongly in the potential of every young person who walked into his classroom. His sincere concern for his students was apparent in their interactions as he strived not just to teach the material but also to stimulate his students and to create a genuine interest in the subject matter he covered.

After retirement in 1996, Gary remained active in the Los Altos School District as a science aide at Almond Elementary School, a tutor at Mountain View High School and as a substitute teacher in the Mountain View and Los Altos High School Districts. Throughout his career, Gary was a strong proponent of outdoor science education programs and worked hard to introduce innovative curriculum to local high schools. His love for ecology and hands on learning reflected his focus on conservation and environmental awareness, a consciousness that he passed on to his students.

Besides his extensive work in the local school districts, Gary also faithfully served the community at large since the late 1960s through the Saint Thomas Episcopal Church in Sunnyvale. He played a major role in the Our Daily Bread program and also volunteered as a Vestry member and a Senior Warden. He actively assisted the Bible study and outreach programs and was a leader in overseeing church renovations. Gary diligently strove to become an "international Christian", ensuring that his every action was consistent with his beliefs. Furthermore, he was active in local community services including the League of Women Voters. After his retirement, he regularly volunteered as a poll worker in elections.

G. Gary Letson passed away on July 4, 2007 at the age of 70. He is survived by his loving wife of 39 years Jan Letson, his son and daughter-in-law Brian and Amy Letson, and his daughter Mary Letson. Gary left a legacy of excellence in teaching and touched the lives of numerous youth. Throughout his life, he believed strongly in the capacity of youth to make a positive impact on the community and thus devoted his life to guiding future generations on the path to success. We are forever grateful for his commitment to education in the math and science departments, and his contributions will continue to benefit our community long into the future.

COMMEMORATING ARIZONA NATIVE AMERICAN RIGHT TO VOTE DAY SATURDAY, JULY 14, 2007

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. MITCHELL. Madam Speaker, I rise today to honor our Native American communities, 22 federally recognized Arizona tribal nations, representing more than 300,000 community members.

On June 2, 1924, the United States Congress passed the Indian Citizenship Act which guaranteed certain citizenship rights to Native Americans, however in Arizona that did not guarantee their right to vote.

Yet as early as 1863, before citizenship was granted, Pima and Maricopa warriors were serving in the United States Army protecting settlers in the Arizona territory.

Additionally, while Arizona Native Americans were not considered citizens of the United States before World War I, more than 8,000 Native Americans from Arizona served our country in the United States military during World War I.

In 1928, Peter Porter, a Pima from the Gila River Indian Community, courageously filed the initial lawsuit to challenge the denial of Native Americans' right to vote yet his efforts were denied by the Arizona Supreme Court. The Court argued that Native Americans were under federal guardianship.

In 1940 this distinguished body passed the Nationality Act of 1940, reaffirming citizenship of Native Americans, inspiring more than 25,000 Native Americans to serve in our country in the United States military. Yet, they were still being denied the right to vote in Arizona.

In 1947, two brave Yavapai men, Frank Harrison and Harry Austin, filed suit to overturn the 1928 Arizona Supreme Court decision which denied Native Americans the right to vote. The acts of these courage men, members of the Fort McDowell Yavapai Indian Community, a community I am honored to serve and represent in the United States Congress, won the landmark case. On July 15, 1948, the 1928 court ruling was overturned and Arizona's Native Americans confirmed their right to vote.

Sunday, July 15, 2007, is Arizona Native America Right to Vote Day. It is with a great deal of pride that I rise today to honor our Arizona Native American community on this very special day. It is also with great resolve that I reaffirm my commitment to our Native people, honor their sovereignty and urge the United States Congress to honor all commitments conferred with our Native American Tribal Nations.

COMPARISON AND HISTORY TEACH US A LOT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. HALL of Texas. Madam Speaker, I submit for the CONGRESSIONAL RECORD a thoughtful comparison of U.S. military strategy in Vietnam and present-day military operations in Iraq written by Jerry Hogan, a retired Army Lieutenant Colonel who lives in Heath, TX, in the Fourth Congressional District. I urge my colleagues to review and reflect upon this as Congress faces critical decisions in the upcoming months on funding the war on terror.

COMPARISON AND HISTORY TEACH US A LOT

(By Jerry Hogan)

Sometimes it is important that we look at what we have done in the past to make sure we don't make the same mistakes again.

In 1950, believe it or not, the United States established a military assistance and advisory group in Vietnam to advise the French puppet government on strategy and train Vietnamese soldiers. This started America's longest war that did not end until April of 1975 with the infamous "Fall of Saigon" that we saw in our living rooms thanks to the modern miracle of television. For the almost three million of us who served in that war, those pictures on our TV sets burned holes through our heads as we saw first hand what we had done to a country and its people as we abandoned them without finishing the job we helped start.

Unfortunately there are many similarities between the U.S. involvement in Vietnam and our current involvement in Iraq. While we had advisors in Vietnam starting in 1950, our real combat role that saw the buildup of our forces go from 16,000 to 553,000, did not start until after the Gulf of Tonkin incident where, on August 2, 1964, one of our Naval ships was attacked by torpedo boats along North Vietnam's coast. Two days later, another "attack" occurred in about the same place against two more of our ships. These "attacks" led to retaliatory air strikes on our part and caused Congress to approve the Gulf of Tonkin Resolution which gave the president power to conduct military operations in Southeast Asia without declaring war. Later it was determined that the second "attack" was questionable which caused many people to say we entered this conflict under false pretenses. Sound anything like how we got into Iraq according to the opponents of that war?

The Vietnam War is viewed by many historians as a Cold War conflict between the United States, its allies, and the Republic of Vietnam on one side, and the Soviet Union, its allies, the People's Republic of China, and the Democratic Republic of Vietnam on the other. Many others, particularly the vocal opponents to the U.S. involvement in this war, viewed the conflict as a civil war between communist and non communist Vietnamese factions.

Today, the War in Iraq is viewed as a battleground between the US, its allies, and the Republic of Iraq versus the Islamist Jihadis and their allies, Syria and Iran, in the International War on Terrorism. Exchange the words "communist and non communist" with "Sunni and Shiite" and you hear the same arguments today about this war being just a civil war between two opposing religious factions in Iraq. Isn't it amazing how history seems to repeat itself with us Americans?

While actual U.S. combat operations did not start in Vietnam until 1964, U.S. forces assumed full responsibility for training the South Vietnamese Army in 1956 and President Kennedy increased our troop strength from 500 to over 16,000 when he took office. In his inaugural address, he made that famous pledge we know so well: "the U.S. will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and success of liberty." Remember what President Bush continues to say about our support for Afghanistan and Iraq as they held their elections and voted for a democratic form of government and how we would stand with them in their desire for a free and elected democracy? Sounds like two of our presidents so heavily involved with two separate unpopular wars had the same views!

During the Vietnam War, the U.S. had a Draft for supplying personnel needed in the military. President Johnson refused to mobilize the Reserve units during the war as he feared a political backlash. This led to larger draft call ups and the extension of some tours of duty. It also put a heavy strain on U.S. forces committed to other parts of the world. While the military today is an all-volunteer force, the same problems face the services today; tour extensions in Iraq for the Soldiers and Marines, equipment shortages, limited capabilities in other areas of the world, repeated tours of duty in Iraq and Afghanistan, and continued pressure on families of the service men and women. Again, you might think we learned from previous mistakes.

In January of 1968, the forces of North Vietnam launched the surprise "Tet Offensive" in hopes of sparking a national uprising. While the military objectives were not achieved, the U.S. public was shocked and confused over the war as General Westmoreland, the commander in Vietnam, had just predicted "the end comes into view." The American media, which had been largely supportive of the administration, turned on President Johnson for what had become an increasing credibility gap. His approval ratings dropped from 48% to 36%; he declined to run for re-election; and the public's support for the war started a rapid decline. Any of this sound like something you may have heard recently?

In December, 1974, the Congress passed the Foreign Assistance Act of 1974, which cut off all military funding to the South Vietnamese government. The act went on to restrict the number of U.S. military personnel allowed in Vietnam to "no more than 4000 within six months of enactment and 3000 within one year." By April of 1975 only four months after the cutoff of funds and the removal of essentially all U.S. forces, the Republic of Vietnam fell to the victors from the North.

During the Vietnam War, over 250,000 South Vietnamese military were killed and about 1.2 million were wounded. It is estimated that somewhere between two and five million Vietnamese civilians were killed. 58,000 Americans lost their life while 153,000 were wounded. In Iraq today, about 3,500 Americans have been killed and about 18,000 have been wounded. Close to 350 U.S. personnel have been killed in Afghanistan. Statistics on Iraqi and Afghanistan's military and civilian casualties are not available but estimates show they are high as well.

So what does this all mean today? Clearly there are two opposing views as to what should happen in Iraq. The President has been consistent in his view that we are fighting an International War on Terrorism and that freedom and democracy need help in the Middle East. Iraq is a fledgling democracy trying to establish itself after decades of dictatorship and after being made a main battleground by the worldwide Jihadist forces. Strong religious and political forces, both within and outside Iraq, are making the process of democracy very difficult. A military solution will not solve the problems in Iraq; it must be a political solution with a military component. Political will, as much as military might, is a decisive factor in this outcome.

The second view being expressed daily by some of our elected officials in Washington calls for a timetable for withdrawal of U.S. forces from Iraq. In my considered military view, this outlandish stupid course of action takes us right back to the days of Vietnam and is nothing more than a political proposal that leads us once again to watching the "Fall of Saigon" in our living rooms, but this time it will be the "Fall of Baghdad." I really don't want to go through that again . . . and I hope you don't either. Let your elected officials know how you feel.

A SPECIAL TRIBUTE TO CAMPBELL SOUP ON THE OCCASION OF THE FIFTIETH ANNIVERSARY OF THE NAPOLEON OHIO MANUFACTURING FACILITY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay tribute to a special company in northwest Ohio. On July 17, 2007, the Campbell Soup Company will celebrate the 50th anniversary of the largest soup manufacturing facility in the world, located in the town of Napoleon, in the heart of northwest Ohio.

When Campbell's first came to Napoleon, the town of 5,500 was located just 16 miles from what was then the "new" Ohio turnpike alongside some of the most fertile farms in the United States. The combination of abundant resources, a strong transportation network and a terrific work force all helped bring Campbell's to value northwest Ohio.

Few would dispute that the growth of Napoleon to a city of more than 9,000 citizens is tied to the progress of the Campbell's facility. Only 50 years ago, the first cans of Chicken and Rice Soup came off the Napoleon assembly line. With the popularity of products such as canned spaghetti and V8 juice, today the Napoleon facility manufactures nearly 100 million individual products from almost 500 different varieties, ranging from Prego sauces to Swanson broth, and Campbell's full offering of beverage and soup items.

With 65 acres under roof, including more than 2 million square feet to manufacture Campbell's trademark soups, the Napoleon facility remains among Campbell's and the food processing industry's most modern and sophisticated facilities. In almost every year since 1957, Campbell's has invested in new technology at Napoleon that has helped to reach the heights of efficient, quality production that it is legendary for today, from vegetable sorting machines in 1960 to a new plastic bottle expansion in 2004.

Campbell's hasn't just been Napoleon's biggest employer, but also a terrific neighbor and friend to the community and all of northwest Ohio. It started in 1957 with a $100,000 contribution by Campbell's to expand the local hospital, the first of many such donations by Campbell's to improve the community over these past five decades.

Madam Speaker, the real success of Napoleon's Campbell Soup Facility comes not only from its products, but from its people. I have walked this plant, sat in the break room, greeted employees working the lines, and even had a V8 or two. I can tell you firsthand that what makes the Campbell's Soup plant in Napoleon special are its dedicated employees.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the employees and the legacy of Campbell's Napoleon facility. Campbell's Napoleon facility has a rich and storied history of contributions made by thousands of Ohioans who have made their careers there. We're proud to have such a terrific company like Campbell's in northwest Ohio and look forward to many more years of success.

PERSONAL EXPLANATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. TURNER. Madam Speaker, on rollcall No. 609, on a motion to suspend the rules and adopt H. Res. 526—Supporting Home Ownership and Responsible Lending, I am recorded as a "no" vote. I had intended to vote "yes."

CELEBRATING THE 10-YEAR ANNIVERSARY OF THE UNITED STATES-ROMANIAN STRATEGIC PARTNERSHIP

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. ORTIZ. Madam Speaker, as co-chair of the Romanian Caucus, I rise today to celebrate the 10 year anniversary of the launch of the United States-Romanian strategic partnership.

In 1997 the United States and Romania established a strategic partnership resulting in close cooperation and consultations on all issues of common interest, particularly: NATO policies; promoting stability and security in Southeastern Europe, combating non-traditional threats; military and economic reforms in Romania and its region.

After ten years, we look back at the remarkable vision that inspired this unprecedented course in the development of the relations between the United States and Romania.

With utmost determination and U.S. support, Romania has since grown to what is today a trustworthy ally of the United States and one the most respectable and reliable contributors to global security. Romania is a member of NATO and of the European Union, an active player in the Organization for Security and Cooperation in Europe (OSCE) and a significant voice at the UN and in other international and regional organizations at the Black Sea and in Eastern and Southeastern Europe.

Romania has committed to a wide scale set of reforms internally, in its economic, social, justice and administrative sectors. Romania's achievements over the past ten years in its comprehensive internal reforms not only have prompted the country to NATO and EU membership, but serves as a great example of successful transformation to modernity and progress.

This transformation has yielded significant benefits mostly to the Romanian people but also to the Western community and to the transatlantic alliance. Next year in April, Romania will be the host of the NATO Summit, an event of critical importance to the alliance's shape and future. Romania has proved its capability to sustain long term commitments, along with its Western allies, in the fight against terrorism and organized crime.

At the same time, Romania has been an active promoter of tolerance and understanding among ethnic and religious communities. The recent OSCE high level conference on combating discrimination and other forms of intolerance, in Bucharest last June, has had a significant impact on maintaining the public commitment to respecting the most profound human values at the OSCE level. Romania also has taken meaningful steps towards assuming its own painful past through public education about, and remembrance of, the Holocaust.

We must all be proud of these accomplishments that were in large part inspired by the vision of a partnership laid out ten years ago. We also must affirm our duty to continue to build on this growing relation. It is this kind of partnership that continues to give us the power to overcome global challenges.

At this anniversary moment, we must acknowledge the indispensable contribution of the citizens of Romania, and of the Romanian American community to the successful development of our partnership. I congratulate the Romanian people and all its political leaders for their unwavering commitment to building such a strong mutual relation with the United States of America.

HONORING SKYLAND CAMP FOR GIRLS

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. SHULER. Madam Speaker, 90 years ago, the Skyland Camp for Girls was born with the auctioneer's call, "Sold to the lady in the apron." With $3,000, Susan Courtney Harris saved the hotel she loved in Clyde, North Carolina, and created a sanctuary for five generations of young women.

Four generations of the Harris family have kept the camp true to its purpose of building lifelong relationships founded in camaraderie and learning from one another. Mrs. Harris ran the camp until her daughters, Francis Brown and Helen Harris, took over and ran the camp until 1973 . Bunny Brown, bride of Mrs. Harris' grandson Timothy, owns the camp today, and it is run by her daughter Sherry.

I invite my colleagues to join me in celebrating the 90th anniversary of the Skyland Camp for Girls and the generations of vibrant young female leaders it has helped raise in North Carolina.

RECOGNIZING MATTHEW SCOTT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. HALL of Texas. Madam Speaker, I rise today to share an article written about a young man who serves as a member of the city council—guiding and planning for a city that the Dallas News pointed out last February to be in the county seat of the fastest growing county in the United States. I wish to place this article in the CONGRESSIONAL RECORD to highlight the service of one unusually well-qualified young family man who finds time to also guide the destiny of my hometown of Rockwall, Texas, as it sheds its rural status and grows into the city of tomorrow. The article speaks for itself as set out in a recent issue of "Texas Super Lawyers 2007 Rising Stars Edition."

GREAT SCOTT

By Paul Sweeney

Why is Matthew Scott, a 39-year-old Dallas attorney, so often described as "a go-to guy"?

Just ask Greg Supan, a former law partner and colleague at the Dallas firm of Bell Nunnally & Martin. Not long ago, Supan got a last-minute, out-of-the-blue telephone call: An old fraternity brother from the University of Texas was relocating his oral surgery practice from Houston to Dallas. He urgently needed help in structuring an employment agreement between him and his new dentistry group.

Unfortunately, the attorney who assured Supan he could handle the assignment called back three days later and announced he was going on vacation. "He told me that I didn't tell him it was time-sensitive," Supan recalls, exasperation creeping into his voice.

So he turned to Scott, all 6 feet 6 inches of him. The former basketball player at the University of Iowa has, over the last decade, become an avid Texan—so much so that he won election to the city council in the bedroom community of Rockwall.

"At that point we had 24 hours to get the assignment done," Supan says, "and Matt, an expert in employment law, dropped everything to help out. He ended up doing a great job on what was actually a very complicated partnership. The client was thrilled." Supan adds: "When you're down by two, you pass the ball to him. He's a real buzzer-beater."

Amid the book-lined suite of offices at Bell Nunnally one hears similar stories, not just about Scott's dependability but also about his work ethic. Sherri Alexander, who heads the litigation section at the firm, says, "At our business-development meetings, where the partners get together to talk about work, and about which new clients have been contacted recently, Matt's always willing to participate." Praising his sense of timing, she adds, "Not too much—but not too little either."

"And when I have to go out of town on business," she says, "I can always trust him to deal directly with a client and handle things well in my absence."

The bottom line? "He has his own docket," she says, "plus the city council. But if somebody needs help, he always goes the extra mile."

The only son of a union printer and his Iowa farm wife, Scott grew up in Des Moines, where his childhood had its rough patches. He was bused to schools across town, an experience that put him in contact with a tough crowd. The experience helped teach him how to get along with people from different backgrounds, an ability that he inherited from his mother, who set an example of unpretentiousness.

Scott attributes his work ethic to his father, a veteran of World War II who saw plenty of action—and bloodshed—in the Pacific. He describes his father (both of his parents are deceased) as someone who insisted on order and neatness, took pride in his work, seldom missed a day on the job in 44 years and was always straight with people. "Dad was the most honest person I've ever known," he says. "And loyal, too."

Those loyalties extended to his employer, his co-workers and his labor union. But there was never any question that his son would have a different kind of life. His father often lamented the fact that he had not taken advantage of the educational opportunities offered by the GI Bill, Scott says, "and it was always very clear that I was going to college."

He majored in psychology and played basketball as a walk-on shooting guard. He didn't get a lot of playing time; yet his coach, Tom Davis, hails him as an important asset to a team that sent several players to the NBA.

"I remember Matt Scott as a motivated and aggressive athlete, a good team player who fit in well," says Davis, now the head coach at Drake University in Des Moines—where Scott graduated from law school. "And he was also coachable, someone who could accept criticism and was willing to make changes that would help the team.

"Maybe he was the 10th man on the team when we could only play five," the coach adds. "But I recall what a good teammate Matt was. He was somebody people liked to be with, and practice with, and travel with—and he had a great work ethic."

Some 40 minutes east of Dallas, such comments are echoed by colleagues in the chambers at the spanking-new city hall in Rockwall, seat of Rockwall County, the fastest-growing county in Texas. Scott, who describes himself as a staunch Republican, nonetheless works well with all members of the seven-person council, including dyed-in-the-wool Democrat Margo Nielsen.

"He's brash and he's smart and he's passionate about the issues," says Nielsen, ex-director of Rockwall County Helping Hands, a nonprofit social services agency. "And as a lawyer" she adds, "he's trained to think holistically and broadly."

Nielsen sings Scott's praises for his efforts to bring city services to Lake Rockwall Estates. Despite its impressive name, the "estates" is actually a dilapidated mobile-home park that had long been ignored by the city. But, thanks largely to Scott's efforts, Nielsen says, the city is in the process of annexing the unincorporated area and will soon provide, among other things, water and sewer services, trash pickup and improved roads.

"It's not the kind of issue that most city leaders look for," Nielsen says. "There are no political rewards. But under Matt's leadership, it's getting done."

Although he is still in his first term on the council, Scott has also won the confidence of Rockwall's mayor, Bill Cecil, a retired contract-director with the Department of Defense. "He's my mayor pro tem," Cecil says, bragging about Scott the way the famous outlaw Butch Cassidy might say: "That's my sidekick, 'The Sundance Kid.'"

Together, Scott and Cecil share a keen interest in economic development, typified by $20 million in public spending that the city is lavishing on a new harbor at nearby Lake Ray Hubbard. Replete with fountains, pools, a waterfall and even.a "mini-riverwalk," the public-works project is luring private-sector financing for lakeside condominiums, retail stores and office space. On a tour of the Mediterranean-style construction that is under way, both men are buoyant. "This will be a big economic engine for the city," says Scott.

In junior high school, Scott says, he visited Texas during a winter break and played tennis in shorts and a T-shirt while several inches of snow blanketed the ground back in Des Moines. He vowed that he would someday make balmy Texas his home—a pledge that he kept soon after he completed law school. Staying on a friend's sofa in Dallas, he studied for—and passed—the Lone Star State bar exam.

Newly married and with his ticket punched for practicing law, Scott and his wife pulled up stakes and set out for Texas. Arriving in Dallas, neither had a job lined up. "We had two cars, the stuff in our apartment, and a couple of thousand dollars in wedding money," he says. "That was it."

After honeymooning in Cancun, the couple job-hunted in earnest. His wife found work as a legal secretary and Scott worked as a contract attorney. Ever the walk-on, he landed a job at Cooper, Aldous & Scully in the same way that he made the team at Iowa: by being aggressive.

He met one of the partners, Dallas lawyer Charla Aldous, during a deposition. "I asked her if she was hiring," he recalls, "and she said 'maybe' and I pulled out a résumé and then I got an interview."

He got hired and moved to Bell Nunnally in June 1999.

At Bell Nunnally, Scott has been making a name for himself handling the full panoply of employment law, including discrimination, workers' compensation and sexual harassment cases. His expertise was ratified when District Judge Martin Feldman in Louisiana selected him to chair the U.S. 5th Circuit Court of Appeals' draft of the pattern jury charges for employment law. It took more than three years of effort getting the seven-member committee to find common ground.

His skill at being a team player came in handy there as well. One of his law partners, Thomas Case, lauds Scott for his ability to build bridges between the plaintiff and defense attorneys who were evenly represented—and divided—on the committee. "The way he ran [the committee] was by trying to reach consensus," Case says. "When they couldn't reach agreement, they put their differences in the footnotes" (That makes it "subject to further development by the district courts," Case adds.)

Case—who is 20 years Scott's senior and is something of a mentor to him—says that employment law cases are often "emotionally charged." He says people become so attached to their jobs—and so identified by what they do—that "trying employment cases is an awful lot like dealing with death or divorce."

Although Texas is an "employment at will" state—which means that, in the absence of a contract or labor-union agreement, termination does not require cause—juries may nonetheless feel sympathy for a plaintiff who has lost his or her job. But one of Scott's strongest suits is that "he has a good appreciation for what will or won't play with a jury," Case says. "Jurors have all been employees, and it's likely that a few of them have had an adverse experience with an employer."

One of the hardest parts of Scott's job can be convincing a client that what seems like an obvious argument for an employee's dismissal will not only leave a jury unmoved but could be inadmissible. Scott recalls a recent case in which the owner of an apartment complex fired a maintenance worker who was not only doing sub-par work but had a criminal record.

But the, employer was miffed when she learned that Scott was not willing to introduce the ex-employee's criminal record. "She was British and frustrated that someone could file a lawsuit against her but she couldn't bring up the person's criminal record," Scott. says. "She wasn't familiar with the U.S. judicial system."

Despite his best efforts at negotiating a compromise, Scott says that he had to remove himself from the case. "The sticking point was what I told her I would—and wouldn't—do," he says. "She thought we could use [the plaintiff's criminal record] to make the lawsuit just go away," he adds. "Smaller clients get frustrated and don't understand that the process takes time."

In a state known for its flamboyant trial attorneys, Scott's colleagues cite his straightforwardness and plain speaking as a key asset in the courtroom. "He does a good job at presenting his position and of being himself," Case says. "Young lawyers don't realize that what works best is just being who they are. Juries appreciate someone like Matt who comes across as solid and sincere and prepared. Juries have a knack at seeing through an act."

Now the father of three young children, Scott has ambitions for higher office when he is finally term-limited after six years on the Rockwall City Council. "Anyone who runs for public office and says he doesn't have higher political ambitions is a liar," he says. "Sure, I have higher political ambitions. I already ran for the state House [in Iowa] when I was in law school.

"So, yes, I'd like to hold other offices. But the Texas Legislature is out because it is a part-time job that would destroy my full-time job. So I'd have to look at something that either allowed me to continue practicing law, as the city council does, or something that would be a fulltime, paying job that replaces my legal pracrice.

"So right now I have no idea what my ambitions are," he says. "But, yes, I do have them."

TRIBUTE TO CREDIT UNION AND COMMUNITY LEADER RALPH GOODWIN

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay tribute to an outstanding American and Oregonian, Mr. Ralph Goodwin, and to draw my colleagues' attention to the tremendous contributions Ralph has made to his industry and community.

Madam Speaker, this weekend I will have the honor of attending in picturesque John Day, Oregon the community celebration to commemorate Ralph Goodwin's retirement and the good he has done for his state and community.

On July 13, 2007, after 28 years of highly successful credit union leadership, Ralph will formally relinquish the reigns as CEO and president of the Old West Federal Credit Union. When Ralph assumed the top post in 1979 with what was then called the Grant County Federal Credit Union, membership numbered 800 and assets were $2.5 million. As Ralph enters retirement, he leaves the Old West Federal Credit Union in excellent shape with over 7,500 members in four branch offices serving eight counties in eastern Oregon and assets of over $80 million. The positive growth under Ralph's leadership is remarkable, and a testament to how Ralph has always conducted business.

A true believer and advocate in the credit union movement, Ralph Goodwin's contribution to the communities of eastern Oregon and credit union philosophy is second to none. Through the World Council of Credit Unions, Ralph has participated in and been an indispensable part of efforts to bring credit unions and credit union philosophy to underdeveloped countries in the world, traveling to the Philippines and Uzbekistan to further this goal. Ralph's many years of civic leadership and steadfast commitment to the rural communities he has served has made a rewarding impact on many credit union members and employees that have benefited from his financial guidance and leadership example.

Throughout the credit union movement in Oregon and nationally, Ralph Goodwin is recognized as a leader and visionary whose passion and commitment to the credit union motto of people helping people is a core attitude of how credit union business is conducted. The high regard Ralph's colleagues have for him is exemplified by the service he has delivered and acknowledgment he has received on the state and national level, including being chosen as the Advocate of the Year by the Credit Union Association of Oregon as well as receiving the association's Distinguished Service Award, the highest honor bestowed upon an individual. Ralph is also well known and respected by many members on both sides of the political aisle in the Oregon Legislature and United States Congress as they can always rely on solid and straightforward information from him regarding credit union policy.

I ask my colleagues to join me in paying tribute to Ralph Goodwin, and delivering our thanks for the tremendous good he has fostered in the credit union movement and throughout Oregon. Ralph can now finally take a break with his lovely wife, Toni, and their seven children and 15 grandchildren.

Thank you for all that you've done, Ralph. I'm very proud to count you and Toni as my good friends, and wish you both the best over many happy years to come.

HONORING JONATHAN MICHAEL ROSSI

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to honor PFC Jonathan Michael Rossi, who was killed on July 1, 2007, in Baghdad, Iraq, in support of Operation Iraqi Freedom.

Jonathan was part of the B Company, 2nd Battalion, 12th Cavalry Regiment, 1st Cavalry Division stationed in Fort Bliss, Texas, and was killed when his patrol encountered an insurgent attack involving an improvised explosive device and small-arms fire.

I did not have the privilege of knowing Private Rossi personally, but by all accounts he was a courageous young man who was devoted to serving his country and family. Jonathan grew up in Safety Harbor, Florida. Following his longtime dream and strong sense of duty to country, he joined the Army only two months after graduating from Countryside High School in 2005.

Jonathan was reserved young man who had spent much of his youth with the goal of service his country. Having lost his mother at a young age to cancer, he demonstrated a sense of courage and strength, which he brought to the battlefield.

During his short time as an Army infantryman, Jonathan earned a great deal of recognition for his service. Among his many awards and honors are a Bronze Star Medal, Purple Heart, Combat Infantrymen Badge, Parachutist Badge, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, the Global War on Terrorism Service Medal, Army Service Ribbon and the Overseas Service Ribbon.

Madam Speaker, my heart aches for Jonathan's family. He leaves behind his father, Michael, who also faithfully served his country for 20 years, and 7 siblings and step-siblings. May God bless the Rossi family and continue to watch over the country that Private Rossi so loved. We shall never forget him.

ON THE 12TH ANNIVERSARY OF THE SREBRENICA GENOCIDE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. SMITH of New Jersey. Madam Speaker, this week the world paused to remember and reflect on the horrific acts of brutality, wanton cruelty and mass murder committed in Srebrenica a mere 12 years ago.

On Sunday, I joined a distinguished group of leaders and survivors to honor those brave Bosniaks who suffered and died—victims of the genocide.

Among those who led the solemn ceremony was Dr. Mustafa Ceric, the Reis-ul-Ulema, President of the Council of Ulema in Bosnia. Reis Ceric is an inspiring man of God and internationally recognized as a man of peace and extraordinary compassion—and a friend.

Also there was President Haris Silajdzic, a Bosnian leader I have known and deeply respected since the early 90s. Dr. Silajdzic, throughout the darkness and moral confusion of the Balkan war was a powerful, persistent, reasonable and dynamic voice for peace, human rights, the rule of law and accountability for genocide.

In my remarks, I tried to convey to our Bosnian friends that Americans and others of goodwill throughout the world again extend their deepest condolences and respect to the mothers and surviving family members who have endured unspeakable sorrow and loss that time will never abate. I assured the survivors of our earnest prayers.

Madam Speaker, the international community must recommit itself to apprehending and bringing to justice once and for all those who perpetrated these heinous crimes, including Mladić and Karadzić.

Justice is the essential prerequisite to sustainable reconciliation. No matter how long it takes, we must never tire or grow weary in the pursuit of justice. Renewal and a further consolidation of democracy must be rooted in systemic reform, including police reform. Perhaps some of the lessons learned from successful initiatives in Northern Ireland might have application there.

Looking back, it is almost beyond comprehension that the Srebrenica genocide occurred at all.

Future historians, Madam Speaker, will be hard pressed to ever understand how a UN Security Council designated "safe area," guarded by a significant deployment of UN peacekeepers, backed up by NATO's superior air power, could have capitulated in the face of unmitigated evil and enabled one of the most despicable acts in human history.

After Bosnian Serb forces attacked elements of UNPROFOR beginning in early July 1995, a series of gross miscalculations, mistakes and betrayal quickly led to the systematic slaughter of over 8,000 Bosniaks, mostly men.

Adding unnecessary insult to injury some in the international community further exacerbated matters by employing euphemisms that masked the reality of the genocide. Somehow, they just couldn't utter the word genocide.

Nevertheless, the International Tribunal for the Former Yugoslavia found "beyond any reasonable doubt that a crime of genocide was committed in Srebrenica." More recently, the verdict of the International Court of Justice that genocide occurred in Srebrenica begs the question: What are the consequences?

Two years ago, I authored a resolution that overwhelmingly passed the U.S. Congress that clearly and unambiguously condemned the Srebrenica genocide and stated in part that "all persons indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) should be apprehended and transferred to The Hague without further delay, and all countries should meet their obligations to cooperate fully with the ICTY at all times . . ."

Madam Speaker, the genocideurs would like nothing better than that we forget. And that, of course, is something we cannot do. Ever.

LINKS BETWEEN OIL, POVERTY, AND CORRUPTION ON CONTINENT OF AFRICA

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Ms. WATSON. Madam Speaker, I rise today to address the links between oil, poverty, and corruption that plague too many people on the continent of Africa.

Kensington International is a United States-based firm that is owed money by the Government of the Republic of Congo. In an effort to collect on its debts, Kensington took the Government of the Republic of Congo to Court in Hong Kong. The Government of Congo, based in Brazzaville, had claimed that, because of the poverty of their nation, that they were unable to pay their debts.

I would encourage my colleagues to examine the documents produced as evidence in this court case. They are available on the Internet at www.globalwitness.org, under the heading, "Congo: Is President's son paying for designer shopping sprees with country's oil money?"

The documents online include:

1. Bill for credit card spending by Mr Christel (son of President, head of Cotrade) on luxury items and other apparently personal expenses.
2. Bank letter indicating that Long Beach Ltd is paying credit card bills for Mr Christel.
3. Corporate record identifying Mr Christel as the owner of Long Beach.
4. Credit card bill for Blaise Elenga, counsel to Cotrade, also indicating apparently personal expenses.
5. Bank letter indicating that E Investments Ltd is paying credit card bills for Mr Elenga.
6. Corporate record identifying Mr Elenga as the owner of E. Investments, formerly known as Elenga Investments.
7. Document indicates business relationship between Long Beach, Elenga Investments and Sphynx Bermuda, the latter a company controlled by Denis Gokana, found by the London High Court in November 2005 to be involved in selling state oil through shell companies, a facade intended to deceive Congo's creditors, from which he personally profited and at considerable cost to the Congolese Treasury.
8. Documents indicating payments to Long Beach and Elenga Investments by Pan Africa, a company involved in oil-related transactions with the Congolese state oil company.
9. Bank documents indicating payments to Elenga Investments by Africa Oil and Gas Corporation (AOGC), which was described by the London court in 2005 as a "sham company" involved in "sham transactions", the profits of which ended up in AOGC.
10. Bank documents indicating payments to Long Beach from AOGC.

11. Documents indicating that Long Beach received payments related to sales of Congolese oil by the state oil company.

These documents are important because they raise serious questions about what appears to be personal financial transactions to the benefit of public officials with funds that may derive from state oil sales. This comes at time when 70 percent of Congolese citizens earn less than a dollar a day. Because commitments to prevent conflicts of interest in the oil sector are a key condition for Congo to receive full debt relief, I am concerned that these documents show a blatant failure to comply with the commitments they made as part of the Highly Indebted Poor Countries Initiative, also know as "HIPC". The Republic of Congo committed to the United States, and the international community, in March 2006, that, in return for progressing towards full HIPC debt relief, that it will carry out reforms of the oil sector including "preventing conflicts of interest in the marketing of oil [and] requiring officials of SNPC [the state oil company] to publicly declare and divest any interests in companies having a business relationship with SNPC." The context of this commitment is strong U.S. Congressional and international concern about corruption in the oil sector in Congo. One of the conditions of the HIPC program is the completion of a diagnostic study on SNPC's marketing of oil by independent auditors, which is not yet completed. The U.S. supports the strengthening of the HIPC triggers in relation to oil sector transparency and anti-corruption measures. These concerns are particularly acute given the Congo's reputation for serious corruption.

Madam Speaker, too many African governments are unable to serve their people because of the crushing burden of international debt. Debt relief for Africa needs to be a top priority for the United States, in order to enable these governments to serve their people. But we owe it to the people of Africa to do debt relief right. We need to make sure that we are not rewarding governments that are not serving as good stewards of their citizens' national wealth. I urge my colleagues to join me in pressing forward to relieve current African debt while simultaneously working to prevent the debt cycle from starting all over again.

HOUSE OF REPRESENTATIVES—*Friday, July 13, 2007*

The House met at 4 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your hardworking people deserve a just reward for their labor. In the workaday world of our society, most people look forward to some relaxation and enjoyment with family or friends over a weekend.

Be with Members of Congress as they return to their families and their districts. Bless them with safe travel. May peace await them in their homes.

Let them praise and thank You, Lord, as they worship with others who will renew them in faith and lift them up in prayer this weekend.

Be Lord of the Sabbath to them both now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin come forward and lead the House in the Pledge of Allegiance.

Mr. OBEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPORT ON H.R. 3043, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008

Mr. OBEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–231) on the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ADJOURNMENT

Mr. OBEY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, July 16, 2007, at 12:30 p.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the first quarter of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MOLDOVA, UKRAINE, GEORGIA, AUSTRIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 30 AND APR. 11, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Price	3/30	4/11	Moldova, Ukraine, Georgia		1,822.00		6,262.00				8,084.00
Hon. Allyson Schwartz	3/30	4/7	Moldova, Ukraine, Georgia		1,522.00		9,319.00				10,841.00
Bill Schuster	3/30	4/7	Moldova, Ukraine, Georgia		2,170.00		8,468.00				10,638.00
John Lis	3/30	4/7	Moldova, Ukraine, Georgia		2,170.00		8,468.00				10,638.00
Tommy Ross	3/30	4/7	Moldova, Ukraine, Georgia		2,170.00		8,468.00				10,638.00
Alexandra Veitch	3/30	4/7	Austria, Ukraine, Georgia		1,628.00		6,846.00				8,474.00
Other CODEL expenses Ukraine	4/1	4/3	Ukraine						4,849.00		4,849.00
Other CODEL expenses Georgia	4/3	4/6	Georgia						10,869.00		10,869.00
Other CODEL expenses Austria	4/6	4/7	Austria						2,088.00		2,088.00
Other CODEL expenses Moldova	3/31	4/1	Moldova						5,606.00		5,606.00
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID E. PRICE, Chairman, May 11, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mark Steven Kirk	12/27	12/28	Hawaii				(3)				
	12/28	12/30	Guam				(3)				
	12/30	1/2	China		1,381.00		(3)				1,381.00
Hon. Norman Dicks	2/20	2/21	Turkey		396.00		(3)				396.00
	2/21	2/21	Afghanistan				(3)				
	2/21	2/22	Pakistan		331.22		(3)				331.22
	2/22	2/23	Kuwait		408.63		(3)				408.63
	2/23	2/24	Iraq				(3)				
	2/24	2/25	Kuwait		408.63		(3)				408.63
	2/25	2/26	Germany		374.00		(3)				374.00
Miscellaneous embassy costs									919.32		919.32
Hon. Marcy Kaptur	2/20	2/21	Turkey		396.00		(3)				396.00
	2/21	2/21	Afghanistan				(3)				
	2/21	2/22	Pakistan		331.22		(3)				331.22

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/22	2/23	Kuwait		408.63		(3)				408.63
	2/23	2/24	Iraq				(3)				
	2/24	2/25	Kuwait		408.63		(3)				408.63
	2/25	2/26	Germany		374.00		(3)				374.00
Miscellaneous embassy cost							(3)		919.32		919.32
Hon. Steven R. Rothman	2/20	2/21	Turkey		396.00		(3)				396.00
	2/21	2/22	Pakistan		331.22		(3)				331.22
	2/22	2/23	Kuwait		408.63		(3)				408.63
	2/23	2/24	Iraq				(3)				
	2/24	2/25	Kuwait		408.63		(3)				408.63
	2/25	2/26	Germany		374.00		(3)				374.00
Miscellaneous embassy costs											
Adam Harris	2/20	2/21	Turkey		396.00		(3)				396.00
	2/21	2/21	Afghanistan				(3)				
	2/21	2/22	Pakistan		331.22		(3)				331.22
	2/22	2/23	Kuwait		408.63		(3)				408.63
	2/23	2/24	Iraq				(3)				
	2/24	2/25	Kuwait		408.63		(3)				408.63
	2/25	2/26	Germany		374.00		(3)				374.00
Miscellaneous embassy costs									919.32		919.32
Hon. Rodney Frelinghuysen	2/20	2/21	Turkey		396.00		(3)				396.00
	2/21	2/21	Afghanistan				(3)				
	2/21	2/22	Pakistan		340.00		(3)				340.00
	2/22	2/23	Kuwait		406.00		(3)				406.00
	2/23	2/24	Iraq				(3)				
	2/24	2/25	Kuwait		406.00		(3)				406.00
	2/25	2/26	Germany		374.00		(3)				374.00
Miscellaneous embassy costs									919.32		919.32
Joshua Hartman	2/20	2/21	Turkey		396.00		(3)				396.00
	2/21	2/21	Afghanistan				(3)				
	2/21	2/22	Pakistan		340.00		(3)				340.00
	2/22	2/23	Kuwait		406.00		(3)				406.00
	2/23	2/24	Iraq				(3)				
	2/24	2/25	Kuwait		406.00		(3)				406.00
	2/25	2/26	Germany		374.00		(3)				374.00
Miscellaneous embassy costs									919.32		919.32
Committee total					12,898.92				515.92		18,414.84

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

——— Apr. 26, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID R. OBEY, Chairman, Apr. 26, 2007.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jane Harman	2/9	2/11	Germany		364.00						364.00
	2/18	2/20	Israel		334.00						334.00
	2/20	2/22	Istanbul		668.00						668.00
							[3] 4,479.60				
Committee total							4,479.60				1,366.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial airfare: Los Angeles to Istanbul charges to be determined by carrier, ticket was reissued in Istanbul. Original itenorary was not completed. Charges are for reissued ticket only.

JANE HARMAN, Chairman, May 16, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Christopher Shays	1/26	1/28	Switzerland		390.00						390.00
Hon. Christopher Shays	1/28	1/29	Greece		186.00						186.00
Hon. Barney Frank	1/23	1/28	Switzerland		1,080.00		6,846.84				7,926.84
Joseph Pinder	3/16	3/19	Guatemala		738.00		595.20				1,333.20
Scott Morris	3/16	3/19	Guatemala		738.00		1,010.20				1,748.20

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BARNEY FRANK, Chairman.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Christopher Shays	1/26	1/28	Switzerland		390.00						390.00
Hon. Christopher Shays[3]	1/28	1/29	Greece								
Hon. Barney Frank	1/23	1/28	Switzerland		1,080.00		6,846.84				7,926.84
Joseph Pinder	3/16	3/19	Guatemala		738.00		595.20				1,333.20
Scott Morris	3/16	3/19	Guatemala		738.00		1,010.20				1,748.20
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Amended to show the return of all per diem to U.S. Treasury.

BARNEY FRANK, Chairman, May 21, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JUANITA MILLENDER-McDONALD, Chairman, Apr. 10, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Peter Hoekstra	2/24	2/25	Europe		334.00						
	2/26	2/27	Middle East		294.00						
Commercial airfare							9,602.98				10,230.98
James Lewis	2/24	2/25	Europe		334.00						
	2/26	2/27	Middle East		294.00						
Commercial airfare							8,605.98				9,233.98
Christopher Donesa	2/24	2/25	Europe		334.00						
	2/26	2/27	Middle East		294.00						
Commercial airfare							8,605.98				9,233.98
Frederick Fleitz	2/24	2/25	Europe		334.00						
	2/26	2/27	Middle East		294.00						
Commercial airfare							8,605.98				9,233.98
Hon. Rick Renzi	2/20	2/22	North America		300.00						300.00
George Pappas	2/20	2/22	North America		300.00						300.00
Pamela Moore	2/20	2/22	North America		300.00						300.00
Hon. Silvestre Reyes	2/17	2/18	Africa		190.00		(3)				
	2/18	2/19	Middle East		258.00		(3)				
	2/20	2/22	Middle East		280.00		(3)				
	2/22	2/23	Africa		143.00		(3)				
	2/23	2/24	Europe		130.00		(3)				1,001.00
Hon. Rush Holt	2/17	2/18	Africa		190.00						
	2/18	2/19	Middle East		258.00						
	2/20	2/21	Middle East		140.00						
Commercial airfare							1,791.10				2,379.10
Hon. Dutch Ruppersberger	2/17	2/18	Africa		190.00		(3)				
	2/18	2/19	Middle East		258.00		(3)				
	2/20	2/22	Middle East		280.00		(3)				
	2/22	2/23	Africa		143.00		(3)				
	2/23	2/24	Europe		334.00		(3)				
											1,001.00
Hon. Darrell Issa	2/17	2/18	Africa		190.00						
	2/18	2/19	Middle East		258.00						
	2/20	2/21	Middle East		140.00						
Commercial airfare							1,791.10				2,379.10
Michael Delaney	2/17	2/18	Africa		190.00		(3)				
	2/18	2/19	Middle East		258.00		(3)				
	2/20	2/22	Middle East		280.00		(3)				
	2/22	2/23	Africa		143.00		(3)				
	2/23	2/24	Europe		130.00		(3)				
											1,001.00
Wyndee Parker	2/17	2/18	Africa		190.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2007—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/18	2/19	Middle East		258.00		(3)				
	2/20	2/22	Middle East		(3)						
	2/22	2/23	Africa		143.00		(3)				
	2/22	2/24	Europe		130.00		(3)				
											1,001.00
Eric Greenwald	2/17	2/18	Africa		190.00		(3)				
	2/18	2/19	Middle East		258.00		(3)				
	2/20	2/22	Middle East		280.00		(3)				
	2/22	2/23	Africa		143.00						
	2/23	2/24	Europe		130.00						
											1,001.00
Larry Hanauer	2/17	2/18	Africa		190.00		(3)				
	2/18	2/19	Middle East		258.00		(3)				
	2/20	2/22	Middle East		280.00		(3)				
	2/22	2/23	Africa		143.00		(3)				
	2/23	2/24	Europe		130.00		(3)				
											1,001.00
Jay Heath	2/17	2/18	Africa		190.00		(3)				
	2/18	2/19	Middle East		258.00		(3)				
	2/20	2/22	Middle East		280.00		(3)				
	2/22	2/23	Africa		143.00		(3)				
	2/23	2/24	Europe		130.00		(3)				
											1,001.00
Jamal Ware	2/17	2/18	Africa		190.00		(3)				
	2/18	2/19	Middle East		258.00		(3)				
	2/20	2/22	Middle East		280.00		(3)				
	2/22	2/23	Africa		143.00		(3)				
	2/23	2/24	Europe		130.00		(3)				
											1,001.00
Committee total											51,599.12

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

SILVESTRE REYES, Chairman, May 2, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2479. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruit from Thailand [Docket No. APHIS-2006-0040] (RIN: 0579-AC10) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2480. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Addition of Cumberland County, NJ, to the List of Quarantined Areas [Docket No. APHIS-2007-0067] received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2481. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Case Number 04-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2482. A letter from the Acting Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Central Heat Plant function at Malmstrom Air Force Base, Montana, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2483. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the annual report on operations of the National Defense Stockpile (NDS), detailing NDS operations during FY 2006 and providing information with regard to the acquisition, upgrade, and disposition of NDS materials, as well as the financial status of the NDS Transaction Fund for FY 2006, pursuant to 50 U.S.C. 98h-2; to the Committee on Armed Services.

2484. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting an annual report entitled, "Defense Acquisition Challenge Program: Fiscal Year 2006," pursuant to 10 U.S.C. 2359b(j); to the Committee on Armed Services.

2485. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2486. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — Centers for Independent Living Program--Training and Technical Assistance — received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2487. A letter from the Director, OLMS-Office of Policy, Reports & Disclosure, Department of Labor, transmitting the Department's final rule — Labor Organization Officer and Employee Report, Form LM-30 (RIN: 1215-AB49) received July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2488. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Petition to Request an Exemption From 100 Percent Identity Testing of Dietary Ingredients: Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements [Docket No. 2007N-0186] (RIN: 0910-AB88) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2489. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — National Vaccine Injury Compensation Program: Calculation of Average Cost of a Health Insurance Policy (RIN: 0905-AA68) received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2490. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of Section 629 of the Consolidated Appropriations Act, 2004 (National Broadcast Television Ownership) — received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2491. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, August 6, 2004, August 2, 2005, and August 6, 2006 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

2492. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's notification of the intention to obligate up to $17.0 million in FY 2007 funds for the Cooperative Threat Reduction Program, pursuant to Public Law 109-364, section 1302; to the Committee on Foreign Affairs.

2493. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2006 annual report on the operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act, pursuant to 7 U.S.C. 17381; to the Committee on Foreign Affairs.

2494. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

2495. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

2496. A letter from the Chief Operating Officer/Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2497. A letter from the Secretary, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2498. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2499. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Award Fee Administrative Changes (RIN: 2700-AD33) received July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2500. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualifying Gasification Project Program [Notice 2007-53] received June 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2501. A letter from the Acting Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Extension of the Expiration Date for Several Body System Listings [Docket No. SSA-2007-0026] (RIN: 0960-AG51) received July 9, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. VISCLOSKY: Committee on Appropriations. Supplemental report on H.R. 2641. A bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–185 Pt. 2).

Mr. OBEY: Committee on Appropriations. H.R. 3043. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–231). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 980. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions, with an amendment (Rept. 110–232). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 375. Resolution honoring United Parcel Service and its 100 years of commitment and leadership in the United States; with an amendment (Rept. 110–233). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Financial Services and Ways and Means discharged from further consideration. H.R. 957 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCHUGH:

H.R. 3044. A bill to promote the use of anaerobic digesters by agricultural producers and rural small businesses to produce renewable energy and improve environmental quality; to the Committee on Agriculture.

By Mr. WALZ of Minnesota (for himself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. ELLISON, Mr. KLINE of Minnesota, Mrs. BACHMANN, and Mr. RAMSTAD):

H. Con. Res. 185. Concurrent resolution commending the 1st Brigade Combat Team/34th Infantry Division of the Minnesota National Guard upon its completion of the longest continuous deployment of any United States military unit during Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. CHABOT:

H. Res. 545. A resolution expressing the sense of the House of Representatives regarding the border fence dispute with Mexico; to the Committee on Foreign Affairs.

By Mr. MEEKS of New York (for himself, Mr. BURTON of Indiana, and Ms. JACKSON-LEE of Texas):

H. Res. 546. A resolution recognizing Mukhtar Mai for her courage and her humanitarian work; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mrs. TAUSCHER.

H.R. 652: Mr. UDALL of New Mexico.

H.R. 957: Mr. LINCOLN DIAZ-BALART of Florida, Mr. SAXTON, and Mr. GINGREY.

H.R. 1076: Mr. DAVIS of Illinois, Mrs. EMERSON, and Mr. KLINE of Minnesota.

H.R. 1174: Mr. WAXMAN.

H.R. 1518: Mr. CLAY.

H.R. 1671: Mr. FATTAH.

H.R. 1974: Mr. PETERSON of Minnesota.

H.R. 2003: Mr. BISHOP of Georgia, Mr. TOWNS, Ms. NORTON, Mrs. JONES of Ohio, Mr. AL GREEN of Texas, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Ms. MOORE of Wisconsin, Mr. HASTINGS of Florida, Mr. PASTOR, Mr. ROTHMAN, Mrs. CHRISTENSEN, Mr. MILLER of North Carolina, Mr. GRIJALVA, Ms. SOLIS, Mr. OLVER, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. SIRES, Mr. MCDERMOTT, Mrs. CAPPS, Mrs. TAUSCHER, Mr. FARR, Mr. KENNEDY, Mr. RODRIGUEZ, Mr. CROWLEY, Mr. NADLER, Mr. WEINER, Ms. VELÁZQUEZ, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Ms. HIRONO, Ms. HERSETH SANDLIN, Mr. DAVIS of Alabama, Mr. ELLISON, Ms. LEE, Mr. JOHNSON of Georgia, Ms. CLARKE, Ms. CARSON, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Ms. WATERS, Mr. CONYERS, Mr. SCOTT of Georgia, Mr. PRICE of North Carolina, Ms. ZOE LOFGREN of California, Mr. CLEAVER, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. BUTTERFIELD, Ms. JACKSON-LEE of Texas, and Mr. WATT.

H.R. 2219: Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCAUL of Texas, and Mr. WILSON of Ohio.

H.R. 2220: Mrs. BOYDA of Kansas.

H.R. 2234: Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, and Mr. JONES of North Carolina.

H.R. 2266: Mr. CAPUANO and Mr. STARK.

H.R. 2332: Mr. RANGEL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BONNER, Mrs. DRAKE, Mr. GINGREY, and Mr. KIRK.

H.R. 2373: Mr. COHEN.

H.R. 2405: Mr. HOBSON and Mr. LAHOOD.

H.R. 2477: Mr. CARDOZA.

H.R. 2585: Mr. LATOURETTE.

H.R. 2612: Mr. SMITH of Washington.

H.R. 2676: Mr. HOBSON, Ms. ROS-LEHTINEN, Mr. UPTON, and Mr. HIGGINS.

H.R. 2781: Mr. KUHL of New York, Mr. COHEN, Mr. PAYNE, Mr. MOORE of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, Mr. BOSWELL, and Mr. WATT.

H.R. 2784: Mr. MCHENRY, Mr. BRADY of Texas, Mr. KANJORSKI, Mr. HOLDEN, Ms. HERSETH SANDLIN, Mr. LINCOLN DAVIS of Tennessee, Mr. ORTIZ, Mr. JEFFERSON, Mr. SHIMKUS, Mr. PRICE of Georgia, Mr. MCCARTHY of California, Mr. WAMP, Mr. PENCE, Mr. GOODE, Mr. BARRETT of South Carolina, Mr. ADERHOLT, Mr. LINDER, Mr. BARTON of Texas, Mr. FLAKE, Mrs. CUBIN, Mr. BAKER, Mr. ALEXANDER, Mr. REHBERG, Mr. JINDAL, Mr. BOUSTANY, Mr. HOEKSTRA, Mr. RADANOVICH, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. ROHRABACHER, Mr. BOEHNER, Mr. REYNOLDS, Mr. DEAL of Georgia, Mr. AKIN, Mr. LATHAM, Mr. BACHUS, Mrs. MYRICK, Mr. GRAVES, Mr. CANTOR, Mr. LUCAS, Mr. DOOLITTLE, Mr. RENZI, Mr. CARTER, Mr. THORNBERRY, Mr. WICKER, Mr. ROGERS of Michigan, Ms. FALLIN, Ms. GRANGER, Mr. CONAWAY, Mr. SHUSTER, Mr. MCCAUL of Texas, Mr. TANCREDO, Mr. KUHL of New York, Mr. MCHUGH, Mr. SHADEGG, Mr. PITTS, Mr. TIAHRT, Mr. POE, Mr. NEUGEBAUER, Mr. HENSARLING, Mrs. CAPITO, Mr. HALL of Texas, Mr. LEWIS of California, Mr. MANZULLO, Mr. MORAN of Kansas, Mr. PEARCE, Mr. BISHOP of Utah, Mrs. EMERSON, Mr. CANNON, Mr. SALI, Mr. BURTON of Indiana, Mr. DAVID DAVIS of Tennessee, Mr. JORDAN, Mr. WALBERG, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. WELDON of Florida, Mr. REGULA, Mr. MARCHANT, Mr. WALSH of New York, Mr. SOUDER, Mr. LAMBORN, Mr. RYAN of Wisconsin, Mr. ISSA, and Mr. DAVIS of Kentucky.

H.R. 2787: Mr. CLEAVER and Mr. CRENSHAW.

H.R. 2827: Mr. KAGEN.

H.R. 2915: Mr. KAGEN.

H.R. 3008: Mr. WILSON of Ohio and Mr. BISHOP of Georgia.

H. Con. Res. 27: Mr. REICHERT, Mr. COHEN, Mrs. CHRISTENSEN, Mr. KUHL of New York, Mr. PAYNE, and Mr. DAVIS of Illinois.

H. Con. Res. 73: Mr. GARRETT of New Jersey.

H. Con. Res. 167: Mr. MCDERMOTT, Mr. PAYNE, Mr. MOORE of Kansas, and Mr. MCHUGH.

H. Res. 143: Mr. BISHOP of Georgia.

H. Res. 497: Mr. CAPUANO.

SENATE—*Friday, July 13, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, prepare our hearts for the great things You would do within and among us today. Remind us that right conduct exalts a nation, but sin destroys any people. Give us a desire to do Your will, to fulfill Your purposes, and to honor Your Name.

Today, lead our Senators in the path of Your purposes. Remind them that no problem they face is too big for You and no detail too small for Your attention. Help them to be wise stewards of Your resources, as they seek to remain mindful of Your presence and receptive to Your power. Give them the same respect and tolerance for the ideas and beliefs of others as they would wish for themselves.

We pray in the Name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to go immediately to the Defense authorization bill. The debate will be on the Dorgan amendment. Senators DORGAN and SUNUNU will each get 10 minutes to speak this morning. We will vote, I would announce to everyone, as soon as they finish.

There are a number of people who are concerned about the schedule today. If we start to vote early, we will extend the vote for whatever time is appropriate to make sure people have the opportunity to vote. As I indicated earlier this week, the next weeks' work period will be very busy. We should have some late nights and hopefully no weekends, but that is even possible. There will be no votes on Monday.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

LEVIN-REED AMENDMENT

Mr. McCONNELL. Mr. President, the Senate has now had a full day to debate the Levin amendment. The questions I raised about it yesterday remain unanswered. Americans need to know what they are being asked to consider. The troops fighting al-Qaida in Iraq also need to know. I will ask my questions again.

The Levin amendment says the Secretary of Defense shall "commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of enactment of this act." What would this reduction involve? The Levin amendment calls for U.S. forces in Iraq to have a limited presence after the reduction. What is a "limited presence"? The Levin amendment says our Armed Forces should only be used to protect U.S. personnel, to train Iraqis to fight, and to engage in "targeted counterterrorism operations against al-Qaida." What does "targeted" mean? The Levin amendment says the Secretary of Defense shall complete the transition of U.S. forces in Iraq to a limited presence and missions by April 30. How does the author define "complete"?

A number of papers across America reported this morning that yesterday's House vote means that most U.S. troops will be out of Iraq by April. I ask the authors of the Levin amendment, is this true?

This 1½-page amendment is the centerpiece of the Democratic leadership's strategy for Iraq. They want us to choose this over the Petraeus plan. Listen to General Petraeus. Just before we began this debate, he made a simple request. He said:

> I can think of few commanders in history who wouldn't have wanted more troops, more time, or more unity among their partners. However, if I could only have one thing at this point in Iraq, it would be more time.

Our Democratic-led Senate voted 81 to nothing to send General Petraeus into Iraq. A bipartisan majority of 80 Senators told him in May that he had until September to report back on progress. His strategy has led to what even skeptics describe as an encouraging turnaround against al-Qaida in Anbar, a province which accounts for about one-third of Iraq's territory. Yesterday, just 1 month after this strategy became fully manned, Democrats are declaring it a failure and asking us to rally behind a 1½-page alternative that raises more questions, frankly, than it answers.

We have been down this road before. When the President decided to change course in Iraq last year, Democrats said his new strategy wouldn't work. They called it a failure before it began. Now just 1 month after that strategy became fully manned, they are calling it a failure again, even as it has started to show signs of military success.

The Iraq Foreign Minister told us what would happen if America walks away from this fight right now: a sharp increase in violence, thousands of civilian deaths, and a regional conflict that could involve several other countries in that area. Yet the Democratic leadership has yet to address the consequences of withdrawal. Here is their response to concerns about a victory by al-Qaida, genocide, and a regional war in the Middle East: Blame Bush. That may work on the stump, but it is not a very sophisticated foreign policy, and it is not going to solve the great problems we face in Iraq and in the broader Middle East.

Fortunately, many brave people are facing this problem head-on. Our top commander in Iraq says he can win this fight. He told us he wouldn't risk a single American life if he didn't think he could. All he is asking for is time. Can we at least give him what we agreed to in May?

This amendment is not a responsible alternative to the Petraeus plan. It is a page and a half of vague proposals.

Now, look, all of us are frustrated with the war, but we have committed to listen to General Petraeus and Ambassador Crocker. We did so through legislation. We need to listen to our top commander in the field. He deserves 60 days. More than 160,000 American soldiers and marines are fighting in Iraq right now. They believe in this mission. They are executing the plan, and they have a leader. He is asking for more time. Let's be fair and honor the legislation we passed in May. Let's wait for the report.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the Levin-Reed amendment requires the President to take steps to responsibly end the war that the country and our brave men and women in uniform deserve and demand, but it does not set specific troop levels and, certainly, schedules other than what we have already indicated, and that is the House-passed version, similar to ours, 120 days to start redeploying troops; as of April 1, according to the House, and May 1, according to us. There must be a change of mission. That change of mission will be directed toward counterterrorism, protecting our assets in the area, and also training the Iraqis. That is simply what it says.

Senators CARL LEVIN and JACK REED are uniquely qualified to offer this amendment. They have been joined in this amendment by others, including Senator HAGEL. This amendment sets a firm date and an end date to transition the mission to begin the reduction of U.S. forces. I have talked about that. It limits the U.S. mission.

This policy of the President—it is not Petraeus' policy; it is the President's—has, during the last 6 months, caused the deaths of over 600 more American soldiers and cost the American taxpayers more than $60 billion. The amendment offered by the distinguished Senator from Virginia, Mr. WEBB, was a step in the right direction. It was defeated. We were not allowed to vote on that. It was offered to give our troops the relief they need—15 months in country, 15 months out of country. That is serious and important to our troops.

Our troops are in a difficult position. We are 3,000 officers short. The morning news reports that 13 percent of recruits, even though they are 15 percent down in recruitments, 13 percent of those they have, even though they have lowered qualifications significantly, 13 percent have criminal records and are going into the military.

Of course, the amendment that is offered by Senators LEVIN and REED requires that the reduction in force be part of a comprehensive diplomatic, regional, political, and economic effort.

The votes we have taken on Iraq thus far make two things very clear: First, the Democratic caucus is united in our commitment to changing the course of this Iraq intractable civil war. Our resolve has never been stronger. Second, until and unless the President awakens to his grievous misjudgments, it will take significant Republican support to end the war.

This week's vote on the Webb amendment was not encouraging. The Republican leadership blocked an up-or-down vote on an amendment to support our troops by increasing rest time between deployments. Republicans have every right to vote against bills and amendments they oppose. If they oppose troop readiness, let them go on record voting against it. But to block an amendment like that shows clearly that some Republicans are protecting the President and not the troops. Plenty of Republicans are talking the right way on Iraq now. They are expressing their disapproval for the President's policy, and this is a welcome step. But speeches won't end the war; only votes will.

We have a constitutional obligation. Section 1, article 8 says that we have an obligation to take care of our troops. We have a constitutional obligation. When we return to the Levin-Reed amendment next week, a final vote will come. We hope it is not blocked again procedurally. I hope all my colleagues, Democratic and Republican alike, will embrace this opportunity to finally end a war that has caused our country so much harm.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of U.S. forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Cornyn amendment No. 2100 (to amendment No. 2011), to express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists.

Dorgan/Conrad amendment No. 2135 (to amendment No. 2011), relative to bringing Osama bin Laden and other leaders of al-Qaida to justice.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:30 a.m. shall be for debate on amendment No. 2135, as amended, with the Senator from North Dakota, Mr. DORGAN, and the Senator from New Hampshire, Mr. SUNUNU, each controlling 10 minutes.

The Senator from North Dakota.

Mr. WARNER. Mr. President, might I inquire again as to the schedule of the vote?

The ACTING PRESIDENT pro tempore. The vote is presently scheduled for 9:30 or, if the speaking engagements end sooner, at the conclusion of those speaking engagements, at the back end of the time. The vote will not be shifted forward in order to accommodate Senators who are counting on the 9:30 vote beginning.

Mr. WARNER. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized for 10 minutes. There is 8½ minutes remaining.

Mr. DORGAN. Would the Chair remind me when I have consumed half of that time? I want to yield the remainder of the time to Senator CONRAD.

The ACTING PRESIDENT pro tempore. I will.

Mr. DORGAN. In about 4 minutes, let me describe an amendment that is very simple. Yesterday, we received a report—it is described in today's paper—on progress dealing with benchmarks in Iraq. There is only one reason we are given this report by the administration. It is because we required this report in law. The Congress said: We require you to give us this report.

There is another report we are not getting. We have not yet required it. Our amendment will require it. That is, What has been done and what is being done to bring to justice Osama bin Laden and the leadership of al-Qaida and those who committed the attacks against this country on 9/11/2001? What is being done to bring them to justice? It has been nearly 6 long years and Osama bin Laden remains free. More importantly, the threat against our country today is a threat by Osama bin Laden, the leadership of al-Qaida, operating from a secure and safe place in Pakistan, we are told, planning attacks against our country and others.

Here is the situation: August 2001, the Presidential daily briefing said this—the title was "Bin Laden determined to strike in the US." That was August 2001. It is what was handed to the President back then.

Here is today. Our intelligence assessments, we are told by newspaper accounts: "Al Qaeda is better positioned to strike the West." Think of that. Nearly 6 years later and al-Qaida is better positioned to strike the West.

Now, let me tell you what Mr. Negroponte told us in January of this year. He said: "Al Qaeda continues to plot attacks against our Homeland" from a "secure hideaway in Pakistan." That is from Mr. Negroponte, the top intelligence official in our country.

He further said this in January of this year:

> Al Qaeda is the terrorist organization that poses the greatest threat to U.S. interests, including to [our] Homeland.

Now, having known that, let me describe a couple of things we have been reading recently. This is February of this year:

> Senior leaders of al-Qaida operating from Pakistan over the last year have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials.
>
> American officials said there was mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

Finally, this week:

> While the U.S. presses its war against insurgents linked to al Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior U.S. military, intelligence and law enforcement officials said.

Now, the question is this: While we have soldiers going door to door in Baghdad in the middle of a civil war, with sectarian violence——

The ACTING PRESIDENT pro tempore. May we have order, please, for the Senator who is speaking on the floor.

Mr. DORGAN. The question is this: It has been almost 6 years since Osama bin Laden and the network of al-Qaida attacked our country on September 11, 2001. Osama bin Laden is still free. He has not been brought to justice. We are told he is operating in a secure hideaway in northern Pakistan. Al-Qaida is stronger than it has been in years, and we are told it is rebuilding and regrouping with terrorist training camps. It remains the greatest threat to our country.

We are told this after almost 6 years, two wars in two countries, hundreds and hundreds of billions of dollars spent here and abroad, the deaths of thousands of our soldiers and tens of thousands of our soldiers wounded, and the threat grows and remains, and those who perpetrated the attack against this country and now represent the greatest threat to our country live free in a secure hideaway.

President Bush said this in 2003:

> I don't know where bin Laden is. I have no idea and really don't care. It's not that important. It's not our priority.

The ACTING PRESIDENT pro tempore. The halfway point has been reached.

Mr. DORGAN. It is a priority for this country, I would say to the President, and we ask for quarterly reports on what is happening in the search to bring the leadership of al-Qaida to justice.

Mr. President, I yield the floor to my colleague, Senator CONRAD.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, it has now been 2,131 days since 9/11. I think all of us remember that day. It was a horrific day. I will never forget having given a speech over in Crystal City that morning and having driven past the Pentagon, only to get to the Capitol and see that the Pentagon had been attacked and then seeing the incredible images from the World Trade Center and those buildings collapsing.

The President said at the time that we would hold Osama bin Laden and al-Qaida to account, that we would smoke them out of their holes, and that we would bring them to justice. It is 2,131 days later, and still Osama bin Laden has not been brought to justice, nor has Mr. Zawahiri, who now regularly broadcasts additional threats against our country.

I believe a very serious strategic mistake was made when the President chose to go to Iraq instead of finishing business with al-Qaida. In fact, we know special forces, who are experts in Arab culture, in Arab language, were transferred from the hunt in Afghanistan for Osama bin Laden and al-Qaida. Those special forces were shifted to the hunt for Saddam Hussein in Iraq. They were replaced by experts in Spanish culture. There are not many Spanish speakers in Afghanistan.

I have always believed it was a profound mistake not to finish business with Osama bin Laden and al-Qaida.

I had the benefit of going to high school at an American military base in Tripoli, Libya, north Africa, and living in the Arab culture for 2 years. I think I learned a great deal from that experience about that culture. I think strategically it has been a profound mistake for us to go into Iraq instead of keeping our focus and effort and energy on the people who did attack us—al-Qaida, led by Osama bin Laden, and not Saddam Hussein, the leader of Iraq. As awful and despicable a character as Saddam Hussein was, that should not have been the focus of our effort. The people who attacked us were al-Qaida, not Iraq.

Now we learn al-Qaida is "considerably operationally stronger than a year ago" and has "regrouped to an extent not seen since 2001," a counterterrorism official said, paraphrasing a new intelligence report's conclusions. They are "showing greater and greater ability to plan attacks in Europe and the United States." Are we not paying attention? Al-Qaida, according to these reports, has increased from 20,000 terrorist operatives to 50,000.

We need to redirect the emphasis and the focus of our security efforts and go after Osama bin Laden and al-Qaida. That is what this amendment does. It doubles the bounty on Osama bin Laden.

The ACTING PRESIDENT pro tempore. The time controlled by Senator DORGAN has expired.

Mr. CONRAD. I thank the Chair and conclude by saying that it requires an administration report on the strategy for bringing bin Laden and other terrorists to justice.

I urge my colleagues to support the amendment.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. BIDEN. Mr. President, had I been present for the vote on the Dorgan amendment, I would have voted in favor of it.

We're coming up on the sixth anniversary of 9/11, and the bloodthirsty terrorist who plotted this slaughter of nearly 3,000 Americans is still a free man. Back then, could any of us ever have imagined such a failure on the part of this administration? Could any of us have believed that—more than half a decade later—Osama bin Laden would still be enjoying safe haven? Two wars and three elections later—and Osama remains unscathed.

What would our reaction have been nearly 6 years ago, had President Bush gone on national television and predicted this? What would we have said if he'd told us that the capture of the man who'd unleashed such horror simply wasn't a top priority of his administration? Would any American have believed him?

The amendment before us aims to make this a top priority. It obligates the administration to provide Congress with regular reports on the progress made, if any, towards the capture or killing of Osama bin Laden and his closest confederates.

The White House seems to have forgotten bin Laden. The American people have not.●

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I simply say, I intend to vote for this amendment. But let us not be unmindful of the enormity of the sacrifice of the men and women of the Armed Forces of the United States—and, indeed, perhaps with the assistance of other nations—in trying to ascertain exactly where bin Laden might be and perhaps to get him. So much of this, quite understandably, cannot be revealed, but I assure the American public that our U.S. military in no measure has been asleep in its pursuit of this infamous man, Osama bin Laden.

I yield the floor to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, let me say two things about this amendment. First of all, I hope all of my colleagues will support it because it has been amended in a very important way, which I will discuss in a moment. But the first thing I want to say is, it is a false choice to suggest we should either be fighting in Iraq or going after Osama bin Laden. We need to be fighting al-Qaida wherever they are, and we are doing that, in Iraq and in the hills of Pakistan and Afghanistan and other places where these terrorists might be hiding, to the very best of our ability. We cannot leave Iraq to al-Qaida in order to go after Osama bin Laden.

To rewrite history here, to somehow suggest we have stopped trying to get Osama bin Laden is, I suggest, a willful misrepresentation of what our special forces are attempting to do. I agree with the senior Senator from Virginia that this is a very difficult and complicated matter in dealing with the Government of Pakistan and other issues that make it very hard to know precisely where Osama bin Laden is and to be able to kill or capture him.

That relates to the second point. When this amendment was drafted, there was a glaring problem with it. It increases the reward from $25 million to $50 million, but the way it was originally written, it was written for information "leading to the capture" of Osama bin Laden. We looked at the amendment and, in astonishment, sought to find the rest of the phrase that you usually see there, "the capture or death," but it was not there.

I wondered: Is this yet another step in the effort of the majority party to make this a criminal effort rather than to acknowledge that this is a war against a sworn enemy of the United States? In a war, you capture the enemy when you can. When you cannot, if it is necessary to kill the enemy, you do. All of this brave talk about getting Osama bin Laden and criticism of the administration because we have not gotten him seems to me a little bit hollow if the only way we are going to get him is to capture him.

Well, sure, it would be great to capture him, but we may have to kill him; therefore, the amendment which omitted the potential for killing Osama bin Laden was amended by Senator SUNUNU, who offered a second-degree amendment to raise the reward from $25 million to $50 million for the capture or death or information leading to the capture or death of Osama bin Laden. It is under those circumstances that I strongly support the amendment, as amended.

But I ask my colleagues on the other side—next week, we are going to have some other discussion about language which would criminalize this war rather than allowing it to be fought as the war it is against sworn enemies of the United States. Are we going to continue this trend where we treat it as a matter of criminal law rather than a war? I hope not because the other side does not treat it that way.

So having amended the amendment to include "the capture or death" of Osama bin Laden, I am very happy to support it.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, does money make the difference? Because if money had made the difference, Osama bin Laden would be in his grave. But it has not made the difference. Intelligence, human intelligence, relationships, the ongoing development of those kinds of relationships we build around the world makes the difference.

Osama bin Laden is a phenomenal symbol today in a large constituency worldwide. We will add money, and all of us will support it. The intent of this amendment is good. But, as my colleagues have said, to suggest it is either/or, we cannot do both, nor should we—I suggest it is not that.

Are we going to melt the mountains of northern Pakistan? What, should we have tumbled the government of Musharraf in our pursuit of Osama bin Laden? I think that was not our choice, nor should it have been.

So we will add some money. We will add some intent. But, in the long haul, building back an intelligence organization, a human intelligence organization, that couples with and strengthens our technological capability to observe movement all over the world, ultimately, helps us pursue terrorist organizations, to go where they are and where they are training and to be able to topple them before they inflict injury upon us. That should be our goal. That is our goal. That is what has been our goal since 9/11. But we are so powerful, and we are all "Nintendo warriors" today. Remember that game, that electronic game, a few years ago, push buttons—zim, zam, boom—and it was all over with? That is not the way you fight war, although we as a society have grown to believe that.

When the human is involved, when the human intelligence decides to hide, to divert, to connive, to organize, and ultimately to break through the barriers we build, our vigilance must be constant. We have just heard of their capabilities. We now must rest on ours.

I will support the amendment. But let us not be fooled that money makes the difference. It is the constant vigilance, the building of systems and organizations, the human intelligence, matched with our electronic and our technological capability, that will continue to allow us to be a safer nation in what Americans have now recognized is a very unsafe world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from New Mexico (Mr. DOMENICI), the Senator from New Hampshire (Mr. GREGG), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) and the Senator from Texas (Mr. CORNYN) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—87

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Craig
DeMint
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Bunning

NOT VOTING—12

Biden
Cornyn
Crapo
Dodd
Domenici
Gregg
Inouye
Johnson
Lautenberg
McCain
Obama
Vitter

The amendment (No. 2135), as amended, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The regular order would be the Levin amendment.

Mr. LEVIN. I call for the regular order.

The PRESIDING OFFICER. The amendment is now pending.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator SANDERS be recognized for 3 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, I wish also to accommodate the Senator from Minnesota.

Mr. LEVIN. I will amend that request.

Mr. COLEMAN. Mr. President, I understand the Senator from Vermont was going to speak for a couple minutes, and I wish to have the floor after that for no more than 10 minutes.

Mr. LEVIN. Mr. President, I amend my request to ask that after the Senator from Vermont speaks, the Senator from Minnesota be recognized for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SANDERS. Mr. President, a number of Vermont families are traveling to Arlington National Cemetery this week. They are a special group and they are here for a very special reason. The group is called The Vermont Fallen. They represent the many families in our State who have lost a loved one during the war in Afghanistan or the war in Iraq.

On Saturday, July 14, The Vermont Fallen will come together to support Marion and Peter Dooley for the internment of LT Mark Dooley's ashes at Arlington National Cemetery.

A fellow Vermonter, Lieutenant Dooley was born July 15, 1978. He was a graduate of the 2001 class of Norwich University and served as a police officer in Wilmington, VT, as well as the Windham County Sheriff's Department. A first lieutenant in the Vermont National Guard, he served with the 3rd Battalion, 172d Mountain Infantry. He was killed west of Ramadi, Iraq, on September 19, 2005, when the scout platoon he was leading was ambushed.

The Vermont Fallen serves a wonderful and unique purpose. They allow families from Vermont who have suffered unimaginable loss to come together and support each other in a way that only they themselves can do.

Today, we honor the life and the loss of LT Mark H. Dooley. In doing so, we also honor the lives of all those brave Vermont soldiers who never came home.

Mr. LEVIN. Mr. President, if the Senator from Minnesota will yield before he speaks for a unanimous consent request.

Mr. COLEMAN. Yes.

Mr. LEVIN. Mr. President, I ask unanimous consent that after the Senator from Minnesota is finished, Senator BILL NELSON be recognized for up to 20 minutes on the pending amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

Mr. LEVIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. COLEMAN. Mr. President, I am disappointed that an objection has been raised. I intended to offer amendment No. 2189, which is at the desk. It is a Coleman, DeMint, Thune, Inhofe amendment which would prohibit the FCC from reinstating the fairness doctrine.

I am not asking for a vote at this time. I only want an amendment to be put into the queue. Just recently, the House dealt with a similar amendment. That amendment passed the House with over 300 votes in favor. The vote was 309 to 115.

My amendment says that the FCC would not be able to reinstate the fairness doctrine. It says:

> The Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, or other requirement that has the purpose or effect of reinstating or promulgating in whole or part the requirement that broadcasters, including the Armed Forces Network, present opposing viewpoints on controversial issues of public importance, commonly referred to as the fairness doctrine.

There is nothing fair about the fairness doctrine. In the past few weeks, there has been discussion among some of my colleagues on the other side of the aisle who have said very publicly that it is time to reinstate the fairness doctrine. We have troops in the field of combat today putting their lives on the line and part of what we protect in this country is the first amendment—is freedom of speech.

The fairness doctrine amendment is a relic of a bygone past. It was tossed on the ash heap of history in 1987. It was in place from 1949 to 1987. Its intended effect was to have the Federal Government monitor what is said on the airwaves and require broadcasters to present "fair" and "balanced" programming.

The effect was much different from that. In effect, it stifled speech. If you are a broadcaster and you own a station, you could be subject to some kind of penalty if you do not provide the kind of balance that the Government says you must provide. You may well choose—and, in fact, history has shown what has happened—you may choose simply to play country music. I love country music, but I also love free speech, and we do not want to put anything in place that stifles free speech.

We have gone from 1949, when we had a few TV stations and the information you got came from relatively few sources, to a world today in which we have broadband, high-speed Internet, satellites, blogs, and a whole range of information. And that is a good thing.

In the end, we in this body have to respond, have to listen to the voices of people. We want an informed and educated citizenship. We want them to get diverse views.

The reality, in part, of why this issue even comes up is because of concerns from my friends on the other side of the aisle that talk radio somehow is dominated by conservatives. One may argue that perhaps broadcast journalism may be dominated by liberals. There have been studies that have shown that fact. But for us, we shouldn't care whether it is dominated. And as to a response of the Government coming in and trying to somehow measure and regulate——

Mr. DURBIN. Will the Senator yield for a question?

Mr. COLEMAN. I yield.

Mr. DURBIN. Mr. President, I ask the Senator, in the interest of an educated electorate, whether he thinks Americans should hear both sides of the story, a fair and balanced approach when it comes to information?

Mr. COLEMAN. I absolutely believe Americans should hear both sides. Absolutely. But I believe—strongly believe—the Government should not be in the position of deciding and dictating "now here is the other side."

In the world of communications today, Americans have all sorts of options to hear the other side. All they have to do is turn a dial, all they have to do is push a button, all they have to do is press a mouse, and they have that ability.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. COLEMAN. I yield for a question.

Mr. DURBIN. Does the Senator concede that the airwaves belong to the American people?

Mr. COLEMAN. Mr. President, I concede the airwaves belong to the American people.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. COLEMAN. I yield for a further question.

Mr. DURBIN. Does the Senator concede that those who use the people's airwaves to make a profit have to do it with a license from our Government?

Mr. COLEMAN. I understand and agree we have a licensing process.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. COLEMAN. I yield, and I yield to the Senator from Illinois to present the entire question so I can continue.

Mr. DURBIN. I am not trying to delay the Senator from Minnesota. I will concede the sense-of-fairness doctrine has been set aside since the Reagan administration. Things have changed in broadcast journalism and many other aspects of journalism. I have not seen the Senator's amendment. I sense I know what it might be leading to, but I want to make sure the premise is something on which we may agree.

The airwaves belong to the American people. Those who profit from them do it by permission of the people through their Government and those who use those airwaves should do it responsibly and should seek to provide both points of view, both sides of the story so that Americans can reach a decision. I ask the Senator from Minnesota if he disagrees with any of those points?

Mr. COLEMAN. Mr. President, I say to my learned colleague from Illinois, here is our point of disagreement. There is no question, in fact, that there is a licensing process. I am a former mayor. We licensed a lot of things. But I think one of the basic principles at stake is we don't license and measure content when it comes to speech, and that is my concern. That, in fact, is because of the multiplicity of communications options that are available to citizens today—as I said before, blogs, Internet, broadband, and satellite—which we didn't have 20, 30 years ago.

Where my objection lies, and the importance of this amendment says Government should not be monitoring and regulating content. We are not talking about obscenity. There are things the Senator from Illinois understands the Government has an absolute right to monitor or to deal with. When we get to content—and that is my concern, that those who have raised the issue "bring back the fairness doctrine," are bringing it back, and the cry then is to regulate content. And that is what I object to.

Mr. DURBIN. If I can ask the Senator to yield further for a question, there was a recent episode in the last 2 years when the Public Broadcasting Corporation took a show by Bill Moyers off the air and wanted to replace it with a show authored by the Wall Street Journal. There were complaints, obviously, that Mr. Moyers was too liberal in content.

Does the Senator from Minnesota believe that was a fair outcome or would he concede it would have been a fairer outcome to allow the American people to watch both shows, by the Wall Street Journal and Bill Moyers, and to hear both points of view and decide what they agree with?

Mr. COLEMAN. Two observations. First, I am thrilled I am having this discussion with the Senator from Illinois. My concern is that I just offered an amendment which was objected to. Had the amendment not been objected to, we would have time for a full debate on this amendment.

The Senator from Illinois and the Senator from South Dakota have a great interest in this issue. I presume my colleagues on the other side of the aisle—the junior Senator from Massachusetts has raised concerns that we should reinstate the fairness doctrine. He said that publicly.

I would love to have this debate, and yet I stand here offering an amendment which is being objected to and so instead we are having this colloquy. I appreciate the question and will respond. But I am disappointed that the other side of the aisle will not give us an opportunity for a full debate on this issue.

In fact, I want all sides to be heard. What I don't want, and the fundamental disagreement is, for the regulatory power of Government to sit in judgment as Big Brother, to oversee and take stock with pencil and pad and take notes: Well, we had Sean Hannity over here. Now we have to get somebody on the left over there.

Balance should be heard, but we have a marketplace that provides that opportunity. We have folks who support the perspective of the Senator from Illinois, and we have folks who support my perspective. Sometimes we are the same. But for Government to dictate, that is the concern. That is why the FCC got rid of the fairness doctrine in 1987. It is why the Supreme Court raised questions about the necessity of the fairness doctrine. I don't think it is constitutional. We have not gotten to that question.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COLEMAN. I will yield for one further question.

Mr. DURBIN. I am sorry to interrupt. Through the Commerce Committee or the appropriate committee of jurisdiction, we can really get into this question. But the Senator is arguing that the marketplace can provide. What is the Senator's response if the marketplace fails to provide? What if it doesn't provide the opportunity to hear both points of view? Since people who are seeking the licenses are using America's airwaves, does the Government, speaking for the people of this country, have any interest at that point to step in and make sure there is a fair and balanced approach to the information given to the American people?

Mr. COLEMAN. Mr. President, I will respond to the final question. There is a very clear disagreement here. The Government does not have the responsibility to regulate content of speech. That is what the first amendment is about. That is exactly what the first amendment is about. Government is not supposed to be regulating content, and at a time in 1949 when we had three-network TV stations, basically when we had limited channels of communication, I presume there was a legitimate concern on the part of some that in fact Government needs to step in and ensure balance. But now we are in 2007. I cannot even conceive that the market cannot provide opportunities for differing positions because it does.

In the end, consumers also have a right, based on the market, to make choices. So if they make choices that say we want to hear more of one side than the other, that is OK. I think it is very dangerous, I say to my friend from Illinois—I think it is very dangerous for Government to be in the position of deciding what is fair and balanced. As we see on the floor of the Senate, oftentimes amongst ourselves, hopefully learned individuals who have the great and humble opportunity to serve in the Senate, we have differences as to what is fair and balanced.

The reason we have a first amendment is we get Government out of measuring, controlling, dictating, and regulating content. That is my concern, and that is what this amendment is about.

I would love to have a debate with the Senator from Illinois. I would have hoped that this amendment would simply have been put in the queue, would have been heard. I think Americans love a fair fight. I think Americans love this kind of dialog. There is nothing fair about the fairness doctrine. There is nothing fair if the intent—really, we have to lay it on the table—if the intent is to shut down or to limit the conservative talk radio. That is where the concern is. Yet, as I said before, one can raise questions about balance in the print media, one can raise questions about balance in the broadcast media, but I don't think it is the role of Government to be sitting there listening and then weighing, deciding what is fair and balanced, and then requiring, under penalty, a broadcaster to then have to present an opposing point of view.

What is going to happen—and history has shown this—broadcasters are simply going to say: Let's do something else. Why be in that position where there may be a line that may be crossed, and I don't know what that line is, and that line may change depending on who is sitting as FCC Chair.

As I said before, beyond first amendment principles, there are market principles. Talk radio has flourished because of the market. The consumer says, I want to listen, and they have been given choices. They can simply turn off the dial. They can shut off the radio if they don't want to listen, but it has flourished. It has flourished because of demand, and that is the market, not because of Government command, not because of Government control. We don't want the Government regulating content.

Like never before, Americans have a wealth of information and viewpoints thanks to cable television, radio, the Internet, and that is a good thing, and let it flourish.

John Kennedy stated:

> We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.

Mr. President, I am not afraid of the people. I am not afraid of the people having access to the information and ideas they want access to, but I am afraid of the Government stepping in and regulating content. We have a first amendment that is the underpinning, the foundation, of all the other amendments. The fairness doctrine flies in the face of the first amendment. It was rejected in 1987. The idea of bringing it back today is a very bad idea.

This amendment specifically includes the Armed Forces Network. Our folks who are out there on the frontline fighting shouldn't be thinking that back home someone at the FCC is listening and monitoring and deciding what is fair and what is balanced. Let the people decide. Let the market decide. Let the first amendment flourish.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. LEVIN. Mr. President, will the Senator from Florida yield for a unanimous consent request?

Mr. NELSON of Florida. Of course, I yield to my distinguished chairman.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the Senator from Florida, the junior Senator from Pennsylvania be recognized to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, is there a time limit on my remarks?

The ACTING PRESIDENT pro tempore. Twenty minutes.

Mr. NELSON of Florida. Mr. President, I come to this discussion of the Iraq issue from a position of having been in the political arena for 35 years. My brand of politics is moderation. My representation is generally recognized as being in the mainstream. That is clearly where my State of Florida and the majority of its politics is, in the mainstream of American politics.

Since so many people like to categorize us in little boxes of where our politics is, I am generally categorized in that box as a moderate Democrat. I am here today to state why I will vote for the Levin-Reed amendment with regard to the troops in Iraq.

How did I come to this conclusion? Remembering an Alfred Lloyd Tennyson poem, "Ulysses," he says, "I am a part of all that I have met." Certainly, my frame of reference was shaped in large part upon graduation from college, being commissioned as a lieutenant in the U.S. Army Reserve and being on active duty, first going on active duty as a 1st lieutenant and then, within a year—since that was the Vietnam era with rapid promotions—serving the second of my 2 years of active duty as a captain in the U.S. Army.

Vietnam was a tough experience for our country. As I went on active duty, President Johnson had announced he was not going to run for reelection, in large part, the Nation was split asunder over the issue of support of the war. Then during my 2 years of active duty, it was the beginning of the Nixon administration, and as they tried to grapple with the war, they concluded some 4 years later that we had to start withdrawing.

It was a time that certainly is different from now because there is such a respect for our troops now. That was not necessarily the case back then when I was in the military. Certainly, all the interaction I had as a military officer was the best, but that was not the case for a lot of returning soldiers. Indeed, they came home to an America that did not support them and did not stand up for them. We learned a lot of very painful lessons out of that Vietnam experience.

Most of us in this Senate who have the fresh memories of that time, when we go to the Mall to the Vietnam Memorial, there is emotion that is evoked—often the emotion of choking up, as you see those almost 60,000 names and you see those dramatic statues of both the men and the women who served in Vietnam.

One of the awful lessons of Vietnam is that you cannot conduct a war unless you have the support of the American people. Tragically, that is the situation we are getting to today. Today it is a lot different than Vietnam because there is outright unabashed patriotic support for our troops and the extraordinary job they are doing. But it is very clear, if you listen to the street, if you talk to your people back home, you realize the American people are not satisfied with the conduct of this war, they are not satisfied with the progress of this war, and the American people, in increasingly larger numbers, are not supporting this war.

How did I come to this conclusion to support the Levin-Reed amendment? Well, back in 2003, when we voted on the authorization for this war, I voted for it, as did most of the Senators here. The information we were given at the time was clearly information that we believed—that was that there were weapons of mass destruction, there were certainly chemical and biological weapons, and we were led to believe Saddam Hussein also had a very active nuclear program.

I am not talking about whispers behind the door or surreptitious notes that were passed in the night. I am talking about meeting after meeting—right up there in S. 407, the secure room in the U.S. Capitol—sometimes when 75 Senators were present, being briefed by the highest levels of the Government: The Secretary of Defense, the National Security Adviser, the head and deputy head of the CIA, the head of the Defense Intelligence Agency. Over and over these were the impressions; indeed, the specific information that we received.

Yes, I got a copy of the National Intelligence Estimate, and it was in a meeting called by our chairman, JOE BIDEN, who had a classified meeting to discuss it with representatives of the intelligence community. Indeed, the Director of the CIA, George Tenet, at a later meeting, confirmed what others had already briefed, that there was a program that Saddam Hussein likely had to take unmanned aerial vehicles, put biological and chemical weapons on them, put them on ships off the east coast of the United States, and launch them over east coast cities of the United States.

Did I conclude there was an imminent threat to the interests of the United States by virtue of the information I was given? You bet I did.

George Tenet even confirmed that after the war started, the report's veracity.

What was worse—and what I was not told—was a major part of the intelligence community, the Air Force intelligence, disputed the unmanned aerial vehicles report. In fact, Air Force intelligence knew more about unmanned aerial vehicles than anybody else, and they said they were likely for reconnaissance purposes, not for offensive purposes.

So knowing today what I know—that none of that was true—would I have voted the same way? Of course I wouldn't. But I voted in 2002 for the war authorization on the basis of what I was told and which I believed.

In 2006, the agitation against the war continued to swell and the question came up about withdrawal. Again, I supported the administration, and I voted against a withdrawal timeline because I felt if we had a chance of success, we should not be micro-managing the military, and we should let them make their decisions.

But then things started to change. At the end of the year came a big change the report of the Iraq Study Commission. Jim Baker and Lee Hamilton, two of the most respected Americans, cochaired this. Listen to names of the members of this commission who were unanimous. Larry Eagleburger, former Secretary of State. He replaced, by the way, Robert Gates, when Gates had to resign because the President was making him the Secretary of Defense. Gates was in on a lot of this Commission testimony.

Listen to the rest of them. Vernon Jordan; Ed Meese, former Attorney General; Sandra Day O'Connor, everybody knows who she is; Leon Panetta, former Chief of Staff to the President; Bill Perry, former Secretary of Defense; Chuck Robb, a former colleague here; Alan Simpson, another former colleague here.

These are the people who made up this Iraq Study Commission, and they came out unanimously. There were five Democrats and five Republicans. It was co-chaired by Jim Baker, the former Secretary of State, and Lee Hamilton, the former chairman of the House Committee on International Relations. They said there has to be a different way and it had to be a goal of withdrawal next spring.

So when this issue came up again in the spring of 2007, I voted for the report's goal—an amendment sponsored by Senator LEVIN and Senator REED—the goal of the start of a withdrawal—a partial, gradual withdrawal—not a complete withdrawal, a gradual withdrawal. The goal was April of 2008. Now the amendment has been changed, to mandate a gradual withdrawal being completed by April of next year, 2008.

That doesn't mean a complete withdrawal. This amendment says is they are going to leave a good portion of the troops in Iraq to do a number of things. What are those things?

First, I wish to say that, except for the requirement of a withdrawal, the Levin-Reed amendment is very similar to the Iraq Study Commission report. Senator SALAZAR and a host of bipartisan Senators, including this Senator, are cosponsors of Senator SALAZAR's amendment. The Salazar amendment gives us almost word for word the Iraq Study Commission Report. What is before us today is something similar, but instead of the goal of withdrawal by next April, it is a requirement.

The Levin-Reed amendment would require the President to implement a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors. It would ensure that our troops who remain in Iraq will perform the most vital missions—that of protecting the United States and coalition personnel, training and equipping the Iraqi Army, and continuing to fight the terrorist groups, particularly al-Qaida—and it requires the President to appoint an international mediator with the authority to engage Iraq's various factions in an inclusive political process.

The Iraq Study Commission report says: Get going. Do an aggressive diplomatic effort in the region. All five Republicans and five Democrats on the commission said: You ought to open up to Syria, and you ought to open up to Iran, under the theory that, indeed, we ought to be talking to our enemies.

When I took off for the Middle East, about nine countries within a 2-week period before last Christmas, one of my stops was to return to Syria for a third visit with the President of Syria, Assad. The White House said don't go. The State Department came and visited me and said don't go.

I said the cat is out of the bag. The bipartisan Iraq Study Commission says we have to open up and talk to enemies. That is the commonsense thing to do.

I was attacked by Tony Snow in his White House daily briefing. Guess what happened? Thereafter, Secretary Rice was meeting with the Syrian Foreign Minister, the same one with whom I met, along with President Assad.

It is all a part of the necessity of us engaging diplomatically in the region at the same time we are trying to figure out what to do with our military.

Earlier this year, over many objections, the President then decided he needed to send more troops to Iraq in a surge, and he said it was intended to bring about greater stability. I opposed the surge. I pointed out, from my experience and understanding of Iraq, the surge would put additional American soldiers and marines in the middle of the sectarian violence crossfire of a civil war.

The sectarian violence has only been going on for 1,327 years, ever since the battle of Karbala in 680 A.D. After that battle, you had, in effect, the Shiites separating from the Sunnis, and that has led to antipathy that it is hard for us in America to understand. Yet it continues.

I said at the time there was a surge that I would support, and that was in Anbar Province, which is mainly Sunni and where the real enemy is al-Qaida. I believed that marines are having some success.

I understand I have 1 minute left. Mr. President, I ask for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. I believed the marines were making progress. But there you had just Sunnis and you had al-Qaida that was trying to undermine the Sunni leadership, and the marines working with the Sunnis were having some effect. That is the part of the surge I supported. I did not support the surge going into Baghdad in the middle of the crossfire of a civil war.

The President ignored the findings and the warnings of the Iraq Study Group which recommended a comprehensive strategy for changing the course in Iraq.

So what has happened? In the last 6 months, we have spent more than $60 billion and we have lost another 600 American lives and many more have suffered grievous injuries. Despite those losses, the sectarian violence has only increased.

Yesterday, the President reported that the Iraqi Government has failed to meet many of the benchmarks that we laid out earlier this year. Only the Iraqis can make the compromises necessary to end this war. Our continued open-ended presence has provided them with no incentive to do so. We cannot and we should not be in the middle of their civil war.

What we need is a diplomatic solution with an aggressive, diplomatic effort—which was argued by the Iraq Study Group.

We also need a political solution instead of a military solution. The possible solution that I am drawn to is the one put forth by Senator BIDEN. Under the Iraqi Constitution, which is a federal form of government, it will allow autonomy of various regions or states that can provide for their own governance along with a National Government that will allocate the oil revenues according to the population.

But still, the President has not changed course in Iraq, despite the facts on the ground and the overwhelming desire of the American people.

So, with a heavy heart, it brings me today to say that we must by law insist that he begin the reduction of the forces in Iraq and the transition of our mission there. Along with others, I do not reach this conclusion lightly nor with any pleasure. I am extremely concerned by the great toll that this war has taken on our Armed Forces and our military families across this Nation, with the thousands killed and many more injured.

I am very concerned about the lack of training and the lack of time for recuperation for our troops, especially the National Guard and the Reserves. I am very close to the Florida National Guard.

I am very concerned about the situation in Iraq, that it keeps escalating, the violence, especially among Iraqis, and the lack of their production of an economic lifeline by the production of their oil. It is being lost to theft and to sabotage. They can't get their arms around it.

And I am very concerned about the plight of the Iraqi people, including now more than 2 million refugees.

I am concerned about the possibility of greater regional violence and instability. I am concerned about the failure of the Maliki government, the failure of the government in and of itself, but especially, as we see now, the failure of the government to lead and to enact necessary reforms.

I will conclude by saying, an open-ended commitment, keeping our troops in the middle of a civil war, is not the solution. We must not only demand that the President change course, but we must require that he do so. So I rise today in support of the Levin-Reed amendment.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 10 minutes.

CHILDREN'S HEALTH INSURANCE

Mr. CASEY. Mr. President, I rise today to speak about children's health insurance for a number of reasons, but principally because the President of the United States, several times in the last couple of weeks and months—but especially this past week—has spoken to this issue in a way that I think is misleading, in a way that I think does not do justice to this important, compelling issue: whether or not this country is going to make a real commitment to insuring all of our children.

This is an issue that you and I, Mr. President, have spoken about, as have many others in this Chamber. It is a major priority for the American people. I will give the bad news first. The bad news is we have 9 million American children who have no health insurance. That number stares us in the face every day. There is no reason this Congress and this Senate should not do something about that.

It is particularly disturbing and insulting that we have not only 9 million uninsured American children, but we have that number in the face of some other numbers, like tax cuts for very wealthy people. Over and over again, in the last couple of years, this Congress and the Congress before it, has made judgments about priorities. I am afraid there are some people who are making that judgment again about tax cuts for very wealthy people over health care for children.

That is the reality. Unfortunately, we have now not only the 9 million uninsured, but here is another number. Of that 9 million, 6 million children of that 9 million are eligible for programs that can help them now, either Medicaid or the State Children's Health Insurance Program.

The final bit of bad news and the challenge for us, not only as a Senate but as a people, is that 80 percent of the 6 million who could be helped right now by both programs—80 percent of them come from working families. That should be disturbing to all of us.

Here is the good news. We can solve this problem. Not in one budget, not in one year, but over time if we make a real commitment. We can do it by supporting the SCHIP, the State Children's Health Insurance Program. In my home State we call it CHIP, but the Federal Government refers to it as SCHIP. In our State, over 160,000 kids are served by this program now, but there are tens of thousands of other children who are not covered right now. We need to cover them in Pennsylvania and across the country. We know there are millions of children right now across the country who are not covered today who could be covered if we make the full commitment.

When we talk about children's health insurance, a lot of people watching and a lot of people thinking about this issue say: Oh, it is another Government program. It will cost a lot of money. Why are we doing this?

Here is the evidence. We have a 10-year experiment in this country on children's health insurance. Thank God, under a Democratic President—Clinton—and a divided Congress, 10 years ago that commitment was made, and now we have the evidence. We know for all these children, 6 million covered—9 million not covered but 6 million covered, we know the tremendous benefit that means to employers way down the road. We also know what that means for the skills that are developed for one child and for many others. It is better for economic growth to ensure children. It is better for gross national product. It is better to build a skilled workforce with children's health insurance.

Here is the challenge we have, in terms of this year's budget. I and many others, including the Presiding Officer and many people in this Chamber—mostly on this side but even some on the other side of the aisle—supported a proposal to say that over 5 years we would spend $50 billion on children's health insurance.

It sounds like a lot of money, doesn't it. But when you break it down, $10 billion a year for children's health insurance is a small investment over the life of that child and over the life of our country. That is what the goal was, and that still is the goal.

Here is the difficulty. We have to deal with the realities of the budget. Senator MAX BAUCUS and others on the Finance Committee—and, frankly, in both parties but mostly on the Democratic side—have worked out an agreement on $35 billion, which is a very good start. We can grow that, but they deserve a lot of credit for making sure that money was put in the Finance Committee proposal that is still being worked on.

But Here is the problem.

In the face of that bipartisanship 10 years ago, and every year since on children's health insurance—in the face of all the benefits to our economy, not to mention the life of a child, and also in the face of the consensus that is emerging now in this body about the priority of children's health insurance, to get at least the $35 billion over 5 years—here is the problem. We have a President who thinks something else.

President Bush recently talked about this initiative, to get $50 billion or even to get $35 billion, as somehow a federalization of health care for children, which is, I guess, to some people a scary word, a word that causes them concern.

But there are a lot of Governors across this country, Republicans and Democrats, who think otherwise. So I think I have a basic question for the President, and I will conclude with this because he has been misleading people on this issue. Here is the question for the President of the United States. If you can give a tax cut in 1 year for people making over $200,000 a year, that amounts to $100 billion, if that is your policy, to give $100 billion in tax cuts to very wealthy people, why would you not be willing to spend $10 billion a year for children's health insurance?

That is the question I have for the President. So if this President and this Congress are concerned about a skilled workforce and developing entrepreneurs and people to contribute to our economy, we better make a commitment to children in the dawn of their lives to make sure they can have the skills they need down the road. But even apart from the skills, it is the right thing to do. Mr. President, if you can help the millionaires, the multimillionaires, and the billionaires, why won't you make a full commitment to help the children of America, the working poor and middle-income children?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, the motion now that is pending is the Levin-Reed, et al., amendment. The floor is open for Senators to come and speak on that amendment. I would hope those who have speeches will do that. We need to get to a vote on this amendment early next week. There is no reason this amendment should be the subject of a filibuster with the subject that is on every American's mind. They want us to be able to vote up or down on this amendment. I hope it is not necessary that there has to be a cloture motion, because the Senate should express its will on a subject of this importance. But this is one of the many times that will be available in the next few days to speak on this amendment. We will be here Monday afternoon. We are here now. We will be here Tuesday, obviously, before the meetings of our parties at lunch. But I would hope people would take advantage of this opportunity to come and speak, pro or con, on the pending amendment, because there is no excuse for a filibuster on an amendment of this importance that the entire country is watching. This is one of a number of opportunities we are going to have in the next few days for Senators to express their opinion. I hope they will use this opportunity.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we know of two speakers who do wish to come over here shortly, about 11:20 and 11:30. We do not know of any other speakers who wanted to be recognized at this point.

We are on the bill now. In a moment I am going to ask consent that we go into morning business, with speakers limited to 10 minutes each. But I want to note my good friend from Virginia has suggested that we make it clear to the body that we are on the bill now. The amendment which is pending is the Levin-Reed, et al., amendment, and that we will, after we leave here today, be returning on Monday, at a time that the leaders will set, to this bill. This bill will be the pending matter. This amendment will be the pending matter on Monday when we return.

I thank the Senator from Virginia for suggesting that we make that clear.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I concur in the distinguished chairman's observation. I wish to compliment you and the ranking member, Mr. MCCAIN, for the progress you have made this week on this bill. Having had this responsibility, sharing it with you for these many years, I would say the two of you have done exceptionally well.

Mr. President, also it is my intention—I am doing the final bit of drafting on an amendment by myself, with the distinguished Senator from Indiana, Mr. LUGAR. I hope to be filing that before 12 noon today.

Mr. LEVIN. Mr. President, we also urge colleagues who still have amendments they wish to have considered to bring those amendments here to the floor by noon; to bring them here on Monday, because Senator MCCAIN and I have both spoken on the necessity of getting amendments that are going to be filed to be filed by the end of business on Monday.

We have a lot of amendments we have got to consider. Hopefully we can clear some. But the body would be very—colleagues would be doing the body a favor to get these amendments in if there are any additional amendments they want to consider.

Mr. PRYOR. Mr. President, I rise today in support of Senator LEVIN's amendment to the National Defense Authorization Act for fiscal year 2008. This legislation is long overdue, and I hope all my colleagues will support its swift implementation. I want to thank the chairman of the Senate Armed Services Committee, Senator LEVIN, Senator MCCAIN, and the chairman of the Veterans' Affairs Committee, Senator AKAKA, for their leadership on this issue, and I commend them for the good work they have done. I also want to thank my colleagues for working so closely with me to get this legislation passed.

A few months ago I had the pleasure of introducing the Wounded Warriors Assistance Act of 2007 with my good friend from Georgia, Senator SAXBY CHAMBLISS. Our intent was to correct the injustice done to our returning wounded veterans and to improve the access and quality of health care our military personnel receive. There have been too many cases where our veterans have slipped through cracks in the system, and this is why I support the Levin amendment to H.R. 1585. It is a comprehensive policy of care and management for servicemembers with combat-related injuries or illnesses, a concept which mirrors the intent of the legislation I introduced. I worked on this legislation for a long time, and I am proud to have worked with the Senate Armed Services Committee and Senator CHAMBLISS to put forth meaningful language that has the potential to directly help those who defend our country.

This legislation will provide our veterans with assistance to make sure their medical needs are met and bureaucracy does not interfere with their progress. While this legislation addresses enhanced health care, traumatic brain injury and post-traumatic stress disorder, disability evaluations, and improvement of facilities housing military patients, this amendment will ultimately restore confidence in the integrity and efficiency of the military medical system and ensure our wounded warriors feel secure in the fact they will always receive committed, quality care. This act will also increase training for health care professionals and medical case managers and make a physician or health care professional available to help veterans navigate the medical evaluation board process, translate findings and recommendations, and explaining medical terms and regulations. This process is a critical crossroad in a service man or woman's career and can be very emotional, confusing, and stressful. I do not believe our returning veterans should have to deal with any more adversity or undue stress while trying to recover from their injuries, and this legislation will make this process easier for them.

Another provision that I am particularly proud of is the section on disability severance pay. This addition expands the population that is eligible for the enhancement of disability severance pay to include injuries incurred during performance of duty in support of combat operations. Oftentimes our military personnel are wounded in training exercises before they are sent into theater, and in current law they are not eligible to receive disability severance pay. For example, if a soldier is wounded while training to fast rope out of a helicopter, he or she will now be fairly compensated for their sacrifice in support of combat operations.

In my home State where 369 Arkansas soldiers have been wounded, my office has provided immeasurable assistance to ensure those veterans get better care. I am honored to support this legislation as it also affects over 25,000 wounded warriors nationwide. I frequently make trips to Walter Reed Hospital, and I visit wounded Arkansans who are some of the most determined and inspiring individuals I have ever met. However, they will still require top notch medical care and a lot of prayer in order to recover, and I want to make sure they get it.

Again, I am proud to support Senator LEVIN's amendment to H.R. 1585, and I am happy to see it adopted into the fiscal year 2008 National Defense Authorization Act. We owe nothing less than the best for our troops who make great sacrifices for defense of this country. I firmly believe this legislation is what we need to reform and modernize the way we care for our wounded soldiers.

Mr. BYRD. Mr. President, yesterday the Senate voted on an amendment offered by Senator SESSIONS, amendment No. 2024, that stated the policy of the United States on the protection of the United States and its allies against the possible threat from the potential development of Iranian ballistic missiles. I supported that amendment, but my vote should not be misconstrued as a blanket endorsement of missile defense installations, nor as support for military action against Iran.

The amendment by Senator SESSIONS noted Iran's continuing work on a nuclear program despite the many concerns voiced by the international community, as well as Iran's development of ballistic missiles of increasing range and sophistication. Iranian success in these two areas might eventually pose a threat to the forward-deployed forces of the United States and NATO allies in Europe. In the longer term, an Iranian nuclear and ballistic missile program could perhaps pose a threat even to the U.S. mainland. I must state clearly and unequivocally, however, that the best way to confront these possible long-term threats is diplomatically. Iran's nuclear and ballistic missile programs are not an imminent threat to United States security by anyone's reckoning. The best defense against an Iranian nuclear weapon is for that weapon never to have been developed. We have time, working together with the international community, to direct Iran toward a more peaceful path. I note the good news being reported in today's newspapers that Iran has agreed to allow IAEA inspectors in to inspect its nuclear facilities. This is a step in the right direction, and we should support these efforts to bring Iran into compliance with its international obligations. We will not tolerate an illicit nuclear weapons program, but neither should we rush headlong into militant provocations.

The Sessions amendment stated the policy of the United States to "develop and deploy, as soon as technologically possible, in conjunction with its allies and other nations whenever possible, an effective defense against the threat from Iran described in subsection (a)(1) that will provide protection for the United States, its friends, and its North Atlantic Treaty Organization allies. . . .'' Further, the amendment stated that deployment of these defenses should be complementary to any missile defenses that might be deployed by NATO in Europe.

This amendment does not say anything new, and it does not imply a change in U.S. policy. The United States and its allies have been developing missile defenses for many years now. The bill to which this amendment was offered contains an additional $315 million to accelerate several missile defense programs aimed at protecting the United States and its allies. The Aegis program, the Patriot PAC3, and the THAAD system program will all benefit from those additional funds. Importantly, the underlying bill limits the availability of authorized funding for missile defense installations in Europe until two conditions have been met: one, approval is given by the countries in which missile defense components are to be located; and, two, 45 days have elapsed since Congress receives a report from the Secretary of Defense on the proposed deployment. These requirements will help to ensure that ballistic missile defense programs are not put in place hastily or unwisely.

I voted for the amendment because I agree with its underlying sentiment, which is that the United States should prepare defenses against foreseeable threats. What I fear, however, is that the votes in favor of this amendment will become fodder for attempts to further increase funding for missile defense programs that are already more than adequately funded and which history has shown us time and again are technologically challenging and cannot be rushed. Over the years, I have seen this tactic used time and again for missile defense programs. It does not matter how much more money is thrown at them, the technology cannot be rushed. Given the demands for funding for troops in harm's way now from mortar rounds, bullets, and IEDs, we must be cautious of attempts to further bloat a program intended to confront a far-off threat that may never materialize. My vote in favor of a policy of adequately preparing for a long term threat over the long term should not be interpreted as support for excessive spending on missile defense development and deployment. Further, it must not be interpreted as a vote suggesting that the situation at this time justifies the President to use military force in Iran.

Ms. MIKULSKI. Mr. President, I am proud to cosponsor the Dignity for our Wounded Warriors Act, which has just been approved as an amendment to the fiscal year 2008 Department of Defense authorization bill. Under the leadership of Senators CARL LEVIN, PATTY MURRAY, and DANIEL AKAKA, we have drafted this comprehensive response to the failures of the Bush administration to properly care for our wounded servicemembers and veterans.

We were all shocked and awed by the sorry state of outpatient care at Walter Reed. More than 22,000 Purple Hearts have been awarded in Iraq. We know now that our troops have been twice wounded—once on the battlefield and again battling a bureaucracy at home.

We know that acute care for our injured troops has been astounding. Our military medical doctors and nurses are performing heroically, giving our troops historic rates of survival against devastating new weapons of war. We owe a debt of gratitude to these military medical professionals and to the medics on the battlefield. But while we have saved their lives, we are failing to give them their life back. Outpatient care, facilities, social work, case workers, disability benefits—the whole system seems dysfunctional.

In March, I visited Walter Reed and met with outpatients at Mologne House. I am so proud of their service and sacrifice for our Nation and so embarrassed by the treatment they have received. We know this problem isn't limited to Walter Reed. It is part of the reckless incompetence of this administration. They took us into this war without a plan for winning it or caring for those we ask to fight it. That is why the Senate has today taken this important step to provide the care our troops, veterans, and their families have earned.

This is a comprehensive bill to address the treatment and care of injured veterans and servicemembers. To ensure that what happened in Building 18 at Walter Reed never happens again, the bill establishes minimum standards of repair and maintenance for military treatment facilities and outpatient housing. It authorizes at least $73 million in additional funding to enhance care for traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, including $3 million for pilot projects to monitor TBI; $10 million for Centers of Excellence for TBI; and $50 million for additional TBI and PTSD research. This is in addition to the $900 million in funding for TBI and PTSD programs added by Congress to the fiscal year 2007 Emergency Supplemental Appropriations Act.

To support a smooth transition for injured troops from military medical care to the Veterans' Administration, this bill also authorizes $10 million for a joint DOD/VA office for electronic health records and establishes comprehensive readjustment studies for Iraq and Afghanistan veterans by the Defense Department, the Veterans' Administration, and the National Academy of Sciences.

To develop a better understanding of the signature wounds of the wars in Iraq and Afghanistan, the amendment directs DOD to establish Centers of Excellence for TBI and PTSD and to report to Congress on their progress. It requires comprehensive plans for prevention, diagnosis, and treatment of TBI and PTSD as well as long-term studies, clinical trials, and research about mental health, TBI, and PTSD.

Our amendment also addresses the unique needs of female servicemembers by requiring DOD and the VA to take into account the needs of women servicemembers and women veterans in every aspect of patient and veterans care. Every report required by the amendment must include a description of how it specifically addresses the needs of our women warriors. It requires DOD and the VA to review the need for mental health treatment tailored to meet the needs of female servicemembers and veterans and requires the two agencies to develop a joint policy for the treatment and care of mental health, TBI, and PTSD for female servicemembers and veterans.

To cut through the health care bureaucracy, our bill entitles any servicemember or former servicemember with ''severe injury or illness'' to treatment in any DOD or VA approved medical facility, whatever is closest or most convenient for the patient. It also authorizes military and VA facilities to provide counseling and medical care for families and caregivers who are supporting servicemembers—this is important support for those who have to travel to a treatment facility in order to support their injured loved one.

To help injured servicemembers transition from DOD health care to the VA system, the amendment requires improved information sharing between agencies and establishes common processes, procedures, and standards between the two agencies. It also institutes a 3-year overlap of healthcare service between DOD and VA for severely injured servicemembers, so no injured servicemember is allowed to fall between the cracks.

This amendment also takes several important steps to improve the quality of care in the VA health care system. It requires the VA to create rehabilitation and reintegration plans for veterans suffering from TBI and to provide nursing home care to veterans with severe cases of TBI. The amendment also extends the window of time during which veterans can seek combat-related medical care, from 2 years to 5 years. This will especially help veterans suffering from PTSD, which can take several years to develop and diagnose.

Mr. President, our Nation has a sacred commitment to honor the promises we make to troops and their families when they answer the Nation's call to duty. I am proud to fight each year to make sure these promises made are promises kept. This amendment honors our Nation's service men and women.

MORNING BUSINESS

Mr. LEVIN. Mr. President, while the Senator from Virginia is on the floor, I ask unanimous consent that we proceed to a period of morning business, with Senators recognized for up to 10 minutes each.

Mr. WARNER. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

TOBACCO

Mr. DURBIN. Mr. President, there is hardly a family in America that hasn't had an experience with tobacco and cancer. My family is no exception. When I was 14 years old, my 53-year-old father died of lung cancer. He smoked two packs of Camels a day. He was hopelessly addicted to tobacco, and we lost him at what I now view as a very early age. I can recall, as a student in high school, being in his hospital room when he drew his last, labored breath and the sadness that fell over me on November 13, 1959. I didn't walk out of that hospital room vowing I would get even with tobacco companies, but I never escaped the memory of that family experience. Many other families have a similar story to tell.

The day came many years later when I had an opportunity, as a new Member of the House of Representatives, to do something. There is another story leading up to that experience. It involves the customary race of Members of Congress for airplanes. We spend most of our life racing through airports. In this particular instance I was in Phoenix, AZ trying to fly to Chicago, long before there were transportation security agencies and people taking off their shoes and X-ray machines. I got to the airport 20 minutes before the plane was about to take off. I raced to the United Airlines counter. A young woman was there and I gave her my ticket.

She said: I will get your boarding pass, but you will to have run to the gate. She gave me a boarding pass. This was 20 years ago. She handed to it me. I looked, and it was a middle seat in the smoking section of the airplane. I knew this was a long flight. I said: I know I have to get down to the gate, but can't you give me a different seat in the nonsmoking section? She said: No, it is the last seat. There is nothing I can do about it. Then she looked down at my ticket and my title and she said: But, Congressman, there is something you can do about it.

I got on the airplane. I sat between two what I now characterize as chain-smoking sumo wrestlers and spent several hours in misery breathing in their secondhand smoke. I looked around the airplane and thought to myself, what about that elderly lady who is up there in the smoking section two rows away; what about that woman with the little baby? This can't be healthy.

I came back to Washington and said to my staff: I want to introduce a bill banning smoking on airplanes. There was silence in the room. Then they said: You are crazy. Nobody beats the tobacco lobby. The entire leadership of the House of Representatives, Democrats and Republicans, doesn't want any tobacco amendments for a lot of political reasons.

Naive and undaunted, I went forward with my quest to ban smoking on airplanes. I had a lot of help along the way. Congressman BILL YOUNG of Florida, who still serves, had been one of the early pioneers in dealing with tobacco and smoking. He courageously stepped forward and said: I will make it a bipartisan amendment, but we don't have a chance. We were both on the Appropriations Committee. I managed to at least create an opportunity for a vote on the floor of the House.

I reached the floor of the House because of another great Congressman, now deceased, Claude Pepper. Claude Pepper served in this Chamber as a Senator. He was defeated and went over and served in the House of Representatives. Claude Pepper was chairman of the Rules Committee. He came to my rescue when I was about to lose in the Rules Committee. I never appreciated why he did that, why he gave me a chance to get a vote on this issue, until later when somebody told me that as a Senator in the 1930s, Claude Pepper of Florida had pushed for the creation of the National Cancer Institute. He didn't talk much about tobacco, being a southerner, but it meant a lot to him personally. He more than anyone gave me my chance to bring this amendment to the floor.

So on July 13, 1987, 20 years ago today, I got my chance to offer the amendment to ban smoking on flights of 2 hours or less. In the galleries of the House were seated uniformed flight attendants from major airlines. They were on my side. They were sick and tired of breathing in all the smoke on the airplanes. We came to the floor expecting to lose. I didn't realize at the time that the House of Representatives, and you can add the Senate into the equation, was the largest frequent flier club in America. We spend more time on airplanes than most people. As the amendment was debated, Congressmen started coming forward to speak on behalf of the amendment—some of the most liberal, some of the most conservatives, Republicans, Democrats from all over the country. I could feel the momentum building. The debate went on for a long time, and the vote was finally taken. The vote was 198 to 193. My amendment passed.

After it passed, I called over to the Senate and contacted the man who was chairman of the Senate Appropriations Committee on Transportation, FRANK LAUTENBERG of New Jersey. I said to FRANK LAUTENBERG: Would you consider offering this same amendment in the Senate? He said he would, and he did, successfully.

That amendment changed America. I didn't know it at the time and I don't want to take more credit than is due, but at the end of the debate to ban smoking on airplanes, people started asking obvious questions. If secondhand smoke is dangerous on an airplane, why isn't it dangerous in a train, on a bus, in a hospital, in a school, at a Head Start center, in an office building?

We know what has happened 20 years later. It has now become customary for people not to smoke and unusual to see anyone smoking in an enclosed space that is not their own home. That is a dramatic change. I think it is a change for the better. As a result of that law, which was a challenge to me, America is a healthier place. Our attitude toward tobacco and smoking is much different today than it was.

Last year in my home State of Illinois, a record-breaking 36 cities and counties enacted smokefree laws, more than any other State in the Nation. I am very proud of that. This was a milestone for another reason. We learned the mighty tobacco lobby is not invincible. We proved it on the floor of the House and the Senate 20 years ago. We are proving it now in city councils and State legislatures across America. This was one of the first times the tobacco industry had ever lost an important rollcall vote on the floor of the House. It showed that Congress could stand up against special interest groups, the wealthy and the powerful, those financing campaigns, and instead vote for the health of all Americans. Twenty years later, smoking is banned on almost all commercial flights worldwide.

I had a funny experience a few years after we passed our law. My wife and I were flying to Portugal through London. We changed planes in London to Air Portugal. The British travelers got on the plane and I was shocked to find they had a smoking section on the airplane. I couldn't believe it. It turned out it was a sign that was put on a seat that said "smoking allowed behind this sign." A group of British tourists got on and saw this sign and couldn't believe it and said to the flight attendant: What is this all about? She answered: If you want to be in a nonsmoking section, you sit on this side of the sign; smoking section is on the other side of the sign. One of the ladies said: This will never do. She grabbed the sign and went to the last seat in the plane and put it on that seat.

My wife turned to me and said: Look what you got started.

I don't want to take credit for getting that started, but I am kind of proud of being part of it. I congratulate a number of pioneers in this area. Air Canada was way ahead of us on this issue. Northwest Airlines was one of the first in the Nation to move toward smokefree flights—they deserve special recognition—even before a Federal law was passed.

We need to remind ourselves from time to time about tobacco and cancer and heart disease. We have been lulled into the feeling that this problem is under control. Tobacco-related disease is the No. 1 preventable cause of death in America today. It still is an issue. There are still too many children who take up smoking, I mean literally children. Tobacco companies know that the way to ensnare someone into tobacco addiction is to get them started as kids. Kids, rebellious and curious, turn to tobacco, developing an addiction they don't even understand, finding it hard to quit. They become early, lifelong smokers, and chances are one in three will die because of that habit.

This is still an issue. It is an issue we are going to face soon here in the Senate, because the Finance Committee is considering increasing the tobacco tax on America. I am sure there will be screams that that is unfair to smokers. But I have reached the point now where I have to tell them that there is a great expense associated with their addiction. We also know that increased cost of product reduces the likelihood that kids will use tobacco products. So there is a positive that will come out of it.

We know when it comes to cancer, heart disease, diseases that affect virtually every organ in the human body and, most importantly, impact the life of virtually every family, tobacco is a negative factor.

In 2006, the Surgeon General's report entitled "Health Consequences of Involuntary Exposure to Tobacco Smoke," reaffirmed previous findings. Secondhand smoke causes heart disease, cancer, respiratory problems, and even death. What was once considered impossible is now industry practice. What was once unknown is now conventional wisdom. It is time for us to take the next big step.

Next week my colleagues, as members of the HELP Committee, led by my friend Senator TED KENNEDY, will debate giving the Food and Drug Administration the authority to regulate tobacco.

Most Americans do not know that tobacco has a curious place in the law. It is not considered a food or a drug. If it were a food or a drug, it would be regulated. Those who make the product would have to disclose its contents and would have to put meaningful warning labels on the product. Tobacco has had carved out for it a niche in the law so that requirement does not apply. Nearly every other industry in America that puts public health at risk is regulated by some Federal agency, but not tobacco.

If we are going to continue the fight against big tobacco, and the death and disease which this product creates, if we are going to secure the ability of all Americans to breathe air that is free from secondhand smoke, if we are to affirm the right of all of us to lead healthy and productive lives, we have to take this next step and allow the Food and Drug Administration to regulate this product. We must allow the FDA to regulate an industry that continues to cost us the lives of more than 43,000 Americans and over $100 billion in health care costs and lost productivity every single year.

Today, there will not be any cakes or parties, but we celebrate the 20th anniversary of a vote in the House of Representatives which has been an important part of my legislative career. This vote, to ban smoking on airplanes, 20 years ago, played an important role in launching the smokefree movement in America. I urge my colleagues to move us closer to finishing the work we have started. We stood up to the tobacco industry then, and we can do it again now.

DREAM ACT

Mr. DURBIN. Mr. President, last month we had a controversial and spirited debate over immigration. It went on for several weeks on the floor of the Senate, and many Members of the Senate thought about it and voted one way or the other.

The net result is that nothing happened. That is unfortunate. Everybody concedes our immigration laws have broken down. About 600,000 illegal people come into the United States each year and stay. Over 20 years, we now have 12 million people. The number continues to grow.

The lure of the United States is overwhelming. It is a lure which brought my grandparents and my mother to this country as immigrants. They wanted to be part of America. They were willing to leave their village in Lithuania and the comfort there for an opportunity. They came here, struggled and sacrificed, as immigrants do. They became Americans, and I think in a small way our family has made a difference in this country.

Now, repeat that story millions of times, and that is who we are as a nation. We are people who were unhappy, dissatisfied with what we had, saw America as a better chance, and came here.

People continue to come here. Our borders cannot hold them back at this moment. So we debated about making those borders stronger, having more enforcement in the workplace. We debated about: How many workers do we need each year to pick our crops and do our work, in addition to the American workforce? And what will we do with the 12 million who are here?

It was a big bill. The debate went on for 3 weeks, which is a long time by Senate standards. At the end of the debate, we could not pass it. We did not have the 60 votes. We were not even close. We had 46 votes cast in favor of comprehensive immigration reform.

There were aspects of that bill, though, that we should not abandon. There were parts of it we have to return to. I think we need to return to enforcement so our borders are safer, so there are fewer undocumented immigrants crossing into the United States. I think we need enforcement in the workplace to make sure employers meet their responsibilities.

But there are several other parts of the bill which we cannot ignore either. Senator DIANNE FEINSTEIN of California has been a leader on the issue of agricultural workers. In her bountiful State, the fruits and vegetables will, frankly, spoil in the fields if they do not bring in workers to pick them and harvest them. Americans are not lining up for these jobs. They are hard, dirty, sweaty, tough jobs. Immigrants will come and do it. They have done it before. She is trying to permit the ag workers, under the law, come and do this work. Otherwise, we are going to lose a lot of our agriculture in America.

There is another aspect of the law which is near and dear to me. Consider someone undocumented or illegal who comes to the United States and brings a child. It happens. That child may come at a very early age, maybe a baby in arms, or 1 or 2 years old, and that child will be raised in the United States, go through school, and reach a point in their life where they do not know any other place but America. They did not choose this country. Their parents chose it. They did not come here because of any thought about being illegal. They came here with their families.

What I tried to do several years ago was to write a law to take into consideration these young people. It is called the DREAM Act. The DREAM Act was a part of this comprehensive immigration reform bill. Here is what it says: If you came to the United States before the age of 16, if you have lived in this country for at least 5 years, if you graduate from high school, and then if you will complete either 2 years of college or 2 years of service in the military, we will give you an opportunity for legal status in America.

I have met these kids—young men and women. What a waste it would be to turn them away. Currently, that is all our law can do—to say to them: If your parents were undocumented and illegal, you have no place in America. At a time when we are importing talent and labor from other places, why would we turn these young people away?

First, they beat the odds. Only half, for example, of undocumented kids graduate from high school. These kids have to graduate from high school to even have a chance to become legal.

Second, they are going to do more with their lives. That is why I wanted to raise the issue very briefly this morning.

On the floor of the Senate, when we return next week, we will resume consideration of the Defense authorization bill. It turns out that many in the Department of Defense believe, as I do, that the DREAM Act is an important part of making certain we have talented young men and women ready to serve in our military. I have spoken to people at the Department of Defense who support the idea of the DREAM Act. I think we ought to include it in the Defense authorization bill. I hope to have that opportunity.

For the tens of thousands of young people across America who want a chance to be part of America, to contribute to America, the DREAM Act is their opportunity. They have to work their way into it. They have to prove themselves or they will not have a chance.

The nice thing about this amendment is both sides of the aisle agree on it. We have strong bipartisan sponsorship of this amendment. Senator CHUCK HAGEL, Republican of Nebraska; and Senator DICK LUGAR, Republican of Indiana; are cosponsors. They agree with me that this is a good move forward and encourage Congress to consider it.

I hope when we return to the Defense authorization bill we can make the DREAM Act part of that bill. Certainly, it is going to help our defense and help our military. I think it is going to help America even beyond that.

Those young men and women, given a chance to serve in the military, will be citizens of this country someday who will make an important contribution, as all of our veterans do. Those who choose to go to college are on a path to becoming tomorrow's doctors and nurses and researchers and businesspeople—the kind of energy every society needs and the kind of energy that has built this great country we have today.

Mr. President, as I said, I rise to speak about legislation known as the DREAM Act, which I hope to offer as an amendment to the Defense authorization bill.

The DREAM Act is a narrowly tailored, bipartisan measure that I have sponsored with Republican Senator CHUCK HAGEL of Nebraska and Republican Senator DICK LUGAR of Indiana.

I want to thank the cosponsors of this amendment, all of whom are also cosponsors of the DREAM Act: Senators HAGEL, LUGAR, LEAHY, OBAMA, LIEBERMAN, FEINSTEIN, KERRY, FEINGOLD, CLINTON, BAYH, MENENDEZ, MURRAY, BOXER, and CANTWELL.

The DREAM Act would give a select group of undocumented students the chance to become permanent residents if they came to this country as children, are long-term U.S. residents, have good moral character, and enlist in the military or attend college for at least 2 years.

The DREAM Act is supported by a broad bipartisan coalition in the Senate, and by military leaders, religious leaders, and educators from across the political spectrum and around the country.

During the 109th Congress, the DREAM Act was adopted unanimously as an amendment to immigration reform legislation that passed the Senate. In the 108th Congress, the DREAM Act was the only immigration reform proposal reported to the Senate floor, on a bipartisan 16-to-3 vote in the Judiciary Committee.

And the DREAM Act was included in the immigration bill that was considered on the Senate floor last month.

Some people might ask why the Senate should revisit immigration again and whether an immigration amendment should be included in the Defense authorization bill. The answer is simple: The DREAM Act would address a very serious recruitment crisis that faces our military.

Under the DREAM Act, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time. They are eager to serve in the Armed Forces during a time of war. And under the DREAM Act they would have a very strong incentive to enlist because it would give them a path to permanent legal status.

Let me begin by explaining the recruitment crisis that faces the Defense Department today.

Largely due to the war in Iraq, the Army is struggling to meet its recruitment quotas.

Just yesterday, the Army announced that it had missed its recruiting goal for June. The Army fell more than 1,000 recruits short of its monthly quota of 8,400. And this is the second straight month that the Army has missed its recruitment target.

Because of these recruitment difficulties, the Army is accepting more applicants who are high school dropouts, have low scores on the military's aptitude test, and have criminal backgrounds.

The statistics speak volumes. In 2006, almost 40 percent of Army recruits had below average scores on the military aptitude test. That is the highest rate since 1985.

In 2006, almost 20 percent of Army recruits did not have a high school degree. This is the highest rate of high school dropouts enlisting in the Army since 1981. By comparison, from 1984 to 2004, 90 percent or more of Army recruits had high school diplomas.

Why does this matter? The Army says high school graduation "is the best single predictor of stick-to-itiveness" that is required to succeed in the military.

And Charles Moskos, a Northwestern University sociologist who is an expert in military culture, said "the more dropouts [who enlist], the more discipline problems" the Army is likely to have.

Even more disturbing, the number of so-called moral waivers for Army recruits who have committed crimes has increased by 65 percent in the last 3 years, from 4,918 in 2003 to 8,129 in 2006. Many of these waivers are for serious crimes such as aggravated assault, burglary, robbery, and vehicular homicide.

In fact, individuals with criminal backgrounds were 11.7 percent of the 2006 recruiting class.

In contrast, under the DREAM Act, all recruits would be well-qualified high school graduates with good moral character.

Let me explain in more detail how the DREAM Act would work.

Currently, our immigration laws prevent thousands of young people from pursuing their dreams and fully contributing to our Nation's future. Their parents brought them to the United States when they were children. For many, this is the only home they know. They are fully assimilated into American society and they want nothing more than to be Americans.

They have beaten the odds in their young lives. The high school dropout rate among undocumented immigrants is 50 percent compared to 21 percent for legal immigrants and 11 percent for native-born Americans.

These children have demonstrated the kind of determination and commitment that makes them successful students and points the way to the significant contributions they will make in their lives. They are junior ROTC leaders, honor roll students, and valedictorians. They are tomorrow's soldiers, doctors, nurses, teachers, and Senators.

Over the years, I have met many of these DREAM Act kids, as they call themselves. Let me give you one example. Oscar Vasquez was brought to Phoenix, AZ, by his parents when he was 12.

Oscar is a born leader and was naturally drawn to the military. He spent his high school years in Junior ROTC, and dreamed of enlisting in the military. At the end of his junior year a recruiting officer told Oscar that he was ineligible for military service because he was undocumented.

Oscar was devastated, but he found another outlet for his talent. Two energetic science teachers had enrolled Oscar's high school in the college division of a robot competition sponsored by NASA.

Oscar and three other undocumented students worked for months in a windowless storage room in their high school, and tested their invention at a scuba training pool on the weekends. Competing against students from MIT and other top universities, Oscar's team won first place in the robot competition.

Oscar has since graduated. He hangs sheetrock for a living; it is the best job he could get without a college education or the opportunity to enlist in the military. He hopes to save his money and study engineering at Arizona State University some day.

Couldn't America use Oscar's talent? Couldn't our military use someone like Oscar?

The DREAM Act would help students like Oscar. It is not an amnesty. It is designed to assist only a select group of young people who would be required to earn their way to legal status.

The fundamental premise of the DREAM Act is that we should not punish children for mistakes that their parents made. That is not the American way.

The DREAM Act says to these students: America will give you a chance. We will give you the opportunity to earn your way to legal status if you meet the following requirements: came to the United States when you were 15 or younger; have lived here for at least 5 years; have good moral character; graduate from high school; and serve in the military or attend college for at least 2 years.

The DREAM Act doesn't mandate military service. A student who is otherwise eligible could earn legal status by attending college. It would be inconsistent with the spirit our volunteer military to force young people to enlist as a condition for obtaining legal status.

But the DREAM Act creates a strong incentive for military service. And many DREAM Act kids come from a demographic group that is already predisposed towards military service. A 2004 survey by the Rand Corporation found that 45 percent of Hispanic males and 31 percent of Hispanic females between ages 16 and 21 were very likely to serve in the Armed Forces, compared to 24 percent of White men and 10 percent of White women.

It is important to note that immigrants have an outstanding tradition of service in the military. There are currently 35,000 noncitizens serving in the military, and about 8,000 more enlist each year.

A recent study by the Center for Naval Analyses concluded:

> Non-citizens have high rates of success while serving [in the military]—they are far more likely, for example, to fulfill their enlistment obligations than their U.S.-born counterparts.

The study also concluded that there are additional benefits to enlisting noncitizens. For example, noncitizens "are more diverse than citizen recruits—not just racially and ethnically, but also linguistically and culturally. This diversity is particularly valuable as the United States faces the challenges of the Global War on Terrorism."

The DREAM Act is not just the right thing to do; it would be good for America. The DREAM Act would allow a generation of immigrant students with great potential and ambitions to contribute to the military and other sectors of American society.

The Pentagon recognizes that. We have worked closely with them on the DREAM Act.

Bill Carr, the Acting Undersecretary of Defense for Military Personnel Policy, recently said that the DREAM Act is "very appealing" to the military because it would apply to the "cream of the crop" of students. Mr. Carr concluded that the DREAM Act would be "good for [military] readiness."

And last year, at a Senate Armed Services Committee hearing on the contributions of immigrants to the military, David Chu, the Undersecretary of Defense for Personnel and Readiness, testified as follows:

> There are an estimated 50,000 to 65,000 undocumented alien young adults who entered the U.S. at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. They include many who have participated in high school Junior ROTC programs. Under current law, these young people are not eligible to enlist in the military. . . . Yet many of these young people may wish to join the military, and have the attributes needed—education, aptitude, fitness, and moral qualifications. . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

Military experts agree. Margaret Stock, a professor at the U.S. Military Academy at West Point, said:

> Passage of the DREAM Act would be highly beneficial to the United States military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces. . . . passage of this bill could well solve the Armed Forces' enlisted recruiting woes.

Conservative military scholar Max Boot agrees. When asked about the DREAM Act, he said:

> It's a substantial pool of people and I think it's crazy we are not tapping into it.

These experts are right. DREAM Act kids are ideal recruits: they are high school graduates, they have good moral character, and they desperately want to serve this country. At the time when the military has been forced to lower its standards due to recruitment shortfalls, we should not underestimate the significance of these young people as a national security asset.

This is the choice the DREAM Act presents to us. We can allow a generation of immigrant students with great potential and ambitions to contribute more fully to our society and national security, or we can relegate them to a future in the shadows, which would be a loss for all Americans.

Mr. President, I encourage my colleagues to consider the DREAM Act as an amendment to this Defense authorization bill as part of our national security. We will have a chance to debate it in its entirety, and I will return to it when we come back to this bill next week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise to speak for a while on the pending business before the Senate this past week and next week, which is the Defense authorization bill.

Now, constituents, people who have been watching the proceedings of the Senate for the last week, might be a little confused because if they know a little bit about how the Senate has historically done its business, they know the Defense authorization bill is the bill we adopt each year to set the policies and the spending priorities for the Defense Department to ensure our national security will remain strong for the next year.

However, this year, instead of talking about the acquisition of equipment we need, the new aegis cruisers we are going to be sending around the world—deploying to ensure we have a missile defense that is not only on land but on the seas—instead of talking about the space test bed—a research project that enables us, among other things, to find out how to deal with antisatellite weapons that the Chinese, for example, might use to destroy our satellites—or instead of talking about the need to increase the number of our military—primarily, our soldiers and marines—by about 90,000, so we have a more robust military to have boots on the ground anywhere in the world—instead of debating these various issues about our military posture, we have spent almost the entire week focused on what, the argument about the Iraq war.

Now, it is perfectly appropriate to debate issues relative to the war against terrorists. Certainly, the main battlefield in that war against terrorists today is Iraq. But it seems to me our focus is a little off when, instead of looking at the things we could do to make the United States more secure—by focusing on this Defense authorization bill and the specific elements of it—we are, instead, focusing on arguments about how quickly to withdraw from Iraq.

We have in place a new strategy in Iraq. At the end of last year, after the election, when Secretary Rumsfeld left his position as Secretary of Defense, the President said: All right, I believe we have not had a successful strategy, and we are going to have a new strategy.

That strategy was announced in January, sometimes called the surge. But what it involved was a combination of involving Iraqis more in the defense and securing of their country and the application of a very focused U.S. force of increased strength in specific areas of the country, not just to take those areas but to hold them once they were taken.

In the past, we would move into an area, we would clear it of the enemy, and then, after a few days, we would leave. What happened? The enemy would filter right back into the same areas, sometimes establishing an even stronger presence than they had before.

That, obviously, did not work, and the President realized it. Everybody in the country said: The election results show you need to have a new strategy. So the President, working with the Iraqis, working with General Petraeus—David Petraeus was confirmed unanimously by the Senate to go over and develop and execute a new strategy. Working with them, the President devised this new strategy of taking and holding the key areas of Iraq so peace and stability could be brought to that war-torn country. The opportunity for the Government then to grab hold of the situation and do the things it needs to do would be given full effect.

That strategy counted on five new brigades of U.S. forces, consisting of over 25,000 on-the-ground servicemen, going in to join with about twice as many Iraqi Army and police units to effectuate this strategy of clearing and holding and maintaining control that I mentioned before.

That strategy, finally, about 2 weeks ago, has been put in full force, with the arrival of the last of the five brigades. They have gone into both Anbar Province, which is almost a third of the country of Iraq, largely controlled by—it is called a Sunni area, and largely controlled by tribal leaders—and into Baghdad, which is, obviously, the primary population center of the country, where a lot of the previous Shiite and Sunni conflict was occurring.

What have we seen in the debate over the Defense authorization bill? We have seen attempt after attempt after attempt from the other side of the aisle to declare the war lost, the strategy a failure, and, therefore, a commitment by the Senate to direct the President to begin bringing the troops home.

Next Tuesday—I believe it is Tuesday—we will actually vote on an amendment that has as its specific directive a mandate that we begin bringing the troops home within a very specific time—I believe it is 120 days now—and that withdrawal be complete within roughly a year—again, I have forgotten the exact date—clearly, predicated on the notion that we have either lost or cannot win, that there is no point in allowing this new strategy to play out to see whether it can succeed, and to tell the entire world we are leaving Iraq.

Now, they put a little pink ribbon around it and said: Oh, we will leave some forces over the horizon so we can ride to the rescue if anything bad happens—as if there is not a clear common understanding that a lot bad will, of course, happen or the need to maintain some presence to help train Iraqi troops.

I ask unanimous consent to have printed in the RECORD an article by Stephen Biddle dated July 11 that was carried in the Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, July 11, 2007]

IRAQ: GO DEEP OR GET OUT

(By Stephen Biddle)

The president's shaky political consensus for the surge in Iraq is in danger of collapsing after the recent defections of prominent Senate Republicans such as Richard Lugar (Ind.), Pete Domenici (N.M.) and George Voinovich (Ohio). But this growing opposition to the surge has not yet translated into support for outright withdrawal—few lawmakers are comfortable with abandoning Iraq or admitting defeat. The result has been a search for some kind of politically moderate "Plan B" that would split the difference between surge and withdrawal.

The problem is that these politics do not fit the military reality of Iraq. Many would like to reduce the U.S. commitment to something like half of today's troop presence there. But it is much harder to find a mission for the remaining 60,000 to 80,000 soldiers that makes any sense militarily.

Perhaps the most popular centrist option today is drawn from the Baker-Hamilton commission recommendations of last December. This would withdraw U.S. combat brigades, shift the American mission to one of training and supporting the Iraqi security forces, and cut total U.S. troop levels in the country by about half. This idea is at the heart of the proposed legislative effort that Domenici threw his support behind last week, and support is growing on both sides of the aisle on Capitol Hill.

The politics make sense, but the compromise leaves us with an untenable military mission. Without a major U.S. combat effort to keep the violence down, the American training effort would face challenges even bigger than those our troops are confronting today. An ineffective training effort would leave tens of thousands of American trainers, advisers and supporting troops exposed to that violence in the meantime. The net result is likely to be continued U.S. casualties with little positive effect on Iraq's ongoing civil war.

The American combat presence in Iraq is insufficient to end the violence but does cap its intensity. If we draw down that combat presence, violence will rise accordingly. To be effective, embedded trainers and advisers must live and operate with the Iraqi soldiers they mentor—they are not lecturers sequestered in some safe classroom. The greater the violence, the riskier their jobs and the heavier their losses.

That violence reduces their ability to succeed as trainers. There are many barriers to an effective Iraqi security force. But the toughest is sectarian factionalism. Iraq is in the midst of a civil war in which all Iraqis are increasingly forced to take sides for their own survival. Iraq's security forces are necessarily drawn from the same populations that are being pulled apart into factions. No military can be hermetically sealed off from its society—the more severe the sectarian violence, the deeper the divisions in Iraqi society become and the harder it is for Americans to create the kind of disinterested nationalist security force that could stabilize Iraq. Under the best conditions, it is unrealistic to expect a satisfactory Iraqi security force anytime soon, and the more severe the violence, the worse the prospects.

The result is a vicious cycle. The more we shift out of combat missions and into training, the harder we make the trainers' job and the more exposed they become. It is unrealistic to expect that we can pull back to some safe yet productive mission of training but not fighting—this would be neither safe nor productive.

If the surge is unacceptable, the better option is to cut our losses and withdraw altogether. In fact, the substantive case for either extreme—surge or outright withdrawal—is stronger than for any policy between. The surge is a long-shot gamble. But middle-ground options leave us with the worst of both worlds: continuing casualties but even less chance of stability in exchange. Moderation and centrism are normally the right instincts in American politics, and many lawmakers in both parties desperately want to find a workable middle ground on Iraq. But while the politics are right, the military logic is not.

Mr. KYL. The reason I want to put this article in the RECORD is that it very clearly points out the problem with the strategy of many of the Democrats that I have just outlined, including the notion that somehow you could reduce our forces by perhaps half or more and still achieve this goal of defeating al-Qaida and training up the Iraqi units.

One of Biddle's key points is that the only way you can successfully train up these Iraqi units is having relative stability in the country, that if you have an out-of-control war going on, you have to be fighting that war, and it is very difficult to at the same time be training up these forces. The best way to train the Iraqi military is to work in conjunction with U.S. units, as General Petraeus has devised, go into an area, clear it, and then leave primarily Iraqi units behind to continue to maintain control in the area. But if you have constant fighting and you haven't been able to clear or hold the area, those

Iraqi troops never have that opportunity or the experience of holding the area.

So, as Mr. Biddle points out, you can't have it both ways. This compromise may satisfy some political requirements back home, but it is totally unworkable in the place where it matters, and that is in Iraq. You can't withdraw half or more of the troops quickly and have any chance of success in maintaining peace and stability and in helping to train up the Iraqi forces.

So why are people in the Senate focused on bringing the troops home or otherwise micromanaging the way the President deploys the units to achieve the mission's objectives? Well, it is either one of two things. Now, from outside this body, I know there are a lot of people who have a motive of trying to make the President look bad and undercutting his authority and undermining the strategy he is following, I gather both for partisan reasons and because they just don't think it can work. But within the body, here in the Chamber, I know my colleagues do not want any American life to have been lost in vain and that they treasure every life that has been put on the line. That is why it is troublesome to me to have to defeat amendments which have as their core point undercutting the President's authority, micromanaging the war from the Congress, and specifically calling for early withdrawal, and by early I mean before the surge has even had an opportunity to play out.

In that regard, I would like to place in the RECORD a piece that was carried this morning in the Washington Post by Charles Krauthammer, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, Jul. 13, 2007]

DESERTING PETRAEUS

(By Charles Krauthammer)

"The key to turning [Anbar] around was the shift in allegiance by tribal sheiks. But the sheiks turned only after a prolonged offensive by American and Iraqi forces, starting in November, that put al-Qaeda groups on the run."—The New York Times, July 8.

Finally, after four terribly long years, we know what works. Or what can work. A year ago, a confidential Marine intelligence report declared Anbar province (which comprises about a third of Iraq's territory) lost to al-Qaeda. Now, in what the Times's John Burns calls an "astonishing success," the tribal sheiks have joined our side and committed large numbers of fighters that, in concert with American and Iraqi forces, have largely driven out al-Qaeda and turned its former stronghold of Ramadi into one of the most secure cities in Iraq.

It began with a U.S.-led offensive that killed or wounded more than 200 enemy fighters and captured 600. Most important was the follow-up. Not a retreat back to American bases but the setting up of small posts within the population that, together with the Iraqi national and tribal forces, have brought relative stability to Anbar.

The same has started happening in many of the Sunni areas around Baghdad, including Diyala province—just a year ago considered as lost as Anbar—where, for example, the Sunni insurgent 1920 Revolution Brigades has turned against al-Qaeda and joined the fight on the side of U.S. and Iraqi government forces.

We don't yet know if this strategy will work in mixed Sunni-Shiite neighborhoods. Nor can we be certain that this cooperation between essentially Sunni tribal forces and an essentially Shiite central government can endure. But what cannot be said—although it is now heard daily in Washington—is that the surge, which is shorthand for Gen. David Petraeus's new counterinsurgency strategy, has failed. The tragedy is that, just as a working strategy has been found, some Republicans in the Senate have lost heart and want to pull the plug.

It is understandable that Sens. LUGAR, VOINOVICH, DOMENICI, SNOWE and WARNER may no longer trust President Bush's judgment when he tells them to wait until Petraeus reports in September. What is not understandable is the vote of no confidence they are passing on Petraeus. These are the same senators who sent him back to Iraq by an 81 to 0 vote to institute his new counterinsurgency strategy.

A month ago, Petraeus was asked whether we could still win in Iraq. The general, who had recently attended two memorial services for soldiers lost under his command, replied that if he thought he could not succeed he would not be risking the life of a single soldier.

Just this week, Petraeus said that the one thing he needs more than anything else is time. To cut off Petraeus's plan just as it is beginning—the last surge troops arrived only last month—on the assumption that we cannot succeed is to declare Petraeus either deluded or dishonorable. Deluded in that, as the best-positioned American in Baghdad, he still believes we can succeed. Or dishonorable in pretending to believe in victory and sending soldiers to die in what he really knows is an already failed strategy.

That's the logic of the wobbly Republicans' position. But rather than lay it on Petraeus, they prefer to lay it on Prime Minister Nouri al-Maliki and point out his government's inability to meet the required political "benchmarks." As a longtime critic of the Maliki government, I agree that it has proved itself incapable of passing laws important for long-term national reconciliation.

But first comes the short term. And right now we have the chance to continue to isolate al-Qaeda and, province by province, deny it the Sunni sea in which it swims. A year ago, it appeared that the only way to win back the Sunnis and neutralize the extremists was with great national compacts about oil and power sharing. But Anbar has unexpectedly shown that even without these constitutional settlements, the insurgency can be neutralized and al-Qaeda defeated at the local and provincial levels with a new and robust counterinsurgency strategy.

The costs are heartbreakingly high—increased American casualties as the enemy is engaged and spectacular suicide bombings designed to terrify Iraqis and demoralize Americans. But the stakes are extremely high as well.

In the long run, agreements on oil, federalism and de-Baathification are crucial for stabilizing Iraq. But their absence at this moment is not a reason to give up in despair, now that we finally have a counterinsurgency strategy in place that is showing success against the one enemy—al-Qaeda—that both critics and supporters of the war maintain must be fought everywhere and at all cost.

Mr. KYL. Mr. President, what Charles Krauthammer, who is a very knowledgeable analyst and writer on this subject, has said is that the Petraeus plan has the makings of a successful strategy, it has already begun to show some positive results, and that it would be folly to declare it a failure before it even has a chance to play out.

Everybody knows General Petraeus is going to report back to the Congress and to the President in September of this year, and he will be accompanied by Ambassador Crocker, our Ambassador to Iraq, who will give us a report on the status of the situation. Now, it has never been contemplated that that is the end of the matter by any stretch of the imagination since it will have only been a few months since the strategy will have been in place, but at least he can give us an idea of how it is working. Why anybody would want to set a different course now, before he gives that report, is beyond me and certainly beyond Charles Krauthammer.

Krauthammer points out that this new strategy has already begun to show success. For example, in the Anbar Province, which was an area that was almost exclusively controlled by al-Qaida—let me digress for just a moment to make this point. We heard discussions several months ago about a civil war in Iraq. It is true, there were elements of Sunni and Shiite Iraqis who were fighting each other, and some were calling that a civil war. But two things are important to know about that.

The first is that much of that fighting was instigated by al-Qaida. Al-Qaida had come into the Sunni areas and had a declared intention to start a fight between the Shiites and the Sunnis. When the fight didn't materialize, al-Qaida went to Samarra, a holy place for Shiites, and blew up one of their most revered shrines, the Golden Mosque. In fact, it has been twice attacked, thus, in effect, poking the nose of the bear to the point that the bear had to react, and the Shiites did react. They said: If the Iraqi Army cannot protect our holy sites, by golly, we will—or whatever the Iraqi phrase is—and they created militias that began attacking Sunnis, and we did have a lot of Shiite on Sunni and vice versa violence. But the first point is it was largely instigated by al-Qaida, who knew precisely what it was doing and had a declared strategy to begin that fight. We have the intelligence to demonstrate that.

The second point is that al-Qaida, since that violence has to some extent now subsided because of the surge—we have gone into these Shiite neighborhoods, for example, and we have persuaded the Shiite leadership to stop the militias from acting, stop the violence, and calm the neighborhoods down so that life can return to normal, and in at least half of Baghdad that has now been what is occurring.

In the Sunni areas, we went to the tribal leaders there and said: Look, al-Qaida is causing you more problems than it is solving. Eventually, these tribal leaders came back to our troops and to the Iraqi leadership and said: You are right. We have now seen what life under al-Qaida would be like as a Taliban kind of rule, where they don't let us do anything; they impose this very harsh penalty on anybody who isn't conforming to their way of life.

Most of the al-Qaida are coming into Iraq from other countries. They are foreigners to the Iraqis, and many of these tribal sheiks, almost all of them in the Anbar Province, said: We are tired of dealing with these al-Qaida terrorists, and we want to join you in fighting them. By the hundreds and thousands, young Iraqis began joining the police and army to fight al-Qaida. And Anbar Province now, as Charles Krauthammer details in his article and as our intelligence has also made very clear, has become one of the strongest anti-al-Qaida areas in the country. It has largely been pacified. It is a good example of how this new strategy can work.

What Krauthammer says is: We don't know yet if this same strategy will work in the next Sunni-Shiite areas, but we can see how it has worked and how it could work if we allow time for the Petraeus plan to play out. He points out that a month ago, Petraeus was asked whether we could still win in Iraq. I am going to quote here:

> The General, who had recently attended two memorial services for soldiers lost under his command, replied that if he thought he could not succeed, he would not be risking the life of a single soldier.

That is a very important concept for us to remember back here because when people talk about supporting the troops, it seems to me the first type of support we should be providing is the moral support for these soldiers, to support their mission, not only to provide everything they need in terms of material support and training but to assure them they are not risking their lives in vain, that we will continue to support the mission we have sent them on that they think they can win and believe they are winning. The worst thing we could do is to have expressions here in the Senate that we think they have lost or that they can't win, and therefore we want to begin declaring defeat and leaving the battlefield. At that point, as it was back in Vietnam, it becomes a question of who is the last man out and who is the last person to risk death, for what? For a timetable? That cannot be why we send young men and women into combat, into harm's way.

For those who believe it is already lost or that it is a failure and that we cannot succeed, I say to them, you have an obligation, then, to try to bring them home immediately because not 1 more day should pass for people to risk life for nothing more than a timetable. I don't happen to believe that. General Petraeus doesn't happen to believe that. I believe we can allow the Petraeus plan to have the time it needs to show that it can succeed, not just in Anbar Province but in other places in Iraq as well.

Let me quote another couple of sentences from Krauthammer's article:

> Just this week Petraeus said that the one thing he needs more than anything else is time. To cut off Petraeus's plan just as it is beginning—

Krauthammer says—

> the last surge troops arrived only last month—on the assumption that we cannot succeed is to declare Petraeus either deluded or dishonorable.

Well, he is clearly not deluded or dishonorable.

I regret that some of my colleagues believe the only way to resolve the situation in Iraq is to begin leaving now. That would be a strategy for failure.

I ask my colleagues this: We have in this body made pronouncements that we need to help people in places such as Darfur where there is genocide occurring, and we have always tried to help people, whether it be in Kosovo or Afghanistan or—and incidentally, isn't it interesting that in two of those places, we are talking about largely Muslim countries, and in places such as Somalia, also a predominance of Muslims—we cannot as a nation ignore what would happen in Iraq were we to leave prematurely. Almost all of the intelligence in the Baker-Hamilton report which is cited by many of my colleagues confirms this as well, acknowledges that if we leave Iraq before the Iraqis can maintain peace and stability, the kind of genocide and killing and terrorism that would ensue would be almost incalculable. Thousands, if not hundreds of thousands and more, would die. Many believe that blood would be on our hands if we are the ones who walk out before they have the ability to prevent that kind of violence.

Al-Qaida clearly is the primary enemy now. As I talked about before, the largely Shiite-Sunni violence has subsided to a significant degree, and most of what is occurring against our forces and against other Iraqis today is being perpetrated by al-Qaida—Al-Qaida in Iraq. If we leave and al-Qaida in Iraq is allowed basically a free hand, most predict that it will have created a situation where, like it did in Afghanistan, al-Qaida will have the ability to train, to plan attacks, and to have refuge from any kind of action to stop them from doing so. They would also have access to the oil wealth of the country of Iraq and to the other resources of the country. To the extent that anybody in Iraq has tried to be a friend of the United States or cooperate with the Iraqi Government—all of those people, remember, with the purple thumbs—would be targeted by the thugs and terrorists who would reign in Iraq. They would undoubtedly be executed.

Think of Saddam Hussein's regime. Think back when the North Vietnamese came sweeping into South Vietnam and all of the boat people fled and those who didn't get away were sent to the "reeducation camps" or killed. Think of Cambodia, when we left there with 3 million Cambodians killed.

Were we to leave Iraq, hundreds of thousands, if not millions, of people will die—largely innocent people. That blood will be on our hands.

Mr. President, that is not the worst of it. The U.S. security will have been significantly jeopardized because we will have ceded the central battle in the war against the terrorists to the terrorists. We will have been defeated by the terrorists, much more than their sneak attack on September 11 defeated us. It killed 3,000 Americans. It was, like Pearl Harbor, the attack that awoke the "sleeping giant" to finally recognize that after having been attacked, I believe, six times previously by al-Qaida, we finally realized we are in a war with those people. Whether we want to fight or not, they are going to attack us, and we better fight back.

We began to do that. I fear that there is a tiredness beginning to seep into some around the world—and even among some Americans—in fighting this enemy that is very elusive and generally doesn't fight us on the battlefield but, rather, waits and waits and, as soon as we relax, engages in a sneak attack. They have tried to do it against our allies. They have done it in Great Britain and in Spain, for example. Other activities have been thwarted. We have been fortunate because our homeland security has thwarted those attacks here at home.

We are not always going to have a battlefield on which to confront them. What confuses me is the argument of some of my colleagues that we should cede the one place where they have directly confronted us on the battlefield in Iraq—cede that battle to the enemy by prematurely withdrawing our troops and somehow reconfiguring our effort to fight them in a different way at a different place. The argument that, if we leave Iraq, we can focus on them in Afghanistan is a false choice. We are fighting them in both places. If we need more elements of support in Afghanistan, then we should send them there. That is supposed to be a NATO exercise, and a lot of our NATO friends could be doing more there to help us. I think we could use more help there.

It is a false argument to say we should not fight them in both places, when the enemy has finally come out onto the battlefield and is confronting us in the one area where we can defeat them with the U.S. military. Nobody can beat our military, the best military in the world and that has ever existed. Al-Qaida is no match for our military. When they are willing to basically come out of their holes and confront us in Iraq, for us not to directly attack, kill, or capture as many of them as possible would be the ultimate in negligence and fecklessness in fighting the war against terrorists. They are the terrorists; they are there. We are able to kill them there. Why we would not engage the enemy in the place where there are the most of them is beyond me.

Now, what that means is that we are putting our young men and women in harm's way. They have volunteered for this mission in which they believe deeply because they have looked into the eye of the enemy and have seen the evil that is there, and they have been willing to lay their lives on the line. Given that fact, and given the fact that we have a brilliant commander with a strategy that appears to be working, why would the United States Congress pull the rug out from under the operation of General Petraeus and our troops when they have their hands around the neck of the enemy and can deal a very severe blow to this evil enemy? That is beyond my comprehension. It takes nothing from the argument that we should be engaged in intelligence operations around the world, that we should be trying our best to get Osama bin Laden, and their argument suggests that somehow we are not. That denigrates the efforts of our special forces and others who, believe me, are trying their very best to get this guy and the other leadership of al-Qaida. But to somehow suggest that we should leave Iraq because the enemy exists in other places is not only totally illogical but, as I said, would be a very feckless approach in trying to win this war against the terrorists.

Another thing that bothers me relates directly to the bill we are debating. We are going to see it next week, and we saw it this morning. It is the notion that has begun to creep into the discussion that maybe this is not really a war at all. One of the candidates for President called this just a bumper sticker. Well, their effort to make this a criminal enterprise—in other words, to criminalize the war rather than treat it as the war that it is—is very troublesome to me.

This morning, we had an amendment that was drafted to provide that instead of a $25 million reward to get Osama bin Laden, it upped it to $50 million for the capture or information leading to the capture of Osama bin Laden.

Mr. President, I was not aware there was a limit on time.

The PRESIDING OFFICER. There is a 10-minute time limit on morning business.

Mr. KYL. Mr. President, I ask unanimous consent to speak for 5 more minutes.

Mr. BROWNBACK. Mr. President, how much time is left in total?

The PRESIDING OFFICER. There is a 10-minute limitation on each speaker, and if it is not objected to, the Senator may continue to speak.

Mr. KYL. I wasn't aware that Senator BROWNBACK was here. I ask unanimous consent to speak for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, this amendment was drafted to provide money for the capture or information leading to the capture of Osama bin Laden. Senator SUNUNU and others looked at that and said: Wait a minute, this is a war. It may well occur that we cannot just capture him, he may have to be killed. So we added the words "or death" to the amendment by a second-degree amendment. That was adopted this morning.

Next week, we are going to get right back to the argument about criminalization versus war. There is in the bill—and we are going to have to strike the language with an amendment—language that requires us to send lawyers over to Iraq and Afghanistan to represent these terrorists we capture on the battlefield. We would have to give them legal representation in theater, and we would have to show them classified information that may be used in their prosecution or continued detention.

Mr. President, I have said that is nuts. I hate to use that kind of a phrase on the Senate floor, but I don't think it represents good policy. We are going to have to strike that language from the bill. That is criminalization of the war. This is a war against evil people who will kill us if they can. The sooner we recognize that fact and deal with them, the sooner we will defeat the enemy, and the enemy will no longer represent a threat to us. We cannot assume they don't really mean it. We cannot assume we can negotiate with them. We cannot treat them as if they are defendants in an American criminal trial. They are evil terrorists who deserve to be dealt with on the battlefield, as we have dealt with, historically, all of our enemies.

So I hope that next week we can turn from some of the amendments that have been used here to primarily undercut the strategy in dealing with the Iraq war and debate some key provisions of the Defense authorization bill, which do need our attention—I have a couple of amendments I hope we can deal with—and that we can also strike from the bill the provision that would allow a new theory of criminal law to intrude into the battlefield to deal with the POWs or detainees there as if they are criminal defendants in an American court rather than the POWs or enemy detainees that, in fact, they are.

I hope at the conclusion of the debate next week we will have continued to defeat these amendments that undercut our efforts in Iraq, continued to support the mission of the troops, and thereby the troops, and strengthened the Defense authorization bill so that for the next year we will have a bill that strongly supports the troops and provides for the national security of the United States of America.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I want to make a few comments. I appreciate the Chair staying here and facilitating this and allowing us to speak about a very important issue—the key issue of our time—the war in Iraq and what is taking place there.

I want to focus my brief comments on what we need to do on a political solution. I think we are caught up with the idea that we need to be on a military solution. A military solution is not going to ultimately solve the situation in Iraq. You have to have a political, durable solution. Unless we are willing to sit there for an indefinite number of years with troops engaged in a very active military setting, we have to get a political, durable situation in Iraq and on the ground if we are going to be realistic about what we are going to do.

I have worked with Senator BIDEN on this proposal. I will talk about a resolution that we have worked together on for a political solution. He chairs the Foreign Relations Committee. I have been on that committee for a number of years. I think we have to realize the population we are dealing with. The situation is not dissimilar, in some respects, to when we saw what took place in the former Yugoslavia. We had a number of different populations where history had washed over that place with different waves of different individuals' thoughts and philosophies. After Tito leaves and you take off this big military apparatus and intelligence apparatus that was willing to kill people to enforce power, you are left with sectarian groups that don't get along. Now Yugoslav has six countries in two autonomous regions after hundreds of thousands of people were killed and multiple sets of civil wars that took place. I think that is instructive from the standpoint of that is what takes place when you take a big military apparatus off of areas where you have nonuniform or a homogenous region. We are seeing this in Sudan.

You have in Sudan a north dominated by Arab and Muslim and a south that is Black and Christian, by and large. They don't get along. There were 2 million killed in the south. The south is going to secede. You have genocide in Darfur by this government—a militant Islamic regime in Khartoum. The world is growing in awareness of what is taking place in Darfur.

I think we have to recognize the situation in Iraq and that you have several different populations. The Kurdish population is separate and distinct and operating in its own area and doing a nice job. There is growth taking place there—not everyplace, but it is doing pretty well. You have a mixed Sunni and Shia population in the rest of the country—dominant Sunni in some areas and dominant Shia in others, and Baghdad is a mixed federal city. I think we have to look at that situation and recognize the mixture and the combustibility of that mixture and get to a more durable political solution.

You are seeing now an ongoing migration of Iraqis inside their own country, which I think suggests Iraq will eventually do what would be called a soft partition. That is the logical thing that would take place, and it is taking place today. There is an outcome of many historical precedents—most notably in Bosnia in the 1990s. Senator BIDEN and I introduced a resolution calling on Iraqis to reach an agreement that would formalize a federal system in Iraq consistent with their Constitution that would allow for Kurds, Sunnis, and Shia to manage their own affairs, with Baghdad remaining a federal capital city.

It is increasingly clear to me that we should start taking interim steps now to facilitate a three-state, one-country solution in Iraq. We should begin by acknowledging that many Iraqis whose lives are threatened because of their sectarian affiliation are on the move. More Iraqis are facing sectarian violence and are considering moving. As tragic as these movements seem now, they are preferable to the mass migration that would occur if Iraq were to implode.

There are steps we can take now to ease the process of internal migration. We can start by authorizing our commanders on the ground to help families who express a desire to relocate to areas where they would join a sectarian majority. Relocating families will require secure passage to safer areas and reliance probably on economic assistance to reestablish them. Those who wish to relocate should be assisted in this fashion.

I don't expect that the Iraqi people will create three completely homogeneous regions. In fact, the level of Sunni and Shia marriage would preclude such an outcome. We should be attentive to those who believe security is enhanced by moving out of mixed neighborhoods, where they do not face the danger of sectarian violence.

Indeed, there was reporting of people swapping houses who were Sunni in a dominant Shia area, and Shia in a dominant Sunni area, so they would feel more secure after one of their families had been killed or kidnapped. I think that makes sense. As populations continue to move, we also need to take steps to avert other aspects of an implosion. We need to ensure that the Kurdish region, which has been a bedrock of stability to this point, remains a stable area. Turkey is rightly concerned about the threat of terrorism coming from across the Iraqi border. We need to reassure them, and we should bolster counterterrorism capabilities of Iraqi forces deployed in that region—much as we have done in Georgia and in other nations where terrorists tried to establish a safe haven and destabilize their region. Our military strategy certainly depends on a stable Kurdish region. Our political vision of Iraq also requires the Kurdish area to remain strong, and I hope we can move quickly to address terrorism issues there.

There are other steps we should take to prepare Iraq for a federal political settlement. We must take additional steps to secure the Iraq-Iranian border, which would be of great benefit to the troops executing the surge, as well as mitigate any attempt Iran might make or thinks that it has to exploit a future three-state, federal version of Iraq.

Last, we should place new emphasis on local and provincial elections in Iraq.

I raise these issues because I do not believe we can precipitously pull out of Iraq, nor should we. But I think we have to recognize the situation on the ground for what it is and facilitate it before we see more mass sectarian violence taking place. We can do this and, in a civil fashion, save lives. That is what this is about. It is about saving lives.

We have seen this play before. We have seen it recently in Yugoslavia. We are seeing it today in Sudan. Why can't we see this and say we are going to save lives by facilitating this rather than creating a combustible situation that blows up on us later. This is consistent with the Iraqi Constitution. It is a more robust political solution which matches our need militarily on the ground.

I finally, say, Mr. President, I have traveled the country a lot. I hear a number of people out there. They don't want to lose in Iraq, but they don't see us on a track to win. What they are after is us coming together here to provide that solution of how we can win. What I am talking about is a political solution that is as aggressive as our military solution. The military gives us space for the political side to act. But we have to get it moving, and that is a situation where we can win and we can go to the American people and say we are on track to win and be able to pull our forces from the frontlines and reduce the death loss we are experiencing as a country, that my State is experiencing, that the Big Red One stationed at Fort Riley, KS, is experiencing.

We can do this. We need to show some foresight and bipartisanship to get it done. That is why I call, along with my colleague, Senator BIDEN, for this proposal, and I urge other colleagues to join us as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

SUBMISSION OF AMENDMENT TO H.R. 1585

Mr. WARNER. Mr. President, on behalf of myself and Senator LUGAR, I send to the desk an amendment to H.R. 1585.

The PRESIDING OFFICER. The amendment is considered submitted.

EFFORTS TO STALL PROGRESS

Mr. LEAHY. Mr. President, I would like to outline some of the legislative activities of the Senate Judiciary Committee.

Some would rather pick fights about controversial judicial nominees. The disappointing decisions from this year's Supreme Court term remind us that this President has been quite successful in moving the Federal courts to the right. This President has not only appointed two members of the Supreme Court but has also already appointed almost one-third of the 871-member Federal judiciary. When the appointments of his father and other Republican Presidents are considered, more than two-thirds of all current Federal judges were appointed by Republican Presidents.

Of course, the Judiciary Committee has been engaged in oversight efforts this year with regard to the U.S. attorney scandal and other examples of White House interference with Federal law enforcement. Despite the attitude of the current administration, our Constitution does not include the phrase "unitary executive" or "executive privilege." What the U.S. Constitution does provide in the oath of office is that the President must swear to "faithfully execute the Office of President of the United States" and "preserve, protect and defend the Constitution of the United States." His essential duties require him to "take care that the Laws be faithfully executed." I have great concern with regard to how this administration is fulfilling those essential duties. The political intrusion into the law enforcement functions of the Government through the scheme to fire and replace our U.S. attorneys is most troubling.

The recent decision to override a prosecution, jury trial, conviction and prison sentence for one of his aides, to excuse his lying to Federal investigators and a grand jury and his perjury, and to reward his silence and purportedly bad memory seems an abuse of the constitutional pardon power. The lack of accountability for anyone in the Bush administration has reached new heights—or depths.

The secret determination to ignore our surveillance laws and engage in years of warrantless wiretapping of Americans is another instance we are investigating that appears at odds with the Constitution's directive to "take care that the Laws be faithfully executed" and that the liberties of the American people secured by the Constitution be protected.

While our oversight efforts have taken a good deal of time and effort, we have simultaneously succeeded in an ambitious legislative agenda. That is what I would like to focus on for a few minutes. While the committee has been productive in reporting a number of bipartisan measures to the Senate, Republican holds have to date been blocking Senate action on these measures.

Republican holds and filibusters have not been limited to obstructing our efforts to support our troops, rebuild our National Guard, and bring an end to the failed policies that have led to the deaths of so many in a civil war in Iraq.

Let me mention a few examples of beneficial legislation that are being stalled, as well:

We just observed the 41st anniversary of the Freedom of Information Act "FOIA" on July 4. An important bipartisan FOIA reform measure—the Openness Promotes Effectiveness in our National Government Act, the OPEN Government Act, S. 849,—was favorably reported in April. Its consideration has been blocked by a Republican objection.

The OPEN Government Act promotes and enhances the public disclosure of government information pursuant to FOIA. This legislation will also provide much-needed reforms to strengthen FOIA by, among other things, helping Americans to obtain timely responses to their FOIA requests and improving transparency in the Federal Government's FOIA process.

This bill is cosponsored by a bipartisan group of 14 Senators, including my lead Republican cosponsor Senator CORNYN. The OPEN Government Act is also supported by more than 115 open government, business and news media organizations from across the political and ideological spectrum, including, the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association.

The passage and enactment of this important FOIA reform legislation will improve government transparency and openness for all Americans. The bill has now been stalled by Republican objection for several weeks.

A second measure the committee reported months ago that has been stalled by unspecified objection from the other side of the aisle is The War Profiteering Prevention Act of 2007, S. 119. This bill provides a significant new tool for Federal law enforcement to combat the scourge of war profiteering, which is needed now more than ever given the ongoing reports of rampant fraud, waste, and abuse in Iraq and Afghanistan. The bill now has the support of Senator SESSIONS, after being modified to eliminate potential objections to specific language in the bill and we have circulated an amendment to combine it with the Sessions-Landrieu Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, S. 863, to be a legislative package that should win overwhelming bipartisan Senate support. Passage of this measure is long overdue and is being blocked by unspecified Republican objection.

A third measure that the Judiciary Committee unanimously reported was the Emmett Till Unsolved Civil Rights Crimes Act, S. 535. This is a good bill, authored by Senator DODD and Representative JOHN LEWIS in the House. The Senate bill and Senate consideration of the House-passed companion measure have been blocked by yet another Republican objection.

These are just three examples of matters currently being delayed and obstructed by unspecified objection from the other side of the aisle. The American people may begin to see a pattern. Each of these measures should command majority support in the Senate. They may be able to command supermajority support on their merits. If we could only get to their merits. So while the Judiciary Committee has remained productive, its efforts to enact helpful, remedial legislation continue to be thwarted by Republican objections.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOHNATHON M. MILLICAN

Mr. SHELBY. Mr. President, I rise today to remember and honor the heroic sacrifice of a courageous Alabamian who selflessly risked himself to save members of his unit under attack.

PFC Johnathon M. Millican was tragically killed on January 20, 2007, in Karbala, Iraq. A member of the 377th Parachute Field Artillery Regiment from Fort Richardson, AK, he risked his own safety to cover an enemy grenade with his body during an attack by insurgents.

For his gallantry in action against an enemy of the United States, Private First Class Millican was posthumously awarded the Silver Star, our Nation's third highest award for combat valor. While this is a great honor and one deserving of Private First Class Millican's actions, I believe his act of heroism and bravery deserves our Nation's highest honor. Therefore, I have asked the Department of Defense to consider him for the Medal of Honor, the highest military decoration awarded by the United States. Private First Class Millican went beyond the call of duty and risked his own life not only to protect our Nation but to save members of his unit.

I offer my thoughts, prayers and condolences to Private First Class Millican's family. His loss symbolizes the ultimate sacrifice one can make for our county. His service represented his commitment to protect his family, community, and our Nation.

I am honored to stand before the Senate today to pay tribute to the life and service of PFC Johnathon Millican. Private First Class Millican's dedication to the principles of freedom and democracy will serve as an example to all of us, for generations to come. It is my hope that he will be duly honored with the Medal of Honor, but even if Private First Class Millican is not awarded the Medal of Honor, he is no less a hero.

TRIBUTE TO GEORGE McGOVERN

Mr. BROWN. Mr. President, 35 years ago, thousands of young people entered politics for the first time by working on the Presidential campaign of George McGovern—a champion for social and economic justice and leading progressive.

Senator McGovern's legacy of progressive politics dates back to volunteering for Henry Wallace's Presidential campaign in 1948.

At 19, and still in college, I was one of those who volunteered for Senator McGovern during a time of great social and political upheaval in our Nation.

We looked to Senator McGovern for his leadership on ending the Vietnam war; for his vision of a nation defined by equal rights, equal opportunity, and unwavering support for those in need.

I remember being struck by the strength of his faith and by his patriotism.

When he thought our Nation needed to go to war, he served in uniform—earning the Distinguished Flying Cross during World War II.

And when he knew it was a war that was wrong, he spoke out early, and often, as was the case with the Vietnam war.

Whether he courageously spoke out against the war from this Chamber as a U.S. Senator, or spoke out for social justice on the Presidential campaign trail, Senator McGovern gave hope—and purpose—to a generation of Americans.

He changed lives and improved a nation.

Senator McGovern's work continues today.

A former U.N. Global Ambassador on World Hunger, Senator McGovern's outreach has helped feed literally millions of families around the world.

Together with Senator Bob Dole, he founded the George McGovern-Robert Dole International Food for Education and Child Nutrition Program, which helps feed children in developing nations.

And Senator McGovern continues to influence the national debate, speaking out on the Iraq war and weighing in on behalf of disenfranchised populations in our Nation and throughout the world.

Senator McGovern changed forever political activism and grassroots organizing. He opened the door for millions of activists attracted by his idealism, many of whom remained in public service their entire lives.

More than public servant, Senator McGovern has been a beloved husband and father.

The Senator was married to his wife Eleanor for nearly 64 years, before her passing earlier this year.

Together, they raised five children, Ann, Terry, Susan, Mary, and Steven.

Nearly 35 years after running for President, and marking his 85th birthday, Senator McGovern is ready to help lead us all into the next progressive era of our Nation.

I am humbled by Senator McGovern's service to our Nation and feel privileged to call him my friend.

ADDITIONAL STATEMENTS

HONORING THE CHILD ABUSE LISTENING, INTERVIEWING AND COORDINATION CENTER

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 10th anniversary of the Child Abuse Listening, Interviewing and Coordination Center, CALICO Center.

CALICO Center was established in 1997 to provide a supportive environment for children in Alameda County who have suffered from abuse. By providing a safe and secure place where children are the first priority, CALICO Center successfully minimizes the trauma that these children face when dealing with the after effects of abuse. As a multidisciplinary center, CALICO Center brings together law enforcement, child welfare workers, and prosecutors to coordinate Alameda County's response to child abuse. CALICO Center also works with the community to increase the prosecution of child abusers who engage in such heinous crimes.

Since it first opened, CALICO Center has effectively served more than 5,000 children, most of whom were victims of violence in their homes and communities. It also connects children and families with critical therapeutic, medical and legal support services that are essential to the healing process.

I commend CALICO Center's dedicated staff and volunteers, who have worked tirelessly and unrelentingly to help children and end child abuse in Alameda County for the past decade. They have an incredibly difficult job, but the men and women at CALICO Center prove every day that they are truly community heroes by helping these innocent victims of child abuse.

Child abuse is one of the most vicious crimes known to humanity. Since 1997, CALICO Center has served as a model for how to successfully engage the entire community in protecting its most vulnerable citizens. Its dedication to the community is inspiring and impressive. I congratulate CALICO Center on its 10th anniversary and wish them many more years of success.•

HONORING COLONEL STEPHEN L. HILL

• Mr. CASEY. Mr. President, today I honor COL Stephen L. Hill and the exceptional service he has provided as commander of the Pittsburgh District, U.S. Army Corps of Engineers during the period from July 16, 2004, to July 13, 2007. My colleague from Pennsylvania, Senator SPECTER, has joined me to honor Colonel Hill.

On Friday, July 13 in Pittsburgh, PA, the U.S. Army Corps of Engineers Pittsburgh District military Change of Command ceremony will honor the services of the outgoing commander, COL Stephen L. Hill, and welcome the incoming commander, COL Michael P. Crall.

Colonel Hill will leave a legacy of excellence. His leadership focused the district's capabilities on executing vital programs for the region and the Nation. His superb managerial skills and emphasis on building relationships and encouraging open and honest communication increased confidence in the ability of the district to accomplish its mission.

During his tenure as district commander, the district's workload expanded and its annual operating budget increased from less than $100 million in Fiscal Year 2004 to over $184 million in Fiscal Year 2007. Colonel Hill skillfully managed resources and reengineered district processes to efficiently accomplish the planning, engineering, construction, operation and maintenance of Pittsburgh district's 23 locks and dams, 16 multipurpose reservoirs, local flood protection projects and environmental infrastructure projects covering 26,000 square miles and portions of five States.

Colonel Hill knew that an important aspect of commanding the district was developing relationships with key leaders in the region. He took the time to meet with officials, visit projects, evaluate the issues, and work to understand the various perspectives of the experts in the region. He established and improved relations with local, State and Federal officials, culminating in changes to outdated lock and dam operating schedules, resulting in cost savings and efficiencies. Colonel Hill's partnerships resulted in the revitalization in projects affecting the critical waterways in the Lower Monongahela and Upper Ohio River. He championed efforts with the Upper Ohio River Study, Asset Management, Charleroi construction, the district's Strategic Business Initiative, SBI, and a number of other high priority projects. These efforts and accomplishments greatly improved the district's image and reputation among the public, stakeholders, congressional staff and the workforce.

Colonel Hill recognized the importance of working across and beyond the district's boundaries. He led by example, deploying to Louisiana to assist in the Hurricane Katrina recovery effort, serving as part of Task Force Hope. More than 25 percent of the Pittsburgh District team members also deployed to assist in the hurricane recovery effort.

Colonel Hill's exceptional service reflects great credit upon himself, the Corps of Engineers and the U.S. Army.

Colonel Hill's next duty assignment is Commander of the gulf region South District at Base Camp Adder, Iraq. The South District covers more than 65,000 square miles, manages more than 1,500 projects that are valued at over $3.3 billion. Colonel Hill will oversee 107 U.S. military and civilian professionals, 263 contract security personnel and nearly 124 Iraq professionals who work side-by-side to provide the transitional support in order to create a viable and stable democracy in the country.

Pennsylvania has been honored to experience the leadership and passion that COL Stephen Hill provided to the Pittsburgh District. Along with my colleague, Senator SPECTER, I thank the colonel for his service to our country and wish him a safe tour of duty in Iraq and much success throughout his entire career.

I ask to have printed in the RECORD a biography of Colonel Hill.

The material follows:

Colonel Stephen L. Hill assumed command of the Pittsburgh District, U.S. Army Corps of Engineers on July 17, 2004. He graduated from the United States Military Academy at West Point, N.Y. with a Bachelor of Science Degree and was commissioned a Second Lieutenant of Engineers in 1982. He holds a Master of Science Degree in Civil Engineering from Purdue University and a Masters Degree in Strategic Planning and Policy from the Army War College. He is a graduate of the U.S. Army Command and General

Staff College, the Armor Officer Advanced Course and the Engineer Officer Basic Course.

Since graduation from the Military Academy, Col. Hill has served in command and staff positions in Germany, Haiti, Japan, Kuwait, Egypt and the United States. Prior to his assignment in Pittsburgh, Col. Hill served as the Senior Engineer Trainer—Sidewinder 07—at the Army's National Training Center (NTC) at Fort Irwin, Calif. training soldiers and leaders while assisting in the development of training doctrine for contemporary operations and emerging asymmetric threats. He commanded the 317th Engineer Battalion, 3rd Infantry Division and led the battalion during deployments to Kuwait, Egypt and the NTC. Prior to battalion command, he served with Headquarters, U.S. Forces, Japan as a joint engineer staff officer responsible for bilateral negotiations with the Government of Japan and management of a $1 billion facility improvement program. Before duties in Japan, Col. Hill served as an operations officer in the 82nd Airborne Division and staff engineer for the Army Special Operations Command at Fort Bragg, N.C. He served as program and project manager for classified special mission unit projects throughout the country and deployed to Haiti with Task Force Black to assist the Ambassador and country team with initial efforts to restore security and democratic leadership.

Earlier in his career, Col. Hill commanded the 58th Combat Engineer Company, 11th Armored Calvary Regiment and Delta Company, 54th Engineer Battalion with missions along the Fulda Gap. He served as project officer and assistant Resident Engineer for the Corps of Engineers' Seattle District at Malmstrom Air Force Base in Great Falls, Mont. He also managed several EPA superfund projects and assisted with the development of the environmental project and program management baseline plan for Seattle's engineering division.

Col. Hill's next duty assignment is Commander of the Gulf Region South District at Base Camp Adder, Iraq.

Col. Hill's awards and decorations include the Defense Meritorious Service Medal, Army Meritorious Service Medal (five oak leaf clusters), Joint Service Commendation Medal, Joint Meritorious Unit Award, Army Superior Unit Award and other unit and service awards. He is a SAME fellow, Master Parachutist and wears the Air Assault Badge. He is qualified as a Joint Specialty Officer.

Col. Hill is married to his high school sweetheart, the former Susan Mills from Nichols, N.Y. They have a son, Ross, who recently completed his freshman year in Chemistry at Boston University.•

THE CENTENNIAL OF ELIDA, NEW MEXICO

• Mr. DOMENICI. Mr. President, I would like to take a moment to mark the centennial of Elida, NM.

In July 1907, the town of Elida was officially incorporated, and for the last 100 years this small New Mexico town has remained a close-knit ranching community. Although much has changed in Elida during the last 100 years, many things have not. Elida is still the kind of town where neighbors take the time to help one another and come together for a Fourth of July barbeque every year. I believe that kind of community is something special and those individuals who call Elida home should be proud.

As the residents of Elida and the surrounding area gather this weekend to celebrate the history of their town, I would like to wish them well and I hope Elida has another wonderful 100 years.•

IN RECOGNITION OF ERIN RATH

• Mr. GREGG. Mr. President, today I pay tribute to my longtime communications director and friend Erin Rath, who for the past 9 years has had the unenviable task of turning a sow's ear to a silk purse, of explaining what I "really" meant and consoling reporters whose call I missed.

Erin comes from hearty New Hampshire political stock and was brought up in an environment where politics and community service was very much a part of her life. Her mother Chris is a leading educator in Concord, serving as superintendent of schools, and her father Tom is a bit of a legend in New Hampshire politics for offering sound advice to Presidential candidates who wander into the Granite State. But, anyone who knows Erin will tell you she has always cut her own path, willing to take any task and accomplishing it with a smile. Whether it was dealing with a not so media friendly member or an aggressive reporter, Erin has perfected the skills needed to pitch any story with style and grace. She understands how to craft a message and have it be understood, whether by a weekly paper in New Hampshire or the Wall Street Journal.

On those rare days that I didn't want to do press, Erin was always the one coming to me and promoting an interview or conference call and, even when temporarily rebuffed, would find a way to cheerfully get her mission accomplished. And, when she was left to translate the day's events to a press corps that was disinterested or confused, Erin would find a way to make the story intelligible and get it in print or across the airwaves.

Erin has also worn another very important hat in my office as the lead on appropriations issues. She excelled at organizing and managing my appropriations requests and making sure worthy New Hampshire projects were not overlooked. Erin has been responsible for helping to deliver hundreds of millions of dollars to better our State.

Just as important to Kathy and I has been the friendship that went well beyond the office. Knowing Erin since she was rather young, allowed us the rare opportunity to watch a bubbly, redheaded, star athlete mature into a charming and professional woman and soon to be mother. Whether it was house-sitting or helping watch over our active family, Erin has long been a part of the Gregg family.

Erin has decided to delay the dream many of us had for her of running for Congress in New Hampshire until after the birth of her first child and move to Minnesota with her husband Dan Moos as he begins his teaching career at the Gustavus Adolphus College. Erin, after being in the eye of the storm for the past 9 years, will enjoy living in a frozen, quiet land where community spirit is derived from singing the Golden Gophers fight song.

Kathy joins me in wishing Erin continued great success and in thanking her for all that she has done for the Gregg family, our office, and New Hampshire.•

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on July 13, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1701. An act to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DURBIN, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2829. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–129).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 1786. A bill to amend the Clean Air Act to encourage the most polluted areas in the United States to attain clean air standards; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. SPECTER, and Mr. SANDERS):

S. 1787. A bill to conduct 1 or more higher education and career readiness demonstration projects for rural, low-income students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS:

S. 1788. A bill to provide for the mandatory revocation of passports of individuals whose child support payments are more than $2,500 in arrears; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CORNYN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 271. A resolution honoring Lady Bird Johnson; considered and agreed to.

By Mr. DURBIN (for himself and Mr. HAGEL):

S. Res. 272. A resolution praising Muslim-American physicians who condemned recent attempted terrorist acts in the United Kingdom; considered and agreed to.

ADDITIONAL COSPONSORS

S. 456

At the request of Mrs. FEINSTEIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1284

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1629

At the request of Mr. PRYOR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1629, a bill to request a study by the Federal Communications Commission on the interference caused by broadband Internet transmission over power lines.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Kentucky (Mr. BUNNING) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1785

At the request of Mr. NELSON of Florida, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1785, a bill to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act.

AMENDMENT NO. 2019

At the request of Mr. LEVIN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from New York (Mr. SCHUMER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 2019 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2056

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2056 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2063

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2063 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. DURBIN, his name and the name of the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2086 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2125

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2125 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2135

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2135 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2171

At the request of Mr. FEINGOLD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 2171 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. SPECTER, and Mr. SANDERS):

S. 1787. A bill to conduct 1 or more higher education and career readiness demonstration projects for rural, low-income students; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, all students, regardless of where they live, need appropriate tools to compete in today's global economy. Today, I am pleased to introduce legislation that will ensure students in rural areas are equipped with the resources they need. If approved, the Rural Students College, Career, and Community Readiness Act of 2007 would improve the educational and career outcomes and build the leadership skills of students in rural communities. I am pleased to be working my colleague, Senator SPECTER, on this important and timely legislation.

Roughly one in four public schools is located in rural America, accounting for 14.5 percent of total public school enrollment. Unfortunately, studies have shown students attending these rural schools generally have lower educational aspirations than their urban and suburban peers. In addition, roughly half of rural high school students live and attend schools in counties that do not have colleges.

These facts are daunting and present a major hurdle in improving education for students in rural communities. However, if our country is to successfully compete for jobs in the marketplace of the 21st century, we must ensure all students have access to an excellent education. These are some of the many reasons why Senator SPECTER and I have joined together to introduce the Rural Students College, Career, and Community Readiness Act of 2007.

This legislation will establish partnerships between nonprofit entities and rural school districts to improve the academic motivation and educational performance of rural, low-income students. Under these partnerships, students in grades 7–12 will receive 25 hours of program workshops during the school year to develop career awareness and build their leadership skills. Furthermore, these programs will provide information for students about the opportunities for and the importance of higher education while increasing understanding of the future labor needs in their State.

This legislation also calls for a rigorous evaluation of the program's impact. The results of this evaluation will not only tell us the rates of participation in dual enrollment courses, advanced placement courses, or other related programs of our rural students, but also provide models of best practices for partnerships so others can replicate their success.

The Rural Students College, Career, and Community Readiness Act emphasizes the improvement of human capital through education as an important engine for economic development for rural communities. This legislation is needed to increase the number of rural students engaged in rigorous, college-preparatory coursework, improve their high school graduation rates, and prepare the next generation of leaders in rural communities.

I am hopeful my Senate colleagues will join us to move this legislation to the floor without delay.

By Mr. ROBERTS:

S. 1788. A bill to provide for the mandatory revocation of passports of individuals whose child support payments are more than $2,500 in arrears; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to offer legislation to ensure that noncustodial parents pay child support, instead of fleeing off to hide from their responsibilities. I commend my fellow Kansas colleagues, Congressman DENNIS MOORE and Congressman JERRY MORAN, for introducing similar legislation in the House.

The problem is this: noncustodial parents could potentially avoid paying their responsible share of child support by leaving the country. State child support enforcement agencies must certify cases to the State Department for passport denial if the child support debt is over $2,500. The loophole that emerges is for those deadbeat parents who already have a passport. Under current implementation of the law, the next opportunity for enforcement is at the renewal of the passport, which could be several years down the road. The legislation I offer today closes that loophole, and simply instructs the State Department to revoke, in addition to denying, a noncustodial parent's passport once the individual's child support debt exceeds $2,500. Studies show that the receipt of child support is a key factor that keeps a child and single parent family from living in or near poverty. Beyond the financial security that steady child support provides, there is a greater likelihood that noncustodial parents are personally involved in their child's life. If a parent shows responsibility financially, there is a bigger chance that he or she is involved emotionally. The impact of a noncustodial parent's involvement in his child's life, in many cases, results in better grades and fewer behavioral problems.

In Kansas alone, there are currently 131,000 child support cases open, including those receiving public assistance, and those above that income bracket. Last year, the Kansas Child Support Enforcement Program collected $156 million in child support.

Now, you might ask: What percentage of the population will this help? I would concede that, although this may not impact a high percentage of those children and families receiving child support, the impact on an individual family is very significant. According to my state's limited records on this issue, approximately 50 passport applications and renewals are denied on a yearly basis. That figure does not include those passports that should be revoked. The Kansas Child Support Enforcement Program estimates that the number of deadbeat parents affected would increase to 250. The security afforded by the steady stream of child support could be the lone determinant of a family living in poverty or existing on adequate financial ground.

I encourage my colleagues to add their support to this important fix. We must ensure that the tools provided to the states have the teeth necessary to discourage deadbeat parents from running out on their financial responsibilities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—HONORING LADY BIRD JOHNSON

Mr. REID (for himself, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CORNYN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr.

ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 271

Whereas Americans throughout the nation are mourning the passing of Claudia Taylor (Lady Bird) Johnson, who served as First Lady with honor and grace during the Administration of her husband, President Lyndon Baines Johnson;

Whereas Mrs. Johnson was born near Karnack, Texas and received the nickname "Lady Bird" as a young child;

Whereas Lady Bird Johnson was known as an excellent student and graduated from the University of Texas;

Whereas Lady Bird Johnson met Lyndon Johnson in 1934 and the 2 were married later that year;

Whereas Lady Bird Johnson was a successful businesswoman who helped build a small radio station into a multimillion-dollar radio and television enterprise;

Whereas throughout her husband's political career in Congress and the White House, Lady Bird Johnson played an important supportive role as a partner and confidante;

Whereas as wife of the Vice President, Lady Bird Johnson visited 33 foreign countries as an ambassador of goodwill;

Whereas, as First Lady, Lady Bird Johnson earned widespread respect and affection not only for the tone of dignity with which she represented her husband and the Nation, but for her active involvement in efforts to serve the public, such as her work to improve the environment and to address the problem of poverty in the United States;

Whereas millions of travelers and commuters have Lady Bird Johnson to thank for the colorful flowers that line many of our roads, which represent a living, lasting legacy of the woman who guided the Highway Beautification Act of 1965 (23 U.S.C. 131, 135 note, 136, 319) into law;

Whereas after leaving the White House, Lady Bird Johnson continued to serve the Nation in many ways, including helping to found the National Wildflower Research Center, supporting the Lyndon Baines Johnson Library, and serving on the Board of the National Geographic Society as a trustee emeritus; and

Whereas, in addition to her service to the Nation, Lady Bird Johnson was a devoted and loving mother to her 2 daughters, Lynda Bird and Luci Baines, as well as her 7 grandchildren and 10 great-grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of Claudia Taylor (Lady Bird) Johnson;

(2) extends its heartfelt sympathy to Mrs. Johnson's family;

(3) honors and, on behalf of the nation, expresses deep appreciation for Lady Bird Johnson's important service to her country; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Mrs. Johnson.

SENATE RESOLUTION 272—PRAISING MUSLIM-AMERICAN PHYSICIANS WHO CONDEMNED RECENT ATTEMPTED TERRORIST ACTS IN THE UNITED KINGDOM

Mr. DURBIN (for himself and Mr. HAGEL) submitted the following resolution; which was considered and agreed to:

S. RES. 272

Whereas in early July 2007, acts of terrorism were attempted at Glasgow Airport and in London;

Whereas early indications suggest that Muslim physicians allegedly were responsible for the attempted acts of terrorism;

Whereas thousands of Muslim-American physicians living and practicing in the United States are an important and welcome component of American society;

Whereas Muslim-American physicians, through the Islamic Medical Association of North America, publicly stated that the association "condemns in the strongest terms the attack on Glasgow Airport, the attempted attack in London; and all attacks by which innocent people are killed or harmed in any manner and all attacks that result in destruction of the property of innocent people"; and

Whereas the Islamic Medical Association of North America further stated, "Such attacks, regardless of whether or not they have been perpetrated by physicians, are against the most basic teachings of our religion, Islam, and are contrary to the very basic principles of our profession, regardless of religion or creed. Suicide is also strictly prohibited in Islam.": Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent attempted attacks in the United Kingdom;

(2) commends the Islamic Medical Association of North America for swift, clear, and public denunciation of the attacks;

(3) encourages Muslim voices in the United States and abroad to continue speaking out against terrorism; and

(4) condemns bigotry and acts of violence against any American, including Arab-Americans and Muslim-Americans.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2189. Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBACK, Mr. ALEXANDER, Mr. ENZI , Mr. CRAPO, Mr. BUNNING, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2190. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2191. Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mrs. LINCOLN, Mr. JOHNSON, Ms. MIKULSKI, Mr. BINGAMAN, Ms. SNOWE, Ms. CANTWELL, Mr. TESTER, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2192. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2193. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 2063 submitted by Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. MCCASKILL) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2194. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2195. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2196. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2197. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2198. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2199. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2200. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2201. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2202. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2203. Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2204. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2205. Mrs. MCCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2206. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2207. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2208. Mr. WARNER (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2209. Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, and Mr.

ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2189. Mr. COLEMAN (for himself, Mr. INHOFE, Mr. DEMINT, Mr. THUNE, Mr. MCCONNELL, Mr. CORNYN, Mr. ISAKSON, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, Mr. HAGEL, Mr. GREGG, Mr. ENSIGN, Mr. MCCAIN, Mr. BENNETT, Mrs. DOLE, Mr. BROWNBACK, Mr. ALEXANDER, Mr. ENZI, Mr. CRAPO, Mr. BUNNING, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. FAIRNESS DOCTRINE PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the "Broadcaster Freedom Act of 2007".

(b) FAIRNESS DOCTRINE PROHIBITED.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters, including the American Forces Network, present opposing viewpoints on controversial issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in General Fairness Doctrine Obligations of Broadcast Licensees, 50 Fed. Reg. 35418 (1985).".

SA 2190. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 269, line 20, insert after "management." the following: "The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.".

On page 270, line 10, insert after "management." the following: "The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.".

On page 270, line 23, insert after "management." the following: "The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.".

SA 2191. Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mrs. LINCOLN, Mr. JOHNSON, Ms. MIKULSKI, Mr. BINGAMAN, Ms. SNOWE, Ms. CANTWELL, Mr. TESTER, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) FINDINGS.—Congress makes the following findings:

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits under that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(8) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the 33-percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services 11 years ago.

(9) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(10) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(11) The Department of Defense has chosen to count the accrual deposit to the Department of Defense Military Retiree Health Care Fund against the budget of the Department of Defense, contrary to the requirements of section 1116 of title 10, United States Code.

(12) Senior officials of the Department of Defense leaders have reported to Congress that counting such deposits against the budget of the Department of Defense is impinging on other readiness needs of the Armed Forces, including weapons programs, an inappropriate situation which section 1116 of title 10, United States Code, was intended expressly to prevent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

(c) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of title 10, United Stated Code, is amended by adding at the end the following new subparagraph:

"(C) The amount of any cost sharing requirements under this paragraph may not be increased in any year by a percentage that exceeds the percentage increase of the most recent increase in retired pay for members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.".

(d) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT

TO SERVICE IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended—

(1) by striking "The monthly amount" and inserting "(A) Subject to subparagraph (B), the monthly amount"; and

(2) by adding at the end the following new subparagraph:

"(B) Effective as of October 1, 2007, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.".

(e) COPAYMENTS UNDER CHAMPUS.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking "during the period beginning on April 1, 2006, and ending on September 30, 2007." and inserting "after March 31, 2006".

(f) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

"(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.".

(g) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

"(6) A person covered by subsection (c) shall not be subject to denial of claims for coverage under this section for failure to enroll for such coverage. To the extent enrollment may be required, enrollment shall be automatic for any such person filing a claim under this section.".

(h) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—Section 1097(e) of such title is amended—

(1) by inserting "(1)" before "The Secretary of Defense"; and

(2) by adding at the end the following new paragraph:

"(2) Effective as of October 1, 2007, the percentage increase in the amount of any premium, deductible, copayment or other charge prescribed by the Secretary under this subsection may not exceed the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.".

SA 2192. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1204. ASSISTANCE FOR GLOBAL PEACE OPERATIONS INITIATIVE PARTNER COUNTRIES DEPLOYING FOR PEACE OPERATIONS.

(a) IN GENERAL.—During fiscal years 2008 and 2009, the Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to foreign countries that have committed to deploying units trained by the United States or its partners under the Global Peace Operations Initiative (GPOI) to peace operations.

(b) SELECTION OF COUNTRIES.—The Secretary of Defense and the Secretary of State shall jointly select the countries described in subsection (a) for which assistance may be provided under that subsection.

(c) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include only the following:

(1) Inspection of—

(A) units described in subsection (a) in order to determine their readiness and ability to carry out peace operations; and

(B) the equipment depots to be used by such units in deployments for peace operations.

(2) Identification of the training and equipping shortfalls, if any, of the units described in subsection (a).

(3) Provision of additional training to the units described in subsection (a), if required, in order to ensure that such units can carry out peace operations.

(4) Provision of equipment for units described in subsection (a), if required, pending deployment for a peace operation.

(5) Assistance in addressing deficiencies in personnel with specialized skills of units described in subsection (a) or in headquarters staffs of such units.

(6) Facilitation of the deployment of units described in subsection (a), if required, for missions under a peace operation.

(d) FORMULATION OF ASSISTANCE.—The Secretary of Defense and the Secretary of State shall jointly formulate the provision of assistance under subsection (a).

(e) NOTICE ON USE OF AUTHORITY.—

(1) REQUIREMENT FOR NOTICE.—Whenever the Secretary of Defense exercises the authority under subsection (a) by taking the action described in subsection (b), the Secretary shall notify the committees of Congress specified in paragraph (3) of the exercise of the authority. Any such notification shall be prepared in coordination with the Secretary of State.

(2) ELEMENTS OF NOTICE.—Any notification under paragraph (1) on the exercise of authority shall include—

(A) a description of the country and unit or units to be provided assistance;

(B) a description of the type of assistance to be provided; and

(C) a statement of the amount of funding to be provided for each country and for each type of assistance.

(3) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(f) RESPECT FOR HUMAN RIGHTS.—Assistance may not be provided under subsection (a) to a unit of forces unless the Secretary of Defense and the Secretary of State jointly determine that the unit and its personnel maintain a record on human rights that meets requirements of the following:

(1) Section 8060 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1287).

(2) Section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102; 119 Stat. 2218).

(g) APPLICABLE LAW.—Any services, defense articles, or funds provided under this section shall be subject to the authorities and limitations in the Foreign Assistance Act of 1961, the Arms Export Control Act, and any Acts making appropriations to carry out such Acts.

(h) FUNDING.—Of the amount authorized to be appropriated by section 301 for operation and maintenance for the Department of Defense, $200,000,000 may be available in fiscal years 2008 and 2009 for the provision of assistance under subsection (a).

SA 2193. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 2063 submitted by Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. MCCASKILL) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike line 4 and all that follows through the end and insert the following:

(9) The President announced a new strategy for United States involvement in Iraq to the American people on January 10, 2007, which included sending approximately 30,000 additional troops to Iraq as well as increasing United States diplomatic efforts with respect to Iraq.

(10) Pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28), the President submitted to Congress a report on the progress of this new strategy on July 12, 2007.

(11) According to that report, the United States has filled one-half of the 300 additional personnel slots for the Provincial Reconstruction Teams which are part of the President's new strategy, and the full complement of those personnel will be in place in December 2007.

(12) The last of the 30,000 additional troops that the President announced in January 2007 that he would send to Iraq as a part of his new strategy became fully operational in Iraq on June 15, 2007.

SEC. 1543. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ.

It is the sense of Congress that, consistent with the recommendations of the Iraq Study Group, the United States Government should—

(1) establish a "New Diplomatic Offensive" to deal with the problems of Iraq and of the region;

(2) support the unity and territorial integrity of Iraq;

(3) encourage other countries in the region to stop the destabilizing interventions and actions of Iraq's neighbors;

(4) secure the borders of Iraq, including through the use of joint patrols with neighboring countries;

(5) prevent the expansion of the instability and conflict beyond the borders of Iraq;

(6) promote economic assistance, commerce, trade, political support, and, if possible, military assistance for the Government of Iraq from non-neighboring Muslim nations;

(7) energize the governments of other countries to support national political reconciliation in Iraq;

(8) encourage the governments of other countries to validate the legitimate sovereignty of Iraq by resuming diplomatic relations, where appropriate, and reestablishing embassies in Baghdad;

(9) assist the Government of Iraq in establishing active working embassies in key capitals in the region;

(10) help the Government of Iraq reach a mutually acceptable agreement on the future of Kirkuk;

(11) assist the Government of Iraq in achieving certain security, political, and economic milestones, including better performance on issues such as national reconciliation, equitable distribution of oil revenues, and the dismantling of militias;

(12) encourage the holding of a meeting or conference in Baghdad, supported by the United States and the Government of Iraq, of the Organization of the Islamic Conference or the Arab League, both to assist the Government of Iraq in promoting national reconciliation in Iraq and to reestablish their diplomatic presence in Iraq;

(13) seek the creation of the Iraq International Support Group to assist Iraq in ways the Government of Iraq would desire, attempting to strengthen Iraq's sovereignty;

(14) engage with the Governments of Iran and Syria in order to obtain their commitment to constructive policies toward Iraq and other regional issues;

(15) provide additional political, economic, and military support for Afghanistan including resources that might become available as United States combat forces are redeployed from Iraq;

(16) remain in contact with the Iraqi leadership, conveying the clear message that there must be action by the Government of Iraq to make substantial progress toward the achievement of the milestones described in section 1550, and conveying in as much detail as possible the substance of these exchanges in order to keep the American people, the Iraqi people, and the people of countries in the region well informed of progress in these areas;

(17) make clear the willingness of the United States Government to continue training, assistance, and support for Iraq's security forces, and to continue political, military, and economic support for the Government of Iraq until Iraq becomes more capable of governing, defending, and sustaining itself;

(18) make clear that, should the Government of Iraq not make substantial progress toward the achievement of the milestones described in section 1550, the United States shall reduce its political, military, or economic support for the Government of Iraq;

(19) make clear that the United States Government does not seek to establish permanent military bases in Iraq;

(20) restate that the United States Government does not seek to control the oil resources of Iraq;

(21) make active efforts to engage all parties in Iraq, with the exception of al Qaeda;

(22) encourage dialogue between sectarian communities and press religious leaders inside and outside of Iraq to speak out on behalf of peace and reconciliation;

(23) support the presence of neutral international experts as advisors to the Government of Iraq on the processes of disarmament, demobilization, and reintegration of militias and other armed groups not under the control of the Government of Iraq; and

(24) ensure that reconstruction efforts in Iraq consist of great involvement by and with international partners that actively participate in the design and construction of projects.

SEC. 1544. STATEMENT OF POLICY ON SECURITY AND MILITARY FORCES.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) gives the highest priority to the training, equipping, advising, and support for security and military forces in Iraq and to supporting counterterrorism operations in Iraq; and

(2) supports the providing of more and better equipment for the Iraqi Army by encouraging the Government of Iraq to accelerate its requests under the Foreign Military Sales program and, as United States combat brigades redeploy from Iraq, provides for the transfer of certain United States military equipment to Iraqi forces.

SEC. 1545. STATEMENT OF POLICY ON STRENGTHENING THE UNITED STATES MILITARY.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the Secretary of Defense to build healthy relations between the civilian and military sectors, by creating an environment where senior military leaders feel free to offer independent advice to the civilian leadership of the United States Government;

(2) emphasizes training and education programs for the forces that have returned to the United States in order to restore the United States Armed Forces to a high level of readiness for global contingencies;

(3) provides sufficient funds to restore military equipment to full functionality over the next 5 years; and

(4) assesses the full future budgetary impact of the war in Iraq and its potential impact on—

(A) the future readiness of United States military forces;

(B) the ability of the United States Armed Forces to recruit and retain high-quality personnel;

(C) needed investments in military procurement and in research and development; and

(D) the budgets of other Federal agencies involved in the stability and reconstruction effort in Iraq.

SEC. 1546. STATEMENT OF POLICY ON POLICE AND CRIMINAL JUSTICE IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) transfers the Iraqi National Police to the Ministry of Defense, where the police commando units will become part of the new Iraqi Army;

(2) transfers the Iraqi Border Police to the Ministry of Defense, which would have total responsibility for border control and external security;

(3) establishes greater responsibility for the Iraqi Police Service to conduct criminal investigations and expands its cooperation with other elements in the judicial system in Iraq in order to better control crime and protect Iraqi civilians;

(4) establishes a process of organizational transformation, including efforts to expand the capability and reach of the current major crime unit, to exert more authority over local police forces, and to give sole authority to the Ministry of the Interior to pay police salaries and disburse financial support to local police;

(5) proceeds with efforts to identify, register, and control the Facilities Protection Service;

(6) directs the Department of Defense to continue its mission to train Iraqi National Police and the Iraqi Border Police, which shall be placed within the Iraqi Ministry of Defense;

(7) directs the Department of Justice to proceed with the mission of training the police forces remaining under the Ministry of the Interior;

(8) provides for funds from the Government of Iraq to expand and upgrade communications equipment and motor vehicles for the Iraqi Police Service;

(9) directs the Attorney General to lead the work of organizational transformation in the Ministry of the Interior and creates a strategic plan and standard administrative procedures, codes of conduct, and operational measures for Iraqis; and

(10) directs the Attorney General to establish courts, train judges, prosecutors, and investigators, and create strongly supported and funded institutions and practices in Iraq to fight corruption.

SEC. 1547. STATEMENT OF POLICY ON OIL SECTOR IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides technical assistance in drafting legislation to implement the February 27, 2007, agreement by Iraq's Council of Ministers on principles for the equitable sharing of oil resources and revenues;

(2) encourages the Government of Iraq to accelerate contracting for the comprehensive oil well work-overs in the southern fields needed to increase oil production, while ensuring that the United States no longer funds such infrastructure projects;

(3) supports the Iraqi military and private security forces in their efforts to protect oil infrastructure and contractors;

(4) implements metering at both ends of the oil supply line to immediately improve accountability in the oil sector;

(5) in conjunction with the International Monetary Fund, encourages the Government of Iraq to reduce subsidies in the energy sector;

(6) encourages investment in Iraq's oil sector by the international community and by international energy companies;

(7) assists Iraqi leaders to reorganize the national oil industry as a commercial enterprise, in order to enhance efficiency, transparency, and accountability;

(8) encourages the Government of Iraq to post all oil contracts, volumes, and prices on the Internet so that Iraqis and outside observers can track exports and export revenues;

(9) supports the efforts of the World Bank to ensure that best practices are used in contracting; and

(10) provides technical assistance to the Ministry of Oil for enhancing maintenance, improving the payments process, managing cash flows, improving contracting and auditing, and updating professional training programs for management and technical personnel.

SEC. 1548. STATEMENT OF POLICY ON IMPROVING ASSISTANCE PROGRAMS IN IRAQ.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides for the United States to take the lead in funding assistance requests from the United Nations High Commissioner for Refugees and other humanitarian agencies;

(2) creates a new Senior Advisor for Economic Reconstruction in Iraq reporting to the President, with the authority to bring interagency unity of effort to the policy, budget, and implementation of economic reconstruction programs in Iraq and the authority to serve as the principal point of contact with United States partners in the overall reconstruction effort;

(3) gives the chief of mission in Iraq the authority to spend significant funds through a program structured along the lines of the Commander's Emergency Response Program, with the authority to rescind funding from programs and projects—

(A) in which the Government of Iraq is not demonstrating effective partnership; or

(B) that do not demonstrate substantial progress toward achievement of the milestones described in section 1550;

(4) authorizes and implements a more flexible security assistance program for Iraq, breaking down the barriers to effective interagency cooperation; and

(5) grants authority to merge United States assistance with assistance from international donors and Iraqi participants for the purpose of carrying out joint assistance projects.

SEC. 1549. STATEMENT OF POLICY ON BUDGET PREPARATION, PRESENTATION, AND REVIEW.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the President to include the costs for the war in Iraq in the annual budget request;

(2) directs the Secretary of State, the Secretary of Defense, and the Director of National Intelligence to provide United States military and civilian personnel in Iraq the highest possible priority in obtaining professional language proficiency and cultural training;

(3) directs the United States Government to provide for long-term training for Federal agencies that participate in complex stability operations like those in Iraq and Afghanistan;

(4) creates training for United States Government personnel to carry out civilian tasks associated with complex stability operations; and

(5) directs the Director of National Intelligence and the Secretary of Defense to devote greater analytic resources to understanding the threats and sources of violence in Iraq and institute immediate changes in the collection of data and violence and the sources of violence to provide a more accurate picture of events on the ground in Iraq.

SEC. 1550. CONDITIONS FOR CONTINUED UNITED STATES SUPPORT IN IRAQ.

(a) IN GENERAL.—It shall be the policy of the United States to condition continued United States political, military and economic support for Iraq upon the demonstration by the Government of Iraq of sufficient political will and the making of substantial progress toward achieving the milestones described in subsection (b), and to base the decision to transfer command and control over Iraqi security forces units from the United States to Iraq in part upon such factors.

(b) MILESTONES.—The milestones referred to in subsection (a) are the following:

(1) Promptly establishing a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq.

(2) Enacting legislation or establishing other mechanisms to revise the de-Baathification laws in Iraq to encourage the employment in the Government of Iraq of qualified professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime.

(3) Enacting legislation or establishing other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner.

(4) Holding free and fair provincial elections in Iraq at the earliest date practicable.

(5) Enacting legislation or establishing other mechanisms to ensure the rights of women and the rights of all minority communities in Iraq are protected.

SEC. 1551. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

It is the sense of Congress that—

(1) with the implementation of the policies specified in sections 1544 through 1550 and the engagement in the increased diplomatic efforts specified in section 1543, and as additional Iraqi brigades are being deployed, and subject to unexpected developments in the security situation on the ground, all United States combat brigades not necessary for force protection could be redeployed from Iraq by the first quarter of 2008, except for those that are essential for—

(A) protecting United States and coalition personnel and infrastructure;

(B) training, equipping, and advising Iraqi forces;

(C) conducting targeted counterterrorism operations;

(D) search and rescue; and

(E) rapid reaction and special operations;

(2) except in the event of unforeseen circumstances or developments, the President's new strategy for Iraq, announced in January 2007, should not be significantly altered until General Petraeus and Ambassador Crocker report to Congress on the progress of that strategy in September 2007; and

(3) the redeployment should be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

SEC. 1552. REPORT ON POLICY IMPLEMENTATION.

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the actions that have been taken to implement the policies specified in sections 1543 through 1550.

SA 2194. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded through congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded through a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If an agency head does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the agency head may waive such bid or application requirement if the agency head determines that the contract, grant, or cooperative agreement is essential to the mission of the agency.

(B) CONGRESSIONAL NOTIFICATION.—If an agency head waives a bid requirement under subparagraph (A), the agency head must, not later than 10 days after exercising such waiver, notify Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives of the waiver.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the head of each executive agency shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the executive agency.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL INITIATIVE.—The term "congressional initiative" means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007.

SA 2195. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. JOINT SPACE INTELLIGENT DECISION SUPPORT.

(a) IN GENERAL.—The Secretary of Defense may not proceed with the Joint Space Intelligent Decision Support (JSDIS) program unless the Secretary determines that the program is necessary and essential to the national defense of the United States.

(b) FULL AND OPEN COMPETITION.—If the Secretary determines to proceed with the Joint Space Intelligence Decision Support program in accordance with subsection (a), the Secretary may award the contract for that program only after full and open competition.

SA 2196. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NDIC CLOSURE.

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be used for the National Drug Intelligence Center (NDIC) located in Johnstown, Pennsylvania, except those activities related to the permanent closing of the NDIC and to the relocation of activities performed at NDIC deemed necessary or essential by the Secretary of Defense, in consultation with the appropriate Federal agencies.

SA 2197. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-355) is repealed.

SA 2198. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. NAVY SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM AT THE UNIVERSITY OF MIAMI, CORAL GABLES, FLORIDA.

The Secretary of the Navy may establish and maintain a Senior Reserve Officers' Training Corps program under section 2102 of title 10, United States Code, at the University of Miami, Coral Gables, Florida.

SA 2199. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 256. COMPTROLLER GENERAL ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) REVIEW.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives an assessment of the effectiveness of the Defense Experimental Program to Stimulate Competitive Research.

(b) ASSESSMENT.—The report under subsection (a) shall include the following:

(1) A description and assessment of the tangible results and progress toward the objectives of the program, including—

(A) an identification of any past program activities that led to, or were fundamental to, applications used by, or supportive of, operational users; and

(B) an assessment of whether the program has expanded the national research infrastructure.

(2) An assessment whether the activities undertaken under the program are consistent with the statute authorizing the program.

(3) An assessment whether the various elements of the program, such as structure, funding, staffing, project solicitation and selection, and administration, are working effectively and efficiently to support the effective execution of the program

(4) A description and assessment of past and ongoing activities of State planning committees under the program in supporting the achievement of the objectives of the program.

(5) An analysis of the advantages and disadvantages of having an institution-based formula for qualification to participate in the program when compared with the advantages and disadvantages of having a State-based formula for qualification to participate in supporting defense missions and the objective of expanding the Nation's defense research infrastructure.

(6) An identification of mechanisms for improving the management and implementation of the program, including modification of the statute authorizing the program, Department regulations, program structure, funding levels, funding strategy, or the activities of the State committees

(7) Any other matters the Comptroller General considers appropriate.

SA 2200. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.

Section 9 of title 4, United States Code, is amended by striking "all persons present" and all that follows through the end and inserting "those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.".

SA 2201. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1205. REPEAL OF LIMITATIONS ON MILITARY ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

(a) Repeal of Limitations.—Section 2007 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7426) is repealed.

(b) Conforming Amendments.—Such Act is further amended—

(1) in section 2003 (22 U.S.C. 7422)—

(A) in subsection (a)—

(i) in the heading, by striking "Sections 5 and 7" and inserting "Section 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(B) in subsection (b)—

(i) in the heading, by striking "Sections 5 and 7" and inserting "Section 2005"; and

(ii) by striking "sections 2005 and 2007" and inserting "section 2005";

(C) in subsection (c)(2)(A), by striking "sections 2005 and 2007" and inserting "section 2005";

(D) in subsection (d), by striking "sections 2005 and 2007" and inserting "section 2005"; and

(E) in subsection (e), by striking "2006, and 2007" and inserting "and 2006"; and

(2) in section 2013 (22 U.S.C. 7432), by striking paragraph (13).

SA 2202. Mr. SESSIONS (for himself, Mr. CHAMBLISS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) Payment of Travel Costs Authorized.—

(1) In general.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

"§ 408a. Travel and transportation allowances: inactive duty training

"(a) Allowance Authorized.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may reimburse a member of the Selected Reserve of the Ready Reserve described in subsection (b) for travel expenses for travel to an inactive duty training location to perform inactive duty training.

"(b) Eligible Members.—A member of the Selected Reserve of the Ready Reserve described in this subsection is a member who—

"(1) is—

"(A) qualified in a skill designated as critically short by the Secretary concerned;

"(B) assigned to a unit of the Selected Reserve with a critical manpower shortage, or is in a pay grade in the member's reserve component with a critical manpower shortage; or

"(C) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation; and

"(2) commutes a distance from the member's permanent residence to the member's inactive duty training location that is outside the normal commuting distance (as determined under regulations prescribed by the Secretary of Defense) for that commute.

"(c) Maximum Amount.—The maximum amount of reimbursement provided a member under subsection (a) for each round trip to a training location shall be $300.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

"408a. Travel and transportation allowances: inactive duty training.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2007. No reimbursement may be provided under section 408a of title 37, United States Code (as added by subsection (a)), for travel costs incurred before October 1, 2007.

SA 2203. Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON FAMILY CARE PLANS AND THE DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO HAVE MINOR DEPENDENTS.

(a) In General.—It is the sense of Congress that—

(1) single parents who are members of the Armed Forces with minor dependents, and dual-military couples with minor dependents, should develop and maintain effective family care plans that—

(A) address all reasonably foreseeable situations that would result in the absence of the single parent or dual-military couple in order to provide for the efficient transfer of responsibility for the minor dependents to an alternative caregiver; and

(B) are consistent with Department of Defense Instruction 1342.19, dated July 13, 1992, and any applicable regulations of the military department concerned; and

(2) the Secretary of Defense should establish procedures to ensure that if a single parent and both spouses in a dual-military couple are required to deploy to a covered area—

(A) requests by the single parent or dual-military couple for deferments of deployment due to unforeseen circumstances are evaluated rapidly; and

(B) appropriate steps are taken to ensure adequate care for minor dependents of the single parent or dual-military couple.

(b) Definitions.—In this section:

(1) Covered area.—The term "covered area" means an area for which special pay for duty subject to hostile fire or imminent danger is authorized under section 310 of title 37, United States Code.

(2) Dual-military couple.—The term "dual-military couple" means a married couple in which both spouses are members of the Armed Forces.

SA 2204. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

SEC. (_____). COMPETITION FOR PROCUREMENT OF RIFLES.

(a) Competition Required.—Each military service shall conduct full and open competitions for the procurement of rifles based on the requirements described in (b).

(b) Requirement.—The Secretary of Defense shall certify a rifle requirement no later than December 31, 2007 that shall—

(1) be based on performance; and

(2) not require commonality with the technical specifications of current weapons.

(c) Procurements Covered.—This section applies to the procurement of individual weapons less than .50 caliber.

SA 2205. Mrs. McCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.

(a) Study Required.—

(1) In general.—The Secretary of Defense shall provide for a federally funded research and development center (FFRDC) to conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and anticipated capabilities and costs of the C–5 aircraft and C–17 aircraft fleets.

(2) Selection of FFRDC.—In order to enhance the utility of the study, the Secretary shall, select to conduct the study a federally funded research and development center that is currently engaged in force mix analyses of other military mobility aircraft fleets.

(3) Utilization of other studies.—In conducting the study, the federally funded research and development center shall utilize the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intratheater Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C–5A aircraft configured as part of the Reliability Enhancement and Re-engining Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411).

(b) Elements.—The study under subsection (a) shall address the following:

(1) The adequacy of the current intertheater airlift force, including whether or not the current target number of 299 airframes for the Air Force heavy lift aircraft fleet will be sufficient to support future expeditionary combat and non-combat missions, as well as

domestic and training mission requirements, in light of each of the following:

(A) Current and future military combat and support missions.

(B) The planned force structure growth of the Army and the Marine Corps.

(C) Potential changes in lift requirements arising from the deployment of the Future Combat Systems by the Army.

(D) The utilization of the heavy lift aircraft in intratheater combat missions.

(E) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(F) The potential foreign military demand for military airlift aircraft and the value to the Air Force of a global infrastructure associated with a common aircraft fleet.

(G) Any increased air mobility requirements associated with the Global Rebasing Initiative of the Department of Defense.

(H) Potential increases in United States military support for peacekeeping and humanitarian missions around the globe.

(I) Potential changes in lift requirements based on equipment procured for Iraq and Afghanistan.

(2) The state of the current intertheater airlift fleet of the Air Force, including the following:

(A) The extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other ongoing operations is affecting the aging of the aircraft of that fleet.

(B) The extent to which the accelerated aging of such aircraft will affect the replacement schedule for such aircraft.

(3) The optimal mix of C–5 aircraft and C–17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C–5 aircraft and C–17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost-benefits of replacing C–5A aircraft with C–17 aircraft, including costs associated with the C–5 Reliability Enhancement and Re-engining Program (RERP) and Avionics Modernization Program (AMP).

(B) The military capability of the airframes for the C–5 aircraft and C–17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capability, and mission capable rates for such airframes.

(C) The effect of replacing C–5 aircraft with C–17 aircraft on a one-for-one airframe basis, rather than upgrading the C–5 aircraft under the Reliability Enhancement and Re-engining Program and the Avionics Modernization Program, on airlift capabilities, including whether replacing C–5 aircraft with C–17 aircraft would create an equivalent one-for-one tradeoff in military capability.

(D) The tactical capabilities of strategic airlift aircraft, the potential increase in use of strategic airlift aircraft for tactical missions, and the value of such capabilities to tactical operations.

(E) The value of having more than one type of aircraft in the strategic airlift fleet, and the potential need to pursue a replacement aircraft for the C–5 aircraft that is larger than the C–17 aircraft.

(4) Strategic issues associated with closing the production line for the C–17 aircraft, particularly the risks associated with losing the industrial capacity of that production line in the light of future military requirements.

(5) The means by which the Air Force was able to restart the production line for the C–5 aircraft after having closed the line for several years, and the actions to be taken to ensure the production line for the C–17 aircraft could be restarted should a decision to close the line be made, including an analysis of the following:

(A) The costs of closing and re-opening the production line for the C–5 aircraft, and an assessment of the costs of closing and re-opening the production line for the C–17 aircraft on a similar basis.

(B) The risks inherent in permitting a production line to close when compared with the potential savings or favorable aspects of keeping a production line open.

(6) The financial effects of retiring or upgrading and maintaining the C–5A aircraft fleet on procurement decisions relating to the C–17 aircraft.

(7) The impact that increasing the role and use of strategic airlift aircraft in intratheater operations will have on the current target number for strategic airlift aircraft of 299, including an analysis of the following:

(A) The appropriateness of using C–5 aircraft and C–17 aircraft for intratheater missions, as well as the efficacy of these aircraft to perform current and projected future intratheater missions.

(B) The interplay of existing doctrinal intratheater airlift aircraft (such as the C–130 aircraft and the future Joint Cargo Aircraft (JCA)) with an increasing role for C–5 aircraft and C–17 aircraft in intratheater missions.

(C) The most appropriate and likely missions for C–5 aircraft and C–17 aircraft in intratheater operations and the potential for increased requirements in these mission areas.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C–5 and C–17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(c) CONSTRUCTION.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C–5 aircraft or C–17 aircraft that do or may provide intratheater and intertheater airlift, including the potential that such current or future assets may reduce requirements for C–5 aircraft or C-17 aircraft.

(d) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2009, the Secretary Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study under subsection (a).

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 2206. Mr. WEBB (for himself, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. BROWN, Mr. CASEY, Mr. TESTER, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Wartime Contracting" (in this subsection referred to as the "Commission").

(2) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(A) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(C) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(E) 1 member shall be appointed by the Secretary of Defense.

(F) 1 member shall be appointed by the Secretary of State.

(3) CHAIRMAN AND VICE CHAIRMAN.—

(A) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under subparagraphs (A) and (B) of paragraph (2) but only if approved by the vote of a majority of the members of the Commission.

(B) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under subparagraphs (C) and (D) of paragraph (2) but only if approved by the vote of a majority of the members of the Commission.

(4) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable; and

(v) the appropriateness of the organizational structure, policies, and practices of the Department of Defense and the Department of State for handling contingency contract management and support.

(5) REPORTS.—

(A) INTERIM REPORT.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(6) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, subpoena, administer such oaths; and

(ii) require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(C) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(D) DETAILEES.—Any employee of the Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(E) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(F) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution and conviction that results from a referral made under this subparagraph.

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term "contingency operation" has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in cooperation with the Inspector General of the Department of Defense and Inspector General of the Department of State and in consultation with the Commission on Wartime Contracting established by subsection (a), conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF DOD CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight and Department of State management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the completion of the audits required by this subsection.

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(5) COMPLETION OF AUDITS.—The Special Inspector General shall complete any audits conducted under this subsection by not later than December 31, 2008.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this Act.

SA 2207. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKI, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term "caregiver" means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term "covered period of service" means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term "employee" means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term "family member" includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term "qualified member of the Armed Forces" means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor shall establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(c) GAO REPORT.—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

SA 2208. Mr. WARNER (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

Subtitle D—Iraq

SEC. 1541. FINDINGS.

Congress makes the following findings:

(1) The United States has vital national security interests in Iraq and the Middle East region.

(2) These vital interests include the prevention of Iraq or any piece of its territory from being used as a safe haven or training ground for terrorists or as a repository or assembly point for weapons of mass destruction; the prevention of acts of violence and disorder that upset wider regional stability, undermining friendly governments, expanding refugee flows, impairing the international shipping lanes in the Persian Gulf, or destroying key oil production or transportation facilities; the prevention of Iranian domination of or aggression toward nations or areas of the Middle East, which would have potentially serious consequences for weapons proliferation, terrorism, the security of Israel, and the stability of friendly governments; and the protection of U.S. credibility in the region and throughout the world.

(3) On January 10, 2007, the President announced the "New Way forward" (hereinafter

known as "the President's strategy"), which consists of four basic elements: political, regional, economic, and military.

(4) The central component of the military element of the President's strategy is an increased emphasis on population security with augmented Iraqi and Coalition force levels in Baghdad and elsewhere. This element required the deployment of five additional U.S. brigade combat teams, with the fifth brigade combat team having been deployed and having become operational in June 2007.

(5) It is widely recognized that there is no purely military solution to the situation in Iraq. The Iraqi leaders must, as a unified government, reach political settlements in order to achieve reconciliation, for their failure to do so greatly contributes to the violence and disorder in Iraq.

(6) The viability of the President's strategy within Iraq depends upon: 1) military success at reducing violence and instability in Iraq to a degree that creates greater political normalcy to conclude political compromises; 2) the willingness of Iraqi leaders to subordinate their personal, tribal, and sectarian loyalties and agendas to allow for meaningful and lasting compromises on key questions of economic and political power, such as the equitable distribution of hydrocarbon resources, the enactment of a debaathification policy, the enactment of provincial election law, the completion of the Constitutional review process, and the settlement of the Kirkuk question; and 3) the ability of these potential compromises to achieve a sufficient level of national reconciliation to sustain a stable, unified government, security forces loyal to that government, and a cohesive society despite the continuing risk of terrorism or sectarian violence.

(7) According to the Initial Benchmark Assessment Report, issued on July 12, 2007, under the requirements of the Emergency Supplemental Appropriations Act (Public Law 110–28), enacted May 25, 2007, the Administration has scored satisfactory progress toward 8 of 18 benchmarks, but unsatisfactory or mixed progress is being marked in 10 others. Specifically, in the Security sector, while the report grades "satisfactory progress toward providing three trained and ready Iraqi brigades to support Baghdad operations, "the Iraqi Government has made unsatisfactory progress toward increasing the number of Iraqi Security Forces units capable of operating independently", and has not made satisfactory progress "in ensuring that Iraqi Security Forces are providing even-handed enforcement of the law..."

(8) The Administration's Initial Benchmark Assessment Report of July 12, 2007, indicates clearly that none of the benchmarks set forth in P.L 110–28, nor those milestones recommended by the bipartisan Iraq Study Group in December 2006 in the areas of national reconciliation, security and governance have been reached in their entirety.

(9) Sectarian agendas, heightened by current power struggles and the memory of the oppressive rule of Saddam Hussein, have generated fear, distrust, and hatred in many parts of Iraq leading to ethnic cleansing, violence, sabotage, economic discrimination, and uncompromising political agendas that have hindered attempts to achieve political reconciliation.

(10) Many leaders of the Iraqi government and sectarian factions have not demonstrated a commitment to the concept of a pluralist government; nor have they demonstrated the ability to control many subfactions within their sects.

(11) The difficulty of achieving short-term political accommodation in Iraq has been complicated by absenteeism in Parliament, personal feuds among leaders, factional boycotts, and the demands of making policy by consensus in a fragmented society.

(12) Though some Iraqi military and security units have achieved a commendable, professional degree of capability and have performed courageously in combat, a measure of sectarian loyalties, agenda, and corruption still afflict the Iraqi security services.

(13) Given continuing high levels of violence in Iraq and few manifestations of political compromise among Iraq's factions, the optimal outcome in Iraq of a unified, pluralist, democratic government that is able to police itself, protect its borders, and achieve economic development is not likely to be achieved in the near future.

(14) American military and diplomatic strategy in Iraq must adjust to the reality that sectarian factionalism is not likely to abate anytime soon and probably cannot be controlled from the top.

(15) The U.S. military's capacity to interpose itself indefinitely between sectarian factions in Iraq is limited by the high tempo of deployments to Iraq during four and a half years of conflict have impacted the overall readiness of our armed forces, complicated the all-volunteer policy of recruitment, and strained the quality of life for military families.

(16) The extended Iraq deployments have potential consequences for U.S. abilities to respond to other national security threats, including challenges in Afghanistan.

(17) The safety and security of our military forces, as well as our credibility in the region require that any military withdrawal or redeployment from Iraq be carefully planned and executed.

(18) Some level of American military presence in or near Iraq would improve prospects that the United States could respond to terrorist threats, protect petroleum flows, help deter a regional war, and reassure friendly governments of America's commitment to Middle East security.

(19) Our military planners and diplomats must have as much time as possible to develop and implement the elements of any follow-on policy to the President's strategy, including securing the cooperation of the Iraqi government and key states in the region and establishing the logistics to support a residual or temporary American military presence.

(20) A poorly-planned or precipitous withdrawal from Iraq could compound the risks of a wider regional conflict stimulated by Sunni-Shia tensions, damage U.S. credibility among regional allies, expose Iraqis who have worked with the Coalition to retribution, increase the magnitude of destabilizing refugee flows, undercut economic and development projects currently underway in Iraq, and signal that the United States was abandoning efforts to prevent Iraqi territory from being used as a terrorist base.

(21) The December 2006 report issued by the Iraq Study Group advocated a comprehensive strategy that includes "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly;".

(22) A new strategy should reference the recommendations of the Iraq Study Group, which consulted nearly 200 leading officials and experts, including senior members of the Government of Iraq, the United States Government, and key coalition partners and received advice from more than 50 distinguished scholars and experts from a variety of fields who conducted working groups in the areas of economy and reconstruction, military and security, political development, and the strategic environment in Iraq and the Middle East.

(23) The long term importance of Iraq and the Middle East to American economic and national security requires that our policy in Iraq be militarily sustainable and that it command the greatest degree of public and Congressional support possible.

(24) The report of the Iraq Study Group opened with a letter from the co-chairs, James A. Baker, III and Lee H. Hamilton, which states "Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support".

SEC. 1542. REPORTING AND PLANNING REQUIREMENTS.

(a) The President shall require the Director of National Intelligence to review and update, as required, the National Intelligence Estimate (NIE) titled "Prospects for Iraq's Stability: A Challenging Road Ahead", dated January 2007, not later than September 4, 2007. The updated NIE shall include an assessment specifically of the consequences of the various courses of action reducing U.S. forces in Iraq on the future of Iraq, the Middle East region, U.S. national interests, and U.S. partners and allies.

(b) The President, in close coordination with the Secretaries of Defense and State, Joint Chiefs of Staff, and other senior military leaders, shall, as a matter of prudence, consider all options and initiate planning to:

(1) transition U.S. combat forces from policing the civil strife or sectarian violence in Iraq;

(2) redeploy or reallocate those forces in a responsible manner as conditions permit;

(3) refocus U.S. military operations on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations against al Qaeda in Iraq and its associates, protecting U.S. forces and facilities, and training and equipping Iraqi forces to take full responsibility for their own security; and

(4) address the findings of the Independent Assessment of the Iraqi Security Forces as provided by PL 110-28 to include decision points for the redeployment of U.S. forces from Iraq that are based upon the readiness of Iraqi Security Forces.

(c) The aforementioned plans shall be presented to Congress, in a format determined by the Administration, not later than October 16, 2007, and shall be accompanied by the results from modeling and simulation efforts by appropriate departments and agencies of the U.S. government that address the consequences of the courses of action proposed and analyzed. The results of that modeling and simulation shall be made available to Congress.

(d) We recommend that the President and the Administration design plans to be executable beginning not later than December 31, 2007.

SEC. 1543. AUTHORIZATION OF THE USE OF FORCE.

Findings:

(1) In the Emergency Supplemental Appropriations Act (Public Law 110–28), enacted May 25, 2007, the Congress enacted broad legislation, part of which originated in the Senate, and the President signed the legislation which specifically mandated that the President take the following actions:

(A) "The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved".

(B) "The President, having consulted with the Secretary of State, The Secretary of Defense, The Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress".

(C) "If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate".

(D) "The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above".

(E) "Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress".

(F) The Department of Defense "will commission an independent, private-sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(i) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation;

(ii) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF;

(iii) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A)".

(iv) It is anticipated that the "Independent Report on the Iraqi Security Forces," will, in whole or in part, be available before September 5, 2007.

(2) Two successive reports by the President, a report from the U.S. Ambassador to Iraq, a report from the Commander of Multinational Forces—Iraq, and the Independent Assessment of the Iraqi Security Forces, thereby provide a comprehensive body of information available to the American public and to the Congress, upon which they can establish opinions and evaluate decisions on the future course of U.S. involvement in Iraq and the surrounding region.

(3) The findings that supported H.J. Res. 114, Public Law 107–243, which was enacted in 2002 and which authorized the President to use the Armed Forces of the United States against Iraq, require review and revision. Therefore, as part of his September 15, 2007, report, Congress expects that the President will submit to Congress a proposal to revise Public Law 107–243.

SEC. 1544. STATUS OF FORCES AGREEMENT.

The President shall direct the Secretary of State, in conjunction with the Secretary of Defense, to initiate negotiations with the Government of Iraq on a Status of Forces Agreement with a goal to complete work not later than 120 days after enactment of this Act.

SEC. 1545. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ AND THE MIDDLE EAST.

(a) Findings

(1) The Iraq Study Group recommended a diplomatic offensive, stating "all key issues in the Middle East – the Arab-Israeli conflict, Iraq, Iran, the need for political and economic reforms, and extremism and terrorism, are inextricably linked". The report stressed that diplomacy aimed at solving key regional issues would "help marginalize extremists and terrorists, promote U.S. values and interests, and improve America's global image".

(2) Members of the Gulf Cooperation Council-Plus-Two issued a joint statement on January 16, 2007, reflecting "their collective desire to prevent Iraq from becoming a battleground for regional international powers and urged all to help end sectarian violence in Iraq".

(3) The Bush Administration supported and participated in the March 10, 2007, regional conference in Baghdad and the follow-up regional conference held in Egypt on May 3 and 4, 2007, and that conference produced three working groups: one chaired by Syria on Border Security, a second chaired by Jordan on Refugees, and a third by Turkey on Fuels and Energy.

(4) The redeployment of U.S. troops from Iraq to other locations in the Middle East, would require the cooperation of regional governments.

(5) A revision of U.S. military policy in Iraq could increase the chances of stimulating greater economic and diplomatic assistance for Iraq from multi-lateral organizations and European allies, who have sought to limit their association with an unpopular war.

(6) Regional players, including– Saudi Arabia, Jordan, Egypt, Turkey, the Gulf States, and others have substantial concerns about Iran's disruptive agenda in the region that converge with U.S. interests.

(7) All states in the region, including Iran and Syria have some interest in preventing political turmoil and refugee flows from emanating from Iraq or the break-up of Iraq into sectarian regions.

(8) All nations that depend on oil imports, particularly those who are dependent on Persian Gulf oil, have a strong economic and security interest in maintaining stability in the Gulf region.

(b) It is the Sense of Congress that the United States Government should work vigorously with like-minded governments, including the Iraqi government, to establish a predictable and regular multi-lateral diplomatic forum related to Iraq that meets frequently and is open to all parties in the Middle East.

(c) Such a forum could be based on the existing structure of the May 2007 foreign ministers conference at Sharm el-Sheikh in Egypt that plans to reassemble in Istanbul at a date to be determined, or it could be initiated with a new structure.

(d) U.S. goals in advancing the forum should include promoting international support for reconciliation in Iraq, dealing with refugee flows emanating from Iraq, protecting the territorial integrity of Iraq, advancing Iraqi economic development, and containing any conflict that might spread from Iraq.

(e) The United States should work with other nations at the forum to promote transparency of national interests and actions so that the risks for neighboring states of pursuing armed aggression or destructive sectarian agendas are heightened and all parties avoid miscalculations that could lead to conflict.

(f) In the context of a drawdown of American forces in Iraq, the United States should attempt to secure contributions of resources or military personnel for international efforts to stabilize Iraq's borders.

(g) Although focused on a multi-lateral approach to issues related to Iraq, the United States should encourage opportunities to discuss other regional concerns and to facilitate bilateral contacts between those in attendance, when appropriate.

(h) As the United States attempts to establish a more sustainable policy in Iraq, our government should launch a broader diplomatic offensive in the region aimed at repairing alliances, assuring regional governments of our staying power in the Middle East, enlisting greater help international help in combating terrorism, stabilizing oil prices, and making progress in resolving the Arab-Israeli conflict.

SA 2209. Mr. CONRAD (for himself, Mr. HATCH, Mr. DORGAN, Mr. GREGG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 143. SENSE OF CONGRESS ON THE REPLACEMENT OF THE TANKER AIRCRAFT FLEET.

It is the sense of Congress that timely replacement of the Air Force aerial refueling tanker fleet is a vital national security priority for the reasons as follows:

(1) The average age of the aircraft in the Air Force aerial refueling tanker fleet is now more than 43 years, with the age of the aircraft in the KC–135 tanker fleet averaging 46 years.

(2) The development and fielding of a replacement tanker aircraft will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(3) Under current plans, it will take more than 30 years to replace the current fleet of KC–135 tanker aircraft, meaning that some KC–135 tanker aircraft are scheduled to remain operational until they are nearly 80 years old.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Mark Sullivan and Asmita on Senator HARKIN's staff be granted floor privileges during today's debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL SUMMER LEARNING DAY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 268, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 268) designating July 12, 2007, as "National Summer Learning Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 268) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 268

Whereas all students experience a measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas recent research indicates that ⅔ of the achievement gap between low-income children and their more affluent peers can be explained by unequal access to summer learning opportunities, which results in low-income youth being less likely to graduate from high school or enter college;

Whereas recent surveys indicate that low-income parents have considerable difficulty finding available summer opportunities for their children;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas students who participate in the Building Educated Leaders for Life ("BELL") summer programs gain several months' worth of reading and mathematics skills through summer enrichment, and students who regularly attend the Teach Baltimore Summer Academy for 2 summers are ½ year ahead of their peers in reading skills;

Whereas thousands of students in similar programs make measurable gains in academic achievement;

Whereas recent research demonstrates that most children, particularly children at high risk of obesity, gain weight more rapidly when they are out of school during the summer;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities;

Whereas a wide array of schools, public agencies, nonprofit organizations, universities, museums, libraries, and summer camps in many States across the United States, will celebrate annual Summer Learning Day on July 12, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 12, 2007, as "National Summer Learning Day", in order to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of the children of our Nation;

(2) urges the people of the United States to promote summer learning activities, in order to send young people back to school ready to learn, to support working parents and their children, and to keep the children of our Nation safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high quality summer learning opportunities in the lives of young students and their families.

HONORING LADY BIRD JOHNSON

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 271, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 271) honoring Lady Bird Johnson.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 271

Whereas Americans throughout the nation are mourning the passing of Claudia Taylor (Lady Bird) Johnson, who served as First Lady with honor and grace during the Administration of her husband, President Lyndon Baines Johnson;

Whereas Mrs. Johnson was born near Karnack, Texas and received the nickname "Lady Bird" as a young child;

Whereas Lady Bird Johnson was known as an excellent student and graduated from the University of Texas;

Whereas Lady Bird Johnson met Lyndon Johnson in 1934 and the 2 were married later that year;

Whereas Lady Bird Johnson was a successful businesswoman who helped build a small radio station into a multimillion-dollar radio and television enterprise;

Whereas throughout her husband's political career in Congress and the White House, Lady Bird Johnson played an important supportive role as a partner and confidante;

Whereas as wife of the Vice President, Lady Bird Johnson visited 33 foreign countries as an ambassador of goodwill;

Whereas, as First Lady, Lady Bird Johnson earned widespread respect and affection not only for the tone of dignity with which she represented her husband and the Nation, but for her active involvement in efforts to serve the public, such as her work to improve the environment and to address the problem of poverty in the United States;

Whereas millions of travelers and commuters have Lady Bird Johnson to thank for the colorful flowers that line many of our roads, which represent a living, lasting legacy of the woman who guided the Highway Beautification Act of 1965 (23 U.S.C. 131, 135 note, 136, 319) into law;

Whereas after leaving the White House, Lady Bird Johnson continued to serve the Nation in many ways, including helping to found the National Wildflower Research Center, supporting the Lyndon Baines Johnson Library, and serving on the Board of the National Geographic Society as a trustee emeritus; and

Whereas, in addition to her service to the Nation, Lady Bird Johnson was a devoted and loving mother to her 2 daughters, Lynda Bird and Luci Baines, as well as her 7 grandchildren and 10 great-grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of Claudia Taylor (Lady Bird) Johnson;

(2) extends its heartfelt sympathy to Mrs. Johnson's family;

(3) honors and, on behalf of the nation, expresses deep appreciation for Lady Bird Johnson's important service to her country; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Mrs. Johnson.

Mr. WARNER. Mr. President, I ask that I be made a cosponsor of that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRAISING MUSLIM-AMERICAN PHYSICIANS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 272, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 272) praising Muslim-American physicians who condemned recent attempted terrorist acts in the United Kingdom.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 272) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 272

Whereas in early July 2007, acts of terrorism were attempted at Glasgow Airport and in London;

Whereas early indications suggest that Muslim physicians allegedly were responsible for the attempted acts of terrorism;

Whereas thousands of Muslim-American physicians living and practicing in the United States are an important and welcome component of American society;

Whereas Muslim-American physicians, through the Islamic Medical Association of North America, publicly stated that the association "condemns in the strongest terms the attack on Glasgow Airport, the attempted attack in London; and all attacks by which innocent people are killed or harmed in any manner and all attacks that result in destruction of the property of innocent people"; and

Whereas the Islamic Medical Association of North America further stated, "Such attacks, regardless of whether or not they have been perpetrated by physicians, are against the most basic teachings of our religion, Islam, and are contrary to the very basic principles of our profession, regardless of religion or creed. Suicide is also strictly prohibited in Islam.": Now, therefore, be it

Resolved, That the Senate—

(1) condemns the recent attempted attacks in the United Kingdom;

(2) commends the Islamic Medical Association of North America for swift, clear, and public denunciation of the attacks;

(3) encourages Muslim voices in the United States and abroad to continue speaking out against terrorism; and

(4) condemns bigotry and acts of violence against any American, including Arab-Americans and Muslim-Americans.

INTERSTATE FOREST FIRE PROTECTION COMPACT

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 975, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 975) granting the consent and approval of Congress to an interstate forest fire protection compact.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 975) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

"THE GREAT PLAINS WILDLAND FIRE PROTECTION AGREEMENT

"THIS AGREEMENT is entered into by and between the State, Provincial and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as 'Members'.

"FOR, AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

"ARTICLE I

"The purpose of this compact is to promote effective prevention and control of forest fires in the Great Plains region of the United States by the maintenance of adequate forest fire fighting services by the member states, and by providing for reciprocal aid in fighting forest fires among the compacting states of the region, including South Dakota, North Dakota, Wyoming, Colorado, and any adjoining sate of a current member state.

"ARTICLE II

"This compact is operative immediately as to those states ratifying it if any two or more of the member states have ratified it.

"ARTICLE III

"In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control may act as compact administrator for that state and may consult with like officials of the other member states and may implement cooperation between the states in forest fire prevention and control. The compact administrators of the member states may organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact. Each member state may formulate and put in effect a forest fire plan for that state.

"ARTICLE IV

"If the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling, or preventing forest fires, the state forest fire control agency of that state may render all possible aid to the requesting agency, consonant with the maintenance of protection at home.

"ARTICLE V

"If the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of the state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges, and immunities as comparable employees of the state to which they are rendering aid.

"No member state or its officers or employees rendering outside aid pursuant to this compact is liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with rendering the outside aid.

"All liability, except as otherwise provided in this compact, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

"Any member state rendering outside and pursuant to this compact shall be reimbursed by the member state receiving the aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. However, nothing in this compact prevents any assisting member state from assuming such loss, damage, expense, or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

"Each member state shall assure that workers compensation benefits in conformity with the minimum legal requirements of the state are available to all employees and contract firefighters sent to a requesting state pursuant to this compact.

"For the purposes of this compact the term, employee, includes any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws of the aiding state.

"The compact administrators may formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

"ARTICLE VI

"Ratification of this compact does not affect any existing statute so as to authorize or permit curtailment or diminution of the forest fighting forces, equipment, services, or facilities of any member state.

"Nothing in this compact authorizes or permits any member state to curtail or diminish its forest fire fighting forces, equipment, services, or facilities. Each member state shall maintain adequate forest fighting forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

"Nothing in this compact limits or restricts the powers of any state ratifying the compact to provide for the prevention, control, and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules, or regulations intended to aid in the prevention, control, and extinguishment in the state.

"Nothing in this compact affects any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

"ARTICLE VII

"Representatives of the United States Forest Service may attend meetings of the compact administrators.

"ARTICLE VIII

"The provisions of Articles IV and V of this compact that relate to reciprocal aid in combating, controlling, or preventing forest fires are operative as between any state party to this compact and any other state which is party to this compact and any other state that is party to a regional forest fire protection compact in another region if the

Legislature of the other state has given its assent to the mutual aid provisions of this compact.

"ARTICLE IX

"This compact shall continue in force and remain binding on each state ratifying it until the Legislature or the Governor of the state takes action to withdraw from the compact. Such action in not effective until six months after notice of the withdrawal has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.".

ORDER FOR RECORD TO REMAIN OPEN

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the RECORD remain open today until 1 p.m. for the introduction of legislation, submission of statements, and cosponsorships.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF TRIBUTES AND STATEMENTS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that a collection of statements made in tribute to the late First Lady of the United States, Lady Bird Johnson, together with appropriate illustrations and other materials relating to her death, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 16, 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, July 16; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees; that at 3 p.m., the Senate resume consideration of H.R. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. KLOBUCHAR. Mr. President, as previously announced, there are no rollcall votes Monday. However, Members should be prepared for votes throughout the week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF PRESTON M. GEREN TO BE SECRETARY OF THE ARMY

Mr. WARNER. Madam President, I am very privileged to advise the Senate, working with the leadership on both sides, particularly Chairman LEVIN and Senator MCCAIN and myself, that I am now able to ask the Senate to proceed to executive session to consider the Executive Calendar, No. 163; that the nomination be confirmed, the motion to reconsider be laid on the table, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Preston M. Geren, of Texas, to be Secretary of the Army.

Mr. WARNER. Madam President, this nomination is for the Secretary of the U.S. Army, and it is essential that he be in position now. I am very pleased the Senate has taken this action.

LEGISLATIVE SESSION

Mr. WARNER. There being no further business, Madam President, I suggest we return to the regular order of business.

The PRESIDING OFFICER. The Senate will now return to legislative session.

ADJOURNMENT UNTIL MONDAY, JULY 16, 2007, at 2 P.M.

The PRESIDING OFFICER. The Senate stands adjourned until 2 p.m. Monday, July 16, 2007, at 2 p.m.

Thereupon, the Senate, at 12:11 p.m., adjourned until Monday, July 16, 2007, at 2 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate Friday, July 13, 2007:

DEPARTMENT OF DEFENSE

PRESTON M. GEREN, OF TEXAS, TO BE SECRETARY OF THE ARMY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

IN RECOGNITION OF MISS JAMIE LANGLEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the accomplishments of Ms. Jamie Langley, who was crowned Miss Alabama on June 10th, 2007.

Miss Langley, 23, is a senior majoring in communications at Jacksonville State University and a graduate of Wadley High School. Her parents, Jeff and Mailey Langley, reside in the community of Forester's Chapel just outside of Wadley, AL. Jamie's efforts to promote heart health and the development of healthy habits are an excellent example to her peers and the young women of Alabama.

I would like to congratulate Jamie on this memorable occasion and wish her the best of luck in her future endeavors.

HONORING DR. NORMAN E. BORLAUG UPON THE AWARD OF HIS CONGRESSIONAL GOLD MEDAL

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. EDWARDS. Madam Speaker, I rise today to recognize a very special American; a husband, father, grandfather, agricultural pioneer, and Nobel Peace Prize winner. To his family, he's Norman Borlaug, Daddy, or Two Daddy. For us, we now add "winner of the Congressional Gold Medal" to his many titles and accolades.

Joining many of my colleagues, I was proud to support the Dr. Norman E. Borlaug Act of 2006 presenting the Congressional Gold Medal to Dr. Borlaug, in recognition of his enduring contributions to the United States and the world. In 1970, Dr. Borlaug was awarded the Nobel Peace Prize for his successful efforts to find a high yielding, disease-resistant wheat, which was mass produced in developing nations across the world to combat mass starvation.

It is with pleasure that I take the time to honor this great man, who, despite his unrivaled achievements maintained his humility and was always motivated by the greater good. Dr. Borlaug's agricultural achievements to combat hunger have saved countless lives and inspired others to follow in his footsteps. It is an honor to represent an American hero whose life and work has made the world a better place by elevating the human condition.

Dr. Borlaug's untiring efforts to feed the hungry stem from his college years during the Great Depression, when he earned meals by waiting tables in a restaurant. After World War II, his research to find ways to increase wheat yields developed a shorter plant which was easier to harvest, and that gave more food to people in Mexico. Before long, Dr. Borlaug was in demand both for cultivating the land and in consulting with world leaders.

Dr. Borlaug once said there is no magic in high-yielding seed, that people just have to know how to grow, when to plant, how to control weeds and how to manage water. He may be right about that, but Dr. Borlaug's almost magical ability to bring people together to learn how to produce food has been a blessing to millions. With humble thanks, I congratulate Dr. Borlaug on the occasion of the Congressional Gold Medal, an honor well-deserved for his scientific advancements that have reshaped the world for the better.

DR. NORMAN E. BORLAUG

Known as the father of the Green Revolution, Norman Ernest Borlaug was born in 1914 on a farm near Cresco, Iowa. After completing his early education in his hometown, he went on to study forestry and plant pathology at the University of Minnesota, where he earned his bachelor's and master's degrees and completed his doctorate in 1942. After two years as a microbiologist with the DuPont de Nemours Foundation, he took on the challenge of leading the wheat improvement efforts of the Cooperative Mexican Agricultural Program, sponsored by the Mexican government and the Rockefeller Foundation.

In Mexico, Dr. Borlaug's scientific knowledge found expression in a humanitarian mission: developing improved grain varieties to feed the hungry people of the world. A practical, energetic, hands-on researcher, Dr. Borlaug worked in the fields alongside farm workers, students, and interns, sharing his knowledge as well as the labor of producing food crops. During his twenty years in Mexico, Dr. Borlaug and his colleagues perfected a dwarf wheat variety that could produce large amounts of grain, resist diseases, and resist lodging—the bending and breaking of the stalk that often occurs in high-yielding grains. Under Dr. Borlaug's guidance, this new wheat was planted with great success, not only in Mexico, but also in India and Pakistan. In subsequent years, the wheat was planted in nations in Central and South America, the Near and Middle East, and Africa.

In 1964, Dr. Borlaug was appointed director of the Wheat Research and Production Program at the then newly established International Maize and Wheat Improvement Center (CIMMYT) near Mexico City. This position allowed him to expand his teaching mission. He shared his immense knowledge of research and production methods with thousands of young scientists from all over the world, "seeding" agricultural production in their home countries with new ideas and new productivity.

Despite having received the Nobel Peace Prize in 1970—and, over the years, multitudinous honors and recognitions from universities, governments, and organizations worldwide—Dr. Borlaug remains a deeply humble and practical man who has been as productive after winning this major honor as he was before.

He came to Texas A&M University in 1984 as Distinguished Professor of International Agriculture and has continued to teach and inspire young scientists at Texas A&M and at CIMMYT. Hailed as having saved more lives than anyone else in the history of mankind, Dr. Borlaug cites as one of his most prized tributes the naming of a street in his honor in Ciudad Obregon, Sonora, Mexico—the site of some of his earliest research projects.

STRIKING TIAHRT AMENDMENT—SUPPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. RANGEL. Madam Speaker, I rise today to support striking the Tiahrt Amendment and to enter into the record an editorial from today's Washington Post, "Follow the Guns—It's time for Congress to free up the data on firearms."

I serve as a co-chair for the Congressional Task Force Against Illegal Guns. This bipartisan group was formed to support the Mayors Against Illegal Guns, whose current primary focus is striking the Tiahrt Amendment. The Mayors Against Illegal Guns, which is also a bipartisan group has over 220 members and the support of several local and national police organizations.

I strongly agree that action is needed now to address the issue with the trafficking of illegal guns and striking the Tiahrt Amendment is a good step. At the heart of this issue, is the gun trace data that is maintained by the Bureau of Alcohol, Tobacco, and Firearms (ATF). Not too long ago, back in 2002 to be exact, ATF released gun trace data which helped law enforcement identify illegal gun dealers. That all changed, and now the police agencies in this country that work so hard every day to investigate crimes can't fully do their jobs. This does not make any sense. The police agencies need gun trace data information and Congress needs to ensure that they get it.

Some would argue that this is a Second Amendment issue. It simply is not. This issue is solely about fighting crime to protect Americans. Everyday in cities all across our great country, people are harmed and often lose their lives because criminals gained access to illegal guns.

I strongly urge my colleagues to join me in this crime fighting effort. I applaud the Mayors

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Against Illegal Guns and the police organizations who are fighting this issue to decrease crime and improve the streets of America.

[From the Washington Post, July 11, 2007]

FOLLOW THE GUNS—IT'S TIME FOR CONGRESS TO FREE UP THE DATA ON FIREARMS

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) used to release analyses of data gained by tracing the history of guns used in crimes. These reports yielded valuable information for local law enforcement officials, researchers and the public. Some of the results were startling: For example, 57 percent of crime guns came from 1.2 percent of licensed dealers, the ATF estimated in 2000. The guns the bad guys use don't just come from the black market, in other words; a huge proportion come from a handful of unscrupulous vendors.

But since Rep. Todd Tiahrt (R-Kan.) added a rider to the Justice Department's budget in 2003, the ATF has been prohibited from sharing such gun-trace information with the public, keeping additional insights that might be gained from the data out of public view and making it harder for local authorities to connect the dots. Every year since, the so-called Tiahrt Amendment has gotten more restrictive, narrowing the ability of local police to gain access to or apply gun-trace information. The worst iteration yet came last month, when the Senate Appropriations Committee approved a version from Sen. Richard C. Shelby (R-Ala.) that threatens to put police officers in prison if they use federal gun-trace data for any purpose other than to advance specific, "bona fide criminal investigations"—for proactively tracking and interdicting illicit guns, for example, or identifying problem gun sellers.

The House Appropriations Committee is scheduled to consider a less restrictive, but still odious, provision tomorrow. The panel should remove the Tiahrt language, and the House Democratic leadership should encourage its members to do so. District Mayor Adrian M. Fenty (D) and New York Mayor Michael R. Bloomberg (I) yesterday called for repeal at a joint news conference, and their cause is backed by more than 200 other mayors and scores of law enforcement organizations and police chiefs. Striking the Tiahrt rider is not about chipping away at Second Amendment rights. It is about empowering local authorities to do basic police work.

IN RECOGNITION OF THE POLISH AMERICAN CONGRESS, OHIO DIVISION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the Polish American Congress, Ohio Division, for their many years of service to the Polish-American community in the great State of Ohio.

The Polish American Congress, since its founding in 1944, has been a symbol of the strong relationship between the United States and Poland, and a testament to the contributions of the rich Polish culture.

For many years the Polish American Congress has worked to unite and to support Americans of Polish origin in the United States, regardless of political, religious, or other affiliation. This great organization provides all Polish groups of Ohio the opportunity to express pride and celebrate their heritage and culture through educational, artistic and cultural events.

Madam Speaker and colleagues, please join me in honoring the Polish American Congress, Ohio Division, for their continuing support of the Polish American people in Ohio, and for their important efforts in helping people to connect to their heritage.

RECOGNIZING MICHAEL KELLY DULLE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Kelly Dulle, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 601, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Kelly Dulle for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE CITY OF SALEM FOR BEING DESIGNATED A PRESERVE AMERICA COMMUNITY

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Ms. HOOLEY. Madam Speaker, I rise today to honor the City of Salem, OR for being recognized as a community proud of its heritage, proud of its history, and committed to preserving its historic resources so that they may be enjoyed for generations to come.

I was not surprised to learn that First Lady Laura Bush and the Preserve America Initiative had recognized Salem for its historic and cultural preservation efforts and had named the city a Preserve America Community. I grew up in Salem and know that it is exactly the type of community that we want to preserve.

Salem, Oregon's capital is one of Oregon's oldest communities. It grew as a pioneer settlement around the Oregon Institute that is now Willamette University, and Salem's location in the center of the fertile Willamette Valley has allowed it to play an important role in Oregon's agricultural economy since statehood.

Over the past few years, a 33-member citizens' taskforce created the Downtown Revitalization Toolbox which has sought to address vacancy and rehabilitation concerns in the Historic Downtown by providing matching grants for historic building improvement projects. Through public-private partnerships, thousands of volunteer hours have been logged and over $8.5 million invested in Salem's Historic Downtown District.

There is a saying that good citizens are the riches of a city. Knowing the effort that has been made by the citizens of Salem to preserve historic treasures and create economic opportunities for local businesses, I can safely say that Salem is a wealthy city indeed.

I invite all my colleagues to join me in congratulating the City of Salem and the other communities across the country that have been designated as Preserve America Communities. It is through their efforts that our collective history and culture will be secured for future generations.

NEW YORK CARIBNEWS ARTICLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an article published in the New York CaribNews, for the week ending July 10, titled "President George Bush to Send U.S. Secretary of Education, Margaret Spellings to Caribbean." While the Caribbean Community—CARICOM—nations were in the United States last month, they highlighted the education challenges the region is facing. The article discusses Secretary of Education Spellings' upcoming visit to the region following up on their concerns, in the hopes of developing a cooperative solution to boost CARICOM's educational systems.

The Secretary's trip will focus on the need to foster stronger tertiary educational systems throughout the region. By sharing our experiences in addressing the challenges of education, we can strengthen our efforts to reach the goal of better education for all throughout the region. Quality education for all is a recipe for growth and innovation that leads to economic and social development. Education is a way out of poverty and fosters democracy, as well as respect for human rights.

In her visit to the CARICOM nations, I also encourage her to visit the nation of Haiti. This country is the most economically vulnerable of the CARICOM states and would benefit greatly from methodologies to address their education challenges. Haiti is a nation of 9 million habitants and it is estimated that more than half of the population is unable to read and write. This trend cannot continue due to the increased interdependency of countries caused by globalization. It does not benefit the United States or the Western Hemisphere to continue to leave behind the thousands of Haitian children each year by allowing illiteracy to prevail. Lack of education leads to poverty and it is my contention that poverty puts the security of the region at risk.

I cannot underscore enough the importance of a consistent and progressive relationship between the United States and the Caribbean. Educational collaboration with our partners in the western hemisphere will lead to higher living standards and stronger democracies.

PRESIDENT GEORGE BUSH TO SEND U.S. SECRETARY OF EDUCATION, MARGARET SPELLINGS, TO CARIBBEAN

(By Tony Best)

U.S. Secretary of Education is going to Jamaica, Trinidad and Tobago, St. Vincent and their neighbors to see how they can work together to boost CARICOM's educational system.

Margaret Spellings, the first mother of school-aged children to serve as Education Secretary, is being sent to the region by President George Bush.

The proposed visit is a follow up to the recent summit in Washington between the United States chief executive and CARICOM leaders held at the State Department in Washington in June.

Dr Ralph Gonsalves, St. Vincent's Prime Minister, who until yesterday was chairman of CARICOM and is being succeeded by Barbados' Prime Minister Owen Arthur, first disclosed plans for Spellings' visit at the behest of President Bush.

Dr. Gonsalves, a former political science lecturer at the Cave Hill campus of the University of the West Indies before studying law and entering active politics in his homeland, said that the President indicated to the Caribbean Prime Ministers and President that the Education Secretary would go to the region to meet with government officials and educators.

"We welcome any opportunity to work with the United States to expand our educational institutions. The President told us that the Secretary of Education, a member of his cabinet is eager to visit the Caribbean to meet with us," he said.

Spellings, a key architect of President Bush's "No Child Left Behind" education program, is expected to pay considerable attention to the Caribbean's efforts to boost tertiary level educational opportunities and to link universities and colleges at the regional and national levels, including the University of the West Indies (UWI), the Universities of Guyana, Suriname Jamaica and Trinidad and Tobago and other colleges in the Bahamas, Barbados and the OECS.

"The linking of the colleges and the university is something we consider to be very important," said Gonsalves.

Barbados' Foreign Minister, Dame Billie Miller, who confirmed the proposed Spellings visit, described it as a natural follow-up to the extensive discussions about education at the summit.

"All sides agreed it was the most important thing, education and training," she said. "Indeed, it was pointed out to President Bush that in some areas we in the region are the donor community."

Specifically, 60 per cent of the doctors trained at the University of the West Indies end up working in the United States.

"This was part of a discussion with the President, the Ways and Means and the Foreign Affairs Committees of the House of Representatives as to why so many Caribbean students were now choosing to go to Cuba for training because it was at a fraction of the cost of training in the United States," she pointed out.

As a matter of fact, Guyana's President Bharrat Jagdeo went to great lengths to explain that training provided by Cuba to West Indian students was to "offset the brain drain" from the Caribbean to the United States.

"In that respect, we are the donor rather than the donee committee. It was generally discussed that technology transfer was really very important and we had to do a lot more work at the post secondary and tertiary education stages.

The heads spoke of the vision in this region among the universities, not only the University of the West Indies in Jamaica, Trinidad and Tobago and Barbados but the Universities in Guyana, Suriname, Jamaica and now the University of Trinidad and Tobago and soon to be the University College of Barbados and another independent university in Jamaica as well.

"It was felt that we had to have a far greater interface in the region because gone are the days when most of our graduates doing post graduate work would go to Europe," she added.

The dates and the itinerary for Spellings' visit have not yet been worked out. Dr. Gonsalves said his country was the beneficiary of scores of scholarships offered by Cuba, Venezuela, Mexico, China and Malaysia.

RECOGNIZING NICHOLAS A. DELURY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Nicholas A. Delury, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many scout activities. Over the years Nicholas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Nicholas A. Delury for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO FALLEN HERO KORY WIENS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Ms. HOOLEY. Madam Speaker, I rise today with the solemn duty of memorializing the passing of an American Hero.

Corporal Kory D. Wiens and his canine partner Cooper were killed while on patrol in Muhammad Sath, Iraq.

Some of us remember the news reports about Kory and his companion; it was a heartwarming story of a special bond between a young man and very special retriever. Once introduced to each other at Lackland, they were never far apart.

Even in death, Kory and Cooper remain a team. Together they gave their last full measure of devotion performing their duty—together they earned the peace of knowing they lived a good, meaningful life.

Today, Kory lives on in our memories.

Sadly he is not the first—and will not be the last—to fall in this war.

However, we cannot allow the mounting enormity of loss diminish the sacrifice—the life and loss—of Kory or those that follow.

Colleagues, I ask you to put down pen and paper; pause for a moment and reflect upon our circumstance.

Take this moment: honor the service of Kory Wiens—mourn his passing—and accept the gift of life and liberty he freely gave.

Kory Wiens was born and raised in the Willamette Valley of Oregon.

He was a cub scout, a wrestler, and a quarterback at West Albany High School. Kory was an all-American: a young man that believed our Nation was worthy of its promise; a patriot that lived a life of standing up for those that could not stand on their own.

Kory and his brother Kevin, who is still serving in Iraq, exemplified the kind of courage that made our Nation, State, and community the home of the brave, and land of the free.

Today, we know that Corporal Wiens' law enforcement career will not extend beyond his service in the Army.

We know that the "Brotherhood of Wiens" is now one member smaller, but that Kory, Kevin, and Kyle will never again fully celebrate their special bond.

And we know that we as a people—that we as a Nation—will never be what it could have been without him.

Kory wanted to serve his community. His life can serve as a lesson for us all, if we choose to embrace its meaning and we choose to honor his legacy.

What if we all took our responsibilities as seriously?

What if we worked at being selfless more, selfish less?

What if we helped each other realize the promise of our ideals and cooperated with each other to make America the kind of place worthy of young men like Kory Wiens?

We have that choice.

Together we can use the life and legacy of Kory Wiens to rekindle the spirit of our America.

Together we can keep the spirit of Kory Wiens—and all those like him—alive through a daily commitment to make this place better than we find it.

And together we can work for a time when peace replaces war, when service and sacrifice are celebrated without loss.

Let us commit ourselves anew to earning the gifts given.

ENCOURAGE COMMUNITY SAFETY THROUGH RECIDIVISM PREVENTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. RANGEL. Madam Speaker, I rise today to submit for the record an Op-Ed published in the New York Times, on July 2, 2007, entitled, "A Much-Needed Second Chance." The editorial highlights the efforts taken by Texas and Kansas to address reintegration of former inmates into their communities, as well as the lack of a federal initiative to address the challenges communities face because they do not have the social service networks that are necessary for this kind of work. Unfortunately, the current system of corrections seems far more focused on punishment than rehabilitation, an approach that exacerbates crime rather than reducing it.

One-third of all correction departments provide no services to released offenders, and most departments do not offer a transitional program, placing a heavy burden on families and communities.

Most men and women released face tremendous obstacles as they try to reenter society successfully, encountering imposing impediments to attaining gainful employment, overcoming drug addictions, gaining custody of their children, or finding affordable housing. In fact, two-thirds of those released will be arrested within three years of leaving prison.

These men and women deserve a second chance. Their families, spouses and children, deserve a second chance and their communities deserve a second chance. A second chance means an opportunity to turn a life around; a chance to break the grip of a drug habit; a chance to support a family; a chance to make positive contributions to society; and a chance to be self-sufficient.

I strongly urge you to join me and the other 91 members of Congress in encouraging community safety through recidivism prevention by cosponsoring H.R. 1593, the Second Chance Act of 2007.

[From the New York Times, July 2, 2007]

A MUCH-NEEDED SECOND CHANCE

The United States now has more than two million people behind bars, a number that has been rising steadily for decades. But state lawmakers who once would have rushed to build new prisons have begun to see that prison-building is not the best or most cost-effective way to fight crime or protect the public's safety.

Several states have instead begun to focus on developing community-based programs that deal with low-level, nonviolent offenders without locking them up. And they have begun to look at ways to control recidivism with programs that help newly released people find jobs, housing, drug treatment and mental health care—essential services if they are to live viable lives in a society that has historically shunned them.

Texas and Kansas have recently made important strides in this area. But corrections policy nationally would evolve much faster if Washington put its shoulder to the wheel. Congress needs to pass the Second Chance Act, which would provide grants, guidance and assistance to states and localities that are developing programs to reintegrate former inmates into their communities.

The states have made a good start, thanks in part to the efforts of the Council of State Governments and its prison policy arm, the Justice Center. The center's analysis of corrections patterns has led to sweeping changes in Texas, where the Legislature was facing a projected upsurge in the prison population and a projected outlay of more than a billion dollars to build several new prisons.

The surge in Texas was not being driven by crime, which had risen only slightly, but by a breakdown in the parole and probation systems, which were unable to process and supervise the necessary numbers of released prisoners. Mental health and drug treatment services were also lacking. By expanding those services, along with other community-based programs, the Legislature projects that it could potentially avoid the need for any new prisons.

A similar solution was found in Kansas, where about 65 percent of the state's admissions to prison were traced to technical violations of probation or parole, often by people with drug addictions or mental illnesses. The Legislature has expanded drug treatment behind bars and created a grant program that encourages localities to provide more effective supervision and services as a way of keeping recently released people away from crime and out of prison.

The social service networks that are necessary for this kind of work are virtually nonexistent in most communities. To put those networks together, the states need to require that disparate parts of the government apparatus work together in ways that were unheard of in the past.

It is encouraging that state officials are willing to break out of the old patterns. But they need help. The Second Chance Act would bolster the re-entry movement with money, training, technical assistance—and the federal stamp of approval.

IN REMEMBRANCE OF SERGEANT BRUCE HORNER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of SGT Bruce Horner, United States Army, and to celebrate his service to our country.

Sergeant Horner served in the United States Army for 18 years. His dedication and leadership skills made him an invaluable member of the 127th Military Police Academy out of Fliegerhorst, Germany. He was killed on June 1, 2007, in Baghdad, while serving his first tour in Iraq. He fulfilled his duty with honor and distinction.

Sergeant Horner had a strong relationship with his church and with God. His faith played an important part in his life and guided him. It is my sincere hope that the Horner family is strengthened by the strong faith that sustained him in life. He leaves behind his wife, Erin, and mother and father, who reside in Cleveland, Ohio. Everyone Sergeant Horner touched will be forever changed because of his influence.

Madam Speaker and colleagues, please join me in honoring SGT Bruce Horner for his service in the defense of the nation. May his dedication to country, faith and family serve as a model for us all.

RECOGNIZING DAVID M. CROWE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David M. Crowe, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David M. Crowe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO BEYOND HOUSING IN ASSOCIATION WITH THE PAGEDALE COMMUNITY ASSOCIATION

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. CLAY. Madam Speaker, I am honored to rise today in celebration of the efforts and improvements achieved by the Pagedale Community Association in association with Beyond Housing in the city of Pagedale.

Since 1980, Beyond Housing has assisted many St. Louisans in the 1st Congressional district. Beyond Housing has sought to provide affordable housing, propagate home ownership, and help low-economic families achieve stability. Beyond Housing has used their history of beneficial rehabilitation for St. Louis citizens to support the PCA and re-building efforts in the city of Pagedale.

The newly created Pagedale Community Association (PCA) has made many fruitful, laudable efforts over a small period of time. The PCA has assisted Beyond Housing in providing some 100+ homes for the residents of the 1st Congressional district of Missouri in Pagedale. Along with providing homes, the PCA has established a community center with multiple functions that each assist in community growth.

I am thrilled with the progress that has been made in Pagedale and excited for the years and further progression to come. The initiative taken by the residents of Pagedale is admirable and the economic development, incredible. Along with commending Beyond Housing and the PCA, I would like to thank St. Louis County for their financial interest in the projects in Pagedale. I am happy to see Missouri residents coming together to help one another.

I truly extend my gratitude and support to the Pagedale Community Association and Beyond Housing in St. Louis, Missouri. It is my pleasure to commend them on their excellent work in my district and beyond. I hope their progress continues.

CELEBRATING 50 YEARS OF GREAT MUSIC STAX RECORDS COSPONSOR H. RES. 154

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. RANGEL. Madam Speaker, I rise to honor Stax Records for its contributions to American culture as one of the oldest recording labels. For 50 years, Stax Records has been providing great music and recordings of blues, soul, and R&B.

Originally created as Satellite Records in 1957 in Memphis, Tennessee and changing its name in 1967, Stax Records has released albums from artists like Otis Redding, Richard Pryor, Isaac Hayes, and Angie Stone. Founded by Jim Stewart and Estelle Axton, the label had undergone a series of stages. It was sold to a Gulf and Western firm, but was forced to declared bankruptcy. It was later purchased by Concord Records, which was sold to Fantasy Records in 2004.

Revered as producing the 1st multiracial bands, the record label continues to make its presence known for over half century. Stax Records released its new album on March 27, 2007, titled Interpretations: Celebrating The Music of Earth Wind and Fire.

I urge my colleagues to please join me in cosponsoring H. Res. 154, and praising Stax Records for the courage that it has displayed and for 50 years of great music.

IN RECOGNITION OF TRANSITIONAL HOUSING INCORPORATED

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Transitional Housing Incorporated for more than 20 years of dedicated service to the homeless women in the Cleveland area.

Transitional Housing Incorporated was formed in 1986 by three nuns who had been working in Cleveland's homeless shelters. Today, it provides a variety of programs based on personal development plans reflecting each individual's need and unique potential for a better life.

The committed employees of Transitional House Incorporated have reached out to more than 1,400 women in Cleveland, providing them with a safe environment and services such as education and training, in order to help them gain self-sufficiency and independence.

Transitional Housing is a shining example of what a community can accomplish when we all offer a hand to help our fellow citizens in need. Their care and dedication is a testament to the ethic of solidarity that holds our community together.

Madam Speaker and colleagues, please join me in honoring Transitional Housing Incorporated for their outstanding efforts to end the cycle of homelessness for many women in the Cleveland area, and for giving hope to those in need.

CELEBRATING THE CENTENNIAL OF THE YMCA OF THE ROCKIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to celebrate and commemorate the 100th anniversary of the YMCA of the Rockies Association. The YMCA of the Rockies, a nonprofit organization, began in Colorado in 1907. It was organized as a national training center for the Young Men's Christian Association. Since its foundation, the YMCA of the Rockies has grown into the largest two YMCA conference and family centers in the world—at the Estes Park Center adjacent to Rocky Mountain National Park, and at Snow Mountain Ranch between Winter Park and Granby, Colorado. It also runs a traditional summer residential youth camp at Camp Chief Ouray, located at Snow Mountain Ranch.

YMCA of the Rockies serves conferences, family reunions, retreats, recreational and educational groups, families, individuals, and youth by providing lodging, meeting space, dining, programming and recreation.

Estes Park Center has 860 acres and can accommodate 3,500 people in its 7 lodges and 206 family cabins. Snow Mountain Ranch has over 5,000 acres with a Nordic Center and can accommodate 2,500 people in its 4 lodges and 60 family cabins. Over 900 full-time and seasonal staff members work each year at both centers. They include senior retirees, college students and international students participating in a hospitalities services certification program.

As noted on their website, the Mission of the YMCA of the Rockies,

> "[P]uts Christian Principles into Practice through programs, staff and facilities in an environment that builds healthy spirit, mind and body for all. We will accomplish this by serving conferences of a religious, educational, or recreational nature; providing unifying experiences for families; offering traditional summer camping experiences for boys and girls; and serving our staff with leadership opportunities and productive work experiences. Our core values are: Caring, Honesty, Respect, Responsibility and Faith."

As a result of putting the values expressed in this mission statement into practice, the YMCA of the Rockies annually brings more than 250,000 visitors to its two centers, serves more than 800 family reunions, educates more than 19,000 students in outdoor education programs, and continues to be major employer in Grand and Larimer counties of Colorado. The YMCA of the Rockies hires seasonal staff from more than 20 countries to help expose their guests to many cultures, has a membership base of 3,500, raises more than $350,000 in annual campaigns, and have over 100 staff members who donate money to the YMCA Staff For Kids program.

The YMCA of the Rockies does an outstanding job of exposing kids and adults to the splendor of nature and the values that come from collective outdoor experiences. But it is not just about learning and growing both intellectually and spiritually. It is also about fun. The YMCA of the Rockies' camps provide nearly every outdoor recreational opportunity that Colorado has to offer from skiing, camping, horseback riding, hiking, fishing, swimming, rock climbing, rafting, canoeing, archery, golf, ice skating, snowshoeing, sledding, and arts and crafts. It's an opportunity for kids, families and adults to experience these activities in a safe and nurturing environment.

In addition, the YMCA of the Rockies has been an important facility for the surrounding communities and others who share their Mission. Officials at the YMCA of the Rockies have opened up their facilities for use by other organizations such as Rocky Mountain National Park, the Colorado Mountain Club, the National Wildlife Association and the Sierra Club. At Snow Mountain Ranch, officials are pursuing the protection of many acres through conservation easements, ensuring that the outdoor splendor can be enjoyed by future generations. They have also worked to reduce the threat of wildfire and bark beetles by thinning dense stands of trees on their property, thus providing an example to their neighbors on creating defensible space and helping to reduce fire risks to surrounding communities and properties.

Colorado Governor Bill Ritter declared July 19, 2007 as the official recognition of the YMCA of the Rockies Centennial. I ask my colleagues to join me in recognizing this centennial and all of the great things that the YMCA of the Rockies does to enhance the quality of life for all Americans and visitors from throughout the world.

PRAISING AMBASSADOR MICHAEL KING'S COMMITMENT TO THE ENVIRONMENT IN THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. RANGEL. Madam Speaker, I rise today to praise His Excellency Michael I. King, Ambassador of Barbados to the United States, for his commitment to protect the environment in the Caribbean. His remarks at the opening ceremony of the Third Conference on the Environment indicated his support for environmental sustainability and compliance with the international environment agenda in order to foster partnerships for preservation in the region.

During his speech, Ambassador King encouraged students and professionals to transition to sustainable business and support non-governmental organizations that make such business a priority. He also challenged his audience to utilize the expertise of Caribbeans abroad that have experienced success in environmental sustainability.

Ambassador King insisted on strengthening stewardship, advocacy, public education, and innovation in the absence of great financial resources in order to improve the environment. While he marked the progress made by Caribbean nations in terms of securing trained and knowledgeable staff on environment and development issues, he acknowledged the narrow scope of much of the expertise due to limited resources forcing specialization.

Ambassador King gave the example of The University of the West Indies (UWI) as a Caribbean institution of higher learning that should adopt sustainable energy and recycling programs to better the environment of the Caribbean. With a focus on such programs, graduates of UWI, and other Caribbean universities, would be more dedicated to achieving sustainability in the environment as well as building upon existing exercises aimed at biological diversity.

Article 58 of the Treaty of Chaguaramas, which established the Caribbean Community (CARICOM), details the framework wherein member nations are to operate in order to protect and manage their biological and natural resources. Ambassador King encouraged CARICOM members to develop a vision for environmental sustainability, with the Organization of Eastern Caribbean States setting the precedence.

THE TRADE PROMOTION AGREEMENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. TOWNS. Madam Speaker, on Friday, June 29th, 2007, the United States and the Republic of Panama signed the Trade Promotion Agreement, which is the result of the tireless negotiations between both the United States and Panama. After the agreement is signed, Congress will have an opportunity to comprehensively review it, an opportunity that I wholeheartedly welcome.

This agreement will increase much needed access to medicines for developing countries, strengthen provisions in labor, environment and national security. This agreement also sees to it that significant cuts are made to trade barrier tariffs. Additionally, this bill seeks to improve on the growing commercial relationship between both countries on the growing Panamanian market which has a strong affinity for American goods, demonstrated by the 67 percent trade deficit Panama currently holds with the U.S.

Small businesses stand to benefit from this agreement as well. The elimination of Panamanian tariffs on our goods will lower the transaction costs. This would create a mutually beneficial relationship between small business sellers in the United States and buyers in Panama.

This agreement is about more than the commercial exchange of goods and services. I would like to note that our relationship with Panama is a long standing one since its independence from Colombia in 1903. We have an uncompromising commitment to providing opportunities for the people of Panama to work towards a better future while providing American businesses the opportunity to expand their market access in another country.

I would be remiss if I did not mention the $5.25 billion expansion of the Panama Canal which will create additional unique opportunities. Three of the four contracts for this project have already been awarded to U.S businesses.

Madam Speaker, I submit for your further consideration the text of the proposed U.S. Panama Trade Promotion Agreement. I look forward to a productive and informative discussion about it in the weeks and months to come.

PERSONAL EXPLANATION

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. PORTER. Madam Speaker, I was required to be back in my home district to assist my mother, who recently had surgery. For this reason, I was unable to attend recorded votes for yesterday, Wednesday, July 11, 2007.

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2007

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. SENSENBRENNER. Madam Speaker, today I am reintroducing bipartisan legislation, the Private Property Rights Protection Act of 2007, along with my friend and colleague from California.

This legislation would prevent the federal government or any authority of the federal government from using economic development as a justification for exercising its power of eminent domain.

The protection of private property rights lies at the foundation of American government. As James Madison wrote in the Federalist Papers, "[G]overnment is instituted no less for the protection of property than of the persons of individuals."

Two years ago, the Supreme Court held in Kelo v. City of New London that "economic development" can be a "public use" under the Fifth Amendment's Takings Clause. The 5–4 decision has substantially weakened the rights of private property owners by handing the government a raw taking power with negligible accountability to the "public use" requirement in the Fifth Amendment's Taking Clause.

The "public use" requirement imposed an important limitation on eminent domain power to ensure the government may not force individuals to forfeit their property for the benefit of another private party.

However, Kelo transformed established constitutional principles when it permitted the government to seize the private property of one small homeowner and to give it to a large corporation for a private business use in the interest of creating a more lucrative tax base.

The dissenting opinion of that case made clear the far-reaching implications of the decision. Justice O'Connor wrote, "Any property may now be taken for the benefit of another private party. The government now has the license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result." Houses of worship and other religious institutions that are by their very nature nonprofit and almost universally tax-exempt, render their property singularly vulnerable. The NAACP and the AARP faulted Kelo's failing reasoning by stating: "The takings that result from the Court's decision will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly."

In response, I introduced H.R. 4128, the Private Property Rights Restoration Act of 2005 to restore to all Americans the property rights the Supreme Court took away. H.R. 4128 passed with the clear support of this House with a vote of 376–38. Since the Kelo decision, 41 States have passed laws to rein back eminent domain power. Yet, these laws exist on a varying degree, and the need to ensure that property rights are returned to all Americans is as strong now as it was 2 years ago.

Like H.R. 4128, this year's legislation also establishes a penalty for States and localities that abuse their eminent domain power by denying those States and localities that commit such abuse all Federal economic development funds for a period of 2 years. This legislation sets up a clear connection between the Federal funds that would be denied and the abuse Congress is intending to prevent while providing States and localities with an opportunity to cure any violation by either returning or replacing the improperly taken property before they lose any Federal economic development funds.

Included in this legislation is an express private right of action to ensure access to the State or Federal court and a fee-shifting provision identical to those in other civil rights laws, which allows a prevailing property owner to be awarded attorney and expert fees as part of the costs of bringing the litigation to enforce the bill's provisions. A change in this year's version of the bill includes a provision to protect not only property owners, but also tenants. Tenants who may lose their homes if the government exercises its eminent domain power deserve the same right of action as homeowners. Another improvement to this bill allows the Attorney General to file suit; this will help homeowners and tenants without the means to file a case on their own behalf.

I am very mindful of the long history of eminent domain abuses, particularly in low-income and often predominantly minority neighborhoods, and the need to stop it. I am also very mindful of the reasons we should allow the government to take land when the way in which the land is being used constitutes an immediate threat to public health and safety. I believe this bill accomplishes both goals.

Property rights are civil rights. I urge all my colleagues to join me in protecting property rights of all Americans and limiting the dangerous effects of the Kelo decision on the most vulnerable in society.

HONORING LEO A. (AL) LONG

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Leo A. Long for 50 years of dedicated service to the Office of the Architect of the Capitol.

Mr. Long, currently the administrative assistant within the Office of the Budget Officer for the Office of the Architect of the Capitol, has served at the Capitol since 1957.

Mr. Long began his congressional career as a temporary clerk-typist in the Architect's office during the administration of Dwight D. Eisenhower. In 1958, he was transferred from his temporary position to the full-time position of payroll-clerk. By 1963, Mr. Long had been relocated to the position of assistant personnel officer and was promoted to administrative assistant in the Office of the Budget Officer in 1969, which is the job he continues to hold today.

Throughout his impressive career, Mr. Long has acquired a wealth of historical knowledge of the Architect's office through his diligent tracking of relevant legislation in the Congressional Record. Mr. Long has also supported major construction, restoration, and renovation projects throughout the Capitol Complex. Thus, he has seen the groundbreaking and completion of the new Dirksen Senate office building, the Rayburn House office building, and the Hart Senate office building.

Many things have changed over the course of Mr. Long's career. When he first began his service at the Capitol he commuted to work using a cable car and used pencil and paper. Today, despite the use of online resources, Mr. Long's historical knowledge of past projects and old paper records is of tremendous value. Whenever questions arise over matters that took place decades ago, colleagues come to "Al" in hopes of benefiting from his past experience and expertise. Mr. Long has made a lasting impact over the past fifty years and his service to Congress and the American people is commendable. I look forward to his continued work in the years to come.

Madam Speaker, in closing, I would like to extend my heartfelt thanks to Leo A. Long for 50 years of service and dedication to the United States Congress. I ask my colleagues to join me in applauding and congratulating him on this distinguished achievement.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. ENGLISH of Pennsylvania. Madam Speaker, on rollcall No. 615, on passage of H.R. 986, Eightmile Wild and Scenic River Act, I was unable to be present for the vote. Had I been present, I would have voted "no."

TRIBUTE TO MRS. SHARON WAGNER BRAITEH

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. BRADY of Texas. Madam Speaker, I rise today to honor a good friend, devoted mother and grandmother, and outstanding advocate for service work in her community and throughout the country, Mrs. Sharon Wagner Braiteh.

In 1995 she was one of the top five nominees for the Houston Mayors Award for Outstanding Volunteer Service. In 2000 she was recognized by the Legal Assistants Division of the State Bar of Texas with the Exceptional Pro Bono Award for her work with Child Advocates, the Texas Volunteer Lawyers Association, and as a speaker and educator in numerous HIV/AIDS events. In 2001 she was recognized by Catholic Charities as their volunteer of the year. She served six summers as a counselor for the Texas Children's Hospital/AIDS Foundation Houston CAMP H.U.G. She is a 2003 graduate of Project LEAP, and has served as a volunteer with the Texas Medical Center Hospice. She has also worked with the National Youth Leadership Forum on Medicine annually since 1998.

In 2004 Sharon was diagnosed with non-Hodgkin's Lymphoma. As she had done before she immediately became involved in helping cancer patients throughout the country by becoming an integral part of the Angel Flight Organization that provides free air transportation for patients seeking treatment in major medical centers throughout the country.

Despite her ongoing battle with non-Hodgkin's Lymphoma, Sharon remains an integral part and member of her church, Palmer Memorial Episcopal, and as a member of the Community of Hope and Angel Flight continues to give aid and assistance to patients who come from out of town to the Texas Medical Center for treatment.

The Rotary Club of Lake Conroe will plant a Texas native Live Oak Tree in Memory Park adjacent to the new Charles B Stewart Library in Montgomery in Sharon's honor to commemorate her efforts on behalf of all the causes she has championed and as a reminder to the citizens of Montgomery County, the entire Eighth District and all the world of her tireless and devoted efforts for those in need.

Madam Speaker, please join me in honoring this outstanding woman and in applauding her work in expanding education and service to all who seek it and have benefited from it, and in inspiring many to love and serve, including her daughter who is nearing completion of her nursing degree at Lamar University.

JUDICIAL ACTIVISM: THE CONSERVATIVES' SECRET PASSION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. FRANK of Massachusetts. Madam Speaker, in few areas of our public life is there a greater gap between what people say and what they do than with regard to conservatives who decry "judicial activism." It is a constant refrain from conservatives that judges should not be intervening in the policy process to impose their own particular views, and that it is especially egregious when appointed judges make fundamental decisions that ought to be left to elected officials. Their indignation is of course at its highest when decisions by some of those elected officials are in fact overturned by judges in the name of some judicial principle.

As Adam Cohen shows in his very thoughtful essay in the New York Times for July 9th in fact, conservative judges—generally to the great applause of their co-ideologues—are far more energetic judicial activists in this sense than their liberal counterparts. Few examples of conservative indignation at the Supreme Court equal in volume the anger that came when a 5–4 majority of the court decided not to overrule the decision of elected officials in Connecticut regarding eminent domain. Conservatives vigorously objected to the Court's failure to intervene and cancel the decisions of these elected officials. In the most recent Supreme Court term, the Court ended its work for the year by invalidating several important actions taken by elected officials—regarding school integration and campaign finance reform to name two of the most prominent. The Eleventh Amendment jurisdiction of the court under the conservatives' rule—a great expansion of the constitutional prohibition against suits against States—has been used repeatedly to knock out the application of congressional statutes that seek to prevent discrimination against vulnerable groups.

As the internal headline on Mr. Cohen's piece says with regard to judicial activism, "The conservatives forgot that they're opposed to it." It is important, Madam Speaker, for people to be honest about what they believe and not simply to misuse principle as a means of enacting substantive positions without having fully to defend them. I ask in the interests of informed debate on this question of who are the judicial activists that the article by Mr. Cohen be printed here.

[From the New York Times, July 9, 2007]

LAST TERM'S WINNER AT THE SUPREME COURT: JUDICIAL ACTIVISM

(By Adam Cohen)

The Supreme Court told Seattle and Louisville, and hundreds more cities and counties, last month that they have to scrap their integration programs. There is a word for judges who invoke the Constitution to tell democratically elected officials how to do their jobs: activist.

President Bush, who created the court's conservative majority when he appointed Chief Justice John Roberts and Justice Samuel Alito, campaigned against activist judges, and promised to nominate judges who would "interpret the law, not try to make law." Largely because of Chief Justice Roberts and Justice Alito, the court has just completed one of its most activist terms in years.

The individuals and groups that have been railing against judicial activism should be outraged. They are not, though, because their criticism has always been of "liberal activist judges." Now we have conservative ones, who use their judicial power on behalf of employers who mistreat their workers, tobacco companies, and whites who do not want to be made to go to school with blacks.

The most basic charge against activist judges has always been that they substitute their own views for those of the elected branches. The court's conservative majority did just that this term. It blithely overruled Congress, notably by nullifying a key part of the McCain-Feingold campaign finance law, a popular law designed to reduce the role of special-interest money in politics.

It also overturned the policies of federal agencies, which are supposed to be given special deference because of their expertise. In a pay-discrimination case, the majority interpreted the Civil Rights Act of 1964 in a bizarre way that makes it extremely difficult for many victims of discrimination to prevail. The majority did not care that the Equal Employment Opportunity Commission has long interpreted the law in just the opposite way.

The court also eagerly overturned its own precedents. In an antitrust case, it gave corporations more leeway to collude and drive up prices by reversing 96-year-old case law. In its ruling upholding the Partial-Birth Abortion Ban Act, it almost completely reversed its decision from 2000 on a nearly identical law.

The school integration ruling was the most activist of all. The campaign against "activist judges" dates back to the civil rights era, when whites argued that federal judges had no right to order the Jim Crow South to desegregate. These critics insisted they were not against integration; they simply opposed judges' telling elected officials what to do.

This term, the court did precisely what those federal judges did: it invoked the 14th Amendment to tell localities how to assign students to schools. The Roberts Court's ruling had an extra fillip of activism. The civil rights era judges were on solid ground in saying that the 14th Amendment, which was adopted after the Civil War to bring former slaves into society, supported integration. Today's conservative majority makes the much less obvious argument that the 14th Amendment protects society from integration.

With few exceptions, the court's activism was in service of a conservative ideology. The justices invoked the due process clause in a novel way to overturn a jury's award of $79.5 million in punitive damages against Philip Morris, which for decades misrepresented the harm of smoking. It is hard to imagine that Chief Justice Roberts and Justice Alito, who were in the majority, would have supported this sort of "judge-made law" as readily if the beneficiary were not a corporation.

The conservative activism that is taking hold is troubling in two ways. First, it is likely to make America a much harsher place. Companies like Philip Morris will be more likely to injure consumers if they know the due process clause will save them. Employers will be freer to mistreat workers like Lilly Ledbetter, who was for years paid less than her male colleagues, if they know that any lawsuit she files is likely to be thrown out on a technicality.

We have seen this before. In the early 1900s, the court routinely struck down worker protections, including minimum wage and maximum hours laws, and Congressional laws against child labor. That period, known as the Lochner era—after a 1905 ruling that a New York maximum hours law violated the employer's due process rights—is considered one of the court's darkest.

We are not in a new Lochner era, but traces of one are emerging. This court is already the most pro-business one in years, and one or two more conservative appointments could take it to a new level. Janice Rogers Brown, a federal appeals court judge who is often mentioned as a future Supreme Court nominee, has expressly called for a return to the Lochner era.

The other disturbing aspect of the new conservative judicial activism is its dishonesty. The conservative justices claim to support "judicial modesty," but reviews of the court's rulings over the last few years show that they have actually voted more often to overturn laws passed by Congress—the ultimate act of judicial activism—than has the liberal bloc.

It is time to admit that all judges are activists for their vision of the law. Once that is done, the focus can shift to where it should be: on whose vision is more faithful to the Constitution, and better for the nation.

IN HONOR OF SGT KEITH KLINE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Ms. KAPTUR. Madam Speaker, I rise today to commemorate SGT Keith Allen Kline, born and raised in Oak Harbor, Ohio, and whose life was tragically cut short when he died in service in Iraq. He was mortally wounded while on patrol in Baghdad on July 5, 2007. Over the weekend his community will honor his memory and comfort his family, and Sergeant Kline will be laid to rest in Oak Harbor's Union Cemetery on Monday, July 16, 2007.

In his poem the "Psalm of Life", Henry Wadsworth Longfellow writes:

WHAT THE HEART OF THE YOUNG MAN SAID TO THE PSALMIST

. . . Life is real! Life is earnest!
And the grave is not its goal;
Dust thou art, to dust returnest,
Was not spoken of the soul.

. . . In the world's broad field of battle,
In the bivouac of Life,
Be not like dumb, driven cattle!
Be a hero in the strife!

. . . Lives of great men all remind us
We can make our lives sublime,
And, departing, leave behind us
Footprints on the sands of time;—
Footprints, that perhaps another,
Sailing o'er life's solemn main,
A forlorn and shipwrecked brother,
Seeing, shall take heart again.
Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.

Sergeant Kline lived the spirit of this message and the poem's words serve as an epitaph as we recall his life and honor his ultimate sacrifice.

Keith Kline graduated from Oak Harbor High School in 2002. A talented wrestler, he also played soccer and football and participated in school plays. He enlisted in the United States Army following his graduation. At Fort Gordon, Georgia, he completed his Advanced Individual Training and was assigned to Bravo Company, 96th Civil Air Battalion, 95th Civil Affairs Brigade. In Iraq 3 months, he was assigned to the Civil Affairs Team supporting the 4th Brigade Combat Team, 1st Infantry Division. In his brief career his distinguished service brought him four Army Achievement Medals, Joint Meritorious Unit Award, Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal and Service Medal, Army Service Ribbon, and Basic Parachutist Badge. His death brought him the posthumous award of the Purple Heart Award, Bronze Star Medal, and Combat Action Badge.

More than a soldier, Keith Kline was known as "a good hearted person that was full of life, and a very hard worker." He was a NASCAR fan, he reveled in family get-togethers and his favorite holiday was July 4th. Cherishing his memory and celebrating the gift of his life are his mother Betty and brother John, his stepfather, grandparents, aunts, uncles and cousins. We offer them our sincere condolences and heartfelt gratitude as they struggle through this difficult time. May they find comfort in their loved one's memory and recall the words of Ecclesiastes 3:1, "To everything there is a season, and a time to every purpose under Heaven."

IN HONOR OF THE REVEREND C.K. YARBER, SR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. ROSS. Madam Speaker, I rise today to honor dear friends of mine for their 50 years of dedicated service to the city of Texarkana and to the State of Arkansas through their ministries. Reverend C.K. Yarber, Sr., and his wife, Inez Yarber, are true leaders who have provided a model example and have built a solid foundation for future generations.

This year, the Yarbers celebrate a milestone anniversary of ministering at Lonoke Baptist Church, Miller County and across southwest Arkansas for the past 50 years. The Yarbers first began their ministry at Lonoke Baptist Church when it had just a few dozen members, but now the congregation boasts over 600 worshipers each Sunday. Reverend Yarber is also currently serving as moderator of the Southwest District Association, a position he has held for the past 12 years.

Reverend Yarber is a native of Ashdown, Arkansas, and a graduate of the United Theological Seminary School in Monroe, Louisiana. Soon after seminary, Reverend Yarber began his life's work of giving back to his community by nourishing and strengthening a church family that has literally changed and impacted countless lives for a half century.

The Yarbers' service does not end at the church steps as they continue to contribute throughout the State of Arkansas to enhance the world for so many. Reverend Yarber was the first African American to serve on the Texarkana, Arkansas School Board. The couple is also active with the Arkansas Voter Registration Committee, the Miller County NAACP, the Civil Service Commission of the Arkansas State Police, and through their ministries in the Arkansas Prison System, among many others.

I am deeply honored to recognize one family's tremendous faith and devotion towards making our world a better place to live. Reverend C.K. Yarber and Inez Yarber have spent their lifetime together reaching out and teaching youth, adults and seniors alike about the positive healing influence faith can have on a person's life. The vision and work of this couple is remarkable and I congratulate them for reaching this 50-year mark and for the countless contributions they have made to our society through their steadfast ministries and selfless outreach. I am proud of their service and I am honored to call them my friends.

IN HONOR OF HERITAGE VILLAGE

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. MURPHY of Connecticut. Madam Speaker, it is with great pride that I rise today in honor of Heritage Village in Southbury, Connecticut. Heritage Village, the largest and oldest condominium complex in the Northeast, is currently celebrating its 40th anniversary. For 40 years, Heritage Village has stood as a model community for mature living.

Heritage Village is home to 4,000 residents covering 1,000 acres in scenic Southbury. More than just a housing complex, Heritage Village combines residential services with a diverse range of activities to create an active and wonderfully vibrant community.

The success and longevity of Heritage Village is a testament to the strength of such a tight-knit and active environment. From day one, Heritage Village was planned as much more than just a place to live—it was designed as a place where activity and opportunity would be encouraged and where neighbors caring for each other would define its legacy. That mindset, situated in one of the most beautiful settings in Connecticut, has allowed Heritage Village to thrive and grow.

For 40 years, Heritage Village has been a shining example of community living, and I know it will continue in that tradition for years to come. I am therefore extremely proud to come before my colleagues in this House to recognize Heritage Village, its administrators, residents, and staff for their contribution to Southbury and to the State of Connecticut.

TRIBUTE TO PATTI WINKLER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. DOOLITTLE. Madam Speaker, I would like to take a moment to pay tribute to a remarkable woman, whom I have known for over 30 years. On July 20, 2007, Patti Winkler will retire after 34 years working for See's Candies.

Patti Winkler was born in Canada and moved to the United States as a child. She lived with her mother, father, brothers and sisters in South Sacramento, CA until the late eighties when the family moved to Roseville. Today, Patti still lives in Roseville and shares her home with her mother, Rita, her two sisters Maxine and Mary Jane, her nephew Robbie, and five dogs. Patti enjoys visiting her family cabin in Cascade Shores, where she and her sisters spend time boating in Scott's Flat Lake, pulling the children behind on tubes, and then returning to the cabin at the end of the day to play card games.

In her life, Patti's family has always come first. She takes great pleasure in accompanying her mother to play bingo, helping her nephew through college, and cooking one of her famous BLT sandwiches for anyone in the family. Her loving and generous spirit is particularly evident during the Christmas season, as she cooks for her family and brings cookies and toffee in for her coworkers.

As a frequent customer, I always look forward to seeing Patti when I visit the See's Candies store in Roseville. Patti began working for See's in November 1973 at the Arden Fair Mall. Both her mother and sister Janie also worked for See's. On September 29, 1988, she opened the See's store in Roseville, which she managed until 2003. Patti knows the workings of the shop better than anyone else, and is special not only to the store's customers, but also to the people she works with who truly cherish Patti's friendship. She makes the shop warm and inviting to anyone who works there and goes out of her way to make everyone feel like part of the team. While her family will benefit from spending more time with Patti in her retirement, her coworkers and customers are truly sad to see her go.

During her retirement, Patti is looking forward to splitting her time between her home in Roseville and their cabin in Cascade Shores. She also plans to continue traveling, as she enjoys taking cruises with her family to Alaska, Mexico, the Caribbean, and through the east coast. I join everyone who knows Patti in wishing her many happy moments in retirement, and thanking her for the joy she brings to everyone she knows.

CELEBRATING THE 190TH ANNIVERSARY OF LYME CONGREGATIONAL UCC IN BELLEVUE, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Ms. KAPTUR. Madam Speaker, I rise today in recognition of an amazing achievement. Lyme Congregational United Church of Christ in Bellevue, Ohio, celebrates its 190th anniversary in July 2007. A series of events through the month of July commemorate this historic occasion.

On July 15 and July 17 of 1817, a total of 10 people were examined to form the charter membership of the First Presbyterian Church of Wheatsborough. According to church documents, traveling minister Reverend John Seward charged the members to "walk worthy of their high calling." Throughout the year, Reverend Alvin Coe, a Presbyterian missionary to the American Indians, occasionally preached to the largely Congregationalist membership. In March 1820, Lot B. Sullivan came to Lyme looking for employment and was soon ordained and installed as the congregation's first minister. This ordination was the very first performed west of the Cuyahoga River, and ministers came from 100 miles around to participate in the "laying on of hands." Church records note that early salaries were $400 per year, two-thirds of which was in the form of produce for the minister and his family.

In 1828, the community of Lyme built a new schoolhouse. For the next 7 years, the church held its services in that school building. In 1835 the congregation built its own church building, which was dedicated in 1836. The building is the only church the congregation has known and has been in continuous use for 171 years. Hand-hewn and built to stand the test of time, the church remains a beautifully simplistic structure.

Formally incorporated as a Congregational Church in 1873, Lyme Congregational U.C.C. calls itself "A Family Church Where All Are Welcome" and this motto rings as true today as at the church's founding. Families have grown and maintained the church through many markers of history: It was founded less than 10 years after the first settlers arrived in the Firelands of Northwest Ohio and only 2 years after the first people came to Bellevue. It was standing for 6 years already when the Erie Canal opened, and 16 years when Oberlin College—the first in the U.S. to admit women and African Americans—was established. The church continued in witness to history as our Nation passed through the Civil War, the joining of the Transcontinental Railroad in 1886, the Wright Brothers' Kitty Hawk flight in 1903, the introduction of the Model T Ford, World War I, the Suffrage of Women in 1919, World War II, the Korean War, the dawn of the space program, the first moon walk in 1969, the Vietnam War and the tragic shootings at Kent State University nearby, the collapse of the Twin Towers in New York in 2001, two Gulf Wars and United Nations missions, from telegraph to telephone to cellular phones, from the writing of letters to radio to television to computers and digital cameras. Through all of these incredible changes in one continuous thread of history, 36 ministers have led this flock. The members celebrate their history and have carefully preserved artifacts and documents from the church's founding nearly two centuries ago.

In the Book of Psalms in the Holy Bible Psalm 100 tells Christians, "Make a joyful noise unto the Lord all ye lands. Serve the Lord with gladness: come before His presence with singing. Know ye that the Lord he is God: it is He that has made us, and not we ourselves; we are His people and the sheep of His pasture. Enter into His gates with thanksgiving, and into His courts with praise: be thankful unto Him and bless His name. For the Lord is good; His mercy is everlasting and His truth endures to all generations." Few congregations can attest to the message in this Scripture as well as that of Lyme Congregational United Church of Christ. I am very pleased to acknowledge this anniversary celebration and join in a remembrance of the past, reflection of the present, and hope for the future.

HONORING MR. CHARLES TISDALE FEARLESS CHAMPION OF CIVIL RIGHTS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to recognize the life of Mr. Charles Tisdale, a fearless champion of civil rights within the African-American community. Mr. Tisdale was the owner of The Jackson Advocate Newspaper, which gave a voice to African-Americans in Jackson and throughout the state of Mississippi.

Charles Tisdale, an Alabama native who fought for civil rights as owner and publisher of Mississippi's oldest black-owned newspaper was born November 5, 1926, in Athens, Alabama. Tisdale purchased The Jackson Advocate in 1978 from the newspaper's first owner, Percy Green. For 20 years, Mr. Tisdale's influential talk show on WMPR in Jackson, often took elected leaders, both black and white, to task for not effectively serving their communities.

Mr. Tisdale was not only a civil rights activist but a front-line leader. He did not write from a dark room but led several marches, putting his life in danger to advance the civil rights of African-Americans in his community. Tisdale's civil rights record extends back to the 1960s, when he joined Dr. Martin Luther King Jr. in protest marches. Mr. Tisdale was with Dr. King when the civil rights crusader was assassinated in Memphis.

Mr. Tisdale often faced repercussions for his outspoken nature. He received several death threats, some of which resulted in his newspaper office in Jackson being firebombed on two separate occasions. The last occurrence was in 1998, when gasoline was doused over furniture and molotov cocktails were thrown through the windows. The 1998 attack resulted in $100,000 damages. Clinton Moses, of Jackson, later pleaded guilty to the crime and told authorities that Louis Armstrong, a member of the Jackson City Council paid him $500 to commit the firebombing. Mr. Armstrong was never charged in the case. Throughout the years of adversity, Mr. Tisdale continued his courageous fight.

Despite sagging circulation of the Jackson Advocate over the past five years, the newspaper continued to receive several honors, including the National Black Chamber of Commerce Newspaper of the Year, the Nation of Islam Freedom Fighter Award and the Southern Christian Leadership Conference Journalism Award. Mr. Tisdale's reputation spread far beyond the state of Mississippi. The National Newspaper Publishers Association, a trade association of more than 200 black-oriented community newspapers, has named one of its top awards after him.

He took the lead in publishing articles on civil rights violations and was unrelenting in his fight against racism, injustice, discrimination and corruption by government officials. He never gave up on a story and in the end the truth always prevailed.

I will always remember Charles Tisdale as a man of extraordinary courage, who cared deeply about the struggles of African-Americans fighting for justice.

Please join me today in honoring a truly courageous civil rights leader, Mr. Charles Tisdale.

TRIBUTE TO RABBI NARDUS GROEN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. SESTAK. Madam Speaker, I rise today to recognize and honor the life of a husband, father, grandfather, great grandfather, brother, son, veteran, and community leader—Rabbi Nardus Groen, who passed away on Wednesday, June 13 after living a full life of community service.

Rabbi Nardus Groen was born in Rotterdam, the Netherlands, on December 18, 1919 and grew to become a hero and a family man. As a member of the Dutch Underground during World War II, Rabbi Groen was captured by German soldiers multiple times and heroically managed to escape each time. One particular act of heroism occurred in 1940 when Groen was guarding a Jewish hospital in the Netherlands during its evacuation. Although the patients had escaped, Groen was protecting a group of Jewish nurses as the Nazis approached. Selflessly, he slipped on a Red Cross arm band and escorted the nurses into a room. When the Nazis asked who was in the room, Groen explained that he was caring for patients with Scarlet Fever. Fearing the illness, the Nazis spared the Jewish nurses, including Groen's future wife, the former Sipora Rodriguez-Lopes.

After World War II, Rabbi Nardus Groen served at Camp Lejeune, North Carolina under the American Marine Corps. Following his stint with the Marines, Groen worked as a psychologist at a Jewish orphanage for Holocaust survivors. He helped countless youths cope with one of the greatest tragedies in human history. Two years later, he began to serve as a rabbi at the oldest congregation in the Western Hemisphere in Surinam. Groen led a mixed Sephardic Ashkenazic congregation in Surinam until 1952 when he served as a rabbi in Einhoven, the Netherlands. He became one of the foremost leaders of his community, uniting two different cultures in one synagogue.

Nardus Groen moved to Lansdale, PA as a renowned rabbi in 1963 where he served as Beth Israel Synagogue's rabbi for 13 years. He provided guidance and spiritual leadership to Beth Israel's community, helping his community grow to the vibrant Jewish center it is today. Groen moved back to Europe and retired in 1986 as the chief rabbi for the eastern six provinces of the Netherlands. He lived what he preached and will be remembered across the Netherlands.

After his retirement, Rabbi Groen and his loving wife Sipora lived in the Netherlands and Delray Beach, Florida after his retirement before permanently settling in Florida in 2005. Rabbi Groen spent his last years as a loving father to Marcel Groen, Leo Groen, Ruben Groen, David Groen, and Debra Groen; a loving brother to Meyers Groen and Sophia Groen; a loving grandfather and great grandfather to twelve grandchildren and six great grandchildren; and a loving husband to Sipora Groen.

Madam Speaker, I ask you to join me in honoring and remembering Rabbi Nardus Groen. Through his hard work, Rabbi Groen has spread hope across three continents and will be remembered as a strong leader, a caring mentor, and a true mensch.

HONORING MR. JOHNNY L. SUTTON, FORMER MAYOR OF THE CITY OF CIBOLO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Johnny L. Sutton, the former mayor of the City of Cibolo, in honor of his exemplary leadership in the growth of the city during his tenure.

Johnny Sutton served for two years as Mayor of the City of Cibolo starting in 2005. During his tenure, Mr. Sutton established the Cibolo Economic Development Corporation, the Capital Improvement Plan Citizens' Oversight Committee, and the Community Development Department. He also helped instill several civic programs to increase pedestrian and driver safety at schools. Mr. Sutton increased levels of police protection, ended the four-year cycle of deficit budgets, and secured over 14 million dollars in capital improvement with no tax increase.

Under Mayor Sutton's leadership, Cibolo constructed new draining projects, reconstructed streets, and purchased agricultural facilities for conversion to public recreational use. During his tenure, the city saw its population expand by over 50 percent and developed resources through partnerships with Canyon Regional Water Authority and the Regional Water Alliance. Mr. Sutton brought his prior experience as Councilman in the City of Cibolo to his role as Mayor.

Mr. Johnny Sutton truly led by example and it is to his credit that the City of Cibolo has seen an improvement in its business capital, and a renewal of infrastructure projects. The city is a better place because of him.

Madam Speaker, I am honored to have this time to recognize former Mayor Johnny L. Sutton, and I thank you for this time.

TRIBUTE TO BOURNS, INC. ON ITS 60TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an organization whose contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and outstanding businesses that enrich the lives of their employees, produce quality products and help make Riverside a wonderful place to live and work. On Saturday, July 14, 2007 Bourns, Incorporated will celebrate its 60th Anniversary.

Bourns, Inc. was founded by Marlan and Rosemary Bourns—two exceptional individuals who are also celebrating sixty years of marriage—six decades ago. They started out in a 384 square foot space in Altadena, California. The goal of the company was to provide a method of accurately determining an aircraft's pitch attitude which would solve a crucial problem for pilots. The success in providing this method catapulted them onto the world stage—they became a global corporation and manufacture a range of products that impact almost every aspect of today's electronics industry.

Bourns, Inc. moved their headquarters to Riverside, California located in my congressional district and have nine other locations around the world. Throughout the years, Bourns has prided itself on quality, value and innovation. Their product line now includes precision potentiometers, panel controls, encoders, resistor/capacitor networks, chip resistors/arrays, inductors, transformers, resettable fuses, thyristor-based overvoltage protectors, line feed resistors, gas discharge tubes, telephone station protectors, 5-pin protectors, industrial signal, irrigation and petroleum protectors, CATV coax protectors, signal data protectors, indoor and outdoor POTsplitters, network interface devices, and integrated circuits.

Bourns, Inc. is a multiple recipient of the Supplier Excellence Award, Top Supplier Award, Outstanding Performance Award, Preferred Supplier award, among others. They serve a wide-range of industries including Automotive Electronics, Test and Measurement, Medical Electronics, Consumer Equipment, Telecommunications, and Portable Electronics. Bourns, Inc. continues to grow, innovate and lead.

It is my pleasure to recognize Bourns, Inc. and its world-class employees for sixty years of exceptional service as well as thank them for their contributions to the community of Riverside, California. Bourns, Inc. not only provides quality products to their customers but also provides a positive place to work. I know that many community leaders are grateful for Bourns, Inc. and salute them on their 60th Anniversary.

IN RECOGNITION OF SPRINGS RESCUE MISSION

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. LAMBORN. Madam Speaker, I rise today to recognize the invaluable contributions made by Springs Rescue Mission to the Colorado Springs community. Over the past eleven years, through its tireless dedication to the teachings of Christ, Springs Rescue Mission has served more than one million meals, provided countless household goods, offered instruction, and ministered to the less fortunate.

A member of the Association of Gospel Rescue Missions, the largest provider of free meals and shelter in the world, Springs Rescue Mission is funded entirely by the contributions of private citizens, corporations, and churches. It is through this generosity that the Mission is able to hold its annual "Great Thanksgiving Banquet" and Christmas dinner, boast the second largest food bank in Colorado Springs, and, through its Samaritans Kitchen feed the hungry with over 2,500 meals per week. In addition to providing food, clothing, and furniture, the Mission also offers career development and an opportunity for self-sufficiency.

On July 20th, the Mission will open the doors of its newly renovated Resource Center which will provide no-cost emergency services to men, women, and children who lack the basic necessities of life. In addition to this center, the Mission also has an upcoming project to house as many as fifty men facing homelessness or substance abuse. Springs Rescue Mission welcomes those for whom hope seems lost—knowing that "joy shall be in heaven over one sinner that repenteth, more than over ninety and nine just persons, which need no repentance." (Luke 15:7). Through instructing participants about the love of God and the power of prayer, these programs provide the tools necessary for rebuilding lives.

Today, I offer my sincere congratulations to the Springs Rescue Mission on this newest achievement. I am grateful for all that the organization has done for my constituents in Colorado Springs, and am pleased to see this wonderful institution growing and expanding to meet the needs of our community.

LIAM SWAN'S "ODE TO THE FALLEN SOLDIERS OF IRAQ"

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. HUNTER. Madam Speaker, it is with great pleasure that I rise today to honor Liam Swan, a constituent of mine who is currently a student at Oliver Pierce Middle School in Ramona, CA. One of our local hometown papers in San Diego County, the Ramona Home Journal, recently printed a poem written by Liam that memorializes and pays tribute to the servicemen and women who have made the ultimate sacrifice fighting to preserve freedom in Iraq. His poem, titled "Ode to the Fallen Soldiers of Iraq," follows:

To all you brave soldiers who have fallen in Iraq,
Who left the comforting embrace of
Family, friends, and home
To fight and protect the freedom of others
In a faraway dry, dusty and desolate land,
We Americans honor and salute you.

Like dry leaves we must crumble and toss
Our differences aside.
Where you are
Hawk or Dove,
Democrat or Republican,
Liberal or Conservative,
We must first be Americans
Who honor the fallen heroes that fought for us.
For you bravely laid down your lives,
Spilling your blood and dreams
In a foreign land,
For a foreign people
For an American Cause,
Know that you will be greatly missed,
Know that you will always be remembered
For your sacrifice,
For your courage and convictions.
Your bright and promising light
Extinguished too soon,
We celebrate and honor your memory
You fallen soldiers of Iraq.

As ranking Republican on the House Armed Services Committee, I share Liam's strong support, appreciation and respect for our servicemen and women. I am particularly pleased each time I learn about Americans, like Liam, who are willing to use their creative talents to ensure the memory of those who have voluntarily left the comfort of their homes to defend and protect the interests of the American people, are never forgotten.

Madam Speaker, Liam's words reflect our Nation's overwhelming gratitude to the millions of uniformed military men and women that have answered the call to duty with unquestioned courage and commitment. I wish Liam continued success in his academic efforts and it is with absolute pride that I rise today to share his inspiring and patriotic tribute with my colleagues.

75TH ANNIVERSARY OF THE OWYHEE DAM

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to commemorate the 75th anniversary of the construction of the Bureau of Reclamation's Owyhee Project in Malheur County, Oregon, located in the district I represent. This momentous occasion will be celebrated at a major community event at the dam this weekend. At the time of its construction, the Owyhee Dam was the highest in the world. The dam rises 417 feet above the river with nearly another 100 feet below the river surface. The arch section of the dam spans the distance of 2 football fields. The dam created the Owyhee Reservoir, which is 52 miles long and holds enough water to cover 13,900 acres with 1 foot of water.

You may be wondering how it came to be that one of the largest concrete structures in the world was built in a true American frontier. In the early 19th century, scouts, trappers, and traders began to explore all parts of the Northwest; the high-desert region of what would become the Oregon Territory was no exception. This area was and currently is home to bighorn sheep, pronghorn antelope, golden eagles, coyotes, and mule deer. The settlers in the area also discovered that the ground, provided with adequate water, could grow just about any crop including barley, oats, sorghum, wheat, alfalfa, beans, peppermint, spearmint, sugar beets, sweet corn, and more.

At the turn of the 20th century the need for more water became apparent and the Reclamation Service (now the Bureau of Reclamation) investigated several dam sites and irrigation plans. It finally issued a proposal in 1925 to construct the dam. The following year, Interior Secretary Hubert Work and President Calvin Coolidge approved the plans and in 1928 contracts were awarded and construction began.

However, as with any significant construction project, challenges arose. John Terry, a retired copy editor for The Oregonian and a member of the Oregon Geographic Names Board, recently highlighted a few of those challenges.

"The Bureau of Reclamation built a construction camp with housing, administrative buildings, water and sewer facilities," Terry wrote. "Crews labored around the clock, although the winter of 1930–31 produced subfreezing temperatures and a 53-day work stoppage."

In 1935, the first water was delivered to ranchers, farmers and communities in Oregon and Idaho. And while the dam continues to provide irrigation water, it also provides numerous other benefits, including flood control, recreational fishing, and excellent habitat for bighorn sheep, mule deer, pelicans, and cormorants.

At the dedication ceremony, President Herbert Hoover sent along his congratulation in a written statement "commemorating the completion of the highest dam in the world."

"The sympathy of the administration and the Congress and the wholehearted and fine spirit of the people of this community have cooperated to make the completion of this dam possible," President Hoover said.

We should emulate the cooperative work of those who raised this dam when demanding it meet the needs of today's farmers, ranchers, communities, and wildlife. I congratulate Owyhee Irrigation District Manger Jay Chamberlin and his staff on commemorating the completion of the dam. And I thank the local elected officials and Bureau of Reclamation Commissioner Robert Johnson for their efforts to steward the water resources provided by the Owyhee Dam. May the next 75 years for the Owyhee Project be as successful and prosperous as the first 75.

TRIBUTE TO MR. CHARLES LINDBERG

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. ELLISON. Madam Speaker, today I would like to pay tribute to Mr. Charles Lindberg, an honorable soldier and citizen, a great Minnesotan and American. Mr. Lindberg passed away on June 24, at the age of 86, the last surviving member of the squad who raised the original flag on a mountaintop during the Battle of Iwo Jima.

Charles Lindberg, with five other men, climbed his way to the top of Mount Suribachi during the morning of February 23, 1945. He dodged enemy fire, engaged enemy pillboxes and for his valor and bravery was awarded the Silver Star. At the foot of the mountain he repeatedly exposed himself to machinegun fire and hand grenades, almost surprised to make it to the top. Years later he would express wonder for merely having survived the day, which saw some of the most intense fighting of the war: "We thought it would be a slaughterhouse up on Suribachi, I still don't understand why we were not attacked."

It wasn't planned ahead of time, they hadn't been ordered to do it; but after a long, arduous climb, during a brief reprise in the gunfire, two members of Lindberg's squad noticed a long pipe up on top of the mountain—and it just so happened that one of them was carrying a flag. They scoured the mountaintop for the highest point, and raised the Stars and Stripes up over the island—the first American flag to make it on Japanese soil. Lindberg would later recall the reaction of the American forces that day, lamenting how "down below, the troops started to cheer, the ships' whistles went off, it was just something that you would never forget."

As such moments always seem, the peace and celebration was too soon shattered. Enemy troops began emerging from their caves, and Lindberg's squad continued the fight. Three of the six men wouldn't survive to see the photographs taken on the mountaintop that morning. Lindberg himself survived a gunshot wound through the arm a week later, for which he received a purple heart. When he was discharged from the Marines he went home to South Dakota, and in 1951 moved to Richfield, MN, to become an electrician. He spent his life speaking to school groups and veterans, ensuring that the story of his fallen comrades lives on in memory as an illustration of the price we pay for our democracy.

Madam Speaker, I am honored and humbled in recognizing Mr. Charles Lindberg in the event of his passing, and as a Minnesotan, proud to claim such an illustrious American as one of our own. Charles, on behalf of a grateful nation, I thank you.

HONORING THE RETIREMENT OF JERRY FITZGERALD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to my dear friend Jerry Fitzgerald, on the occasion of his retirement from Oakwood Healthcare System after 41 dignified years of service.

A Native Detroiter, Jerry received a Bachelor of Science Degree from the University of Detroit and went on to attain a Master's Degree in Hospital Administration from the University of Michigan. He is also an American College of Healthcare Executives, ACHE, Fellow, as well as an adjunct instructor for the University of Michigan's Program in Health Care Administration.

Jerry began his work at Oakwood Hospital & Medical Center as the Assistant Director in 1966. In 1980, he was named the President and CEO and held that position until his sage leadership led to the successful union with the People's Community Hospital Authority to form the doubly large Oakwood Healthcare System. The new system immediately established itself as the premier healthcare provider in southeastern and western Wayne County. Under Jerry's guidance Oakwood has earned the reputation as one of the top 100 cardiac hospitals in the Nation for 7 out of the past 8 years, serving over one million residents.

Jerry's vision for exceptional service and excellent healthcare has fueled a myriad of initiatives and improvements, all of which have established Oakwood's outstanding status. His vision and efforts have been met with extensive gratitude and support from the community, as he is the recipient of the American College of Healthcare Executives Senior Healthcare Leadership Regent's Award, the Sy Gottlieb Award from the Greater Detroit Area Health Council, the Universal Partnership Award from the American Arab Chamber of Commerce and the Lawrence A. Hill Award of Excellence from the University of Michigan.

Although this marks the closing of one chapter in Jerry's career, it does not signal the end of Jerry's commitment to the community, as he currently serves as the chairman of the Michigan Health & Hospital Association, MHA, Board of Trustees and is actively involved in American Hospital Association. He holds several board membership positions throughout the Greater Detroit Area including the Detroit Regional Chamber, the Detroit Economic Club, the Dearborn Community Fund Board, the Downriver Community Advisory Board, Michigan Colleges Foundation Board of Trustees, the University of Detroit Mercy College of Health Professions Advisory, and the Detroit Sacred Heart Major Seminary Foundation.

Jerry's years of service have been essential in shaping the healthcare system of the Greater Detroit Area and southeast Michigan. I ask that my colleagues rise and join me in wishing Jerry all the best in a happy, long and active retirement.

HONORING MS. TRUDY KRAMER

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. BISHOP of New York. Madam Speaker, I am proud to rise on behalf of New York's first congressional district in order to recognize the extraordinary achievements of Ms. Trudy C. Kramer, who will retire at year's end after 26 years of service to the Art Museum Parrish in Southampton, Long Island.

For over a century, the Parrish Art Museum has been devoted to the collection and preservation of American art with particular focus on displaying art of the eastern end of Long Island. The museum is a landmark in my district, known for its commitment to bringing art and people together in its education and outreach programs. Trudy Kramer has been an integral part of that mission for almost three decades, serving as the museum's director.

Trudy is widely admired for her vision and foresight, which helped expand the museum's membership and prestige. During her tenure, the museum also built upon its impressive collection of new works by renowned artists. She directed the acquisition of the museum's neighboring library, now known as the Carroll Petrie Center for Education. And she has been instrumental in the museum's expansion, which includes a truly breathtaking new facility in Water Mill, Long Island.

Madam Speaker, on behalf of a proud community that has long admired the Parrish Art Museum's contributions to the artistic legacy of Long Island's east end, I am especially proud to recognize Trudy Kramer's role in the museum's success and congratulate her on her retirement.

TRIBUTE TO REV. DR. ROBERT E. LOWERY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great respect and deep sadness that I take this time to remember one of Northwest Indiana's most distinguished citizens, Reverend Dr. Robert E. Lowery, pastor of Saint Timothy Community Church in Gary, IN. On Tuesday, July 10, 2007, Reverend Lowery passed away at the University of Chicago Medical Center at the age of 82. A constant fixture in the community, Reverend Lowery understood how to communicate with all people. For this, Reverend Lowery appropriately earned the nickname, "Everyman's Preacher."

Robert E. Lowery was born on the west side of Chicago. An accomplished scholar, he obtained degrees in theology from the Chicago Theological Seminary, the Garrett Theological Seminary in Evanston, IL, and a Bachelor of Science degree from George Williams College in Chicago. Though Chicago was his home, he eventually relocated to Gary, Indiana and took over as pastor of Saint Timothy Community Church in 1957. For the past 50 years, Reverend Lowery has called Gary his home, and the impact he has had on his congregation and the entire community will forever be remembered. Under his leadership, Saint Timothy has grown to become one of the city's largest congregations with over 1,600 members.

Reverend Lowery's lifetime of service to his community goes far beyond his pastoral duties. Knowing that preaching was only a small part of the impact he could have on people's lives, Reverend Lowery became actively involved in many local organizations. Realizing the need to reach people at an early age, he dedicated himself to programs aimed at improving the lives of the youth in the community and enhancing their opportunities to lead successful lives. Reverend Lowery felt a tremendous responsibility to reach out to the youth, and it was for this reason that he became active in the Boy Scouts of America. Fully dedicated to the mission of the Boy Scouts, Reverend Lowery served as Scoutmaster for Troop 53 at Saint Timothy, and he also served as an executive board member of the Calumet Council of the Boy Scouts of America. Reverend Lowery's generosity and commitment to the children of Northwest Indiana will forever be remembered by the children he mentored.

Recognized for his work in his community, Reverend Lowery was the recipient of many awards, both local and national. While it would be impossible to name them all, Reverend Lowery's efforts led to him being honored with the prestigious Drum Major Award, presented by the Gary Frontiers Service Club in honor of Dr. Martin Luther King Jr., and his most worthy induction into Gary's Steel City Hall of Fame in 1990.

Reverend Lowery leaves to cherish his memory three daughters: Gay Marlene Lowery, Jan Avis Lowery, and Lynn Michele Lowery-Darby, as well as an entire community whose lives have been improved by such a caring and benevolent friend and mentor.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring Reverend Dr. Robert E. Lowery for his outstanding devotion to his congregation and to all of Northwest Indiana. His unselfish and lifelong dedication to the people he served is worthy of the highest commendation. Reverend Lowery's selflessness was an inspiration to us all. While the entire community is saddened by his passing, his message will live on through the many lives he has touched.

RECOGNIZING THE HISPANIC ASSOCIATION OF COLLEGES AND UNIVERSITIES (HACU) NATIONAL INTERNSHIP PROGRAM'S 15TH ANNIVERSARY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. BACA. Madam Speaker, on behalf of the Congressional Hispanic Caucus, I rise today to recognize the outstanding achievements of the Hispanic Association of Colleges and Universities, HACU, National Internship Program in providing Hispanic students invaluable real world working experiences that have allowed these students to make more educated career choices.

Over the past 15 years, the HACU National Internship Program (HNIP) has offered more than 6,500 meaningful paid internships with federal and corporate partners during spring, summer and fall sessions. HNIP has become the largest Hispanic college internship program in the United States.

On July 26, 2007, the HACU National Internship Program will celebrate its 15th Anniversary at a Gala in Washington, DC. This gala will showcase the achievements of former and current interns as part of a summer-long itinerary of special events marking this remarkable program's first 15 years.

We applaud HACU and the HACU National Internship Program for exposing these students to public- and private-sector career opportunities and specifically helping address the historic underrepresentation of Hispanics in the federal work force.

The HACU National Internship program began in 1992 with 24 interns. In 2006 alone, the program provided internships to 616 college students in 22 federal agencies and nine private corporations.

This competitive program selects top students from among HACU's 450 member and partner colleges and universities, which collectively serve more than two-thirds of all Hispanic higher education students. HNIP provides meaningful work experiences to these students by matching their skills and career goals with the objectives of federal and corporate partners, enabling these students to make more informed career choices.

The Office of Personnel Management, OPM, also recognizes the value of the HACU National Internship Program and has included it as a best practice in its fourth annual report on Hispanic Employment in the Federal Government.

As the youngest and now largest ethnic population, Hispanics already make up one of every three new workers in the overall workforce, and by 2050 are projected to make up one of every two new workers. Yet, it is well documented that Hispanics remain the only underrepresented ethnic group in the Federal Government. Today, Hispanics represent 7.5 percent of the Federal workforce—5.1 percent below the current civilian labor employment level. With the help of HNIP we are lowering this gap and creating a pipeline of qualified Hispanics in the Federal workforce.

We salute the HACU National Internship Program and applaud its success at opening the doors of opportunity for new generations of exceptional students while enhancing workforce diversity.

IN HONOR OF OFFICER DAYLE WESTON HARDY, PLANO'S POLICE OFFICER KILLED IN THE LINE OF DUTY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, many are grieving the death of Officer Dayle Weston Hardy. The 9-year veteran of the Plano Police Department leaves behind a wife and 3-year-old twin girls. He died in the line of duty shortly after he was hit by a car while in pursuit of a traffic violator.

His sudden and unfortunate death reminds us of the crucial role first responders play and the courage and selflessness they exhibit while protecting the American people and keeping our vibrant North Texas community safe. Wes impacted the lives of many people and he will be dearly missed.

He is the second police officer in Plano to die in the line of duty, the first one since 1920. His death has truly rocked the area. To his family—please know that Shirley and I grieve Officer Hardy's death. We grieve for you. We grieve with you. And we lift you and your daughters up in prayer.

Wes was a shining example of public service and inspiring courage. God bless him and God bless America.

TRIBUTE TO MR. FERNANDO REY

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. RODRIQUEZ. Madam Speaker, I am honored to rise here today to pay tribute to a man who exemplifies leadership, Mr. Fernando Rey of San Antonio, Texas.

Mr. Rey was born in 1940 in Southern California and comes from a family of veterans with his father and seven uncles having served in World War II. While he was unable to serve in the armed forces, he remained dedicated to commemorating the sacrifices of others by becoming a lifelong historian of World Wars I and II.

For nearly two decades, Mr. Rey has worked to bring recognition to our nation's Medal of Honor recipients for their valor and bravery.

The Heroes & Heritage organization was founded in 1995 in order to recognize the achievements of our military heroes and to encourage higher standards of education for our youth. Thanks to Mr. Rey's leadership as Executive Director, the Heroes & Heritage organization gained a reputation for having a direct and positive impact on the future of our armed forces and the community of San Antonio.

Mr. Rey's displayed outstanding and natural leadership in the planning and coordination of the Department of Defense's participation in the first student career fair and symposium presented by Heroes & Heritage. By exposing hundreds of college and high school students to career and employment opportunities in military science and technologies, Mr. Rey immeasurably expanded their horizons and opened the doors to endless possibilities.

As a motivational speaker, Mr. Rey helps many high school and university students understand the importance of patriotism and service to our country by sharing and thus preserving the legacy of our distinguished veterans.

Recently, Mr. Rey was presented with a Certificate of Special Achievement from the Office of the Under Secretary of Defense for Personnel and Readiness for his accomplishments and contributions.

I congratulate Mr. Fernando Rey, Chief Operating Officer and Executive Director for Educational Programs with Heroes & Heritage, for this well-deserved recognition.

COMMENDING THE MUNTU DANCE THEATRE OF CHICAGO

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. DAVIS of Illinois. Madam Speaker, great societies are often described by their cultural attributes which are often weaved into the fabric of a community, a city and a nation bringing joy, satisfaction and hope into the hearts and minds of the people. Such has been the case and the experiences of the Muntu Dance Theatre of Chicago which was founded in 1972 and has developed a remarkable history and a great legacy.

The Muntu Dance Group is more than dances, they are a concept, an embodiment of psychic movement. They are a program, a place, an opportunity for young people, for people of all ages to be engaged, involved and influenced. Madam Speaker, the Muntu is an art form to be copied, preserved and proliferated throughout the world and that is why their capital campaign is so vitally important.

The Muntu Group is well into a $17 million capital campaign to build its own performing center at 71st and Ellis on the South Side of Chicago. The Muntu Dance Group has come a long way in 35 years and I am pleased to commend and congratulate them on their outstanding achievement.

AFRICA GROWTH AND OPPORTUNITY ACT'S BENEFITS TO AFRICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. SMITH of New Jersey. Madam Speaker, this morning the Subcommittee on Africa and Global Health held a hearing on the African Growth and Opportunity Act. This law provides duty-free and quota-free access to the U.S. market for certain goods from designated countries in sub-Saharan Africa. It was based on the congressional finding that it is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote stable and sustainable economic growth and development on the continent. The criteria for beneficiary countries includes evidence of progress toward a market-based economy, rule of law, economic policies to reduce poverty and promote economic growth, a system to combat corruption and bribery, and protection of internationally recognized worker and human rights.

The recent report from the U.S. Trade Representative to Congress contains some impressive information about AGOA's impact. Since it was enacted in 2000, trade between the United States and sub-Saharan Africa has increased 143 percent, and AGOA has played an important role in this increase. In 2006, over 98 percent of U.S. imports from AGOA-eligible countries entered the United States duty-free. U.S. imports from AGOA countries totaled $44.2 billion in 2006, which was an increase of 16 percent over the previous year.

It is disappointing, however, that most of this increase in 2006 was due to oil, and non-oil trade increased by only 7 percent after having declined a precipitous 16 percent in 2005. Non-oil AGOA trade constituted only $3.2 billion of the total. These latter statistics indicate a need for greater attention to the non-oil potential on the continent.

The Subcommittee on Africa, Global Human Rights and International Operations that I chaired held a hearing on a five-year assessment of the act in October 2005, which included two witnesses who we heard from again today: Ms. Florizelle Liser and Mr. Steve Hayes. One of the issues that I raised at the prior hearing was the protection of labor and other human rights in AGOA-eligible countries. Ms. Liser testified at the time that AGOA was having a positive impact on worker and human rights, and she provided examples of reforms that had been undertaken by beneficiary countries which included the prevention of child trafficking and addressed the worst forms of child labor.

It is important that this issue be examined, particularly in light of the 2007 Trafficking in Persons Report that was released by the State Department last month. It contains a "Tier 2 Watch List" of countries that have a serious trafficking problem and that do not fully comply with minimum standards to eliminate trafficking. These countries will be the subject of particular scrutiny by the State Department's Trafficking Office during the coming year to ascertain whether they are making sufficient efforts to bring themselves into compliance with those standards.

It is disturbing that eight countries on the Tier 2 Watch List are AGOA beneficiaries, and that each of these countries are cited in the TIP report for child and/or forced labor concerns. Sexual exploitation, particularly of children, as cited in some of these reports would also be relevant in the AGOA context as gross violations of international human rights standards. In addition to the other human rights assessments that are legislatively mandated as part of the AGOA eligibility process, one would expect the tier placement for trafficking in persons to be a critical consideration. I would strongly encourage the U.S. Trade Representative to collaborate with the State Department Trafficking in Persons office on this issue.

While questions may be raised concerning the relation between AGOA and improvement in human rights, it does seem that the act together with the Millennium Challenge Account is providing an impetus for other advances. The World Bank is reporting that corruption in Africa is declining, stating that even some of the poorest countries have made "significant progress" in improving governance and fighting corruption over the past decade. This trend is certainly attributable to a significant extent to the eligibility requirements for both of these U.S. initiatives.

AGOA and the MCA are also addressing infrastructure and technical capacity that are essential for long-term development, but which are arguably not receiving sufficient emphasis from other assistance sources. As I indicated earlier and in the subcommittee's recent hearing on the MCA, Congress needs to look at ways to improve and strengthen these benefits in both pieces of legislation.

And finally, one should not minimize the good will and positive bilateral relationships in Africa that are being reinforced through AGOA and the MCA, together with the President's Emergency Plan for AIDS Relief. This latter consideration, though intangible, is critical if the United States is to maintain and strengthen its presence in this region of the world that is becoming increasingly important for our own national security and global peace and prosperity.

CONGRATULATING PAULINE SHERRER AS THE NEW PRESIDENT OF THE TENNESSEE PRESS ASSOCIATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, today I am proud to congratulate

Pauline Sherrer of Crossville, Tennessee, on her succession as President of the Tennessee Press Association. Pauline will join a long line of talented and dedicated journalism professionals in taking the helm of the TPA.

Pauline's family has long been an integral part of the Tennessee media. In 1981, the Sherrer family purchased the Crossville Chronicle, the hometown paper of Cumberland County. Pauline maintained her role as publisher of the Chronicle through two sales of the paper, providing the people of Cumberland County with fair and accurate reporting on the issues that affect them most. Loved by the Chronicle staff and lauded by her peers, Sherrer's leadership has set a standard for meeting the needs of readers.

With over 36 years of experience with the press and now as the first woman to hold a position on all three of Tennessee's press association boards, Pauline is a model for young women and anyone interested in a career in journalism. A mother and a grandmother, business leader and volunteer, Pauline serves her work, family and community with her strong voice and will.

It is my privilege to congratulate and honor Pauline Sherrer for her work, service and commitment, and to welcome her as the new President of our State's Press Association.

HONORING THE LIFE OF SPECIALIST DAVID WILKEY, JR., OF ELKHART, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor and remember the life of U.S. Army Specialist David Wilkey, Jr., of Elkhart, Indiana, who died on June 18, 2007 while serving in Baghdad, Iraq. Just two weeks shy of his 23rd birthday, David lived a life worthy of admiration and respect, a life that we mourn today as cut tragically short.

Growing up in the wilderness of Michigan's Upper Peninsula, David loved the outdoors. As his step-mother Margaret put it, "His passion was nature. If he had to pick where he was going to live, he would've picked a cabin in the middle of the woods with a pond nearby." The pond, of course, was for fishing, for David loved to both hunt and fish. His uncle, Wayne McDonald, frequently went hunting with David, and considering his future absence on these trips Wayne could only say "It's going to be real hard this fall."

Those trips with his uncle combined two of David's most cherished loves. For as much as David loved the woods, he loved his family more. From his niece Victoria, whose eyes got big and thought "Yay!" whenever he arrived, to his Aunt Diane, who will miss his smile and wink most of all, family was the heart of David's life. He loved his family dearly. According to his wife, Melinda, "He wanted a big family and he was a very close family man."

In marrying Melinda in December of 2005, his dream of a big family found a great partner. He loved Melinda deeply, and that love showed immediately. It showed in the way he treated his stepson Christian as his own. It showed in the birth of his son Blayke. It shows in their third child that Melinda is pregnant with right now.

David was truly a remarkable man, a remarkable American. In his love of nature and family, he displayed this. He also displayed it in his sense of duty. Having been laid off just as he married Melinda, he could have simply collected unemployment and looked for other work. But his sense of duty to provide for his family as well as his plans to attend college and build a more secure future led David to choose service in the Army. Where so many are content to let others provide for them, this was not enough for David. His sense of duty, his ready courage, his sense of duty to his family—these qualities are the simple and small touches of everyday nobility that make America great, and made David Wilkey, Jr. great.

David was an avid fisherman and hunter, a devoted father and husband, and a magnetic and fun person who made a lasting impression on those around him. His father, David Wilkey, Sr., stated "He had a big heart, and he's a son that any father could be proud of." Today I honor David Wilkey, Jr. as a son who not only his father is proud of, but our entire Nation is proud of. As I register a Nation's pride, it is my regretful duty to also note our grief. Our thoughts and prayers are with his family and his friends. We join with his wife Melinda, his father David, and his mother Cindy to mourn his loss. While we struggle to come to terms with the sorrow over this loss, we can take pride in his example and joy in the memory of his life. May God Bless David and all those he loved.

CELEBRATING THE LIFE OF BARBARA JEAN CAMPBELL

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. HONDA. Madam Speaker, today I rise with the support of my colleague, Hon. ZOE LOFGREN, to honor the life of Barbara Jean Campbell, who recently passed away. Barbara dedicated her life to public service and committed herself to expanding educational resources for the community around her. Her persistent efforts to improve the conditions of public libraries as well as the retirement benefits of former public employees have greatly benefited and enriched our community.

Barbara Jean Campbell was born on March 3, 1929 in Oakland, California. She remained in the city of Berkeley for her education, attending local primary and secondary schools, and then obtaining her Bachelor's and Master's degrees in economics and library science respectively from the University of California, Berkeley.

Barbara began her career in library management at the Berkeley Public Library. Subsequently, she managed a library for the Untied States Air Force in England for three years. After returning to the Berkeley Library, she was recruited by the Santa Clara County Library system, where she served for the remainder of her career.

During her tenure at Santa Clara County, Barbara was among the first women to shatter the glass ceiling when she was appointed county librarian in 1973. She oversaw the opening of libraries in Morgan Hill, Campbell, Gilroy, Woodland, Saratoga, Alum Rock, and Milpitas. Furthermore, when Proposition 13 reduced library funds, Barbara played a vital role in keeping the libraries operating smoothly. By the time of her retirement in December 1984, she had left a legacy of eloquence and distinction in every task she undertook.

While others may have viewed their retirement as an end to community service, Barbara only gave more of her time and energy to serve the public. She joined the California State Library Foundation's Board of Directors in 1992 and served as secretary of the Board. Although the board meetings were held in Sacramento, Barbara faithfully attended despite the long commute from the Santa Clara Valley. Her understanding of the inner workings of a library and her insight as a former professional library administrator provided skillful guidance for the organization while her enthusiastic personality brightened every meeting.

In addition, Barbara devoted numerous hours to the Retired Public Employees Association (RPEA) of California in both the state and local chapters. In the Local Chapter 31, she served as president for two terms. At the state level, she served as secretary-treasurer from 1990 to 1996. In 1996, she was appointed as President of the State Association, where she oversaw approximately 35,000 members and promoted the mission of RPEA: to preserve, protect, and enhance the retirement benefits of former public employees. After her service as president, she continued to aid the association as Immediate Past President and a member of the RPEA Volunteer Committee.

Besides her extensive work in the California State Library Foundation and RPEA, Barbara was also a 50-year member of the American Association of University Women (AAUW) where she was an original member of the branch's evening bridge group. As education was a particular interest of hers, Barbara participated in the scholarship committee of various organizations, including Friends of the Campbell Library, California Association of Librarians and Trustees and Commissioners (CALTAC), and the Soroptimist Club. In her free time, Barbara enjoyed playing blackjack in Reno and bridge with AAUW. She was an avid San Francisco giants fan, loved to delve into mystery novels, and often shopped for kitchen appliances.

Barbara Jean Campbell passed away on April 11, 2007 at the age of 78. She will be greatly missed by her many friends, including the Dean family, the Holt family, and her three godchildren Ralph Holt, Barbara Rosellini, and David Holt. She left a legacy of benevolence and exemplified the true meaning of service. Throughout her life, Barbara advocated for those that others overlooked. We are forever grateful for her commitment to enhance public resources, and her contributions are proof that one person can make a positive impact on a community.

HUMAN RIGHTS AT STAKE IN EL SALVADOR

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. FATTAH. Madam Speaker, I rise today to call attention to a disturbing human rights violation currently taking place in El Salvador under the guise of stopping terrorism, a situation brought to my attention by a dedicated group of Philadelphians that has just returned from that nation.

Philadelphia maintains a U.S.-El Salvador Sister Cities connection to the rural village of Las Anonas, where most residents live in poverty and must still deal with the after-effects of the devastating civil war and a 1992 ceasefire that ended the bloodshed but brought little real change. This Sister Cities program is one of 20 that link U.S. communities and groups with rural El Salvador under the sponsorship of CRIPDES, a Salvadoran group for rural community development, and the Archbishop Romero Interfaith Center, which is based in Philadelphia and its suburbs.

About 27 men, women and teenagers from the Interfaith Community Building Group in Northwest Philadelphia, including Catholics, Jews, Protestants and Muslims, were hard at work laying the foundation of a new community center in the village of El Milagro last week. They were shocked to learn that the president, vice president and two other members of CRIPDES, their sponsor, were seized on July 2 by police on the highway on their way to join a peaceful demonstration in the town of Suchitoto.

The charges were originally "creating public disorder," even though they had not even arrived at their destination. When supporters rallied outside the police station and demanded the release of the CRIPDES leaders, 10 more people were arrested and the ARENA government quickly escalated the charges. Now the prisoners have been charged with "acts of terrorism" under a new anti-terrorism law that went into effect last November. The law even created a special court to try such suspects. CRIPDES leaders, including President Lorena Martinez, who has visited Philadelphia, and a Salvadoran journalist covering the events, face up to 60 years in prison under this so-called "anti-terrorism" law in what is a clear attempt to stifle and silence dissent.

The ARENA government, ruling with a bare majority and looking toward the next election, is counting on almost a half-billion dollars in U.S. aid that is dependent upon adherence to human rights principles. El Salvador is also the only nation in Latin America to maintain troops in Iraq as part of the "Coalition of the Willing." Meanwhile ARENA presides over a country so desperately poor that an estimated two million Salvadorans have emigrated to the United States, most of them undocumented.

The Philadelphia group was warned that if members raised their voices in protest to the arrests at Suchitoto, they could be immediately deported and barred from future trips. All this was occurring in the days immediately before and after the celebration, by fellow Philadelphians back home in the Cradle of Liberty and Birthplace of Independence, of the Fourth of July.

The arrests led to a massive protest demonstration in San Salvador, the capital, on July 7. I am pleased to learn that Amnesty International has taken up this case, and that friends of CRIPDES, the United States-El Salvador Sister Cities Program and the Romero Interfaith Center are all raising the alarm. The Philadelphians, who have made six trips to El Salvador in the past decade, are not alone. Delegations of community builders, educators and citizen witnesses from Sister Cities across the U.S. continue to travel to El Salvador, to join the cause of rural development and empowerment with their hands and hearts.

The ARENA government needs to know that the citizens of the United States and the world are watching what happens to CRIPDES and other peaceful, effective community development groups in their midst. Those in El Salvador's government who look to the United States for model behavior need to look beyond the shameless quick-fix of crying "terrorism" under cynically created laws. Instead they must heed the principles forged in Philadelphia two centuries ago.

CELEBRATING FRANKLIN COUNTY, TENNESSEE'S BICENTENNIAL

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, it was over 200 years ago that Major William Russell and Jesse Bean reportedly traveled in search of a ripe landscape to settle the Franklin County we know today. The county was named for one of our Founding Fathers, Ben Franklin, and finally took its place amongst Tennessee's other counties when recognized officially by the Tennessee Assembly in 1807. Since then, statesmen and sportsmen, farmers and craftsmen, war heroes and great scholars alike have represented the culture of Franklin County to the State and the country. I am proud today to recognize the successes and history of Franklin County, and to wish upon its people a future as blessed as the inception of the county they call home.

Named for a soldier of the American Revolution and the first Speaker of the Tennessee Assembly, the town of Winchester was designated as the Franklin County seat in 1809. Winchester today offers visitors a host of curiosities, festivals and other Tennessee fun. From the Dogwood Festival to the yearly Jamboree, Winchester gives plenty of reason to visit and more than enough for Franklin County residents to stay and make their home.

High atop the Cumberland Plateau and not far from Winchester, Franklin County offers another great treasure in the town of Sewanee, and the University of the South. Since it's founding in 1860, Sewanee has produced writers and theologians, and 25 Rhodes scholars to make Tennessee and Franklin County proud. The school has undergone a series of name changes, too, finally settling on "Sewanee: The University of the South." Plenty of us in Tennessee and Franklin County just call it "The Mountain," but whatever the name, it's a fine piece of the Tennessee tradition.

Construction of the University came to a halt when the cornerstone was destroyed by Union soldiers in the Civil War. In the midst of its 200 year history, like so many Tennessee counties, Franklin County endured the hardships of that difficult time in our Nation's history, and today still commemorates those lost to the Civil War so many years ago.

From its first settlers to the friends and neighbors who live their today, Franklin County has honored its namesake and our forefather, Ben Franklin, with its history and the traditions they will maintain for years to come. As Franklin himself advised, "wish not so much to live long as to live well." This month, I ask my colleagues to join me in recognizing the continuing story of Franklin County, a 200 year history lived long and well in Tennessee.

EXPLAINING VOTE FOR THE EMANUEL AMENDMENT TO H.R. 2829

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. SHERMAN. Madam Speaker, I wish to clarify for the record my vote on June 28th in support of the Emanuel Amendment to H.R. 2829, the "Financial Services and General Government Appropriations Act".

During consideration of H.R. 2829, Rep. EMANUEL offered an amendment that would strip funding from the Office of the Vice President.

I voted in support of this amendment for two reasons. First, I believed that it was important to send a strong rebuke to Vice President CHENEY for inappropriately claiming that his office was not in fact a part of the Executive Branch, a claim made as part of a flimsy effort to reject compliance with an executive order relevant to safeguarding classified national security information. Additionally, it was apparent that the amendment did not have the requisite votes needed for successful passage and consequently my vote would not result in the actual denial of funding for operations within the Executive Branch, but my vote would help strengthen the rebuke.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Ms. CARSON. Madam Speaker, on Monday, July 11, 2007, I was unable to vote on Roll No. 615. Had I been present, I would have voted "yes."

TRIBUTE TO MR. CHRISTOPHER WESTHOFF, PRESIDENT OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to congratulate and pay tribute to Mr. Christopher Westhoff, Assistant City Attorney—Public Works General Counsel with the City of Los Angeles, California.

Mr. Westhoff is an environmental champion for the City of Los Angeles, the State of California, and the nation. He is an exceptional leader and public steward dedicated to the improvement of L.A.'s water quality and public health. It is my pleasure to congratulate Mr. Westhoff on being named the new President of the National Association of Clean Water Agencies, NACWA.

Mr. Westhoff has been a public servant in California for almost his entire career. He began as a prosecutor with the Los Angeles City Attorney's office and has been the General Counsel to the Board of Public Works for over 15 years. Mr. Westhoff is the Public Works Department's legal counsel on wastewater and other environmental regulatory issues including air and stormwater.

Mr. Westhoff has played a leadership role in guaranteeing clean and safe water for future generations of Californians by helping ensure an upgrade of the Hyperion Treatment Plant to full secondary treatment, developing and defending policies that have helped clean up the Santa Monica Bay, and achieving 100% beneficial reuse of the city's biosolids.

His role in negotiating a landmark settlement agreement for L.A.'s collection systems resulted in benefits to all parties and led to a reduction in sewer spills of more than 70%.

Another achievement of Mr. Westhoff's of particular significance is his role in developing and defending Los Angeles' model program to increase the participation of minority and woman-run business enterprises as part of city contracts. Mr. Westhoff successfully defended this vital program before the California State Supreme Court.

Mr. Westhoff will become NACWA's president later this month, after serving as NACWA's Vice President and Chair of the Strategic Planning Committee. The City of Los Angeles is a founding member of the Association and Mr. Westhoff was elected to the Board of Directors in 1999.

Madam Speaker, I urge my colleagues of the 110th Congress to please join me today in congratulating Chris Westhoff on becoming President of NACWA and for his tireless commitment to Los Angeles, our state of California and our country. With Chris Westhoff as President, NACWA will no doubt build on its reputation as the leading advocate for responsible national policies that advance clean water and a healthy environment. I am certain the association will continue to flourish under his able leadership.

EXPLAINING VOTE AGAINST H.R. 1830

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. SHERMAN. Madam Speaker, I wish to clarify for the record my vote on June 27th in opposition to H.R. 1830, which extends the Andean Trade Preference Act until February 29, 2008.

When an issue is complex and worthy of substantial analysis, and a bill is presented to us in a format which short-circuits that analytical process and legislative debate, it is my policy to resolve any possible doubt in the direction of a "No" vote. Bringing up this bill as a suspension was inappropriate. Furthermore, the Ways and Means Committee marked up H.R. 1830 on the same day that the House considered the bill. Under such circumstances, members of the House had virtually no time to review the bill and I felt obliged to vote no.

Had the bill been reported under a rule that allowed perfecting amendments to be considered, I might have reached a different conclusion.

INTRODUCTION OF RESOLUTION ON HUMAN RIGHTS PROBLEMS IN AZERBAIJAN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. HASTINGS of Florida. Madam Speaker, today I am introducing a Resolution relating to human rights problems in the Republic of Azerbaijan. I am pleased to be joined by Representative THADDEUS MCCOTTER and Representative GARY ACKERMAN as original cosponsors of the Resolution.

The Resolution calls on the Government of Azerbaijan to release Farhad Aliyev and his brother, Rafiq, from detention during trial. Both of them have been detained in solitary confinement from October 2005 until today, when their trial is already in progress. It also calls on Azerbaijan to assure that their right to a fair and open trial before an independent and impartial tribunal is honored. Importantly, the resolution calls on the Azeri government to fulfill all its international obligations respecting the rule of law, including those relating to Council of Europe and the Organization for Security and Cooperation in Europe (OSCE), among others.

Farhad Aliyev, a pro-market advocate and former government minister, was originally arrested on charges of complicity in an alleged attempted coup d'etat during the 2005 parliamentary elections. He is now facing trial on unrelated financial charges. Rafiq, the former president of the oil company Azpetrol, was arrested the same day on minor customs violations, and is being tried on similar financial charges.

The 2007 Freedom House Country Report has this to say about the rule of law in Azerbaijan: "The judiciary is corrupt, inefficient and subservient to the executive branch. Arbitrary arrest and detention are common, particularly for members of the political opposition. Detainees are often held for long periods of time before trial, and their access to lawyers is restricted."

From the beginning, the arrest and trial of Farhad and Rafiq Aliyev have been marked by numerous violations of international legal norms, a view shared by independent observers, including the OSCE, the Council of Europe and many human rights organizations, not to mention the U.S. State Department. The Aliyevs have been systematically denied due process and a fair and open trial, as well visitation by family, medical and international legal advisers.

As the Chairman of the Commission on Security and Cooperation in Europe (CSCE), and having served as an election observer in Azerbaijan, I am aware that international human rights organizations, and the U.S. State Department, have raised concerns about human rights in Azerbaijan, including lack of free elections, arbitrary arrest and detention, and imprisonment of journalists, among other issues. I am particularly concerned about the ongoing crackdown on independent journalists. The OSCE Representative on Freedom of the Media has often criticized Azerbaijan about its violations of media freedoms, noting that at present there are more journalists in jail in Azerbaijan than in any other OSCE state. This resolution calls on the Government of Azerbaijan to release these journalists from prison and to identify and prosecute those who have been attacking reporters and editors.

I am well aware of the challenges and opportunities presented by the countries in the Caucasus region. Azerbaijan is a country with vast potential and is an important economic and strategic ally of the United States. I respect the role it is playing in the war on terror. But this is all the more reason for the U.S. Congress to urge the government in Baku to comply with its international human rights commitments.

Madam Speaker, I urge all my colleagues to join me in supporting this resolution.

REINTRODUCTION OF THE "CONTRACTORS AND FEDERAL SPENDING ACCOUNTABILITY ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mrs. MALONEY of New York. Madam Speaker, today, along with Representative TOWNS (D–NY), I reintroduce legislation, the "Contractors and Federal Spending Accountability Act," that will fortify the current federal suspension and debarment system.

The United States is the largest purchaser of goods and services in the world spending more than $419 billion on procurement awards in FY2006 and $440,000,000,000 on grants in FY2005.

Yet the federal government's watchdogs, the federal suspension and debarment officials, currently lack the information that they need to protect our business interests and taxpayers' dollars. We have no centralized and comprehensive government-wide method to account for the performance of our contractors and assistance participants, and those who repeatedly violate federal law may still receive millions of dollars from the federal government.

According to data from the Project on Government Oversight (POGO), since 1995, of the top fifty federal contractors based on total contract dollars received, nine have a total of twelve resolved cases totaling $161 million in penalties paid. Additionally, those fifty contractors have paid approximately $12 billion in fines and penalties.

"The Contractors and Federal Spending Accountability Act" establishes a centralized and comprehensive database on actions taken against federal contractors and assistance participants, requiring a description of each of these actions. This will provide debarring officials with the information that they need to protect the business interests of the United States. It places the burden of proving responsibility and subsequent eligibility for contracts or assistance on the person seeking contracts or assistance should they have been previously convicted of two exact or similar violations that constitutes a charge for debarment. Additionally, it improves and clarifies the role of the Interagency Committee on Debarments and Suspension, and requires the Administrator of General Services to report to Congress within 180 days with recommendations for creating the centralized and comprehensive federal contracting and assistance database.

PERSONAL EXPLANATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. SHERMAN. Madam Speaker, on June 28, 2007, I inadvertently failed to vote on the Stearns Amendment to H.R. 2829 (Rollcall Vote No. 604). Had I voted, I would have voted "no."

DEMOCRATIC HOUR ON CRIMINAL JUSTICE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. CONYERS. Madam Speaker, while our national crime rates have fallen over the last decade, we have seen an unprecedented explosion in our prison and jail populations. Over two million prisoners are now held in Federal and State prisons and local jails. Each year, approximately 650,000 people return to their communities following a prison or jail sentence, resulting in more than 6.7 million Americans under some form of criminal justice supervision. In large part, these people are casualties in our war against drugs.

The weight of the drive to incarcerate has fallen disproportionately on the African-American community. Although drug use and sale cuts across racial and socioeconomic lines, law enforcement strategies have targeted street-level drug dealers and users from low-income, predominately minority, urban areas. As a result, the arrest rates per 100,000 for drug offenses are 6 times higher for blacks than for whites. The rate of imprisonment for black men is more than eight-times that of white men; and over the last 10 years, the incarceration rate of black men has increased at 10 times that of white men.

This disproportionate rate of incarceration has created havoc in our communities. One of the most significant costs of these policies is the impact on children, the weakened ties among family members. According to the 2001 national data from the Bureau of Justice Statistics, 3,500,000 parents were supervised by the correctional system. Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children. Obviously, the long-term generational effects of a social structure in which imprisonment is the norm and law-abiding role models are absent are difficult to measure, but undoubtedly exist.

The social and criminal justice policy decisions generated by the drug war have also resulted in massive collateral damage negatively limiting critically important access to housing, employment, public benefits, education, and political participation.

A vast infrastructure of barriers, often legislatively mandated, combine to erect seemingly insurmountable roadblocks at every turn, creating a host of proscriptions blanketed under a "one shoe fits all" regime. For example, in some States, it is impossible for an ex-felon to get a barber's license, an extreme prohibition when cutting hair is a skill that can be acquired in prison.

There is a pressing need to provide the more than 650,000 men and women who reenter our communities from prison each year with the education and training necessary to obtain and hold onto steady jobs, undergo drug treatment, and get medical and mental health services. For that very reason, I have been active in supporting and introducing reentry legislation for well over a decade.

As Chairman of the Judiciary Committee, I was pleased to join my colleague DANNY DAVIS in this Congress in supporting the Second Chance Act. The Committee passed this legislation on March 28th and we await action on the floor. This bipartisan legislation is a critical step in expanding the foundation for comprehensive re-entry programs at the Federal, State and local level.

The bill focuses on development and support of programs that provide alternatives to incarceration, expand the availability of substance abuse treatment, strengthen families and expand comprehensive re-entry services. The bill is a product of multi-year bipartisan negotiations and enjoys support from across the political spectrum.

The statistics underlying the needs of our prison population are staggering. As detailed by many researchers, these deficiencies include limited education, few job skills or experience, substance and alcohol dependency, and other health problems, including mental health. Evidence from the Department of Justice indicates that the needs of the prison population are not being met under the current system. If we allow them to return to communities with few economic opportunities, where their family and friends are often involved in crime and substance abuse, we can only expect to extend the cycle of recidivism.

For example, 57 percent of federal and 70 percent of State inmates used drugs regularly before prison, with some estimates of involvement with drugs or alcohol around the time of the offense as high as 84 percent. Further, over one-third of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

In the face of these statistics, I believe that we can be cautiously optimistic in the support of re-entry programming through the Second Chance Act. Researchers at the Washington State Institute for Public Policy have determined that programs employing "best practices" have yielded up to 20 percent declines in re-arrest rates. Spread across the thousands of arrests each year, these practices could yield a significant decline in recidivism, with a commensurate reduction in community and victim costs.

Family-centered programs are one of the hallmarks of this legislation. Family-based treatment programs, for example, have proven results for serving the special population of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance abusing mothers and children found that at six months post treatment, 60 percent of the mothers remain alcohol and drug free, and drug related offenses declined from 28 to 7 percent.

As we move toward passage of the bill, I hope that we are not caught in the trap of attempting to solve this problem on the cheap or over-reacting to misinformation. In past Congresses, there have been objections to the cost of this bill and past re-entry initiatives.

I must point out that Section 101, the demonstration projects at the heart of the legislation, works out to less that $200 for each of the more than 650,000 people released into the community each year. Moreover, there are no perks—Blackberries or cosmetic surgery—for ex-offenders. This bill is a truly modest measure when balanced against the more than $60 billion each year spent on incarceration.

If we are going to continue to send more and more people to prison with longer and longer sentences, we should do as much as we reasonably can to assure that when they do return they don't go back to prison due to new crimes. The primary reason for doing so is not to benefit offenders, although it does—the primary reason for doing so is because it better assures that all of us and other members of the public will not be victims of crime due to recidivism.

TRIBUTE TO THE "FLIGHT 93 AMBASSADORS"

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 13, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor the "Flight 93 Ambassadors," a community organization that has dedicated countless hours to the Flight 93 memorial site in Shanksville, Pennsylvania. This organization, created by members of the Somerset community after the tragic events of September 11th, serves both the country and the memory of those aboard Flight 93 by protecting the site and recounting the heroic story of the passengers' brave intervention against the terrorists to the memorial's visitors.

The Flight 93 Ambassadors will be honored for their service on July 26th at the Somerset County Chamber of Commerce's Third Annual Summer Barbeque. Somerset County has been trademarked "America's County" after two major national events took place there. For the past three years the Chamber of Commerce has used this distinction to recognize American heroes. Previously the Chamber paid tribute to the nine miners who were rescued from the Quecreek Mine accident. This year's recognition of the Flight 93 Ambassadors by "America's County" is fitting and appropriate as these volunteers are responsible for maintaining one of the most distinguished symbols of American courage and unity.

The Flight 93 Ambassadors contribute much of their time to the preservation of the Flight 93 memorial and serve as a link to the families of the Flight 93 victims. These selfless volunteers plan events and work tirelessly to maintain the integrity of this important site and in doing so, ensure that the heroism of the passengers of Flight 93 is never forgotten. The ambassadors are the epitome of American unity and strength in the wake of tragedy, and their initiative and persistent work with the Flight 93 site is greatly appreciated by the community.

I am sure that every American, in addition to the members of the Shanksville community, would join me in thanking the Flight 93 Ambassadors for their selfless dedication and leadership in immortalizing the memory of September 11th and all of the heroes of Flight 93.

INTRODUCTION OF THE AGROFUEL RURAL ENERGY EMPOWERMENT ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 13, 2007

Mr. MCHUGH. Madam Speaker, I rise today to introduce the Agrofuel Rural Energy Empowerment Act, which is designed to help American farmers better meet the economic and environmental challenges inherent in the handling and disposal of manure. The bill is also intended to spur investments in another source of much-needed renewable energy.

According to the U.S. Department of Agriculture (USDA), American concentrated animal feeding operations (CAFOs) and animal feeding operations (AFOs) generate over 335 million tons of dry matter annually. While animal manure provides important nutrients for crop production and organic matter that enhances soil properties, its improper management can pose a threat to soil, water, and air quality. Moreover, manure can negatively impact human and animal health and associated odors can decrease quality of life.

Anaerobic digestion technologies can help improve the manner in which American farms manage manure, reducing water pollution, odors, and the emissions of greenhouse gases while producing energy. As our nation is seeking ways to reduce its dependence on carbon-based fuels and particularly foreign oil, we should encourage the development of anaerobic digestion technologies.

The Agrofuel Rural Energy Empowerment Act would further the development of these important technologies. First, the bill would make anaerobic digestion business ventures eligible for guaranteed loans. Secondly, it would make anaerobic digestion projects eligible for monies available through the Environmental Quality Incentives Program (EQIP). The bill would be particularly beneficial to the handling of manure on the 72,500 dairy farms in the United States, nearly 2,000 of which are in my Central and Northern New York Congressional District.

Accordingly, I ask my colleagues to join with me to enact the Agrofuel Rural Energy Empowerment Act.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 13, 2007

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in votes on the floor of the House of Representatives on July 11, 2007. I was absent to attend a military funeral and to be present for a major announcement from the National Science Foundation in South Dakota. I submit this statement today to establish for the record how I would have voted had I been present for these votes.

On the morning of July 11, 2007, the House of Representatives held four votes for which I was absent.

The first vote was a motion on Ordering the Previous Question on the Rule. Had I been present, I would have voted 'yea' on that question.

The second vote was on the H. Res. 531, a Rule Providing for the Consideration of the College Cost Reduction Act of 2007. Had I been present, I would have voted 'yea' on that question.

The third vote was on a motion to suspend the rules and agree to the H. Res. 526, supporting home ownership and responsible lending. Had I been present, I would have voted 'yea' on that question.

The fourth vote was on a motion to suspend the rules and agree to the S. 1701, a bill to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes. Had I been present, I would have voted 'yea' on that question.